

Planning and Sustainability Commission
City of Portland
1128 SW 2nd Avenue
Portland, OR 97204

Dear Members of the Commission,

I am the executive director of Sustasis Foundation, a Portland-based research and advocacy non-profit that is internationally active in sustainable urban development issues. Full disclosure, I am also a practicing urban designer and development consultant. I've consulted for the Portland Sustainability Institute when it was a part of the City, for Metro, and for a number of area jurisdictions as well as private development firms, and for many years I've worked on public involvement aspects of planning processes.

I think we all recognize that like many cities, Portland is going through some unprecedented challenges right now, largely related to our rapid growth – including gentrification and displacement, housing unaffordability and homelessness, among others.

In this difficult environment, there is a growing sense that the City is not making good enough, and transparent enough, decisions about how to manage these challenges. As you have heard, there are in fact some serious issues that have been raised about the continued failure to disclose apparent conflicts of interest by some of the advisors within the Central City 2035 planning process, notably concerning issues of increased building height within the plan. Whatever your view on the substance of these issues, this very troubling lack of ethical transparency and even legality undermines critical public confidence in the soundness of our planning for the future.

A Supervising Planner for the Bureau of Planning and Sustainability has stated that their bureau has asked the advisors to complete the disclosure forms after the fact, but that they cannot compel the members to do so. (In fact several have now refused.) She stated that the process is now in your commission's hands.

Therefore I must reluctantly conclude that in order to comply with the law, and to begin to restore the critical public confidence in the process, it is now imperative to pull the specific aspects of building height that are affected by this issue, and to re-visit those aspects by a new, fully impartial body of stakeholders, beyond any question of conformance with state laws.

I attach, for the record, articles in the Northwest Examiner documenting the ethics issues that have been raised within the West Quadrant Plan process.

Sincerely,

Michael Mehaffy, PhD
Executive Director
Sustasis Foundation
742 SW Vista Ave., #42

Portland, OR 97205
(503) 250-4449

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Toxic beaches?

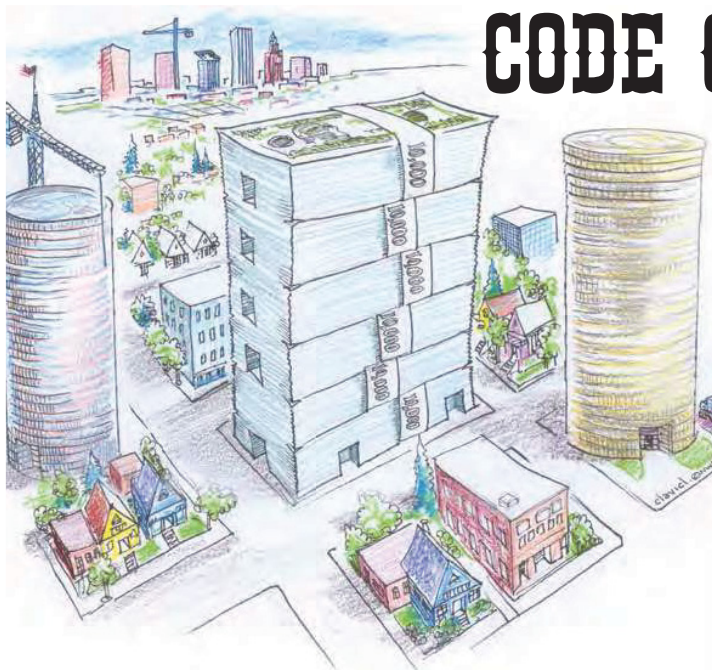


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CODE OF THE WEST

Ethics complaint says stakeholders who approved West Quadrant Plan had conflicts of interest

BY ALLAN CLASSEN

Conflicts of interest permeated the citizen body that advised the city on land-use policy in the inner Westside. This charge was levied in a 60-page complaint filed with the Portland Auditor last month.

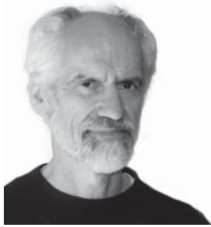
Property owners, builders, developers, architects and others with a financial stake in development filled 24 of the 33 seats on the West Quadrant Stakeholders Advisory Committee, and they voted their interests.

All but one of the 17 mem-

bers who voted to approve a plan increasing height limits and relaxing development restrictions had real or potential conflicts of interest, the complaint asserted. The authors say enactment of the West Quadrant Plan "will dramatically increase property values and create significantly more work for the related professions associated with real estate development."

Where committee members stood on the proposed plan had a lot to do with their affiliations. Only one of the eight committee

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Editor's Turn

BY ALLAN CLASSEN | EDITOR & PUBLISHER

Tortured Process

I've read that torture of prisoners of war is almost inevitable if instructions to the captors and lines of authority become blurred. Soldiers holding absolute power over enemy combatants must thoroughly understand the rules governing their conduct and the certainty of serious sanctions should they cross the line.

