



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 13, 2024

5:30 p.m. CITY COUNCIL WORK SESSION

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of May 13, 2024; Her Honor Mayor Lucy Vinis Presiding

Councilors

Matt Keating, President
Jennifer Yeh
Mike Clark
Lyndsie Leech

Randy Groves, Vice President
Alan Zelenka
Greg Evans
Emily Semple

5:30 p.m. CITY COUNCIL WORK SESSION

1. **EXECUTIVE SESSION: Pursuant to ORS 192.660 (2)(i)**
2. **WORK SESSION: Police Auditor Annual Performance Review**
3. **WORK SESSION: Sustainable Budget Parks & Fire**

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.

May 13, 2024 Work Session

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Police Auditor Annual Performance Review

Meeting Date: May 13, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Keri Beraldo
Contact Telephone Number: 541-682-5765

ISSUE STATEMENT

Leia Pitcher was hired as the City of Eugene Police Auditor on October 23, 2022, and her employment contract with the City was executed in May 2023. This agenda item is for the Council to conduct Police Auditor Pitcher's annual performance review. The two-part format includes an executive session followed by a public session. During these sessions Councilors will share their overall performance feedback and discuss future goals. During the public session, Council also has the opportunity to discuss any potential salary increase to Auditor Pitcher's current salary.

BACKGROUND

Regarding performance evaluations and salary adjustments, Pitcher's employment contract with the City provides:

The City Council shall annually review and evaluate Pitcher's performance, alternating yearly between an informal evaluation and a formal evaluation. Pitcher and City will establish a mutually agreed upon list of stakeholders to provide feedback for an informal evaluation and a broader list of stakeholders to provide feedback for a formal evaluation. The City Council's discussion of Pitcher's performance shall be scheduled to occur every year at a meeting held sometime between March 1 and May 30. The City Council shall consider increasing Pitcher's compensation at the same time of Pitcher's annual performance evaluation. The City Council may conduct additional reviews of Pitcher's performance at any other time it deems appropriate.

This year's evaluation is an informal process, which includes feedback collected in a survey from the Civilian Review Board (CRB) and a small group of community and City staff. This feedback was sent to Council in advance of this work session. City Councilors were also asked to fill out their own performance evaluation forms and rate Police Auditor Pitcher's overall performance. Employee Resource Center staff has compiled this information to support the City Council in their performance review of the Police Auditor.

With respect to compensation, a summary of Auditor Pitcher's current compensation information will be provided under separate cover.

May 13, 2024 Work Session – Item 2

RELATED CITY POLICIES

The City Council conducts an annual performance review of the Police Auditor, aligned with their desire to offer formal feedback.

COUNCIL OPTIONS FOR POTENTIAL SALARY INCREASE:

In addition to discussing her performance, this is Council's opportunity to discuss whether it wants to award Auditor Pitcher a merit increase to her salary. The Council has the sole authority to determine compensation for the Police Auditor. The Council has a wide variety of options available to them including, but not limited to, the following:

1. 1 step increase = Step 9 (Grade 11), \$161,033.60/Annually (\$77.42/Hourly)
2. 2 step increase = Step 10 (Grade 11), \$165,838.40/Annually (\$79.73/Hourly)
3. An alternative merit salary increase, as determined by Council, that does not correspond to a specific step on the Grade 11 scale.
4. No merit increase this year.

COUNCIL LEADERSHIP REQUESTED MOTION

Move to award Police Auditor Pitcher a merit salary increase of 1 step which is equivalent to Step 9 (Grade 11), \$161,033.60/Annually (\$77.42/Hourly), and to authorize the Council President to execute an amendment to Pitcher's employment contract with the awarded salary increase.

ATTACHMENTS

- A. Copies of the compiled feedback
- B. Individual and overall summary of Councilor's comments and ratings
- C. Summary of current compensation information
- D. Current Employment Agreement between the City and Pitcher

FOR MORE INFORMATION

Staff Contact: Keri Beraldo, Interim Employee Resource Center Co-Director
Telephone: 541-682-5765
Staff E-Mail: kberaldo@eugene-or.gov

City Police Auditor Feedback Survey 2024 (Informal Process)

DIMENSION: ETHICS, INTEGRITY AND INDEPENDENCE

Models high standards of honesty and integrity.

Demonstrates independent decision making.

Ability to sustain independence and resist outside influence.

