

**CITY OF CORVALLIS
COUNCIL WORK SESSION**



AGENDA

**March 19, 2007
7:00 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

COUNCIL ACTION

- I. ROLL CALL

- II. UNFINISHED BUSINESS
 - A. Mayor/Council/Manager Quarterly Meeting
 - 1. Councilor Discussion (issues/topics not identified below)
 - 2. Instant Run-Off Voting
 - 3. Laidlaw Contract
 - 4. City Council Deliberations – Noon or Evening
 - 5. Planning Commission Liaison Assignment
 - 6. Visitors' Propositions
 - 7. Nuisance Code Enforcement Program Funding
 - 8. Relationships Using Self-Evaluation Tools
 - * General and Specific Practices; Code of Conduct
 - 9. Other

- III. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 766-6901 or TTD/TDD telephone 766-6477 to arrange for such service.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 766-6901

A Community that Honors Diversity

How would Instant Run-Off Voting work for selection of Planning Commission appointees?

Instant run-off voting (IRV), preference voting, or assured majority voting are euphemisms for a method of electing a candidate for a single position from a field of more than two candidates. The same method can be used for only two candidates, but it becomes equivalent to the “winner take all” style election.

In an assured majority election the candidates are ranked by voters in order of preference. The elections official tabulates the number of first choice votes for each candidate. If one candidate receives a majority of the first choice votes, he is elected and the election is over. If there is no majority from the first choice votes, the candidate with the lowest first choice total is removed from the elections. The ballots for the removed candidate are recounted for the second choice votes. The second choice totals from the recounted ballots are added to the totals of the first choice votes from the initial count. If there is still not a majority, the candidate with the second lowest first choice total is removed and the process is repeated until there is a majority.

Here is an example to show how votes would be counted for an election with four candidates and nine electors.

Four candidates: Abe, Bob, Carl and Don

Nine electors: 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Votes from the nine electors:

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
Second	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
Third	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

From the first choice votes, the totals are: Abe 3, Bob 3, Carl 2 and Don 1. There is no majority, so Don is eliminated from the election. The ballot tally now looks like this (the eliminated candidate struck out):

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

The ballot from elector 3 (with Don as first choice) had Carl as the second choice. The one vote for Carl is added to the first round count, giving a new total of: Abe 3, Bob 3 and Carl 3. There is still not a majority vote, so Carl who received the second lowest total in the first choice count (2 votes) is removed from the election. The ballot tally now looks like this:

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

The first choice vote totals for electors 1, 2, 5, 6, 7, and 9 are counted because Abe and Bob are still in the election. The first choice for elector 4 and the first and second choice for electors 3 and 8 have been

eliminated. Their respective second and third choices are counted and added to the remaining first choice votes. The total is then: Abe 5 and Bob 4. Abe is the winner and the election is over.

What would happen if there were a three-way tie between only three candidates? The candidate with the lowest total in the second choice count would be eliminated and the ballots would be re-tabulated as in the above example. The guiding principle is to select the candidate who has the highest preference for the most electors.

Is it possible to have an election with no majority winner? Yes, but the circumstances are similar to those that would produce no majority in a "winner take all" election. The probability of "no winner" is reduced in the assured majority election because of the possibility of variations between electors in the second and further ranked choices. The remedy is the same as the remedy for a failure to achieve a majority in a "winner take all" election. Re-poll the electors and hope that some will change their votes.

Why use assured majority voting rather than the traditional method? There are two reasons. The first is fairness. The opinion of each voter is considered in the decision, even when their first choice is discarded. Voting for a minority support candidate doesn't produce a "wasted" vote, because the second choice will be considered if the vote is critical to the outcome. In national elections, this would mean that voters could vote for Nader (and Al Gore as their second choice) without fear that their failure to support Gore will throw the election to Bush. For the Planning Commission, a councilor could vote for a candidate with which he shared an unpopular ideology, knowing that his second choice vote would go to the most desirable of the remaining candidates.

The second advantage of assured majority voting is efficiency. The selection of Planning Commission appointees must be by majority vote of the Council. In 1999, there were a large number of candidates for 4 positions. The council required multiple elections to achieve a majority for each position. The elections could only be completed by Councilors changing their votes from their preferred candidates to candidates with broader support. The assured majority system would require one vote for each position. The preference system would automatically produce a majority vote for the candidate with the broadest support.

