

The Oregonian

Portland faces lawsuit over sewer utility spending

By Gordon Friedman

July 15, 2019

Two self-proclaimed watchdogs of Portland's government have filed suit against Commissioner Nick Fish, who oversees the sewer utility, saying a planned \$12 million payment from the bureau made as part of an agreement with the federal government is unlawful.

In May, city leaders agreed to make the payment to a trust fund – along with an identical one from the state of Oregon – to speed up remediation of the polluted Portland Harbor Superfund site. The federally-designated site encompasses 10 miles of the Willamette River in Portland, where the government and private industry dumped pollutants for decades.

Part of the superfund system, which is overseen by the Environmental Protection Agency, involves assessing polluters' liabilities and proportionally dividing the cleanup costs among them. The state, local governments and private firms have haggling for years over how much each should pay. Cleanup is expected to cost more than \$1 billion, with the city's share unknown.

In addition to speeding up the process, Portland entered into the \$12 million agreement with to earn a credit against its future superfund liabilities. The City Council authorized \$6 million from sewer utility revenues to cover a portion of the expense. The rest, to be covered by other city bureaus, has not been appropriated.

But central to the lawsuit, brought by retired parole officer Floy Jones and air-taxi owner Kent Craford, are restrictions on how money paid by Portland's water and sewer ratepayers may be used. Unlike property taxes, which may be spent at the discretion of city commissioners, ratepayer funds may be spent only on the provision of water and sewer services.

Craford and Jones said Monday they take no issue with efforts to remedy pollution in the Willamette River. But they said Portland's leaders were fleecing ratepayers by turning the sewer system into a "slush fund" and directing proceeds to out-of-bounds projects such as the EPA trust fund.

Fish, the city commissioner, said in a news release Monday that the lawsuit was "unfounded." He said the trust fund was "a responsible approach for Portland ratepayers and taxpayers" and touted the city's ability to keep sewer rate increases below the rate of inflation. Fish is named as a defendant in his official capacity.

Jones and Craford are two leaders of Citizens for Water Accountability and Reform, a nonprofit which, with prominent attorney John DiLorenzo, filed suit against the city in 2011 over ratepayer funds used for projects tangential to the water and sewer systems, including payments to clean up the superfund site.

They settled with the city in 2017 for a \$10 million reimbursement to ratepayers, a third of which went to DiLorenzo's firm.

A Multnomah County judge ruled at the time that superfund payments from the sewer bureau were allowable expenses. The judge also decided that once the liability of city bureaus for Portland Harbor became clear, the remediation expenses should be apportioned among them. That has not yet happened.

In their current lawsuit, also lead by DiLorenzo, Jones and Craford ask a judge to halt the \$12 million trust fund payment and appoint, an auditor to monitor the city's superfund spending and reimbursements to the sewer fund as necessary.

Portland City Hall evacuated for 2nd time this month after possible threat reported

*By Everton Bailey Jr.
July 15, 2019*

Portland City Hall was evacuated for the second time in a month after police say a suspicious package later determined to be harmless was left at the building Monday.

Lt. Tina Jones said at 3:30 p.m. that police were still investigating the placement of the package as a potential criminal act, and that she couldn't comment further on the package, how it ended up at City Hall or its contents.

Portland police announced a little before 1 p.m. that officers with an explosive disposal unit deemed the package not a risk to the public.

There were no explosives inside the package, police said. City Hall has since been reopened.

Nearby streets and Terry Schunk Plaza were temporarily closed after police responded around 9:35 a.m. to the suspicious package. No one was injured.

Portland Police Chief Danielle Outlaw said in a statement that federal and other local agencies helped in investigating the package.

"We recognize these events can cause public fear and alarm and we want to reassure the public that there is not an identified on-going risk related to this incident," she said. "The efforts of those involved in ensuring the safety of the employees and community members frequenting City Hall are appreciated."

City Hall was closed for about one hour on July 2 after someone made several phone calls to the city attorney's office claiming a bomb would explode in the building.

Police searched the building and found nothing suspicious. It's not clear if the two reported threats are related.

The Portland Tribune

Your City Hall: Candidates can seek matching city funds

*By Jim Redden
July 16, 2019*

The city began accepting application for campaign funding through the new Open and Accountable Elections program on July 1.