I apply this logic to a matter of far less magnitude because I think it helps explain how city of Portland's stakeholder advisory committees can morph into special interest pipelines.

This month's story about the stakeholder advisory committee to the West Quadrant Plan tracks the natural descent from disinterested civic engagement to the feeding trough.

Portland's code of ethics, adopted by ordinance in 1970, applies to elected officials as well as volunteers serving on advisory committees. It sets out reasonable and clear guidelines for individuals having real or potential conflicts of interest and what to do in such cases. The minimum expectation is always disclosure of the conflict, and when it's direct, speaking or voting on the topic is not acceptable.

This principle was never presented in print or verbally at the 16 meetings

of the WQP SAC. When participants raised points that would seem to have touched their private interests, they were not required to explain how their business or financial interests might intersect with their views.

Early on, Greg Goodman sent staff an email filled with detailed requests about certain properties and blocks, parcels owned by his family business that would rise in value should the requested height limits be granted. That even such a memo raised no flags apparently set a tone of

casual acceptance of conflicts as the process moved on.

Melvin Mark companies had two of their people on the SAC, Dan Petrusich and John Peterson, and they advocated for greater height limits on properties they or their company own.

Anne Naito-Campbell, whose family has substantial holdings in Old Town/ Chinatown, attended only two SAC meetings, but got right to the point: She advocated for city-owned parking structures on either side of West Burnside to aid private redevelopment in the area.

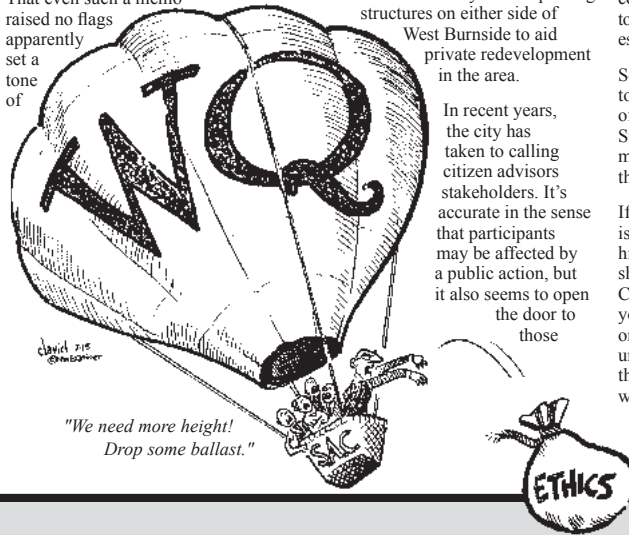
In recent years, the city has taken to calling citizen advisors stakeholders. It's accurate in the sense that participants may be affected by a public action, but it also seems to open the door to those

with a financial stake. In the worst corruption scandals in our history, after all, the money bags were carried off by those with a stake in the affair.

Certainly, business people bring valuable expertise, but their role should be in offering general guidance and not stumping for personal gain. Because that can be a fuzzy line, full disclosure at the outset of proceedings and regular reminders of the importance of that line makes a difference. In that context, an untoward plea might lead to embarrassment and loss of public esteem.

Social disapproval can be a powerful tool. I know. It's the reason so few of the people who spoke freely at Stakeholder Advisory Committee meetings wanted to talk to me about this story.

If Portland's 1970 ethics ordinance is truly outdated, impractical or a hindrance to good governance, it should be amended or repealed. Claiming to operate by a code when you don't—a dirty little secret known only to insiders—breeds cynicism and undermines trust in government. And then, how will the City that Works work? ■



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EDITOR/PUBLISHERALLAN CLASSEN
GRAPHIC DESIGN WES MAHAN
PHOTOGRAPHY JULIE KEEFE, THOMAS TEAL
ADVERTISING JOLEEN JENSEN CLASSEN, LINDSEY FERGUSON
CONTRIBUTORS: K.C. COWAN, JEFF COOK, THACHER SCHMID, MICHAEL ZUSMAN

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Saltzman saw no conflict regarding his West Quadrant properties

By Allan Classen

City Commissioner Dan Saltzman voted for the West Quadrant Plan in March even though he owns or has a stake in many affected properties, which may increase in value due to more generous height allowances in the proposed plan.

That contrasts with the stance he took in 2012 regarding the proposed Education Urban Renewal Area.

"Because my family owns property in the potential district," he said in 2012, "I will not be participating in this Wednesday's council session and must abstain from the vote."

When asked for the difference in the two situations, Saltzman's Chief of Staff, Brendan Finn, said Saltzman acted in both cases on the advice of City Attorney Kathryn Beaumont.

Why would the two cases be handled differently?