Is the assured majority system legal for selecting Planning Commission appointees? Section 21 of the City Charter requires that Council decisions are made by majority vote. The assured majority system is a method of achieving a majority decision. Section 26 of the Charter applies State Election Law to City elections. The Oregon Constitution (Article 2, Section 16) makes specific provision for preference voting. The April 21, 2005 memo from Ashland City Attorney Michael Franell indicated his belief that a home rule city cannot compel its county government to conduct a preference election, however elections conducted by the city could use the system. The Planning Commission is selected without involvement of the County. The Boards and Commissions Ordinance, Corvallis Municipal Code Section 1.16.235 should be consulted to ensure there are no further restrictions on Planning Commission selection. However, based on the requirement for majority decisions, preference voting seems the preferred method of selecting appointees to the Planning Commission when there are more than two candidates for one position.

Subject to learning the opinion of the City Attorney and those of my fellow Councilors, it is my conviction that the decision to use preference voting is at the discretion of the Council. That decision must be made by a majority vote of the Council. In the event that the Council must select Planning Commission appointees from a field of candidates that could potentially result in failure to achieve a majority decision on the first vote, I intend to propose that the Council use preference voting for those decisions.

Councilor Daniels reminded Council members that the DCA's reception for Mayor Tomlinson and the Council will be held January 18th, and reservations should be reported to the DCA.

C. Staff Reports

1. City Manager's Report – December 2006

Mr. Nelson asked that Council members call him if they have questions regarding the Report.

2. Council Request Follow-up Report – January 11, 2007

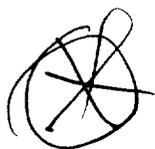
Mr. Nelson reviewed issues addressed in the Report:

- Drainage issues in the Timberhill area was broached by former-Councilor Griffiths. Staff will provide the Report information to Ms. Griffiths.
- Laidlaw Transit and Amalgamated Transit Union contract negotiations are almost at an impasse. When the parties have previously reached impasse, the City has been approached by both sides regarding their respective versions of the cause of the impasse. Articles may appear in the local newspaper, and citizens may ask Councilors to engage in the negotiations in some manner. When an impasse occurs, staff presents information to the Council.
- Refillable water bottles and cups are available for Council members to use at Council meetings. This effort will help achieve the Council's sustainability goal.
- Instant runoff voting background information is included with the Report. Action on this concept must be initiated by the Oregon Legislature. Instant runoff voting will be presented during the 2007 Legislative Session.
- Councilor Hamby had requested information regarding the Fiscal Year 2005-2006 social services funding allocations.
- Parks and Recreation and Public Works staff are responding to damage from the December wind storm.

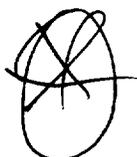
Mr. Nelson noted that Linn-Benton Community College requested the City's partnership in hosting the November 2007 Oregon Diversity Institute. Staff will recommend that the funding request be presented to the Budget Commission February 6th, along with other funding requests from non-City entities.

Mr. Nelson referenced from today's Council meeting packet a letter from Aleita Hass-Holcombe, Chair of the Coalition for Sheltering the Homeless. The Police Department budget includes approximately \$5,500 designated for emergency cold-weather sheltering services through an arrangement with Community Outreach, Inc. (COI). People who prefer not to follow the guidelines for overnight accommodations at the COI shelter have an option for shelter when the weather is severe – generally colder than 30°F. The Coalition established a facility for Winter 2007 and spoke with COI Executive Director Donovan, who agreed that the designated funds may be dedicated to the new facility. Mr. Nelson said he spoke with Mr. Donovan, who indicated that, if necessary, the City may write a check to

financial support from the business community; and Ms. Hass-Holcombe and Barbara Ross for assessing the situation to determine a solution that could be achieved through different resources. She expressed pride that many elements of the community collaborated to establish the emergency shelter for members of the community who are disadvantaged.



Councilor Grosch referenced the issue of the labor negotiations involving Laidlaw Transit and Amalgamated Transit Union and requested discussion during the Council's upcoming work session regarding the contract provision for the City to hire additional workers during a work stoppage. He expressed concern regarding replacement workers under the contract and the City's potential actions.



Councilor Grosch reported that a statewide group is working to present the instant runoff voting concept to the State Legislature and request a procedural change to allow preference voting. Instant runoff voting (also known as "preference voting") is allowed outright under the Oregon Constitution; however, procedural rules have changed since the concept's adoption, so the practice is not possible now. He would like a Council work session presentation regarding the nature of instant runoff voting.

