



Southeast Uplift
3534 SE Main St
Portland, OR 97214

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www.southeastuplift.org

Mr. Rod Underhill
District Attorney
1021 SW Fourth Avenue, Room 600
Portland, Oregon 97204

Dear Mr. Underhill

Under ORS192.410, et seq., Robert McCullough, President of Southeast Uplift, the undersigned, request the District Attorney to order the Multnomah County District Attorney and its employees to produce a copy or copies of the following records:

We requested copies of all work papers behind the Portland Street Fund calculations for determining the monthly contribution of businesses to the proposed fund; this includes (but is not limited to) all records, documents, spreadsheets and formulas that are used to determine business contributions.

We asked to inspect and/or copy these records on November 3, 2014 (see attached affidavit in Appendix D) at 1120 SW 5th Ave #800, Portland, OR 97204. Other than acknowledgement, the request has been ignored by the following person(s):

Mark Lear, PBOT Projects and Funding Manager. Dylan Rivera, Media Relations, Portland Bureau of Transportation. Cevero Gonzalez, Public Records Requests, Portland Bureau of Transportation.

Mark Lear agreed to provide these materials on November 3, 2014 (see Appendix D). A formal request was submitted electronically by my staff directly to Cevero Gonzalez on November 12, 2014 (see attached Appendix A). Although efforts were made by both phone

and email to follow up with Cevero Gonzalez and Dylan Rivera after their initial responses (see Appendices B & C), we have received no further communication.

The requested materials are pertinent to a public process facing a council vote on December 11th. They will provide the community with greater transparency about the details of the newly announced Portland Street Fund, its development, and its planned implementation. In addition, the materials are in existence and not voluminous (see Appendix D).

If there are any questions about this petition, please call me at 503-777-4616 or send me an e-mail at robert@mresearch.com.

Sincerely,



Robert McCullough

President

Southeast Uplift

Uplifting community advocacy since 1968.

Ardenwald-Johnson Creek • Brentwood-Darlington • Brooklyn • Buckman • Creston-Kenilworth • Eastmoreland • Foster-Powell
Hosford-Abernethy • Kerns • Laurelhurst • Montavilla • Mt. Scott-Arleta • Mt. Tabor • North Tabor • Reed • Richmond
Sellwood-Moreland • South Tabor • Sunnyside • Woodstock

Appendix A – Emailed submission of Formal Request (November 12, 2014)

----- Original Message -----

Subject: PBOT Public Records Request
Date: Wed, 12 Nov 2014 10:00:48 -0800
From: Ramon Cabauatan <Ramon@mresearch.com>
To: cevero.gonzalez@portlandoregon.gov

Mr Gonzalez,

I am reaching out to you because you are listed on the City of Portland's website as being the contact at PBOT for records requests, but the site makes no mention of a preferred means of submitting such a request.

I have attached to this email a PDF of the filled out request form, and can also submit it by fax, mail, or other means if that is either required or more convenient for you and your office.

If, on the other hand, this electronic copy is sufficient, then please do not hesitate to contact me if any questions about the request itself arise.

I would also point out that the request is time sensitive, as it is regarding the newly proposed Street Fund, so the information sought would be most useful if received before next Thursday's public hearing on the topic.

Finally, while I did state on the form that the request is in the public interest, we are perfectly fine with paying any fees deemed appropriate and/or required to fulfill the request.

Thank you for your time,
Ramon



**CITY OF PORTLAND
UNIFORM PUBLIC RECORDS REQUEST FORM**

Date of Request: 11/12/2014

REQUESTOR INFORMATION

Name: Ramon Cabauatan

Mailing Address: 3816 SE Woodstock Blvd

City, State, Zip: Portland Daytime Phone: 503-777-4616

E-mail Address: ramon@mresearch.com Fax: 503-777-3865

Preferred method of contact: Mail Phone E-mail Fax

REQUEST DETAILS

1. Is this request related to a lawsuit involving the City of Portland? No

If "yes," enter the case name, court docket number, or other identifying information:

2. Is this request related to a tort claims notice involving the City of Portland? No

If "yes," enter the claimant's name and, if known, the incident date:

3. If you answered "yes" to question 1 or question 2, are you making this request on behalf of a party in the lawsuit or tort claim? N/A

NOTE: If "yes," enter "City Attorney's Office" for question 4 in addition to any other applicable bureaus. This is required by state law (ORS 192.420(2)(a)).

4. Bureau or office, if known (a copy of this form must be submitted to each):
Portland Bureau of Transportation

5. A fee reduction or waiver may be possible if the custodian determines that this request is primarily in the public interest. Does this request primarily benefit the general public? Please explain.

Yes. The information sought will provide the community with greater transparency about the details of the newly announced Portland Street Fund, its development, and its planned implementation. The proposed fund and resulting projects will impact nearly every citizen in Portland, and transparency will allow those citizens to better understand the proposal itself before the public hearing on the topic that is scheduled for November 20th of this year.

6. Does this request pertain to personnel records? No

NOTE: If "yes," please attach a signed release from the employee.

7. How would you prefer to have this request fulfilled?

I would like to inspect the records.

I would like photocopies made and sent to me.

I would like electronic copies made and sent to me.

I would like photocopies made and held for me to pick up.

DESCRIPTION OF RECORDS REQUESTED

Please include the following when describing the materials requested, to the extent known and with as much detail as possible:

- Type of document
- Title
- Date
- Address of any real property at issue
- Author
- Subject matter

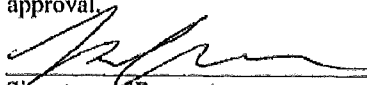
NOTE: Additional sheets may be added if necessary.