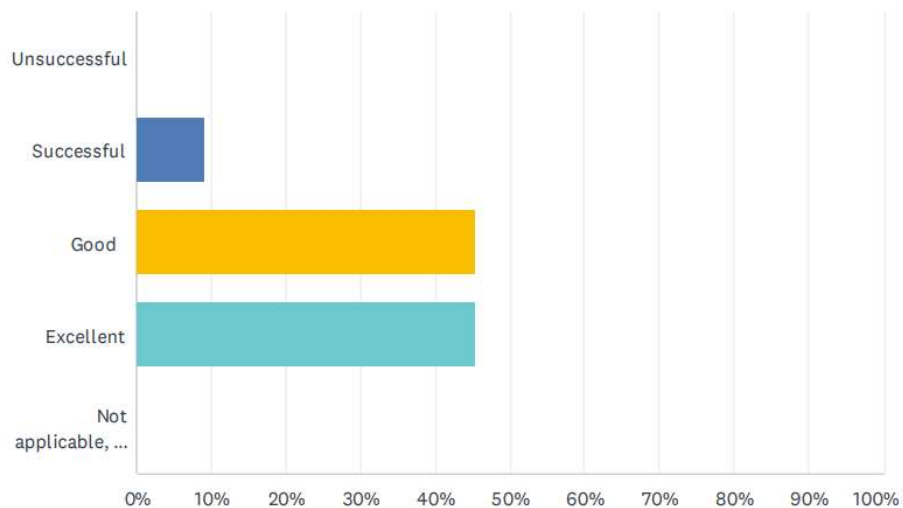
Ability to remain independent despite pressures to succumb to interests.

Maintains professional development and continuing education.

Provides training opportunities for staff and Civilian Review Board

Q3 Please rate the Police Auditor in this dimension based on your experience.

Answered: 11 Skipped: 6



ANSWER CHOICES	RESPONSES	
Unsuccessful	0.00%	0
Successful	9.09%	1
Good	45.45%	5
Excellent	45.45%	5
Not applicable, I have not had enough experience to respond to this dimension.	0.00%	0
TOTAL		11

Q4 Please list specific accomplishments you have noted for the City Police Auditor regarding your observations of this dimension:

Answered: 6 Skipped: 11

#	RESPONSES	DATE
1	Leia is particularly adept at promoting transparency and honesty in her work. She promotes training amongst her staff, herself, and the CRB members and brings in specific, relevant training to our board meetings. It's clear that Leia is collaborative with City partners but also maintains a spirit of independent thought on behalf of our community values.	4/24/2024 12:01 PM
2	Leia went to a seminar and came back with reports that helped the CRB see what other communities are doing. She consistently updates us on her attempts to improve the quality of policing in Eugene through the audit and review process.	4/22/2024 9:23 PM
3	Leia has consistently demonstrated high integrity and honesty in interactions and acts independently when making decisions regarding complaint classifications, etc. She ensures staff and CRB are provided relevant training.	4/22/2024 8:33 AM
4	Adequately requests commitments from Board re: training topics and follows through on providing experts.	4/19/2024 4:34 PM
5	Has been instrumental in keeping the department accountable and bringing information to the police commission.	4/15/2024 4:31 PM
6	She provides continual training to her staff and the CRB. This training is often done by members of the Eugene Police Department. I have worked with Pitcher now for over 10 years and have known her to have high levels of honesty and integrity throughout the entire time.	4/15/2024 12:24 PM

Q5 Please list any specific improvement suggestions you have for the Police Auditor for this dimension:

Answered: 4 Skipped: 13

#	RESPONSES	DATE
1	Continue the work of training new IA investigators and on boarding CRB members.	4/22/2024 9:23 PM
2	None at this time	4/15/2024 4:31 PM
3	None	4/15/2024 12:24 PM
4	Being an auditor requires maintaining a working relationship with many stakeholders... I don't think a better job can be done without alienating some of those stakeholders.	4/15/2024 12:01 PM

Q6 Please list any specific goals or changes the Police Auditor might focus on in this next year.

Answered: 4 Skipped: 13

#	RESPONSES	DATE
1	I would like to see Leia work with HR in implementing a annual review process for police officers using data gathered by her office.	4/22/2024 9:23 PM
2	Cultural audit surrounding the treatment of women and people of color and the role of mid level supervisors in fostering such an environment.	4/15/2024 4:31 PM
3	N/A	4/15/2024 12:24 PM
4	That being said, when disagreements arise, I would like the auditor to be able to exert more pressure on discipline decisions that are too lenient.	4/15/2024 12:01 PM

DIMENSION: COMMUNITY AND CITIZEN RELATIONS

Works with the community to build partnerships.

Provides information to community in order to improve understanding of the role of the office of the Police Auditor and the Citizen Review Board.

Develops credibility and trust with citizens.

Develops and maintains positive working relationships with Eugene customers/citizens, community and public interest groups.

Conducts appropriate outreach to diverse community groups.

Has ongoing, informed dialogues with diverse community groups.

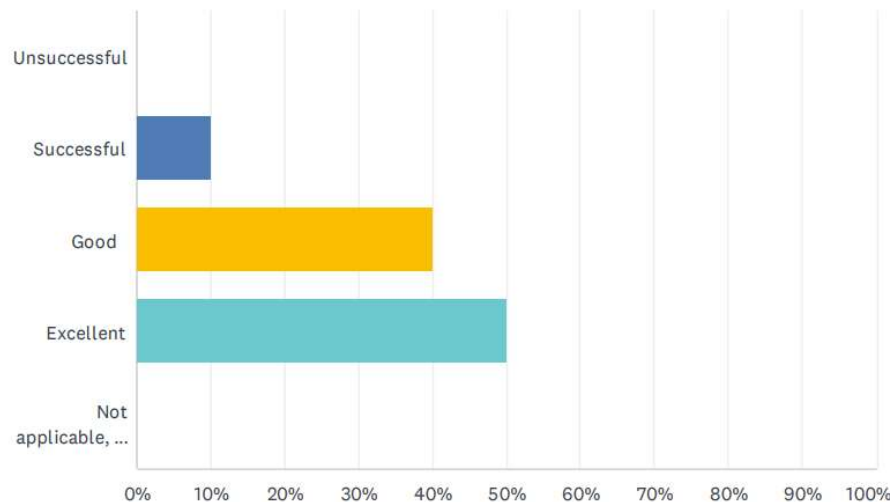
Provides welcoming environment to constituents.

