

Portland City Council Agenda Written Testimony
Document Number 2025-011

	Name or Organization	Position	Comments	Attachment	Created
1	Government Transition Advisory Committee Co-Chair Fred Neal	Support with changes	In December 2024, the Government Transition Advisory Committee (GTAC) sent a letter to the mayor-elect and councilors-elect recommending a robust, well-designed, timely, community-informed, transparent city administrator appointment process. The GTAC resubmits that letter as support for a good city administrator recruitment process.	Yes	01/31/25 12:59 PM
2	Anonymous	Oppose	Why did we vote to change our city governance only to keep the same structure in agencies and dysfunction? This administrator hasn't shaken up city government the way voters wanted; it's been business as usual. Agencies aren't serving the public; some don't even reply to public emails or answer phones.	No	02/02/25 3:32 PM
3	Joe Hovey	Support	We should keep Michael on as City Administrator as he has been handling the transition and he brings some continuity to the process. In addition, he is level headed and brings insight and discipline to the position. Thank you.	No	02/04/25 9:37 AM
4	Breach Collective	Oppose		Yes	02/04/25 9:10 PM
5	Diana Meisenhelter			Yes	02/05/25 9:03 AM
6	Laura Feldman		<p>Dear Mayor Wilson and Council members:</p> <p>My name is Laura Feldman</p> <p>As someone who lives in the blast zone on the North Portland Peninsula, and who has worked on the Portland Harbor Superfund cleanup on the lower Willamette for many years, I'm heartbroken that Mayor Wilson and city administrators are giving Zenith the LUCS, despite their legacy of violations overlooked by the previous city gov, and at a time when the future of the country itself is being taken over by corporate interests at every level.</p> <p>The immanent and ongoing disaster of the Zenith Oil Terminal, which threatens the CEI Hub where most of Oregon's fuel is stored is a harbinger of whether or not Portland will be a safe place to live.</p> <p>I urge Mayor Wilson and staff to rescind this LUCS and make time for this new and hopeful City Council to consider Mitch Green's and Angelita Morillo's resolution giving council members time to investigate Zenith's violation of the city's franchise agreement.</p> <p>Respectfully,</p> <p>Laura Feldman Portsmouth Neighborhood</p>	No	02/05/25 11:11 AM

TO: Mayor-Elect and Councilors-Elect

FROM: Government Transition Advisory Committee

CC: Interim City Administrator Michael Jordan
Bureau of Human Resources Director Tracy Warren

DATE: December 4, 2024

SUBJECT: City Administrator Recruitment

The Government Transition Advisory Committee (GTAC) is made up of volunteers with diverse experiences and expertise, appointed by council in March 2023 to serve until March 2025. Our task is to ensure effective and efficient implementation of charter reform, to engage the public, and to provide strategic, research-informed advice to the City.

The GTAC recommends a robust, well-designed, timely, community-informed, transparent city administrator appointment process.

Background

The voter-approved charter amendments give clear direction but do not detail the city administrator appointment process. With respect to the appointment, the charter states only the following:

- The mayor appoints the city administrator, subject to council confirmation, and gives direction to the city administrator.
- The city administrator must be a person of demonstrated administrative ability with experience in a responsible, important executive capacity and must be chosen by the mayor solely on the basis of executive and administrative qualifications.

In early 2024, the City created a [city administrator job classification](#). The City contracted with Motus Recruiting to develop a recommended recruitment plan. To develop the proposed recruitment plan and ideal candidate profile, Motus Recruiting talked to Portlanders from May to September 2024. Motus Recruiting synthesized responses from hundreds of Portlanders who participated in a survey and shared their work with the GTAC: [City Administrator Attributes Survey Results Data](#) and [City Administrator Listening Sessions Report](#).

This fall, after feedback from the GTAC, Motus Recruiting finalized the [draft position announcement](#), [community-informed recommendations for a city administrator job description](#) and [recommended recruitment strategy and timeline](#) and then submitted their work product to the Bureau of Human Resources.

