



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

June 12, 2017

7:30 p.m. CITY COUNCIL MEETING
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of June 12, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President
Emily Semple
Claire Syrett

Mike Clark, Vice President
Greg Evans
Chris Pryor
Betty Taylor

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue

Mayor: *I call the June 12, 2017, City Council meeting to order.*

1. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor: *We recite the Pledge of Allegiance to the Flag this evening in honor of Flag Day on June 14.*

I invite you all to stand and join us:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. PUBLIC FORUM

Mayor: *The Public Forum is an opportunity for individuals to speak to the City Council on any city-related issues except for those items which have already been heard by a Hearings Official or are on tonight's agenda as a public hearing.*

Each person will have three minutes to speak. When you come to the podium, please give your name, city of residence, and, for Eugene residents, your ward if known. The timer and lights indicate the time you have to speak. The red light indicates the end of three minutes.

Mayor closes Public Forum and asks for comments from the City Council.

3. CONSENT CALENDAR

(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**

City Council President: *I move to approve the items on the Consent Calendar.*

Call for vote.

4. ACTION:

Appointments to Boards, Committees and Commissions

5. ACTION:

Charter Requirements for Election to Fill Council Vacancy

City Council President: *I move to adopt a resolution calling an election in November 2017 to consider a Charter amendment.*

Call for vote.

6. Committee Reports and Items of Interest from Mayor, City Council, and City Manager

Adjourn.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

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.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov***.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: June 12, 2017
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: June 12, 2017
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the following minutes: April 24, 2017, Work Session and Meeting; and May 8, 2017 Work Session.

ATTACHMENTS

- A. April 24, 2017, Work Session and Meeting
- B. May 8, 2017, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

MINUTES

**Eugene City Council Work Session
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**April 24, 2017
6:25 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the April 24, 2017 Work Session of the Eugene City Council.

1. EXECUTIVE SESSION – pursuant to ORS 192.660 (2)(e)

2. WORK SESSION: Parks and Recreation System Plan Update

Parks and Open Space Planning Manager Carolyn Burke, and Recreation Services Director Craig Smith offered Council an update on the Parks and Recreation System Plan (PRSP).

Council discussion:

- There is a need for a new Parks, Recreation, and Open Space (PROS) plan which could dovetail into existing land use plans.
- Council has a legal obligation to prove how it will serve the growth of the Eugene community.
- Project list will be updated.
- City of Eugene does own the property slated for future PRSP projects.
- Millrace and Civic Stadium should be included in future PRSP projects.
- Public Safety as it pertains to safe city parks is of the utmost importance.
- Parks systems development charge account has balance of approximately \$10 million.
- The Eugene Parks and Recreation System needs an infrastructure upgrade.
- All PROS project lists would be reconciled during any future SDC methodology work.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Rodney Cimburke, LCOG)

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**April 24, 2017
7:30 p.m.**

Councilors Present: Mike Clark, Greg Evans, Chris Pryor, Emily Semple, Claire Syrett, Betty Taylor, Alan Zelenka

Mayor Vinis opened the April 24, 2017, meeting of the Eugene City Council.

