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July 26, 2016

Joe Zehnder
Chief Planner
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City of Portland
1900 SW 4th Avenue, St. 7100
Portland, OR 97201

Re: February 9, 2016 Letter Re Conflicts of Interest Disclosure Form

Dear Joe:

I am writing in response to your February 9, 2016 letter to me and the other 32 members of the West Quadrant (“Quadrant”) Stakeholder Advisory Committee (“Advisory Committee”). The Advisory Committee participated in the City of Portland’s (“City’s”) planning process to develop a West Quadrant Plan (“Quadrant Plan”). The Quadrant Plan was initially drafted by the Bureau of Planning and Sustainability (“BPS”) and ultimately adopted by the Portland City Council (“City Council”) on March 5, 2015, following a two-year planning process.

In your letter, you advised that on June 12, 2015 the City Ombudsman (“Ombudsman”) received an anonymous complaint from a group of concerned citizens claiming that some members of the Advisory Committee had conflicts of interest that were required to be disclosed but had not been disclosed during the Advisory Committee’s meetings. You further advised that

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the Ombudsman reviewed the complaint and concluded that the Advisory Committee members were public officials under Oregon law, and may have had potential conflicts of interest that should have been disclosed at the beginning of the Advisory Committee's meetings. The Ombudsman recommended that BPS ask the members of the Advisory Committee to disclose any potential conflict of interest before the City Planning and Sustainability Commission ("Planning Commission") and the Portland City Council ("City Council") take action on the Central City Plan (the approved Quadrant Plan will be an element of the Central City Plan), and your February 9 letter requests such disclosures.

This letter responds to your request.

First, I would note that during the 17 months the Advisory Committee members served on the Advisory Committee (March 2013 through July 2014) we were never asked by BPS to provide a conflicts of interest disclosure. In fact, at the first meeting of the Advisory Committee a BPS staff member advised the Advisory Committee that "this is not a formal land use process" (Advisory Committee Meeting Minutes, page 5 (March 11, 2013)).

Second, Oregon law is clear that when persons who are required to file conflicts of interest disclosures are met with a potential conflict of interest, they must announce the nature of the potential conflict "**prior to** taking any action thereon in the capacity of a public official" (emphasis added). ORS 244.120(2)(a). Because the Advisory Committee concluded its service in July 2014, and the City Council adopted the Quadrant Plan in March 2015, I do not believe

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submitting the “Conflicts of Interest Disclosure Form West Quadrant Stakeholder Advisory Committee” (“Disclosure Form”) that you have provided would satisfy the requirements of the statute. The Disclosure Form is not a public announcement of a potential conflict of interest provided “prior to” any action by the Advisory Committee. Accordingly, I have not completed the Disclosure Form you requested.

However, I do hereby disclose that I am an Associate Partner at ZGF Architects (“ZGF”), that ZGF has many clients with business interests in the Quadrant, and that I have personal investments in various properties within the Quadrant. I also disclose that during my service on the Advisory Committee I made no effort in the Advisory Committee’s proceedings to influence the content of the Quadrant Plan or the Central City Plan in order to advance the interests of ZGF, any ZGF client, or my own personal interests within the Quadrant, including with respect to what land use policies, designations, and regulations should be established within the Quadrant.

Finally, under ORS 244.040 a public official is prohibited from:

- A. Using or attempting to use his or her official position or office to obtain financial gain or avoid financial detriment for the public official, the official’s relative or a member or members of the official’s household, or any business with which the official or a relative or a member of the official’s household is associated, if the

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financial gain or avoidance would not otherwise be available but for the official's position or office;

- B. Soliciting or receiving, either directly or indirectly, any pledge or promise of future employment based on any understanding that the vote, official action, or judgment of the public official would be influenced by such a pledge or promise;
- C. Attempting to further or furthering the personal gain of the public official through the use of confidential information gained in the course of or by reason of being a public official or based on the activities of the official;
- D. Attempting to further or furthering the personal gain of any person through the use of confidential information gained in the course or by reason of holding the official's position as a public official or due to the activities of the official; and
- E. Attempting to represent or representing a client for a fee before the governing body of a public body of which the person is a member (this prohibition does not apply to a person's employer, business partner, or other associate).

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As I note above, I have not violated any of these prohibitions and will not violate them at any time in the future. Please include this letter in the July 26, 2016 PSC hearing record on the Central City Plan.

Very truly yours,

Nolan Lienhart