



Eugene City Council

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EUGENE CITY COUNCIL AGENDA - AMENDED

November 19, 2025

12:00 p.m. CITY COUNCIL WORK SESSION

City Council Wednesday work sessions are held using 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>

This agenda has been amended to correct attachment references in AIS Item 2

Meeting of November 19, 2025;
Her Honor Mayor Kaarin Knudson Presiding

Councilors

Greg Evans, President
Eliza Kashinsky
Jennifer Yeh
Mike Clark

Lyndsie Leech Vice President
Matt Keating
Alan Zelenka
Randy Groves

12:00 p.m. CITY COUNCIL WORK SESSION

1. **WORK SESSION: Sustainability Commission FY25 Annual Report and FY26 Work Plan**
2. **WORK SESSION: Proposed Charter Amendments – Department Head Residency and Language Updates**

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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Sustainability Commission FY25 Annual Report and FY26 Work Plan

Meeting Date: November 19, 2025
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Danielle Klinkebiel
Phone: 541-731-0527

ISSUE STATEMENT

The purpose of this work session is for Sustainability Commission to present its Fiscal Year 2025 (FY25) Annual Report (Attachment A) and its proposed Fiscal Year 2026 (FY26) Work Plan (Attachment D). Council will be asked to approve the annual work plan and committees as outlined in code.

BACKGROUND

The Sustainability Commission is a volunteer advisory group appointed by the City Council to provide guidance on sustainability-related issues. There are a total of 13 commissioner positions, including eight appointed seats, four at-large seats, and one City Councilor. Currently 12 positions are filled.

As per code, the Sustainability Commission presents an annual report to City Council to share work accomplished in the previous fiscal year. They also present a work plan for approval by City Council on an annual basis, which includes the topics they will address and the committees that will be formed.

FY25 Annual Report Highlights (Attachment A)

The FY25 Annual Report demonstrates the Sustainability Commission's strong alignment with the Climate Action Plan 2.0 (CAP2.0) by addressing current initiatives aimed to address the City's top sources of emissions. It also demonstrates their commitment to strengthening engagement with the community. Highlights include the following:

Topics addressed:

- Suggested changes and improvements to future protected bikeways
- Reviewed proposed changes to Lane Transit District's bus transit system
- Provided input on new chapters in the Envision Eugene Comprehensive Plan on *Compact Development & Urban Design* and *Community Health*
- Learned about existing tools that promote compact development
- Learned about the Public Health Standards project
- Asked questions to Lane County on their proposed CleanLane Resource Recovery Facility

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- Reviewed the new Urban Forestry Action Plan and street tree projects funded through the 2022 Street Bond
- Provided input on a Triple Bottom Line Analysis of turf options at Golden Gardens Park
- Provided feedback on new CAP2.0 communication tools

Committees formed:

- Education and Outreach Committee: The committee developed an outreach strategy to better understand diverse community perspectives as well as educate the public about existing programs and resources for sustainable living. The commission attended four community events and engaged with 85 community members. A summary of engagement results is included as Attachment B.
- Clean and Reliable Back-up Energy Systems Committee: The committee researched technologies and policy approaches for advancing clean, backup energy options that can be used during power outages.
- Climate Friendly Landscaping Committee: The committee researched policy options to limit the use of artificial turf and gas-powered leaf blowers.

Memos sent to City Council (Attachment C)

- Memo and Handout on Clean and Reliable Backup Energy
- Memo to Support the Urban Forestry Action Plan and Additional Recommendations
- Memo on Policy Options for Artificial Turf
- Memo on Policy Options for Gas-Powered Leaf Blowers

Grants awarded:

- The Sustainability Commission provides small grants to help support activities consistent with its mission. The University of Oregon's Alliance for Sustainable, Innovative Spaces (OASIS) was awarded \$1,000 to develop an informative public exhibit on sustainability and environmental stewardship to display during Earth Week.

FY26 Work Plan Summary (Attachment D)

The Sustainability Commissions FY26 Work Plan provides an overview of topics and committees that will be addressed over the next year. Their work will continue to build off continued alignment with CAP2.0 and current initiatives in progress. Commissioners will have the opportunity to learn, ask questions, provide feedback, and advise City Council on sustainability matters.

Proposed Topics:

- Provide feedback on the Franklin Boulevard Transformation
- Review proposed solutions to address sidewalk repair and funding challenges
- Provide feedback on a proposed Home Energy Score disclosure policy
- Learn about the details and significance of the new Recycling Modernization Act

- Provide feedback on street tree projects funded through the 2022 Street Bond
- Provide feedback on the completed triple bottom line analysis of turf options at Golden Gardens Park

Topics from community groups:

- Learn about local applications of geothermal energy
- Understand risks and opportunities of refrigerants

Proposed Committees (Attachment E)

- Education and Outreach Committee: The Commission can help serve as the ear of Council in the community on sustainability-related issues. To serve this purpose the committee will continue to develop and implement an engagement strategy that includes new ways to engage. Sustainable Buildings: This committee will explore materials and design features that can lower carbon impacts of buildings and examine existing policies in other jurisdictions to advance sustainable buildings.
- Triple Bottom Line (TBL) Learning Group: This committee will learn about the TBL tool as a way to assess the environmental, economic and equity impacts of projects. The committee will educate the full Sustainability Commission on how to apply the tool when reviewing policies and crafting recommendations.

As the City strives to meet its climate goals, the Sustainability Commission continues to provide a valuable voice on projects and policies. Through ongoing engagement on complex sustainability topics, Commissioners are helping to shape responsive, community-informed policies that reflect Eugene's values and needs.

RELATED CITY POLICIES

[City of Eugene Strategic Plan](#):

Urgent Community Needs: Advance climate action and community resilience to natural and human-caused disasters.

Communication and Outreach: Improve community awareness and understanding of priority topics. Engage with a broader cross-section of the community. Increase community confidence in council and staff.

[Climate Action Plan 2.0 \(CAP2.0\)](#)

The CAP 2.0 serves as Eugene's roadmap to achieve the goals identified in the Climate Recovery Ordinance.

PREVIOUS COUNCIL DIRECTION

[October 21, 2024 Work Session](#)

City Council voted to approve the Sustainability Commission's FY25 Work Plan and committees.

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Councilor Keating, seconded by Councilor Groves, moved to approve the Sustainability Commission's FY25 Work Plan.
Passed 6:1 (Opposed by Councilor Zelenka)

Councilor Keating, seconded by Councilor Groves, moved to approve establishment of the following committees: Education and Outreach Committee, Clean and Reliable Backup Energy Systems Committee, and Climate Friendly Landscaping Committee.
Passed 6:1 (Opposed by Councilor Zelenka)

COUNCIL OPTIONS

1. Approve the FY26 Work Plan and committees.
2. Approve the FY26 Work Plan and committees with amendments.
3. Ask the Commission to revise its FY26 Work Plan and committees and return at a later date.
4. Not approve the FY26 Work Plan and/or committees.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of the Sustainability Commission's FY25 Work Plan and committees.

SUGGESTED MOTIONS

1. Move to approve the FY26 Sustainability Commission Work Plan.

AND

2. Move to approve establishment of the following committees: Education and Outreach Committee, Sustainable Buildings Committee, Triple Bottom Line (TBL) Learning Group.

ATTACHMENTS

- A. FY25 Annual Report
- B. FY25 Memos sent to Council
- C. FY25 Engagement Summary of Engagement in FY25
- D. FY26 Work Plan
- E. FY26 Committee Proposals

FOR MORE INFORMATION

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FY25 Annual Report

Overview

The Sustainability Commission (SC) acts as an advisory body to City Council and staff to develop or enhance programs or actions that will result in more sustainable practices within the community. Throughout Fiscal Year 2025 (FY25), Commissioners reviewed and provided input on sustainability-related projects and policies by reflecting community values and serving as a forum for public input.

Sustainability Commissioners are Eugene community members appointed by City Council. In FY25, the Commission included residents from five different wards. Members represent a range of perspectives, including environmental advocates, professionals with sustainability experience, nonprofit and business representatives, students, and educators.

The Commission's work is accomplished through the following:

- Presentations and discussions with staff to provide input on projects and policies in development;
- Committees to do more in-depth research and produce formal memos to City Council;
- Community outreach to understand community perspectives, to educate the public about programs and resources for sustainable living, and to support community programs and events.

Areas of Focus in FY25

In FY25, the Sustainability Commission continued to align its work with the different focus areas of the Climate Action Plan 2.0 (CAP2.0), including transportation, buildings, waste, consumption, and resilience. This alignment has ensured that Commissioner's time and expertise is best directed towards where it can have the most impact, by reviewing and advising on projects and policies that are in development.

Transportation

Transportation remains the biggest source of local greenhouse gas emissions in Eugene. A primary focus for the City is to expand infrastructure and programs that will make transportation cleaner, more sustainable and accessible for all. Commissioners reviewed and provided input on a variety of transportation topics in FY25, including:

- **Protected Bikeways:** The Commission provided suggestions about changes and improvements for future protected bikeways and reiterated the need for continued investment and neighborhood connectivity to increase usage. They also advocated for speed limit reductions on bike paths and better signage for shared paths.
- **Envision Eugene Comprehensive Plan (COE Planning):** The Comprehensive Plan guides Eugene's long-term growth and development, and staff focused the Commission's attention on policy strategies in the *Compact Development* and *Community Health* chapters. The Commission emphasized the importance of aligning long term transportation and housing policies with climate priorities.
- **Transit System Changes (Lane Transit District):** The Commission provided feedback to Lane Transit District' (LTD) changes to their transit services. Commissioners highlighted the need to ensure transit equity and fill service gaps. The Commission also provided input on a longer-term vision for transit services.

Buildings

Buildings are the second largest source of local emissions, with actions in CAP2.0 aimed at transitioning homes and buildings to clean, renewable and efficient energy usage; as well as ensuring future development is more sustainable. Commissioners engaged on a variety of related topics in FY25 and formed a committee to explore clean and reliable energy:

- **Tools for Compact Development (COE Community Development):** The Commission learned about tools that promote more compact development, such as the Multi-Unit Property Tax Exemption (MUPTE). Commissioners asked about the green building requirements outlined in MUPTE and expressed an interest to explore stronger requirements to lower building emissions when the MUPTE program is revised.
- **Public Health Standards (COE Planning and Development Department):** The Commission learned about possible changes to Eugene's land use and permitting regulations to address the concerns of residents living near industrial areas, which prompted discussion about health equity, business impacts, and regulatory clarity. Commissioners emphasized the need for proactive policies that protect vulnerable communities while supporting sustainable economic development.

Waste and Consumption

Waste and consumption are significant sources of local GHG emissions, with CAP2.0 actions specifically aimed at preventing pollution through better waste management. The Commission reviewed one project related to waste infrastructure and recovery:

- **CleanLane Resource Recovery Facility (Lane County):** The Commission learned about plans for the CleanLane Resource Recovery Facility. The Commission was supportive of the project's intent to recover organic waste and reduce landfill methane emissions. The Commission asked questions about the proposed funding mechanism and the local zoning and environmental impacts.

Resilience

A cornerstone of CAP2.0 is increasing community resilience by protecting natural resources and strengthening the community's ability to respond to a changing climate. The Commission weighed in on several projects related to resilience and formed a committee related to climate-friendly landscapes in response to community concerns:

- **Urban Forestry Action Plan (COE Parks and Open Space):** The Commission provided feedback on the Urban Forestry Action Plan, emphasizing the need for canopy equity, greater efforts to protect trees on private property and heritage trees, and to increase tree species diversity. They shared concerns about the impacts of the Emerald Ash Borer and ice storm damage. In follow-up to this session, the Commission wrote a memo to support the Plan with additional recommendations.
- **Golden Gardens Park Master Plan (COE Parks and Open Space):** The Commission learned about the proposed Golden Gardens Park Master Plan and different turf options under consideration for the sports fields. Commissioners offered input on the draft Triple Bottom Analysis by helping to identify variables to consider for evaluating turf options. Commissioners recommended staff research the long-term impacts of artificial turf on water quality and wildlife, human health, recyclability of materials, and the local neighborhood.

CAP2.0 Communications and Outreach

The Commission also assisted in advancing communication and outreach related to CAP2.0. This work helps to broaden awareness about the progress and impact of the City's climate action work, as well as invite more widespread participation.

- **CAP2.0 Progress and Impact (COE Sustainability Program):** The Commission learned about the progress and impact of CAP2.0 and provided a first review of newly developed communication tools. The Commission raised questions about how completed initiatives translate into measurable emissions reductions, as Eugene remains off-track in meeting emission reduction goals. They advocated for clearer metrics and tools to prioritize the most impactful actions to guide future investments.

Committees

The Commission formed three committees in FY25 to do more in-depth work and to produce formal memos for City Council.

1. **Clean and Reliable Backup Energy Systems Committee:** The purpose of the committee was to respond to community concerns about grid reliability that surfaced in the wake of the 2024 ice storm. The committee aimed to research technologies and policy approaches for advancing clean and reliable energy use during power outages. The committee developed a policy memo for City Council and a handout for the public.
2. **Climate-Friendly Landscapes Committee:** The Commission formed a committee to research policy options in other municipalities related to artificial turf and gas-powered leaf blowers, in response to community concerns shared during Commission meetings. The Commission developed two policy memos.
3. **Education and Outreach Committee:** The Committee developed a strategy for commissioners to table at community events with local organizations and neighborhood associations. This work helps commissioners bring diverse community sustainability perspectives to City Council and staff. This work also helps educate the public about existing programs and resources for sustainable living. Highlights included developing a "spin-the-wheel" tabling game for community events, engagement with 85 people at four community events, and ongoing discussions about additional ways the Commission can do outreach.

Memos to City Council

Throughout FY25, the Commission submitted informative memos to City Council based on topics addressed in presentations and in committees. These memos reflect the thoughtful engagement of commissioners who have spent significant time learning about and reflecting on complex sustainability issues. As such, they offer valuable insight into how informed residents view the City's efforts and may help Council better understand community perspectives on pathways toward a healthier, more resilient, and environmentally responsible future.

- [Memo and Handout on Clean and Reliable Backup Energy](#): The memo explores ways to boost Eugene's resilience during power outages through clean, reliable backup energy. It reviews relevant state bills on microgrid zoning, permitting, and ownership; and highlights municipal strategies like incentives for portable batteries, bulk purchasing, developer tax breaks, and partnerships with local organizations. The handout provides an overview of a variety of clean and reliable back-up energy systems for homes and businesses, such as portable batteries, renewable diesel generators, and more.

