Date: Mon, 21 Apr 2025 4:01:00 PM (UTC)
Sent: Mon, 21 Apr 2025 4:01:32 PM (UTC)
Subject: RE: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan
From: Oliveira, Donnie
To: Nancy Hiser <nancyhiser@comcast.net >;
CC: Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Councilor Pirtle-Guiney <councilor.pirtle-guiney@portlandoregon.gov >; Mayor's Office <mayor@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Ghan, Christina <christina.ghan2@portlandoregon.gov >; Dashiell, Harmonee <Harmonee.Dashiell@portlandoregon.gov >; Diefenderfer, Patricia <Patricia.Diefenderfer@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Nikki Mandell <nikki.mandell@gmail.com >; David Labby <labby.oregon@gmail.com >; Brown, Kelly <Kelly.Brown@portlandoregon.gov >;

Hi Nancy,

Thank you for the feedback. To reiterate, no work has begun on this grant and all in-scope concepts will be developed with the involvement of stakeholders. The first meeting we intended to have was with council offices, many of whom have expressed an interest in being involved. We were seeking their feedback on process, including who else to engage with from an involvement perspective. From there, bureau staff would begin developing a series of engagement activities to craft the initial policy concepts. However, if starting with council is concerning, we can connect with the Council President to scrap that first step and move directly into community engagement.

Nonetheless, we would be happy to meet soon to gather your ideas to help create the specifics of the engagement process, which also has not be developed yet. Kelly will follow up to get time scheduled as soon as possible.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Nancy Hiser <nancyhiser@comcast.net >
Sent: Monday, April 21, 2025 8:33 AM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Councilor Pirtle-Guiney <councilor.pirtle-guiney@portlandoregon.gov >; Mayor's Office <mayor@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Ghan, Christina <christina.ghan2@portlandoregon.gov >; Dashiell, Harmonee <Harmonee.Dashiell@portlandoregon.gov >; Diefenderfer, Patricia <Patricia.Diefenderfer@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Nikki Mandell <nikki.mandell@gmail.com >; David Labby <labby.oregon@gmail.com >
Subject: Re: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

Hello Donnie,

Thank you for your prompt response to our email calling for community inclusion on the CEI Hub. Our original email is pasted at the beginning of this thread. We are pleased to learn that you are working on this and especially pleased that you have already engaged with Elana.
All parties are copied here to keep them informed, including the signatories to this email.

This is the wording outlining the intent of the ordinance with regard to community involvement:
Portland Ordinance #191896, Sept 2024:
Community Impacts and Community Involvement
BPS will consult with other public agencies, academia, business and community groups to identify potential code and policy concepts. BPS will undertake a public involvement process to review the concepts, which will include stakeholder interviews, focus groups, community meetings and web-based information and

opportunities for feedback. Public involvement will continue with the legislative adoption process with notices of public hearings with opportunities for written and oral testimony before the Planning Commission.

Please note that this makes consulting with the community the first step in the grant process. However, this not the process outlined in the plan you sent.

We urge you not to proceed as outlined as it would pre-determine the policy concepts, frame, and scope prior to the required public engagement.

We believe consulting with *other public agencies, academia, business and community groups* should come before city administration develops any proposed concepts for the City Comprehensive Plan or zoning code amendments. This would mean facilitating broad public input starting in Phase O (April-May). There are a number of ways the City might do this and we would be happy to talk with you about this more.

Advocates are discussing policy concepts to bring to this effort.

We hope this grant process will be an opportunity for administrative transparency, accountability, and inclusion -- key to the success of our new government system.

Thank you -- we look forward to your response.

Sincerely,

Nancy Hiser, D4
David Labby, D2
Nikki Mandell, D3

> On 04/18/2025 11:50 AM PDT Oliveira, Donnie <donald.oliveira@portlandoregon.gov > wrote:
>
> Hi Nancy and Jane,
> I wanted to forward this email in response to your respective emails from earlier this morning. Hopefully as conveyed below, we have not started the process for policy development related to the FEMA grant yet and the work will start first with issue identification with community stakeholders as outlined below. We are working with the council president to finalize the process details and will commence outreach soon.
> Thanks for your continued engagement.
> Donnie Oliveira, he/him/his
> Deputy City Administrator
> Community and Economic Development
> Phone: 503.593.1869
> portland.gov/transition
> The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503.823.7700 or use City TTY 503.823.7700
>
> ---
>
> **From:** Oliveira, Donnie
> **Sent:** Monday, April 14, 2025 12:03 PM
> **To:** Pirtle-Guiney, Elana <Elana.Pirtle-Guiney@portlandoregon.gov >
> **Cc:** Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Engstrom, Eric < Eric.Engstrom@portlandoregon.gov >; Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Ghan, Christina <christina.ghan2@portlandoregon.gov >; Dashiell, Harmonee < Harmonee.Dashiell@portlandoregon.gov >; Diefenderfer, Patricia < Patricia.Diefenderfer@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >

Subject: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

Council President Pirtle-Guiney,

In 2024, the City of Portland was awarded $405,00 for a Hazard Mitigation Grant to support BPS' work to strengthen our comprehensive plan policies and zoning and development standards regulating fossil fuel terminals within the Critical Energy Infrastructure (CEI) Hub. As a part of that grant agreement and in response to overwhelming interest from community and City Council, BPS has outlined an engagement and policy co-creation strategy for your consideration. Its intentionally high level because we ultimately want to finalize this with stakeholders. And most importantly, we have an ask of you as Council President, more on that shortly.
Here is the high-level policy development process by phase. This is consistent with land use policies and processes for new code development.

- Phase 1 **Process Development** (April 2025 – May 2025)
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1. Brainstorm meeting with interested city council staff – **Process Development**

    a. Confirm desired outcome: get feedback from council on pathway
    b. Get additional stakeholder names for community engagement

2. Community Engagement – **Issue Identification**
   Kick-off Open House

    a. Outline in scope/out of scope policy issues and engagement process
    b. Staff begin to develop outline of issues for community review

Community Engagement

    c. Presentation to community groups
    d. Town halls potentially organized by district, with heavy emphasis on D4, D2

2. Discussion Draft – **Concepts/Alternatives**

    1. Staff share first draft of policy direction
    2. Define out of scope issues for parallel working group with other gov't agencies
    3. 30-day comment period

3. Planning Commission **Legislative Process – Proposed Draft**

    1. Proposed Draft
    2. Commission public hearing/deliberations/vote on recommendation to Council

4. City Council – **Legislative Process – Recommended Draft**

    1. Council action on Planning Commission Recommended package
    2. Testimony

ASK of Council President. We are requesting your leadership with a communication assist. **We would like the invite to engage with city council staff as part of step 0 (above) to come from you (or your chief of staff).** The invite would set up time to meet with bureau staff **in the next 1-2 weeks** to walk through this process with an interest in gathering feedback, ideas on who to engage with in community (beyond the known stakeholders) and to hopefully align council with what this process and project MIGHT resolve and what it can't. If you agree, I will have Christina Ghan follow up with Natalie to draft and get that time/location set up. Thank you for partnership as we embark on this process.
Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

(Previous email)
Subject: Linnton & Allies Speak Out About Community Inclusion
Sent: 4/18/2025 8:42 AM
From: nancyhiser@comcast.net

Hello Mayor Wilson, Supervisor Armstrong, DCA's Engstrom and Oliveira,

We are copying Commissioner Pirtle-Guiney to keep her informed.
The public voted for the new form of government because they did not trust the city to hear and respond to their concerns. The 12 city counselors campaigned and were elected based on their calls for transparency, accountability, and community inclusion. They are living up to their priorities,

City administrators approached the first issue that came to the city—Zenith Energy—with the same practices the City has adopted in the past. The Council requested more time to review the facts; instead, administrators quickly granted Zenith Energy's request for a new Land use Compatibility Statement (LUCS) with no advance communication with Council.

As you are aware, (GTAC) had a two-year commitment and gave their final report recently and applauded the council for their priorities and how they are working together to restore public trust.

The City was awarded a grant of $405K from Oregon Department of Emergency Management for Fossil Fuel Terminal Zoning and Comprehensive Plan amendments.
https://www.portland.gov/council/documents/ordinance/passed/191896
It was unanimously accepted in September 2024 by the previous City Mayor and City Council and another 45K was allocated to total $450K. A requirement of the resulting Ordinance 191896 was that the public must be engaged
on the project and $104K of the grant was allocated for this purpose.

City administrators have been working on the project for 2 months with no public outreach. At a CEI Hub Work Session on March 17th, several Councilors strongly protested that the public has not been involved in the process. A month later, we still are not included.

Community voices must be heard, and not just on the CEI Hub, but on all the important issues that come before the City.

The City Council is showing leadership and commitment to turn the City around. We have the right to the government we voted for .

Portland will be a more robust and effective city when community voices are heard.

Thank you.

Sincerely,

Nancy Hiser
Tank the Tanks
Linnton Neighborhood Associatio
Registered city lobbyist

Linnton & Allies Speak Out is an official advocacy group, part of Linnton Neighborhood Association, and sanctioned by the LNA Board.

Date: Tue, 6 May 2025 3:09:00 PM (UTC)
Sent: Tue, 6 May 2025 3:09:10 PM (UTC)
Subject: RE: RE: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan
From: Oliveira, Donnie
To: Koyama Lane, Tiffany <Tiffany.KoyamaLane@portlandoregon.gov >; Li, Mary <Mary.Li@portlandoregon.gov >;
CC: Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Nancy Hiser <nancyhiser@comcast.net >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Nikki Mandell <nikki.mandell@gmail.com >; Dashiell, Harmonee <Harmonee.Dashiell@portlandoregon.gov >; David Labby <labby.oregon@gmail.com >; Diefenderfer, Patricia <Patricia.Diefenderfer@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Brown, Kelly <Kelly.Brown@portlandoregon.gov >; Councilor Pirtle-Guiney <councilor.pirtle-guiney@portlandoregon.gov >; Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Ghan, Christina <christina.ghan2@portlandoregon.gov >; Von Burg, Annie <Annie.VonBurg@portlandoregon.gov >; Chase, Sam <Sam.Chase@portlandoregon.gov >;

Looping in Annie and Sam Chase regarding tribal consultation.

For everyone's situational awareness, BPS staff met with council last week and then had an initial meeting with Nancy, Nikki and David last Thursday to review the high-level scope. Along with a scheduled community engagement meeting with a larger group of stakeholders, BPS is also reaching out to tribal representatives to get their direct feedback on process.

Best,

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Tiffany KL (Office of Mayor Wilson) <mayor@portlandoregon.gov >
Sent: Monday, May 5, 2025 11:08 AM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Armstrong, Tom <Tom.Armstrong@portlandoregon.gov >; Nancy Hiser <nancyhiser@comcast.net >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Nikki Mandell <nikki.mandell@gmail.com >; Dashiell, Harmonee <Harmonee.Dashiell@portlandoregon.gov >; David Labby <labby.oregon@gmail.com >; Diefenderfer, Patricia <Patricia.Diefenderfer@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Brown, Kelly <Kelly.Brown@portlandoregon.gov >; Councilor Pirtle-Guiney <councilor.pirtle-guiney@portlandoregon.gov >; Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Ghan, Christina <christina.ghan2@portlandoregon.gov >
Subject: Re: RE: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

Ok I'll respond!

Tiffany Koyama Lane (she/her)

Councilor District 3, City of Portland

https://www.portland.gov/council/districts/3/tiffany- koyama-lane

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Traducción e Interpretación | Biên Dịch và Thông Dịch | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | अनुवादन तथा व्याख्या | Translation and Interpretation: 503-823-4000

Public Records Notice: *This email and responses are subject to Oregon Public Records Law and may be subject to disclosure upon request.*

This email is a service from City of Portland.

On May 5, 2025 at 6:01:34 PM UTC, Tiffany KL tiffany.koyamalane@portlandoregon.gov wrote:

> Need something from me here?
>
> If it's helpful to hear… Mary's answer is my answer!

Tiffany Koyama Lane (she/her)

Councilor District 3, City of Portland

https://www.portland.gov/council/districts/3/tiffany- koyama-lane

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From: Councilor Koyamalane <councilor.koyamalane@portlandoregon.gov >
Sent: Monday, May 5, 2025 10:32:37 AM
To: Koyama Lane, Tiffany <Tiffany.KoyamaLane@portlandoregon.gov >
Subject: FW: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

From Mary

Sprout Chinn (she/her)
Council Aide
Councilor Tiffany Koyama Lane
City of Portland

City Council District 3
councilor.koyamalane@portlandoregon.gov
Sprout.chinn@portlandoregon.gov



The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311 (503-823-4000), or Relay Service & TTY:711.

