

MINUTES

Eugene City Council
Council Chamber—City Hall

June 4, 1996
6:30 p.m.

COUNCILORS PRESENT: Tim Laue, Shawn Boles, Pat Farr, Kevin Hornbuckle, Barbara Keller, Jim Torrey

COUNCILORS ABSENT: Laurie Swanson Gribakov, Nancy Nathanson

Council President Tim Laue called the Regular City Council meeting to order.

I. APPELLANT HEARING FOR INITIATIVE BALLOT TITLE CONCERNING REVISION OF CITY CHARTER TO IMPOSE LIMITS ON EWEB'S SALE OF WATER AND ELECTRICITY

Administrative Services Director Warren Wong introduced the topic.

City Attorney Glenn Klein explained that council members had before them the ballot title that the City Attorney's Office had drafted and the appeal from Dave Sweet.

Mayor Bascom arrived at 6:35 p.m.

A. Appellant Proposal

Dave Sweet addressed the council regarding the question of the ballot title. He stated that the current question, "Shall Charter prohibit EWEB from selling to any entity more than five percent of its total water and electrical power," inferred an absolute prohibition, which his proposed initiative did not do. He said that it clearly stated in section one that the voters of the City of Eugene could approve a transfer by vote. He proposed the question be rewritten as follows (additions in bold and deletions in brackets): "Shall Charter prohibit EWEB from selling [to any entity] more than five percent of its total water and electrical power without voter approval."

Mr. Sweet, regarding the explanation, requested that the same intent be given by combining sentences number two and three in the following manner (additions in bold): "Prohibits the Eugene Water and Electric board from selling or transferring to any entity more than five percent of EWEB's total annual consumption of electrical power or water on a yearly basis unless city voters approve exception from five percent limit."

Mr. Sweet noted that the council had more options than to just change the wording, accept the proposed changes, or accept the title as written. He suggested that the council could consider putting something like this on the ballot directly.

B. Questions from City Council

Mr. Klein noted that the council needed to consider the issue of whether it was more informative for the voters to be told that it was a limit of five percent to a single entity or whether it was more informative to include the words, "without voter approval." He noted that both statements were accurate, but in the way that Mr. Sweet rewrote the question, the information of "to a single entity" was deleted. With regard to the explanation, Mr. Klein stated that it would be fine to join the second and third sentences.

Ms. Keller stated that she believed it was more important to include "to any entity" in the question though Mr. Sweet's addition was not incorrect. She said that it would be acceptable to her to approve Mr. Sweet's recommendations for the explanation.

Mr. Boles asked if it would be possible to treat "five percent" as a non-word so that another question could be generated that included both ideas.

Mr. Klein stated that five percent was counted as two words by the City Attorney's Office. He noted that at minimum it would be counted as one word, but the City Attorney's Office counted those types of symbols in ballot titles as two words.

Mr. Torrey said that while he was sympathetic with Mr. Sweet's request, he believed it was more important to include the words, "to any entity," than it was to indicate without voter approval. He said if there was a way to craft the question to include both ideas then he would support it.

Mayor Bascom indicated that EWEB already sold 15 percent of its power to the City of Eugene, and asked how this would be reconciled if the initiative passed. She asked if this initiative would forgive any entity already receiving more than 5 percent of EWEB's total water and electrical power. Mr. Klein indicated that was accurate. Mr. Klein added that the measure would "grandfather in" the City and other entities that were already receiving more than 5 percent of EWEB's power as of January 1, 1996.

Mr. Hornbuckle stated his appreciation of the dialogue and noted that it would be possible to construct a question that would include both ideas.

Mr. Hornbuckle moved, seconded by Mr. Boles, to recognize five percent as one word.

Mr. Laue noted that five percent were two adjectives and consequently two words.

Roll call vote: the motion failed 4:3 with Mayor Bascom joining councilors Keller, Laue, and Torrey on the prevailing side.