Finn gave the NW Examiner this explanation:

"There was only a potential conflict of interest with the urban renewal district because there was the possibility of direct investment in one of the properties, whereas that was not the case with the West Quadrant Plan."

Asked for further clarification, Finn referred this reporter to Beaumont, who said only, "I am confirming that I spoke to Brendan Finn as he indicated."

Saltzman declared 18 real estate holdings on his 2015 Statement of Economic Interests filed with the state of Oregon, including "Goosehollo Townhomes LLC," "12th & Pearl LLC," "First Harrison Company," "VLF LLC" (referring to Village at Lovejoy Fountain), "Parkside Plaza" (301 SW Lincoln St.) and "OP Pearl LLC."



Dan Saltzman said his multiple central city properties created a potential conflict of interest regarding urban renewal but not with the West Quadrant Plan.

"Code of the West" cont'd from page 1

members without known conflicts voted for the plan. Five condemned the adoption of pro-height policies without consideration of countervailing evidence in a minority report to the SAC's conclusions.

"The ethics violations were so egregious," stated the complaint, "that several property owners or professionals with known West Quadrant property interests advocated openly for increased height limits or more favorable zoning for their properties or developments without disclosing their conflicts or recusing themselves."

The complaint was filed anonymously. The city ombudsman, a division of the auditor's office, is obligated to honor the confidentiality of complainants and witnesses. Persons bringing complaints are protected from retaliation related to their employment or civil rights under city ordinance.

Portland Ombudsman Margie Sollinger has opened an investigation of the complaint.

The code of ethics, adopted as a city ordinance in 1970, declares that "the city's powers and resources are used for the benefit of the public rather than any official's personal benefit."

The code applies to elected officials, city employees, appointees to boards and commissions, and city volunteers.

"To function effectively," the code continues, "the city needs the public's respect and confidence that its power will be used on behalf of the community as a whole. In this context, improper acts are doubly wrong: a selfish decision is not only wrong in itself, but also wrong because it violates the public's trust in government."

Steve Pinger, a Northwest District resident who served on the Stakeholders Advisory Committee and drafted the minority report, said no instructions on conflict of interest or guidelines for recusal were given to the committee. Consequently,

no committee members recused themselves when topics touched on their property interests.

John Bradley, chair of the Northwest District Association Planning Committee, found that omission "shocking."

How do 25 people talk all around the subject of their property interests without even occasionally mentioning them? Were all so focused on the general good that they somehow forgot they had a dog in the fight?

Hardly.

As the complaint states, "SAC member [Greg] Goodman advocated for and voted in favor of increased allowed height and zoning changes on his own West Quadrant properties; co-chair [Karen] Williams advocated for and voted in favor of increased height limits on a parking structure on Southwest 10th that her employer [had planned] to redevelop; members [John] Peterson and [Dan] Petrusich advocated for and voted in favor of zoning changes and increased height limits on many West Quadrant properties owned by them or by their employer (Melvin Mark), including their proposed Public Market at the Morrison Bridgehead; and member [Anne] Naito-Campbell advocated for properties her company owns."

Goodman wrote a detailed memo about sites needing greater height limits.

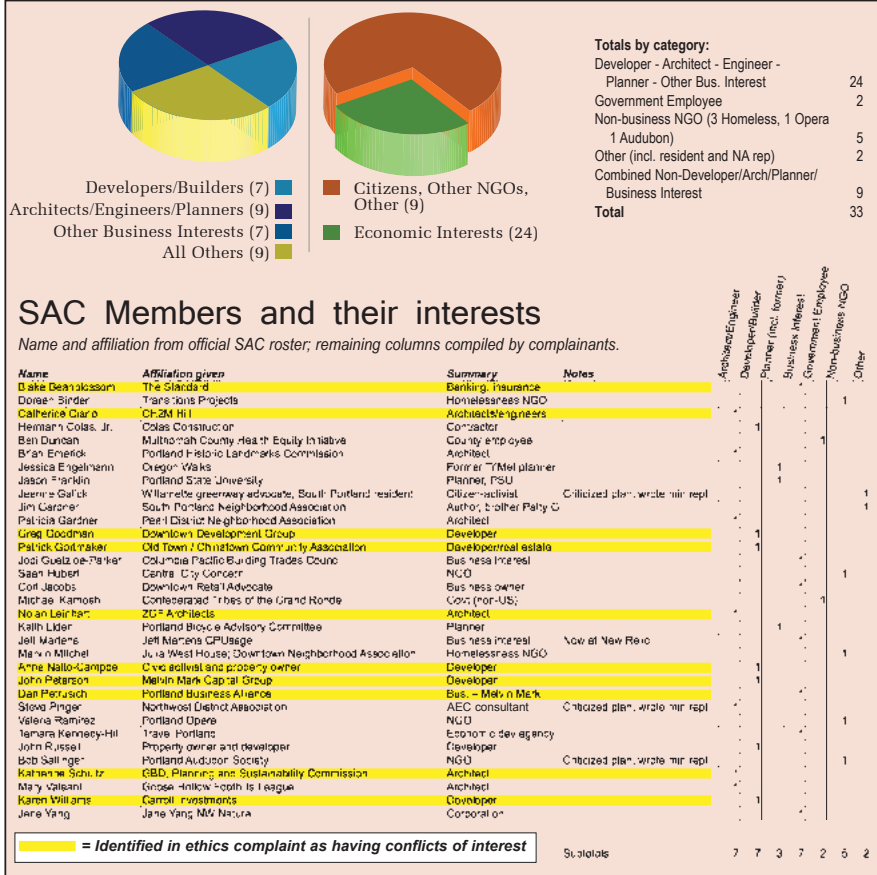
"At the base of the Hawthorne Bridge, the suggested 325 feet only goes to Columbia Street. I believe it should go to Clay to pick up the second of two development sites in the area, located between First and Second, Columbia and Clay. ... Ideally, I would suggest 375 feet be allowed, which would be respectful of the all the surrounding properties," he wrote.

