

Legislators seek ways to make ODOT more accountable

By PARIS ACHEN
Capital Bureau

SALEM — Four former chairmen of the Oregon Transportation Commission said Wednesday that the commission should regain authority over the state transportation director.

The suggestion was one of a handful the former chairmen gave as ways to enhance accountability for Department of Transportation projects and contracts.

The chairmen were invited to speak with a new subgroup of the Legislature's Joint Committee on Transportation Preservation and Modernization. The committee is charged with crafting a transportation package worth hundreds of millions of dollars. Legislative leaders hope to pass the package this session.

About a month ago, the leaders of the transportation package committee asked state Rep. Andy Olson, R-Albany, to lead a team of four other lawmakers to come up with policy recommendations for making ODOT more accountable for the agency's spending.

The group invited the former commission chairmen Wednesday to gain insight on how to improve accountability at the department.

The meeting was initially closed to the public, but Olson allowed a reporter to attend Wednesday. The committee's four other topic work groups

have held public meetings at the Capitol since the beginning of the session.

Olson said he initially closed the meetings out of concern that the public eye would discourage frankness, but legislative leaders have committed to keeping the process open and transparent.

The Department of Transportation has been criticized for its history of projects that have been overdue and over budget. A recent \$1 million management performance audit by New York-based McKinsey & Co. was intended to respond to that criticism and show ODOT is prepared to effectively manage an influx of new highway funding.

Lack of accountability

The firm's report, released in January, portrayed an agency lacking in dissent and accountability, wasting money and needing greater oversight and guidance.

Two weeks before that, Transportation Commission Chairwoman Tammy Baney, in a letter to Gov. Kate Brown, complained the commission needed more oversight of the director.

"The director carries out the administration of the day-to-day operations," Baney said in a January phone interview. "There isn't a place for us to have a voice in how that is going."

Baney requested that the governor include the commis-

sion in the director's performance evaluation. She apparently was unaware at the time that Director Matt Garrett has not had a performance evaluation since his tenure began in 2005, according to Garrett's office.

Until 1999, the commission had authority to hire and fire the director, and the director reported to the commission.

After years of pressure by Gov. John Kitzhaber, the Legislature in 1999 took that authority away and gave it to the governor, former commission chairman Stuart Foster told lawmakers Wednesday.

Minutes from the 1999 legislative meetings on the bill give no indication of the reason for the change. In 2011, Kitzhaber, then in his third term, commandeered control of the Department of Education, becoming the first governor in the nation to assume the title of superintendent of schools.

'Huge mistake'

"I think it was a huge mistake," Foster said of taking away the Transportation Commission's oversight of the director. Foster served as commission chair from 2003 to 2007.

Mike Hollem, who served on the commission most recently from 1987 to 1993, compared the commission to a board of a company.

"You are running the place,

and you are responsible to the shareholders, and then all of a sudden, someone else is appointing the director," Hollem said.

Given that commissioners are volunteers and they can't hire and fire the director, "I'm not sure it's worth the effort," Hollem said.

Foster said a conflict within the commission is the governor's appointment of commissioners who also serve on the commissions of counties or are city employees.

He said it's difficult for people in those positions to be unbiased when voting on projects that could affect their regional areas. He said the governor should choose appointees with "a statewide perspective."

The former chairmen, which also included Henry Hewitt and Steve Corey, also recommended tying increases to the gas tax to the consumer price index. Gas tax revenue pays for road projects in Oregon.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

Ultra-liberal Portland moves to rein in protests

By GILLIAN FLACCUS
Associated Press

PORTLAND — In ultra-liberal Portland, where protest is a way of life, the new mayor is taking on the sacrosanct.

Mayor Ted Wheeler and the City Council unanimously approved an emergency ordinance Wednesday that would allow city leaders to eject disruptive protesters from meetings and ban them from council chambers for up to 60 days in some cases.

As they voted, commissioners said months of protests by a small group of people have shut down meetings, disrupted government business, caused stress to city staff, undermined projects and prevented other residents from appearing before the council.

"I don't know why you've decided that your voices are more important than anyone else who comes to this chamber to give testimony," said Commissioner Chloe Eudaly, who was elected to the council last fall and called the

interruptions "toxic." "The fact that I can't singlehandedly and immediately satisfy your demands does not mean that we are not listening to you."

The American Civil Liberties Union immediately condemned the ordinance as unconstitutional and protesters tried to prevent the vote by shouting down commissioners as they were polled.

People in the chamber held up posters with an image of Wheeler's head that read "Gas the Peaceful, Let the Poor Freeze."

The poster is a dual reference to Portland's vast numbers of homeless and anger over how the Portland Police Bureau handled almost daily protests after President Donald Trump's inauguration.

In papers filed with the City Council, ACLU-Oregon's legal director Mat dos Santos said city officials have the right to throw out disruptive individuals on a case-by-case basis, but banning a person from future meetings based on their current behavior is unconstitutional.

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