From: Li, Mary <Mary.Li@portlandoregon.gov >
Sent: Monday, May 5, 2025 10:25 AM
To: Councilor Koyamalane <councilor.koyamalane@portlandoregon.gov >; Park, Jennifer <Jennifer.Park@portlandoregon.gov >
Subject: RE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

I f you want to respond directly, you can tell Cassie that we absolutely agree with her.

When staff briefed on this project last week, the plan and timeline specifically names a specific path for engagement with tribal nations.
She is named as one of a small group of subject matter experts that will be contacted at the earliest stages of the project.
We also intentionally reinforced our interest in the plan for formal tribal consultation, and that you would be looking to continuing to be briefed about this throughout the project.

You may also want to share with her that you've raised tribal consultation as one of your priority value areas with the Mayor and his budget.

If you don't have time to respond to her, let us know and we'll do it. Thanks!

From: Councilor Koyamalane <councilor.koyamalane@portlandoregon.gov >
Sent: Monday, May 5, 2025 10:13 AM
To: Li, Mary <Mary.Li@portlandoregon.gov >; Park, Jennifer <Jennifer.Park@portlandoregon.gov >
Subject: FW: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

Forwarding this to both of you since you were in the tribal consultation meetings.

Sprout Chinn (she/her)
Council Aide
Councilor Tiffany Koyama Lane
City of Portland
City Council District 3
councilor.koyamalane@portlandoregon.gov
Sprout.chinn@portlandoregon.gov



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From: Cassie Cohen <cassie@phccoalition.org >
Sent: Saturday, May 3, 2025 8:00 AM
To: Councilor Green <councilor.green@portlandoregon.gov >; Councilor Koyamalane <councilor.koyamalane@portlandoregon.gov >
Cc: Candice Jimenez <candicebrynjimenez@gmail.com >; Renea Perry <reneaperry@pancf.org >; Jamarian Malley <jamarian@phccoalition.org >; Troy Winslow <tj@phccoalition.org >
Subject: Fwd: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

This is the perfect pilot for launching Formal Tribal Consultation! Please see the exchange below.

Cassie Cohen, Executive Director
Portland Harbor Community Coalition
She/Her/Hers
www.phccoalition.org
cell: 503-816-4342

---------- Forwarded message ---------
From: **Nancy Hiser** <nancyhiser@comcast.net >
Date: Fri, May 2, 2025 at 5:21 PM
Subject: FWD: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan
To: Kate Murphy <kate@columbiariverkeeper.org >, Dineen O Rourke <dineen@350pdx.org >, Cassie Cohen <cassie@phccoalition.org >, Nick Caleb <nick@breachcollective.org >, damon.motz-storey@sierraclub.org <damon.motz-storey@sierraclub.org >
Cc: David Labby <labby.oregon@gmail.com >, Nikki Mandell <nikki.mandell@gmail.com >

For background, this is the email exchange we have had with Donnie Oliveira, beginning with our Linnton & Allies Speaks Out email requesting community inclusion. We have not shared this with others, hoping we all get the email meeting announcement from the city soon.

Nancy

> ---------- Original Message ----------
> From: Nancy Hiser <nancyhiser@comcast.net >
> To: "Oliveira, Donnie" <Donald.Oliveira@portlandoregon.gov >
> Cc: "Sept, Natalie" <Natalie.Sept2@portlandoregon.gov >, Councilor Pirtle-Guiney <councilor.pirtle-guiney@portlandoregon.gov >, Mayor's Office <mayor@portlandoregon.gov >, "Armstrong, Tom" <Tom.Armstrong@portlandoregon.gov >, "Engstrom, Eric" <Eric.Engstrom@portlandoregon.gov >, "Ghan, Christina" <christina.ghan2@portlandoregon.gov >, "Dashiell, Harmonee" <Harmonee.Dashiell@portlandoregon.gov >, "Diefenderfer, Patricia" <Patricia.Diefenderfer@portlandoregon.gov >, "Jordan, Michael" <Michael.Jordan@portlandoregon.gov >, Nikki Mandell <nikki.mandell@gmail.com >, David Labby <labby.oregon@gmail.com >, "Brown, Kelly" <Kelly.Brown@portlandoregon.gov >
> Date: 04/21/2025 3:44 PM PDT
> Subject: RE: UPDATE: FEMA Hazardous Mitigation Grant -Fossil Fuel Zones Engagement Plan

Hello Donnie,

Again, thank you for your prompt response and willingness to be flexible with the process.

We have full confidence in this Council and encourage you to follow through as you proposed, starting with Councilors to get their feedback on the process and their recommendations of others
to involve. It sounds like the best possible first step.

We will look forward to meeting with you next Thursday, May 1 at 9 am, to learn more about the
process and to discuss community engagement in policy development.

Thank you.

Sincerely,

Nancy Hiser, D4
David Labby, D2
Nikki Mandell, D3

On 04/21/2025 9:01 AM PDT Oliveira, Donnie <donald.oliveira@portlandoregon.gov > wrote:

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Nancy Hiser, D4
David Labby, D2
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> Donnie Oliveira, he/him/his
> Deputy City Administrator
> Community and Economic Development
> Phone: 503.593.1869
> portland.gov/transition
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Sent: Monday, April 14, 2025 12:03 PM
To: Pirtle-Guiney, Elana <Elana.Pirtle-Guiney@portlandoregon.gov >
Cc: Sept, Natalie <Natalie.Sept2@portlandoregon.gov >; Engstrom, Eric < Eric.Engstrom@portlandoregon.gov >; Armstrong, Tom < Tom.Armstrong@portlandoregon.gov >; Ghan, Christina < christina.ghan2@portlandoregon.gov >; Dashiell, Harmonee < Harmonee.Dashiell@portlandoregon.gov >; Diefenderfer, Patricia < Patricia.Diefenderfer@portlandoregon.gov >; Jordan, Michael < Michael.Jordan@portlandoregon.gov >
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   d. Town halls potentially organized by district, with heavy emphasis on D4, D2

2. Discussion Draft – **Concepts/Alternatives**
   1. Staff share first draft of policy direction
   2. Define out of scope issues for parallel working group with other

gov't agencies
3. 30-day comment period

3. Planning Commission **Legislative Process – Proposed Draft**
    1. Proposed Draft
    2. Commission public hearing/deliberations/vote on recommendation to Council
4. City Council – **Legislative Process – Recommended Draft**
    1. Council action on Planning Commission Recommended package
    2. Testimony

ASK of Council President. We are requesting your leadership with a communication assist. **We would like the invite to engage with city council staff as part of step 0 (above) to come from you (or your chief of staff).** The invite would set up time to meet with bureau staff **in the next 1-2 weeks** to walk through this process with an interest in gathering feedback, ideas on who to engage with in community (beyond the known stakeholders) and to hopefully align council with what this process and project MIGHT resolve and what it can't. If you agree, I will have Christina Ghan follow up with Natalie to draft and get that time/location set up. Thank you for partnership as we embark on this process.

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

(Previous email)
Subject: Linnton & Allies Speak Out About Community Inclusion
Sent: 4/18/2025 8:42 AM
From: nancyhiser@comcast.net

Hello Mayor Wilson, Supervisor Armstrong, DCA's Engstrom and Oliveira,
We are copying Commissioner Pirtle-Guiney to keep her informed.
The public voted for the new form of government because they did not trust the city to hear and respond to their concerns. The 12 city counselors campaigned and were elected based on their calls for transparency, accountability, and community inclusion. They are living up to their priorities,
City administrators approached the first issue that came to the city—Zenith Energy—with the same practices the City has adopted in the past. The Council requested more time to review the facts; instead, administrators quickly granted Zenith Energy's request for a new Land use Compatibility Statement (LUCS) with no advance communication with Council.
As you are aware, (GTAC) had a two-year commitment and gave their final report recently and applauded the council for their priorities and how they are working together to restore public trust.
The City was awarded a grant of $405K from Oregon Department of Emergency Management for Fossil Fuel Terminal Zoning and Comprehensive Plan amendments.
https://www.portland.gov/council/documents/ordinance/passed/191896
It was unanimously accepted in September 2024 by the previous City Mayor and City Council and another 45K was allocated to total $450K. A requirement of the resulting Ordinance 191896 was that the public must be engaged
on the project and $104K of the grant was allocated for this purpose.
City administrators have been working on the project for 2 months with no public outreach. At a CEI Hub Work Session on March 17th, several Councilors strongly protested that the public has not been involved in the process. A month later, we still are not included.

Community voices must be heard, and not just on the CEI Hub, but on all the important issues that come before the City.
The City Council is showing leadership and commitment to turn the City around. We have the right to the government we voted for .
Portland will be a more robust and effective city when community voices are heard.
Thank you.
Sincerely,
Nancy Hiser
Tank the Tanks
Linnton Neighborhood Associatio
Registered city lobbyist
Linnton & Allies Speak Out is an official advocacy group, part of Linnton Neighborhood Association, and sanctioned by the LNA Board.

Date: Tue, 6 May 2025 3:11:15 PM (UTC)
Sent: Tue, 6 May 2025 3:11:12 PM (UTC)
Subject: RE: Review of Zenith
From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >;
CC: Freeman, Lisa <Lisa.J.Freeman@portlandoregon.gov >;

Hi Maria -

Thanks for reaching out, I added CA Jordan as he and the Mayor are working directly with staff on this issue. DCA Oliveria is not participating in the investigation as he was mentioned in discussion in Council. As you offered, we should schedule some time talk together with Mike if Councilor Green has concerns about other staff involved in the investigation.

I am out of town starting tonight but can join a call before noon Thursday or Friday this week. Lisa, if it works for Mike, can you find a time for us to connect?

Thanks everyone,
Aisling

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Monday, May 5, 2025 8:34 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: RE: Review of Zenith

Hi Aisling. I'm catching up on some of these emails now that I'm a representative sitting in on CEI hub conversations with BPS.

I've been meaning to ask you to chat for a few minutes about the investigation structure and progress. I have some questions about the management structure and team, and how staff were selected. My first impression was that these were potentially some personnel whose actions or statements were in question, but they are also leading the investigation. Do I have this wrong?

I know it's a busy week with the budget release, so just pull me aside when you see me. Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)
Chief of Staff, Councilor Mitch Green
City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Subject: Review of Zenith

Dear Council Members and Chief of Staff,

Please find attached the investigation timeline and scope of work to evaluate Zenith's compliance with terms of the franchise agreement they hold to access the City's right-of-way (ROW), consistent with resolution No. 37702.

The management structure and timeline are below, and more details are in the attached memo. In general, the investigation will focus on Zenith's compliance with local, state, and federal laws related to construction and expansion of their facilities at the Critical Energy Infrastructure (CEI) Hub.

The audit letter has already been sent to Zenith.

Please let me know if you have any questions or comments.
Thank you so much,
Aisling Coghlan

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Bureau Management: Eric Engstrom – Director, Seema Gadh Kumar – Chief of Community Technology
Team Lead: Andrew Speer – Franchise Utility Program (FUP) Manager
Team Members: Laura Dyer – FUP, Nick Hooyman – Revenue Auditor, Nancy Thorington – Legal
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Timeline

- Send letter to Zenith in early April (week of the 7th) – **30** days to respond (approximately 5/7/25)
- Staff investigation and initial staff report – **60-90** days (approximately 7/7/25 – 7/18/25)
- 120-day report to Council (week of July 14).
- Outside legal and technical review of findings (7/21-8/22)

Date: Tue, 6 May 2025 3:16:16 PM (UTC)
Sent: Tue, 6 May 2025 3:16:14 PM (UTC)
Subject: RE: Review of Zenith
From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >;
CC: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

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Sent: Tuesday, May 6, 2025 8:14 AM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Cc: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Hi Aisling. This can wait until you get back. Thanks for getting something going. I pulled in Lisa Marolf instead of Freeman in this request. I'm assuming she can help schedule instead.

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Thanks everyone,
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Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
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Date: Tue, 6 May 2025 3:32:43 PM (UTC)
Sent: Tue, 6 May 2025 3:32:39 PM (UTC)
Subject: RE: Review of Zenith
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;

Good morning,
If we are waiting until next week, I do see 30 mins on the dates below. Moving Mike to BCC.

- 12th at 4:00
- 13th at 11:30
  - 4:00
- 15th at 9:00

Thank you.