Mr. Torrey moved, seconded by Mr. Boles, to rewrite the question as follows: "Shall Charter prohibit EWEB selling more than five percent of total water or power to single entity without voter approval." Roll call vote; the motion passed unanimously, 6:0.

Mr. Boles moved, seconded by Mr. Laue, approval of the explanation as submitted by the appellant.

Mr. Torrey asked if there were any legal concerns. Mr. Klein indicated that there were none.

Roll call vote; the motion passed unanimously, 6:0.

Mr. Boles moved, seconded by Mr. Hornbuckle, referral of the ballot title to the electorate at the next appropriate election time.

Mr. Klein stated that he was not clear what was being referred.

Mr. Boles stated that one of the options the council had when being presented with an initiative was to refer it directly to the electorate on behalf of the person or people bringing forth the initiative.

Mr. Torrey said that he would not support the motion because this was a very stringent issue. He said that he wanted to further consider this issue.

Mr. Klein, referring to section 2.980 of the Eugene City Code, stated that it provided that "no later than 20 days after verification of signatures on a petition for a measure the Manager shall present the petition to the council for consideration. At that time or there after, the council may adopt an ordinance proposed by the initiative petition or the submission of an alternative, vote to urge adoption or defeat of the initiative or referred measure." He said it was at the time that the signatures were verified that the council could make one of those choices.

Mr. Boles asked if it was not always the council's prerogative to simply turn this into an issue that can be referred by the council to the community. Mr. Klein stated that the council had the ability to refer a measure at any time. To accomplish this, the council would need to direct staff to bring back to the council a resolution that would call an election on a Charter Amendment.

Mr. Boles moved, seconded by Mr. Hornbuckle, to amend the main motion by directing staff to reframe this petition in the form of a Charter Amendment and bring it to the council for consideration.

Mr. Hornbuckle stated his approval of the motion.

Ms. Keller stated that she was in favor of the debate being created by this issue and added that she would be interested in referring this measure at some point.

Mr. Torrey urged that the council should allow the initiative process to be used rather than rushing this measure to the electorate.

Mr. Farr stated his agreement with Mr. Torrey.

Ms. Keller called for the question. Roll call vote; the question passed 4:2, with councilors Torrey and Laue opposed.

Roll call vote; the motion failed 4:3 with Mayor Bascom joining with councilors Torrey, Laue, and Farr in opposing the motion.

The meeting adjourned at 7:15 p.m.

(Recorded by Jennifer Self)
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Linda H. Norris

MINUTES

Eugene City Council
Council Chamber—City Hall

June 4, 1996
7 p.m.

COUNCILORS PRESENT: Tim Laue, Laurie Swanson Gribakov, Shawn Boles, Pat Farr,
Kevin Hornbuckle, Barbara Keller, Jim Torrey.

COUNCILORS ABSENT: Nancy Nathanson

Her Honor Mayor Ruth Bascom called the Special Dinner Work Session of the Eugene City Council to order.

I. WORK SESSION: DRAFT CITY MANAGER POSITION PROFILE

David K. Donaldson, David M. Griffith and Associates, discussed his two days of Mayor/Council interviews regarding a profile for the position of Eugene City Manager. Mr. Donaldson conveyed that he was pleased that there was a general consensus that a City Manger applicant should 1) have public management experience; 2) have the qualities of honesty, integrity, and an ability to foster trust; 3) be a team-oriented worker; 4) have the ability to listen to broad points of view and engage well in public participation; 5) possess and maintain a progressive and innovative approach to local government; 6) have a citizen responsive focus; 7) have a bachelor's degree; 8) possess a style that provides the council with a great deal of information and options; 9) possess strong budgeting skills; and 10) be a strong facilitator and consensus builder.

Mr. Donaldson noted the councilors differed on the following issues: 1) salary range with the range stretching from \$90,000-\$115,000 per year; and 2) the level of public visibility expected of the City Manager.

Mr. Donaldson stated that he wanted to receive public input before he created a draft profile for the position and added that once he had received the input and drafted a profile, he would ask for feedback from the council. He added that the draft profile would be completed by the end of the month.