- [Memo to Support the Urban Forestry Action Plan and Additional Recommendations](#): The memo voices the Sustainability Commission’s strong support for Eugene’s Urban Forestry Action Plan, praising its equity-focused approach, strategic use of resources, and role in achieving the city’s 30% canopy coverage goal by 2040. It recommends additional strategies to protect trees on private property through incentives, education, partnerships, and potential updates to the city’s tree preservation code. Examples of policies in other Oregon cities that address this gap are included.
- [Memo on Policy Options for Artificial Turf](#): The memo raises concerns about the effect of artificial turf on water quality, soil and human health, particularly due to chemicals such as per- and polyfluoroalkyl substances (PFAS or “forever chemicals”). The memo reviews examples of how other jurisdictions have responded through moratoriums, bans, or ingredient restrictions. While awaiting the City’s triple bottom line analysis, the Commission urges careful consideration of these approaches to align field projects with the city’s climate and sustainability goals.
- [Memo on Policy Options for Gas-Powered Leaf Blowers](#): The memo summarizes community concerns, which were brought to the attention of the Commission this year and in prior years, and policy pathways for addressing gas-powered leaf blower use in Eugene. It highlights their significant noise and air pollution—often exceeding emissions from vehicles in short use periods—and notes that battery-powered alternatives are increasingly viable. To support Council’s understanding on this topic, the Commission presents two potential policy avenues: restricting use through phased restrictions (modeled on Portland’s timeline) and/or limiting equipment sales, with the goal of aligning landscaping practices with the city’s climate targets and public health priorities.
- [FY25 Sustainability Commission Engagement Summary](#): This document summarizes the number of events attended and people engaged by the Commission, as well as a summary of the key themes, concerns, and questions that were raised by community members. Between April and June 2025, the Sustainability Commission participated in four community engagement activities across Eugene, connecting with over 85 residents through neighborhood meetings, tabling events, and presentations. These efforts reflect the Commission’s commitment to accessible, equity-focused dialogue and responsive civic planning.

Support to Community Organizations

The Sustainability Commission provides small grants through the Green Fund to support activities or projects consistent with the Commission’s goals. In FY25, the Commission awarded one grant:

- **University of Oregon (UO) Alliance for Sustainable, Innovative Spaces (OASIS)**: The Commission approved a funding request from OASIS, a student group from the UO. The funds were used to develop an informative public exhibit on sustainability and environmental stewardship to display at the UO during Earth Week. The exhibit included a model built with sustainable and reused materials to illustrate alternative transit patterns

Looking Ahead

As the City strives to meet its climate goals, the Commission will continue to provide a valuable voice on projects and policies. Through thoughtful, sustained reflection on complex sustainability topics, Commissioners are helping to shape responsive, community-informed policies that reflect Eugene’s values and needs. View the FY26 Work Plan to learn about areas of focus for the coming year.

Memorandum

Date: July 8, 2025
To: Mayor Knudson, City Council and City Manager
From: Danielle Klinkebiel, Climate Policy Analyst
Subject: **Memos from the Sustainability Commission**

Attached are four memos written by the Sustainability Commission (SC) in fiscal year 2025.

1. Memo about Policy Options for Artificial Turf (page 2)

This memo was produced by the SC's Climate Friendly Landscapes committee. Upon learning more about the City's triple bottom line that is currently underway to evaluate different turf options at Golden Gardens Park, the committee researched how other jurisdictions are addressing challenges associated with artificial turf.

2. Memo about Policy Options for Gas-Powered Leaf Blowers (page 4)

This memo was produced by the SC's Climate Friendly Landscapes committee. In response to feedback and concerns expressed during the SC's public comment period and at outreach events, the committee researched various approaches in other jurisdictions related to gas-powered leaf blowers.

3. Memo and Handout about Clean and Reliable Backup Energy (page 4)

This memo and handout were produced by the SC's Clean and Reliable Backup Energy Committee. This committee was formed in response to growing community concerns about energy reliability following the 2024 ice storm. Unfortunately, the need for backup power during outages has led to increased reliance on fossil fuel appliances and gas generators—which themselves are vulnerable and contribute to emissions. In response, the committee researched cleaner, more resilient backup energy options—such as battery storage and clean fuel systems—as well as local and regional policies that support a transition to clean, reliable energy solutions.

4. Memo to Support Urban Forestry Action Plan and Additional Recommendations (page 14)

This memo was written after hearing a presentation from Urban Forestry staff on the new Urban Forestry Action Plan (UFAP). The SC supports the plan and believes it strategically uses the City's budget and resources to protect and expand the urban forest. However, the SC notes that the plan's scope is limited to public lands, and is not sufficient to protect the urban forest on private property. The SC recommends the City look at other ways to protect trees on private property, such as through incentives, educational programs, community partnerships, or changes to the City's existing tree preservation code.

Memorandum

To: Mayor Knudson, City Council and City Manager

From: Eugene Sustainability Commission

Subject: **Policy Options for Artificial Turf**

The Sustainability Commission is committed to supporting the City's climate goals, including reducing fossil fuel use by 50% of 2010 levels by 2030. The Sustainability Commission's Climate-Friendly Landscape Committee was formed in response to public input expressing concerns about the environmental and health impacts of artificial turf. The Committee is exploring how landscape decisions — especially in high-use areas like parks and sports fields — can align with the City's adopted climate goals.

In particular, community members have raised concerns about the potential use of artificial turf in upcoming field projects. City staff presented an overview of the triple bottom line (TBL) analysis currently underway for the proposed fields at Golden Gardens. The Commission provided feedback on TBL criteria and measures and the analysis will provide insight into the economic, environmental, and social trade-offs of artificial turf compared to natural alternatives. The Commission looks forward to reviewing the results of this analysis.

While recognizing the importance of awaiting the TBL analysis before offering any specific recommendations, the Commission believes this is a timely opportunity to raise awareness about how other jurisdictions are addressing the challenges associated with artificial turf. The following examples are intended to inform Council as the City continues to evaluate options through its TBL process.

Why This Matters

Artificial turf has emerged as a topic of interest due to its potential environmental and public health impacts. As a petroleum-based product, it contributes to greenhouse gas emissions during both production and disposal. Additional concerns have been raised about its effects on water quality, soil, and human health — particularly due to chemicals such as Per- and polyfluoroalkyl substances (PFAS or "forever chemicals"). These concerns tie directly to the City's broader sustainability priorities, including waste reduction, pollution prevention, and climate resilience.

The Commission believes the turf issue merits careful consideration as part of the City's ongoing commitment to sustainability and responsible resource management. Decisions made today will have lasting implications for community health as well as progress toward climate goals.

To support Council's understanding of this issue, the Climate-Friendly Landscape Committee has reviewed how other jurisdictions have approached artificial turf and summarized some approaches below.

Why We're Sharing These Examples

The examples included below are not exhaustive, but rather focus on particular aspects of artificial

turf projects that raise concerns within the Commission's focus areas—including environmental sustainability, public health, and long-term waste management. These examples are intended to highlight challenges that other communities have faced, offering insights that may inform local decision-making.

Here are some examples of what we found:

Challenges with Non PFAS Turf:

In Portsmouth, New Hampshire, city officials thought they had ordered a PFAS-free artificial turf field. Testing later revealed it contained high levels of these chemicals. The company FieldTurf promised a "no PFAS" public field, but independent testing found PFAS (per- and poly-fluoroalkyl), the toxic "forever chemicals" linked to cancers, endocrine disruption, organ damage, and other serious health problems. ([News coverage here](#))

Challenges with No Recycling Options:

Synthetic turf manufacturers use false and deceptive sales practices in pitching their products as recyclable, according to a [complaint filed by Public Employees for Environmental Responsibility](#) (PEER) with the Federal Trade Commission. The complaint catalogs examples of industry marketing that says old turf is recyclable and is being sent to domestic recycling facilities. This is not true because, as of 2022, there are no turf recycling plants in the U.S and used turf is not being exported to the two known recycling plants in Europe. Plus, artificial turf is extremely difficult and expensive to recycle since all the different plastics, rubber, and other materials used must be separated from each other.

Natural Grass: Viable, Sustainable, and Playable

Communities like Springfield, Massachusetts have chosen natural grass. The city manages 67 acres of organic, pesticide-free playing fields and has published [a case study](#) to support other communities exploring this option. Their fields meet player needs while avoiding plastic and chemical pollution—and help protect nearby waterways.

Policy Approaches from Other Jurisdictions

Communities have taken varied approaches to address the environmental and health risks associated with artificial turf. Approaches have all focused on local ordinances and generally fall into three categories

Moratoriums on New Installations

Temporary bans allow time for further study or industry innovation while pausing new installations that could have long-term impacts.

Examples:

- [Sharon, MA \(2020\)](#): Adopted a three-year moratorium on new artificial turf fields.

Why it matters: A moratorium buys time for local governments to evaluate emerging science, explore alternatives, and prevent new sources of plastic and chemical pollution.

Bans on Turf

These ordinances prohibit new installations, either broadly or in specific contexts.

Examples:

- [Boston, MA \(2022\)](#): Banned all new artificial turf.
- [Millbrae, CA \(2023\)](#): Banned artificial turf on public and private property.
- [State of Colorado \(2024\)](#): Prohibited "non-functional" turf, including artificial turf, on most government, commercial, and industrial properties.
- [San Marino, CA \(2024\)](#): Banned artificial turf in residential yards, with limited exceptions.

Why it matters: Turf bans are straightforward to implement and demonstrate a clear policy stance on environmental and health concerns.

Ingredient-Based Regulations

Some communities target harmful compounds commonly found in artificial turf—such as lead, PFAS, and microplastics.

Examples:

- [Cumberland, ME \(2025\)](#): Banned synthetic infill materials.
- [The State of Maryland \(2024\)](#): Enacted state-level regulation of lead and PFAS in playground surfacing materials.
- [Westport, CT \(2018\)](#): Banned synthetic infill in turf fields.
- **European Union:** Recently banned microplastics in crumb rubber infill, the most common base layer in artificial turf.

Why it matters: Regulating specific materials can reduce ecological and health impacts even when artificial turf is used.

Memorandum

To: Mayor Knudson, City Council and City Manager

From: Eugene Sustainability Commission

Subject: **Policy Options for Gas-Powered Leaf Blowers**

Over the past year, members of the Eugene Sustainability Commission heard public comments during multiple meetings and outreach events indicating concerns among Eugene residents about gas leaf blower use in the community. This topic has come before City Council repeatedly over the decades, but policies related to gas-powered leaf blowers have yet to be established. In response, the Sustainability Commission formed the Climate-Friendly Landscape Committee to 1) address community input and 2) investigate landscaping practices that align with the City's climate goals of reducing community fossil fuel use by 50% of 2010 levels by 2030.

Concerns over the noise and pollution generated by gas-powered leaf blowers and other outdoor equipment are significant. Noise pollution has well-documented health impacts on humans, pets, and wildlife¹. Local pollution is also a concern: running a single two-cycle leaf blower for 30 minutes emits more carbon monoxide and smog-forming pollution than driving a full-size pickup truck from Eugene to Miami². Small two-cycle gas engines, such as those used in leaf blowers, are highly polluting, and the cumulative effect of their use is considerable³. Given Eugene's frequent poor local air quality from summer wildfires and winter inversions, we should seriously consider pathways to reduce or eliminate pollution from these sources.

Fortunately, alternatives are now more widely available. Electric leaf blowers and other zero-emission outdoor equipment have become more powerful, affordable, and accessible in recent years. Battery-powered lawnmowers, leaf blowers, chainsaws, and other tools are available year-round at local hardware stores. Repairability and charging infrastructure are important considerations for gas-powered leaf blower regulation policies.

This report outlines two major key policy options and examples from communities that have taken steps to regulate the use of gas-powered leaf blowers. Please refer to the appendix for more information regarding the Portland ordinance.

Policy Option 1. Restrict Leaf Blower Use

Several jurisdictions have enacted regulations or policies that prohibit the use of gas-powered leaf blowers year-round or during certain times of the year. The City of Eugene has led by example on

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6707732/>

² <https://www.edmunds.com/car-reviews/features/emissions-test-car-vs-truck-vs-leaf-blower.html>.

³ A report from the Public Interest Research Group using US Environmental Protection Agency's 2020 National Emissions Inventory data found that gas-powered lawn equipment released more than 30 million tons of CO₂ (more than the total emissions of the city of Los Angeles), 68,000 tons of smog-causing nitrous oxides (similar to the pollution from 30 million cars), and 21,800 tons of PM_{2.5} (a major driver of respiratory disease, similar to the pollution from 234 million typical cars over the course of a year). <https://grist.org/technology/lawn-equipment-pollution-report>.

this topic: Eugene Parks and Open Space are transitioning to electric battery-powered leaf blowers. City crews still use some gas-powered leaf blowers in the fall. Roughly 100 jurisdictions across the US regulate the use of gas-powered leaf blowers, including Portland and Lake Oswego. Some jurisdictions banned their use entirely. Others, including Portland, enacted policies that gradually phase in restrictions.

Summary of Portland’s “Equitable Gas Leaf Blower Phase-out” Policy:

- **2024:** Portland City Council unanimously passed a phased policy prohibiting the operation of gas-powered leaf blowers
- **2026:** Gas-powered leaf blowers may not be used within city limits from January 1 to September 30, with some specific exceptions.
- **2028:** Gas leaf blowers may not be used in city limits, year-round, with no exceptions.
- The policy includes enforcement measures from initial warnings to fines up to \$1,000 for four or more violations. Please refer to the appendix for the full policy.

Eugene may want to consider a similar approach with timelines similar to Portland’s. Another option to support this transition would be to establish a registry of landscape contractors using environmentally sound practices. Such a registry would recognize and promote these businesses, encouraging consumers to choose eco-friendly services.

Option 2: Restrict Leaf Blower Sales

Some jurisdictions have restricted the sale of gas-powered leaf blowers. As of January 1, 2024, the state of California implemented a zero-emission standard for outdoor equipment, including small gas engines used in gas-powered lawnmowers, leaf blowers, string trimmers, and other lawn equipment. The policy bans the sale of new gas-powered equipment produced after 2024 but does not prohibit the use or resale of these machines. California also authorized tens of millions of dollars of incentives for professionals and residents for all-electric equipment.

At the city level, a ban on sales in Eugene would likely have limited impact, as consumers could simply purchase gas-powered leaf blowers online or outside of the city. A state-level policy would have greater impact. Oregon House Bill 2067 proposes a rebate program for the purchase of battery-powered leaf blowers. This bill has passed the House Climate, Energy, and Environment Committee and is currently at the House Ways and Means Committee for costing.

Conclusion

The Climate-Friendly Landscape Committee believes that, in response to community input and in alignment with Eugene’s climate goals, it is important for the City Council to consider actions to address the impact of gas-powered leaf blowers. Examining the practices in other jurisdictions, such as Portland, can inform the development of an equitable and effective path forward for Eugene.

Appendix: Portland's "Equitable Gas Leaf Blower Phase-out" Policy:

Chapter 8.66: Leaf Blowers

8.66.010 Purpose.

The purpose of this Chapter is to reduce the health impacts of using gasoline leaf blowers.

8.66.020 Definitions.

A. "Code Enforcement Officer" means any individual authorized to enforce this Chapter.

B. "Director" means the Director of the Bureau of Planning and Sustainability, or any successor bureau, or the Director's designee.

C. "Electric leaf blower" means any leaf blower powered by only electric means, including but not limited to battery-powered leaf blowers, cordless rechargeable leaf blowers and corded leaf blowers.

D. "Gasoline leaf blower" means any leaf blower powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.

E. "Inclement weather" means extreme weather conditions resulting from rain, snow, ice, flood, or other storm that pose a significant risk of injury to persons or property. F. "Leaf blower" means any hand-held or backpack device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. Leaf blower includes any device or machine that accepts vacuum attachments.