WHAT'S HAPPENING? Applications are now being accepted from candidates who want to participate in Portland's new public campaign finance program during the 2020 city election.

As of July 1, candidates for the three City Council seats up for election can apply to take part in the inaugural cycle of the public matching program called Open and Accountable Elections. Passed by the council in 2016, the program is intended to allow candidates to run for city positions without seeking large contributions.

HOW DOES IT WORK? The seats currently held by Mayor Ted Wheeler and commissioners Chloe Eudaly and Amanda Fritz are up for election in 2020. In order to get certified to use the program, a campaign must raise contributions between \$5 and \$250 from a minimum number of donors who are Portland residents and over the age of 18 for the following races:

- For mayoral candidates: 500 donors totaling \$5,000
- For city commissioner candidates, 250 donors totaling \$2,500.

Qualified candidates then can receive \$6 from the Portland taxpayer-supported Open and Accountable Elections Fund for every \$1 they raise from donations of \$50 or less.

HAS ANY OTHER CITY TRIED THIS? The program, which was championed and is being administered by Commissioner Amanda Fritz, is modeled after similar public matching programs in 32 cities, states and counties across the country, including San Francisco, New York City, Albuquerque, Los Angeles, Maine and Maryland.

HOW DO CANDIDATES QUALIFY? Candidates must file forms that are available online that will be reviewed by program staff. Eligible campaigns then will receive a mandatory training (the candidate and campaign treasurer must both be present) and can begin collecting "qualifying contributions" to qualify for certification to the program.

Qualifying candidates also must follow all Oregon campaign finance laws, including creating a political action committee that reports all contributions and expenditures with the Oregon Secretary of State's Office that is posted online.

ARE THERE ANY PROBLEMS WITH THE PROGRAM? Possibly. On July 10, the city's Technology Oversight Committee told the council that program staff are still working to ensure they can complete all of their duties once candidates begin qualifying to receive the matching funds, including matching their contributions against those reported to state elections officials.

The committee said additional staff may have to be hired if the matches have to be verified manually. That could reduce the matching funds available to the candidates because the program budget has been set, said Commissioners Nick Fish and Jo Ann Hardesty.

DO ALL CANDIDATE HAVE TO USE THE PROGRAM? No, candidates can still run campaigns funded by unlimited contributions that are not matched by city funds, but which still must be reported to state elections officials.

WHERE CAN I LEARN MORE? Information about the Open and Accountable Elections program, including the required forms and a Candidates Guide, is available at <http://www.portlandoregon.gov/oe/79335>.

Confusion remains over rent policies

*By Jim Redden
July 16, 2019*

Seminar reveals landlord concerns about new Oregon law and Portland policy designed to help renters

Landlord confusion over changes in Oregon and Portland rental policies were apparent during a recent Oregon State Bar seminar on them.

The public seminar was held at the lawyer association's Tigard headquarters on Wednesday, July 10. It was presented by two expert landlord/tenant lawyers, Timothy Murphy and Troy Pickard. Although announced with short notice, 30 people came to the conference room and another 80 watched it online. They appeared to all be landlords, judging by their questions.

And they all appeared to be concerned about unintentionally breaking the new rent control bill approved by the 2019 Oregon Legislature or the tenant relocation policy approved by the City Council in 2018 — or both at the same time. The new rent control law, Senate Bill 608, took effect immediately after Oregon Gov. Kate Brown signed it. A legal challenge by some landlords to Portland's policy is pending before the Oregon Court of Appeals but is still in effect.

"We are seeing notable increases in questions from the public about how to navigate these new laws, as well as requests through our lawyer referral service for help or representation," Kateri Walsh, the bar's media relations director, said about why the seminar was scheduled. "The questions are coming from both tenants and landlords. We similarly hear anecdotally from lawyers who practice in this arena that demand for legal help is high and getting higher."

The new state law limits annual rent increases in buildings older than 15 years to no more than 10% plus the increase in the consumer price index. It also limits the use of no-cause evictions, and requires those who use them to pay their tenants one month rent. Portland's policy requires landlords to pay relocation costs in the thousands of dollars to tenants subject to no-cause evictions, or who choose to move if their rents are increased more than 10% per year. Both include other requirements and limited exemptions.