Develops and maintains professional and respectful working relationships with the Eugene Police Department and Internal Affairs.

Communicates effectively with members of the City Council.

Q7 Please rate the Police Auditor in this dimension based on your experience.

Answered: 10 Skipped: 7



ANSWER CHOICES	RESPONSES	
Unsuccessful	0.00%	0
Successful	10.00%	1
Good	40.00%	4
Excellent	50.00%	5
Not applicable, I have not had enough experience to respond to this dimension.	0.00%	0
TOTAL		10

Q8 Please list specific accomplishments you have noted for the City Police Auditor regarding your observations of this dimension:

Answered: 8 Skipped: 9

#	RESPONSES	DATE
1	For all of the constituents listed above, Leia and her office provide strategic and comprehensive outreach and engagement. They partner with the office of Equity and Community Engagement to reach out to the broader community, write comprehensive letters to constituent complainants once a case is resolved, and maintains positive relationships with Eugene Police Department leadership and employees.	4/24/2024 12:16 PM
2	Aa we come out of Covid I have seen Leia support community outreach by her staff.	4/22/2024 9:27 PM
3	I have watched Leia lead the Civilian Review Board and participate in Police Commission meetings. Leia is personable, engaging and provides the right amount of education and opinion when providing testimony.	4/22/2024 2:37 PM
4	I have limited feedback re community relations; my feedback is specific to EPD and Internal Affairs. While Leia has done a good job at developing and maintaining positive relationships with IA staff, my impression is that overall there is an overall lack of trust and respect within the department.	4/22/2024 8:48 AM
5	Several regional meetings for citizens. Noticeable attempts to reach out to Hispanic community.	4/19/2024 4:35 PM
6	Was able to provide documentation that allowed for in depth understanding on women in policing.	4/15/2024 4:32 PM
7	I can't speak to the beginning of the definition, however, I have worked closely with her during my seven years as an Internal Affairs Investigator. We worked very closely on many cases during that time. She was always professional and respectful even when we disagreed on certain aspects during the process.	4/15/2024 12:27 PM
8	Beatriz does an excellent job.	4/15/2024 12:05 PM

Q9 Please list any specific improvement suggestions you have for the Police Auditor for this dimension:

Answered: 5 Skipped: 12

#	RESPONSES	DATE
1	Meeting in a neighborhood or other community space is challenging given the desire to continue to allow people to view meetings remotely but if able it is helpful to engage more fully in the city.	4/22/2024 9:27 PM
2	There is a perception that Leia and her staff are biased towards certain employees and that those biases lead to singling out specific employees and influence classification decisions, allegations levied, etc.	4/22/2024 8:48 AM
3	None	4/15/2024 4:32 PM
4	None	4/15/2024 12:27 PM
5	Given the recent concerns with harassment within the department, it seems that the officers are under-informed as to the resources available through the auditor's office	4/15/2024 12:05 PM

Q10 Please list any specific goals or changes the Police Auditor might focus on in this next year.

Answered: 4 Skipped: 13

#	RESPONSES	DATE
1	Awareness of perceived bias.	4/22/2024 8:48 AM
2	None	4/15/2024 4:32 PM
3	None	4/15/2024 12:27 PM
4	I desperately want to see more proactivity from the auditor's office , not just reacting to complaints that are submitted... But actively seeking input from unheard corners of our community and expansion of the role to match our community's needs.	4/15/2024 12:05 PM

DIMENSION: COMPLAINT INTAKE AND ADJUDICATION RECOMMENDATIONS

Performs intake in a fair and courteous manner.

Classifies the nature of complaint accurately.

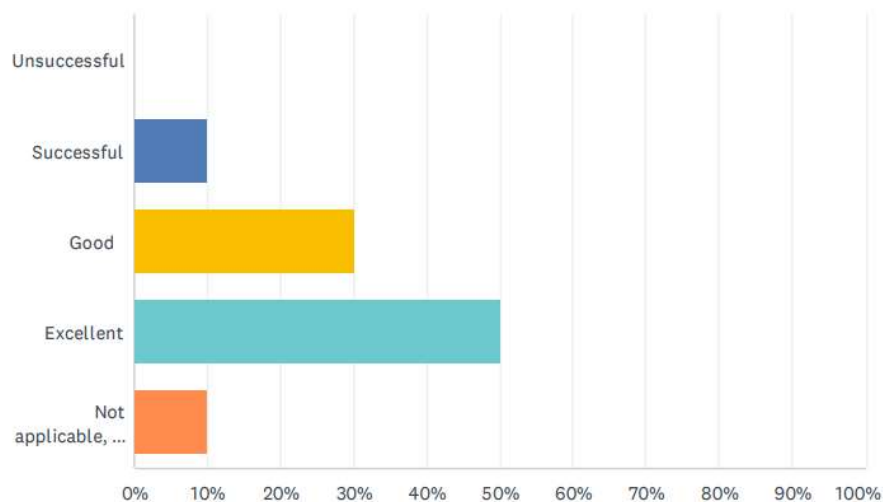
Reviews completed investigations and write up analytically sound adjudication recommendations.