Councilor Grosch thanked staff for the report regarding clean-up following the December wind storm. He speculated that citizens had difficulty understanding that, unless an emergency is declared and the community receives disaster-relief funding from the Federal government, it is challenging for the City to clean up after a storm event. The information in the Council Request Follow-up Report explains the City's clean-up actions and associated costs. While there was some confusion within the community regarding who picks up tree debris and when, City staff did a good job responding to storm damage, which he appreciated.

VIII. & IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS

- A. Human Services Committee – None.
- B. Urban Services Committee – January 3, 2007
 - 1. Oregon State University Agreement – SW 14th and SW 15th Streets

Councilor Grosch reported that the OSU Campus Master Plan (CMP) includes street improvements to SW 14th/SW 15th Street between SW Jefferson and SW Monroe Avenues (Monroe) by 2009 or in conjunction with significant improvements to buildings fronting the street. Apperson Hall at SW 15th Street and Monroe is being updated. The proposed Memorandum of Understanding (MOU) specifies that the current remodeling of Apperson Hall will not change the building's square footage or cause more traffic impact on the adjacent street; therefore, the City will not require street improvements in conjunction with the remodeling project. Nevertheless, the City is interested in completing the street improvements by the 2009 OSU CMP construction deadline. The proposed MOU specifies street

* * * MEMORANDUM * * *

MAY 11, 2005

TO: MAYOR AND CITY COUNCIL

FROM: JON S. NELSON, CITY MANAGER

SUBJECT: MAY 11, 2005, CITY LEGISLATIVE COMMITTEE WORKING NOTES

1. Call to Order

Mayor Berg called the meeting to order at 7:40 am. Councilors Brauner, Daniels, and Grosch were present; and City Manager Nelson and Community Development Director Gibb were also in attendance.

2. Review of Pending Legislative Proposals

a. HB 2638 – Instant Runoff Voting (Attachment)



Councilor Grosch noted that this style of voting is now being referred to as "preference voting," and he would like the Committee to recommend that the City Council recommend a public hearing. He noted that preference voting is authorized in the Oregon Constitution; encourages more people to run for office; if started at a grass-roots level, could influence State and Federal voting; and addresses elections determined by plurality versus majority. Following discussion, the Committee unanimously agreed to recommend to the City Council that a letter be submitted, penned by Councilor Grosch, that supports a hearing on HB 2638 to further the public policy discussion on elections and their associated issues (plurality, majority, integrity).

b. HB 3092 – Exempting Plumbing Plan Review of Complex Structures – Update

Community Development Director Gibb updated the Committee on this bill, moving to the House floor on a four-to-three committee vote, that more stakeholders are becoming involved, and that further testimony by Committee members may be necessary in the future.

c. Other

1) HB 3312-2 (Attachment)

The Historic Preservation Advisory Board and other preservation advocates are concerned that this bill will allow for remonstrating properties to opt out of historic districts. Concerns of districts allowing for the opting out individual properties include the integrity of the district and resource base. Preliminarily, the League of Oregon

- C. Schedule public hearings for June 6, 2005, to consider State Revenue Sharing Funds for Fiscal Year 2005-2006 and a Fiscal Year 2005-2006 budget
- D. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Benton County Health Department for "Meals Made Easy for Diabetes" class at the Senior Center
- E. Authorization to enter into and for the City Manager to sign a modified lease agreement with Margaret Coe, dba On the Go Snack Bar, for concession services at the Intermodal Mall
- F. Authorization for the Mayor to submit a letter of support for Oregon State University for a Transportation Growth Management Program grant application
- G. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

- C. City Legislative Committee – May 11, 2005

Mr. Nelson highlighted State legislative bills reviewed by the Committee:



- House Bill 2638 – Instant Runoff Voting: This practice (also known as "preference voting") is allowed under the Oregon Constitution; however, the State does not have rules for administering the procedure. The Committee agreed that Councilor Grosch should write a letter urging a State-level public hearing of the bill to include discussion of policy issues.
 - » Councilor Grosch reported that the Legislature dismissed the bill, so a letter is unnecessary.
- House Bill 3092 – Exempting Plumbing Plan Review of Complex Structures: The City submitted a statement officially opposing the bill, which progressed to the floor on a four-to-three committee vote. The League of Oregon Cities (LOC) is more involved in this bill. Mayor Berg or a Committee member may be asked to testify to the State Legislature.
- House Bill 3312 – Historic Property Exemption from Permitting Standards: Property owners who do not want their properties included in a historic district may request that their properties be exempt from permitting standards. The bill is expected to be presented on the House floor today and will be discussed during the next Committee meeting. Historic preservation advocates and citizens have concerns regarding this bill.
- House Bill 2705 – Infrastructure Extension Beyond City Limits: The City has no obligation to extend infrastructure.