Renters, tenant advocates and affordable housing advocates have praised the law and policy, and called for even more regulations. But Murphy and Pickard had hardly begun their presentations when those at the seminar started peppering them with detailed questions about both the state law and the Portland policy, and how the two relate to each other. They had to stop taking questions at one point to complete their presentations within the scheduled 90 minutes. Dozens of questions emailed in from those watching online went unasked.

Although the law and policy are both intended to better protect renters during the affordable housing crisis, Murphy and Pickard both said some of the legal questions will be resolved only through lawsuits that establish new case law. In the meantime, Pickard praised the council for amending Portland's policy to allow landlords to offset the state's required one month rent payment with their relocation payments.

Despite that, several landlords at the seminar complained the increased costs and potential liabilities of the new requirements are making their jobs much harder.

"It's criminal what they're doing," Linda Monte said of state lawmakers. "They're making decisions that are affecting livelihoods of people who work very hard."

Monte also said she was glad she does not own any rental properties in Portland.

"Thank God, and I never will," she said.

Another landlord, who asked not to be identified, said he will sell all of his Portland properties as his existing tenants move out.

"I can't afford to pay their relocation costs. I'm done doing business in Portland," he said.

And the seminar did not even touch on the most recent renter protections approved by the council. Among other things, they prohibit landlords from refusing to rent to convicted criminals in some circumstances and regulate security deposits. They will take effect when the council approves the funding to enforce them.

Pickard also predicted that more cities will follow Portland's lead in the future and adopt their own tenant protection policies. He noted that Milwaukie already has done so.

"To landlords, the idea of local jurisdictions adopting their own policies is terrifying. There's no guarantee you learn when it happens," he said.

Walsh said that because of the public interest, the bar will prioritize its public outreach work on landlord/tenant issues, including posting more information on its website. They will include translations of its related publication in multiple languages.

"We are stepping up our efforts to get this information widely distributed statewide. Those online updates will be fluid and continuous as these changes play out in real time. We encourage people to continue to watch our landlord/tenant links for information and updates," Walsh said.

You can find a link to the bar's website at the online version of this story.

The Portland Mercury

Activists Calls on City to Retract Inflammatory Milkshake Tweet

By Alex Zielinski

July 15, 2019

On Saturday, June 29, the Portland Police Bureau (PPB) published a tweet accusing left-wing activists of mixing cement into the nearly 800 milkshakes they distributed during a protest held that same day. While PPB has yet to provide any evidence supporting this claim—which quickly proliferated across the internet as fact—the tweet has not been redacted or even clarified by the public agency.

Mayor Ted Wheeler has brushed the misleading tweet aside as having good intentions, while his police liaison Robert King has called it "responsible."

Meanwhile, the group PPB accused of creating cement milkshakes has been fielding death threats and harassment via social media and phone calls.

"This claim, and [the city's] continued refusal to admit culpability in perpetuating dangerous misinformation, is akin to yelling 'fire' in a crowded building," reads a Monday press release by Popular Mobilization, or PopMob, the left-wing group who brought homemade vegan milkshakes to the June 29 protest.

The group is calling on Mayor Wheeler and the PPB to formally retract the tweet and send a "letter of regret released to as broad an audience as the original misinformation reached."

PopMob was one of several leftie groups who showed up in downtown Portland to protest a rally organized by right-wing activists. The clash between both activist groups—and the PPB's attempt to separate them—made national headlines after a conservative writer was punched in the face by people associated with protesters aligned with the local anti-fascist (or, antifa) movement.

This heightened national attention on Portland, paired with PPB's inflammatory tweet, made PopMob an easy target for vicious Twitter trolls.

"You guys all need the gas chamber," reads one tweet sent to PopMob on June 30.

"Come on down to Boise Idaho and try this shit!! You will be greeted with a hollow point bullet in your fucking head!!!" reads another.

"The police have knowingly put our group in danger," said PopMob spokesperson Effie Baum, in an interview with the Mercury. "While it might not have been overtly intentional, the damage is done."

Baum said nobody from the city has reached out to PopMob since the June 29 protest—not even a PPB officer to investigate the cement claim. And PopMob certainly hasn't contacted the police to report the death threats.