Displays strength of case analysis to include:

- Logical case analysis
- Written communication skills.
- Independent analysis without regard to outside pressures.

Q11 Please rate the Police Auditor in this dimension based on your experience.

Answered: 10 Skipped: 7



ANSWER CHOICES	RESPONSES	
Unsuccessful	0.00%	0
Successful	10.00%	1
Good	30.00%	3
Excellent	50.00%	5
Not applicable, I have not had enough experience to respond to this dimension.	10.00%	1
TOTAL		10

Q12 Please list specific accomplishments you have noted for the City Police Auditor regarding your observations of this dimension:

Answered: 5 Skipped: 12

#	RESPONSES	DATE
1	In our CRB review of cases, we rarely disagree with the logic of classification of cases and, when we do, Leia and her team are able to clearly articulate the reasoning behind the classification selection. The Auditor's adjudications that we review are always thoroughly considered and well reasoned and promote a tone of collegiality, professionalism, and rigor.	4/24/2024 1:00 PM
2	Leia and her staff regularly provide comprehensive reports and explanations for their decisions in clear straightforward language.	4/22/2024 9:29 PM
3	Leia has excellent writing skills and her analysis is always independent. Most of this last year's case adjudication recommendations were completed by her staff and reviewed by her.	4/22/2024 8:57 AM
4	Has shown good growth in analyzing cases for appropriate classification. Is prepared to explain classifications to the board. No apparent effect from outside pressures.	4/19/2024 4:37 PM
5	Leia's adjudications are always professional and based on the facts presented in the investigation. Her writing skills are advanced and she delivers her message in a clear, professional manner.	4/15/2024 12:29 PM

Q13 Please list any specific improvement suggestions you have for the Police Auditor for this dimension:

Answered: 2 Skipped: 15

#	RESPONSES	DATE
1	At times, Leia's review of completed staff recommendations resulted in delay and untimely submissions.	4/22/2024 8:57 AM
2	None	4/15/2024 12:29 PM

Q14 Please list any specific goals or changes the Police Auditor might focus on in this next year.

Answered: 2 Skipped: 15

#	RESPONSES	DATE
1	None	4/15/2024 12:29 PM
2	I would like to see the categorization of dismissed cases further broken down. Not just the reason for dismissal, but also when possible what entity the complaint was against. (Springfield, uo, private security, "insufficient evidence")	4/15/2024 12:08 PM

City of Eugene Police Auditor Performance Evaluation (Informal) Attachment B
Council-Individual Ratings

Employee Name: Leia Pitcher	Appraisal Date: May 13, 2024
Position Title: City of Eugene Police Auditor	Employment Date: October 23, 2022 (Contract executed 5/24/23)
Reviewer's Name: Mayor Lucy Vinis	Review Period: May 2023 – May 2024

What were some of the main accomplishments of the Police Auditor this year? Implementing the new portal for complaints; reactivating education and outreach efforts, including updating the website; moving into a new office; creating a team that effectively reviews all complaints, initiating and continuing conversations about pursuits and body worn cameras; effectively supporting the CRB.

Are there any recommendations for improvements or changes in performance in the coming year? I know that the office will lose a long time staff member to retirement that may present some opportunities to shift some responsibilities. I am hopeful that will move smoothly.

Other comments:

Overall Performance Rating:

☐ Below Expectations ☐ Meets Expectations ☒ Exceeds Expectations

The following is the rating scale used in this performance review. The definitions give guidelines for deciding your rating. Use the narrative sections to cite specific examples that support your ratings.

Exceeds Expectations

Performance at this level is characterized by overall successful performance and special contributions in a significant number of areas which add value beyond what is expected for Meets Expectation standard. Examples include: innovative approaches to work; efficiency gains, significant contributions to improvement of public safety practices, processes, work team or community relationships; solving of complex problems.

Meets Expectations

Work at this level is characterized by successful performance of all the indicators for the position, or in the case of an employee in a training or probationary position, evidence of steady progress toward full performance.

Below expectations

Work at this level shows the need for specific improvement to meet the full performance expectation for the position.

City of Eugene Police Auditor Performance Evaluation (Informal) Attachment B
Council-Individual Ratings

Employee Name: Leia Pitcher	Appraisal Date: May 13, 2024
Position Title: City of Eugene Police Auditor	Employment Date: October 23, 2022 (Contract executed 5/24/23)
Reviewer's Name: Jennifer Yeh	Review Period: May 2023 – May 2024

What were some of the main accomplishments of the Police Auditor this year? Continues to be a valuable addition at Police Commission meetings. Ongoing community outreach is exceptional and she is always thinking about, with staff, how they can do better.