Proposed Amendments to
House Bill 2638

4/29/05 (TR/mas/ps)

LC 1526

On page 1 of the printed bill, delete lines 22 through 25.

In line 26, restore the bracketed material and delete the boldfaced material.

In line 28, restore the bracketed material and delete the boldfaced material.

On page 2, line 4, restore the bracketed material and delete the boldfaced material.

In line 6, restore the bracketed material and delete the boldfaced material.

After line 11, insert:

<<(10) <Preferential voting> means a system of voting for candidates for nomination or election to county or city office, authorized by section 16, Article II of the Oregon Constitution, under which an elector may express the elector's first, second or additional choices among the candidates for nomination or election to county or city office.>>.

Delete lines 16 through 20.

In line 21, restore the bracketed material and delete the boldfaced material.

After line 22, insert:

<<(14) <Voting machine> means:

<<(a) Any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device.

<<(b) Any device into which a ballot may be inserted and that is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot.>>.

Delete lines 23 through 45 and insert:

<<SECTION 2. Section 3 of this 2005 Act is added to and made a part of ORS chapter 254.

<<SECTION 3. (1) Notwithstanding any provision of ORS chapters 203, 221 and 246 to 260, a county or city charter or ordinance may authorize the use of a preferential voting system for the nomination and election of candidates to county or city office.

<<(2) If a county or city authorizes a preferential voting system under subsection (1) of this section, the charter or ordinance shall specify the method by which a person to be nominated or elected is selected. The method specified shall accommodate instances where:

<<(a) One person is to be nominated for or elected to a county or city office; and

<<(b) More than one person is to be nominated for or elected to a single office.

<<(3) The Secretary of State shall adopt rules governing the conduct of county or city elections using a preferential voting system.

<<(4) Notwithstanding ORS 254.046, if a county or city conducts an election on any date using a preferential voting system, the county or city shall bear the cost of the election.>>.

On page 3, delete lines 1 through 24.

In line 25, delete <<5>> and insert <<4>>.

Delete lines 33 through 38 and insert:

<<(2) When one person is to be nominated for or elected to a county or city office using a preferential voting system, the person shall be nominated or elected by the method specified by the county or city under section 3 of this 2005 Act. When more than one person is to be nominated for or elected to a single office, the person shall be nominated or elected by the method specified by the county or city under section 3 of this 2005 Act.>>.

In line 44, delete <<6>> and insert <<5>>.

On page 4, delete lines 36 through 40 and insert:

<<(7) Notwithstanding subsection (6) of this section, the Secretary of State by rule shall design ballots to accommodate a preferential voting system. If a county or city has authorized a preferential voting system under section 3 of this 2005 Act, the county clerk shall use ballots designed by the secretary in any county or city election in which the preferential voting system is used.>>.

In line 41, delete <<7>> and insert <<6>>.

On page 5, delete lines 11 through 15 and insert:

<<(2) In a county or city that has authorized a preferential voting system under section 3 of this 2005 Act, when two or more candidates for the same county or city office, after a recount of votes, have an equal number of votes and one of the candidates is to be eliminated, the elections officer shall have the candidates meet publicly to decide by lot who is eliminated.>>.

In line 16, delete <<8>> and insert <<7>>.

Delete lines 25 through 27 and insert:

<<(c) In a county or city that has authorized a preferential voting system under section 3 of this 2005 Act, the candidate for whose benefit the recount was demanded was nominated or elected by the method specified by the county or city under section 3 of this 2005 Act.>>.

Delete lines 35 through 37 and insert:

<<(C) In a county or city that has authorized a preferential voting system under section 3 of this 2005 Act, the candidate for whose benefit the recount was demanded was not nominated or elected by the method specified by the county or city under section 3 of this 2005 Act.>>.

On page 6, line 5, delete <<9>> and insert <<8>>.