1. PUBLIC FORUM

1. Jennifer Frenzer-Knowlton – Supported Council addressing emergency public shelter.
2. John Barofsky – Supported action plans for use of Community Development Block Grant funds.
3. Ed Moye – Wanted City planners to implement the Refinement Plan for South Willamette.
4. Lee DeVeau – Supported Council addressing emergency public shelter.
5. Sarah Pishioneri – Reminded Council of the community groups working on homeless issues.
6. Margie James – Wanted City staff to implement the Refinement Plan for South Willamette.
7. Cathy Feely – Was concerned about homeless being squeezed out of downtown into other areas.
8. Ian Curtis – Drew Council's attention to the upcoming Climate March.
9. Eliza Kashinsky – Supported Council addressing emergency public shelter.
10. Jennifer Smith – Supported Council addressing emergency public shelter.
11. Jim Neu – Was concerned with the approval process of the Transportation System Plan.
12. Kelsey Weilbrenner – Supported directing funds to Housing Rehabilitation Fund.
13. Bob Wiese – Thanked Council for the work they have done at Ya-Po-Ah Terrace .
14. Jon Belcher – Encouraged Council to continue its commitment to the RR/SC area plan.
15. Clare Strawn – Encouraged Council to support River Road/Santa Clara area plan.
16. Cyndi Allen – Spoke about refinement plans.
17. Carleen Reilly – Encouraged Council to support River Road/Santa Clara area plan.
18. Carol Sherer – Spoke about the Climate Recovery Ordinance.
19. Beverly Barr – Encouraged Council to support River Road/Santa Clara area plan.
20. Pamela Miller – Supported neighborhood-specific implementation of Envision Eugene.
21. Bill Aspegren – Spoke about neighborhood planning.
22. Carolyn Jacobs – Was concerned about City reversing course on previous planning commitments.
23. Michael Carrigan – Thanked Council for finding a new site for the Nightingale Health Sanctuary.
24. Wayne Martin – Thanked Council for finding a new site for the Nightingale Health Sanctuary.
25. Roy Lee Samuels – Thanked Council for its response to vandalism of Eugene synagogue.
26. Foster Robinson – Said that his street, Roland Way, was in desperate need of repair.
27. Pam Wooddell – Was concerned about City reversing course on previous planning commitments.
28. Christine Sundt – Said citywide zoning fixes would help the neighborhood planning issues.
29. Benjamin Brubaker – Supported Council addressing emergency public shelter.
30. Vic Hariton – Said residents of neighborhoods should make decisions about their neighborhoods.
31. Kerri – Spoke about homelessness.
32. Sue Sierralupé – Said the city of Eugene needs more public restrooms downtown.
33. Cathy Jaworski – Spoke about South Willamette planning.
34. Alice Warner – Spoke about the Transportation System Plan (TSP).

35. Kelsey Moore – Supported housing choice affordability and denser housing.
36. Stephen Bryan – Supported Council addressing emergency public shelter.
37. Mel Hite – Supported Council addressing emergency public shelter.
38. Tracy Joscelyn – Supported Council addressing emergency public shelter.
39. Heather Sielicki – Supported Council addressing emergency public shelter.
40. Julie Lambert – Supported Council addressing emergency public shelter.

Council discussion:

- Appreciate hearing all voices; public forums are very important.
- Section 8 Housing List will be open for applications from May 18 - May 24.
- The City has passed a Resolution embracing Housing First as a model.

2. CONSENT CALENDAR

MOTION AND VOTE: Councilor Clark, seconded by Councilor Zelenka, moved to approve the items on the consent calendar. **PASSED 7:0.**

3. ACTION: RESOLUTION DECLARING THE CITY OF EUGENE'S OPPOSITION TO ANTI-SEMITIC HATE AND BIAS CRIMES

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to approve Resolution No. 5190 which declares the City of Eugene's opposition to anti-Semitic hate and bias crimes. **VOTE: PASSED 7:0**

Council Discussion:

- Consider how to take more active steps to curb this particular kind of crime, e.g. arrest and prosecution.
- Support expressed for the part of the resolution dealing with the City re-doubling efforts to combat these kinds of crimes.
- Resolution is timely because of marked uptick in anti-Semitic vandalism in Eugene.

4. ACTION: SOUTH WILLAMETTE

The motion concerning South Willamette Planning was tabled on the April 19 Council meeting. Mayor Vinis pointed out that there was a friendly amendment made to the motion at the aforementioned meeting.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Clark, moved to postpone this agenda item until the April 26 Work Session. **PASSED 7:0.**

The meeting adjourned at 9:31 p.m.
Respectfully submitted,

Beth Forrest
City Recorder
(Recorded by Rodney Cimburke, LCOG)

MINUTES

**Eugene City Council Work Session
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 8, 2017
5:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Mike Clark, Greg Evans, Chris Pryor

Councilors Absent: Claire Syrett, Alan Zelenka

Mayor Vinis opened the May 8, 2017, Work Session of the Eugene City Council.