Goodman went into similar detail about three other sites, offering suggestions for specific heights, even suggesting 15-foot setbacks in one case to mute the impact of greater height—the kind of detail typically given when a developer seeks approval for a particular building. In a way, he was. He owns the properties identified in his memo or parcels adjacent to them, said Pinger, who connected the locations mentioned in Goodman's memo to a map on the website of Downtown Development Group, of which Goodman is co-president.

Goodman, who is also president of City Center Parking, the largest owner of downtown parking lots, was not shy about advising the committee on how this type of property should be treated: "I actually do think we should take a position against the taxing or closing [of] parking lots," said at SAC meeting No. 12.

Goodman did not respond to queries sent by phone and email. Mayor Charlie Hales, Portland Director of Planning and Sustainability Susan Anderson and BPS Chief Planner Joe Zehnder also did not respond to invitations to comment.

Williams, who identified her affiliation as Carroll Investments for the SAC



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"Code of the West" cont'd from page 25

roster, was the only one of the 10 individuals singled out in the complaint who explained her situation to the NW Examiner. The others did not respond to phone messages or emails or, in one case, referred the query to the mayor's office.

"Stakeholders are invited to participate in this kind of process because working on a specific activity or having strong experience with the technical issues gives them an informed opinion and the ability to meaningfully contribute," said Williams. "I had no financial interest in any of the issues, though I do have a long commitment to Portland's community development."

When asked why her email address remains @carrollinvestments.com, she replied: "I continued to use Carroll email for convenience because I had used it for several years, and I'm concerned about losing touch with people that I have only occasional contact with."

"We [she and Carroll Investments LLC principal John Carroll] were business partners in a different LLC when the SAC started that did continue for part of the SAC time frame."

She now works for Infrastructure Oregon.

When asked to identify



errors in the ethics complaint, she said, "I think the most important error is what appears to be a firmly held belief that people who simply disagree ... must have some hidden agenda driven by a bad motive."

"People on the SAC gave a lot of time and effort to try to make downtown better," she continued, listing the affiliations of several members of the committee. "This is the appropriate makeup of a body like this."

"The members' experience and affiliations give them acute insight necessary for an informed outcome. This isn't misbehavior, either in

[the Bureau of] Planning's choices of the roster or in the work they did . . . Portland doesn't punish community service in this way, and if we start, we'll end up with a lesser city."

Williams then defended her motives in a manner that supported the central theme of the complaint: "I'm one of the few that didn't have a professional responsibility or financial reason to be there."

The complaint contends that the SAC "was heavily skewed to a particular sector and economic interest, specifically that of real estate development and the professions

that directly benefit financially from its activities."

For this reason alone it "failed to meet Oregon's Statewide Planning Goal 1, which mandates that land-use actions must occur through a citizen involvement program that 'shall involve a cross-section of affected citizens in all phases of the planning process... [which] shall include an officially recognized Committee for Citizen Involvement broadly representative of geographic areas and interests related to land use and land-use decisions.'"

The complaint reflects a grassroots perspective of

citizens believing special interest dollars dominate the process.

At least one voice in City Hall agrees the problem is real.

At the City Council's public hearing on the West Quadrant Plan in March, Commissioner Amanda Fritz excoriated her colleagues regarding increased height limits along the Willamette River.

"I'm disgusted with this entire hearing," said Fritz. "What we are doing is spot zoning to benefit particular developers ... many allied with members of the council." ■

[COMMENT ON NWEXAMINER.COM](#)

QUOTES

"In Portland, we hold ourselves up as a model of participatory planning, and the world sees us that way. The burden is on us to prove that we really mean it, and that this is not a charade."