"They are clearly not concerned with our safety," they said. "How could we trust them?"

PopMob's mission, according to Baum is to find fun and positive way to inspire engagement in protests that challenge alt-right movements—like adding milkshakes and dance parties to events that have historically turned into violent brawls.

"The media has stigmatized what it means to be anti-fascist," Baum said. "We want to expand that definition."

Baum, who's spent the past months working behind the scenes to coordinate with Portland's many leftie groups, isn't surprised that the PPB chose to weaponize their milkshakes.

"I think the city saw that the left has become more organized and unified, and they saw it as a threat," they said. "The milkshakes symbolized that threat to them."

In Monday's press release, PopMob cites Oregon's public retraction law, which gives the city two weeks to retract and correct their statement.

"While you cannot unring a bell," PopMob writes, "this refusal further damages the public's eroding trust in their police force and perpetuates an adversarial relationship with the people it claims to protect."

Baum told the Mercury that the PPB and the internet mob they emboldened have done little to stop PopMob's future organizing. They said the group's next event will take place August 17, and adds: "It will be quite the spectacle."

UPDATE: Portland City Hall Evacuated Due to Suspicious Package

*By Blair Stenvick
July 15, 2019*

UPDATE, 1 pm: Law enforcement has investigated the suspicious package and determined that it poses no risk to the public. Staff are expected to return to City Hall shortly.

Original story, 10:50 am:

Portland City Hall was evacuated Monday morning following the report of a suspicious package, according to the Portland Police Bureau (PPB).

"At 9:36 am, Central Precinct officers responded to a report of a suspicious package at City Hall," PPB wrote in a news release Monday. "Members of the Explosive Disposal Unit responded to assess the package."

"Out of an abundance of caution, it was determined City Hall should be evacuated," PPB continued. "Officers closed down the streets in the immediate vicinity for safety purposes. City Hall is closed and those with business there will not have access until after it is deemed safe."

This marks the second time this month that City Hall has been evacuated due to potential danger. On Monday July 2, the building was cleared after "a person called several times expressing that a bomb was going to go off within the building," according to a statement from Mayor Ted Wheeler. No evidence of a bomb was found at City Hall following that evacuation, and the threat was deemed not credible by PPB.

The Mercury will be updating this post as new information becomes available.

The Daily Journal of Commerce

Portland commits more money to affordable housing

*By Sam Tenney
July 12, 2019*

The Portland City Council on Wednesday passed three ordinances approving \$17.45 million in spending to help pay for around 200 new affordable housing units in the city. The funding, mostly via tax increment financing (TIF) from two different urban renewal areas, will go toward land acquisition for future development and provide construction financing for two new projects.

The council approved a \$6.8 million purchase of six parcels totaling 0.97 acres at the southwest corner of North Williams Avenue and Alberta Street for the creation of affordable housing. The Portland Housing Bureau will acquire the properties using TIF dollars from the Interstate Corridor Urban Renewal Area.

Development concepts have not been created for the property, but the Housing Bureau estimates it could accommodate between 100 and 150 new permanently affordable housing units. The land is being held for future development, which will be shaped by a community input process and could include either affordable rental housing or for-sale condominiums.

The acquisition aligns with the land banking goal set forth as part of the North/Northeast Neighborhood Housing Strategy, which the council adopted in 2015 to address the impacts of the

city's role in the gentrification of traditionally African-American neighborhoods and displacement of longtime residents.

The land is owned by members of the Strong family, longtime neighborhood residents who have been in active discussions with the Housing Bureau for nearly four years to ensure the property remains a community asset.

“We didn’t want to put the property in the hands of developers who have no heart or no kind of concern ... for some of the longtime inhabitants of our community,” family member Mark Strong told the council. “Over the last several years the change in North and Northeast Portland has been kind of disheartening to watch. The fingerprints of the African-American community being etched away has just been very, very painful.”

In accordance with the housing strategy, preference for tenancy or ownership at the future development will be given to current and former longtime residents of North and Northeast Portland, and those who have been displaced by prior urban renewal practices in the Interstate Corridor area.

Commissioner Jo Ann Hardesty praised the Strong family for working with the city to ensure the site remains an asset to the community.