A. WORKSESSION: Yogi Tea Enterprise Zone Extension

Eugene Economic Prosperity Programs Manager Amanda Nobel Flannery, and Eugene Director of Planning and Development, Denny Braud, gave a presentation on the Yogi Tea Enterprise Zone Extension.

Council Discussion

- In return for the two extra years of tax exemption, Yogi Tea would have to meet a new employee compensation requirement of 150% of the national average for the entire five year tax-exempt timeframe, and they must abide by previously agreed-upon youth training and internship requirements.
- If Eugene collected the tax money instead of granting the exemption, the City itself could pay for workforce development and 4J schools.
- The criteria applicable in the two-year extension, is applicable to the entire five-year exemption.
- The exemption would be a boon to workforce development.
- The exemption accomplishes a larger community good—lower unemployment, and higher wages.

B. WORK SESSION: Police Auditor Annual Report and Community Engagement Update

Police Auditor Mark Gissiner, Community Engagement Coordinator and Translation Specialist Beatrice Hernandez, and Deputy Auditor Leia Pitcher offered Council an annual report and community engagement update.

Council discussion:

- Two salient goals of the outreach and engagement program are: 1. Creating greater awareness with potential system users, of how to use the system, and 2. Creating greater awareness in the general population of the Auditor's Office and what they do.
- Appreciate especially the outreach to students and Spanish-speaking peoples.
- Concerned with the phrase "frequent user," as it implies that some people would have a greater reason to contact the Auditor's Office.
- Publishing information about the Auditor's Office in neighborhood newsletters would be a good way of disseminating information to the public.
- There exists a need for a Public Service Officer who is locally well known.

C. ACTION: May 8, 2017 Consent Calendar

MOTION AND VOTE: Councilor Clark moved, seconded by Councilor Taylor, to approve the May 8, 2017, Consent Calendar. PASSED 5:0.

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Rodney Cimburke, LCOG)

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: June 12, 2017
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 7, 2017

JUNE 12	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Envision Eugene		90 min – PDD/Hostick
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag (Flag Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
4. Action: Boards & Commissions Appointments		CS/Forrest
5. Action: Resolution Charter Requirements for Elections for Vacancy		CAO/Klein
6. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed		
JUNE 14	WEDNESDAY	**NOTE: TIME CHANGE**
11:30 am	Council Work Session	
Harris Hall	Expected Absences:	
A. Interviews for Vacant Council Position in Ward 4		CS/Forrest
JUNE 19	MONDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences: Taylor, Evans	
A. PH: Ordinance Concerning RR-SC Urban Facilities Plan Amendment		PDD/Berg-Johansen
JUNE 21	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences: Taylor, Evans	
A. WS: Measure 49 Claim Processing		45 mins – PDD/Hansen
B. WS: New Housing Developments Where Unimproved Roads Are Main Access		45 mins – PW/Schoening
JUNE 26	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest		
B. Action: Ward 4 Appointment		CS/Forrest
C. Overview of Chronic Nuisance Code		45 mins – PDD/Nicholas

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 7, 2017

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes CS/Forrest
 - b. Approval of Tentative Working Agenda CS/Forrest
 - c. Approval of EWEB Electric System Revenue Bonds CS/Cutsogeorge
3. PH and Action: FY17 Supplemental Budget #2 CS/Miller
4. PH and Action: FY18 Proposed Budget CS/Miller
5. PH and Action: URA FY18 Proposed Budget CS/Miller
6. Action: Wilson Measure 49 Claim PDD/Hansen
7. Action: E-Commerce Zone Resolution PDD/Nobel
8. Action: Eugene 2035 Transportation System Plan PW/Inerfeld

JUNE 27

TUESDAY

**** NOTE: PUBLIC HEARING ADDED ****

5:30 p.m.
Harris Hall

JEO Public Hearing
Expected Absences:

- A. PH: Envision Eugene

JUNE 28

WEDNESDAY

Noon
Harris Hall

Council Work Session
Expected Absences:

- A. WS: 2017 GO Bonds for Street Preservation Projects PW/Willer
- B. WS: Executive Session pursuant to ORS 192.660 (2)(i) CS/Holmes
- City Manager Review

JULY 10

MONDAY

5:30 p.m.
Harris Hall

Council Work Session
Expected Absences:

- A. Committee Reports: HRC, SC, HSC, LCOG, MPC, PSCC
- B. WS: Property Disposition 8th & Mill 20 mins – PDD/D'Souza
- C. WS: Property Disposition Broadway & Hilyard 20 mins – PDD/D'Souza

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Pledge of Allegiance to the Flag and Reading of the Declaration of Independence (Independence Day)
2. Public Forum
3. Consent Calendar
 - a. Approval of City Council Minutes CS/Forrest
 - b. Approval of Tentative Working Agenda CS/Forrest
 - c. Approval of Resolution Annexing Lands north of Lone Oak & Moore (V.K. Properties, A 17-3) PDD/Gioello
4. Action: Ordinance Concerning RR-SC Urban Facilities Plan Amendment (RA 16-1) PDD/Berg-Johansen
5. Action: Eugene-Springfield 2018 One-Year Action Plan PDD/Jennings
6. Action: Resolution re: Bond Measure Renewal for Street Repairs CS/Cutsogeorge

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 7, 2017

JULY 12	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS: URA Review of Boundary Expansion Resolution & Approval of Process to Appoint Riverfront UR Advisory Committee	45 mins – PDD/Flannery
JULY 17	MONDAY
7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
A. PH:	
B.	
JULY 19	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: Human Services	90 mins – CMO/Cariaga
B. WS:	
JULY 24	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Enterprise Zone Public Benefit Criteria	PDD/D'Souza
JULY 26	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: Parks and Recreation System Plan Update	45 mins – POS/Burke
B. WS:	

COUNCIL BREAK: JULY 27, 2017 – SEPTEMBER 11, 2017

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL

TENTATIVE WORKING AGENDA

June 7, 2017

ON THE RADAR

Work Session Polls/Council Requests

1. Drones (Taylor)

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Charter Requirements for Election to Fill Council Vacancy

Meeting Date: June 12, 2017
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Glenn Klein
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

Councilor Poling's resignation raised the question of whether the Eugene Charter requires an election in the fourth year of a councilor's term. This agenda item is an opportunity for the Council to discuss, and if ready, make a decision about that question.

BACKGROUND

During your April 10, 2017, work session on filling the Ward 4 vacancy, the Council discussed how the City Charter would work for an election in the fourth year of a councilor's term. At the end of that discussion, the Council directed the city manager to return with a proposed resolution that would do two things. First, it would declare the Council's understanding that the 2002 Charter Amendment did not intend that the Council hold an election in the fourth year of a councilor's term; a run-off election in November of the fourth year of the term would produce a winner who would never take office. Second, the proposed resolution would provide direction to seek a judicial validation of that interpretation. Attachment A to this AIS is that proposed resolution.

After examining this problem further, however, we have another - and we believe better - option for the Council to consider. The new option is that, instead of asking the court to validate an interpretation of the Charter, the Council could ask the voters to clarify their intent by placing a Charter amendment on this November's ballot. That Charter amendment could make clear that if an election to fill a vacancy would not occur until the fourth year of the term, then no election would be held to fill the vacancy and instead, the person appointed by the Council would remain in office until the end of the term. If the Council chooses this option, the language for the Charter amendment that we would suggest is the addition of a new subsection (4) to Section 24 (a copy of which is attached as Attachment C); the new subsection (4) would read as follows:

(4) Notwithstanding subsection (3) [the provision requiring the election to fill a vacancy], if the election required by this Section 24 would occur in the fourth year of the term of the vacated position, then no election to fill the vacancy will be held. Instead, the individual appointed under subsection (2) will remain in office through the expiration of the term of the vacated position.

