

MINUTES

Eugene City Council
Council Chamber--City Hall

July 7, 1995
12:30 p.m.

COUNCILORS PRESENT: Shawn Boles, Kevin Hornbuckle, Tim Laue, Nancy Nathanson, Laurie Swanson-Gribskov, Jim Torrey.
COUNCILORS ABSENT: Pat Farr, Barbara Keller.

APPELLANT HEARING FOR INITIATIVE BALLOT TITLE CONCERNING REVISION OF CITY CHARTER TO CHANGE FORM OF CITY GOVERNMENT

The special meeting of July 7, 1995 of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

Councilor Hornbuckle recused himself in order to participate as an appellant.

I. PUBLIC HEARING

Patricia Binder, 10 Crest Drive, Apartment B-3, referred council members to supplemental material from Voters Should Have Real Choices which proposed changes in the ballot title, question, and explanation. She expressed concern that the city attorney's language sounded as if someone was being paid tax dollars to defeat the ballot measure; she wanted to be sure she was receiving good information from the government. Ms. Binder read through the proposed language, explaining why changes would provide a more accurate understanding of the ballot initiative.

John Jordan-Cascade, 2239 Monterey Lane, stressed that the proposed ballot title, question, and explanation inaccurately represented the filed initiative and showed a confusion of the issues. He expressed disappointment in the way the city attorney had interpreted the ballot measure and felt that the attorney's document should be eliminated altogether, adopting instead the proposed changes submitted by Voters Should Have Real Choices. Mr. Jordan-Cascade suggested one change in the proposed title that would increase clarity.

Eva May, 160 West 17th, said that the explanation section of the proposed charter amendment should include the statement, "Establishes 'Commission on Proportional Representation and Voting Democracy'" as this was an important part of the preference voting system that voters needed to be aware of. Ms. May agreed with Mr. Jordan-Cascade's proposed ballot title.

Kevin Hornbuckle, 160 West 17th Avenue, agreed with the other appellants and added that the form of the city government under both the proposal and the current charter was republican, with majority rule under both systems. He pointed out that under preference voting and proportional representation it would be majority rule with minority participation although it would still be majority rule due to proportionality. Mr. Hornbuckle gave examples of others who used various forms of proportional representation elections, including Cambridge, Massachusetts; New York City school boards, some private U.S. organizations, Austria, Denmark, Sweden, Netherlands, Germany, and other countries.

Mr. Hornbuckle also suggested randomly placing the bullet points in the ballot explanation section to eliminate bias about which order they appeared in. He read through the bullet points suggested by Voters Should Have Real Choices.

Karl Sorg, 2222 Willamette Street, Apartment 13, addressed the need for specificity in explaining the proposed salary for council members. He said it should be clear that council members' salaries would be based on the median--not the average--income for a two-person household in Eugene, and that this salary would be recalculated every two years. Mr. Sorg said that he felt that Mr. Jordan-Cascade's proposed title was superior to the one submitted by Voters Should Have Real Choices.

II. COUNCIL DISCUSSION

Mayor Bascom asked William Gary, City Attorney, to respond to the testimony from the appellants. Mr. Gary said that council had been charged with approving a ballot title that satisfied the requirements of ORS250.035 and that each of the three components of the ballot title had an objective: the ballot title should include a caption of not more than ten words which reasonably identified the subject of the measure; the question, which contains no more than twenty words, should clearly phrase the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; a concise explanation of no more than eighty-five words should summarize the measure and its major effects.

Mr. Gary said that he had written many ballot titles throughout the years and took offense at being accused of trying to sway the ballot title one way or another--he assured the council this had not been his intent. He added that there had been much room for disagreement about the best way to describe the measure because of its vast effects.

Mr. Gary responded to some of the principle points raised by the appellants, first answering the claim that the title was inaccurate because it referred to a change in the form of government. He agreed with Mr. Hornbuckle's comment that the measure would retain a republican form of government, although he pointed out that there were many different republican forms and, if the ballot title was to reasonably identify the subject of the measure, it must notify the voters that a change in the form of government in the city of Eugene would take place.

Responding to the suggestion that the words "sweeping changes" in the form of government was inappropriate, Mr. Gary said that although other words could be used, it would be impossible to describe everything this measure did within the word limits. Given the scope of this measure, Mr. Gary felt it was important to let the voters know that not everything was listed in the ballot title and that they should refer to the measure itself for complete information.

In response to Ms. May's proposed addition of including the establishment of a proportional representation and voting democracy commission, Mr. Gary said that some things would have to be left out of the explanation, and that this statement did not tell the voter much since the responsibilities of the commission could not be listed in detail.

Mr. Gary disagreed with the suggestion that the ballot title should state that the measure increased elected officials' authority and decreased appointed officials' authority; he felt that this suggestion was inaccurate and that the main focus of the measure showed the change in powers and duties of the elected council, mayor, and city manager.

Finally, Mr. Gary cautioned about making significant changes in the explanation as the sum total could only be eighty-five words. He said that bullets had been used to make the explanation clearer and that using numbers or letters next to each item would count as words. Mr. Gary apologized if he had left anything out and said he would be happy to respond to other questions from the council.