Considerations

A good city administrator recruitment process

- Recognizes how crucial the hiring of the City's first city administrator is to the successful transition to a new form of government.
- Sets a standard for all appointments to follow.
- Provides transparency necessary to guarantee the charter requirement that the mayor must chose a city administrator solely based on executive and administrative qualifications and lifts up the qualifications so everyone can see them.
- Embodies community expectations of what it means to have a professional city administrator.
- Aligns with good government values embedded in charter reform.
- Provides a roadmap for the City during a time of significant transition and elected leader onboarding.
- Serves as an accountability mechanism.

Recommendations for the new mayor and city council

- Acknowledge the overarching purpose of the recruitment is to appoint a city administrator on the basis of executive and administrative qualifications as directed by the charter.
- Receive a briefing on the recruitment efforts as soon as possible.
- Recognize Motus Recruiting's recommended recruitment plan as a good example to follow for the initial appointment.
- Use Motus Recruiting's recommended recruitment plan as a model for subsequent city administrator appointments.
- Encourage a recruitment that is nationwide in scope.
- Ensure the process, at minimum, engages community, such as listening sessions and a series of interview panels composed of City and community leaders to vet qualified candidates.
- Consider whether the recommended timeline can be accelerated, and a city administrator appointed before June 2025 without sacrificing strategies to engage community.
- Early on, establish and communicate to the public your general support for a formal recruitment process and ensure appointment is neither delayed nor pressured to occur outside of an open and transparent process.



RE: Agenda Item 2025-11
DATE: Feb. 4, 2025

Esteemed Councilors,

My name is Nick Caleb. I am the Climate and Energy Attorney at Breach Collective. I am also a registered lobbyist.

During the January 21, 2025 Zenith Work Session, I emphasized the need for cultural change within City governance to restore public trust. Unfortunately, Monday's Land Use Compatibility Statement (LUCS) approval by Portland Permitting and Development – and the opaque process leading to it – demonstrates that such change will not occur without proactive Council intervention. This issue is deeply tied to appointments of City Administrators and Attorneys, whose leadership sets institutional priorities and determines whose interests the City serves.

I want to begin by thanking you for your efforts in organizing the Work Session. As I mentioned on January 21, that session demonstrated more transparency and oversight than we had seen in the preceding two years. The hearing also, however, revealed some worrying dynamics within City governance that are relevant to this agenda item.

After the Zenith Work Session, advocates reviewed the video and produced a document that fact-checked the staff presentation.¹ Advocates found that the staff presentation omitted key information. Staff did not even explain why a Zenith LUCS decision was back before the City: because of DEQ's enforcement action and an extraordinary \$372,600 fine. This was the *second* time that DEQ has remanded a Zenith LUCS to the City of Portland, which as far as we can tell is unprecedented. Staff presented the circumstances around Zenith's LUCS as an unfortunate detour away from a simple administrative process, avoiding the factors which make Zenith a unique applicant, such as the company's history of non-compliance,² unique operational risks,³ and procedural

¹ Available at:

<https://docs.google.com/document/d/1lq3BOFU2-yhbp654TYGy3UQG99cDnEobCmJHwOZ-0t4/edit?tab=t.0>

² See, i.e. Columbia Riverkeeper, "Zenith Energy's Legacy of Violations and Lies" (accessed Jan. 29, 2025) (listing Zenith's many legal violations and linking to primary documentation),

<https://www.columbiariverkeeper.org/2024/zenith-energys-legacy-of-violations-and-lies/>

³ See, i.e. Breach Collective's January 30, 2025 letter to City Councilors (providing evidence of Zenith's unique risks and incompatibility with the Comprehensive Plan), available at:

<https://static1.squarespace.com/static/5e345da13c0fb26d48290567/t/679d7720839d4841f2940000/1738372898258/Zenith+Comp+Plan+Compatibility+-+1.30.25+.pdf>

irregularities.⁴ These are not extraneous details. Rather, they are crucial, material facts that frame the context of the 2024 Zenith LUCS decision, and demonstrate that Zenith is *not* a typical LUCS applicant and that Zenith's LUCS process *should not* be a simple administrative decision. Staffers' failure to disclose these material facts raises more concerns about their candor and credibility.