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:16 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Cc: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
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Date: Tue, 6 May 2025 3:37:48 PM (UTC)
Sent: Tue, 6 May 2025 3:37:45 PM (UTC)
Subject: Review of Zenith
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;

Sent:	Tue, 6 May 2025 3:37:47 PM (UTC)
Subject:	Canceled: Review of Zenith
From:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >
To:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;
Location:	Mike's office
Start Time:	Mon, 12 May 2025 11:00:00 PM (UTC)
End Time:	Mon, 12 May 2025 11:30:00 PM (UTC)
Duration:	30
Timezone:	(UTC-08:00) Pacific Time (US & Canada)

We will look for a later time.
Thank you.
Lisa

Date: Tue, 6 May 2025 3:40:00 PM (UTC)
Sent: Tue, 6 May 2025 3:40:18 PM (UTC)
Subject: RE: Review of Zenith
From: Coghlan, Aisling
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

I am out of office until May 18th. I can jump on a call before noon next week or Maria, if you and Mike want to connect while I am out of town I can catch up with you on my return.

Thanks,
Aisling

-----Original Appointment-----
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Tue, 6 May 2025 3:43:53 PM (UTC)
Sent: Tue, 6 May 2025 3:43:48 PM (UTC)
Subject: RE: Review of Zenith
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;

I can keep it on Monday or move it, Maria if you can let me know. 😊

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Tue, 6 May 2025 4:02:00 PM (UTC)
Sent: Tue, 6 May 2025 4:02:15 PM (UTC)
Subject: RE: Review of Zenith
From: Coghlan, Aisling
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

Great. Maria, would love to connect after I return.

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:54 AM
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Re: Review of Zenith

Monday at 4 works for me! Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)

Chief of Staff, Councilor Mitch Green

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City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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and Assistant City Administrator
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Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Fri, 9 May 2025 7:03:33 AM (UTC)
Sent: Fri, 9 May 2025 7:03:32 AM (UTC)
Subject: Re: Review of Zenith
From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
CC: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >;

Grace and Lisa, Can you find a time for the Councilor to meet with Mike and the Mayor when the Mayor gets back to town?
Thanks,
Aisling

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Sent: Thursday, May 8, 2025 3:44 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: RE: Review of Zenith

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Maria Gabrielle Sipin, MURP, MPH (they/she)
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City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 9:02 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:54 AM
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Re: Review of Zenith

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From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:43 AM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Subject: RE: Review of Zenith

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Lisa Marolf
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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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Aisling

-----Original Appointment-----
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Fri, 9 May 2025 7:03:41 AM (UTC)
Sent: Fri, 9 May 2025 7:03:38 AM (UTC)
Subject: Automatic reply: Review of Zenith
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >;

I will be out of office May 9 and will respond Monday, May 12.
Have a great weekend.
Thank you.
Lisa Marolf

Date: Fri, 9 May 2025 8:58:28 PM (UTC)
Sent: Fri, 9 May 2025 8:58:25 PM (UTC)
Subject: RE: Review of Zenith
From: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

Sure thing!

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Friday, May 9, 2025 12:04 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: Re: Review of Zenith

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Subject: Re: Review of Zenith

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To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Mon, 12 May 2025 12:10:52 AM (UTC)
Sent: Mon, 12 May 2025 12:10:50 AM (UTC)
Subject: RE: Review of Zenith
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;

Maria, are you asking for the meeting set for 4:00 on the 12th be canceled, I just want to be sure?

Thank you.

Lisa Marolf
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and Assistant City Administrator
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Portland, Oregon 97204



From: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Sent: Friday, May 9, 2025 1:58 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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Sent: Friday, May 9, 2025 12:04 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: Re: Review of Zenith

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Sent: Tuesday, May 6, 2025 8:40 AM
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From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Mon, 12 May 2025 12:38:59 AM (UTC)
Sent: Mon, 12 May 2025 12:38:53 AM (UTC)
Subject: Canceled: Review of Zenith
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;

We will look for a later time.
Thank you.
Lisa

Sent:	Mon, 12 May 2025 7:20:28 PM (UTC)
Subject:	Zenith Investigation: Councilor Green, CA and Mayor
From:	Galvez Mora, Grace
To:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Green, Mitch <Mitch.Green@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;
CC:	Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
BCC:	Mayor's Suite 340 Conference Room <mayorconfrma@portlandoregon.gov >;
Location:	Mayor's Suite 340 Conference Room
Start Time:	Thu, 22 May 2025 9:30:00 PM (UTC)
End Time:	Thu, 22 May 2025 10:00:00 PM (UTC)
Duration:	30
Timezone:	(UTC-08:00) Pacific Time (US & Canada)
Attachments:	Re: Review of Zenith.msg

Microsoft Teams Need help?

Join the meeting now

Meeting ID: [redacted]

Passcode: [redacted]

Dial in by phone

+1 971-323-0035,,[redacted]# United States, Portland

Find a local number

Phone conference ID: [redacted]#

For organizers: Meeting options | Reset dial-in PIN

Org help | Privacy and security

Date: Fri, 9 May 2025 7:03:32 AM (UTC)
Subject: Re: Review of Zenith
From: Coghlan, Aisling
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
CC: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >;

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Subject:	Zenith Investigation: Councilor Green, CA and Mayor
From:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Green, Mitch <Mitch.Green@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;
CC:	Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
Attachments:	Re: Review of Zenith.msg

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Passcode: [redacted] Security

Dial in by phone

+1 971-323-0035,,[redacted] Security # United States, Portland

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Maria Gabrielle Sipin, MURP, MPH (they/she)
Chief of Staff, Councilor Mitch Green

City of Portland
City Council District 4

Phone: 971-710-4076
maria.sipin2@portlandoregon.gov

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---

From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:43 AM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Subject: RE: Review of Zenith

I can keep it on Monday or move it, Maria if you can let me know. 😊

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

I am out of office until May 18th. I can jump on a call before noon next week or Maria, if you and Mike want to connect while I am out of town I can catch up with you on my return.

Thanks,

Aisling

-----Original Appointment-----
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Sent:	Mon, 12 May 2025 7:20:42 PM (UTC)
Subject:	Zenith Investigation: Councilor Green, CA and Mayor
From:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Green, Mitch <Mitch.Green@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >;
CC:	Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
BCC:	Mayor's Suite 340 Conference Room <mayorconfrma@portlandoregon.gov >;
Location:	Mayor's Suite 340 Conference Room
Start Time:	Thu, 22 May 2025 9:30:00 PM (UTC)
End Time:	Thu, 22 May 2025 10:00:00 PM (UTC)
Duration:	30
Timezone:	(UTC-08:00) Pacific Time (US & Canada)
Attachments:	Re: Review of Zenith.msg

Microsoft Teams Need help?

Join the meeting now

Meeting ID: [redacted]

Passcode: [redacted]

Dial in by phone

+1 971-323-0035,,[redacted]# United States, Portland

Find a local number

Phone conference ID: [redacted]#

For organizers: Meeting options | Reset dial-in PIN

Org help | Privacy and security

Date: Fri, 9 May 2025 7:03:32 AM (UTC)
Subject: Re: Review of Zenith
From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
CC: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >;

Grace and Lisa, Can you find a time for the Councilor to meet with Mike and the Mayor when the Mayor gets back to town?
Thanks,
Aisling

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:44 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: RE: Review of Zenith

Hi Lisa and Aisling. We can reschedule my meeting with Mike Jordan on Monday because Councilor Green asked for a meeting with the Mayor on the Zenith investigation. Initially I was hoping to just check in with Aisling about it, but if this should be a conversation with Councilor and Mayor and staff, let's push this out to make everyone available.

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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 9:02 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Great. Maria, would love to connect after I return.

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:54 AM
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Re: Review of Zenith

Monday at 4 works for me! Thank you.

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Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Mon, 12 May 2025 7:20:46 PM (UTC)
Sent: Mon, 12 May 2025 7:20:44 PM (UTC)
Subject: Automatic reply: Zenith Investigation: Councilor Green, CA and Mayor
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >;

I will be out of office the morning of May 11 and will respond when i return in the afternoon.

Thank you.
Lisa Marolf

Date: Mon, 12 May 2025 7:21:00 PM (UTC)
Sent: Mon, 12 May 2025 7:22:05 PM (UTC)
Subject: RE: Review of Zenith
From: Galvez Mora, Grace
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

Hello Everyone,

The invite has been successfully scheduled for May 22 at 2:30 PM.

Kindly,
Grace

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Friday, May 9, 2025 12:04 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: Re: Review of Zenith

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Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Tue, 13 May 2025 10:21:48 PM (UTC)
Sent: Tue, 13 May 2025 10:21:46 PM (UTC)
Subject: Fw: Review of Zenith
From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

FYI. I will try to call later or tomorrow.
I hope you are doing well.

Get Outlook for iOS

From: Morillo Bejarano, Angelita <Angelita.Morillo3@portlandoregon.gov >
Sent: Tuesday, May 13, 2025 1:37:29 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Subject: RE: Review of Zenith

Hello,

Apologies for responding to this so late. I just wanted to add my name to the chorus of concern around how this investigation is moving forward. We can't have the people that are implicated investigating themselves, for obvious reasons. We deserve clarity on what happens with Zenith and that requires independent oversight.

Thanks,

Angelita Morillo (she/they)
Councilor District 3, City of Portland
https://www.portland.gov/council/districts/3

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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Subject: Review of Zenith

Dear Council Members and Chief of Staff,

Please find attached the investigation timeline and scope of work to evaluate Zenith's compliance with terms of the franchise agreement they hold to access the City's right-of-way (ROW), consistent with resolution No. 37702.

The management structure and timeline are below, and more details are in the attached memo. In general, the investigation will focus on Zenith's compliance with local, state, and federal laws related to construction and expansion of their facilities at the Critical Energy Infrastructure (CEI) Hub.

The audit letter has already been sent to Zenith.

Please let me know if you have any questions or comments.
Thank you so much,
Aisling Coghlan

Management Structure and Team
Bureau Management: Eric Engstrom – Director, Seema Gadh Kumar – Chief of Community Technology
Team Lead: Andrew Speer – Franchise Utility Program (FUP) Manager
Team Members: Laura Dyer – FUP, Nick Hooyman – Revenue Auditor, Nancy Thorington – Legal
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Timeline

- Send letter to Zenith in early April (week of the 7th) – **30** days to respond (approximately 5/7/25)
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- Outside legal and technical review of findings (7/21-8/22)

Date: Tue, 13 May 2025 10:21:46 PM (UTC)
Subject: CM: Fw: Review of Zenith
From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >;

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I hope you are doing well.

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Subject: RE: Review of Zenith

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Date: Wed, 14 May 2025 6:51:22 PM (UTC)
Sent: Wed, 14 May 2025 6:51:17 PM (UTC)
Subject: RE: Review of Zenith
From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >;
CC: Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

Mayor,

Considering the multi-bureau, complex nature of the franchise review and a request to not have the bureaus lead the work, I spoke with Robert about the idea of have Nancy Thorington in his office lead the process with a third party, independent investigation. She has a range of experience on franchises, permitting and land use that will be useful in pulling together the subject matter experts necessary to complete the review. The expected cost range of this work (back of the envelope range) is between 300-500k given the range of subjects and materials to review.

Regards,

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Sent: Tuesday, May 13, 2025 3:22 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Subject: Fw: Review of Zenith

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Subject: Fw: Review of Zenith

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Subject: Re: Review of Zenith
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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Subject: Review of Zenith

Dear Council Members and Chief of Staff,

Please find attached the investigation timeline and scope of work to evaluate Zenith's compliance with terms of the franchise agreement they hold to access the City's right-of-way (ROW), consistent with resolution No. 37702.

The management structure and timeline are below, and more details are in the attached memo. In general, the investigation will focus on Zenith's compliance with local, state, and federal laws related to construction and expansion of their facilities at the Critical Energy Infrastructure (CEI) Hub.

The audit letter has already been sent to Zenith.

Please let me know if you have any questions or comments.
Thank you so much,
Aisling Coghlan

Management Structure and Team
Bureau Management: Eric Engstrom – Director, Seema Gadh Kumar – Chief of Community Technology
Team Lead: Andrew Speer – Franchise Utility Program (FUP) Manager
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Timeline

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- Staff investigation and initial staff report – **60-90** days (approximately 7/7/25 – 7/18/25)
- 120-day report to Council (week of July 14).
- Outside legal and technical review of findings (7/21-8/22)

Date: Wed, 14 May 2025 11:54:26 PM (UTC)
Sent: Wed, 14 May 2025 11:54:25 PM (UTC)
Subject: Re: Review of Zenith
From: Oliveira, Donnie
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >;
CC: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

Hey Aisling,

Agree that direction should not come from CEDSA. But one big update is BPS appears to gave the resources so an amendment isn't necessary. Getting clarity on scope is next step.