G. "Owner" means any of the following:

- 1. One or more individuals or entities, jointly or severally, in whom is vested: all or part of the legal title to real property; or all or part of the beneficial ownership and right to present use and enjoyment of real property.*
- 2. A mortgagee of real property who is in possession of that property.*
- 3. In the case of a condominium, the board of the association of condominium unit owners responsible for overall management.*

8.66.030 Authority of Director.

A. The Director is authorized to administer the provisions of this Chapter.

B. The Director may, upon request, issue written interpretations of how this Chapter applies in general or to specific circumstances.

C. The Director is authorized to adopt, amend, and repeal rules, procedures, and forms to implement the provisions of this Chapter.

1. Before adopting, amending, or repealing a rule, the Director will notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Bureau of Planning and Sustainability's website, will be published at least 4 weeks before the close of the public comment period. The notice will include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.

2. During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held, as determined in the Director's sole discretion. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Bureau of Planning and Sustainability's website.

3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule to temporarily suspend or modify the requirements of this Chapter based on the determination that such requirements are temporarily infeasible due to economic or technical circumstances. An interim rule may be adopted without prior public notice upon the Director finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 365 calendar days. The Director may extend the interim rule past the 365 calendar days for good cause, as determined in the Director's sole discretion.

8.80.040 Requirements.

A. Effective January 1, 2026, no owner will allow the operation of a gasoline leaf blower on the owner's property from January 1 to September 30, except in cases of inclement weather as determined:

- 1. on a citywide basis, by the Director;*
- 2. for park facilities managed by the City, by the Director of the Bureau of Parks or any successor bureau; or*
- 3. for an individual property, by the Code Enforcement Officer.*

B. Effective January 1, 2028, no owner will allow the operation of a gasoline leaf blower on the owner's property.

No leaf blower will be operated in a manner that deposits dust and debris onto any neighboring parcel, storm drain, public property, or public street except for the purpose of scheduled debris collection by the City. 8.80.050 Extensions.

The Director may grant an extension of time to comply with Section 8.80.040 to an owner who submits documentation that compliance will require the owner to upgrade electric infrastructure. The owner must provide the Director any documentation requested to substantiate the extension or otherwise assist the Director in the extension determination. If the Director learns that an extension was granted based on materially inaccurate submissions, the Director may revoke or modify the extension. 8.80.060

Penalties for Violations. It is a violation for any owner to fail to comply with this Chapter or to misrepresent any material fact.

A. Violations may result in a written notice of violation. The notice will state the date, address and violation and specify any corrective action required to comply with this Chapter

B. A first violation will result in a warning. A second violation may result in a civil penalty of \$250. A third violation may result in a civil penalty of \$500. A fourth or subsequent violation may result in a civil penalty of \$1,000. Each day an owner is in violation is deemed a separate violation.

C. Education and outreach on the requirements of Section 8.80.040 will begin in July 2024. 8.80.070 Right of Appeal. An owner who receives a civil penalty may, within ten business days of the date of the decision or determination, either pay the penalty amount or request an appeal hearing before the Code Hearings Officer in accordance with procedures set forth in Chapter 22.10 of the Portland City Code. The filing of an appeal request will stay the effective date of the penalty until the appeal is determined by the Code Hearings Officer. If payment of the penalty is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.

The full text including definitions and authority is available at:

<https://www.portland.gov/bps/climate-action/leaf-blowers/glb-phase-out>

Memorandum

To: Mayor Knudson, City Council and City Manager

From: Sustainability Commission

Subject: **Policy Mechanisms to Support Clean and Reliable Backup Energy**

Background and Context

Our homes and buildings are central to our life and are vulnerable when energy systems fail. For example, the ice storm in winter 2024 left 20,000 people in Eugene and Springfield without power for days or weeks¹. While natural gas is often viewed as a dependable backup option, during that same storm, the Pacific Northwest's largest gas storage facility abruptly shut down, forcing some gas utilities to ask customers to reduce gas usage to prevent pipelines from losing pressure². Additionally, some gas appliances only operate when both gas and electricity are available, like furnaces with blower fans, most gas tank water heaters, gas tankless water heaters, and most gas ovens³.

In response to community outreach, feedback and concerns, the Sustainability Commission researched clean and reliable energy systems. The commission produced an informational flyer (see attached) and identified the following existing or proposed policy options at the state level and in other municipalities regarding clean and reliable backup energy systems.

State Policy Considerations:

The Oregon State Legislature recently considered the following bills:

- **HB 2064:** Allows local governments to adopt land use regulations that correspond to microgrid zones and designate a geographical area as a microgrid zone. This should facilitate and enable the permitting of microgrid deployment in specific areas.
- **HB 2065:** Allows third-party consultants to conduct engineering evaluations that a public utility requires for an application to interconnect a community renewable energy project or microgrid. This should result in simpler, faster, and/or more sure-fire microgrid deployments and community solar deployments. (Passed by lawmakers)
- **HB 2066:** Allows the ownership, deployment, and use of microgrids and community microgrids. (Passed by lawmakers)

Eugene's Intergovernmental Relations committee determined that the City of Eugene would support these three bills. Any actions that City Councilors can take to demonstrate their support for similar legislation in the future would be beneficial.

Municipal Policy Examples and Options:

Other cities and organizations are advancing policies in this space; a few examples and potential options for the City of Eugene are cited here:

- **Incentives for Portable Electric Backup Power Systems:**

Some utilities and jurisdictions offer incentives for small/medium portable batteries. For example, Southern California Edison now offers \$150 rebates for portable battery systems for residential customers in specified high-fire-risk areas. Similarly, Springfield Utility Board has launched a pilot program offering zero-interest loans for backup generators and transfer switches. The City of Eugene could partner with EWEB to offer similar incentives.

- **Bulk Purchasing:**

Some utilities and jurisdictions order equipment in bulk to pass on savings. The New York City Public Housing Authority procures large numbers of highly energy efficient appliances (refrigerators, window ACs/heat pumps, etc.). The City of Eugene may want to consider partnering with other local organizations to best utilize the impact of bulk purchasing.

- **City Sponsored Tax Incentives for Developers:**

To encourage clean and reliable backup energy systems, the City could use incentive mechanisms to encourage buildings to be more resilient and deploy clean backup energy systems.

- *Presence of Qualifying Systems:* Eugene could offer tax incentives for buildings that deploy qualified onsite renewables and energy storage systems.
- *Passive Survivability:* Eugene could offer tax incentives for buildings that maintain habitability during the hottest week of the summer and the coldest week of the winter without using grid-delivered electricity or fossil fuels.

- **Local Partnerships:**

- *The St Vincent de Paul Society of Lane County (SVdP)* is providing affordable housing and producing affordable manufactured homes at a local factory, the Housing Options Production Enterprise (HOPE) Community Corporation. The City of Eugene could explore opportunities with SVdP to include clean and reliable backup energy systems in HOPE homes and existing SVdP affordable housing facilities.
- *Lane County and United Way of Lane County* had been collaborating to create a network of community resilience hubs to support residents during emergencies, such as wildfires and heat waves. A \$19.5 million federal grant was cancelled but the Sustainability Commission will continue outreach to better understand the community priorities related to resilience.

Conclusion

The City of Eugene has various opportunities to use policy levers to help residents improve the resilience of homes, businesses, and other buildings by deploying more clean, reliable backup energy systems.

Citations

¹eweb.org/outages-and-safety/power-outages/january-2024-storm-event

²klcc.org/npr-science-environment/2024-01-15/why-pse-urged-people-to-conserve-energy-amid-severe-cold

³oregoncub.org/news/blog/gas-myth-all-gas-appliances-work-in-power-outages/2489/

Clean & Reliable Backup Energy Systems for Homes & Businesses



As extreme weather events increase, so do concerns about energy reliability. In January 2024, a powerful winter storm knocked out electricity for over 20,000 EWEB customers¹. While natural gas is often viewed as a dependable backup option, during that same storm, the region's largest gas storage facility abruptly shut down, forcing gas utilities to ask customers to reduce gas usage to prevent pipelines from losing pressure². Additionally, some gas appliances only operate when both gas and electricity are available, like furnaces with blower fans, most gas tank water heaters, gas tankless water heaters, and most gas ovens³.

Given these challenges, interest is growing in resilient backup energy solutions that do not rely on fossil fuels such as natural gas, diesel, or gasoline and do not pollute Eugene's air. This fact sheet highlights a range of clean, reliable backup energy systems available today.

Which backup energy system is right for you?

Choosing the right system depends on your needs and budget. Consider these questions:

- What equipment and appliances do I need during a power outage?
- What level of comfort does my family require?
- How much am I willing to spend?

	Portable Battery	Solar Energy Battery Storage	Renewable Diesel Generator	EPA-certified Wood Stove	Electric Vehicle with Two-Way Charger
Typical uses	Devices Appliances	Whole Home	Devices Appliances	Home Heating Emergency Cooking	Devices Appliances Whole Home
Price range	\$100 - \$3,000	\$5,000 - \$15,000 (not including solar array)	\$200 - \$1,000	\$2,000 - \$5,000	\$500 - \$10,000 (not including cost of vehicle)

Portable Battery

- Small, pocket-sized battery packs can charge devices like cell phones, tablets, and laptops.
- Price: \$10 - \$100
- Medium-sized, portable battery packs have a greater capacity and can power larger items, such as Wi-Fi routers, lights, refrigerators, medical equipment, and air filters.
- Price: \$10 - \$100 (small batteries), \$100 - \$3000 (large batteries)



Solar Energy Battery Storage

- Large batteries store more energy but must be paired with a home/business solar PV system.
- These systems can power equipment such as ranges, microwaves, heat pumps, and water heaters since they are recharged via solar panels.
- Price: \$5,000-\$15,000, not including the cost of solar panels.
- May be eligible for an EWEB rebate and a federal clean energy tax credit.*



¹ eweb.org/outages-and-safety/power-outages/january-2024-storm-event

² klcc.org/npr-science-environment/2024-01-15/why-pse-urged-people-to-conserve-energy-amid-severe-cold

³ oregoncub.org/news/blog/gas-myth-all-gas-appliances-work-in-power-outages/2489/

Renewable Diesel Generator

- Standard generators are available in various sizes and can use renewable diesel (R99), instead of diesel, as a drop-in replacement.
- R99 is a much cleaner fuel and functions identically to diesel, but with lower carbon emissions and environmental impacts. R99 is different from biodiesel.
- Currently, R99 diesel is available in Eugene at Sequential Biofuels (86714 McVay Hwy, near LCC) and hopefully more stations soon.
- Price: \$200 - \$1,000



EPA-Certified Wood Stove

- Wood stoves can provide heat and sometimes be used for cooking. They do not require electricity or gas.
- EPA-certified wood stoves emit less particulate matter (PM2.5), carbon monoxide, and other pollutants compared to older, non-certified stoves.
- EPA-certified wood stoves use roughly one-third the amount of firewood, burning more efficiently than older, non-certified stoves.
- Price: \$2,000 - \$5,000
- May be eligible for a federal clean energy tax credit.*



Electric Vehicle with Two-Way Charger

Some electric vehicles (EVs) can be equipped with two-way, or bidirectional, charging technology to power devices, appliances and whole homes. This includes applications like Vehicle-to-Load (V2L) and Vehicle-to-Home (V2H).

- V2L: EVs like a RivianR1T or Kia EV6 can directly power devices and appliances by acting as portable generators.
- V2H: While they require specific, adaptive equipment to transfer electricity out of the vehicle battery, EVs like the Nissan Leaf and Ford F-150 Lightning can power whole homes.
- Price: Adaptive equipment is \$3000 - \$10,000.
- May be eligible for a federal clean energy tax credit.*



*Many of these systems may be eligible for an EWEB rebate or a federal clean energy tax credit. For qualifying systems installed between January 1, 2023, and December 31, 2032, the federal tax credit covers 30% of the purchase and installation costs, capped at \$2,000 annually.

Regional Emergency Preparedness Efforts

Lane County, City of Eugene and other regional partners coordinate planning and response during an emergency or extreme weather event. You can recharge devices at designated emergency shelters.

Sign up for Emergency Alerts at lanecounty.org

Get ready for a disaster with EWEB's "Pledge to Prepare" program over the year: eweb.org/p2p

Lane County recommends that every resident be "two-weeks" ready in case of a catastrophic natural disaster. This means putting together an emergency kit that includes food, water and supplies to last two weeks.

This factsheet was produced by the Eugene Sustainability Commission, a board of volunteers appointed by Eugene City Council to propose measurable solutions to pressing environmental, social and economic concerns.

Memorandum

Date: TBD

To: Mayor Knudson, City Council and City Manager

From: Eugene Sustainability Commission

Subject: Support for Urban Forestry Action Plan and Additional Recommendations

Background

The Sustainability Commission has reviewed the City of Eugene's draft Urban Forestry Action Plan. The Commission would like to express its confidence and support for the Plan that was sent to City Council in early July. The Plan focuses on City-owned property, is well conceived, strategically utilizes existing budget and resources, and views all new tree planting locations through an equity lens. It also expands tree species selection to limit the potential detrimental effects of monocultures and include not only Oregon natives, but also more drought tolerant species. The Plan will help the City make progress in achieving 30% tree canopy coverage city-wide by 2040, as written in the Climate Action Plan 2.0 (CAP 2.0), Action R11.

Insights

We note that the scope of the Urban Forestry Action Plan is limited to public lands and is not sufficient to protect and expand the urban forest that exists on private property. The City of Eugene, Bureau of Land Management, Lane County and other public landowners only manage 28% of the urban forest; the remaining 72% exists on private property not subject to the Plan. The preservation of urban canopy on private property is vital to meeting the CAP2.0 30% canopy coverage goal.

Recommendations

The Sustainability Commission recommends that the City consider additional ways to protect the private portion of the urban forest to best support both the Urban Forestry Action Plan and CAP 2.0 goals. Strategies that could be considered include incentives, educational programs, community partnerships, or changes to the City's existing tree preservation code ([Eugene Code Section 6.300](#)) to further limit tree removals, require tree replacement, and better protect heritage trees. For examples of tree codes in other Oregon cities that address trees on private property, see [Portland](#) or [Lake Oswego](#).

FY25 Engagement Summary

Overview

Between April and June 2025, the Sustainability Commission participated in four community engagement activities across Eugene, connecting with over 85 residents through neighborhood meetings, tabling events, and presentations. These efforts reflect the Commission's commitment to accessible, equity-focused dialogue and responsive civic planning.

