

MINUTES

Eugene City Council
McNutt Room—City Hall

October 23, 1996
11:30 a.m.

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

The meeting of October 23, 1996, of the Eugene City Council was called to order; Her Honor Mayor Ruth Bascom presiding.

I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to adopt the order of the agenda. The motion passed unanimously, 6:0 (Ms. Nathanson and Mr. Torrey not having yet arrived).

II. ITEMS FROM THE MAYOR, CITY COUNCIL, AND CITY MANAGER

A. Protest March

Mr. Farr complimented Department of Public Safety (DPS) traffic team for their handling of yesterday's protest march by people opposed to the City's dog and skateboard ban.

Mr. Boles said it was unwise to fly a helicopter over the parade. Mr. Hornbuckle asked if the City were asked to reimburse Lane County for that flight. City Manager Linda Norris responded that it was not.

B. Laurel Hill Parks

Ms. Swanson Gribskov asked for more information on the parks system in the Laurel Hill area (i.e., "regional" versus "local" parks), noting that the issue would come before the council in the near future.

C. Prison Siting Negotiating Team

Mr. Laue reported on the meeting of the Prison Siting Negotiating Team, saying representatives from the three jurisdictions had developed a total of 70 conditions to present to State representatives.

Mayor Bascom said the County Board of Commissioners asked her to express special appreciation to Ms. Lynch and Mike Redding for their prompt response to the prison issue.

Library, Recreation, and Cultural Services Executive Manager Jim Johnson provided an update, saying that conditions from local governments were due to the State Department of Corrections on November 6, followed by a public hearing before the State Siting Authority in the Wheeler Pavilion at the Fairgrounds at 7 p.m. on November 16. The Siting Authority would submit its recommendation to the Governor on December 2, and he would have to make his decision by December 17.

Ms. Swanson Gribkov noted that the council officers scheduled a full council discussion of the issue for October 30.

Mr. Boles said he had a scheduling conflict with the public hearing on November 16 and asked the council to invite Councilor-Elect Scott Meisner in his place. Ms. Keller said she also has a conflict and asked the negotiating team to ask for a change in the date. Mr. Johnson added that the hearing was published in today's *The Register-Guard*.

D. Historic Applegate Wagon Train

Mr. Boles praised DPS staff for their work escorting the historic Applegate Wagon Train through town.

E. Council Trimester

Mr. Boles expressed disappointment about the council officers' decision to postpone the council's trimester work session until after the first of the coming year.

F. Wetlands Plan Amendments Process

Mr. Boles expressed disappointment at a notice distributed by Lane County that inferred City staff had misrepresented the council's position on the Wetlands Plan Amendments Process.

Ms. Norris said that City staff was clear about the council's position (that the council had not referred the item to the Planning Commission) so she would follow up with County staff for an explanation.

Mayor Bascom noted the council would discuss the process on November 13.

G. Portland Public Library

Mr. Hornbuckle said he has written news articles for "leftist" newspapers in San Francisco about the possibility of a revival for the voting rights movement.

H. System Development Charges (SDCs) and Parkland Acquisition

Mr. Keller reminded the council that the City is constrained in its ability to charge SDCs by 1) a restriction on the types of projects the money can be spent on, and 2) a limit to the amount that can be charged. She noted that this limits the City's ability to provide parks and urged the council to give this careful consideration when the issue of parkland acquisition comes before it.

Ms. Norris said a memorandum detailing the issue would be distributed in the council packet.

Mr. Torrey arrived at the meeting.

I. Budget Handout

Mayor Bascom asked for an explanation of the pie chart in the budget handout depicting that 40 percent of the general fund supported Development Services. Ms. Norris reminded the council that during the Eugene Decisions process the Budget Committee directed that staff stop listing budget items by department, grouping them instead by service areas. She noted that Development Services included the Development Division as well as Planning, Building, and Public Works functions. Ms. Norris said more information would be distributed in the council packet.

J. Wetlands Allocation

Mayor Bascom asked for clarification of the Bureau of Land Management's \$3 million allocation for the West Eugene Wetlands Plan. Ms. Norris said an explanation would be distributed in the council packet.