Donnie Oliveira | he/him
Deputy City Administrator
Community and Economic Development
503.593.1869

On May 14, 2025, at 1:02 PM, Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov > wrote:

I think it would be great to share the information with council members, but it would be preferable if the email about the cost to review came from Robert Taylor.
Robert - can you send us something that outlines what you anticipate the cost would be to your office?

Get Outlook for iOS

From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Sent: Wednesday, May 14, 2025 8:03:13 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Cc: Taylor, Robert <Robert.Taylor@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: RE: Review of Zenith

Donnie and Robert,

May I send this to Councilors Green, Morillo, and Council President to alert them of the pause and have them adjust the budget to accommodate? This is counter to the direction of the resolution.

Green has noted he is willing to bring the amendment request, which would be the opportunity to discuss this and gain a vote on this new direction.

Thanks,

From: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Sent: Wednesday, May 14, 2025 11:51 AM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Cc: Taylor, Robert <Robert.Taylor@portlandoregon.gov >

Subject: RE: Review of Zenith

Mayor,

Considering the multi-bureau, complex nature of the franchise review and a request to not have the bureaus lead the work, I spoke with Robert about the idea of have Nancy Thorington in his office lead the process with a third party, independent investigation. She has a range of experience on franchises, permitting and land use that will be useful in pulling together the subject matter experts necessary to complete the review. The expected cost range of this work (back of the envelope range) is between 300-500k given the range of subjects and materials to review.

Regards,

Donnie Oliveira | he/him
Deputy City Administrator
503.593.1869

From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Sent: Tuesday, May 13, 2025 3:22 PM
To: Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >
Subject: Fw: Review of Zenith

FYI. I will try to call later or tomorrow.
I hope you are doing well.

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From: Morillo Bejarano, Angelita <Angelita.Morillo3@portlandoregon.gov >
Sent: Tuesday, May 13, 2025 1:37:29 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Subject: RE: Review of Zenith

Hello,

Apologies for responding to this so late. I just wanted to add my name to the chorus of concern around how this investigation is moving forward. We can't have the people that are implicated investigating themselves, for obvious reasons. We deserve clarity on what happens with Zenith and that requires independent oversight.

Thanks,

Angelita Morillo (she/they)
Councilor District 3, City of Portland
https://www.portland.gov/council/districts/3

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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
Subject: Review of Zenith

Dear Council Members and Chief of Staff,

Please find attached the investigation timeline and scope of work to evaluate Zenith's compliance with terms of the franchise agreement they hold to access the City's right-of-way (ROW), consistent with resolution No. 37702.

The management structure and timeline are below, and more details are in the attached memo. In general, the investigation will focus on Zenith's compliance with local, state, and federal laws related to construction and expansion of their facilities at the Critical Energy Infrastructure (CEI) Hub.

The audit letter has already been sent to Zenith.

Please let me know if you have any questions or comments.
Thank you so much,
Aisling Coghlan

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- Outside legal and technical review of findings (7/21-8/22)

Date:	Thu, 15 May 2025 12:17:58 AM (UTC)
Sent:	Thu, 15 May 2025 12:17:53 AM (UTC)
Subject:	RE: Review of Zenith
From:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To:	Green, Mitch <Mitch.Green@portlandoregon.gov >; Councilor Morillo <councilor.morillo@portlandoregon.gov >;
CC:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

Councilors Green and Morillo,

I have requested a pause in the investigation so we can review our course of action. I share your concerns and want to ensure we arrive at an unbiased review.

We are reviewing our options and will get back to you in the coming days.

Thanks,

Keith Wilson (he/his)
Mayor, City of Portland

Mayor.wilson@portlandoregon.gov



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From: Green, Mitch <Mitch.Green@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:18 PM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Subject: FW: Review of Zenith

Good afternoon Mayor Wilson,

I've been remiss in responding to this as the pace of the budget season has preoccupied my time. Firstly, thank you for getting this moving and honoring the resolution. I did want to a flag a concern I have with the investigation team named below. Do you have time in the next few days for meeting or phone call to discuss? Ultimately this is within your purview, but I thought I'd offer some thoughts for your consideration.

Respectfully,

Mitch Green, PhD (he/him)
Councilor, District 4
Co-Chair, Arts & Economy Committee

City of Portland
City Council District 4
councilor.green@portlandoregon.gov



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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
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Please let me know if you have any questions or comments.
Thank you so much,
Aisling Coghlan

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Date:	Thu, 15 May 2025 12:17:57 AM (UTC)
Sent:	Thu, 15 May 2025 12:17:53 AM (UTC)
Subject:	RE: Review of Zenith
From:	Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To:	Green, Mitch <Mitch.Green@portlandoregon.gov >; Councilor Morillo <councilor.morillo@portlandoregon.gov >;
CC:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

Councilors Green and Morillo,

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Thanks,

Keith Wilson (he/his)
Mayor, City of Portland

Mayor.wilson@portlandoregon.gov



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From: Green, Mitch <Mitch.Green@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:18 PM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Subject: FW: Review of Zenith

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Councilor, District 4
Co-Chair, Arts & Economy Committee

City of Portland
City Council District 4
councilor.green@portlandoregon.gov



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Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
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Date:	Thu, 15 May 2025 12:17:00 AM (UTC)
Sent:	Thu, 15 May 2025 12:17:53 AM (UTC)
Subject:	CM: RE: Review of Zenith
From:	Wilson, Keith
To:	Green, Mitch <Mitch.Green@portlandoregon.gov >; Councilor Morillo <councilor.morillo@portlandoregon.gov >;
CC:	Oliveira, Donnie <Donald.Oliveira@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

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Mayor.wilson@portlandoregon.gov

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From: Green, Mitch <Mitch.Green@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:18 PM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Subject: FW: Review of Zenith

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Mitch Green, PhD (he/him)
Councilor, District 4
Co-Chair, Arts & Economy Committee

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councilor.green@portlandoregon.gov



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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Monday, April 21, 2025 9:12 AM
To: Council All <CouncilAll@portlandoregon.gov >; Council Chiefs All <CouncilChiefsAll@portlandoregon.gov >
Cc: Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >
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Date: Thu, 22 May 2025 7:05:19 PM (UTC)
Sent: Thu, 22 May 2025 7:05:16 PM (UTC)
Subject: RE: Review of Zenith
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >;

Confirming for Mike, he will be there.

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204



From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Thursday, May 22, 2025 11:52 AM
To: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: Re: Review of Zenith

Hi. Confirming if this appointment is still on for today. I know many folks have canceled meetings due to the long day yesterday. Councilor Green is in the office so we are available to meet. Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)

Chief of Staff, Councilor Mitch Green

City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov

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From: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Sent: Monday, May 12, 2025 12:22 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Hello Everyone,

The invite has been successfully scheduled for May 22 at 2:30 PM.

Kindly,
Grace

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Friday, May 9, 2025 12:04 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: Re: Review of Zenith

Grace and Lisa, Can you find a time for the Councilor to meet with Mike and the Mayor when the Mayor gets back to town?
Thanks,
Aisling

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:44 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: RE: Review of Zenith

Hi Lisa and Aisling. We can reschedule my meeting with Mike Jordan on Monday because Councilor Green asked for a meeting with the Mayor on the Zenith investigation. Initially I was hoping to just check in with Aisling about it, but if this should be a conversation with Councilor and Mayor and staff, let's push this out to make everyone available.

Maria Gabrielle Sipin, MURP, MPH (they/she)
Chief of Staff, Councilor Mitch Green
City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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---

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 9:02 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Great. Maria, would love to connect after I return.

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:54 AM
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Re: Review of Zenith

Monday at 4 works for me! Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)

Chief of Staff, Councilor Mitch Green

City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov

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From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:43 AM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Subject: RE: Review of Zenith

I can keep it on Monday or move it, Maria if you can let me know. 😊

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895

1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

I am out of office until May 18th. I can jump on a call before noon next week or Maria, if you and Mike want to connect while I am out of town I can catch up with you on my return.

Thanks,
Aisling

-----Original Appointment-----
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Thu, 22 May 2025 8:43:53 PM (UTC)
Sent: Thu, 22 May 2025 8:43:48 PM (UTC)
Subject: RE: Review of Zenith
From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;

We are in the office and still planning on meeting today.

Thanks for checking

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Thursday, May 22, 2025 11:52 AM
To: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: Re: Review of Zenith

Hi. Confirming if this appointment is still on for today. I know many folks have canceled meetings due to the long day yesterday. Councilor Green is in the office so we are available to meet. Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)

Chief of Staff, Councilor Mitch Green

City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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From: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Sent: Monday, May 12, 2025 12:22 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria <

Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Hello Everyone,

The invite has been successfully scheduled for May 22 at 2:30 PM.

Kindly,
Grace

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Friday, May 9, 2025 12:04 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: Re: Review of Zenith

Grace and Lisa, Can you find a time for the Councilor to meet with Mike and the Mayor when the Mayor gets back to town? Thanks,
Aisling

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Thursday, May 8, 2025 3:44 PM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Cc: Galvez Mora, Grace <Grace.GalvezMora4@portlandoregon.gov >
Subject: RE: Review of Zenith

Hi Lisa and Aisling. We can reschedule my meeting with Mike Jordan on Monday because Councilor Green asked for a meeting with the Mayor on the Zenith investigation. Initially I was hoping to just check in with Aisling about it, but if this should be a conversation with Councilor and Mayor and staff, let's push this out to make everyone available.

Maria Gabrielle Sipin, MURP, MPH (they/she)
Chief of Staff, Councilor Mitch Green
City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov
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From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 9:02 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

Great. Maria, would love to connect after I return.

From: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:54 AM
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >

Subject: Re: Review of Zenith

Monday at 4 works for me! Thank you.

Maria Gabrielle Sipin, MURP, MPH (they/she)

Chief of Staff, Councilor Mitch Green

City of Portland
City Council District 4
Phone: 971-710-4076
maria.sipin2@portlandoregon.gov

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From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:43 AM
To: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Sipin, Maria < Maria.Sipin2@portlandoregon.gov >
Subject: RE: Review of Zenith

I can keep it on Monday or move it, Maria if you can let me know. 😊

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:40 AM
To: Sipin, Maria <Maria.Sipin2@portlandoregon.gov >; Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Subject: RE: Review of Zenith

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Thanks,
Aisling

-----Original Appointment-----
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Sent: Tuesday, May 6, 2025 8:38 AM
To: Coghlan, Aisling; Sipin, Maria
Subject: Review of Zenith
When: Monday, May 12, 2025 4:00 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Mike's office

Date: Fri, 6 Jun 2025 6:42:45 PM (UTC)
Sent: Fri, 6 Jun 2025 6:42:41 PM (UTC)
Subject: Resolution 37702
From: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
To: Council All <CouncilAll@portlandoregon.gov >;
CC: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >;

To: Council President and City Council,

Following the direction given by Council via Resolution 37702, I directed Director Engstrom at the Bureau of Planning and Sustainability (BPS) to initiate a compliance review of the franchise agreement held by Zenith Energy Terminal Holdings, LLC (Zenith). Zenith holds a franchise agreement to access the City's right-of-way because they operate pipes that cross under NW Front Ave connecting two properties to operate their facilities. BPS administers the franchise agreements for the City.

Based on initial concerns raised by the public leading up to the Council's resolution, the review is focused on several elements: 1) did Zenith obtain required permits for work on site or related to the pipe in question and the franchise agreement they hold; 2) did any of their actions violate the renewable fuel related terms referenced in the first LUCS; and 3) to the extent the City can determine, were other laws or regulations violated (allegations made in connection with the DEQ permitting process).

On April 10, 2025, BPS sent a letter to Zenith requesting they provide records and documents for new construction done on property Zenith owns or property on which Zenith's assets cross as part of their operations. Additionally, the City requested all current permits and permit applications related to the same properties for local, state, or federal agencies other than the City of Portland. Finally, the City requested business records that would shed light on the fuels currently being delivered through the pipes that is the subject of the franchise agreement.

Zenith responded to the BPS letter on May 9, 2025, via email with approximately 300 files. BPS Franchise Utility Team staff and the City Attorney's Office have been working since that date to identify the different bureaus and individual staff members who are the appropriate subject matter experts who can provide the technical and historical information to interpret the information.