Neighborhood Meetings & Tabling Events

- **Bethel Community Celebration (May 31):** Informal tabling drew ~30 attendees, surfacing concerns around composting in multifamily housing, recycling confusion, and interest in climate goals. Residents expressed a desire for clearer guidance and more inclusive infrastructure.
- **Southeast Neighbors Meeting (April 1):** A focused presentation and Q&A with 7 residents highlighted equity concerns in LTD service, emissions from I-5, and gaps in outreach to underserved communities. Participants requested outreach tailored to communities with low-capacity households.
- **Reimagine Earth Day (April 13):** A well-attended event where the Commission engaged with 34 participants through tabling. The Commission's table featured an interactive "Spin the Wheel" game, sparking conversations about EV and e-bike rebates, permeable concrete, clothing recycling, and small grants. Attendees appreciated tangible, low-barrier sustainability actions.
- **Jefferson Westside Neighbors Picnic (June 24)** Tabling at neighborhood association picnic where the Commission engaged with 14 people. Conversations emphasized urban forestry, water quality near Madison Meadow Park, light pollution, and community gardening. Residents referenced regional policy models and voiced interest in joining the Commission.

Key Themes from the Community

- **Composting & Recycling:** A consistent area of concern, especially in multifamily and lower-income contexts.
- **Equity in Outreach:** Residents called for door-to-door education, culturally relevant materials, and workshops in underserved areas.
- **Transportation & Incentives:** Strong interest in rebates, expansion and greater equity in LTD services, and accessible information about sustainable transportation programs.
- **Urban Forestry & Green Space:** Requests for more trees and gardens in "tree deserts" and underutilized public spaces.
- **Commission Visibility:** Multiple attendees asked how to engage with or join the Sustainability Commission, signaling growing public interest.

FY26 Work Plan

Overview

The Sustainability Commission (SC) is a volunteer advisory group appointed by the City Council to provide guidance on sustainability-related issues. Their work in FY26 will continue to build on their previous accomplishments, through the following goals and objectives:

Goals

1. **Align with the Climate Action Plan 2.0 (CAP2.0):** The Commission will prioritize efforts that address the city's top sources of emissions and categories in CAP2.0, including transportation, buildings, waste and community resilience.
2. **Address current and emerging initiatives:** The Commission will maximize their impact by addressing projects and policies that align with City Council and staff efforts, while also raising Council's attention about emerging and relevant sustainability issues.
3. **Strengthen community engagement and feedback:** Serve as a liaison between the community and City Council by actively engaging community members about sustainability initiatives, understanding diverse community perspectives, and ensuring those voices are reflected in the Commission's feedback.

Objectives:

- Deepen understanding of key local emission reduction opportunities.
- Invite staff and partners to present at meetings.
- Learn about existing projects, resources and initiatives.
- Provide input on projects that are in development.
- Advocate for initiatives that reduce emissions, while advancing social equity and economic benefits.
- Engage broadly with the community to better understand diverse needs and challenges.
- Research how other municipalities approach similar sustainability challenges.

Topics to Review in FY26:

The Commission's work is accomplished through presentations and discussions with staff and partners, through the formation of committees, and through community outreach. Below is a list of current, sustainability-related work that the Commission will review throughout FY26.

Transportation

1. **Franklin Boulevard Transformation (COE, Transportation Planning):** Franklin Boulevard, a key transportation corridor in Eugene, is getting a much-needed update to better accommodate a variety of transportation modes and housing density. The Commission will be asked to review the recent Roundabout Analysis, as well as provide input on some of the other elements of the project. (November, January)

2. **Sidewalk Policy and Funding (COE, Transportation Planning):** City Council has been hearing from community members about the quality of sidewalks in Eugene and the lack of funding to repair them. The City has been working on some short-term solutions, as well as a longer-term vision for repairing sidewalks. Staff are seeking thoughts and opinions from Commissioners. (Spring)

Buildings

3. **Home Energy Score Policy Options (COE Sustainability Program/Danielle):** The City is exploring a policy to require home energy scores when a house is listed for sale. This would help residents identify cost-saving upgrades that can improve energy efficiency. Staff would like to get feedback from the Commission. (November or January)
4. **Local Applications of Geothermal Energy (Homes for Good, SVDP, NW Natural):** Geothermal energy is a clean, reliable energy source that has the potential to transform our clean energy supply. There are several applications locally where this is taking root through installation of a variety of geothermal projects led by St. Vincent De Paul, Homes for Good, and NW Natural. This may help indicate the local potential of geothermal energy and related technologies, like thermal energy networks, in meeting our climate goals. (Timing TBD)

Waste

5. **Recycling Modernization Act: What, Why and How? (COE, Waste Prevention):** The new Recycling Modernization Act will update Oregon's outdated recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The Commission will learn what the changes are, why this is such a big deal, and how things are going since it's been implemented. (Anytime)
6. **Refrigerants—Understanding the Risks and Opportunities (BRING):** Refrigerants are found in many household appliances and commercial equipment. When leaked into the atmosphere, they are extremely potent greenhouse gases and powerful contributors to climate change. BRING will present their recent work with businesses and households to help mitigate their impact; as well help equip Commissioners with strategies to inform and engage the community on this effort. (October)

Resilience

7. **Street Tree Projects (COE, Parks and Open Space):** Approximately \$2,000,000 from the 2022 Street Bond are budgeted for street tree projects. Staff will provide an annual update to the Sustainability Commission on street tree projects funded through the bond, as required. (November, January)
8. **Turf Options at Golden Gardens Park:** The City is evaluating a variety of turf options for sports fields at Golden Gardens Park. Last year, the Commission provided input to staff on elements to consider in a triple bottom line analysis, to evaluate the environmental, social and economic impacts of different turf options. Now the Commission will have the opportunity to share their input and review the recently completed analysis. (Late 2025 or early 2026)

Other Sustainability Topics

9. **Youth Perspectives in Climate Action:** How are youth organizing around climate? What can Commissioners learn from youth to better understand their perspectives to more accurately represent them to City Council? Hear from a panel of local youth involved in climate action, e.g. Our Future, Climate Justice League, UO Sunrise. Possibly to coordinate with the Education & Outreach committee. (Timing TBD)

10. **Business Perspectives on Climate Policy:** Hear from organizations and businesses in the community to better understand their perspectives on how they are directly and indirectly affected by sustainability-related policies and topics addressed by Council. This could help Commissioners understand how to convey those perspectives to City Council. This could include inviting businesses to speak at a Commission meeting or organizing field trips to businesses. Possibly to coordinate with the Education & Outreach committee. (Timing TBD)

Committees:

The purpose of committees is to do more in-depth work about specific sustainability issues. This work helps to increase Council's understanding on topics and raise emerging issues for them.

1. **Education and Outreach:** A strong understanding of community perspectives on sustainability issues is at the foundation of the Commission's effectiveness as advisors to Council. It also allows commissioners to educate the public about programs and resources for sustainable living. This committee will continue to develop and implement the Commission's community engagement strategy.
2. **Sustainable Building Materials and Design:** Housing is a top priority for the City. The Commission will explore materials and design features that can lower the carbon impact, and the policies that local jurisdictions have adopted to facilitate their use in future housing projects. This is an opportunity to help educate City Council ahead of future conversations about housing programs, such as the Multi-Unit Property Tax Incentive (MUPTE).
3. **Triple Bottom Line (TBL) Learning Group:** The City of Eugene uses the Triple Bottom Line (TBL) tool as a specific framework to assess the environmental, economic and equity benefits and impacts of policies and projects. This committee will learn about the TBL tool and determine practical ways for the Sustainability Commission to integrate the tool when reviewing policies and crafting recommendations. The goal is to help Commissioners understand how to consider topics through multiple perspectives and better recognize and evaluate potential impacts and tradeoffs.

FY26 Proposed Committees

Education and Outreach Committee

1. **Members:**

Lily Yao, Jan Bohman, Emily Reynolds, Mitra Gruwell, Devon Mann

2. **Purpose of Committee:**

The City Council has set aggressive goals to address the climate crisis, but advancing these goals requires both educating the community about sustainability actions as well as understanding the different perspectives and needs within our diverse community. The Commission will form a committee to serve two purposes:

- Increase awareness about resources and programs that can support residents in living a more sustainable lifestyle.
- Act as the “ears of Council” to better understand the community’s perspectives on various sustainability issues.

3. **Scope:**

The Outreach and Education committee will do the following work:

- Develop and implement an outreach strategy for the Commission that identifies key audiences, outreach opportunities and tactics, and core messages. (For example: Table at up to six community events throughout 2024–25, prioritizing groups listed in Article 3, Section 2 of the ESC bylaws or neighborhoods that may be underrepresented on the current Sustainability Commission.)
- Update and maintain a Sustainability Outreach Toolkit with clear, accessible materials and resources for community events and presentations.
- Identify and provide commissioners with relevant training opportunities or resources—such as short online courses, webinars, or toolkits—that support effective community engagement and communication about sustainability.
- Explore opportunities to gather informal community feedback (for example, through event conversations, brief polls, or suggestion cards) to help the Commission better understand community awareness and needs.

4. **Deliverables:**

- Create the education and outreach toolkit and other materials.
- When appropriate, create or share short, visual content through social media to highlight key sustainability incentives, success stories, and simple actions residents can take.

- Explore options to gather community input—for example, by incorporating short feedback forms, informal polls, or conversations at community events—to better understand awareness and barriers related to sustainability programs.
- After each engagement event, Commissioner will write a brief, one-page summary that includes both quantitative data (ie. how many people were engaged, was there any data collected through surveys, etc...) and qualitative data (ie. what conversations were had, what were major concerns, ideas, opinions that were heard, what questions did people have). This summary would be included in the monthly meeting packet for the full Sustainability Commission to see. At the end of the FY, the data will be summarized and included in the annual report for City Council. It can also be referenced in any relevant future actions taken by the Commission.

5. Completion Date/Number of Meetings

The committee will meet once per month over 4 months.

6. Rough Topic/Agenda Anticipated for Each Meeting:

1. Establish goals, define key audiences, and begin drafting an outreach strategy.
Discuss relevant training resources for commissioners.
2. Review and refine existing outreach materials, identify any additional materials that need to be developed and assign roles.
3. Identify events and outreach opportunities, refine methods for recording feedback and create tools if needed
4. Review materials and summarize efforts, invite Commissioners to participate in outreach events

7. Resources Needed

Staff will revise/print outreach materials and provide supplies (ie. Table, signage...)

Staff can help identify training opportunities

Sustainable Buildings Committee

1. Members:

Laura Allen, Jan Fillinger, Jan Bohman, Courtney Griesel, Alexi Miller

2. Purpose of Committee:

Encouraging the development of sustainable and low-carbon buildings is essential for the City to meet its climate goals, especially as it explores ways to expand housing production and prioritize more compact development. This committee will explore materials and design features that can lower embodied carbon and emission impacts of buildings and how local jurisdictions are encouraging these practices. This is an opportunity to help educate City Council about emerging opportunities that can support both the City's climate and housing goals, in advance of future

discussions about housing development programs such as the Multi-Unit Property Tax Incentive (MUPTI).

3. Intended Deliverable:

A concise, **informational memo** to City Council identifying:

- 2–3 priority materials or design strategies that can reduce carbon emissions in buildings; examples may include low-carbon concrete, mass timber, salvage lumber, single stairways, and others.
- 2–3 policy ideas or examples from other jurisdictions

4. Completion Date/Number of Meetings Expected:

5 meetings. Dates TBD

5. Rough Topic/Agenda Anticipated for Each Meeting:

- 1) Intro and informational gathering meeting
- 2) Guest speaker to be determined
- 3) Additional Guest speaker?
- 4) Synthesizing information so far
- 5) Finalize informational memo, vote on documents. Follow up if needed.

6. Schedule of Meetings:

TBD depending on committee members' availability.

7. List of Resources Needed

- Assistance finding guest speakers
- Existing reports and resources:
 - i. [2024-techreport-nbi-rmi.pdf](#)
 - ii. [2024hb3409-sec7-legreport.pdf](#)

Triple Bottom Line Learning Group

1. Members:

Devon Mann, Lily Yao, Jan Fillinger, Courtney Griesel

2. Purpose of Committee

The City of Eugene uses the Triple Bottom Line (TBL) tool as a specific framework to assess the environmental, economic and equity benefits and impacts of policies and projects. This committee will learn about the TBL tool and explore practical ways for the Sustainability Commission to apply it when reviewing policies and crafting memos to City Council. The goal is to help Commissioners understand how to consider topics through multiple perspectives and better recognize and evaluate potential impacts and tradeoffs.

3. Intended Deliverable:

This committee will summarize existing materials into a brief TBL reference guide for commissioners. This will include practical considerations for how Commissioners can apply the TBL when providing feedback on topics to Council and staff.

4. Completion Date/Number of Meetings Expected

- 5 Meetings
- 11/2025, 01/2026, 02/2026, 03/2026, 04/2026, 05/2026
- *(powerpoint presentation to the FY27 SC either at the retreat or in October)*

5. Rough Topic/Agenda Anticipated for Each Meeting

- 1) Guest Speaker
- 2) Research information and generate draft of TBL informational summary for SC Commissioners
- 3) Prepare draft document
- 4) Finalize draft
- 5) Prepare and present the final product (e.g., checklist, reference guide, or brief presentation) to the Sustainability Commission

6. Schedule of Meetings

TBD depending committee members availability.

7. List of Resources Needed

- Presentation from staff on how the City uses the TBL
- Graphics support for SC TBL powerpoint presentation
- Existing Online Resources:
 - [Lane Livability: Pragmatic Decision Making with the TBL](#)
 - [Lane Livability: TBL Toolkit](#)
 - [City of Eugene: Long Form TBL Tool](#)
 - [City of Eugene: Short Form TBL Tool](#)
 - [City of Fort Collins: TBL Engagement Packet](#)
 - [25 Years Ago I Coined the Phrase “Triple Bottom Line.” Here’s Why It’s Time to Rethink It.](#)
- Examples of TBL reviews:
 - [City of Eugene South Willamette Street](#)
 - [City of Eugene Stormwater Development Standards](#)

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Proposed Charter Amendments – Department Head Residency and Language Updates

Meeting Date: November 19, 2025
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Jason Dedrick
Phone: 541-682-5033

ISSUE STATEMENT

This work session is an opportunity for council to discuss and potentially take action on resolutions related to Charter amendments that Council directed staff to prepare at their work session on September 24, 2025.

BACKGROUND

The Oregon Constitution grants cities the authority to incorporate, draft and amend their charters and pass local ordinances. Amendments to the Eugene Charter require a vote by the people and can be proposed by citizen petition or by referral from City Council.

There is no required process for regularly reviewing the Eugene charter outlined in the charter, city code or operating agreements. The most recent comprehensive City of Eugene Charter Review process occurred from 1999-2002, with 8 proposed charter amendments approved by the voters in May and November 2002. Since that time, additional charter amendments have occurred in 2005 and 2008 (External Review of Police), 2017 (Collective Bargaining), and 2019 (City Payroll Tax).

At their work session on February 28, 2024, Council received an overview of the 1999-2002 process. Council did not wish to pursue a comprehensive Charter Review process but expressed interest in learning more about key sections identified by individual councilors. Council passed a motion directing staff to work with the City Councilors who have ideas about items for review to specifically define the problem and bring that information back to Council.

At their work session on May 22, 2024, Council received a summary of feedback received from staff meetings with City Councilors. The Council utilized this information to determine four “Priority Now” topics (1. Department head residency, 2. Language review, 3. Mayor/City Council compensation and 4. Vacancy/interim appointment process) and directed staff to return with additional research and information on these topics.