Are there any recommendations for improvements or changes in performance in the coming year?

Other comments: What I'm most impressed with is that she is always thinking and looking for ways to improve how their office operates. Even though our community is well ahead of many communities that doesn't stop her from working on new ideas or considering how others are doing this work.

Overall Performance Rating:

☐ Below Expectations ☐ Meets Expectations ☒ Exceeds Expectations

The following is the rating scale used in this performance review. The definitions give guidelines for deciding your rating. Use the narrative sections to cite specific examples that support your ratings.

Exceeds Expectations

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Below expectations

Work at this level shows the need for specific improvement to meet the full performance expectation for the position.

City of Eugene Police Auditor Performance Evaluation (Informal) Attachment B
Council-Individual Ratings

Employee Name: Leia Pitcher	Appraisal Date: May 13, 2024
Position Title: City of Eugene Police Auditor	Employment Date: October 23, 2022 (Contract executed 5/24/23)
Reviewer's Name: Alan Zelenka	Review Period: May 2023 – May 2024

What were some of the main accomplishments of the Police Auditor this year? Office operations seem to be going smoothly.

Are there any recommendations for improvements or changes in performance in the coming year? Continue the outreach to the community.

Other comments: I found the Police Auditor's actions and the path she chose to take regarding her salary negotiations very unprofessional and showed poor judgment. It has hurt her standing and my confidence in her. This should have been done in a very different way, and I expected much more from a person at her position level.

Overall Performance Rating:

☒ Below Expectations ☐ Meets Expectations ☐ Exceeds Expectations

The following is the rating scale used in this performance review. The definitions give guidelines for deciding your rating. Use the narrative sections to cite specific examples that support your ratings.

Exceeds Expectations

Performance at this level is characterized by overall successful performance and special contributions in a significant number of areas which add value beyond what is expected for Meets Expectation standard. Examples include: innovative approaches to work; efficiency gains, significant contributions to improvement of public safety practices, processes, work team or community relationships; solving of complex problems.

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Below expectations

Work at this level shows the need for specific improvement to meet the full performance expectation for the position.

City of Eugene Police Auditor Performance Evaluation (Informal) Attachment B
Council-Individual Ratings

Employee Name: Leia Pitcher	Appraisal Date: May 13, 2024
Position Title: City of Eugene Police Auditor	Employment Date: October 23, 2022 (Contract executed 5/24/23)
Reviewer's Name: Randy Groves	Review Period: May 2023 – May 2024

What were some of the main accomplishments of the Police Auditor this year? Leia has settled into the position of Police Auditor nicely and I have observed her growth and comfort in this role to continue development. She has continued to develop her staff which will afford her more capacity to function in her role as the Police Auditor.

I have also observed Leia's effort to make the workings of her office more transparent and I've watched her strive for fairness and approach issues from a balanced and neutral perspective. In addition, Leia's work with the CRB, and in particular Council Leadership to be outstanding even under difficult circumstances.

Finally, I would like to commend Leia for her efforts to be involved in her professional association which will add to her knowledge, skills and abilities and keep her connected with a nationwide network. This work and experience will serve our community well!

Are there any recommendations for improvements or changes in performance in the coming year? I feel that Liea is on a very good trajectory, and I encourage her to continue with the course she is on.

Other comments:

Overall Performance Rating:

____ Below Expectations ____ Meets Expectations ____ Exceeds Expectations

The following is the rating scale used in this performance review. The definitions give guidelines for deciding your rating. Use the narrative sections to cite specific examples that support your ratings.

Exceeds Expectations

Performance at this level is characterized by overall successful performance and special contributions in a significant number of areas which add value beyond what is expected for Meets Expectation standard. Examples include: innovative approaches to work; efficiency gains, significant contributions to improvement of public safety practices, processes, work team or community relationships; solving of complex problems.

Meets Expectations

Work at this level is characterized by successful performance of all the indicators for the position, or in the case of an employee in a training or probationary position, evidence of steady progress toward full performance.

Below expectations Work at this level shows the need for specific improvement to meet the full performance expectation for the position.

Police Auditor

2024 Compensation Information

Current Police Auditor Salary Range: The salary range for the Police Auditor is a 10-step range and corresponds to **Grade 11** of the Non-Represented Pay Scales.

Job Title	Job Code	Grade	Type	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Police Auditor	09216	PA	Annual	\$122,844.80	\$127,628.80	\$132,392.00	\$137,176.00	\$141,939.20	\$146,723.20	\$151,486.40	\$156,270.40	\$161,033.60	\$165,838.40
			Hourly	\$59.06	\$61.36	\$63.65	\$65.95	\$68.24	\$70.54	\$72.83	\$75.13	\$77.42	\$79.73

Current Salary for Pitcher: \$156,270.40/Annually (\$75.13/Hourly), equivalent to Grade 11, Step 8, of the Non-Represented Pay Scales.

