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September 12, 2014

VIA E-MAIL: smo@shawnoneil.com
AND FIRST CLASS MAIL

Shawn M. O'Neil
Attorney and Mediator
8755 SW Citizens Dr Ste 202
Wilsonville OR 97070

Re: Supplemental Public Records Request Concerning Kinder Morgan Pipeline

Dear Mr. O'Neil:

I have received your second public records request and will briefly respond to those items that I can quickly respond to:

Per your first request on page 1, this letter will confirm that the City of Wilsonville has made due inquiry and search of records for the 27 requests you made and has supplied and has provided to you all of the documents found.

In the third paragraph on page 1 of your letter, you ask again about agreements between the City and the past and current owners of the pipeline. Although I thought I had responded to that question in my last letter to you, there are none. To be clear, we have no agreements concerning the pipeline with the Southern Pacific Railroad, the Santa Fe Pacific Pipeline, Inc., or Kinder Morgan. I do not know what, if any, subsidiaries any of these entities have, but the City has no agreements with any party, nor do we collect any fees from any party, with respect to the pipeline you are inquiring about.

In response to items 5, 6, and 7, the City has no documents evidencing any communication with any party between September 2, 2014 and today's date. The only communication that occurred was a telephone call I made to the woman referenced in my last letter to you, which I made in an attempt to be helpful to you in finding some of the information you were seeking, which the City did not have. Other than that one brief telephone call, which is outlined in my last letter to you, there has been no other communication.

With respect to item 4, the May 2014 meeting was requested by our Public Works Director and it was for no particular purpose, other than that she periodically checks in with various parties who may impact City emergency preparedness to ensure that nothing of note is occurring that could potentially impact the City. The meeting was requested by telephone and no documents were exchanged or produced as a result thereof. Ms. Kerber made a few notes before and after the meeting and they are enclosed for your reference.



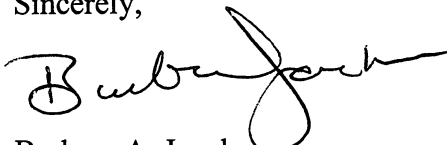
Requests 1 through 3 are very broad and, except for Request 1, which requests documents back to 1997, Requests 2 and 3 have no indicated time frame. In speaking with Mike Kohlhoff and the City Recorder, both of whom have been with the City for well over 20 years, neither can recall any documents relating to the pipeline on file with the City. That being said, going through all of the files related to the City water treatment facility will be staff intensive and time consuming for legal and public works staff. Additionally, if you are asking for any planning or engineering documents that might reference the pipeline, either in review of a development application or a City or private construction project around the area of the pipeline dating back as far as the City has records, that search will require an exhaustive search of records by engineering and planning staff. Because the request is very broad and would involve several different City departments, a rough estimate of time required for staff to spend searching records is estimated to be at least 40 hours. Once you confirm the parameters of the request, I can attempt to calculate what that cost will be to your client. The estimated cost will need to be paid before the work commences. If the actual cost is higher, your client will be required to pay the balance before the records are released. If the amount is lower, your client will receive a refund of the excess at that same time.

As you are aware from your time with the Attorney General's Office, public records requests are not intended to be a substitute for discovery. While the City is more than willing to share records with you, if you could give us a clearer idea of what your client is looking for or concerned about, that information would likely reduce time and the cost to your client considerably. The City is not willing to waive any charges for an unidentified client. Likewise, any information that the City deems security-related will not be shared with unknown parties pursuant to ORS 192.501(23)(b) and ORS 192.502(33).

You are welcome to schedule an appointment through my legal assistant, Tamara Callaway (503-570-1507), to come in and review a redacted version of the City Emergency Response Plan-City of Wilsonville Community Water System.

Should you wish to discuss any of this in more detail, please feel free to contact me.

Sincerely,



Barbara A. Jacobson
Assistant City Attorney

baj:tec
encl.

cc: Sandy King, City Recorder
Delora Kerber, Public Works Director
Mike Kohlhoff, City Attorney
Bryan Cosgrove, City Manager

DATE 5/5/14

PURPOSE

CUE COLUMN

NOTES

* Kinder-Morgan Fuel Line

Who, what, how, where

Impact to water treatment plant

sidewalk policy/ordinance
sidewalk program

⇒ Boones Ferry Messenger
talk w/ John Gail

Zacchetos MP

Zauchman
House

send Matt & Stan invite
to DRB meeting

June 2 - New Park Supervisor

SUMMARY

Police Dispatch
503-655-8211

DATE 5/20/14

PURPOSE _____

CUE COLUMN

NOTES

Per discussion w/ Bryan
Table Top exercise
w/ Kinder-Morgan

- 1-5 chem spill
- break in pipeline under river
- phone tree

SUMMARY