

MINUTES

Eugene City Council
McNutt Room—Eugene City Hall
777 Pearl Street—Eugene, Oregon

November 17, 2010
Noon

COUNCILORS PRESENT: Mike Clark, Betty Taylor, Jennifer Solomon, Andrea Ortiz, George Poling, Chris Pryor, Alan Zelenka, George Brown.

In the absence of Her Honor Mayor Kitty Piercy, Council President Mike Clark called the November 17, 2010, work session of the Eugene City Council to order.

A. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER

Mr. Clark reported that he attended a meeting with residents living near the Oakway Golf Course on November 9 to discuss their concerns about an application for an ATT cell phone tower. He met on November 10 with the president of the Santa Clara Community Organization to discuss neighborhood issues and the Envision Eugene process. Mr. Clark had also attended a public forum sponsored by the Eugene 4J School District Harlow regarding its budget situation. Mr. Clark announced the November 18 Police Commission meeting.

Mr. Brown noted his attendance at the most recent Human Rights Commission meeting, which included a panel discussion/training on transgender awareness. He had learned of the difficulty transgendered individuals had in receiving medical care.

Ms. Ortiz reported she had attended Mayor Kitty Piercy's EmX summit. She said that on November 11, she spoke to the local chapter of the Oregon Nurses Association to share her perspective on cultural competencies.

Ms. Ortiz sent out a word of solidarity to the nurses on strike at McKenzie-Willamette Hospital.

Ms. Ortiz announced that the Eugene Tree Foundation would plant trees on Bethel Drive on November 20. The event would be kicked off by remarks from the mayor at 9 a.m. and would end at a local business, Oak Shire. Ms. Ortiz said that she met with staff of the Lane Regional Air Protection Agency on November 17 to review organizational policies and procedures.

Mr. Zelenka reported that he attended a meeting of the South University Neighbors focused on how parties impacted the neighborhood and what responses were available to neighborhood residents. Representatives of the Eugene Police Department had been present at the meeting. He had also attended a meeting of the Fairmount Neighborhood Association, during which attendees heard a presentation on the oral history of the neighborhood and discussed the Arena Parking District. Mr. Zelenka had attended a meeting of the Amazon Neighbors, which had a panel discussion about how to meet one's neighbors. He announced the Laurel Hill Valley Citizens meeting occurring on November 18.

Mr. Zelenka said he attended a meeting of the Eugene City Club and heard a presentation from Director Ron Chase about the new Sponsors facility. He had attended the Eugene Water & Electric Board's Large Customer Meeting. Mr. Zelenka noted the Sustainability Commission meeting occurring later that day and the upcoming Oregon Climate Summit on November 19, 2010, at the Eugene Hilton Hotel.

Ms. Taylor reported she had also attended Mayor Piercy's EmX summit. She had attended the meetings of the Southeast Neighbors and the Crest Drive neighborhood association and learned that the Crest Drive association proposed to reduce meetings to six, with two of the meetings to be social occasions.

City Manager Ruiz reminded the council of its November 22 meeting with the Eugene Planning Commission to discuss the Envision Eugene process.

B. EXECUTIVE SESSION

The council held an executive session in accordance with Oregon Revised Statute 192.660(2)(i),

C. WORK SESSION: Police Auditor Annual Review

Human Resources and Risk Services Director Alana Holmes was present for the council's annual performance review of Police Auditor Mark Gissiner. Mr. Gissiner was also present.

Mr. Clark read a statement from Mayor Piercy that commended Mr. Gissiner's hard work and his attention to improvements in canine oversight and high-speed vehicle pursuits. Mayor Piercy urged continued work on training and crisis management.

Ms. Ortiz expressed appreciation to Mr. Gissiner for stabilizing the Police Auditor's Office. She noted Mr. Gissiner's comment in his self-evaluation that people sometimes expected the Police Auditor's Office to act as an advocate for those making complaints against the police, and recalled that at one time, the Human Rights Commission had an advocates program that worked with such individuals. She said it was challenging for those who did not have much contact with the police to understand the system, and asked Mr. Gissiner his opinion of such a program. Mr. Gissiner thought it was a great idea, although he could not speak to what group would provide advocacy services. He had seen such programs used successfully in other cities.

Ms. Ortiz thanked Mr. Gissiner for his examination of the high-speed pursuit policy.

Mr. Pryor agreed with Ms. Ortiz that Mr. Gissiner brought stability to his office. He also believed Mr. Gissiner understood his job and that how he did it was as important as what he did. He recognized that Mr. Gissiner's job was focused on officers' behaviors, but pointed out that was related to the policies the department operated under, which fostered or discouraged those behaviors. He emphasized the importance of collaboration with the Eugene Police Department in that task. Mr. Pryor said that Mr. Gissiner had brought the auditor's office to the place it needed to be. He commended Mr. Gissiner for a job well-done.