Attachment B to this AIS is a proposed resolution that would call an election in November on that proposed Charter amendment.

The primary reason for the new option is the potential that a court might refuse to consider the judicial validation petition for reasons similar to those when the court refused to do so on the Butterfly Lot question – i.e., it is premature. The court could conclude that the problem we have identified - electing someone in November who could never take office -- is too hypothetical for a judicial decision. Unless at least three people file for the May election, there will not be a November runoff. Even if three people are on the ballot in May, it is possible one person will get a majority of the votes, in which case there will not be a November election. A problem occurs only if at least three people run and no one gets a majority at that May election. In light of the court's ruling in the Butterfly Lot matter, it is possible that the court would rule that it is premature to seek a judicial validation.

COUNCIL OPTIONS

1. Take no action. This would result in an election in 2018 ostensibly to elect someone to complete the end of the 4-year term.
2. Adopt a resolution (Attachment A) interpreting the Charter and providing direction to file a judicial validation proceeding to confirm that interpretation.
3. Adopt a resolution (Attachment B) that would refer a Charter amendment to the November 2017 election in order to clarify the voters' intent.
4. Postpone any decision to a later City Council meeting.

CITY ATTORNEY'S RECOMMENDATION

If the Council chooses to take some action to interpret or clarify Section 24 of the Charter, we recommend that the Council adopt Attachment B, a resolution referring a Charter amendment to the November election in order to clarify the voters' intent.

SUGGESTED MOTION

If the Council chooses to take action, the following is the suggested motion: I move to adopt a resolution calling an election in November 2017 to consider a Charter amendment.

ATTACHMENTS

- A. Resolution Regarding Process to Fill Vacant Ward 4 Council Seat.
- B. Resolution Calling a City Election on November 7, 2017 for the Purpose of Referring to the Legal Electors of the City of Eugene a Measure Amending Section 24 of the Eugene Charter of 2002 Regarding Filling Vacancies in Elective City Offices.
- C. Existing Section 24 of the Eugene Charter.

FOR MORE INFORMATION

Staff Contact: Glenn Klein
Telephone: 541-682-5010
Email: glenn.klein@ci.eugene.or.us

RESOLUTION NO. _____

**A RESOLUTION REGARDING PROCESS TO FILL VACANT WARD 4
COUNCIL SEAT.**

The City Council of the City of Eugene finds that:

A. In 2002, the voters of the City of Eugene amended Section 24 of the Eugene Charter to read as follows:

Section 24. Vacancies – Filling.

(1) The Eugene Water and Electric Board shall fill a vacancy on the board by appointment within ninety days after the vacancy occurs.

(2) The council shall fill a vacancy in any other elective city office by appointment within ninety days after the vacancy occurs. A person so appointed shall hold office until the successor to the office is duly elected and qualifies therefor.

(3) If the position of a city councilor or mayor becomes vacant more than 100 calendar days prior to the May election of any year, an election to fill that vacancy shall be conducted in the same year. If the position of a city councilor or mayor becomes vacant less than 100 days prior to the May election of any year, the election to fill that vacancy shall be conducted the next year. If a candidate for election to a vacated position achieves a majority of all votes cast for that position in the May election, that candidate shall assume office the following July 1, notwithstanding Section 21 of this charter. The term of office of any person elected to fill a vacancy shall expire when the term of the vacated position expires.

B. On April 10, 2017, Councilor George Poling resigned from the Eugene City Council and his Ward 4 council seat became vacant.

C. The City Council will appoint an individual to fill the vacant Ward 4 council seat on or before July 9, 2017.

D. Because Councilor Poling's resignation became effective less than 100 days before the May 2017 election, Section 24 of the Charter appears to require an election in May of 2018 to fill the remainder of the 2015-2019 term for the vacant Ward 4 council seat. At that same May 2018 election, candidates will run for the 2019-2024 term for the Ward 4 council seat. Two elections, held at the same time, for the same council seat, but for different terms, could be confusing to the voters.