Mr. Boles, with regard to the issue of salary, suggested that there were quality of life differences between this municipality and others and added that he believed the council should be considering candidates in the lower salary range because the quality of life differences acted as a "second paycheck."

Mr. Farr said that he was not adamant that a City Manager candidate should have a bachelor's degree if they were otherwise qualified for the position.

A. Public Participation in Development of a City Manager Profile

Mr. Donaldson noted that all of the councilors appeared to be in agreement that some form of public participation was appropriate and necessary in creating the profile. He said that he had created an option that attempted to take into account the interests of each councilor. He explained that all of the councilors had indicated that a public forum was an important piece in the process. He noted that some believed the council members should be present, others believed the council members should not be in attendance, and others believed it should be optional. He said that in whatever form, the public forum would need to be well publicized.

Mr. Donaldson commented that he would recommend a combination approach with respect to meeting with different groups for profile feedback. He explained that perhaps on one day he would meet with those groups that are standing boards or commissions and then another day he would schedule time with specific groups that wished to have input. He noted that the potential problem was the exclusion of some groups.

Mr. Boles summarized Mr. Donaldson's ideas, noting that it sounded like a three-pronged approach with 1) an open forum; 2) a set of interviews with already appointed members of boards and commissions; and 3) interviews with any other organized group. He suggested conducting a random draw from the voter pool as well as asking each councilor to list two to three people with whom they would like Mr. Donaldson to speak.

Mr. Hornbuckle said he was interested in Mr. Boles' suggestion. He said that the condition of favoritism would occur when selecting groups with whom Mr. Donaldson would speak, and added that the random draw would eliminate the favoritism. He said that the primary interest should be the public hearing with the City Council present. He added that the council members should represent the boards and commissions and if people from the groups wanted input they could call Mr. Donaldson.

Mr. Farr stated his support for Mr. Donaldson's suggestions, noting that he liked the idea of a public forum open to everybody and strongly suggested that the councilors not be present at such a forum.

Mr. Torrey stated his support for the open forum as opposed to a hearing with the council present. He added that he liked Mr. Boles' idea of each councilor picking a few people to speak with Mr. Donaldson.

Ms. Keller stated her support for the open forum as opposed to a public hearing. She said she felt strongly that the council should not invite certain groups to give input because then a numbers game was created and it pitted groups against groups. She added that it would be important to invite all standing committee members and members of the Neighborhood Leaders Council (NLC) to a public forum. She noted that she liked Mr. Boles' idea of doing a random draw from the voter pool.

Ms. Swanson Gribakov voiced her support of the public forum and involving specific groups. She said that she wanted an inclusive process but was also interested in getting feedback from the specific boards and commissions.

Mr. Hornbuckle stated that the council needed to set a format for the public forum in order to create an inclusive and public process. He suggested that a public hearing be held in the McNutt Room where the City Council and Mr. Donaldson were present. He added that if councilors believed there were certain groups or individuals that needed particular access to Mr. Donaldson, then council could recognize those people for five minutes rather than three minutes.

Mr. Torrey, with regard to the open forum, stated that there needed to be some limitations placed on the number of people that could speak at that forum. He said that a random drawing could be done from the list of people who indicated an interest in speaking and added that the rest of the people could submit their feedback in writing. He stressed the importance of each full board or commission speaking with Mr. Donaldson.

Ms. Swanson Gribakov suggested that the public hearing be held in the Council Chamber and supported the idea of a random draw.

Mr. Laue said he was inclined to agree with Mr. Hornbuckle regarding the public hearing and reiterated that the council should be present at a public hearing.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to direct Mr. Donaldson to meet with the four standing committees and the NLC to seek input on the profile and characteristics of the City Manger position. The motion passed unanimously, 7:0.

Ms. Keller moved, seconded by Mr. Boles, that Mr. Donaldson be directed to conduct an effective public forum.