K. Land Use Department Advisory Committee

Mayor Bascom said that Land Use Department Advisory Committee Chair Jonathan Stafford was amenable to honoring Ms. Keller's request to serve on that committee should a vacancy exist, but the council officers believed that the City's policy on Board and Commissions should not be changed at this time. She added that Ms. Keller and other interested parties are welcome to sit in on those public meetings at any time.

Ms. Nathanson arrived at the meeting.

L. Whiteaker Refinement Appeal Remand

Ms. Norris said the Whiteaker Refinement Appeal Remand meetings were going well.

M. West University Neighborhood Clean-Up

Ms. Norris praised the Chamber of Commerce, students, and citizens who were involved in a clean-up of the West University area during a heavy rainfall last week.

N. Metropolitan Wastewater Management Commission (MWMC)

Mr. Torrey said the MWMC decided at its last meeting that it would develop the rationale for the new wastewater rate. He asked the City's legal counsel to respond to Neale Hyatt's assertion that the City was not required to go through this process to set the rate.

Ms. Norris left the meeting.

III. CITY MANAGER SELECTION PROCESS ISSUES

Mayor Bascom referred to an October 22, 1996, memorandum outlining the council officers' recommendations and process options for the City Manager selection process.

November 8, 1996 Meeting

David Donaldson, DMG & Associates, gave an overview of the process and said his firm would complete its interviews of potential candidates within the next two weeks.

Meeting Time. Mr. Donaldson explained that at the November 8 meeting he would refer, to the council, 10 to 12 candidates, divided into a tier of his top choices and a tier of others who meet the qualifications. He said a list of all the applicants would be available at the meeting as well.

The council decided to reduce the meeting time to a regular two-hour session.

In response to a question from Mr. Hornbuckle, Mayor Bascom said the time would be used to select those candidates that will be interviewed and to select the interview questions.

Open or Executive Session. Mr. Donaldson said typically there are two reasons for holding a closed session, to protect the confidentiality of the candidates and to enable the council to ask candid questions and have a candid conversation about the candidates. He recommended that the names of the finalists be released immediately after an executive session.

Mr. Boles said there needed to be adequate time for the council to prepare for the meeting and pointed out the tension between the council's need to make a quality decision and the candidates' need for confidentiality. He said the council should err toward the former and asked that the resumes of those referred by Mr. Donaldson be released two days before the meeting date. He also asked that a ranking score sheet be developed for use with those resumes in advance of the meeting.

Ms. Keller agreed with Mr. Boles that resumes should be released to the council before the meeting and added that the session should be open to the public.

Ms. Nathanson suggested separating the process into parts and deciding which of those should be held in open versus executive session. She added that there were ways of scanning the resumes to both give the council sufficient time to prepare for the meeting and protect the candidates' confidentiality.

Mr. Hornbuckle suggested a preference voting process for selecting the finalists to interview.

Addressing a question from Mr. Farr, City Attorney Glenn Klein said that if resumes are passed out to the council, they become public documents although there may be an exemption under the Public Records Act. If the council considered these in executive session, the records might be able to be protected. In response to a follow-up question from Mr. Farr, Mr. Donaldson said candidates have been polled and most see confidentiality as important to them, realizing that finalists will lose their anonymity.

Mr. Laue said he was inclined to hold the November 8 meeting in executive session, distributing the resumes and background materials in advance, and to hold the interviews in open session.

Mr. Donaldson said the candidates understand the confidentiality issue and no candidates will be lost because of it, adding that it is more likely that some will be lost if Ballot Measure 47 passes as some will be reluctant to step into such a resource problem.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to hold the November 8 meeting in executive session.

Ms. Nathanson said if Mr. Klein finds that there is a problem with distributing the resumes before the executive session, she recommends holding a 30-minute executive session to receive the candidate documents.

Ms. Keller said she opposed the motion, reiterating her position that people applying for the job were well aware of the public nature of these jobs and processes. She added that the council's job was to select the best candidate possible for the job.