In line 12, delete <<an instant runoff>> and insert <<a preferential>>.

In line 14, delete <<under section 4 of this>>.

In line 15, delete <<2005 Act>>.

In line 22, delete <<10>> and insert <<9>>.

On page 7, delete lines 8 and 9 and insert:

<<(g) Capable of accommodating a system of preferential voting as defined in ORS 254.005.>>.

In line 10, delete <<11>> and insert <<10>>.

Delete lines 23 through 33 and insert:

<<(2) In a county or city that has authorized a preferential voting system under section 3 of this 2005 Act:

<<(a) Except as provided in paragraphs (b) and (c) of this subsection, two candidates shall be nominated for the nonpartisan office by the method specified by the county or city under section 3 of this 2005 Act;

<<(b) Except as provided in paragraph (c) of this subsection, when a candidate for the nonpartisan office receives a majority of the first-choice votes cast, that candidate is elected; and

<<(c) When a candidate for the office of sheriff, county clerk or county treasurer or a candidate to fill a vacancy receives a majority of the first-choice votes cast, that candidate alone is nominated.>>.

Memo

DATE: April 21, 2005
TO: Charter Review Committee
FROM: Michael W. Franell, City Attorney
RE: Compensation Question and IRV Question

You have requested a legal analysis of two questions for you meeting tonight.

Councilor Compensation

The First Question concerns the compensation for Council under the Charter. The Ashland Charter of 1970, as amended May 23, 1978 provides in relevant part in Article 3, Section 3:

“**Section 3. Salaries** Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; . . .”

You want to know whether benefits provided to Council members included in compensation, requiring submission to the voters for any change. The current compensation levels were established by an amendment to the charter in 1954 and were found in Article VI, Section 2. The relevant sections read:

"The City council shall, by ordinance, prescribe the duties of appointive and elective officers; and fix and determine their compensation and essential of qualifications (sic), and may, in its discretion, subject to the conditions heretofore stated in Section 1 of this article, remove any appointive officer at any time.

"Each councilman shall receive as compensation for his or her services a salary not exceeding \$350.00 per year, unless for extraordinary services required of them. The Mayor shall receive a salary not exceeding \$500.00 per year unless for extraordinary services required of him for which he may be allowed such compensation as may be determined by the Council."



In that instance, compensation was established as salary. The current Charter has a section title "Salaries" before it indicates changes in compensation must be submitted to voters. Based upon this, the interpretation that has been made is the limitation of required voter approval has only been applied to actual salary given to Councilors. Benefits for Councilors have not been interpreted as being subject to the required voter approval limitation. The practice of paying for the health insurance benefits for Councilors was adopted when Ashland joined the City County Insurance Services group in the 1960s. That decision was not submitted to the voters and has not been challenged even though there have been at least two amendments to the Charter since then, one of which adopted the specific language we have in our current charter.

Instant Runoff Voting

You have had several citizens indicate an interest in instant runoff voting (IRV). There has been some indication that IRV may be precluded under current state statute. You have requested an opinion as to whether or not Ashland could put a provision in its charter that would allow instant runoff voting.

The current process set forth in Article 7 of the Ashland Charter of 1970, provides in Section 1, all regular elections shall be held "at the same times and places as biennial general State elections, in accordance with applicable State election laws."

Current state statute (ORS 254.065) provides that the person receiving the highest number of votes shall be elected to office. This allows for election through only a plurality of votes.

The initial question that needs to be decided is whether the City wants to have a majority vote requirement, rather than a plurality of votes for winning an election. Without a majority vote requirement, there is no need for a run-off, and therefore no need for an "instant run-off" system.

The Oregon Constitution expressly recognizes the option of preference voting in Article II, Section 16: "Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office."

In 1913, the Oregon Supreme Court held that a city could adopt preference voting by charter. *State ex rel v. Portland*, 65 Or 273 (1913).

In 2001, the state's Director of the Elections Division (Secretary of State) issued a letter to the legal counsel for the City of Eugene, which, took the position that preference voting (including IRV) is no longer an option for cities, regardless of Charter language that allows such voting systems. The letter reasons that since state statutes generally contemplate uniform election laws, allowing a city to establish a separate voting system would conflict with state law. The letter cites a 1988 Oregon Supreme Court case that held that a City could not require the county elections officials to place an "advisory" measure on the elections ballot. *City of*



Eugene v. Roberts, 305 Or 641 (1988). The Court declined the city's request to force the county to include an advisory measure on the ballot because a city's home rule authority does not "empower city governments to conscript the services of county and state officials in the conduct of city business." The letter then concludes that the preference voting question would have the same outcome.