Mr. Hornbuckle stated his disagreement with the motion because Mr. Donaldson did not have the experience to deal with this community in an effective manner. He added that a naive mistake could create an exclusive process. He noted that the City Council should set the standard and the format for the public forum.

Ms. Swanson Gribakov asked Mr. Donaldson what he had considered in the way of a public forum.

Mr. Donaldson suggested that a public forum be held on one night and noted that if there were too many people to accommodate the first night then perhaps a second forum would be held.

Mr. Torrey stated that a distinction between a public forum and a public hearing was that during a hearing people stated their opinions about a specific issue, while forum was about information gathering. He said that he would like to give more direction to Mr. Donaldson than Ms. Keller's motion afforded.

Mr. Farr said he would support the motion if the council moved ahead with a second motion that further defined the process, but said he did not see the need for the motion. He said he was in favor of a public forum without the council present.

The motion passed 4:3 with councilors Torrey, Hornbuckle, and Farr voting in opposition.

Mr. Farr said he voted in opposition because he wanted to give more direction to Mr. Donaldson.

Mr. Donaldson stated that he needed direction about how to publicize the event. He added that he visualized a two-day process wherein the first day he would meet with the five committees for about one-hour each and hold a public forum during the evening. He described the second day as containing meetings with individuals selected by the City Councilors and another time slot available for further public input.

Mr. Torrey moved, seconded by Mr. Farr, that any public forum be limited to three hours in duration, be limited to three minutes per individual speaker, and other any individual wishing to speak and not selected by random drawing be given the opportunity and urged to present his/her testimony in writing.

Mr. Torrey said that it was unreasonable to expect Mr. Donaldson to create a public forum given his lack of knowledge of the citizens of Eugene.

Mr. Ferr withdrew his second.

Mr. Farr moved, seconded by Mr. Torrey, to outline a process for Mr. Donaldson that on day one he conducts meetings with the four committees and the NLC, that in the evening of day one he conducts a public forum, that on day two he meets with specific individuals designated by councilors and the mayor and that on day two there be time set aside for other meetings, including a debriefing with the council.

Ms. Keller said she agreed with the motion with the exception of the meeting with the three individuals selected by councilors because that could create division and a numbers game.

Ms. Keller moved to keep the time slot for individual meetings, but to allow individuals to sign up for time slots during the prior public forum. The motion died for lack of a second.

Mr. Donaldson said he could see both sides of the issue. He added that the opportunity to speak with him would exist for all individuals, but there might be some who would represent a different point of view that would not sign up to speak to him.

Mayor Bascom said that it was unnecessary to formalize that process.

Mr. Boles asked if the maker of the motion would agree to change the number of individuals selected by councilors to two. Mr. Farr and Mr. Torrey accepted the friendly amendment.

Ms. Keller stated that it would have been better to have received proposals in the agenda packets rather than having Mr. Donaldson throw out impressions and ideas. She added that she did not want to see the council meet with Mr. Donaldson immediately following the two days of public testimony, but rather she would like to give him time to create a presentation of the synthesized information.

Mr. Torrey stated his support for the entire motion including the debriefing.

Mr. Donaldson stated that the debriefing would be a good use of his time while he was in Eugene. He suggested June 25 and June 26 as the days on which to hold the public input sessions.

The motion passed 6:1, with Ms. Keller voting in opposition.

Mr. Farr moved, seconded by Mr. Torrey, that the council ask Mr. Donaldson to create a public forum not to exceed four hours, not to be formally attended by the City Council, and that the City broadcast the event and send 50 invitations to a random selection of voters.

Mr. Hornbuckle stated his support for the motion with the exception that he believed the City Councilors should formally attend the forum. He said that he might feel as though the council was not listening if he were to attend a public forum in which only the recruiter was in attendance.

Mr. Hornbuckle moved to divide out the portion of the motion stating that the City Council not formally attend the forum. The motion died for lack of a second.

Ms. Keller asked for an explanation regarding publicizing the public forum. Mr. Farr stated that he wanted to use the City's normal methods for publicizing the public forum.