Contract Provisions: The employment contract with Police Auditor Pitcher states that the cost-of-living adjustment (COLA) will be given to Pitcher at the same time each year and at the same percentage as given to the non-represented employee group. In accordance with this provision, Pitcher received a 2.9% COLA on 7/2/23, which increased her salary from \$151,860.80 to her current salary of \$156,270.40. Timing for the next non-represented COLA process is set to occur on July 1, 2024. The COLA % is determined by the City Manager in June. Any COLA would move the salary range for the Police Auditor position providing Auditor Pitcher with a corresponding increase to her hourly rate.

Regarding merit increases, Pitcher's employment contract provides that "the City Council shall consider increasing Pitcher's compensation at the same time of Pitcher's annual performance evaluation."

Merit Increases Options

Council may award Pitcher a merit salary increase in any amount, including an amount that corresponds to step increase(s) of the Grade 11 pay scales. Potential merit increase options include:

- 1 step increase = Step 9 (Grade 11), \$161,033.60/Annually (\$77.42/Hourly)
- 2 step increase = Step 10 (Grade 11), \$165,838.40/Annually (\$79.73/Hourly)
- An alternative merit salary increase, as determined by Council, that does not correspond to a specific step on the Grade 11 scale.
- No merit increase this year.

EMPLOYMENT AGREEMENT

Police Auditor

BETWEEN: **City of Eugene** **(City)**

[illegible]

RECITALS:

- A.** The City Charter vests the City Council with the sole authority and responsibility to hire, supervise and specify the salary of an independent police auditor to oversee investigations of complaints involving police employees.
- B.** On February 17, 2021, the Council unanimously voted to appoint Deputy Police Auditor Leia Pitcher as the Interim Police Auditor. On February 26, 2021, the City and Pitcher executed an Interim Police Auditor employment agreement.
- C.** On October 24, 2022, the Council unanimously voted to appoint Interim Police Auditor Pitcher as the Police Auditor.
- D.** The City wishes to hire Pitcher as the Police Auditor and Pitcher wishes to accept the position of Police Auditor, on the terms set forth in this Agreement.

AGREEMENTS:

1. **Duties.**
 - 1.1. City agrees to employ Pitcher as the Police Auditor beginning on the execution date of this Agreement, to perform the functions and duties of Police Auditor in accordance with Section 15A of the City Charter and in accordance with Eugene City Code and Council direction.
 - 1.2. Pitcher agrees to remain in the exclusive employ of the City during her tenure as the Police Auditor.
2. **Term.** This Agreement shall begin when fully executed and remain in effect for an indefinite term and is an at will agreement. Pitcher understands and agrees that she serves at the pleasure of the City Council and may be removed from her position without notice and without cause. Pitcher may resign at any time with sixty (60) days' prior written notice. The period of such prior notice may be shortened by the Council due to exigent circumstances, such permission not to be unreasonably held.

3. Termination and Severance.

- 3.1.** Except as provided in paragraph 3.2, if Pitcher's employment is terminated by the City Council, Pitcher shall receive severance pay in the amount of two-months' total compensation (*i.e.*, base salary, health insurance, PERS contribution, deferred compensation, and auto allowance).
- 3.2.** Pitcher shall receive no severance pay if her employment is terminated for committing a felony or a misdemeanor involving moral turpitude, or for conduct that constitutes a knowing and willful violation of law governing the conduct of public office or employees.

4. Salary and Benefits. For Pitcher's services as the Police Auditor pursuant to this Agreement, the City agrees to provide Pitcher the following salary and benefits:

- 4.1.** The position of the Police Auditor has a ten-step salary range of \$119,392 to \$161,158.40, equivalent to Grade 11 of the Non-Represented Pay Scales. This salary range shall be adjusted each year consistent with the Cost-of-Living-Allowance (COLA) increases made to the salary range of the non-represented staff.
- 4.2.** An annual base salary of \$151,860.80, equivalent to Grade 11, Step 8, of the Non-Represented Pay Scales.
- 4.3.** COLA increases will be given Pitcher at the same time each year and at the same percentage as given to the non-represented employee group. Pitcher agrees and understands that any other increase in base salary will be based on merit and that increases require City Council review and approval.
- 4.4.** Transportation allowance of \$350 per month.
- 4.5.** In lieu of a monthly smartphone allowance, City shall provide Pitcher with a smartphone to be used exclusively for City business.
- 4.6.** A deferred compensation benefit of three percent (3%) of her salary, provided Pitcher contributes a minimum contribution of one percent (1%) of her salary to the program.
- 4.7.** Participation in the state's public employees retirement system ("PERS") as generally available to City's other exempt, managerial employees.
- 4.8.** Insurance benefits, including medical, dental, vision, life and long-term disability insurance, and the City's employee assistance program, as generally available to City's other exempt managerial employees.