In parallel to this BPS work, PP&D examined permit and Greenway records and conducted additional site visits to more fully understand what work has occurred, and if relevant permits were properly obtained. The franchise review will consider that information.

Given the scope of this matter, the cross-bureau nature of the work, and the level of Council interest, it is my recommendation that the City engage outside counsel to assist in designing the process for reviewing the materials and peer reviewing the conclusions and recommendations

reached by PP&D and BPS. Outside review will ensure that the City has adequately considered the concerns that the Council raised in its resolution. The complexities of the case in staff's opinion warrant a firm with cross-functional disciplines in land use, franchise contracting, environmental compliance/permitting, and fire safety to name a few.

I have asked the City Attorney to seek to engage an outside law firm with expertise in the above practice areas to assist in performing the Zenith compliance review. However, I want to be clear that this scope of work could be costly and will still require significant City staff time. Given the widespread nature and expansive areas of inquiry, it is hard to estimate a precise cost, but I will provide you with an estimate once we have that information.

Due to the time it takes to contract with an outside firm, it is likely that the review will extend well beyond the 120-day progress report stipulated in the resolution. I expect to provide an update on progress prior to that deadline which is July 17, 2025. I'm happy to answer any questions you may have.

Thanks, Mj

Michael Jordan (he/him)
City Administrator
City of Portland
D: (503) 823-1154 C: (503) 545-6709
1221 SW Fourth Avenue, Suite 330
Portland, Oregon 97204
michael.jordan@portlandoregon.gov






You don't often get email from nick@breachcollective.org. Learn why this is important

Date: Sat, 21 Jun 2025 12:07:03 AM (UTC)
Sent: Sat, 21 Jun 2025 12:06:59 AM (UTC)
Subject: FW: Concerns About the Zenith Franchise Agreement Investigation
From: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
To: Taylor, Robert <Robert.Taylor@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >;
Attachments: 6.20.25 - Zenith Franchise Agreement (final).pdf

[redacted]
Attorney-Client Privileged

From: Nick Caleb <nick@breachcollective.org >
Sent: Friday, June 20, 2025 3:14 PM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Cc: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Concerns About the Zenith Franchise Agreement Investigation

Dear Mayor Wilson,

We write regarding BPS Director Eric Engstrom's April 10, 20225 "Franchise Auditor Notice of Intent; Request for Information" letter to Zenith Energy, obtained via public records request. Unfortunately, the initial information request is inadequate and appears specially designed to avoid seeking information where Zenith's conduct conflicts with its Franchise Agreement obligations. More concerning, entrusting the investigation to City staff who previously collaborated with Zenith – and whose reputations are tied to the outcome – creates an undeniable conflict of interest. This is particularly troubling given City Council's own finding that "the process for Zenith's 2022 LUCS substantially undermined public confidence in the City's administrative apparatus by creating the appearance of impropriety[.]" Some of these staffers were involved in more recent activities identified by the City Council as needing "clarity and transparency" in the form of an investigation and report from the City Auditor, including alleged false representations to a City Councilor and failure to provide full and accurate information to Council at a January 21, 2025 work session.

When the City Council amended Resolution 37702 to remove a reference to "independent review [of the Franchise Agreement] to ensure impartiality" – explicitly for reasons related to cost going into a difficult budget year – it is unfathomable that they wanted an internal investigation that fails to avoid conflicts of interest. A failure to conduct a thorough and unbiased investigation into potential Franchise Agreement violations will only ensure that community distrust continues into the future. Instead, the City should ensure an unbiased investigation and expand its scope beyond what is in Engstrom's information request to Zenith.

In the attached letter, we describe the City's obligations and authority under City Code, detail Zenith's violations of its Franchise Agreement, and recommend City actions aligning with Resolution 33702.

Thank you for your consideration,

--
Nick Caleb, J.D., LL.M. (he/him)
Climate and Energy Attorney
nick@breachcollective.org
+1(541) 891-6761



Date: June 20, 2025

Subject: Zenith Franchise Agreement Investigation

Dear Mayor Wilson,

We write regarding BPS Director Eric Engstrom's April 10, 20225 "Franchise Auditor Notice of Intent; Request for Information" letter to Zenith Energy, obtained via public records request.[1] Unfortunately, the initial information request is inadequate and appears specially designed to avoid seeking information where Zenith's conduct conflicts with its Franchise Agreement obligations. More concerning, entrusting the investigation to City staff who previously collaborated with Zenith – and whose reputations are tied to the outcome – creates an undeniable conflict of interest.[2] This is particularly troubling given City Council's own finding that "the process for Zenith's 2022 LUCS substantially undermined public confidence in the City's administrative apparatus by creating the appearance of impropriety[.]"[3] Some of these staffers were involved in more recent activities identified by the City Council as needing "clarity and transparency" in the form of an investigation and report from the City Auditor, including alleged false representations to a City Councilor and failure to provide full and accurate information to Council at a January 21, 2025 work session.[4]

When the City Council amended Resolution 37702 to remove a reference to "independent review [of the Franchise Agreement] to ensure impartiality" – explicitly for reasons related to cost going into a difficult budget year – it is unfathomable that they wanted an internal investigation that fails to avoid conflicts of interest. A failure to conduct a thorough and unbiased investigation into potential Franchise Agreement violations will only ensure that community distrust continues into the future. Instead, the City should ensure an unbiased investigation and expand its scope beyond what is in Engstrom's information request to Zenith.

Below, we describe the City's obligations and authority under City Code, detail Zenith's violations of its Franchise Agreement, and recommend City actions aligning with Resolution 33702.

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[1] *See* "C396357_Emails.pdf" at 1259-1260. Available at: https://drive.google.com/file/d/17FENgpb5HobDNJ5pacSx56NY5VLqW2-h/view?usp=drive_link

[2] *See*, *generally*, City of Portland Resolution 37702 (2025) (attachments C1, C2, and D contain information related to the 2022 LUCS process); *see also* Petition to the Oregon Environmental Quality Commission (April 2024) (detailing the procedural irregularities of the 2022 LUCS process and petitioning the EQC to declare the process legally insufficient). Petition and supporting documents available at: https://drive.google.com/drive/folders/15wjIMKxzg-zbrR_Qj43taemGas663JVT?usp=drive_link

[3] *Id.*

[4] *Id.* ("under City Charter Section 2-109, Investigations, this Council urges the Auditor to investigate the facts and prepare a report detailing the City's handling of Zenith's LUCS applications to bring clarity and transparency to the situation given the many competing statements and arguments heard by Council on January 21, 2025, from City staff, Zenith, and members of the public."); *see also* 350 PDX, "Fact Checking City Claims During the 1.21.25 Zenith Work Session / Listening Session" (removed as an exhibit from Resolution 37702 but WHEREAS clause referencing the document retained in final text), available at: https://www.streetroots.org/sites/default/files/Appendix-H.pdf.

PRR_C413191_000112

I. Background and City Authority

Zenith's operational history in Portland is marred by a sustained pattern of deception and regulatory noncompliance in contravention of its Franchise Agreement.[5] While Resolution 37702 directs investigation into specific violations of the Franchise Agreement from 2022 to present, this directive is not temporally limited.[6] Critically, Section 9(B)(1) of the Franchise Agreement states unequivocally, "[g]rantee shall not be relieved of its obligations to comply promptly with this Franchise by reason of any failure of the City to enforce prompt compliance. The City's failure to enforce shall not constitute a waiver of any term, condition or obligation imposed upon Grantee under this Franchise, nor a waiver of rights by the City or acquiescence in Grantee's conduct."[7] Zenith's conduct since it began operations in 2017 is therefore fully relevant to the Franchise investigation.

In addition to assessing the available evidence of breaches of the Franchise Agreement, the City should request additional information on issues where Zenith appears to have lied or misled the City and state regulators (see Section II below). The City possesses broad authority under Portland City Code 7.12.030 to compel disclosure of "information as appropriate to determine whether franchisees are in compliance with their franchises[,]" including Zenith's internal communications that may reveal intent to mislead regulators or conceal activities outside of the scope of the Franchise.[8] Eric Engstrom's information to request to Zenith avoids requesting this information, instead settling for a narrow set of information the City likely already has access to. This creates the appearance that Engstrom doesn't actually want to find information that might lead to the City taking action against Zenith for violating the Franchise Agreement.

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[5] *See* Columbia Riverkeeper, "Zenith Energy's Legacy of Violations and Lies" (accessed June 19,, 2025) (listing Zenith's many legal violations and linking to primary documentation), https://www.columbiariverkeeper.org/2024/zenith-energys-legacy-of-violations-and-lies/

[6] City of Portland Resolution 37702 (2025) ("BE IT FURTHER RESOLVED, under City Charter Section 2-402, Investigation of and Suits to Cancel Franchises, and pursuant to the authority in PCC 7.12.030 this Council demands the Mayor investigate potential violations of Zenith's franchise agreement – including, but **not limited to** Zenith's failure to disclose the modification and use of infrastructure that resulted in DEQ's regulatory action, misrepresentations of the scope of the land use review required for Zenith's proposed activities, and the failure to include renewable naphtha in its 2022 LUCS application – and, if warranted, cancel the agreement. The City Administrator shall deliver to City Council a report that documents the progress of the Mayor's investigation no later than 120 days from the effective date of this resolution.") (emphasis added).

[7] Ordinance 188554, Section 9(B)(1).

[8] Under PCC 7.12.030(D), "record means written or graphic materials, however produced or reproduced, or any other tangible permanent record, including, without limitation, all letters, correspondence, memoranda, minutes, notes, summaries or accounts of telephone conversations, summaries or accounts of personal conversations or interviews, reports, notebooks, sketches, summaries or accounts of meetings or conferences, opinions or reports of consultants or experts, invoices, billings, statements of accounts, studies, appraisals, analyses, contracts, agreements, charts, graphs, photographs and any other writings or recordings of every kind and description, including magnetic media, and all sound recordings, to the extent related to the enforcement or administration of a franchise." If a franchisee refuses to furnish records, under PCC 7.12.030(C) "the City Attorney may petition the Circuit Court of the State of Oregon for Multnomah County to compel such franchisee to furnish the information and to pay the City's costs of the court proceedings."

PRR_C413191_000113

II. Franchise Agreement Violations

Zenith has exceeded its Franchise's geographic and operational boundaries while evading mandatory disclosures. In 2021, Zenith illegally modified piping and connected it to the McCall Oil dock under the guise of handling "renewable fuels," but DEQ investigations revealed it used the infrastructure to transport fossil fuels for over three years.[9] Based on the numbers provided by DEQ, throughput during this period was almost 73% fossil fuels.[10] On Dec. 6, 2024, Oregon DEQ issued a $372,600 fine to Zenith Energy for the unauthorized modification and use of the McCall dock.[11] After Zenith challenged the penalty, the civil penalty was reduced to $129,600.[12] Per DEQ, the reduction in amount "does not reflect a change in DEQ's assessment of the violations."[13] Collectively, Zenith's actions at the McCall site directly violated Franchise Agreement Sections 2.1(A) and 3.2(I) (limiting operations to defined products within the Exhibit A corridor), Section 12.9 (requiring immediate disclosure of out-of-scope services), and Section 12.1 (violation of state law). Such intentional evasion of scrutiny — depriving the City of its contractual right to renegotiate or revoke under Section 12.9 — constitutes actionable fraud and deceit under Section 9.1(E)(2).

Pursuant to a January 13, 2025 communication with Ken Ray, Public Information Officer at PP&D, "the City did not have the specific details described in DEQ's 2024 inspection report regarding the dock's or pipeline's use for diesel or renewable diesel until it was made publicly available by DEQ."[14] Neither the City's refusal to assess penalties after its own investigation of code violations nor the City's grant of a new LUCS cure this violation or bring the activities in line with the scope of the Franchise Agreement. Zenith profited enormously from illegal activities during this period and the inadequacy of consequences (i.e. the literal cost/benefit of the profit off of illegal activity against the fine amount) only incentivizes further illegal behavior.

Similarly, Zenith's 2019 expansion of rail infrastructure (adding 32 unloading spots) was falsely represented to DEQ as creating "[n]o new throughput" and "no new increase" in VOC emissions.[15] Internal documents and public reports confirm liquid fuel volumes more than doubled by 2022 and VOC emissions increased.[16] At the

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[9] Oregon Department of Environmental Quality, "Re: Notice of Civil Penalty Assessment and Order Case No. AS-V-NWR-2024-635," Oregon Department of Environmental Quality" (Dec. 6, 2024), available at: https://www.oregon.gov/deq/Programs/Documents/zenithFEA.pdf

[10] *Id*. at 4-5.