E. If one of the candidates for the vacant Ward 4 council seat receives a majority of the votes cast that position in the May 2018 election, that candidate will take office July 1, 2018, and serve for the remainder of the 2015-2019 term.

F. If none of the candidates for the vacant Ward 4 council seat receive a majority of the votes cast for that position in the May 2018 election, the top two candidates for the vacant seat will be placed on the ballot at the November 2018 election.

G. A candidate elected in November of 2018 to fill the vacant Ward 4 council seat will never take office. According to Section 21 of the Eugene Charter, an elected official takes office on the first Monday in January, so a candidate elected in November of 2018 to fill the vacant Ward 4 seat would take office on January 7, 2019. However, the 2015-2019 term for the Ward 4 seat expires and the 2019-2024 term for the Ward 4 seat begins on January 7, 2019. Consequently, an individual elected in November of 2018 to fill the remainder of the 2015-2019 Ward 4 term will never take office.

H. Calling an election in May or November of 2018 to fill the vacant Ward 4 seat will cause the voters unnecessary confusion and may result in the election of a candidate who never takes office.

I. The legislative history of the 2002 amendment to Section 24 of the Charter clarifies that the changes to Section 24 of the Charter were intended to shorten the time an appointed councilor could serve without an election. Prior to the 2002 Charter amendment, an appointed councilor could serve for up to two and a half years without an election. Nothing in the legislative history of the 2002 Charter amendment suggests that either the drafters or the voters considered what would happen if a councilor resigned within 100 days of the May election in the third year of his or her term. In addition, nothing in the legislative history of the 2002 Charter amendment indicates that the drafters or the voters intended the absurd result currently facing the Council.

J. The City Council has considered the language of Section 24 of the Charter, the legislative history of the 2002 Charter amendment, the potential for significant voter confusion, and the likelihood that a candidate may be elected and never take office, and has determined that an election should not be called to fill the vacant Ward 4 council seat in either May or November of 2018, but before implementing that determination, the City should request that the determination be validated by a court pursuant to a validation proceeding filed under ORS 33.710.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Notwithstanding Section 24 of the Charter of the City of Eugene, the City Council hereby resolves not to call an election in May or November of 2018 to fill the remainder of the 2015-2019 term for the Ward 4 City Council seat.

Section 2. The City Manager is directed to take all actions necessary or convenient to commence a proceeding in the Lane County Circuit Court on behalf of the City Council pursuant to ORS 33.710 for the purpose of having a judicial examination and judgment of the court as to the regularity and legality of this resolution.

Section 3. This Resolution is effective immediately upon its passage by the City Council, except that Section 1 of this Resolution shall not take effect unless validated by a court pursuant to ORS 33.710.

The foregoing Resolution adopted the ____ day of _____, 2017.

City Recorder

RESOLUTION NO. _____

**A RESOLUTION CALLING A CITY ELECTION ON NOVEMBER 7, 2017
FOR THE PURPOSE OF REFERRING TO THE LEGAL ELECTORS OF
THE CITY OF EUGENE A MEASURE AMENDING SECTION 24 OF THE
EUGENE CHARTER OF 2002 REGARDING FILLING VACANCIES IN
ELECTIVE CITY OFFICES.**

The City Council of the City of Eugene finds that:

A. The legislative history of the 2002 amendment to Section 24 of the Charter clarifies that the changes to Section 24 of the Charter were intended to shorten the time an appointed councilor could serve without an election. Prior to the 2002 Charter amendment, an appointed councilor could serve for up to two and a half years without an election.

B. The current language of Section 24 of the Charter provides that if a council seat becomes vacant more than 100 days prior to the May election in any year, the election to fill the vacancy must be conducted in the same year. If a council seat becomes vacant less than 100 days prior to the May election in any year, the election to fill the vacancy will be conducted in the following year. If a candidate receives a majority of the votes cast for the position in the May election, the candidate will take office July 1st. If no candidate receives a majority of the votes cast for the position in the May election, the top two candidates will have a run-off election in November, and the candidate who receives the most votes in the November election will take office on the first Monday in January.