“In this time where land is being grabbed up all over the city of Portland, you could have chosen a different route,” she said. “I’m not a real estate person, but I suspect you could have also gotten more money if the goal was just about money.”

Echoing Hardesty’s statement, Commissioner Chloe Eudaly added, “I want to note how vital it is that we move as much property out of the private market as we can and turn it into permanently affordable housing. I think it’s the only way forward to preserving any kind of racial or economic diversity in the city.”

The council also approved an ordinance to provide up to \$3.3 million of construction funding, using Interstate Corridor Urban Renewal Area TIF money, for a new 30-unit affordable condominium development in the Kenton neighborhood. The city funding leverages more than \$7 million of additional financing from other sources, including donations and a loan from First Republic Bank.

The Kilpatrick townhouses are being constructed by Habitat for Humanity Portland/Metro East at the southeast corner of North Interstate Avenue and Kilpatrick Street. Foundation work is under way on the project’s first phase, which consists of a three-story, 12-unit building with single-level condominiums on the ground floor and two-level townhomes on the upper floors. A second phase will add another 18-unit building.

The project will ultimately contain 15 two-bedroom units and 15 three-bedroom units housing an estimated 113 residents. Homebuyers will be identified through the North/Northeast Neighborhood Housing Strategy’s preference policy. According to Dr. Steven Holt, a member of the housing strategy’s oversight committee, the policy is vital to providing ownership equity to the black community.

“Homeownership for African Americans in the city of Portland is now equaling 1965 numbers; we’ve gone backwards,” he told the council. “So opportunities like this cannot be overemphasized.”

A third ordinance will provide up to \$7.35 million in construction financing for Halsey 106, a mixed-use building in the Gateway area being developed by Gerding Edlen and Human

Solutions. The building will include 75 apartment units, including 52 affordable ones, as well as affordable retail space and office space for Human Solutions.

LMC Construction is expected to begin work in September on the Holst Architecture-designed project. Construction funding includes \$6,602,738 in Gateway Urban Renewal Area TIF money and \$747,262 in Community Housing Development Organization money.

All three ordinances passed via 4-0 votes, with Commissioner Amanda Fritz absent.

The Skanner

Police Evacuate City Hall, Close Terry Schrunk Plaza

July 15, 2019

At 12:57 p.m. Monday, several hours after evacuating Portland City Hall and closing down adjacent streets and a park, the Portland Police Bureau announced a suspicious package found at City Hall does not pose a risk to the public and that team members were working on clearing the scene so city staff could resume operations.

This morning at 9:36 a.m. police responded to a report of a suspicious package and evacuated City Hall, according to information released by police Monday. Officers closed the building and closed streets in the immediate vicinity and were “assessing the package to determine whether or not a risk to the public exists,” according to the bureau’s release.

Later this morning PPB announced that Terry Schrunk Plaza, a federally controlled park immediately across the street from City Hall, had also been evacuated while the bureau’s explosive disposal unit investigates.

This marks the second closure of City Hall this month due to threats. On July 2 city officials received a bomb threat and evacuated the building for about an hour. At that time the mayor’s chief of staff said the city had been receiving thousands of angry emails and phone calls a day since the mayor was criticized for his handling of a protest the previous weekend.

OPB

City Sued Over Portland Harbor Superfund Site Cleanup Planning Efforts

By Amelia Templeton

July 16, 2019

The city of Portland is being sued over its plan to use up to \$12 million from a surcharge on customers’ sewer bills to help pay to plan the Portland Harbor Superfund clean up.

It’s the second lawsuit challenging the use of funds collected by the city’s sewer utility, the Bureau of Environmental Services, to pay for the city’s share of the Superfund work.

High-profile lawyer John DiLorenzo and his clients contend that despite rulings in a previous lawsuit, the city has continued to use restricted sewer money as a piggybank for projects that should be paid for by unrestricted tax dollars in the city’s general funds.

“They’re using the sewer fund as a bank,” DiLorenzo said.

City leaders and environmentalists contend that the sewer utility’s spending on the Portland Harbor project was clearly upheld by a judge in 2017 – and they contend that the new lawsuit is the latest in a long series of tactics to delay the federally-mandated clean-up of the river.