At their work session on September 24, 2025, Council received a summary of staff research on the four “Priority Now” topics. Following discussion, Council directed staff to prepare resolutions for Charter amendments related to two of the “Priority Now” topics: department head residency and language review.

Regarding language review, Council directed staff to prepare a resolution removing antiquated language from the Charter (Attachment A). Based on staff review, gender-specific pronouns were the only antiquated terms identified for removal.

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Regarding department head residency, Council directed staff to prepare a resolution removing the requirement that department heads live in Eugene from the Charter and consider putting it into ordinance at a future date (Attachment B).

Council decided to not pursue amendments on Mayor/City Council compensation and vacancy/interim appointment process at this time but directed staff to provide additional research at a later date.

Any changes to the Charter need to be referred to voters at an election. Previous Council discussion had indicated a preference for presenting any amendments to voters for the May 19, 2026 election. The current City of Eugene Charter is included as Attachment C.

Should the Council vote to refer the attached resolutions, they may also wish to discuss actions related to the voters' pamphlet. EC 2.993 (2) requires the city manager to publish and distribute a local voters' pamphlet for elections in which a city measure is on the ballot. EC 2.996 (l)(b) provides that for City Council-referred measures, the argument in favor and the rebuttal to the opposition argument are to be prepared by one or more of the councilors who voted in favor of the measure.

If the Council adopts resolutions referring measures for charter revisions to the electors at the May 19, 2026, primary election, this is an opportunity to appoint Councilors to proponent committees for the measures. Motions for these appointments are provided below.

PREVIOUS COUNCIL DIRECTION

[February 28, 2024 Work Session](#)

Council received an overview of the 1999-2002 Charter Review and Amendment Process and passed the following motion:

Councilor Zelenka, seconded by Councilor Semple, moved to have the City Manager work with the City Councilors who have ideas about items for review of the charter to specifically define the problem and bring that back to Council in a future work session for an up-down vote for inclusion in conversation about potential amendments of the charter.

Passed 7:1 (Opposed by Councilor Evans)

[May 22, 2024 Work Session](#)

Council received a summary of feedback received from staff meetings with City Councilors and passed the following motion:

Councilor Keating, seconded by Councilor Groves, moved to direct the City Manager to bring back research to inform potential amendments to the charter on the issues of Mayor/Council Compensation, Vacancy/Interim Appointment, Department Head Residency and Language Review.

Passed 6:1 (Opposed by Councilor Semple)

[September 24, 2025 Work Session](#)

Council received a summary of staff research on potential Charter amendments and directed staff to draft resolutions for Charter amendments regarding the residency requirement and antiquated language for their consideration for the May 19, 2026 election via the following motions:

Councilor Evans, seconded by Councilor Leech, moved to remove the residency requirement

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from the charter and consider putting it into ordinance at a future date.

Passed 8:0

Councilor Evans, seconded by Councilor Leech, moved to direct the City Manager to draft a resolution and schedule a work session on language review to address antiquated language.

Passed 8:0

Council did not wish to pursue Charter amendments regarding Mayor/Council compensation or vacancy/interim appointment process at this time but directed staff to provide additional research regarding Mayor/City Council compensation (Passed 7:1, Opposed by Councilor Groves) and vacancy/interim appointment process (Passed 8:0) at a later date.

COUNCIL OPTIONS

1. Adopt one or both of the resolutions presented in Attachments A and B, referring Charter amendments to the May 19, 2026 ballot.

*If Council adopts one or both of the Charter Amendment resolutions, Council can appoint Councilors to the proponent committee for the measure.

2. Direct the City Manager to revise one or both of the resolutions presented in Attachments A and B, referring Charter amendments to the May 19, 2026 ballot.

CITY MANAGER'S RECOMMENDATION

Because the Department Head residency requirement impacts operational needs under the City Manager's authority, it is the only item with a City Manager recommendation. The City Manager recommends adoption of this resolution (Attachment B).

MOTION OPTIONS

Gender-Specific Pronoun Charter Amendments:

1. Move to adopt a Resolution Calling a City Election on May 19, 2026, for the Purpose of Referring to the Legal Electors of the City of Eugene a Measure Removing Gender-Specific Pronouns from the Eugene Charter as set forth in Attachment A to this AIS.

OR

2. Move to direct the City Manager to revise Attachment A to this AIS in the following manner [insert requested revisions] and return to Council with the revised resolution no later than February 9, 2026.

Residency Requirement for Department Heads Charter Amendment:

1. Move to adopt a Resolution Calling a City Election on May 19, 2026, for the Purpose of Referring to the Legal Electors of the City of Eugene a Measure Amending Subsection 16(3) of the Eugene Charter Concerning the City Residency Requirement of Department Heads as set forth in Attachment B to this AIS.

OR

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2. Move to direct the City Manager to revise Attachment B to this AIS in the following manner [insert requested revisions] and return to Council with the revised resolution no later than February 9, 2026.

Voters Pamphlet Proponent Committee:

1. Move to appoint Councilors _____, _____, and _____ to the voters' pamphlet proponent committee for the measure removing gender-specific pronouns from the Eugene Charter.
2. Move to appoint Councilors _____, _____, and _____ to the voters' pamphlet proponent committee for the measure amending Subsection 16(3) of the Eugene Charter concerning the city residency requirement of department heads.

ATTACHMENTS

- A. A Resolution Calling a City Election on May 19, 2026, for the Purpose of Referring to the Legal Electors of the City of Eugene a Measure Removing Gender-Specific Pronouns.
- B. A Resolution Calling a City Election on May 19, 2026, for the Purpose of Referring to the Legal Electors of the City of Eugene a Measure Amending Subsection 16(3) of the Eugene Charter Concerning the City Residency Requirement of Department Heads.
- C. City of Eugene Charter, 2002

FOR MORE INFORMATION

Staff Contact: Jason Dedrick, Policy, Strategic Planning and Performance Manager
Telephone: 541-682-5033
Staff E-Mail: jderrick@eugene-or.gov

RESOLUTION NO. ____

A RESOLUTION CALLING A CITY ELECTION ON MAY 19, 2026, FOR THE PURPOSE OF REFERRING TO THE LEGAL ELECTORS OF THE CITY OF EUGENE A MEASURE REMOVING GENDER-SPECIFIC PRONOUNS FROM THE EUGENE CHARTER.

The City Council of the City of Eugene finds as follows:

A. Sections 6, 7, 8, 12, 33, 48 and Subsections 14(6), 16(1)(a), 16(2)(h), 23(b)(1), and 54(8.3)(A) of the Eugene Charter contain gender-specific pronouns when referring to individuals holding elected or appointment positions within the City.

B. Replacing gender-specific language with either the title of the position or gender-neutral pronouns will remove ambiguity and help modernize the City Charter.

C. The City Council finds it would be in the public interest to submit to the electors of the City a measure that would amend Sections 6, 7, 8, 12, 33, 48 and Subsections 14(6), 16(1)(a), 16(2)(h), 23(b)(1), and 54(8.3)(A) of the Eugene Charter to replace gender-specific pronouns with either references to the specific positions or with gender-neutral pronouns.

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 referring to the legal electors of the City of Eugene the measure attached as Exhibit A proposing a Charter amendment to replace gender-specific pronouns with either references to the specific positions or with gender-neutral pronouns.

Section 2. The City Council orders this city election to be held in the City of Eugene, Oregon, concurrently with the statewide election on May 19, 2026, 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 November, 2025.

City Recorder

EXHIBIT A**MEASURE _____**

Sections 6, 7, 8, 12, 33, 48 and Subsections 14(6), 16(1)(a), 16(2)(h), 23(b)(1), and 54(8.3)(A) of the Eugene Charter of 1976 are hereby amended as follows. (*Language to be deleted from the current Charter is indicated in brackets with strike-out; language to be added to the current Charter is indicated in bold, italic print; language that is neither struck-out nor bold-italic is current Charter language that is unchanged by this measure.*)

Section 6. Council - Election. The councilors shall be elected by wards for four years, one-half each two years. Each councilor shall hold office until [~~his or her~~] **a** successor is elected and qualified.

Section 7. Mayor - Election. A mayor shall be elected in 2004 and every fourth year thereafter for a term of four years, and shall serve until [~~his or her~~] **a** successor is elected and qualified.

Section 8. Council - Qualifications. During a councilor's term, the councilor shall reside in the ward from which the councilor was elected or to which [~~he or she~~] **the councilor** was appointed. In addition, to be elected or appointed as a councilor, a person must meet the qualifications described in Section 19.

Section 12. Mayor - Functions. The mayor may call special meetings of the council and shall preside at council meetings, but may not vote on matters before the council, except in case of a tie, when [~~he or she~~] **the mayor** shall cast the deciding vote. The mayor shall, at least once each year, state to the council the condition of the city and recommend such measures for the peace, health, improvement, and prosperity of the city as [~~he or she~~] **the mayor** deems expedient.

Section 14. Council - Ethics and Conflicts of Interest.

(1) The purpose of city government is to serve the public. City officials shall treat their office as a public trust. The city's powers and resources shall be used for the benefit of the public rather than for any official's personal benefit. City officials shall afford even-handed consideration and treatment to all citizens.

(2) The council shall, by ordinance, enact a code of ethics applicable to the mayor, councilors, the city manager, and any others designated by council. At a minimum, the code shall provide that any official subject to the code must disclose the reason for any potential or actual conflict of interest and may not discuss, debate or vote as a public official on any matter in which the official has an actual conflict of interest.

(3) No elected city official shall discuss, debate or vote as a public official on any decision regarding a contract, the expenses of which are to be paid with city funds, if any of the following persons has a financial interest in the contract: the official; the official's spouse or domestic partner; or the parent, sibling or child of the elected official, the official's spouse or the official's domestic partner. In addition, no elected city official shall discuss, debate or vote on any such decision if the official knows that the official's business associate has a financial interest in the contract. For purposes of this provision, "financial interest" includes any

reasonable, objective expectation of financial gain or avoidance of financial detriment.

(4) The council shall define by ordinance the terms “domestic partner” and “business associate” for purposes of subsection (3) of this section.

(5) Any contract with respect to which an elected official violates subsection (3) of this section is voidable at the discretion of the council.

(6) Any elected official who violates the code of ethics adopted pursuant to subsection (2) or the prohibitions of subsection (3) of this section may be removed from [~~his or her~~] **their** position upon a finding by the council that the official committed the violation intentionally and for the purpose of obtaining or maintaining a personal financial benefit for, or avoiding a financial detriment to, any of the persons listed in subsection (3) of this section.

Section 16. City Manager.

(1) (a) The city council shall appoint a city manager and fix [~~his or her~~] **the city manager's** compensation and conditions of employment.

(b) If the office of manager becomes vacant, the mayor shall appoint a manager pro tem. The manager pro tem shall have all functions of the manager, but may appoint or dismiss a department head only with the approval of the council. The term of office of a manager pro tem ends when a city manager takes office.

(c) The manager shall be the administrative head of the city and be chosen solely on the basis of executive and administrative qualifications.

(d) The manager and such other appointed officers as the council designates may sit with the council but have no vote therein. The manager may take part in the discussion of all matters coming before the council.

(e) No councilor nor the mayor may in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence the manager in the making of any appointment or any removal of city personnel or in the purchase of supplies, nor may any councilor or the mayor exact any promise relative to any appointment by a city manager or discuss, directly or indirectly, with the manager or any candidate for the office of manager any appointment by the manager. Violation of this section forfeits the office of the violating elected officer, who may be removed by the council or any court of competent jurisdiction. The mayor and council may, however, in open council session, discuss with or suggest to the manager anything pertaining to city affairs and in executive session discuss matters pertaining to collective bargaining.

(2) The city manager shall:

(a) propose the budget;

(b) make all purchases;

(c) appoint and remove all employees except as otherwise specified in this charter. After accepting the resignation of, appointing, or dismissing a department director, the city manager shall explain to the council the reasons for the action taken. Unless prohibited by law, the reports required by this subsection may be made to the council in executive session;

(d) enforce all ordinances;

(e) act as business agent for the council for the sale of real estate and other matters relating to franchises, leases, and other business and property transactions;

(f) prepare and furnish all reports requested by the council;

(g) perform such other duties as the council directs; and

(h) organize and, as [~~he or she~~] **the city manager** deems necessary,

disband and reorganize the various city departments.

Section 23. Vacancies: Occupancy. The office of mayor or office of city councilor becomes vacant:

- (a) Upon the incumbent's:
 - 1. Death;
 - 2. Adjudicated incompetence;
 - 3. Recall from office;
 - 4. Resignation from office.
- (b) Upon declaration by the council of the vacancy in case of the incumbent's:
 - 1. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for ~~[his or her]~~ **the** term of office to begin;
 - 2. Absence from the city for 30 days without the council's consent or from all meetings of the council within a 30-day period, without the council's consent;
 - 3. If a councilor, ceasing to reside in the ward from which elected; if the mayor, ceasing to reside in the city;
 - 4. Ceasing to be qualified elector under state law; or
 - 5. After election, conviction of an offense pertaining to the office.

Section 33. Wards. The council shall divide the city into wards and redefine the boundaries thereof as necessary to accord persons in the city the equal protection of the laws. No person may vote at a city election in a ward other than that in which ~~[he or she]~~ **the person** resides.

Section 48. Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or employees or agencies of any power by this act given to the city or any of its officers or employees or agencies, all acts by the city or any of its officers, employees or agencies shall be presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that ~~[he or she]~~ **the person** has been misled by the error or omission to ~~[his or her]~~ **the person's** damage; and the court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this charter committed to the discretion of the council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Section 54. Amendment IV

ARTICLE VIII - ENFORCEMENT

....

Section 8.3 Citizen enforcement.

- A. Any person may petition to the Toxics Board on ~~[her/his]~~ **the person's** own behalf against a hazardous substance user or person for failure to comply with any of the terms of this Section. The Toxics Board shall set forth procedures by which persons may petition the Toxics Board.

- B. The Toxics Board must issue a decision in response to a petition within 45 days of receiving the petition. If the Toxics Board fails to issue a decision within 45 days, the petition shall be deemed denied on the 45th day for the purpose of exhaustion of remedies and may be judicially reviewed pursuant to Section 8.1(B).
- C. The petitioner must notify the Toxics Board and alleged violator ten days prior to seeking judicial review, except that such action may be brought immediately after such notification in the case of an action under this Section respecting an emergency posing a significant risk to the well-being of workers, people present in the community, or any species of fish or wildlife or plants.
- D. No action may be commenced under paragraph A of this Section if the City of Eugene has commenced an action to impose a penalty pursuant to Section 8.2 and is pursuing a prompt resolution of that action.

Attachment B

RESOLUTION NO. ____**A RESOLUTION CALLING A CITY ELECTION ON MAY 19, 2026, FOR THE PURPOSE OF REFERRING TO THE LEGAL ELECTORS OF THE CITY OF EUGENE A MEASURE AMENDING SUBSECTION 16(3) OF THE EUGENE CHARTER CONCERNING THE CITY RESIDENCY REQUIREMENT OF DEPARTEMENT HEADS.****The City Council of the City of Eugene finds as follows:**

A. Subsection 16(3) of the Eugene Charter requires that the City Manager and all department heads reside in the city limits of Eugene. Requiring department heads to reside within the city limits can deter otherwise well-qualified candidates, creating challenges for both recruitment and retention. Residency requirements for department heads are uncommon among Oregon cities and unnecessarily limit the City of Eugene's ability to attract a broad and competitive pool of applications.