Mr. Clark agreed with the remarks of Ms. Ortiz and Mr. Pryor. He found Mr. Gissiner highly competent and said he had exceeded his expectations. Mr. Gissiner brought a degree of stability to the office that allowed it to be less controversial and more effective. He believed that Mr. Gissiner had fostered the

council's goal of having a good oversight model and that he had raised the office's performance. He was surprised by how far Mr. Gissiner had come in such a short time. He hoped to award Mr. Gissiner both a cost of living adjustment and a step increase because of his exemplary performance.

Mr. Poling said Mr. Gissiner had taken over the Police Auditor's Office at a challenging time. He had high expectations for Mr. Gissiner and they had been met. Mr. Gissiner did not have a personal agenda outside of making the Police Auditor's Office function as it should. Mr. Gissiner had to make some difficult decisions and Mr. Poling thought he had done an excellent job in doing so. He believed that Mr. Gissiner had re-instilled community trust and confidence in the office and that his work had helped build community confidence in the Police Department as well. He was very pleased with Mr. Gissiner's performance and expected more of the same in the future.

Mr. Zelenka also commended Mr. Gissiner and said he had met his expectations. When Mr. Gissiner was hired, Mr. Zelenka's best outcome was that the Police Auditor's Office would become noncontroversial and stay off the front page of the newspaper, and that had happened faster than he had expected. The auditor's office was operating as it should. Mr. Gissiner did an even handed job in addressing complaints. He was not a rubber stamp for police actions, nor was he antagonistic to the department.

Mr. Zelenka perceived the role of the auditor's office was to provide residents with a place to complain against the Police Department, help them navigate an intimidating and complex process, and to be an impartial processor and adjudicator of complaints. He thought Mr. Gissiner had successfully filled those roles. He also believed that the maturation of the process and greater police union acceptance had contributed to Mr. Gissiner's success.

Mr. Zelenka commended Mr. Gissiner for how he handled the dismissal of the deputy auditor. He also commended him for his work on policies related to search and seizure, vehicle pursuits, and the use of canines. He also expressed appreciation for Mr. Gissiner's outreach to the community.

Mr. Zelenka, seconded by Mr. Poling, moved to grant the Police Auditor a step increase from Step 3 to Step 4 retroactive to his hire anniversary date and a COLA of two percent starting January 1, 2011.

Ms. Solomon supported the motion. She thanked Mr. Gissiner for all his work and said he was exactly what Eugene needed at the time it needed him.

Ms. Taylor believed the two previous auditors had difficulty because the system was new and because of police union resistance. While she thought Mr. Gissiner was doing a good job, she suggested that his gender contributed to his success. She thought the fact that the last auditors were women made their acceptance by a male-dominated work group more challenging.

Ms. Taylor said she had attended a meeting of the Civilian Review Board at which the board discussed what she considered an egregious example of police wrong doing. Mr. Gissiner had been rigid about the date beyond which the complaint could be accepted, which she found disappointing. However, she found him to be very flexible and courteous in general. She continued to want to know more about the point of view of those who had made complaints.

Ms. Taylor did not support the motion because she did not support the increase in the COLA or the retroactive step increase.

Mr. Brown supported the COLA. While he believed Mr. Gissiner was doing a good job, he preferred to wait on the retroactive step increase because of budgetary concerns.

Speaking to Ms. Taylor's remarks, Mr. Poling said he had begun police work in 1972 and had seen the profession transition from all-male to a more integrated profession. There were now many more female chiefs and sheriffs than in the past. He questioned whether the gender of the last auditors was significant in their success, pointing out they served when the system was still not accepted by many elements of the community. He believed that the individuals who filled the position in the past did their best but things had not worked out.

Mr. Clark suggested that Ms. Taylor's remarks could diminish those who served in the department. He thought that the department's greater acceptance of the office was directly related to Mr. Gissiner's competence.

Mr. Zelenka suggested it was naïve to believe the gender of the past auditors was not relevant to how those individuals were received by the Police Department. Speaking to Mr. Brown's remarks, Mr. Zelenka said if the council failed to pass the motion it would be singling out Mr. Gissiner as the only individual in the organization to receive a step freeze.

The motion passed, 6:2; Mr. Brown and Ms. Taylor voting no.

Mr. Clark adjourned the meeting at 1:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Beth Forrest", with the word "Deputy" written below it in a smaller, cursive script.

Beth Forrest
City Recorder

(Recorded by Kimberly Young)