"The idea that tall buildings are necessary to promote sustainable density is a fallacy that has been disproved by abundant research evidence. I'm sorry to say that my Portland colleagues are late to wake up to this marketing greenwash."

Michael Mehaffy, executive director
Sustasis Foundation, Portland

"Trying to discredit volunteers who spent hours and hours and brought this expertise, as a tactic against the outcome, is not appropriate in my opinion. Portland doesn't punish community service in this way, and if we start, we'll end up with a lesser city."

Karen Williams
Infrastructure Oregon

"The area to the south of the Skidmore boundary line between Naito and First would be included in the 325 feet shown as part of the Morrison Bridgehead height. The site I am referencing is the half block on the north side of Stark between Naito and First abutting the George Lawrence Building. The north half of the same block, which is in the historic district, would remain at 75 feet."

Greg Goodman, President
City Center Parking

"If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the decision."

CITY OF PORTLAND CODE OF ETHICS

"Digging deep,
Shining a light"

INSIDE



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Elm trees
saved



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Drill, baby
drill



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Another fire-
house history

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FREE

***** SERVING PORTLAND'S NORTHWEST NEIGHBORHOODS SINCE 1986

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Stakeholder gets juicy height bonus

View-blocking potential given to Dan Petrusich, who still resists required disclosure

BY ALLAN CLASSEN

Goose Hollow neighborhood activists presented a slideshow in March featuring a hypothetical high-rise dramatically blocking the view of the Vista Bridge.

The image was persuasive in causing city Bureau of Planning and Sustainability staff to reconsider draft plans to relax View Corridor protections along Southwest Jefferson Street. It also drew broad derision from NW Examiner readers, who saw the picture on Page 1 of the April edition.

What has not been reported is that the property on which the fictitious tower was sited belongs to a man with a checkered history in the Goose Hollow area.

Dan Petrusich is the president and owner of Melvin Mark Development Co., the development arm of Melvin Mark Cos. He was also president of the

Goose Hollow Foothills League in 2012 and was instrumental in bringing a pro-development slant to the association—a slant repudiated in 2014 as residential candidates swept the board election.

Petrusich has also been singled out for his role on the West Quadrant Plan Stakeholders Advisory Committee in an ethics complaint ruled valid by City Ombudsman Margie Sollinger last fall. Based on her recommendations, BPS required Petrusich and the 32 other members of the committee to disclose their financial

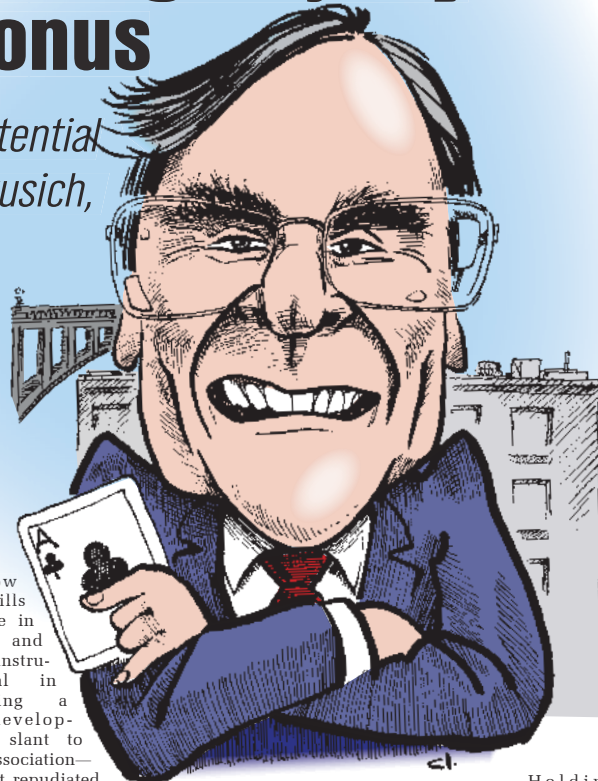
and professional interests related to the area covered by the plan, which includes much of Goose Hollow.

Had Petrusich revealed his holdings, they would have included 1853 SW Jefferson St., a 100x100-foot parcel with a car repair garage that has been vacant since 2012 and the parking lot next to it. Portlandmaps.com lists these properties to Jefferson

Holdings LLC, which Oregon Secretary of State records show is registered to Petrusich and five others. It uses his home address.

Allowable building height on this land and a few contiguous properties would rise from 45 to 130 feet if draft plan revisions are adopted by City Council.

Is Petrusich the innocent beneficiary of a wind-



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"Stakeholder" cont'd from page 1

fall, or did he use his connections and role to seek custom-made zoning provisions?

Mindy Brooks, project manager of the Scenic Resources Protection Plan for BPS, confirmed that Petrusich contacted her about the plan.