Mr. Torrey wondered about the effect of holding an executive session on invited guests, i.e., the council-elects. Mr. Klein said that the council could choose to allow other people to attend the executive session.

The motion passed, 7:1; with Ms. Keller opposed.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the candidates' materials be released to the council two days before the November 8 executive session, if it is acceptable under the Oregon Public Meetings Law, or to convene an executive session two days in advance of that meeting if it is not.

Ms. Keller pointed out that there is no guarantee that confidentiality will be protected, regardless of when the material is distributed.

The motion passed unanimously, 8:0.

Involvement of the Mayor and Council-Elect. Councilors Boles and Hornbuckle agreed that the Mayor and council-elect should be invited to the interviews of the candidates but excluded from the initial screening on November 8.

Councilors Farr, Torrey, and Swanson Gribkov agreed that elects should be involved throughout the process, including the discussion and selection of the finalists. Mr. Farr said that the issue of whether they should be allowed to vote was a different matter and should also be discussed.

Mayor Bascom stated that the council-elect cannot legally vote before taking office.

Ms. Keller opined that the current council could adequately represent the people of Eugene at the November 8 meeting. She pointed out that allowing the council-elect to vote would give some wards two votes instead of one. Ms. Keller recalled that the council had chosen this particular time for the selection process because of its experience.

Mr. Laue supported Ms. Keller's position, adding that the council-elects should be involved in the process beginning with the November 21-23 sessions.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to hold the November 8 meeting in executive session, and to involve the council-elects for the subsequent parts of the process beginning on November 21.

Mr. Boles expressed support for the motion, calling it a reasonable approach.

Mr. Farr was unsupportive because the council-elects will not have access to a record of the executive session.

Ms. Nathanson moved to amend the motion by allowing the council-elects to attend for the purpose of observing the executive session. The motion to amend died for lack of a second.

Mr. Torrey moved, seconded by Ms. Swanson Gribkov, to amend the motion to allow the council-elects to attend the November 8 executive session, including involvement in the discussion.

Mr. Farr agreed with Mr. Torrey.

In response to a question from Mayor Bascom, Mr. Klein confirmed that should the election create an opening for Mr. Torrey's seat on the council, there was an established process to be followed and it

would be the next council that would appoint a replacement pending the official declaration of the vacancy, following Mr. Torrey's swearing in as Mayor.

Mr. Boles said he opposed the motion, adding that if the council believed the council-elects should be involved in the entire process, then it should have invited at least one of them to this discussion. He said it was going to be difficult enough for the nine on the current council to deal with a field of 12 to 15 candidates.

Ms. Swanson Gribskov said she supported the motion but, should it fail, she would reintroduce Ms. Nathanson's earlier motion to invite them to the initial meeting for observation and without having received the candidates' materials.

Mr. Laue said he wished to err on the side of "getting the work done in two hours," indicating his belief that there would not be a substantive difference among the finalists chosen on November 8.

The motion failed, 4:5; with Mayor Bascom joining councilor Laue, Keller, Boles, and Nathanson in opposition.

Ms. Swanson Gribskov moved, seconded by Ms. Nathanson, to amend the motion by inviting the Mayor and council-elects to the November 8 session to observe, but without having received the candidates' materials in advance. The motion passed unanimously, 8:0.

The main motion passed unanimously, 8:0.

Interview Questions and Case Study. Mr. Donaldson said the interview questions would be decided upon at the November 8 meeting. He noted that staff had submitted some good ideas for the case study, which would be handed out a couple of days before the interview process. The candidates would then be asked to give a 10-minute presentation on that as the opening part of their interview.

Ms. Nathanson said she had secured from staff a list of prepared questions used in previous interview processes for these types of positions and those are available upon request.

Mr. Boles said the earlier the material is received the better and asked for the questions secured by Ms. Nathanson. He said he was supportive of using a case study and said the council-elects should be asked for suggestions for interview questions and the case study.

Ms. Swanson Gribskov said she had been prepared to consider the interview questions today and wondered if the council could reach some consensus on those prior to the November 8 meeting.