B. The cities of Eugene and Springfield share a Fire Chief that serves as the head of the functionally consolidated Eugene-Springfield Fire (ESF) department. However, due to subsection 16(3) of the Eugene Charter, the ESF Fire Chief is required to reside in Eugene, despite serving as the Fire Chief for both cities.

C. The City Council finds it would be in the public interest to submit to the electors of the city a measure that would amend Subsection 16(3) of the Eugene Charter to delete the requirement that city department heads reside in the City of Eugene.

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 referring to the legal electors of the City of Eugene the measure attached as Exhibit A proposing a Charter amendment to delete the city residency requirement for department heads.

Section 2. The City Council orders this city election to be held in the City of Eugene, Oregon, concurrently with the statewide election on May 19, 2026, 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 November, 2025.

City Recorder

EXHIBIT A

MEASURE _____

Subsection 16(3) of the Eugene Charter of 1976 is hereby amended as follows. *(Language to be deleted from the current Charter is indicated in brackets with strike-out; language to be added to the current Charter is indicated in bold, italic print; language that is neither struck-out nor bold-italic is current Charter language that is unchanged by this measure.)*

Section 16. City Manager.

. . . .

(3) The office[s] of the **city** manager [~~and department heads~~] may be filled by **a** candidate[s] from outside the city, but during **the city manager's** [~~their~~] tenure in [~~those~~] **that** office[s], **the city manager** [~~all persons hereafter appointed to them~~] shall reside in the city. [~~All employees appointed by the manager shall reside in the city during their tenure of position, except as the council authorizes the manager to prescribe to the contrary and the manager does so.~~]

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2002

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AMENDMENTS

<u>Election Date</u>	<u>Section</u>	<u>Action</u>
May 20, 1980	Section 51	Added
November 6, 1984	Section 52	Added
March 26, 1991	Section 53	Added
November 5, 1996	Section 54	Added
May 16, 2000	Section 18	Amended
	Section 44	Amended
November 5, 2002	Section 1	Amended
	Section 7	Amended
	Section 8	Amended
	Section 9	Amended
	Section 11	Amended
	Section 13	Amended
	Section 14	Amended
	Section 15	Amended
	Section 16	Amended
	Section 17	Amended
	Section 18	Amended
	Section 20	Amended
	Section 23	Amended
	Section 24	Amended
	Section 25	Amended
	Section 26	Amended
	Section 28	Amended
	Section 29	Amended
	Section 31	Amended
	Section 32	Amended
	Section 32-A	Added
	Section 33	Amended
	Section 34	Amended
	Section 35	Amended
	Section 37	Amended
	Section 40	Amended
	Section 42	Amended
	Section 43	Amended
	Section 45	Amended
	Section 48	Amended
	Section 49	Amended
	Section 50	Amended
	Section 51	Repealed
	Section 52	Amended
	Section 53	Repealed
	Section 54	Amended
November 8, 2005	Section 15-A	Added
November 4, 2008	Section 15-A	Amended

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Chapter I

Introductory Provisions

- Section 1. Title. This revision may be referred to as the Eugene Charter of 2002.
- Section 2. Corporate Name and Capacity. The inhabitants of the City of Eugene are hereby constituted a municipal corporation by the name of the City of Eugene and by that name have perpetual succession and may sue and be sued in all courts of justice.
- Section 3. Boundaries. The city includes all territory encompassed by its boundaries as they exist when this revision of the charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this charter each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.

Chapter II

Powers

- Section 4. Vesting, Grant, and Construction of Powers.
- (1) Except as this charter provides to the contrary, all power of the city is vested in the city council, the representative legislative body of the city.
- (2) The city has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this charter specifically stated each of those powers.
- (3) In this charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the city would have if the particular power were not mentioned. The charter shall be liberally construed, to the end that the city have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

Chapter III

City Council and Mayor

- Section 5. Council - Membership. Eight councilors constitute the council of the city.

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Section 6. Council - Election. The councilors shall be elected by wards for four years, one-half each two years. Each councilor shall hold office until his or her successor is elected and qualified.

Section 7. Mayor - Election. A mayor shall be elected in 2004 and every fourth year thereafter for a term of four years, and shall serve until his or her successor is elected and qualified.

Section 8. Council - Qualifications. During a councilor's term, the councilor shall reside in the ward from which the councilor was elected or to which he or she was appointed. In addition, to be elected or appointed as a councilor, a person must meet the qualifications described in Section 19.

Section 9. Council - Meetings. The council shall prescribe the time and place of its regular meetings, at least one of which shall be held each month. The mayor or three councilors may call special meetings of the council in a manner prescribed by ordinance.

Section 10. Council - Quorum. A majority of the members of the council constitute a quorum for the transaction of council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members.

Section 11. Council - Journal. The council shall keep minutes of its proceedings and at the request of any two of its members shall record in the minutes the yeas and nays upon any question before the council.

Section 12. Mayor - Functions. The mayor may call special meetings of the council and shall preside at council meetings, but may not vote on matters before the council, except in case of a tie, when he or she shall cast the deciding vote. The mayor shall, at least once each year, state to the council the condition of the city and recommend such measures for the peace, health, improvement, and prosperity of the city as he or she deems expedient.

Section 13. 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

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(c) has been physically unable to function as mayor for 30 days or more.

Section 14. Council - Ethics and Conflicts of Interest.

(1) The purpose of city government is to serve the public. City officials shall treat their office as a public trust. The city's powers and resources shall be used for the benefit of the public rather than for any official's personal benefit. City officials shall afford even-handed consideration and treatment to all citizens.

(2) The council shall, by ordinance, enact a code of ethics applicable to the mayor, councilors, the city manager, and any others designated by council. At a minimum, the code shall provide that any official subject to the code must disclose the reason for any potential or actual conflict of interest and may not discuss, debate or vote as a public official on any matter in which the official has an actual conflict of interest.

(3) No elected city official shall discuss, debate or vote as a public official on any decision regarding a contract, the expenses of which are to be paid with city funds, if any of the following persons has a financial interest in the contract: the official; the official's spouse or domestic partner; or the parent, sibling or child of the elected official, the official's spouse or the official's domestic partner. In addition, no elected city official shall discuss, debate or vote on any such decision if the official knows that the official's business associate has a financial interest in the contract. For purposes of this provision, "financial interest" includes any reasonable, objective expectation of financial gain or avoidance of financial detriment.

(4) The council shall define by ordinance the terms "domestic partner" and "business associate" for purposes of subsection (3) of this section.

(5) Any contract with respect to which an elected official violates subsection (3) of this section is voidable at the discretion of the council.

(6) Any elected official who violates the code of ethics adopted pursuant to subsection (2) or the prohibitions of subsection (3) of this section may be removed from his or her position upon a finding by the council that the official committed the violation intentionally and for the purpose of obtaining or maintaining a personal financial benefit for, or avoiding a financial detriment to, any of the persons listed in subsection (3) of this section.

Section 15. Council - Immunity. No member of the council or the mayor may be held liable, or questioned in any other place, for words uttered in debate in the council.

Section 15-A. External Review of Police.

(1) The city council shall hire, supervise and specify the salary of an independent police auditor to oversee investigations of complaints involving police employees. Notwithstanding section 16 of this charter, the city council shall authorize the auditor to: (a) receive, classify and route complaints about sworn police officers and civilian police employees; (b) contract with persons or entities to perform outside investigations of such complaints; (c) monitor the city's internal investigations, including but not limited to access to all evidence developed as part of the investigation and participation in investigative interviews related to such complaints, and require the city to undertake additional investigation; (d) make recommendations

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to the city manager or designee following the investigation; (e) prepare reports on complaint trends and police practices in general; and (f) act as a liaison to and provide staff support for the civilian review board.

(2) The city council shall appoint a civilian review board of not more than seven members to review investigations of complaints involving sworn police officers. Notwithstanding section 16 of this charter, the city council shall authorize the civilian review board to: (a) review the completed investigation and adjudication of complaints filed against sworn police officers; (b) require that the city re-open an investigation; (c) provide comments on an investigation, including recommendations to the independent police auditor, city manager or designee about the investigation; (d) review trends and statistics of complaints against sworn police officers and civilian employees, and provide reports and recommendations to the city council; and (e) oversee and evaluate the work of the independent police auditor.

Chapter IV

City Manager

Section 16. City Manager.

(1) (a) The city council shall appoint a city manager and fix his or her compensation and conditions of employment.

(b) If the office of manager becomes vacant, the mayor shall appoint a manager pro tem. The manager pro tem shall have all functions of the manager, but may appoint or dismiss a department head only with the approval of the council. The term of office of a manager pro tem ends when a city manager takes office.

(c) The manager shall be the administrative head of the city and be chosen solely on the basis of executive and administrative qualifications.

(d) The manager and such other appointed officers as the council designates may sit with the council but have no vote therein. The manager may take part in the discussion of all matters coming before the council.

(e) No councilor nor the mayor may in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence the manager in the making of any appointment or any removal of city personnel or in the purchase of supplies, nor may any councilor or the mayor exact any promise relative to any appointment by a city manager or discuss, directly or indirectly, with the manager or any candidate for the office of manager any appointment by the manager. Violation of this section forfeits the office of the violating elected officer, who may be removed by the council or any court of competent jurisdiction. The mayor and council may, however, in open council session, discuss with or suggest to the manager anything pertaining to city affairs and in executive session discuss matters pertaining to collective bargaining.

(2) The city manager shall:

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- (a) propose the budget;
- (b) make all purchases;
- (c) appoint and remove all employees except as otherwise specified in this charter. After accepting the resignation of, appointing, or dismissing a department director, the city manager shall explain to the council the reasons for the action taken. Unless prohibited by law, the reports required by this subsection may be made to the council in executive session;
- (d) enforce all ordinances;
- (e) act as business agent for the council for the sale of real estate and other matters relating to franchises, leases, and other business and property transactions;
- (f) prepare and furnish all reports requested by the council;
- (g) perform such other duties as the council directs; and
- (h) organize and, as he or she deems necessary, disband and reorganize the various city departments.

(3) The offices of the manager and department heads may be filled by candidates from outside the city, but during their tenure in those offices, all persons hereafter appointed to them shall reside in the city. All employees appointed by the manager shall reside in the city during their tenure of position, except as the council authorizes the manager to prescribe to the contrary and the manager does so.

(4) The duties of all administrative employees shall be assigned to them by the manager, and they shall be responsible and accountable to the manager.

(5) The powers herein granted to the manager are exclusive.

(6) The manager may be removed with or without cause at any time by the council after six months tenure.

(7) The Eugene Water & Electric Board and its employees are excluded from the operation of this section.

Chapter V

Municipal Court

Section 17. Judges, Powers, Procedures.

(1) The city council may appoint one or more municipal judges, for terms and at salaries it specifies. A municipal judge shall hold court in the city at such a place as the council directs. The court shall be known as the Municipal Court.

(2) The court may impose sanctions on any person who violates a city ordinance within the court's jurisdiction, issue process for the arrest of any person accused of any such violation, commit such a person to imprisonment or admit the person to bail pending trial, issue subpoenas to compel witnesses to appear and testify on the trial of any cause before the court, enforce obedience to the subpoenas, and issue process necessary to carry into effect the judgment of the court.

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(3) All proceedings in the municipal court shall be governed by the general laws of the state governing justices of the peace and justice courts, except as city ordinance prescribes to the contrary. In civil and criminal matters, a municipal judge has the jurisdiction and authority prescribed by city ordinance, subject to the general laws of the state.

Chapter VI

Municipal Officers and Employees in General

Section 18. Compensation.

(1) Beginning on July 1, 2001, the mayor shall receive a stipend of \$1,500 per month and the city councilors shall receive a stipend of \$1,000 per month.

(2) At the beginning of each fiscal year thereafter, the stipends authorized above shall be adjusted by a percentage increase or decrease equal to that during the previous calendar year of the Consumer Price Index (CPI) for the Portland, Oregon area, or its successor. If that Index ceases to exist, another consumer price index representing substantially the Eugene area shall be used. In any case, if a consumer price index covering the Eugene area is developed, that index shall be used in place of the Portland CPI.

(3) The stipends above are in addition to, and not in lieu of, reimbursement for actual official expenses incurred.

(4) The mayor and councilors shall receive no fringe benefits except those required by state law, but the mayor and councilors may purchase health insurance from the city health insurance plan.

(5) The compensation of other appointed officers shall be prescribed by council.

Section 19. Qualifications. No person may hold an elective city office unless a legal elector under the laws and constitution of the state, a resident of the city for one year immediately before being elected or appointed to the office, and unless, if elected, receiving a majority of the votes cast for candidates for the office at the election at which the office is filled. The city council shall provide for such election by majority vote.

Section 20. Election. Immediately after the votes at any municipal election have been canvassed, the city manager or designee shall issue a certificate of election to each person declared by the canvassers to have been elected. The certificate shall be prima facie evidence of the facts therein stated, but the city council shall be the judge of the election and qualifications of the mayor and councilors, and in case of a contest between two or more persons claiming to be mayor or councilor, shall determine the contest.

Section 21. Terms. The term of office of a person elected shall commence on the first Monday in January following the election.

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Section 22. Oath or Affirmation. All elective officers, the municipal judges, and the city manager, before entering upon the duties of their offices, shall subscribe and file with the head of the department in charge of city records an oath or affirmation of office. The oath shall read: "I, _____, do solemnly swear that I will support the constitution of the United States and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Section 23. Vacancies: Occupancy. The office of mayor or office of city councilor becomes vacant:

- (a) Upon the incumbent's:
 1. Death;
 2. Adjudicated incompetence;
 3. Recall from office;
 4. Resignation from office.
- (b) Upon declaration by the council of the vacancy in case of the incumbent's:
 1. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin;
 2. Absence from the city for 30 days without the council's consent or from all meetings of the council within a 30-day period, without the council's consent;
 3. If a councilor, ceasing to reside in the ward from which elected; if the mayor, ceasing to reside in the city;
 4. Ceasing to be qualified elector under state law; or
 5. After election, conviction of an offense pertaining to the office.

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

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elected to fill a vacancy shall expire when the term of the vacated position expires.

Section 25. Collective Bargaining.

(1) City employees shall have the right to self-organization; to form, join, and assist labor organizations; and to bargain collectively through representatives of their own choosing with respect to wages, hours, and other terms and conditions of employment.

(2) The city manager shall bargain collectively on behalf of the city council with the representatives of city employees in an appropriate bargaining unit upon request of their certified bargaining agent.

(3) The council shall prescribe by ordinance collective bargaining procedures to protect the city, the employees, and the public in general. In so doing, the council shall provide for:

- (a) impartial ordinance administration and enforcement of the ordinance;
- (b) resolution of interest-impasse disputes;
- (c) as to employees who are employed in police or fire service, a binding award by a neutral third party resolving an interest-impasse dispute;
- (d) equal sharing of neutral third-party costs by parties to an interest-impasse dispute;
- (e) employee rights;
- (f) employer rights; and
- (g) procedural finality that does not obstruct funding of collective bargaining agreements.