"I spoke with Dan Petrusich about the property located at Salmon and 16th and more generally about Jefferson Street," Brooks wrote in a March email. "When we spoke, I was still doing the scenic analysis. I gave him an update on the project and timeline and told him that the proposal for height changes would be available with the CC2035 draft.

"Ultimately ... there are proposals for height changes on Jefferson Street – some heights are increased and others are decreased."

Petrusich did not accept an invitation to comment on this story.

Petrusich's credibility on matters of ethics and conflict of interest, however, is clouded by his behavior on the Stakeholders Advisory Committee and his attitude toward public accountability.

Although BPS directed all 33 SAC members to complete disclosure forms as a matter of law, Petrusich sent an argumentative email message instead.

"This reply will serve as my disclosure," he wrote. "Over the years, I have had an ownership interest in a variety of properties located in the central city, including office buildings, warehouses, apartments and parking."

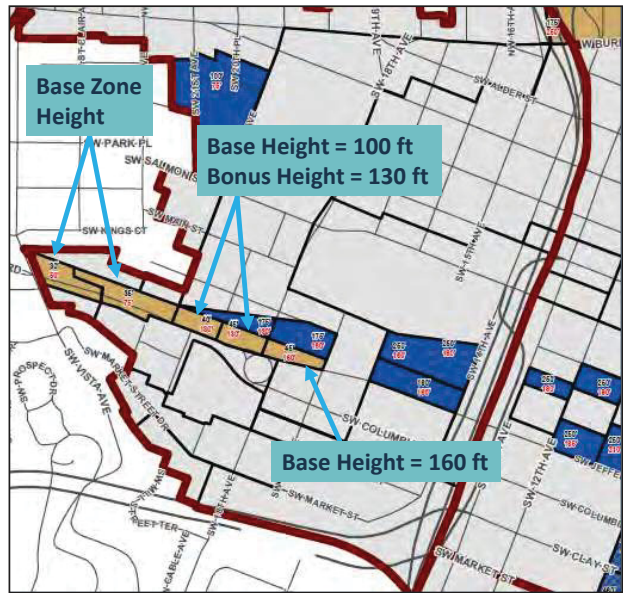
The revelations are useless in determining if particular recommendations Petrusich made as a stakeholder impacted properties he owned or controlled. No one reading his general list of holdings would learn whether his property was affected in a particular way not applying to all properties in the central city.

"At the beginning of the WQ SAC process, the city staff made it clear that our role was strictly advisory and that we had no decision-making authority. The name of the committee, West Quadrant Stakeholders 'Advisory' Committee, clearly represents our advisory role," his email continued.

The distinction between decision-making and advising is addressed by city and state ethics law. Ombudsman Sollinger said members of advisory bodies are not subject to charges of "actual" conflict of interest because they do not make binding decisions. Public officials having actual conflicts may be prohibited from participation in deliberation or voting. Those with potential conflicts need only declare their connections before participating.

"The anonymous complaint [to the City Ombudsman] included many false claims," Petrusich continued. "The Ombudsman did not follow a judicial or administrative process recognized under law. I received no opportunity to participate or provide input on the claims." ■

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or email: allan@nwexaminer.com



Above: Light brown strip along Southwest Jefferson marks properties designated for increased height limits. Numbers in blue denote former height limit; red numbers denote proposed heights.

Right: Dan Petrusich and partners own the parcel between Southwest 18th and 19th on the north side of Jefferson Street, where maximum height limits are proposed to rise from 45 feet to 130 feet.



Citizen advisers resist disclosure

City warns it won't shield them from possible penalties for ethics violations

BY ALLAN CLASSEN

Several citizen advisers to the city's proposed comprehensive plan are dragging their feet on disclosing their private financial interests.

They may have good reason to be wary of what lies ahead. A four-page letter from Sallie Edmunds, Portland Bureau of Planning and Sustainability Central City planning manager, advised that they may be personally liable for potential actions before the Oregon Government Ethics Commission, in which case the city will not defend them.

Furthermore, all disclosures become public documents open to the media and public.

The disclosures were ordered by the BPS as a result of a City Ombudsman's conclusion last October that members of city-sanctioned advisory committees are considered public officials under city and state ethics rules.

As such, they must disclose pri-

be confidential? If not, who will have access to them and for what purpose?

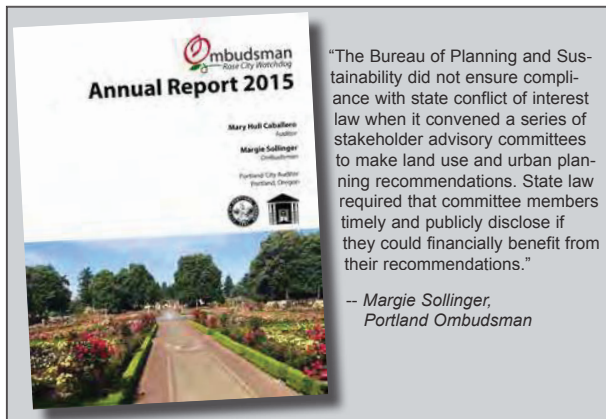
The conflict of interest disclosure forms will be a public record. ... Anyone, including the media, can ask to review them. BPS plans to summarize the disclosure information for the Planning and Sustainability Commission and City Council.