For two years, Deputy City Administrator (DCA) Oliveira and others have asserted that Zenith's controversial 2022 LUCS decision was the result of a standard administrative process (despite records and legal precedent to the contrary). Oliveira and others continued to repeat this line to the public even after the City Auditor found that communications with Zenith in 2022 went "beyond what city officials considered the standard process." But during questioning, staff finally admitted that the past Zenith LUCS processes were subject to top-down influence, and highly irregular. This means, for over two years, DCA Oliveira and others regularly repeated self-serving falsehoods, even as the irregularities came to light. Such conduct suggests a worrying disregard for transparency and public trust.

Additionally, DCA Oliveira said the conditions in the 2022 LUCS "were based on conversations we'd been having with advocates at the time." To the extent he means the environmental and community groups who blew the whistle on the backroom deal, this is a complete fabrication. Instead, the City created a separate, secretive process to pursue its own agenda at the expense of community and environmental advocates, including Columbia Riverkeeper, who at the time had partnered with the City to defend against Zenith's lawsuit. DCA Oliveira further presented DEQ's February 4, 2025 LUCS deadline to Zenith as a binding deadline for the City. Only upon questioning from City Council did Oliveira acknowledge that the deadline was not, in fact, a City deadline and there would be little issue in extending the deadline.

In sum, staff's presentation to the City Council continued a pattern of behavior that has created enormous distrust in the community. These omissions and misrepresentations have obstructed transparency and accountability. While such irregularities are now synonymous with City dealings with Zenith, we have heard from our partners in other issue areas that this behavior is increasingly commonplace at the City. This is the antithesis of cultural change within City governance.

Yet, in an extraordinary step towards transparency and accountability, Councilors Green and Morillo signaled last week that they would advance a resolution to pause all Zenith proceedings pending investigations — entirely reasonable and legally defensible under the circumstances. Despite this, two days before the Council could even meet to consider this resolution, the Mayor apparently okayed a staff approval of a LUCS, all to meet this inconsequential deadline. In doing so, the Mayor neglected judicial precedent and City Code that decisions requiring discretion — like weighing Zenith's activities and proposed conditions against the comprehensive plan — *require* public involvement. This decision also amounted to an outright refusal to conduct Tribal engagement

⁴ See, i.e. Advocates Petition to the Environmental Quality Commission re: Legal Insufficiency of Zenith 2022 LUCS process at 10-15, available at: https://drive.google.com/file/d/1Gl9wX2dH_7X1-YPOhUK1WQyPM-h06c1G/view?usp=drive_link

with the Columbia River Intertribal Fish Commission, ensured the City gave up crucial leverage, and deprived the Council of the chance to investigate past City behavior further.

Given the background lack of trust in the city from past decisions and the mayor's own campaign promises, this is a serious betrayal. Advocates have been requesting meetings with and sending our analyses to the Mayor and have been completely ignored. Based on information made available through public requests, it appears Senior Administrators, including Interim City Administrator Michael Jordan and DCA Oliveira, were chiefly responsible for structuring a process that once again ignored relevant judicial opinions and City Code in order to fast track a decision on Zenith's LUCS decision without public process. Instead of a thoughtful, collaborative process to identify a path forward, Mayor Wilson and his Administrators have already engaged in the type of opaque, non-inclusive decision making favoring powerful interests that voters just rejected.

The public understandably wants to be safe from the risks of bomb train explosions, oil spills, and wildfire. These are the serious and known risks that Zenith's operations pose to the public and environment. Allowing these risks endangers Portland residents and contradicts the language of the Comprehensive Plan. Senior administrators – supported by City Attorneys – have done everything they can to keep us from addressing these issues directly and to instead protect Zenith's interests above the public's.

Cultural change within the City will be much harder to achieve if those responsible for the City's current culture remain entrenched in leadership positions, and suffer no consequences for their past behavior. Consequently, this Council should exercise abundant caution before further entrenching administrative leadership with a demonstrated record of being unwilling to allow for the most basic forms of public involvement, oversight, and accountability. Now is the time to ask questions about whose interests this type of behavior serves because it does serve in the public interest.