Mayor Bascom recommended that council review the ballot title, question, and explanation separately, taking straw votes on each recommended change in an effort to make a final motion to adopt the agreed upon changes.

Ms. Swanson-Gribskov clarified with Mr. Gary the difference between his reference to proportional representation and Voters Should Have Real Choices reference to preference "ranked" voting. Mr. Gary said it was important to inform the voters that they would be moving to a system of weighted voting. Mr. Boles suggested that it might not be necessary to refer to the present voting system as voters would be familiar with it.

A. Title

Mayor Bascom called for revisions to the ten word ballot title. Councilors discussed distinctions in forms of government and whether it was important to state that the form of government would be changed or to emphasize the changes in the roles of the mayor, council, and city manager. The council discussed whether the term "Council-Manager" that described the current form of government would need to be changed if this initiative was adopted. Distinctions between the meanings of the words "roles" and "powers" were discussed.

The council took three straw votes on revisions to the ballot title, tentatively adopting a balance between Mr. Jordan-Cascade's proposed title and other wording changes.

B. Question

Next, Mayor Bascom asked for discussion on the twenty word ballot question. The Council discussed adopting and revising the ballot question proposed by Voters Should Have Real Choices. Mr. Gary mentioned that councilors should consider the distinction between using the word "amends" rather than "revise" and remain consistent in their use of either word. The majority of councilors decided to retain the word "revise" throughout the ballot initiative.

The Council took two straw votes on the ballot question, proposing to adopt the Voters Should Have Real Choices' wording with minor additions and revisions. The council took an additional straw vote to change the word "amends" to "revises" in the ballot title.

C. Explanation

Mayor Bascom called for revisions to the eighty-five word ballot explanation. The council discussed whether or not to retain a lead-in statement to the explanation bullets, and whether the word "sweeping" was a neutral modifier or should be replaced with a similar word or a bullet stating "other changes."

Before the first straw vote, Ms. Nathanson recommended looking at alternative wording options for the explanation; in particular, a handout composed by Ms. Swanson-Gribskov. Mr. Boles expressed his concern that a straw vote had been up for consideration when Ms. Nathanson made her proposal. After the straw vote had been taken, Ms. Nathanson said that going bullet by bullet might take too long and suggested taking a short recess to decide which base explanation document to amend.

Mr. Boles replied that this constituted a change in process that moved away from the original decision to use straw voting. Mayor Bascom stated that she had interpreted Ms. Nathanson's recommendation as simply a need to decide which document to work from. Ms. Swanson-Gribskov explained that she had not had a chance to pass around her handout earlier and agreed with Ms. Nathanson that it would be easier to choose one document to work from than to continue revising each bullet individually. Mayor Bascom called for a short recess for council members to read Ms. Swanson-Gribskov's document.

Upon reconvening, Mr. Torrey asked whether this initiative violated the single subject rule. Mr. Gary responded that he had concluded that the measure involved only one subject because it changed the form of city government. He noted that the council had deleted the phrase "changes form of government" from the ballot title and if, in fact, the measure did not change the form of government, it was debatable whether it involved only one subject. Appellant Kevin Hornbuckle voiced his disagreement with Mr. Gary's suggestion.

The council decided to continue taking straw votes using the original explanation document from the city attorney as a base document to revise. The council took eleven additional straw votes as it moved bullet-by-bullet through the explanation to revise the wording, punctuation, and meaning.

III. Formal Motion

After completing the explanation revisions, Mayor Bascom recommended making a formal motion to adopt the new ballot title, question, and explanation. Mr. Torrey asked if any appellants had responses to the proposed changes before a formal motion was taken.

Ms. Binder and Mr. Hornbuckle both expressed appreciation to the council for its hard work. The council decided to turn down Mr. Hornbuckle's suggestion of randomizing the bullets under the explanation section.

Mr. Gary read through the proposed changes to the ballot title, question, and explanation:

BALLOT TITLE

TITLE: Revises Charter: Changes Elections Method; Responsibilities of Mayor, Council, Manager.

QUESTION: Shall Charter be revised electing ten city councilors by preference (ranked) voting, paying mayor/city councilors, and other changes?

EXPLANATION: Makes Changes to Eugene Charter and city government:

- Replaces current ward election method with city-wide preference voting; each voter has one vote which may transfer to successive preferences;
- Shortens term of office to two years;
- Provides salary/benefits for mayor; councilors based on local median income;
- Increases number of councilors to ten; mayor chosen from councilors based on preference vote tally;
- Repeals mayoral veto power;
- Increases council responsibilities;
- Decreases city manager responsibilities;
- Requires voters' pamphlet for city elections;
- Establishes proportional representation commission;
- Makes other changes.

Mayor Bascom called for a motion to adopt the proposed revisions of the ballot title, question, and explanation.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt the ballot title, question, and explanation. The motion carried unanimously, 5:0.

Mr. Boles expressed his concern that there had been no written responses to questions for the upcoming council meeting. Linda Norris, City of Eugene, responded that staff had tried to categorize the questions and main points for the councilors' packets.

The meeting adjourned at 1:30 pm.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Andrea Reid)
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