- 4.9. Vacation, sick leave and holiday leave benefits in accordance with City's policies and practices with as generally available to the City's other exempt, managerial employees.
- 4.10. Payment of Oregon State Bar dues and reimbursement for tuition and reasonable expenses related to continued legal education or other professional conferences or trainings.
- 4.11. For purposes of converting any monthly or annual dollar amount set forth in this Agreement to an hourly or bi-monthly amount, all conversions shall be rounded up or down to the nearest cent (*i.e.*, rounded to the nearest hundredth of a dollar).
5. **Performance Evaluations and Salary Adjustments.** The City Council shall annually review and evaluate Pitcher's performance, alternating yearly between an informal evaluation and a formal evaluation. Pitcher and City will establish a mutually agreed upon list of stakeholders to provide feedback for an informal evaluation and a broader list of stakeholders to provide feedback for a formal evaluation. The City Council's discussion of Pitcher's performance shall be scheduled to occur every year at a meeting held sometime between March 1 and May 30. The City Council shall consider increasing Pitcher's compensation at the same time of Pitcher's annual performance evaluation. The City Council may conduct additional reviews of Pitcher's performance at any other time it deems appropriate.
6. **Indemnification.** The City shall defend and indemnify Pitcher against any tort, professional liability claim or demand, or other legal action arising out of an alleged act or omission occurring in the performance of Pitcher's duties as Police Auditor, unless prohibited by law. The duties of Police Auditor do not include the commission of any criminal act or intentional tort. This indemnification shall include the cost of defense, provided that the City shall choose or approve legal representation for Pitcher and will retain control over the defense of the claim, including the sole power to compromise and settle any claim or action and pay the amount of the settlement or judgment.
7. **Bonding.** The City shall pay the full cost of any fidelity or other bonds required of Pitcher by law or ordinance.
8. **Notices.** Notices pursuant to this Agreement shall be given by deposit in the United States Mail, postage prepaid, addressed as follows:

City: Council President
City of Eugene
101 West 10th Avenue, 2nd Floor
Eugene, OR 97401

Employee: Leia Pitcher
 101 E Broadway
 Suite 230
 Eugene, OR 97401

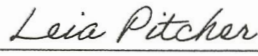
Alternately, notices required by this Agreement may be personally served. Notice shall be deemed given as of the date of personal service or three business days after the date of deposit of such written notice in the United States Mail.

9. **Review by Independent Counsel.** Pitcher acknowledges that the City has advised her to have this Agreement reviewed by an attorney of her choice.
10. **Effective Date.** The appointment of Pitcher as Police Auditor and this Agreement shall become effective when signed by the Council President and Pitcher.
11. **Voluntary Agreement.** Pitcher acknowledges that she understands the terms of this Agreement and that she has entered into it voluntarily.
12. **Integration.** The terms of the parties' agreement are set forth completely in this written document. This Agreement supersedes all prior or contemporaneous oral and written agreements, understandings, and commitments. Pitcher acknowledges that she has not relied on any other representation or promises by the City, its agents, employees or representatives, except those contained in this Agreement.
13. **Severability of Provisions.** Any provision, or portion of any provision in this Agreement that is held unenforceable, void, or unconstitutional shall not affect the remainder of the terms of this Agreement or any portion thereof which shall be deemed severable and shall remain in full force and effect. In the event that a provision is held unenforceable, void, or unconstitutional, the City Council and Pitcher shall discuss what changes, if any, should be made in response.
14. **Construction.** It is the intent of the parties that this Agreement and the appointment of Pitcher as the Police Auditor comply, in all aspects, with the provisions of the Charter and City Code. If any provision of this Agreement is capable of two constructions, only one of which complies with the Charter and City Code, the construction that complies with the Charter and City Code shall control. If any provision of the Agreement conflicts with the Charter or City Code, the Charter or City Code shall control and the conflicting provision of this Agreement shall be of no effect. All other provisions not in conflict with the Charter or City Code shall remain in full force and effect. Without limiting the foregoing, this Agreement will be governed by and interpreted in accordance with the laws of the State of Oregon.

15. **Modification.** The City Council and Pitcher may agree to modify this Agreement at any time. Any modifications must be made in writing.

CITY OF EUGENE, OREGON

By: 
Randy Groves
President of the City Council


Leia K. Pitcher

Date: 5/25/2023

Date: 5/24/2023

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Sustainable Budget Parks & Fire

Meeting Date: May 13, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Twylla Miller
Contact Telephone Number: 541-682-8417

ISSUE STATEMENT

This work session is a continuation of the discussion on revenue strategies to address the critical funding gap in the General Fund that begins July 2024.

BACKGROUND

At the April 22, 2024 City Council work session (Finance & Revenue Update) staff presented a solution to address the critical funding gap in the General Fund, currently estimated at \$13.9 million. The solution is proposed to be implemented over two years and includes budget strategies and new revenues. In the first year, the solution proposes implementation of \$6.9 million in budget strategies that will be reviewed at the Budget Committee meeting on May 22, 2024 and implemented as part of the June supplemental budget, as well as expanding Stormwater Service Fee eligibility to all Parks services and adjusting rates to generate between approximately \$1.0 million and \$1.4 million in new revenue. A Fire Services Fee is proposed to be considered for implementation in the next biennium that begins July 2025.