However, I disagree with the conclusion of this letter. I believe that the City's Charter may allow for IRV under home rule authority, but that such a system likely would be required to be developed and administered by the City, and not the County. Currently, Jackson County has no system in place for IRV. Therefore, the costs associated with developing an IRV system would likely be borne by the City. If the City were to provide a system for IRV voting, the county would not be "conscripted" by the City. The Oregon Supreme Court, in dicta, stated that a legitimate home rule question might have been presented in the *Roberts* case "had the city sought to conduct its own election on the proposed question [the advisory measure] and the defendants, under the authority of ORS 246.200, sought to prevent the city from doing so." *City of Eugene v. Roberts*, 305 Or at 651 (1988) (emphasis added). In other words, by administering an IRV election by itself, without the aid of the county, the City may be able to legitimately implement IRV.

In conclusion, the Oregon Constitution allows city charters to allow for preference voting. Although cities may not require a county elections official to place certain items on a ballot that conflict with state elections law, a home rule city may have the authority to conduct its own IRV election. Case law implies that a city's home rule charter may allow for a city to administer its own IRV election.

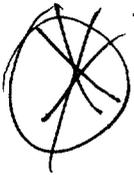
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COUNCIL REQUESTS

FOLLOW-UP REPORT

JANUARY 11, 2007



1. Laidlaw Transit and Amalgamated Transit Union Contract Negotiations (Nelson)

Labor contract agreement negotiations have been on-going between Laidlaw Transit, the City's transit operator, and the Amalgamated Transit Union (ATU) for some time. Staff received information from ATU that on January 16, 2007, ATU will present the last management offer to union members and that ATU will recommend rejection of the offer and hold a strike authorization vote.

The City's contract with Laidlaw Transit includes the following language that requires Laidlaw Transit to continue to provide contract services in the event of a strike or work stoppage:

"The Contractor will not be liable for any failure to perform if acceptable evidence has been submitted to City that failure to perform the Contract was due to causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include Acts of God, civil disturbances, fire, war, or floods, but do not include labor-related incidents, such as strikes or work stoppages (underline added)."

In the past, under the same circumstances, Laidlaw has been willing, at our request, to develop and present to the City a contingency plan for uninterrupted transit service. Staff is prepared to make that request of Laidlaw Transit should a strike be authorized on January 16th.

The contract further authorizes the City to provide replacement services, should Laidlaw Transit be unable to do so. Laidlaw Transit is liable for the cost of the replacement service that is in excess of what would have been payable to Laidlaw under the contract.

Updates will be provided as information becomes available following the January 16th ATU discussion with its membership.

As a result of a community vote in 1999, Laidlaw is required by its contract with the City to provide pay and benefits to transit bus operators and mechanics that are comparable to City employees. Staff periodically reviews the Laidlaw wage and benefit schedule to ensure that Laidlaw is meeting this contract requirement.

2. Refillable City Water Bottles (Nelson)

In the interest of sustainability and support for city services, refillable water bottles will be provided to the City Council, rather than purchased bottled water, unless otherwise directed. At the first Council meeting in February, the Mayor and each Councilor will receive a refillable water bottle filled with Corvallis-produced drinking water. A supply of refillable bottles will be maintained in the Council Chambers in case Councilors neglect to bring their bottle to a meeting.

For the cost of one bottled water, the City can supply about 600 gallons of drinking water at the tap.

3. Sidewalk Drainage – NW 29th Street by Timberhill Park (Griffiths)

Attached are two memoranda from Parks Operations Supervisor DeGhetto regarding the periodic pooling of storm water on the sidewalk along the west side of Timberhill Park and on the multi-modal path through the south side of Chepenefa Springs Park.

4. Instant Runoff Voting System (Beilstein)

Attached is information from 2005 regarding House Bill 2638 and efforts to develop State administrative rules providing for "instant runoff voting." My understanding is that legislative direction to the Secretary of State's Election Division to develop administrative procedures is the first necessary step.

Additionally, Section 21 of the City Charter states, "Except as this Charter otherwise provides, the concurrence of a majority of the members present at a Council meeting shall be necessary to decide any question before the Council. Section 26 of the City Charter applies State of Oregon elections laws to the City.