Description:

We request copies of all workpapers behind the Portland Street Fund calculations for determining the monthly contribution of businesses to the proposed fund; this includes (but is not limited to) all records, documents, spreadsheets and formulas that are used to determine business contributions.

-
- The City will respond to your request as soon as practicable and without unreasonable delay.
 - If the estimated costs involved in fulfilling your request exceed \$25, the City will advise you of those costs and require your approval before beginning work.
 - If the fee estimate exceeds \$100, a 50% deposit may be required to begin work.
 - Full payment of the total amount of costs incurred is required before the public records may be inspected or copies released.
 - NOTE: Police reports cannot be obtained through the use of this form. For these records, please contact the Police Bureau.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above. These costs may include the cost of searching for records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records, and mailing records. I agree to pay a maximum of \$25 without further approval.


Signature of Requestor

11/12/2014

Date

City of Portland Uniform Public Records Request Form

Appendix B – Initial Response (November 12, 2014)

----- Original Message -----

Subject:FW: PBOT Public Records Request = FOLLOW UP

Date:Wed, 12 Nov 2014 18:36:02 +0000

From:Gonzalez, Cevero <Cevero.Gonzalez@portlandoregon.gov>

To:Ramon@mresearch.com <Ramon@mresearch.com>

CC:Rivera, Dylan <Dylan.Rivera@portlandoregon.gov>

Greetings, Ramon:

Thank you for submitting your Uniform Public Records Request Form.

Briefly, all requests for information relating to the proposed transportation utility fee are being directed to Dylan Rivera, Media Relations Representative for the Portland Bureau of Transportation (PBOT). For convenience, I have included Dylan in my response so that he can consider your request further.

Additionally, please note the following information regarding all requests received by PBOT for any and all public records information.

A NOTE FROM THE CITY ATTORNEY REGARDING ALL REQUESTS FOR PUBLIC INFORMATION

The City Attorney's Office for the City of Portland has advised that the Oregon Public Records law does not require the City to respond to public records requests within a specific time frame. However, the City of Portland should acknowledge receipt of such requests as soon as practicable and without unreasonable delay. I am acknowledging receipt of your public records request today, Wednesday, November 12, 2014.

After the initial response, the City of Portland is permitted a reasonable amount time to locate relevant records and to make them available. Further, the City is not required to comply with timeframes set by the requestor. (See Attorney General's Public Records and Meetings Manual p. 11) A reasonable time to respond depends on:

- The nature of the request
- The volume of records that need to be examined
- The need for attorney review, and
- The amount of time City staff can devote to responding to the request

Additionally, please note that PBOT conducts cost recovery efforts for all public records requests and as a result, may not be able to honor any request to waive or reduce mandatory fees.

Again, thank you for your submission. Dylan should follow up as soon as reasonably possible.

Sincerely,

Cevero Gonzalez

Public Records Requests

Portland Bureau of Transportation

503.823.5080

Cevero.Gonzalez@portlandoregon.gov

----- Original Message -----

Subject: Re: PBOT records request
Date: Tue, 18 Nov 2014 02:45:58 +0000
From: Rivera, Dylan <Dylan.Rivera@portlandoregon.gov>
To: Ramon@mresearch.com <Ramon@mresearch.com>

Mr. Cabauatan,

Thank you for your records request and your interest in the Portland Street Fund.

I am coordinating your records request for PBOT and have some information to share with you that may be of help.

First, I want to make sure you have seen the information on our web site www.OurStreetsPDX.com which includes a four page document that shows a non-residential rate table, samples of business rates by business type, methodology for the calculation of fees, and the categories of developed uses.

In addition, I have attached a table showing estimated revenue by developed use, which shows for example, that the transportation sector is expected to generate nearly 2 percent of the revenue from the program's non-residential fee.

We believe this partly fulfills your request. We are working on a cost estimate for other documents, including spreadsheets, that are responsive to your request. You have asked for a very broad list of documents including spreadsheets and formulas that contain information exempt from disclosure.

I will update you when we have an estimate.

Thank you,
Dylan

Dylan Rivera
Media Relations | Portland Bureau of Transportation
t: (503) 823-3723 | c: (503) 577-7534
dylan.rivera@portlandoregon.gov
website | twitter | publicalerts

McCULLOUGH RESEARCH

ROBERT F. MCCULLOUGH, JR.
MANAGING PARTNER

Affidavit of Robert McCullough

My name is Robert McCullough. My place of business is McCullough Research at 6123 SE Reed College Dr, Portland OR, 97202.

I am competent to make this affidavit with over thirty years of relevant professional experience, testimony before state and federal courts, congress, and regulatory bodies.

I am the President of Southeast Uplift, the coalition representing twenty southeast Portland neighborhoods,. On December 3, 2014, we requested a presentation on the street tax. Mark Lear, manager of Projects and Funding at the City of Portland's Transportation Department, promised the work papers behind the street tax calculations at that time.

On November 12th, I followed up with a formal request which was promptly and correctly acknowledged.

Further communications have not been acknowledged or returned.

The materials under request are already in existence. They are not subject to national security, business secret, or privacy concerns since they are simply the calculations behind an already public document. Communications from staff indicate that the primary sources are the ITE Trips Manual (a public reference book) and the Portland Business License Database (available on the City of Portland's web site.)

This completes my affidavit.

Robert McCullough
President
Southeast Uplift

Notary