Mr. Donaldson said his experience has been that selecting interview questions is not time-consuming but agreed to distribute the draft questions for responses by the council prior to the meeting.

Ms. Keller suggested that the council respond to draft questions by balloting.

Mr. Torrey supported Ms. Keller's suggestion on balloting and said executive staff should also be solicited for potential questions.

Mr. Boles said it would be helpful to have a set of questions and case studies from which to choose. He said it was his understanding that questions would be solicited from the recruiter, staff, the council, and the council-elects from which council would choose by balloting a set to which candidates would respond in writing. The council affirmed that written responses would not be requested.

Mr. Donaldson suggested distributing a set of questions and case studies next week and choosing the final set at the November 8 meeting.

Mr. Hornbuckle moved, seconded by Ms. Keller, to hold a discussion for 10 minutes on how the council will select the five finalists from the 100 applicants. The motion passed, 7:1; with Ms. Swanson Gribkov opposed.

Mr. Laue pointed out that Mr. Donaldson was hired to review the applications received for the positions and make the initial cut to 12-15 candidates, which the council would pare down to 4-6 finalists to interview.

Ms. Swanson Gribkov confirmed that was her understanding.

At the Mayor's request, Mr. Donaldson confirmed that was his understanding of his role.

Ms. Keller moved, seconded by Mr. Torrey to extend the discussion by six minutes. The motion passed, 5:3; with councilors Hornbuckle, Nathanson, and Farr opposed.

Several councilors confirmed their understanding of the process: Mr. Donaldson will refer up to about 15 candidates from which the council will choose finalists to interview. The council will receive candidate materials two days in advance and have a score sheet to rank them prior to the November 8 meeting. At that meeting the council will decide on who to interview.

Mr. Donaldson explained that his written assessment is about three pages long on all candidates describing his interview with each, and reference comments.

Ms. Keller stated her intention to leave but asked the council not to make a decision on spouses in her absence. She suggested Mr. Donaldson determine which of the candidates from the finalists the council has chosen have concerns regarding the spouses.

Ms. Keller left the meeting.

November 21-23 Session

Mr. Donaldson said he believed a social, informal reception worked best in getting to know the candidates and allowed for movement around the room.

Ms. Nathanson noted that there was a conflict with the Council Committee on Telecommunications on November 21, and said she would poll committee members for an alternative meeting time.

Mr. Donaldson said he had no preference for a location for interviews, scheduled 1.5 hours apart, with second interviews with the favored two or three candidates the following day.

Mr. Boles said if the interviews are held in open session, it would behoove the council to have Metro television televise the sessions.

Mr. Farr left the meeting.

Mr. Hornbuckle opposed holding the interviews at the Downtown Athletic Club, saying a private club was an inappropriate locale for public sessions.

Ms. Nathanson supported the recommendation to move into executive session after the interviews and select the one or two finalists for follow-up interviews. She suggested that community peers be invited to meet the finalists, e.g., CEOs from Lane County, Lane Council of Governments, Lane Transit District, and the two school districts, adding that she would be interested in their input. Mr. Donaldson said that has been done in some processes, but the issue becomes who gets invited and where to cut off the list.

Ms. Swanson Gribskov suggested putting off a decision on the informal gathering. She added that she was uncomfortable with having the interviews televised and asked the council to follow the recommendation outlined in the memorandum. Mr. Klein added that the council could not prevent the local television stations from filming them.

Mr. Torrey supported an open process, including televising of the proceeding by Metro television.

Mr. Torrey left the meeting.

Mr. Hornbuckle left the meeting.

Mr. Boles said he was resistant to inviting anyone other than councilors, the council elects, and executive managers to a social event because the principal purpose is to get to know the candidates.

Addressing a question from Mr. Wong, the council said staff sufficient to support the proceedings would be determined by the council officers.

The meeting adjourned at 1:45 p.m.

Respectfully Submitted,

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Warren Wong
Administrative Services Director
City Manager AIC

(Recorded by Yolanda Paule)
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