What if someone does not comply with this request?

Any noncompliance with the request will be noted to the Planning and Sustainability Commission and City Council.

How could the retroactive remedy recommended by the Ombudsman have any impact on the project?

Because neither the Planning and Sustainability Commission nor City Council has made a final decision on the CC2035 Plan, either body may take the completed forms into consideration as part of their final decision-making on the plan. Either body



"The Bureau of Planning and Sustainability did not ensure compliance with state conflict of interest law when it convened a series of stakeholder advisory committees to make land use and urban planning recommendations. State law required that committee members timely and publicly disclose if they could financially benefit from their recommendations."

-- Margie Sollinger,
Portland Ombudsman

vate and professional interests having potential bearing on their recommendations. Because the Stakeholders Advisory Committee to the West Quadrant Plan completed its report last summer before the Ombudsman's findings were released, bureau chief Susan Anderson directed committee members to make disclosures after the fact.

They were told to do so by the end of 2015. The deadline was later extended to March 31 and then April 14. By April 26, seven of 33 members of the West Quadrant Plan Stakeholders Advisory Committee still had not submitted disclosure forms. Two others, Melvin Mark Cos. executives Dan Petrusich and John Petersen, sent emails outlining their discontent with the requirement.

Instead of listing their financial ties, several stakeholders have apparently been consulting their lawyers or otherwise searching for reasons to not comply.

A March 30 letter sent to SAC members includes no names, but is nevertheless revealing. The following questions and answers were taken directly from the letter:

Will the disclosure form responses

as follows:

In brief, a public official or the relative of the public official is associated with a business in the following circumstances:

When, during the preceding cal-

endar year, a public official or relative has held a position as director, officer, owner, employee or agent of a private business or a closely held corporation in which the public official or relative held or cur-

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Goodman asks for favors, won't cooperate with ethics requirement

Greg Goodman, president of City Center Parking, is conspicuous among those not responding to the Bureau of Planning and Sustainability's request for financial disclosure.



He has a lot to disclose.

While a member of the Stakeholders Advisory Committee to the West Quadrant Plan, he privately asked city staff for greater height limits on parcels owned by his Downtown Development Group LLC.

"At the base of the Hawthorne Bridge, the suggested 325 feet only goes to Columbia Street. I believe it should go to Clay to pick up the second of two development sites in the area, located between First and Second, Columbia and Clay. ... Ideally, I would suggest 375 feet be allowed, which would be respectful of all the surrounding properties," he wrote in a 2013 email.

What the memo failed to say is that the entire block he wanted included belongs to him. Increasing the current 75-foot height limit to 325 feet could multiply its value for redevelopment.

Goodman went into similar detail about zoning and policy changes having a bearing on three of his other properties.

Lest there be any doubt about whose stakes he had in mind, at a 2014 SAC meeting, he said, "I actually do think we should take a position against the taxing or closing [of] parking lots."

could choose to amend or delete policies and items in the previously accepted West Quadrant Plan.

Why does this apply to the SAC when their role was not about decision-making? The SAC's role was to provide input to staff.

State ethics law applies to volunteer members of advisory committees.

Can I appeal the ombudsman's decision?

No. The ombudsman provided an opinion and recommendation. BPS accepted the recommendation and chose to implement it. BPS's decision is not subject to appeal.

What is the scope of the disclosure? "Property owned by ... any business with which I was associated" could include anything that I worked on for any of my clients over that period or any other property owned by any of my clients or prospects.

ORS 244.020(3)4 provides the definition of a "business with which the person is associated," paraphrased

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"Disclosure" cont'd from page 7

rently holds stock, stock options, equity interest or debt instrument over \$1,000.

When, during the preceding calendar year, the public official or relative has owned or currently owns stock, equity interest, stock options or debt instruments of \$100,000 or more in a publicly held corporation.

When the public official or relative is a director or officer of a publicly held corporation.

When a public official is required by ORS 244.050(5) to file an Annual Verified Statement of Economic Interest form and the business is listed as a source of household income.

My spouse works for a large corporation. I don't know how to even begin to find out if that company contracted with the city in 2012. Any advice?

Please provide your spouse's title and employer and a general description his/her work on the disclosure form so that others can understand the relationship to the Central City and the work of the SAC.

How will the information be used? Has there been any resolution with

the complainants? Are they free to use whatever comes from this disclosure to try to obstruct the process at the next level or make claims against anyone?