“We’re operating squarely within the ruling that the court has already given,” said Commissioner Nick Fish, who oversees the Bureau of Environmental Services. “Since this lawsuit essentially raises the same issues, we believe it’s frivolous.”

The clean-up is expected to take up to 13 years and cost approximately \$1 billion, and the city is one among many parties legally liable for the pollution.

At issue in both lawsuits is language in the city’s charter that restricts the spending of the city’s utility funds to projects that are reasonably related to water and sewer services.

The plaintiffs in the latest suit are Floy Jones, a citizen activist, and Kent Craford, a former lobbyist for industrial water users – the unlikely team behind a 2014 measure that would have removed the city’s water and utility bureaus from the city council’s control. Both were involved in the previous lawsuit over utility misspending.

The city settled that case in 2017, agreeing to transfer \$7 million from its general fund back to the water and sewer bureaus and to pay \$3 million for DiLorenzo’s attorney fees.

Craford said the plaintiffs are now seeking an injunction to stop the city from transferring \$6 million this year, and up to \$12 million total, into a trust fund that other polluters can use to reimburse the cost of designing the clean-up plans.

“We believe that this is an expenditure that does not benefit the city as a whole, much less ratepayers, but rather is for the benefit of independent third parties,” he said.

He said the trust fund is an effort to pool resources to encourage polluters to meet a critical EPA deadline and complete design work by the end of the year – but it won’t change how much each party ultimately spends cleaning up the river.

According to Fish, the utilities will receive credit from the EPA for the money they’re putting into the trust fund, in effect reducing the amount they will owe toward the clean-up bill later.

“It directly relates to the utility services and their potential liability,” he said.

The lawsuit also asks a judge to force the city to determine whether ratepayers should be reimbursed for the money the city has spent to date toward the Superfund project – including \$50.2 million that was at issue in the previous lawsuit.

DiLorenzo said even if the trust fund is a good way to limit the city’s legal liability in the \$1 billion overall clean-up process, the cost should be covered by the city’s general fund, not solely the sewer fund.

“Maybe it’s a good strategy for the city as a whole, but why is it that only the ratepayers are paying for it?” he said.

In the 2017 lawsuit, the city contended that most of the legal liability for pollution in the Portland Harbor Superfund site comes from wastewater pipes and drains that belong to BES and contributed to the historic pollution of the river.

DiLorenzo argued that properties owned by other city bureaus, including the Fire Bureau, also contributed to the contamination.

Judge Steven Bashong ruled in that case that it was reasonable for the city to use the sewer fund to pay for most of its upfront costs related to the Superfund litigation and clean-up.

However, he noted that the city would need to reallocate the costs and reimburse ratepayers if and when the EPA found other bureaus had also been liable for polluting the site, and he left the door open to a future legal challenge.

According to DiLorenzo, the city has made no progress allocating responsibility to other bureaus, even though the EPA has released a final plan for the clean-up, known as a Record of Decision.

“They assured the court that there would ultimately be a reallocation,” Di Lorenzo said.

The city attorneys, meanwhile, have told DiLorenzo that the city has established a special Portland Harbor Superfund Reserve Fund. The mayor has directed other bureaus to prepare to contribute to in future budget cycles.

“The city will ensure that funding for Portland Harbor expenditures will be from the General Fund as well as ratepayer funds,” wrote city attorney Karen Moynahan.

Moynahan said the city can’t reallocate its Superfund expenses yet because the parties involved in the clean-up and the EPA have yet to decide how much the city – and each of the other responsible parties – owe for their share of the pollution.

The lawsuit comes as the city and other parties deemed responsible for the pollution, including powerful corporations such as Exxon and Greenbriar, are in private negotiations to try to settle with the EPA over how much each will pay toward the \$1 billion price tag.

Environmentalists questioned the timing of the lawsuit.

Bob Sallinger, conservation director for the Portland Audubon Society and a longtime advocate of cleaning up the river, characterized the lawsuit as a tactic meant to stall progress.

“I think there are a lot of polluters who would cheer. There are a lot of polluters doing everything possible to disrupt this process,” he said

Salinger questioned who is paying for lawsuit.

Di Lorenzo said his firm, Davis Wright Tremaine, represents “one or two” of the potentially responsible parties involved the Superfund negotiations. He said he has no personal role in that work.

“I’m totally walled off from that stuff,” he said.