Section 26. Liability for Unauthorized Expenditures.

(1) It is unlawful for any city official or employee to expend or approve the expenditure or diversion of any moneys held by the city in excess of the amounts authorized by law or for any unauthorized purpose.

(2) Any city official or employee who knowingly or with gross negligence participates in an unlawful expenditure or diversion of moneys, as described in subsection (1) of this section, is guilty of malfeasance in office and may be removed from office pursuant to procedures provided by law.

(3) Any person who, in good faith and for valuable consideration, holds evidence of debt by the city that is void because it was unlawfully issued, shall have a right of action against the responsible city official or employee personally to recover on the evidence of debt, if the official or employee is guilty of malfeasance in office.

(4) In case of any unlawful expenditure or diversion of moneys, as described in subsection (1) of this section, any qualified elector or taxpayer of the city shall have a right of action against the responsible city official or employee personally to recover the amount unlawfully spent or diverted, with interest, for the benefit of the city, if the official or employee is guilty of malfeasance in office.

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Chapter VII**Ordinances**

Section 27. Ordaining Clause. The ordaining clause of an ordinance shall read: "The City of Eugene does ordain as follows:"

Section 28. Adoption of Ordinances.

(1) At any meeting, the city council may direct the city manager to prepare an ordinance, or the city manager may suggest an ordinance, for consideration at a subsequent meeting. At least ten working days prior to the council meeting at which the proposed ordinance is to be considered, notice of the proposed ordinance shall be published in a newspaper of general circulation in the city and the notice and text of the ordinance shall be posted on the city's web site. The notice shall include the title of the proposed ordinance and the date, time and place of the council meeting and shall state that copies of the ordinance are posted on the web site and available at the city manager's office.

(2) There shall be a public hearing on an ordinance prior to its adoption.

(3) Except as provided in this subsection, an ordinance shall not be adopted unless it has been considered by the council during at least two meetings. With the unanimous consent of the council, the council may consider and enact an ordinance at a single meeting if the council does not amend the ordinance in a manner that modifies its substantive effect. Nothing in this section requires the council to consider an ordinance at more than two meetings prior to its adoption.

(4) In case of an emergency, the ordinance shall state in a separate section the description of the emergency and a finding as to why the emergency cannot be adequately addressed by the established process in section 28(1). With the unanimous consent of the councilors present, the council may adopt an ordinance to address the emergency with such abbreviated notice of the ordinance and council meeting as the council finds to be practicable under the circumstances.

Section 29. Attestation and Approval. Upon the adoption of an ordinance it shall be submitted to the mayor. If the mayor approves the ordinance, the mayor shall endorse the approval thereon with the date of the approval and sign the ordinance officially.

Section 30. Veto. If not approving an ordinance so submitted, the mayor shall, within ten days after receiving it, return it to the manager, with the reasons for not approving it. If not so returned in ten days, the ordinance shall have legal effect as if so approved.

Section 31. Overriding of Veto. At the first meeting of the council after the mayor returns an ordinance not so approved, the city manager shall present the ordinance to the council with the objections of the mayor. The ordinance shall then be put upon adoption again, and if two-thirds of all members of the council vote in favor of the ordinance, it takes effect in

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accordance with Section 32 of this charter.

Section 32. Effective Date of Ordinances.

(1) Except as provided in subsection (2) of this section, an ordinance takes effect 30 days after its adoption by the council and approval by the mayor or passage over the mayor's veto, or at a later date specified in the ordinance.

(2) With the affirmative vote of two-thirds of the members of the council, the council may provide for an ordinance to take effect immediately upon adoption by the council and approval by the mayor or passage over the mayor's veto, or at some other date less than 30 days after adoption, if the council determines that the earlier effective date is necessary to serve an important public purpose. An ordinance with an effective date of less than 30 days after adoption must include a separate section stating specifically why the earlier effective date is necessary.

Section 32-A. Ordinances Adopted by Initiative. In addition to the rights of electors to initiate ordinances pursuant to Article IV, section 1(5) of the Oregon Constitution, city electors may initiate a "protected" ordinance. A protected ordinance may be amended or repealed only by another initiative, council referral, or by unanimous vote of councilors present and voting at a council meeting. The chief petitioners for a protected ordinance shall include with the prospective petition, a statement declaring whether the ordinance is proposed as a regular ordinance or a protected ordinance. A petition for a protected ordinance and any qualified ballot measure for a protected ordinance shall state that it is proposed as a protected ordinance and shall explain the limitations on its repeal or amendment.

Chapter VIII

Elections

Section 33. Wards. The council shall divide the city into wards and redefine the boundaries thereof as necessary to accord persons in the city the equal protection of the laws. No person may vote at a city election in a ward other than that in which he or she resides.

Section 34. Voters' Qualifications. No person may vote in a city election unless the person is a qualified voter of the state, and has resided in the city for the length of time that state law requires a person to reside in the state to vote in a state election. No person may vote for an officer to be elected under this charter by ward unless the person has resided in the ward for the same length time required in the preceding sentence for a person to vote in a city election.

Section 35. Notice. The city manager or designee shall distribute information regarding officers to be elected and measures to be submitted ten days prior to the distribution of ballots. The notice shall also state the ballot drop sites.

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Section 36. Nomination. Nomination of a candidate for an elective city office shall be by petition, in a manner prescribed by ordinance.

Chapter IX

Public Improvements

Section 37. Procedure. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state, except that if a remonstrance is filed against improvement or repair of a street or alley and is signed by the owners of a majority of the parcels that would be assessed for the repair or improvement, no contract for the improvement or repairs may be let until the city council reconsiders the necessity of the improvement or repair. If, after the reconsideration, two-thirds of all councilors vote for the improvement or repair, contracts for the improvement or repair may be let as if no remonstrance had been filed.

Section 38. Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 39. Amendments. The general ordinances mentioned in Sections 37 and 38 of this charter may be amended only by the affirmative vote of two-thirds of the members of the city council. Such an amendment may not take effect for six months after the council adopts it and may not apply to an improvement authorized by the council before the effective date of the amendment.

Section 40. Liens. The docket of city liens is a public writing, and the original or a certified copy of any matter authorized to be entered in the docket shall have the force and effect of a judgment. When the council has authorized an improvement, and an assessment for it is entered in the city's lien docket, the assessment becomes a lien against the property so assessed. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the city council.

Section 41. Freeways.

(1) No freeway or throughway, as defined by ORS 374.010 or 377.710(12), may be constructed by the city, nor may the city enter into any agreement approving or facilitating construction of such a freeway or throughway, unless the route of the freeway or throughway is first approved by a majority of the voting electors of the city in a city election conducted in accordance with law and unless the agreement is entered into within a time specified by the measure submitted to the voters for their approval.

(2) The city may, however, without such prior approval, prepare preliminary

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plans and specifications and statements of impact, including plans, specifications, and statements of impact necessary for obtaining financial assistance for the freeway or throughway, all of which shall be available to the public at the city hall prior to the election on the route of the freeway or throughway.

(3) Prior to the election, a map and a description of the proposed route and of intersections of other thoroughfares therewith and a notice of the election, shall be published once a week for four consecutive weeks in the newspaper with the largest general circulation published in the city.

Section 42. Skinner's Butte Park. The property commonly know as the "Butte Property," with boundaries as described in a charter amendment adopted by the voters of the city April 5, 1915, is hereby dedicated to the public forever as a public park.

Chapter X

Public Utilities

Section 43. Franchises.

(1) The city council may grant a franchise or amendment thereto only by ordinance. Before adopting any such ordinance the council shall publish notice of its intention to do so in a manner authorized by Section 28 of this charter. Any applicant for such a franchise shall pay in advance the expenses of publishing the notice. Any franchise granted by the council shall assure adequate service to city residents and shall require the franchisee to pay the city adequate compensation in the form of a percentage of the gross income from the franchise, or in an alternative form acceptable to the council, in amounts sufficient to cover present value and future development of the franchise.

(2) In the acquisition by the city of any public utility the price to be paid by the city shall exclude the value of any franchise granted by the city and connected with the utility. All ordinances granting franchises shall do so subject to the provisions of this section.

(3) The council may not grant an exclusive citywide franchise to haul solid waste.

Section 44. Eugene Water & Electric Board - Functions - Membership.

(1) The power of the city to generate, collect, and distribute electricity, steam, and other kinds of physical energy is hereby vested in the Eugene Water & Electric Board (the Board).

The Board is further authorized to provide advanced telecommunications capability and associated services including, but not limited to, voice, video, data, internet and telecommunications services. Nothing in the previous sentence divests the City Council of any authority, including but not limited to (a) providing the same or similar types of services, or (b)

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exercising any regulatory, taxing or other power over telecommunications and related services whether provided by the Board or another entity.

(2) The board is composed of five electors of the city, who shall serve without pay and whose terms of office and election shall be prescribed by the city council by ordinance.

(3) The board shall maintain and operate the water utility and the electric utility of the city, subject to control by the council of extension of water service.

(4) The 1976 rates of payments on account of either utility to the city in lieu of taxes shall continue until changed by agreement between the board and the council.

(5) The council may require the board to bill and collect the city service charges for collecting and disposing of liquid and solid wastes.

(6) The income of the utilities and the operation, maintenance, and improvement of them are under the control of the board, subject to limitations imposed by or under this charter and the rights of holders of outstanding bonds issued to finance either utility. The board shall so keep the funds of each utility as at all times to show the true cost of that utility and its yearly operation, the amount of outstanding bonds and current bills of the utility, and the disposition of the revenues of the utility, and shall make annual reports to the council and whatever other reports the council requires.

Section 45. Eugene Water & Electric Board - Short Terms Loans.

(1) The Eugene Water & Electric Board may borrow under short term loans or other evidence of indebtedness of a duration of less than one year, and at such rates of interest and terms of repayment as in the judgment of the board is expedient for the use of the board in the conduct and maintenance of the water, electric and telecommunications utilities of the city, provided that the total amount of such indebtedness of the board not at any one time exceed five percent of the board's retained earnings at that time. Proceeds from any one borrowing may be used only in the conduct and maintenance of a single utility, and only revenues from that utility may be pledged or used to pay the principal, interest and costs associated with the borrowing.

(2) To secure the payment of any such loan the board may pledge as collateral such assets under the control of the board as are available therefor and as the board deems it expedient so to pledge.

(3) The indebtedness authorized by this section is in addition to all other indebtedness authorized for the city.

Chapter XI

Indebtedness

Section 46. Limits.

(1) Indebtedness of the city may not exceed the limits on city indebtedness under state law.

(2) Approval by the voters of city indebtedness need not be in the form of a charter amendment.

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Section 47. Terms, Proceeds, and Retirement of Bonds. Bonds issued by the city as evidence of indebtedness shall include such terms, the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for in such a manner, and the indebtedness shall be retired in such a manner as the city council prescribes. The prescription may not be changed for a particular bond after it is issued.

Chapter XII

Miscellaneous Provisions

Section 48. Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the city or any of its officers or employees or agencies of any power by this act given to the city or any of its officers or employees or agencies, all acts by the city or any of its officers, employees or agencies shall be presumed to be valid, and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage; and the court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this charter committed to the discretion of the council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Section 49. Scrivener's Errors; Renumbering of Sections. By ordinance, the council may correct scrivener's errors and may re-number and change the sequence of sections in this charter.

Section 50. Effective Date of Revision. The 2002 amendments to this revised charter take effect on December 5, 2002.

Chapter XIII

Amendments

Section 52. Amendment II

(1) Trees (a living, standing, woody plant having a trunk 25 inches in circumference at a point 4 ½ feet above mean ground level at the base of the trunk) of at least fifty years of age within publicly owned rights of way for streets, roads, freeways, throughways, and thoroughfares and within those portions of the city which were in the incorporated boundaries of the city as of January 1, 1915, shall be designated historic street trees and recognized as objects of high historic value and significance in the history of the city and deserving of maintenance and protection.

(2) No street, road, freeway, throughway, or thoroughfare may be widened by

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the city, nor may the city enter into any agreement approving or facilitating the widening of such street, road, freeway, throughway, or thoroughfare if such widening will result in the removal of any historic street tree unless the widening is first approved by a majority of the voting electors of the city in a city election conducted in accordance with law and unless the agreement is entered into within a time specified by the measure approved by the voters.

(3) The city may, however, without prior approval, assist in the preparation of preliminary plans and specifications, and statements of impact necessary for obtaining financial assistance for the street, road, freeway, throughway, or thoroughfare widening, all of which shall be available to the public at the city hall prior to the election on the street, road, freeway, throughway, or thoroughfare widening which would result in the removal of historic street trees.

(4) Prior to the election, a map and description of the proposed widening and removal of historic street trees shall be published at least once a week for four (4) consecutive weeks, in the newspaper with the largest general circulation published in the city.

(5) Street, road, or thoroughfare widening projects confined to intersections only, and intended to improve those intersections shall be exempt from the requirement for approval by the voting electors of the city for the removal of historic street trees.

(6) In the event an historic street tree is to be removed in order to widen a street, road, freeway, throughway, or thoroughfare, the city, if it is the governmental unit implementing the project, shall allocate a portion of the project budget to a fund dedicated to helping maintain the city's remaining historic street trees. If a governmental unit other than the city is implementing the widening project, the city may not enter into any agreement approving or facilitating said widening project unless the implementing governmental unit agrees to allocate a portion of the project's budget to a fund dedicated to helping maintain the city's remaining historic street trees.

(7) Any officer or employee of the city or of any public utility may act to remove an historic street tree if necessary to remove or alleviate an immediate danger to life or property; to restore utility service; to reopen a public thoroughfare to traffic; or to remove obstructions to the view of vehicular operators at intersections.

(8) An emergency is hereby declared to exist and this charter amendment, being enacted by the city in the exercise of its police power for the purpose of meeting such emergency, and for the immediate preservation of the public peace, health, and safety, shall take effect immediately upon approval by the electors of the city of Eugene and shall supersede any and all actions of the city authorizing, approving, or facilitating the widening of any street, road, freeway, throughway, or thoroughfare which would result in the removal of any historic street tree.

Section 54. Amendment IV

The City of Eugene Charter is hereby amended as follows:

ARTICLE I - FINDINGS AND STATEMENT OF LOCAL PROBLEM

Section 1 The people of Eugene do hereby find that:

- A. exposure to toxic chemicals can damage human health and the environment; and

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- B. citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.

ARTICLE II – SCOPE

Section 2.1. Facilities covered by this Section.

- A. Except as exempted in Section 2.2, this Section shall apply to facilities within the City of Eugene that are:
 1. within the Standard Industrial Code categories #20 - #39, inclusively as listed in *Standard Industrial Classification Manual* (Office of Management and Budget, 1987);
 2. solid waste incinerators that accept infectious waste; and
 3. hazardous waste disposal incinerators.

Section 2.2. Facilities exempted by this Section. This Section shall not apply to:

- A. state and federal facilities; and
- B. public educational institutions.

