



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

January 9, 2019

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of January 9, 2019;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

12:00 p.m. EUGENE CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

- 1. ACTION: Election of City Council Officers for 2019**
- 2. EXECUTIVE SESSION**
Pursuant to ORS 192.660(2)(h) and ORS 192.660(2)(f)
- 3. WORK SESSION: Municipal Court Presiding Judge**

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El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Election of City Council Officers for 2019

Meeting Date: January 9, 2019
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This item is to elect the 2019 City Council President and Vice President.

BACKGROUND

Each year the City Council elects a new president and vice president. The City Charter and City Code specify the office of Council President; the City Code outlines the process of selecting the President and Vice President.

Section 13 of the Charter states:

- "Council - President. (1) Each year, at the first regular meeting of the council, or as soon as practicable, the council shall choose by ballot one of its members to serve as council president.
- (2) The council president shall preside at council meetings when the mayor is absent.
- (3) The council president shall function as mayor, with the powers and subject to the limitations of the office of mayor when the mayor:
- (a) is absent from the city on leave granted by the council;
 - (b) has been absent from the city for 30 days or more; or
 - (c) has been physically unable to function as mayor for 30 days or more."

Further, the Section 2.009 of the City Code states:

(1) The council president shall be elected for a one-year term. That person who has served the longest on the council and has not previously acted as council president shall normally be entitled to election as the president. A councilor may be re-elected as president of the council only after the expiration of one year from the date the councilor last served as such president unless two-thirds of the total membership of the council votes otherwise. A councilor will not be eligible to be elected president who has not served as a councilor for at least two years.

(2) The vice-president of the council shall be elected at the same time and in the same manner as the president of the council. A vice-president may be nominated and elected as president.

(3) The candidates for president and vice-president of the council shall be nominated and elected by a majority vote at the first regular meeting of the council in each calendar year.”

CITY MANAGER’S RECOMMENDATION

The City Manager has no recommendation on this item.

SUGGESTED MOTION

Move to elect Betty Taylor as President of the City Council for 2019.

Move to elect Emily Semple as Vice President of the City Council for 2019.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Municipal Court Presiding Judge

Meeting Date: January 9, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Keri Beraldo
Contact Telephone Number: 541-682-5765

ISSUE STATEMENT

This work session is an opportunity for Council to discuss the position of the Municipal Court Presiding Judge. Presiding Judge Wayne Allen retired which means the permanent Municipal Court presiding judge position is vacant. The current contract with Associate Judge Gregory Gill allows for him to serve in the presiding judge position on an interim basis until June 2019. This vacancy presents Council with the opportunity to determine how to structure and fill this position on a regular basis.

BACKGROUND

The presiding Municipal Court judge performs and oversees all judicial functions of the Eugene Municipal Court. Historically, the presiding judge has been an independent contractor that is paid a set hourly amount to perform the work outlined in their contract as well as an additional monthly amount to cover time spent attending required meetings. Current code stipulates the following process for appointment of the municipal judge:

2.011 City Council - Appointment of Municipal Judge.

(1) The presiding municipal judge shall be hired and accountable to the city council. The city council shall hire, supervise, and specify the salary of the presiding municipal judge, who shall serve at the pleasure of the city council. All city council decisions regarding the presiding municipal judge will be made by a simple majority vote of the city council appointed in the manner provided in this section.

(a) Prior to appointing the presiding municipal judge, the council shall cause contract(s) for the position to be prepared and advertised, and solicit applications for the position. The council shall review the applications, and by majority vote determine which of the applicants shall be referred to a screening committee nominated by the mayor and appointed by the council for interview. The screening committee shall be composed of one person from each of the following: the University of Oregon law school faculty; the Lane County public defender's office; the Lane County district attorney's office; the city's department of public safety; the city's human rights commission; the roster of local state or federal judges; and the city's municipal court staff. At the time of referral, the council shall indicate to the screening committee the number of finalists to be referred for consideration by the council. The screening committee shall interview the applicants and refer the finalists to the council. The council shall select the presiding municipal judge from among those finalists.