Thank you for your consideration,

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

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From: [Diane Meisenhelter](#)
To: [Council Clerk](#); [Councilor Zimmerman](#); [Councilor Kanal](#); [Councilor Avalos](#); [Councilor Avalos](#); [Councilor Novick](#); [Councilor Smith](#); [Councilor Green](#); [Councilor Morillo](#); [Councilor Pirtle-Guiney](#); [Councilor Ryan](#); [Councilor Clark](#); [Councilor Dunphy](#); [Councilor Koyamalane](#)
Subject: Longer Written testimony for the record on confirmation of Jordan and Taylor:
Date: Wednesday, February 5, 2025 7:27:42 AM

At the 350pdx mayoral forum I asked the question about whether there would be a national search for the City administrator and would it involve public engagement? I felt reassured by Candidate Wilson's response. He began by quoting a favorite of mine "nothing about us without us". He talked about a national search looking for a record of success we could verify in cities similar in size to Portland and then testing their fit with our values and having public engagement in that process. Experiencing a great sense of dismay about the Zenith decision-making process over this past month I would urge you to consider carefully before deciding on these two confirmations. Multiple times community groups reached out and have not been able to meet with Jordan nor did we get thoughtful responses to numerous important communications. Instead, we witnessed a presentation by City staff and invited guest Zenith filled with omissions, misleading information, and evasion of important questions raised by Council members. Councilors are the policy makers and this is an important precedent setting decision that Jordan oversaw and your involvement should not have been circumvented. State findings and City code backed up by staff's own admissions clearly place both the '22 and '24 decision beyond administrative into the discretionary quasi-judicial realm. Plus Zenith's operations are incompatible with multiple sections of the Comprehensive Plan and other Portland Policies which LUBA determined the City had the right to pursue. City attorney Taylor, when pressed publicly conceded that there were options for Council involvement, but then did not help you pursue them, because staff had already decided what **they** wanted to do. Donnie conceded, when pressed, that the City did not need to meet the Feb. 4th deadline.

I asked my question at the mayoral debate, not because of Zenith but because as someone who had followed the City's so-called climate emergency plan (as well as emergency planning as a NET volunteer, housing policies, and public safety) carefully over the past four years, I knew that the same players, some of whom have now been promoted under Jordan, worked behind the scenes with industry and business interests to help shelf or delay progressive policies and sometimes pushed forward other policies that were not in the best interest for reducing emissions, public health, or for the public or environmental good. We know what happened with the Portland Clean Air Protection program; we supported Bob Sallinger as he unsuccessfully tried to keep developers from doing away with even minor, but hard fought concessions like glass to prevent bird crashes, green roofs, bike racks; we've followed the work around the clean up of superfund sites ; the discussions around the Economic Opportunities Plan; the delay on even the mildest options for the Phase I Build Shift plan much less actual decarbonization; the city's freeway expansion contributions; and the list goes on. And this is just in the environmental realm, while similar concerns could be listed for other crucial City staff policy recommendations. In the midst of a true climate emergency, we don't

have time for these antics. We cannot afford leaders without courage nor players who have let Portland slide backward from being a progressive beacon of what needs to be done in localities across the country. At this point, many cities have surpassed us in many realms and I believe we could learn from their skilled implementers. We've managed to transform City governance and have this promising City Council to build from, but you must fight for your power and show your strength together to ensure that YOU remain the policy makers. In these difficult times ahead, YOU need city staff implementers you can trust to deliver well on what you decide and what voters have called for. We need and want transparency, honesty, accountability, oversight and public engagement. We fear the old bureaucratic culture hasn't and may be incapable of allowing this new governance experiment to move forward in the best of ways and with the support it needs instead of being a barrier.

On Zenith, please support Councilor Green and Morillo's upcoming resolutions.

Thanks for your time and consideration,

Diana Meisenhelter
Cell: 503-349-1460
meissun@hotmail.com

Portland City Council Meeting
Wednesday, February 5, 2025 - 9:30 a.m.
Verbal Testimony

	Document Number	Name
1	2025-011	Fred Neal
2	2025-011	Jessica Vega Pederson
3	2025-011	robert butler
4	2025-011	Diane Meisenhelter
5	2025-011	KAREN CHIRRE
6	2025-011	lynn handlin
7	2025-011	Michaela McCormick
8	2025-011	Laurie King
9	2025-011	Laura Feldman
10	2025-011	Margaret Butler
11	2025-011	Jordan Lewis
12	2025-011	Jan Zuckerman
13	2025-011	Edith Gillis
14	2025-011	Candice Jimenez
15	2025-011	Charlie Michelle-Westley
16	2025-011	Linda Lu
17	2025-011	Au Nguyen