[11] Oregon Department of Environmental Quality, "Notice of Civil Penalty Assessment and Order Case no. AQ-V-NWR-2024-635" (Dec. 6, 2024), https://www.oregon.gov/deq/Programs/Documents/zenithFEA.pdf

[12] Case No. AQ-V-NWR-2024-635, "Mutual Agreement and Final Order" (May 1, 2025). Available at: https://www.oregon.gov/deq/Programs/Documents/zenithMAO0525.pdf.

[13] *Id.*

[14] "1.13.25 - Ken Ray email" available at: https://drive.google.com/file/d/1_HaFkO3pA5Ym9mriK5DHSqlUe3dK7M3A/view?usp=sharing

[15] Zenith Energy, LLC Off-Permit Change Notification 26-2025 (received by DEQ on July 27, 2018), available at: https://www.columbiariverkeeper.org/wp-content/uploads/2024/11/Zenith-Off-Permit-Change-Notification-no-new-throughput_-doc.pdf

[16] Gosia Wozniacka, *Zenith Energy is moving more crude, diesel through Portland*, The Oregonian (Feb. 22, 2023), available at: https://www.oregonlive.com/environment/2023/02/zenith-energy-is-moving-more-crude-diesel-through-portland.html

PRR_C413191_000114

January 21, 2025 Zenith Work Session, Zenith's presentation presented information that its total liquid fuel throughput increased for the sixth straight year.[17] This increase in throughput violated the spirit and text of binding City Resolutions 37164 (opposing oil-by-rail transportation through and within the City of Portland) and 37168 (opposing fossil fuel infrastructure expansion) which are incorporated into the Franchise Agreement through Section 12.1. Zenith's failure to promptly notify the City about its increased throughput violated Section 12.9's disclosure mandate, which Zenith ignored. Available evidence shows that Zenith knew about the City's binding policies when it began operating in Portland, misrepresented its intended increases in throughput to regulators and the media, and failed to notify the City about its increased throughput.[18] These activities constitute "fraud or deceit upon the City" in contravention of Section 9.1(E)(2).

In 2019, Zenith also misled Portland Mayor Ted Wheeler's staff into believing false information.[19] As reported by the Oregonian, "[e]xecutives of oil terminal operator Zenith Energy left Portland mayoral aides believing, falsely, that the company's Willamette River facility no longer handled tar sands crude or shipped petroleum products to other ports[.]"[20] This is another example of fraud and deceit, violating Section 9.1(E)(2).

Material omissions further haunt Zenith's regulatory submissions. Its 2022 and 2024 LUCS applications omitted plans to store "renewable naphtha" – comprising 38.5% of projected throughput and classified as a Hazard Class 1 flammable liquid[21] – while disclosing this hazard to DEQ. The applications also included misleading "commitments," such as removing 30 inactive storage tanks (which posed no hazard reduction) while reserving rights to build new tanks. Zenith also offers that it will "Reduce Allowable Emissions of Volatile Organic Compounds by Nearly 80%," a claim that when scrutinized closely reveals that the facility's actual emissions will not be reduced. Zenith later argued to LUBA that these conditions were merely "self-imposed

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[17] Zenith Energy Presentation to Portland City Council at Page 2 (Jan 21, 2025), available at: https://www.portland.gov/auditor/council-clerk/documents/zenith-presentation-zenith-energy-terminal-portland-terminal-work/download; Zenith Work Session, City of Portland at 1:43 (Jan. 21, 2025), available at: https://www.youtube.com/live/HOojS1yrAyc.

[18] Zenith cannot make a reasonable claim that they didn't know about these resolutions, given the text of the franchise agreement. And to the extent that they try to make that claim, that wholly undermines their ability to comply with local law in the future.

[19] Gordon R. Friedman, *Portland mayor's staff left believing false information after briefing by oil terminal execs, notes indicate*, The Oregonian (Sep. 5, 2019), available at: https://www.oregonlive.com/portland/2019/08/portland-oil-terminal-execs-gave-mayors-staff-false-information.html

[20] *Id.*

[21] Renewable naphtha is listed as hazard class 1 for both flammable liquids and aspiration hazard. *See, i.e.,* Diamond Green Diesel Safety Data Sheet for Renewable Naphtha, available at: https://www.valero.com/sites/default/files/valero-documents/Renewable-Naphtha-US-English-959013.pdf. By comparison, crude oil is listed as a hazard class 2 for flammable liquids. *See, i.e.*, Valero Safety Data Sheet for Crude Oil, available at: https://www.valero.com/sites/default/files/2019-12/sds_us_-_501_ghs_-_crude_oil_rev1_0.pdf. Renewable diesel is listed as a hazard class 3 for flammable liquids. *See, i.e.*, Renewable Energy Group Safety Data Sheet for renewable Diesel, available at: https://www.regi.com/filesimages/SDS%20Sheets/SDS_400-US%20Renewable%20Diesel%20SDS%2020220414.pdf.

PRR_C413191_000115

operational limitations,"[22] contradicting earlier representations to the City. Together, these acts constitute deliberate concealment material to public safety review, satisfying the threshold for fraud and deceit under Section 9.1(E)(2). This is only a partial list of Zenith's Franchise Agreement violations.[23]

III. Remedies

To determine the scope of the remedy for violations of the Franchise Agreement, the City must weigh the following factors: (1) the nature and extent of the violation; (2) whether Grantee has had a history of similar violations; (3) the Person burdened by the violation and the cost of remedying the violation; (4) the nature of the remedy required in order to prevent further such violations; and (5) such other factors as the City may deem appropriate.[24] When applying the evidence to these factors, it is apparent that Zenith's violations are not technical oversights but willful (and highly profitable) breaches. Zenith's over six-year pattern of fraud and deceit shows that they are not deterred by small penalties and periodic slaps on the wrist because they know that once they gain a foothold, regulators will back down and legitimize their plans. Unfortunately, Portland residents and the environment continue to bear the high risks while Zenith profits.

The City must deploy its most consequential tools, including commencing litigation to seek an immediate reduction of throughput to *pre-2019 level*s and dismantling non-compliant infrastructure. The City must also seek a judicial declaration confirming Zenith's fraud and deceit. Finally, given Zenith's incurable bad faith, revocation of Zenith's Franchise Agreement is the only remedy that aligns with Council's fossil fuel resolutions, public safety obligations, and overwhelming public sentiment.[25] We anticipate that an adequate investigation will reveal even more violations of the Franchise Agreement and additional evidence of fraud and deceit to support these actions.

IV. Conclusion

Zenith's Franchise Agreement violations represent a systemic assault on Portland's regulatory integrity. Its business model – exploiting lax enforcement while misleading regulators – has flourished because consequences failed to match the scale of violations. In order to repair trust with the community and protect Portlanders and their environment, the City should utilize its authority to: (1) appoint independent, unbiased investigators without ties to Zenith and conflicts of interest, (2) expand the scope of the Franchise investigation to 2017 and seek internal Zenith communications about its throughput misrepresentations, renewable naphtha concealment strategies, and McCall piping and dock modification directives, and (3) initiate litigation *during* the

[22] Zenith's Reply ISO Motion to Dismiss at 2-3, 5-7, 7, 10-14 (April 18, 2025), available at: https://drive.google.com/file/d/1kT2zDl4ZEvqquFTVcRFLuwyopYXpyXtr/view?usp=sharing.

[23] *See* "Zenith Energy's Legacy of Violations and Lies" supra note 5 (containing additional information about Zenith's undisclosed lobbying exceeding legal thresholds, failure to submit required construction notices, storing volatile liquids in non-compliant tanks, and violating stormwater permits. These actions breach Sections 4.2 (timely fee payment), 7.2(A) (reporting), and 12.1 (compliance with laws) of the Franchise Agreement.

[24] Ordinance 188554, Section 9.1(D).

[25] Under Section 9.3, Zenith would be responsible for bearing the cost of removing its Facilities.

PRR_C413191_000116

investigation by seeking a declaratory judgment to confirm Zenith's fraud and deceit and specific performance of the Franchise to reduce Zenith's throughput to 2019 levels.

We know that you have many competing priorities, but the City Council entrusted you with this investigation after years of public outcry against Zenith's actions. It is time to stop coddling a notorious fossil fuel company that continually lies to, bullies, and threatens our City.

Thank you for your consideration,



Nick Caleb, J.D., LL.M.
Climate and Energy Attorney
Breach Collective

PRR_C413191_000117

You don't often get email from nick@breachcollective.org. Learn why this is important

Date: Sat, 21 Jun 2025 12:06:59 AM (UTC)
Sent: Sat, 21 Jun 2025 12:06:59 AM (UTC)
Subject: CM: FW: Concerns About the Zenith Franchise Agreement Investigation
From: Wilson, Keith
To: Taylor, Robert <Robert.Taylor@portlandoregon.gov >; Jordan, Michael <Michael.Jordan@portlandoregon.gov >; Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >;
Attachments: 6.20.25 - Zenith Franchise Agreement (final).pdf

[redacted]
Attorney-Client Privileged

From: Nick Caleb <nick@breachcollective.org >
Sent: Friday, June 20, 2025 3:14 PM
To: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >
Cc: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: Concerns About the Zenith Franchise Agreement Investigation

Dear Mayor Wilson,

We write regarding BPS Director Eric Engstrom's April 10, 20225 "Franchise Auditor Notice of Intent; Request for Information" letter to Zenith Energy, obtained via public records request. Unfortunately, the initial information request is inadequate and appears specially designed to avoid seeking information where Zenith's conduct conflicts with its Franchise Agreement obligations. More concerning, entrusting the investigation to City staff who previously collaborated with Zenith – and whose reputations are tied to the outcome – creates an undeniable conflict of interest. This is particularly troubling given City Council's own finding that "the process for Zenith's 2022 LUCS substantially undermined public confidence in the City's administrative apparatus by creating the appearance of impropriety[.]" Some of these staffers were involved in more recent activities identified by the City Council as needing "clarity and transparency" in the form of an investigation and report from the City Auditor, including alleged false representations to a City Councilor and failure to provide full and accurate information to Council at a January 21, 2025 work session.

When the City Council amended Resolution 37702 to remove a reference to "independent review [of the Franchise Agreement] to ensure impartiality" – explicitly for reasons related to cost going into a difficult budget year – it is unfathomable that they wanted an internal investigation that fails to avoid conflicts of interest. A failure to conduct a thorough and unbiased investigation into potential Franchise Agreement violations will only ensure that community distrust continues into the future. Instead, the City should ensure an unbiased investigation and expand its scope beyond what is in Engstrom's information request to Zenith.

In the attached letter, we describe the City's obligations and authority under City Code, detail Zenith's violations of its Franchise Agreement, and recommend City actions aligning with Resolution 33702.

Thank you for your consideration,

--
Nick Caleb, J.D., LL.M. (he/him)
Climate and Energy Attorney
nick@breachcollective.org
+1(541) 891-6761



Date: June 20, 2025

Subject: Zenith Franchise Agreement Investigation

Dear Mayor Wilson,

We write regarding BPS Director Eric Engstrom's April 10, 20225 "Franchise Auditor Notice of Intent; Request for Information" letter to Zenith Energy, obtained via public records request.[1] Unfortunately, the initial information request is inadequate and appears specially designed to avoid seeking information where Zenith's conduct conflicts with its Franchise Agreement obligations. More concerning, entrusting the investigation to City staff who previously collaborated with Zenith – and whose reputations are tied to the outcome – creates an undeniable conflict of interest.[2] This is particularly troubling given City Council's own finding that "the process for Zenith's 2022 LUCS substantially undermined public confidence in the City's administrative apparatus by creating the appearance of impropriety[.]"[3] Some of these staffers were involved in more recent activities identified by the City Council as needing "clarity and transparency" in the form of an investigation and report from the City Auditor, including alleged false representations to a City Councilor and failure to provide full and accurate information to Council at a January 21, 2025 work session.[4]

When the City Council amended Resolution 37702 to remove a reference to "independent review [of the Franchise Agreement] to ensure impartiality" – explicitly for reasons related to cost going into a difficult budget year – it is unfathomable that they wanted an internal investigation that fails to avoid conflicts of interest. A failure to conduct a thorough and unbiased investigation into potential Franchise Agreement violations will only ensure that community distrust continues into the future. Instead, the City should ensure an unbiased investigation and expand its scope beyond what is in Engstrom's information request to Zenith.