C. The current Charter language provides that if a council seat becomes vacant less than 100 days prior to the May election in the third year of the term, an election will be held in May of the fourth year of the term to fill the remainder of that term. At that same May election, candidates will run for the following four-year term for that council seat. Two elections, held at the same time, for the same council seat, but for different terms, could be confusing to the voters. In addition, if no candidate for the vacant seat receives a majority of votes in the May election and a November run-off is required, the candidate who is eventually elected will never take office because a new four-year term will start on the same day the successful vacancy candidate would have taken office, and the candidate elected for the new four-year term will take office instead.

D. Nothing in the legislative history of the 2002 Charter amendment suggests that either the drafters or the voters considered what would happen if a council seat became vacant less than 100 days prior to the May election in the third year of the term.

E. The City Council has determined that a proposed amendment to Section 24 of the Eugene Charter of 2002 should be referred to the electors of the City. The amendment would add a new subsection (4) to Section 24 clarifying that if an election to fill a vacancy would not occur until the fourth year of the term, then no election would be held to fill the vacancy and instead, the person appointed by the Council would remain in office until the end of the term.

NOW, THEREFORE, based upon the above findings,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. A City election is called for the purpose of submitting to the qualified electors of the City a Measure amending Section 24. Vacancies – Filling, of the Eugene Charter of 2002 to add a new subsection (4) (shown in ***bold italics***) to provide as follows:

Section 24. Vacancies – Filling.

(1) The Eugene Water & Electric Board shall fill a vacancy on the board by appointment within ninety days after the vacancy occurs.

(2) The council shall fill a vacancy in any other elective city office by appointment within ninety days after the vacancy occurs. A person so appointed shall hold office until the successor to the office is duly elected and qualifies therefor.

(3) If the position of a city councilor or mayor becomes vacant more than 100 calendar days prior to the May election of any year, an election to fill that vacancy shall be conducted in the same year. If the position of city councilor or mayor becomes vacant less than 100 days prior to the May election of any year, the election to fill that vacancy shall be conducted the next year. If a candidate for election to a vacated position achieves a majority of all votes cast for that position in the May election, that candidate shall assume office the following July 1, notwithstanding Section 21 of this charter. The term of office of any person elected to fill a vacancy shall expire when the term of the vacated position expires.

(4) Notwithstanding subsection (3), if the election required by this Section 24 would occur in the fourth year of the term of the vacated position, then no election to fill the vacancy will be held. Instead, the individual appointed under subsection (2) will remain in office through the expiration of the term of the vacated position.

Section 2. The City Council orders this City election to be held in the City of Eugene, Oregon, on the 7th day of November, 2017, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes, and the ballots shall be counted and tabulated and the results certified as provided by law.

Section 3. The City Recorder is directed to give not less than ten days' notice of the City election by publication of one notice in the Register Guard, a newspaper published in the City and of general circulation within the City.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the ____ day of June, 2017.

City Recorder

**EUGENE CHARTER
2002**

Section 24. Vacancies - Filling.

(1) The Eugene Water & Electric Board shall fill a vacancy on the board by appointment within ninety days after the vacancy occurs.

(2) The council shall fill a vacancy in any other elective city office by appointment within ninety days after the vacancy occurs. A person so appointed shall hold office until the successor to the office is duly elected and qualifies therefor.

(3) If the position of a city councilor or mayor becomes vacant more than 100 calendar days prior to the May election of any year, an election to fill that vacancy shall be conducted in the same year. If the position of city councilor or mayor becomes vacant less than 100 days prior to the May election of any year, the election to fill that vacancy shall be conducted the next year. If a candidate for election to a vacated position achieves a majority of all votes cast for that position in the May election, that candidate shall assume office the following July 1, notwithstanding Section 21 of this charter. The term of office of any person elected to fill a vacancy shall expire when the term of the vacated position expires.