This code was established in 1977, and Judge Allen was appointed in 1994. Over time, the nature of the position and the City's business practices have changed. Beyond hearing court cases, the presiding judge plays an integral role in building community partnerships and relationships. For example, Community Court and other public safety initiatives necessitate hours outside of the courtroom. The current model requires a contract and payment of hours worked rather than allowing the flexibility that a salary could provide. In more recent years, the City has established a practice of hiring independent employees that are funded by and report directly to City Council. The Police Auditor, for example, is a full-time salaried employee. A model like the auditor may provide a presiding judge with more flexibility.

In order to create structural consistency with the other council employees, council may want to consider a code amendment to allow for flexibility in both the selection process as well as the evaluation process for the presiding judge position. A draft code amendment will be sent to council prior to the work session for review and consideration.

COUNCIL OPTIONS

The following are options for council consideration. Based on council feedback, staff can return to a future work session to provide more details on any of the options below in order to aid a decision. Council may also want to designate a council subgroup to work with staff on reviewing some of the specific components such as the job description, salary placement, and hiring process.

1. Keep the current process as established in code and hire the presiding judge as an independent contractor.
2. Amend the code and hire the presiding judge as an independent contractor using a pre-determined process developed by council.
3. Amend the code and hire the presiding judge as a regular City employee using a pre-determined process developed by council.

CITY MANAGER'S RECOMMENDATION

The City Manager does not have a recommendation on this item.

SUGGESTED MOTION

No suggested motion at this time.

ATTACHMENTS

A. Draft Code Amendments

FOR MORE INFORMATION

Staff Contact: Keri Beraldo
Telephone: 541-682-5765
Staff E-Mail: kberaldo@eugene-or.us

2.011 City Council - Appointment of Municipal Judge.

- (1) The presiding municipal judge shall be hired and accountable to the city council. The city council shall hire, supervise, and specify the salary of the presiding municipal judge, who shall serve at the pleasure of the city council. All city council decisions regarding the presiding municipal judge will be made by a simple majority vote of the city council. appointed in the manner provided in this section.
- ~~(a) Prior to appointing the presiding municipal judge, the council shall cause contract(s) for the position to be prepared and advertised, and solicit applications for the position. The council shall review the applications, and by majority vote determine which of the applicants shall be referred to a screening committee nominated by the mayor and appointed by the council for interview. The screening committee shall be composed of one person from each of the following: the University of Oregon law school faculty; the Lane County public defender's office; the Lane County district attorney's office; the city's department of public safety; the city's human rights commission; the roster of local state or federal judges; and the city's municipal court staff. At the time of referral, the council shall indicate to the screening committee the number of finalists to be referred for consideration by the council. The screening committee shall interview the applicants and refer the finalists to the council. The council shall select the presiding municipal judge from among those finalists.~~
- ~~(b) Notwithstanding the provisions of subparagraph (a), the council may re-appoint the incumbent presiding municipal court judge without first undertaking any of the actions specified in subparagraph (a).~~
- (2) The performance of the presiding municipal judge shall be evaluated:
- (a) Through an informal self-evaluation submitted to the council annually;
 - (b) Through an informal evaluation submitted to the council every two years; and
 - (c) Through a formal evaluation, conducted every four years by an evaluation committee.

The informal evaluation shall consist of a completed self-evaluation form, together with evaluation forms completed by representatives of the department of public safety, the city prosecutor's office, and the public defender's office. The formal evaluation process shall include a public hearing. Members of the evaluation committee shall be nominated by the mayor and appointed by the council. The committee shall be composed of not less than five persons, including at least one member of the human rights commission, two attorneys familiar with the municipal court, and two other persons generally familiar with the judicial system. The evaluation report shall be submitted to and accepted by the council. ~~The salary of the presiding municipal judge shall be reviewed as part of the city's budget process, and a written recommendation of the proposed rate shall be submitted to the council.~~