The City Ombudsman will consider the specific complaint resolved once the disclosures are presented to the PSC and council. However, there is nothing prohibiting the complainants from submitting subsequent complaints to the City Ombudsman or the state.

Will SAC members be provided a release for participating in this process?

A public official is personally liable for individual violations of Oregon ethics law. The city may neither indemnify nor represent the official before the Oregon Government Ethics Commission.

Will staff re-evaluate the input in light of the disclosures?

BPS has already developed a CC2035 Discussion Draft and will consider public feedback on that draft as they prepare the Proposed Draft. On May 10, BPS will release a Proposed Draft that will be the subject of a June 14 hearing before the Planning and Sustainability Commission. ■

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City soft-pedals ethics standards for citizen advisers

Commissioner Fish says individuals who don't disclose financial interests shouldn't serve

BY ALLAN CLASSEN

Is dodging ethics rules by city officials a serious matter, or a mere footnote to be recorded before proceeding as before?

The question may be answered as Portland City Council considers the Central City 2035 Plan, an update of the city's comprehensive land-use policy plan. If council members take guidance from the Bureau of Planning and Sustainability, they won't lose any sleep over the failure of seven members of the West Quadrant Stakeholders Advisory Committee to disclose their personal financial interests related to policies they acted on.

The bureau failed to comply with state and city ethics standards in developing the West Quadrant Plan, a part of CC2035. That was the conclusion of an investigation by the city auditor's office last fall. In response, BPS Director Susan Anderson changed bureau policy to require members of all citizen advisory committees to declare conflicts of interest before participating.

The complaint was filed by an anonymous group calling themselves Concerned Portland Citizens.

In that the complaint was filed after the SAC completed its recommendations, City Ombudsman Margie Sollinger, who works for the auditor, concluded that disclosure after the fact—but before the City Council adopts the final plan—would be sufficient.



The Portland Bureau of Planning and Sustainability formed a Stakeholders Advisory Committee that met 16 times over a two-year period, but participants were not asked to list their potential conflicts of interests until the process had been completed.

Central City 2035 Proposed Draft 6-20-16, Public Involvement

Sollinger also ruled that citizens serving on government advisory bodies are public officials in regard to Oregon Government Ethics law.

A draft of the plan released in June includes an attachment that states:

"Twenty six members completed the form, two did not complete the form but sent an email that included similar information, one email bounced and four members did not complete the form."

A chart identified the seven individuals not completing questionnaires as Greg Goodman, Dan Petrusich, John Petersen, Nolan Lienhart, Doreen Binder, Marvin Mitchell and Jodi Guetzloe-Parker.

Goodman, head of City Center Parking, left an email trail that included requests for favored treatment of property he owns.

"At the base of the Hawthorne Bridge, the suggested 325 feet only goes to Columbia Street. I believe it should go to Clay to pick up the second of two development sites in the area, located between First and Second, Columbia and Clay. ... Ide-

ally, I would suggest 375 feet be allowed, which would be respectful of all the surrounding properties," he wrote.

The complaint charged: "SAC member [Greg] Goodman advocated for and voted in favor of increased allowed height and zoning changes on his own West Quadrant properties."

The complaint also stated that SAC "members [John] Peterson and [Dan] Petrusich advocated for and voted in favor of zoning changes and increased height limits on many West Quadrant properties owned by them or by their employer (Melvin Mark), including their proposed Public Market at the Morrison Bridgehead."

Private holdings and financial connections were not broken down for each SAC member in the attachment to the draft plan. The disclosure form they were directed to fill out did not ask about conflicts beyond property ownership, such as employment or professional commissions that could be affected by increased zoning entitlements.

The Examiner asked for comment

from city commissioners Nick Fish, who is recommending ethics reform on a separate issue, and Amanda Fritz, who spoke forcefully about her council colleagues' conflicts regarding CC2035 last spring.

Fish issued the following statement:

"The actions taken in the context of the West Quadrant Stakeholder Advisory Committee seem to be closing the barn door after the cows are in the pasture. Given the lack of clarity at the time about how a 'public official' is on-boarded to a committee, I believe the City Ombudsman's response to the complaint was on target and the actions taken by BPS were appropriate.

"However, I think this situation has revealed a more fundamental problem. The city appoints citizens to a wide variety of advisory and oversight bodies. They in turn agree to give up valuable time to do vital public service. Quite simply, we couldn't function as a city without citizens willing to make that sacrifice for the public good.

"While the City Attorney is working to standardize the training for new volunteers, I think we need to go further.

"Every volunteer who chooses to become a 'public official' should be required to submit a reasonable public disclosure statement as part of the on-boarding process. If he or she objects to doing so, then they would be ineligible to serve. This approach would balance respect for personal choices while increasing transparency in all of our public advisory bodies.

I plan to discuss this idea with my colleagues in the near future, and to seek their support."

Fritz did not respond. ■

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or email: allan@nwexaminer.com