ARTICLE III - DEFINITIONS

Section 3 As used in this Section, the following definitions shall apply:

- A. "Extremely hazardous substance" means all substances listed in Section 302 of the Emergency Planning and Community Right-To-Know Act (42 USC 11002) as of the effective date of this Section. If a substance is added to or removed from the federal list of reportable substances under section 302 of 42 USC 11002, the Toxics Board may recommend to the City Council that the substance be added to or removed from the definition of "extremely hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.
- B. "CAS number" means the identification number assigned to a substance by the Chemical Abstract Service.
- C. "Chemical Name" means the scientific designation of a substance in accordance with the nomenclature system developed by the Chemical Abstract Service.
- D. "Facility" means all buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites and that are owned or operated by the same person(s) and relate to a common product or service.
- E. "Hazardous substance" means:
 1. any substance listed or described, as of the effective date of this Section, on any of the following lists of chemicals regulated or identified as of concern:

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- (a) Section 112(b) of the Clean Air Act(CAA) as amended in 1990 (Hazardous Air Pollutants); 42 USC 7412(b);
 - (b) Section 602(b) of the CAA (Class II ozone depleting substances); 42 USC 7671a.(b);
 - (c) Section 307(a) of the Clean Water Act (CWA) (Priority Pollutant List); 33 USC 1317(a);
 - (d) U.S. Environmental Protection Agency Active Ingredients, including Special Review, Canceled/Denied or Suspended, and Restricted Use Pesticides, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
 - (e) U.S. Environmental Protection Agency List 1 Inert Ingredients of Pesticides ("Inerts of Toxicological Concern"), pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
 - (f) Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 42 USC 9602;
 - (g) Section 3001 of the Resource Conservation and Recovery Act (RCRA; 42 USC 6921) and chemicals listed at 40 CFR 261.33 (e) and Appendix VIII.
- 2. any substance which, if it were in a container, would possess the characteristics of a hazardous waste, as defined in 40 CFR 261.20 through §261.24, authorized by RCRA;
 - 3. radioactive waste and material as defined in ORS 469.300 and radioactive substance as defined in ORS 453.005;
 - 4. any substance, regardless of quantity, required to be reported pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); 42 USC 11002; or
 - 5. If a substance is added to or removed from the lists described in Article III, Section 3 E.1. or E.4. of this Section, the Toxics Board may recommend to the city council that the substance be added to or removed from the definition of "hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.
- F. "Hazardous substance user" means: the owner and/or operator of a commercial or public facility that is stationary within the boundaries of the City of Eugene and that:
- 1. has a total input of more than 2,640 pounds of hazardous substances during a calendar year;
 - 2. employs ten or more full-time equivalent employees;
 - 3. is not exempted pursuant to Section 2 .2.
- G. "Input" means the sum of the following categories of each hazardous substance:
- 1. inventory at the facility at the beginning of the accounting period;

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2. waste stored at the facility at the beginning of the accounting period;
 3. quantity produced at the facility; and
 4. quantity brought to the facility.
- H. "Materials balance" means an accounting of the flow of individual hazardous substances into a facility, through its processes, and into its products and wastes such that inputs equal outputs of each hazardous substance to the accuracy of the smallest accounting units (Article III(K)) for each hazardous or extremely hazardous substance.
- I. "Output" means the sum of the following categories of each hazardous substance:
1. quantity chemically altered in the facility's processes;
 2. quantity shipped from the facility in product;
 3. quantity transferred away from the facility as waste;
 4. waste stored at the facility at the end of the accounting period;
 5. quantity emitted to the air;
 6. quantity discharged into publicly treated sewage;
 7. quantity released into surface waters ;
 8. quantity eliminated through treatment at the facility;
 9. quantity eliminated through energy recovery at the facility;
 10. quantity disposed on-site; and
 11. inventory at the facility at the end of the accounting period.
- J. "Person" means an individual, corporation, partnership, trust, association, the City of Eugene, or any officer, agent, or employee thereof.
- K. "Smallest accounting unit" means 2.2 pounds of a hazardous substance; 0.022 pounds of an extremely hazardous substance.
- L. "Trade secret information" means information which is exempted from disclosure as a trade secret pursuant to any Federal or State law including but not limited to 42 U.S.C. 11042(b) of the Federal Emergency Planning and Community Right to Know Act.

ARTICLE IV - RESOLUTION

- Section 4 Be it resolved and ordained by the people of Eugene that: all hazardous substance users in Eugene shall file an annual, public, materials balance report listing inputs and outputs of all hazardous substances obtained, used, or generated.

ARTICLE V - HAZARDOUS SUBSTANCES PUBLIC REPORTING

- Section 5.1 Materials balance reporting
- A. Materials balance reports shall indicate the weight in pounds of hazardous substances in each of the categories enumerated in Article III(G) and III(I).
 - B. Each hazardous substance shall be designated by full chemical name and CAS number.

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- C. All materials balance reports shall be filed electronically on forms provided by the Toxics Board as defined in Section 6.1 of this Section. These completed forms shall be compatible with the Eugene Public Library's computer system. These forms, common to all reporting entities, shall be in an easily understood format for both the reporting entity and the public.
- D. An authorized representative of the reporting facility shall file a signed declaration with the Toxics Board certifying that the facility has filed the report and that it is accurate and complete.
- E. The materials balance reports shall be filed by April 1 of each year for the previous calendar year.
- F. The repository for all materials balance reports shall be the Eugene Public Library, where they shall be readily accessible by the public for seven years after reporting. Reports older than seven years shall be archived by the City Records Office.

Section 5.2 Reporting related to trade secret chemicals.

- A. If a claim of trade secrecy is made by any hazardous substance user for one or more hazardous substances, that user must:
 - 1. file with the Office of the Fire Marshal a notarized report documenting that the hazardous substance is comprised of a substance which satisfies all conditions of the definition of trade secret information as found in Article III(L). A separate report must be filed for each trade secret chemical. The notarized report shall be on file with the Fire Marshal prior to commencement of procurement or production of each trade secret chemical.
 - 2. file with the Toxics Board, on a form provided by the Toxics Board, notification of each trade secret report filed with the Office of the Fire Marshal.
 - 3. file with the Toxics Board, on a form provided by the Toxics Board, an aggregate materials balance account for all trade secret hazardous substances, if trade secrecy is claimed for more than one hazardous substance by any hazardous substance user. This report shall be filed by April 1 of each year.
 - 4. file with the Toxics Board, prior to April 1 of each year, an annual, public report prepared by a qualified independent auditor, on a form supplied by the Toxics Board, which reports:
 - (a) whether the hazardous substance user has taken and is taking the greatest possible precautions in its use of each trade secret hazardous substances; and
 - (b) whether or not there are, for each trade secret chemical, technological options available for using alternative processes or chemicals that likely are more protective of

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workers, the community, and natural resources.

- B. The repository for the annual public reports on use and alternatives to use of trade secret chemicals shall be the Eugene Public Library, where the reports shall be readily accessible for seven years after reporting. These completed forms shall be readable by the Eugene Public Library's computer system. Reports older than seven years shall be archived by the City Records Office.

ARTICLE VI - ADMINISTRATION OF HAZARDOUS SUBSTANCE REPORTING

Section 6.1 Appointment of the Toxics Board

- A. The City Council shall appoint a Toxics Board of seven people to enforce and implement this Section.
 - 1. Three members shall be appointed who are employed by or are agents of "persons" required to report under this Section.
 - 2. Three members shall be appointed who are not employed by or are not agents of "persons" required to report under this Section, and who have a demonstrable record of advocating for the public's right-to-know.
 - 3. One member shall be nominated by a two-thirds majority of the six appointed members.
- B. Any vacancies in the membership of the Toxics Board shall be filled, so as to maintain the balance set forth in Section 6.1(A), within two months of the creation of a vacancy.
- C. Term of Office:
 - 1. The term of office shall be three years, except that two members, one from Section 6.1(A)(1) and one from Section 6.1(A)(2), of the first Toxics Board shall be appointed to serve a first term of one year; three members, one each from Section 6.1(A)(1), 6.1(A)(2) and 6.1(A)(3) shall be appointed to serve a first term of two years; and two members, one from Section 6.1(A)(1) and 6.1(A)(2), shall be appointed to serve a first term of three years. No member shall serve more than two consecutive terms.
 - 2. Beginning in 2003, the terms of members of the Toxics Board shall conform to those of the standing committees to the City Council as defined by and set in the City Code.

Section 6.2 Responsibilities of the Toxics Board

- A. The Toxics Board shall, within three months of appointment of the sixth member, supply forms for materials balance reports and audits of precautions taken during use and alternatives to use of chemicals for which the trade secrecy reporting exemption has been invoked.
- B. The Toxics Board shall annually:
 - 1. recommend the fee structure necessary to implement this Section;

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2. establish the qualifications necessary for a person to independently audit precautions used with trade secret chemicals, and independently audit the existence of technological alternatives that likely would be more protective of the environment, as required in Section 5.2(A)(4); and
 3. file a public report on the effectiveness of implementation of this Section, and any recommendations for improved implementation of this Section.
- C. By May 1 of each year, the Toxics Board shall report to the Fire Marshal the names of any hazardous users in non-compliance with the requirement to file materials balance reports.
 - D. The Toxics Board shall cause to be published a notice listing the names of non-complying entities in a daily newspaper with general circulation in the city of Eugene by June 1 of each year.
 - E. The office of the City Fire Marshal shall investigate all credible evidence that hazardous materials balance reports or trade secret chemical reports are not being filed in compliance with this Section.
 - F. The office of the City Fire Marshal shall audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years. Companies to be audited shall be given an advance audit notification of no more than one month.
 - G. The Toxics Board shall certify the qualifications of independent auditors who will audit the precautions used by hazardous substance users with trade secret chemicals and the technological options available for more protective alternatives. Documentation for certification of the qualifications of each auditor shall be public information.
 - H. For the purposes of complying with Section 5.2(A)(4), hazardous substance users may hire only independent auditors certified by the Toxics Board pursuant to Section 6.2(G).

Section 6.3 Responsibilities of the City Manager
 The City Manager shall consult with the Toxics Board in order to jointly determine the appropriate support services that shall be provided to the Toxics Board by City employees for the implementation of this Section. As set forth in Article VII(A), the cost of these support services shall be paid by fees collected pursuant to this Section.

ARTICLE VII - FEES

Section 7 A. Each hazardous substance user shall pay an annual fee to the City of Eugene, sufficient to jointly cover the implementation of this Section, including expenses incurred by the Eugene Public Library, Fire Marshal, City of Eugene and the Toxics Board.

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- B. In order that this Section be self-supporting through hazardous substance user fees, the fee amounts shall be recommended annually by the Toxics Board and approved and amended as necessary by the Eugene City Council.
- C. All fees due under this Section shall be paid by May 1 of each calendar year.
- D. The operational budget for implementing this Section prior to the first collection of fees as set forth in Article VII shall be paid for out of City of Eugene general funds. The operational budget thereafter shall be funded wholly by hazardous substance user fees.

ARTICLE VIII - ENFORCEMENT

Section 8.1 Toxics Board enforcement and judicial review

- A. In the event of noncompliance, the Toxics Board shall have the authority to enforce the reporting requirements of this Section and impose penalties as set forth in Section 8.2.
- B. Any person may appeal a Toxics Board decision to the Circuit Court of Lane County, pursuant to the procedures providing for a writ of review (ORS 34.010) or a writ of mandamus (ORS 34.105).

Section 8.2 Penalties

- A. Any hazardous substance user or person who violates this Section shall be subject to a penalty not less than \$250 per day and not greater than the maximum penalty allowed by state law.
- B. Each day that a violation continues shall be considered a separate violation subject to civil penalties. A violation occurs when a regulated entity fails to file a complete and correct report on or before the day the filing of a report is required.
- C. In determining the appropriate amount of the penalty, the following shall be considered:
 1. the likelihood at the time of the noncompliance that harm would arise from the violator's noncompliance;
 2. the degree of the violator's awareness of that likelihood;
 3. the profits reasonably related to the violator's non-compliance;
 4. the duration of the non-compliance and any concealment of it;
 5. the attitude and conduct of the violator upon discovery of the concealment;
 6. the number of previous violations by the specific violator of this Section;
 7. the financial condition of the violator;
 8. the total deterrent effect upon the specific violator at issue and other potential violators; and
 9. other penalties paid by the specific violator for the specific violations at issue.

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- D. Any penalties imposed under this Section or Section 8.3 shall be paid to the City of Eugene for use in implementing this Section.
- E. If a hazardous substance user repeatedly violates this Section in a fashion contrary to the public interest, the City Manager shall order that hazardous substance user to cease and desist using hazardous substances in the City of Eugene.
- F. Nothing in this Section is intended to restrict or limit any other enforcement remedies available, at law or in equity, arising out of the same circumstances upon which an alleged violation of the Section may be based.

Section 8.3 Citizen enforcement.

- A. Any person may petition to the Toxics Board on her/his own behalf against a hazardous substance user or person for failure to comply with any of the terms of this Section. The Toxics Board shall set forth procedures by which persons may petition the Toxics Board.
- B. The Toxics Board must issue a decision in response to a petition within 45 days of receiving the petition. If the Toxics Board fails to issue a decision within 45 days, the petition shall be deemed denied on the 45th day for the purpose of exhaustion of remedies and may be judicially reviewed pursuant to Section 8.1(B).
- C. The petitioner must notify the Toxics Board and alleged violator ten days prior to seeking judicial review, except that such action may be brought immediately after such notification in the case of an action under this Section respecting an emergency posing a significant risk to the well-being of workers, people present in the community, or any species of fish or wildlife or plants.
- D. No action may be commenced under paragraph A of this Section if the City of Eugene has commenced an action to impose a penalty pursuant to Section 8.2 and is pursuing a prompt resolution of that action.

ARTICLE IX - EXCLUSIONS

- Section 9 A. Nothing in this Section is intended to apply to the government of the United States or to the government of the State of Oregon, or to the agencies or political subdivisions of either government.
- B. Nothing in this Section is intended to restrict, impede, or otherwise interfere with the exercise of rights guaranteed by the United States Constitution or the Constitution of the State of Oregon.

ARTICLE X - IMPLEMENTATION

Section 10 Insofar as it is reasonable and practicable to so assume, the provisions of this Section are intended to be self-executing. In every other case, however, and any other provision of the Eugene City Charter or the ordinances of the City of Eugene notwithstanding, the City

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Council shall, upon recommendation of the Toxics Board and without unreasonable delay, enact reasonable ordinances necessary and proper for carrying into execution the provisions of this Section.

ARTICLE XI - SEVERABILITY

Section 11 If any section, subsection, paragraph, phrase or word (hereafter the parts) of this Section shall be held to be unconstitutional, void, or illegal, either on its face or as applied, this shall not affect the applicability, constitutionality, or legality of any other parts hereof; and to that end, the parts of the Section are intended to be severable. It is hereby declared to be the intent of this Section that the same would have been adopted had such unlawful or unconstitutional provisions, if any, not been included herein.

ARTICLE XII - EFFECTIVE DATE

Section 12 This Section shall be in full force and effect 31 days following passage.

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