DiLorenzo said a nonprofit run by Craford and Jones, Citizens for Water Accountability, Trust and Reform, is providing seed funding using attorneys’ fees they won in the previous lawsuit.

Jones and Craford would not disclose their nonprofit’s donors and said they were uncertain whether they included any of the corporations that are considered potentially liable parties in the Portland Harbor Clean-Up.

Citizens for Water Accountability, Trust and Reform has been listed as inactive and administratively dissolved by the Oregon Secretary of State since December 2016.

OPB informed DiLorenzo of the nonprofit’s lapsed status. He said it was due to the group forgetting to pay their annual registration fees to the state. By the end of the day Monday, Craford and Jones’ nonprofit was once again in good standing.

Hundreds Convene In Portland To Block Zenith Oil Terminal Plans

By Kristian Foden-Vencil

July 15, 2019

About 400 people packed a conference center at University of Portland Monday evening to oppose the expansion of the Zenith Energy oil terminal.

The community forum was organized by the City of Portland.

Mayor Ted Wheeler told the crowd he shares their worries about more oil trains going through the city's densely populated neighborhoods.

"And I'm also concerned, as your mayor, about the possibility of future fossil fuel exports from the city of Portland. From my perspective, that's a non-starter," said Ted Wheeler.

Several ideas surfaced for blocking Zenith, such as changing city codes to limit fossil fuel development; requiring the company have full insurance for a catastrophic accident; or tightening city seismic requirements.

Kate Murphy with Columbia Riverkeeper urged the city to block all Zenith permits, even if it's only for an electrical system.

"Remember, it was a single pipe-link across an environmental overlay zone that allowed the city of Portland to review and ultimately reject the Pembina LPG terminal years ago," said Murphy.

Portland Commissioner Chloe Eudaly told the crowd she didn't tour the facility because she already knows tar sands are dirty and dangerous. She suggested three areas of action.

"One is to revise and expand our current code which limits fossil fuel development. Two, quicken our work to transition to clean, renewable fuels. And three, in the meantime require fossil fuel companies to pay for the risk that the fossil fuel industry presents to our community," said Eudaly.

Zenith sent OPB a statement saying it is not expanding its facility. Company officials maintain it's working to update the rail yard and storage tanks to make them safer.

"Upon purchasing the Portland terminal, Zenith undertook a project to modernize the facility, making it safer for employees, community and the environment. Contrary to what has been written, Zenith is not expanding the facility," the company insisted in its statement to OPB.

"When we initiated this project, the terminal was able to hold 44 railcars and, upon completion, the terminal will still hold 44 railcars," Zenith officials said.

"We are also not adding additional storage capacity; we are refurbishing existing tanks and making them more resilient. Our plans coincide with the City's 2016 ordinance for fossil fuel terminals."

The company said a large part of its business plan for Portland is to attract renewable fuels including renewable diesel, biofuels and ethanol.

"In the Pacific Northwest, these fuels move almost exclusively by rail or water from their production facilities to consumption areas. We agree with the need for lower carbon fuels and our goal is for Zenith to be the primary renewable logistics hub in the Portland area," said the Zenith statement.

As the meeting came to a close, Terry Whitehill, a building official with the City of Portland told the crowd that Zenith had just received a temporary certificate of occupancy for an oil terminal upgrade.

The certificate allows the company to begin using its newly-built racking system for unloading tank cars.

“Decisions on permit applications are made according to the regulations that are in effect when the application is submitted,” said Whitehill.

“Zenith originally filed their permit application with the City in 2014, two years prior to the City Council adopting amendments to the Portland Zoning Code related to fossil fuel terminals,” Whitehill laid out, in a statement that was released by the Bureau of Development Services in a press release after the meeting.

“The City cannot change the goalposts now and apply new, different requirements after the applicant has already submitted their permit application and been approved for construction,” Whitehill concluded.

The BDS statement said the upgrade will make the terminal significantly safer by incorporating a new fire suppression system, a spill containment facility and sprinklers.

The BDS statement supports Zenith’s contention that the plans it submitted do not represent an expansion of the capacity of the existing storage tanks. Bureau officials said Zenith will be issued an approval, called a Temporary Certificate of Occupancy, on July 18.