5. Fiscal Year 2005-2006 Social Services Allocations (Hamby)

Attached is the June 6, 2006, memorandum from Debbie Parsons of United Way of Benton and Lincoln Counties regarding 2006-2007 Grants Recommendations.



Louie, Kathy

From: Rogers, Steve
Sent: Tuesday, February 27, 2007 4:01 PM
To: Louie, Kathy
Subject: Laidlaw Contract

Below is the contract section that requires Laidlaw to continue service in the event of a strike. I added the underline.

SECTION 35

The Contractor will not be liable for any failure to perform if acceptable evidence has been submitted to City that failure to perform the Contract was due to causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include Acts of God, civil disturbances, fire, war, or floods, but do not include labor-related incidents, such as strikes or work stoppages.

*** * * MEMORANDUM * * ***

MARCH 12, 2007

TO: MAYOR AND CITY COUNCIL

FROM: KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER

SUBJECT: SELF-EVALUATION FORMS



Thank you to all of you for filling out the self-evaluation forms. Attached is a compilation of the responses for your discussion at the March 19 quarterly work session.

Feel free to give me a call at 766-6901 if you have questions.

c: City Manager Nelson

Attachment

CORVALLIS CITY COUNCIL

March 19, 2007

**Self-Evaluation
General Practices**

	1	1.5	2	2.5	3	03/19	
How are we doing on <i>General Practices</i>?	Low		Mid-range		High	Average	
1. Thinking and acting strategically			7		3	2.30	
2. Understanding and demonstrating the elements of teams and teamwork			4		6	2.60	
3. Mastering "small group" decision-making			4		5	2.56	1 = ?
4. Clearly defined roles and relationships			5		5	2.50	
5. Council/staff partnership			2		8	2.80	
6. Systematic evaluation of policy implementation	1		4		4	2.33	1 = ?
7. Allocation of Council time and energy			6		3	2.33	1 = ?
8. Clear rules and procedures for Council meetings			5		5	2.50	
9. Response to the public's concerns and evaluation of Council performance			4		6	2.60	
10. Continuous personal learning and leadership development			2		7	2.78	1 = ?

Additional Comments:

- Council doing homework, offering thoughtful comment, respectful of citizens, working through significant decisions in a logical way.
- Generally we are doing well, asking good questions, staying on task, few distractions. Good job, Council!
- What does #3 mean?
- Still early in new Council term to rate better or worse than average.
- Meaning on #3, #6, #7, and #10?

**Self-Evaluation
Specific Practices**

	1	1.5	2	2.5	3	03/12
How are we doing on <i>Specific Practices</i>?	Low		Mid-range		High	Average
1. Effective chartering of committees and acceptance of committee work			3		6	2.67
2. Prioritizing goals and initiatives and avoiding over-commitment			5	/	3	2.39
3. Educating ourselves about issues			5		5	2.50
4. Limiting amount of time spent on “small-picture” activities			3		7	2.70
5. Regular evaluation of our effectiveness as a Council			7		3	2.30
6. Celebrating success – our own and that of others			8		2	2.20

1 = ?

1 = ?

Additional Comments:

- New Councilors are asking good questions to learn and understand issues and policies new to them.
- See General Practices comment (generally we are doing well)
- #3 – work on our Council goal has been a thoughtful process.
- #4 – Whiteside – right from the start – a complex issue.
- Meaning on #1 and #2?

**Self-Evaluation
Code of Conduct**

	1	1.5	2	2.5	3	03/12
How are we doing on <i>Code of Conduct</i>?	Low		Mid-range		High	Average
1. Show consideration and civility to everyone			2		8	2.80
2. Allow for disagreement, but strive to keep conflict at a level where we are working together to address the issues			2		8	2.80
3. Apply meeting principles to staff and public			2		8	2.80
4. Explain reasoning and intent			2		8	2.80
5. Focus on understanding interests of people			3		6	2.67
6. Be concise and respectful while focusing on issue			2		7	2.75
7. Assume best intentions as you seek common ground			2		8	2.80
8. Respect decisions of the body			2		8	2.80

1 = No Answer

Additional Comments:

- The Council has come together well – the Mayor appreciates our commitment to meeting conduct.
- I'm very pleased with the level of civility and thoughtfulness (with regard to considering differing approaches or points of view).
- Doing great, no tough calls yet!