Ms. Swanson Gribakov stated that she was not in support of sending 50 random invitations because she said that the forum was open to the entire public.

Mr. Boles encouraged the City Councilors to be present for the forum and added that he saw a problem with the councilors not being present at a public information gathering session.

Mr. Donaldson said that it was best to have everyone at the forum the same level.

Mr. Torrey asked if Ms. Swanson Gribakov's concern could be eradicated if the word "invitation" was changed to "notice." Mr. Farr and Mr. Torrey accepted the suggestion as a friendly amendment.

The motion passed unanimously, 7:0.

B. Timing Options

Mr. Donaldson noted that in his letter he had outlined three distinct timing options: 1) no delays and assumes profile would be complete by the end of June, hired by October 1 and begin November 1; 2) delay to accommodate November election, hired in November and begin January 1997; and 3) delay time frame to allow seating council members to interview finalists, hired in January 1997, and begin

March 1997. He noted that all of the councilors agreed to option 2 while one councilor preferred option 3, but would agree to option 2.

Mr. Farr stated his support for option 2 because he would like to have the councilor-elects involved in the process.

Mr. Boles stated his support for option 2.

Mr. Hornbuckle stated that he did not believe the time frame should be delayed to accommodate the November election, but he did agree that candidates for the seats should be given extraordinary access to the council and to the process. He said he did not like option 2.

Ms. Keller suggested that the council not delay the process. She said that it would be easy to involve the candidates for council seats in the process.

Ms. Swanson Gribkov said she supported option 2 with the viewpoint that it would give the City the upper hand in recruiting the very best candidates.

Mr. Torrey stated his support for option 2 because the councilor-elects needed to be involved in the hiring process both out of respect for the councilors and out of respect for the candidates.

Mayor Bascom stated her support for option 3 in order to allow the City Manager be selected by the new council.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to select option 2 with a new City Manager start date of January 1997. The motion passed 5:2, with councilors Keller and Hornbuckle voting in opposition.

Agreement was reached that persons elected to the council in the primaries and persons in fall run-off elections for the council and mayor be incorporated in discussions to be held about the selection of a new City Manager, without being able to vote.

Mr. Donaldson suggested Tuesday and Wednesday June 25-26 as the days to hold all public input sessions. Council members agreed to these suggested dates

C. City Manager Draft Profile/Job Description

Mr. Boles stated that he would like to see a way for the council to incorporate, in the discussion of the profile, a look at the current job description and any suggestions for changes. He said the two should be "in sync" with each other.

Ms. Keller stated that, as she remembered, the council had agreed to ask the council officers to schedule a discussion about the job description of the City Manager. She asked when the job description would be completed.

Mr. Donaldson said that the formal job description and the profile were two different things and it was his sense that if the councilors wanted to change the description they should do so. He suggested that the councilors take a closer look at the City Charter when taking into consideration changes in the job description. He added that it needed to be completed before candidates were interviewed.

Mr. Farr moved, seconded by Mr. Torrey, that the City Council convene a subcommittee to review the current job description for the hiring and make recommendations for changes that would come back to the entire council.

Mr. Hornbuckle stated his disagreement with the review of the job description because history indicated that there were certain expectations and if they were not met, then that was okay, given that the majority agreed with it. He said that there was nothing that stopped individuals from writing up job descriptions and giving them to the candidates because that was the nature of the job, variable.

Mr. Boles stated his agreement with Mr. Donaldson and he supported his idea of individuals soliciting comments from individuals. He noted that it was important to close on one final job description prior to interviewing candidates. He said he was opposed to forming a committee.

Mr. Torrey said he wanted to make the job description tighter.

Ms. Keller moved, seconded by Mr. Hornbuckle, to amend the main motion by deleting the subcommittee and have the discussion of the job description in a work session of the council as a whole any time between June and October 1996. The motion passed 5:2, with councilors Torrey and Farr voting in opposition.

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Jennifer Self)
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