Below, we describe the City's obligations and authority under City Code, detail Zenith's violations of its Franchise Agreement, and recommend City actions aligning with Resolution 33702.

---

[1] *See* "C396357_Emails.pdf" at 1259-1260. Available at: https://drive.google.com/file/d/17FENgpb5HobDNJ5pacSx56NY5VLqW2-h/view?usp=drive_link

[2] *See*, *generally*, City of Portland Resolution 37702 (2025) (attachments C1, C2, and D contain information related to the 2022 LUCS process); *see also* Petition to the Oregon Environmental Quality Commission (April 2024) (detailing the procedural irregularities of the 2022 LUCS process and petitioning the EQC to declare the process legally insufficient). Petition and supporting documents available at: https://drive.google.com/drive/folders/15wjIMKxzg-zbrR_Qj43taemGas663JVT?usp=drive_link

[3] *Id.*

[4] *Id.* ("under City Charter Section 2-109, Investigations, this Council urges the Auditor to investigate the facts and prepare a report detailing the City's handling of Zenith's LUCS applications to bring clarity and transparency to the situation given the many competing statements and arguments heard by Council on January 21, 2025, from City staff, Zenith, and members of the public."); *see also* 350 PDX, "Fact Checking City Claims During the 1.21.25 Zenith Work Session / Listening Session" (removed as an exhibit from Resolution 37702 but WHEREAS clause referencing the document retained in final text), available at: https://www.streetroots.org/sites/default/files/Appendix-H.pdf.

PRR_C413191_000120

I. Background and City Authority

Zenith's operational history in Portland is marred by a sustained pattern of deception and regulatory noncompliance in contravention of its Franchise Agreement.[5] While Resolution 37702 directs investigation into specific violations of the Franchise Agreement from 2022 to present, this directive is not temporally limited.[6] Critically, Section 9(B)(1) of the Franchise Agreement states unequivocally, "[g]rantee shall not be relieved of its obligations to comply promptly with this Franchise by reason of any failure of the City to enforce prompt compliance. The City's failure to enforce shall not constitute a waiver of any term, condition or obligation imposed upon Grantee under this Franchise, nor a waiver of rights by the City or acquiescence in Grantee's conduct."[7] Zenith's conduct since it began operations in 2017 is therefore fully relevant to the Franchise investigation.

In addition to assessing the available evidence of breaches of the Franchise Agreement, the City should request additional information on issues where Zenith appears to have lied or misled the City and state regulators (see Section II below). The City possesses broad authority under Portland City Code 7.12.030 to compel disclosure of "information as appropriate to determine whether franchisees are in compliance with their franchises[,]" including Zenith's internal communications that may reveal intent to mislead regulators or conceal activities outside of the scope of the Franchise.[8] Eric Engstrom's information to request to Zenith avoids requesting this information, instead settling for a narrow set of information the City likely already has access to. This creates the appearance that Engstrom doesn't actually want to find information that might lead to the City taking action against Zenith for violating the Franchise Agreement.

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[5] *See* Columbia Riverkeeper, "Zenith Energy's Legacy of Violations and Lies" (accessed June 19,, 2025) (listing Zenith's many legal violations and linking to primary documentation), https://www.columbiariverkeeper.org/2024/zenith-energys-legacy-of-violations-and-lies/

[6] City of Portland Resolution 37702 (2025) ("BE IT FURTHER RESOLVED, under City Charter Section 2-402, Investigation of and Suits to Cancel Franchises, and pursuant to the authority in PCC 7.12.030 this Council demands the Mayor investigate potential violations of Zenith's franchise agreement – including, but **not limited to** Zenith's failure to disclose the modification and use of infrastructure that resulted in DEQ's regulatory action, misrepresentations of the scope of the land use review required for Zenith's proposed activities, and the failure to include renewable naphtha in its 2022 LUCS application – and, if warranted, cancel the agreement. The City Administrator shall deliver to City Council a report that documents the progress of the Mayor's investigation no later than 120 days from the effective date of this resolution.") (emphasis added).

[7] Ordinance 188554, Section 9(B)(1).

[8] Under PCC 7.12.030(D), "record means written or graphic materials, however produced or reproduced, or any other tangible permanent record, including, without limitation, all letters, correspondence, memoranda, minutes, notes, summaries or accounts of telephone conversations, summaries or accounts of personal conversations or interviews, reports, notebooks, sketches, summaries or accounts of meetings or conferences, opinions or reports of consultants or experts, invoices, billings, statements of accounts, studies, appraisals, analyses, contracts, agreements, charts, graphs, photographs and any other writings or recordings of every kind and description, including magnetic media, and all sound recordings, to the extent related to the enforcement or administration of a franchise." If a franchisee refuses to furnish records, under PCC 7.12.030(C) "the City Attorney may petition the Circuit Court of the State of Oregon for Multnomah County to compel such franchisee to furnish the information and to pay the City's costs of the court proceedings."

PRR_C413191_000121

II. Franchise Agreement Violations

Zenith has exceeded its Franchise's geographic and operational boundaries while evading mandatory disclosures. In 2021, Zenith illegally modified piping and connected it to the McCall Oil dock under the guise of handling "renewable fuels," but DEQ investigations revealed it used the infrastructure to transport fossil fuels for over three years.[9] Based on the numbers provided by DEQ, throughput during this period was almost 73% fossil fuels.[10] On Dec. 6, 2024, Oregon DEQ issued a $372,600 fine to Zenith Energy for the unauthorized modification and use of the McCall dock.[11] After Zenith challenged the penalty, the civil penalty was reduced to $129,600.[12] Per DEQ, the reduction in amount "does not reflect a change in DEQ's assessment of the violations."[13] Collectively, Zenith's actions at the McCall site directly violated Franchise Agreement Sections 2.1(A) and 3.2(I) (limiting operations to defined products within the Exhibit A corridor), Section 12.9 (requiring immediate disclosure of out-of-scope services), and Section 12.1 (violation of state law). Such intentional evasion of scrutiny — depriving the City of its contractual right to renegotiate or revoke under Section 12.9 — constitutes actionable fraud and deceit under Section 9.1(E)(2).

Pursuant to a January 13, 2025 communication with Ken Ray, Public Information Officer at PP&D, "the City did not have the specific details described in DEQ's 2024 inspection report regarding the dock's or pipeline's use for diesel or renewable diesel until it was made publicly available by DEQ."[14] Neither the City's refusal to assess penalties after its own investigation of code violations nor the City's grant of a new LUCS cure this violation or bring the activities in line with the scope of the Franchise Agreement. Zenith profited enormously from illegal activities during this period and the inadequacy of consequences (i.e. the literal cost/benefit of the profit off of illegal activity against the fine amount) only incentivizes further illegal behavior.

Similarly, Zenith's 2019 expansion of rail infrastructure (adding 32 unloading spots) was falsely represented to DEQ as creating "[n]o new throughput" and "no new increase" in VOC emissions.[15] Internal documents and public reports confirm liquid fuel volumes more than doubled by 2022 and VOC emissions increased.[16] At the

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[9] Oregon Department of Environmental Quality, "Re: Notice of Civil Penalty Assessment and Order Case No. AS-V-NWR-2024-635," Oregon Department of Environmental Quality" (Dec. 6, 2024), available at: https://www.oregon.gov/deq/Programs/Documents/zenithFEA.pdf

[10] *Id*. at 4-5.

[11] Oregon Department of Environmental Quality, "Notice of Civil Penalty Assessment and Order Case no. AQ-V-NWR-2024-635" (Dec. 6, 2024), https://www.oregon.gov/deq/Programs/Documents/zenithFEA.pdf

[12] Case No. AQ-V-NWR-2024-635, "Mutual Agreement and Final Order" (May 1, 2025). Available at: https://www.oregon.gov/deq/Programs/Documents/zenithMAO0525.pdf.

[13] *Id.*

[14] "1.13.25 - Ken Ray email" available at: https://drive.google.com/file/d/1_HaFkO3pA5Ym9mriK5DHSqlUe3dK7M3A/view?usp=sharing

[15] Zenith Energy, LLC Off-Permit Change Notification 26-2025 (received by DEQ on July 27, 2018), available at: https://www.columbiariverkeeper.org/wp-content/uploads/2024/11/Zenith-Off-Permit-Change-Notification-no-new-throughput_-doc.pdf

[16] Gosia Wozniacka, *Zenith Energy is moving more crude, diesel through Portland*, The Oregonian (Feb. 22, 2023), available at: https://www.oregonlive.com/environment/2023/02/zenith-energy-is-moving-more-crude-diesel-through-portland.html

PRR_C413191_000122

January 21, 2025 Zenith Work Session, Zenith's presentation presented information that its total liquid fuel throughput increased for the sixth straight year.[17] This increase in throughput violated the spirit and text of binding City Resolutions 37164 (opposing oil-by-rail transportation through and within the City of Portland) and 37168 (opposing fossil fuel infrastructure expansion) which are incorporated into the Franchise Agreement through Section 12.1. Zenith's failure to promptly notify the City about its increased throughput violated Section 12.9's disclosure mandate, which Zenith ignored. Available evidence shows that Zenith knew about the City's binding policies when it began operating in Portland, misrepresented its intended increases in throughput to regulators and the media, and failed to notify the City about its increased throughput.[18] These activities constitute "fraud or deceit upon the City" in contravention of Section 9.1(E)(2).

In 2019, Zenith also misled Portland Mayor Ted Wheeler's staff into believing false information.[19] As reported by the Oregonian, "[e]xecutives of oil terminal operator Zenith Energy left Portland mayoral aides believing, falsely, that the company's Willamette River facility no longer handled tar sands crude or shipped petroleum products to other ports[.]"[20] This is another example of fraud and deceit, violating Section 9.1(E)(2).

Material omissions further haunt Zenith's regulatory submissions. Its 2022 and 2024 LUCS applications omitted plans to store "renewable naphtha" – comprising 38.5% of projected throughput and classified as a Hazard Class 1 flammable liquid[21] – while disclosing this hazard to DEQ. The applications also included misleading "commitments," such as removing 30 inactive storage tanks (which posed no hazard reduction) while reserving rights to build new tanks. Zenith also offers that it will "Reduce Allowable Emissions of Volatile Organic Compounds by Nearly 80%," a claim that when scrutinized closely reveals that the facility's actual emissions will not be reduced. Zenith later argued to LUBA that these conditions were merely "self-imposed

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[17] Zenith Energy Presentation to Portland City Council at Page 2 (Jan 21, 2025), available at: https://www.portland.gov/auditor/council-clerk/documents/zenith-presentation-zenith-energy-terminal-portland-terminal-work/download; Zenith Work Session, City of Portland at 1:43 (Jan. 21, 2025), available at: https://www.youtube.com/live/HOojS1yrAyc.

[18] Zenith cannot make a reasonable claim that they didn't know about these resolutions, given the text of the franchise agreement. And to the extent that they try to make that claim, that wholly undermines their ability to comply with local law in the future.

[19] Gordon R. Friedman, *Portland mayor's staff left believing false information after briefing by oil terminal execs, notes indicate*, The Oregonian (Sep. 5, 2019), available at: https://www.oregonlive.com/portland/2019/08/portland-oil-terminal-execs-gave-mayors-staff-false-information.html

[20] *Id.*

[21] Renewable naphtha is listed as hazard class 1 for both flammable liquids and aspiration hazard. *See, i.e.,* Diamond Green Diesel Safety Data Sheet for Renewable Naphtha, available at: https://www.valero.com/sites/default/files/valero-documents/Renewable-Naphtha-US-English-959013.pdf. By comparison, crude oil is listed as a hazard class 2 for flammable liquids. *See, i.e.*, Valero Safety Data Sheet for Crude Oil, available at: https://www.valero.com/sites/default/files/2019-12/sds_us_-_501_ghs_-_crude_oil_rev1_0.pdf. Renewable diesel is listed as a hazard class 3 for flammable liquids. *See, i.e.*, Renewable Energy Group Safety Data Sheet for renewable Diesel, available at: https://www.regi.com/filesimages/SDS%20Sheets/SDS_400-US%20Renewable%20Diesel%20SDS%2020220414.pdf.