The proposal to expand Stormwater Service Fee eligibility to Parks services would amend the definition of stormwater service in Eugene code to include operations and maintenance of city-owned parks and open spaces. By making parks and open spaces expenditures stormwater eligible, revenue for these costs can be considered as part of the stormwater service rate making process and be billed efficiently through the current billing structure in place with Eugene Water & Electric Board (EWEB). A draft ordinance for your consideration is included as Attachment A. The proposal to expand Stormwater Service Fee eligibility to Parks services would allow rates to be amended to raise revenue to provide between approximately \$1.0 million and \$1.4 million in parks and open space expenditures currently funded in the General Fund. As this revenue strategy can be implemented using the current user fee structure, revenue collection could begin this summer after necessary Council actions including a public hearing, ordinance adoption, and the administrative process to adopt stormwater rates. Staff will provide more information at the work session.

Staff are also exploring the concept of a Fire Fee based on square footage for fire services. More analysis is needed on fee construction including revenue modeling, impact on taxpayers, billing

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considerations and related administration costs. Staff expect this work to be completed over the summer with work sessions in September after Council returns from summer break.

PREVIOUS COUNCIL DIRECTION

[September 14, 2022 Work Session](#)

This session was an information update on the condition of the General Fund and the future financial outlook.

[February 27, 2023 Work Session](#)

This session provided a high-level budget update and a recommendation for a revenue team to develop funding strategies for unfunded services.

[April 12, 2023 Work Session](#)

This session provided an updated Revenue Committee proposal to develop funding strategies for unfunded services.

[April 26, 2023 Budget Committee Meeting](#)

The City Manager presented the 2023-2025 Proposed Budget.

[May 10, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on Alternative Response, Downtown Services, and Unhoused Services.

[May 17, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on the Fire Engine/Squad proposal, Climate Recovery, and URA Frozen Base.

[May 24, 2023 Work Session](#)

This session provided information on unfunded/underfunded service levels as Council considers a potential scope for the Revenue Committee.

[June 21, 2023 Work Session](#)

This session provided high level information on the financial condition of the City and discussion on a revised approach to addressing the structural gap in the General Fund and other funding and service prioritization needs.

[July 10, 2023 Work Session](#)

This session was a continuation of the Financial Condition and Revenue Update work session on June 21, 2023 to provide information and additional context to understand evolving financial needs and the approach for continued revenue and service prioritization discussions.

[October 11, 2023 Work Session](#)

This session included an overview of the revenue report created by staff in August 2023 and an update on the next steps for a revenue advisory team to advise the City Manager on revenue options to address funding issues.

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February 26, 2024 Work Session

This session included an overview of the Revenue Advisor work to date including potential revenue options that could make sense for the range of funding issues facing the city.

April 22, 2024 Work Session

This session provided information on the current critical funding gap in the General Fund that begins July 2024. Staff presented a potential two-year solution that includes budget strategies, a park fee that could be implemented in the summer of 2024, and a fire fee that could be implemented in the next biennium.

COUNCIL OPTIONS

1. Direct the City Manager to schedule a public hearing on an ordinance amending the definition of “stormwater service” to add the operation and maintenance of city-owned parks and open spaces as set out in Attachment A **and** to develop a Fire Service Fee proposal to bring back to Council.
2. Direct the City Manager to only proceed with one of the fee proposals: amending the definition of “stormwater service” to add the operation and maintenance of city-owned parks and open space as set out in Attachment A **or** to develop a Fire Service Fee proposal to bring back to Council.
3. Decline to consider further action on either proposal.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends proceeding with both fee proposals by scheduling a public hearing on an ordinance amending the definition of “stormwater service” as set out in Attachment A **and** developing a Fire Service Fee proposal to bring back to Council in Fall 2024.

SUGGESTED MOTION

1. Move to direct the City Manager to schedule a public hearing on an ordinance amending the definition of “stormwater service” to add the operation and maintenance of city-owned parks and open space as set out in Attachment A to this AIS.

AND

2. Move to direct the City Manager to develop a Fire Service Fee proposal for Council’s consideration and discussion in late summer/fall.

ATTACHMENTS

- A. An Ordinance Concerning Charges For Stormwater and Parks Service and Amending Section 6.406 of the Eugene Code, 1971

FOR MORE INFORMATION

Staff Contact: Twylla Miller, Chief Financial Officer

Telephone: 541-682-8417

Staff E-Mail: tmiller@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHARGES FOR STORMWATER AND PARKS SERVICE AND AMENDING SECTION 6.406 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of "Stormwater service" in Section 6.406 of the Eugene Code, 1971, is amended to provide as follows:

6.406 Definitions. For purposes of sections 6.401 through 6.645, unless the context requires otherwise words and phrases shall have the meaning ascribed to them. In interpreting the meaning of words in a definition, other definitions of that word in this Code may be considered:

Stormwater service. The use of the city's stormwater system including, but not limited to, collection of stormwater discharged from property on which development exists and its deposit directly or indirectly into the city stormwater system. ***For purposes of sections 6.411 through 6.605 of this code, "stormwater service" shall include operation and maintenance of city-owned parks and open spaces.***

Section 2. It is the policy of this Council that the revenue needed to pay for the direct and indirect expected costs to operate and maintain city-owned parks and open spaces should be considered during the stormwater service ratemaking process. (EC 6.411(2)(g)).

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2024

Approved by the Mayor this

____ day of _____, 2024

City Recorder

Mayor