PRR_C413191_000123

operational limitations,"[22] contradicting earlier representations to the City. Together, these acts constitute deliberate concealment material to public safety review, satisfying the threshold for fraud and deceit under Section 9.1(E)(2). This is only a partial list of Zenith's Franchise Agreement violations.[23]

III. Remedies

To determine the scope of the remedy for violations of the Franchise Agreement, the City must weigh the following factors: (1) the nature and extent of the violation; (2) whether Grantee has had a history of similar violations; (3) the Person burdened by the violation and the cost of remedying the violation; (4) the nature of the remedy required in order to prevent further such violations; and (5) such other factors as the City may deem appropriate.[24] When applying the evidence to these factors, it is apparent that Zenith's violations are not technical oversights but willful (and highly profitable) breaches. Zenith's over six-year pattern of fraud and deceit shows that they are not deterred by small penalties and periodic slaps on the wrist because they know that once they gain a foothold, regulators will back down and legitimize their plans. Unfortunately, Portland residents and the environment continue to bear the high risks while Zenith profits.

The City must deploy its most consequential tools, including commencing litigation to seek an immediate reduction of throughput to *pre-2019 level*s and dismantling non-compliant infrastructure. The City must also seek a judicial declaration confirming Zenith's fraud and deceit. Finally, given Zenith's incurable bad faith, revocation of Zenith's Franchise Agreement is the only remedy that aligns with Council's fossil fuel resolutions, public safety obligations, and overwhelming public sentiment.[25] We anticipate that an adequate investigation will reveal even more violations of the Franchise Agreement and additional evidence of fraud and deceit to support these actions.

IV. Conclusion

Zenith's Franchise Agreement violations represent a systemic assault on Portland's regulatory integrity. Its business model – exploiting lax enforcement while misleading regulators – has flourished because consequences failed to match the scale of violations. In order to repair trust with the community and protect Portlanders and their environment, the City should utilize its authority to: (1) appoint independent, unbiased investigators without ties to Zenith and conflicts of interest, (2) expand the scope of the Franchise investigation to 2017 and seek internal Zenith communications about its throughput misrepresentations, renewable naphtha concealment strategies, and McCall piping and dock modification directives, and (3) initiate litigation *during* the

[22] Zenith's Reply ISO Motion to Dismiss at 2-3, 5-7, 7, 10-14 (April 18, 2025), available at: https://drive.google.com/file/d/1kT2zDl4ZEvqquFTVcRFLuwyopYXpyXtr/view?usp=sharing.

[23] *See* "Zenith Energy's Legacy of Violations and Lies" supra note 5 (containing additional information about Zenith's undisclosed lobbying exceeding legal thresholds, failure to submit required construction notices, storing volatile liquids in non-compliant tanks, and violating stormwater permits. These actions breach Sections 4.2 (timely fee payment), 7.2(A) (reporting), and 12.1 (compliance with laws) of the Franchise Agreement.

[24] Ordinance 188554, Section 9.1(D).

[25] Under Section 9.3, Zenith would be responsible for bearing the cost of removing its Facilities.

PRR_C413191_000124

investigation by seeking a declaratory judgment to confirm Zenith's fraud and deceit and specific performance of the Franchise to reduce Zenith's throughput to 2019 levels.

We know that you have many competing priorities, but the City Council entrusted you with this investigation after years of public outcry against Zenith's actions. It is time to stop coddling a notorious fossil fuel company that continually lies to, bullies, and threatens our City.

Thank you for your consideration,



Nick Caleb, J.D., LL.M.
Climate and Energy Attorney
Breach Collective

PRR_C413191_000125

Date:	Wed, 23 Jul 2025 7:54:59 PM (UTC)
Sent:	Wed, 23 Jul 2025 7:54:56 PM (UTC)
Subject:	RE: Zenith investigation
From:	Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >
To:	Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >; Bowman, Cody <Cody.Bowman@portlandoregon.gov >; Zajonc, Taylor <Taylor.Zajonc@portlandoregon.gov >;
CC:	Jordan, Michael <Michael.Jordan@portlandoregon.gov >;

Hi Mike,

Per the thread below, can you please share the memo that went to Portland City Council regarding the Zenith investigation?

Thank you,

Raihana Ansary (she/her)

Deputy Chief of Staff
Office of Mayor Keith Wilson
Phone: (971) 429-0198
raihana.ansary@portlandoregon.gov



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The City of Portland is committed to equity and meaningful access, and prohibits discrimination on the basis of race, color, national origin, Limited English Proficiency, disability, age, sex, religion, income level, sexual orientation, gender identity, familial status or other protected class as provided by Title VI of the Civil Rights Act, Title II of the Americans with Disabilities Act, and related authorities. To request translation, interpretation, accommodations, modifications, or other auxiliary aids or services, or to file a complaint of discrimination, contact 503-823-4000 (311), Relay Service & TTY: 711

From: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Sent: Wednesday, July 23, 2025 12:04 PM
To: Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >; Bowman, Cody <Cody.Bowman@portlandoregon.gov >; Zajonc, Taylor <Taylor.Zajonc@portlandoregon.gov >
Subject: Re: Zenith investigation

Donnie is not running this process. It is being driven by Mike Jordan and Robert Taylor. Robert is out this week and I am not sure where they are in hiring outside council.

Mike can share with you the memo that went to Council.

From: Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >
Sent: Wednesday, July 23, 2025 11:15 AM
To: Bowman, Cody <Cody.Bowman@portlandoregon.gov >; Zajonc, Taylor <Taylor.Zajonc@portlandoregon.gov >
Cc: Coghlan, Aisling <Aisling.S.Coghlan@portlandoregon.gov >
Subject: RE: Zenith investigation

Unfortunately, I don't have any information about this.

Thanks,

Raihana Ansary (she/her)

Deputy Chief of Staff
Office of Mayor Keith Wilson
Phone: (971) 429-0198
raihana.ansary@portlandoregon.gov

Public Records Notice: Under Oregon Public Records Law, this email and responses to it are public records and may be subject to disclosure upon request

The City of Portland is committed to equity and meaningful access, and prohibits discrimination on the basis of race, color, national origin, Limited English Proficiency, disability, age, sex, religion, income level, sexual orientation, gender identity, familial status or other protected class as provided by Title VI of the Civil Rights Act, Title II of the Americans with Disabilities Act, and related authorities. To request translation, interpretation, accommodations, modifications, or other auxiliary aids or services, or to file a complaint of discrimination, contact 503-823-4000 (311), Relay Service & TTY: 711

From: Bowman, Cody <Cody.Bowman@portlandoregon.gov >
Sent: Wednesday, July 23, 2025 10:01 AM
To: Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >; Zajonc, Taylor <Taylor.Zajonc@portlandoregon.gov >
Subject: Fw: Zenith investigation

Morning! This request went to Donnie/Elliott - any info we can share?

Thanks,
Cody

From: Jeremiah Hayden <jeremiah@streetroots.org >
Sent: Wednesday, July 23, 2025 9:54 AM
To: Kozuch, Elliott <Elliott.Kozuch@portlandoregon.gov >

Subject: Zenith investigation

Hey Elliott,

I wanted to check in with you about the investigation into Zenith's potential franchise violations. I am aware of the proposed timeline for the internal city investigation, but I believe there is a new approach for an independent investigation coming from the mayor's office? Feel free to get on the phone if you're able to give me the rundown on this. I'm mostly just hoping to understand what the process looks like to comply with the City Council's resolution calling for an independent investigation.

Thanks, and talk soon!

Jeremiah Hayden (he/him)
Reporter at streetroots.org

Date: Wed, 23 Jul 2025 9:36:25 PM (UTC)
Sent: Wed, 23 Jul 2025 9:36:19 PM (UTC)
Subject: FW: CM: Resolution 37702
From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
To: Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >;
CC: Jordan, Michael <Michael.Jordan@portlandoregon.gov >;

Hello Raihana.
Mike mentioned you were looking for this memo, hoping it's the correct one.

Thanks.

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Marolf, Lisa
Sent: Wednesday, July 23, 2025 2:07 PM
To: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Subject: FW: CM: Resolution 37702

This one?

From: Jordan, Michael
Sent: Friday, June 6, 2025 11:43 AM
To: Council All <CouncilAll@portlandoregon.gov >
Cc: Wilson, Keith <Mayor.Wilson@portlandoregon.gov >; Engstrom, Eric <Eric.Engstrom@portlandoregon.gov >; Kuhnhausen, David <David.Kuhnhausen@portlandoregon.gov >; Taylor, Robert <Robert.Taylor@portlandoregon.gov >
Subject: CM: Resolution 37702

To: Council President and City Council,

Following the direction given by Council via Resolution 37702, I directed Director Engstrom at the Bureau of Planning and Sustainability (BPS) to initiate a compliance review of the franchise agreement held by Zenith Energy Terminal Holdings, LLC (Zenith). Zenith holds a franchise agreement to access the City's right-of-way because they operate pipes that cross under NW Front Ave connecting two properties to operate their facilities. BPS administers the franchise agreements for the City.

Based on initial concerns raised by the public leading up to the Council's resolution, the review is focused on several elements: 1) did Zenith obtain required permits for work on site or related to the pipe in question and the franchise agreement they hold; 2) did any of their actions violate the

renewable fuel related terms referenced in the first LUCS; and 3) to the extent the City can determine, were other laws or regulations violated (allegations made in connection with the DEQ permitting process).

On April 10, 2025, BPS sent a letter to Zenith requesting they provide records and documents for new construction done on property Zenith owns or property on which Zenith's assets cross as part of their operations. Additionally, the City requested all current permits and permit applications related to the same properties for local, state, or federal agencies other than the City of Portland. Finally, the City requested business records that would shed light on the fuels currently being delivered through the pipes that is the subject of the franchise agreement.

Zenith responded to the BPS letter on May 9, 2025, via email with approximately 300 files. BPS Franchise Utility Team staff and the City Attorney's Office have been working since that date to identify the different bureaus and individual staff members who are the appropriate subject matter experts who can provide the technical and historical information to interpret the information.

In parallel to this BPS work, PP&D examined permit and Greenway records and conducted additional site visits to more fully understand what work has occurred, and if relevant permits were properly obtained. The franchise review will consider that information.

Given the scope of this matter, the cross-bureau nature of the work, and the level of Council interest, it is my recommendation that the City engage outside counsel to assist in designing the process for reviewing the materials and peer reviewing the conclusions and recommendations reached by PP&D and BPS. Outside review will ensure that the City has adequately considered the concerns that the Council raised in its resolution. The complexities of the case in staff's opinion warrant a firm with cross-functional disciplines in land use, franchise contracting, environmental compliance/permitting, and fire safety to name a few.

I have asked the City Attorney to seek to engage an outside law firm with expertise in the above practice areas to assist in performing the Zenith compliance review. However, I want to be clear that this scope of work could be costly and will still require significant City staff time. Given the widespread nature and expansive areas of inquiry, it is hard to estimate a precise cost, but I will provide you with an estimate once we have that information.

Due to the time it takes to contract with an outside firm, it is likely that the review will extend well beyond the 120-day progress report stipulated in the resolution. I expect to provide an update on progress prior to that deadline which is July 17, 2025. I'm happy to answer any questions you may have.

Thanks, Mj

Michael Jordan (he/him)

City Administrator
City of Portland
D: (503) 823-1154 C: (503) 545-6709
1221 SW Fourth Avenue, Suite 330
Portland, Oregon 97204
michael.jordan@portlandoregon.gov









Date: Wed, 23 Jul 2025 9:44:00 PM (UTC)
Sent: Wed, 23 Jul 2025 9:44:05 PM (UTC)
Subject: RE: CM: Resolution 37702
From: Ansary, Raihana
To: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >;
CC: Jordan, Michael <Michael.Jordan@portlandoregon.gov >;

Great! Thanks for sharing, Lisa.

Raihana Ansary (she/her)

Deputy Chief of Staff
Office of Mayor Keith Wilson
Phone: (971) 429-0198
raihana.ansary@portlandoregon.gov

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From: Marolf, Lisa <Lisa.Marolf@portlandoregon.gov >
Sent: Wednesday, July 23, 2025 2:36 PM
To: Ansary, Raihana <Raihana.Ansary@portlandoregon.gov >
Cc: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Subject: FW: CM: Resolution 37702

Hello Raihana.
Mike mentioned you were looking for this memo, hoping it's the correct one.

Thanks.

Lisa Marolf
Executive Assistant to the City Administrator
and Assistant City Administrator
(503)407-7895
1221 SW Fourth Avenue,
Portland, Oregon 97204

From: Marolf, Lisa
Sent: Wednesday, July 23, 2025 2:07 PM
To: Jordan, Michael <Michael.Jordan@portlandoregon.gov >
Subject: FW: CM: Resolution 37702

This one?

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