

"Otherwise you're wasting your time."

But at the council meeting, city attorney Sharon Rudnick told elected officials, "the council can't legally exempt the auditor or the board from the application of the collective bargaining agreement. It's illegal."

That collective bargaining agreement, previously arrived at without council direction or approval, requires that the "personnel files of all employees shall be considered confidential in accordance with Oregon's Public Records law." The city has construed that phrase to mean it must refuse to release almost all police disciplinary records. But it's unclear how the city arrived at its blanket assertions of secrecy based on the contract and the law.

The Oregon Public Records law does not *require* that the city keep any of the records secret. It does not allow secrecy for records pertaining to complaints where no discipline was imposed. Where discipline was imposed, the records may be withheld, but only if the public interest in secrecy outweighs the public interest in disclosure, according to the law.

It remains unclear whether the independent auditor is bound by the manager, union and city attorney's restrictive interpretation of the union contract and state records law or may follow an outside opinion.

That's what the council ended up doing with the question of who controls the supposedly independent auditor's staff. Earlier, City Manager Dennis Taylor and his city attorney had claimed that the city manager had legal authority over the inde-

pendent auditor's staff despite the charter amendment to create the independent oversight function. But police oversight supporters offered a more independent legal interpretation, and the 5-4 progressive council majority pushed to make police oversight independent.

The issue came up for a third discussion Dec. 13. But Councilor George Poling, a former sheriff's deputy, withdrew a motion to give the manager power over the auditor. "I see the votes aren't there," he said.

The whole power struggle has left councilors scratching their heads about Eugene's power structure. On the auditor staff issue, the attorney appeared to represent the interests of the manager against the council's. Does the city attorney work for the unelected manager or for the elected council? The council voted to schedule that "Who's the client?" question for a work session on Jan. 31.

— Alan Pittman

PECULIAR GIFTING

Former Mayor Brian Obie was back at City Club's "Holiday Gifts" program Dec. 22 for an unusual second year in a row; but this year, instead of offering bags of coal to progressives in city government, the contentious Obie dedicated his sooty gifts to Dick Cheney and Donald Rumsfeld for their performance in the Iraq War. Obie did manage to get in one dig at the council with

coal for Councilor Bonny Bettman for her confrontation with former Assistant City Manager Jim Carlson.

Every December, City Club hosts its traditional program inviting community members to respond to the question "If you could give any gift to the community, what would it be and why would you give it?" Presenters this year in addition to Obie were Suzanne Arlie, founder of Arlie & Co.; Amelia Abel of Sheldon High School's life skills program; Dan Williams, VP for administration at the UO; Jenny Ulum, founder and CEO of The Ulum Group; Dave Hauser, executive director of the Eugene Area Chamber of Commerce; Caitriona Bolster of KWAX radio; Mari Dole of Lane Independent Living Alliance's reading for the blind program on the Internet; Jerry Diethelm, architect; Alan Pittman, reporter for *EW*; Diane Dietz, reporter for the *R-G*; George Russell, 4J superintendent; Alan Zelenka and Mike Clark, incoming city councilors; and Rabbi Jonathan Seidel of the Or HaGan Jewish Community.

Suzanne Arlie's gift to the community was sharing the vision and "super powers" of her husband, John Musumeci, whom she described as a champion for "truth, justice and expansion of the urban growth boundary."

Amelia Abel's gift was for "all people to look at people who are different and see how they are left out." She said as a person with Down Syndrome, she is "tired of living on the outside" of society.

Alan Pittman held forth a vision of a

trolley car returning to Eugene, a community swimming pool and parklands along the river.

Diane Dietz's gift was "radical acceptance" of everything and everyone in Eugene as part of what makes our town unique.

George Russell's gift was a pair of bifocals to allow us to "see the details of what Eugene is all about, and also see into the distance for what Eugene can become."

Jerry Diethelm liked the trolley idea and noted that the "ST" in Willamette St. should stand for Sustainable Trolley, one that runs on "donated trans fat." "Praise the lard," he said.

Other gifts included more civility and humor in city government, bringing arts to neighborhoods and jails, the joys of volunteering, a Nordstrom store, a downtown carousel, a new slogan to replace "The World's Greatest City for the Arts and Outdoors," and "massive doses of Valium in the water supply." — Ted Taylor

NEIGHBORS DEFEND AMAZON

A public hearing about Green Valley Glen dragged on for more than six hours Dec. 13, revealing a deep schism between the developer and neighborhood activists who want to see the forested parcel protected. The meeting concerned a proposed housing development on 40 acres in the

Spa Gift Certificates

gervais
SALON · DAY SPA

The Best Gift is Loving Care!



- spa packages
- spa pedicures
- massage
- facials
- gift boxes

www.gervaiseugene.com
301 West 5th Avenue • 541.334.6533

AVEDA

Gilbert & Sullivan's
The Pirates of Penzance

EUGENE OPERA
Friday, Dec. 29, 2006 7:30 PM • Saturday, Dec. 30, 2006 2:30 PM Matinee
& Sunday, Dec. 31, 2006 7:30 PM - New Year's Eve Gala in Studio One
Silva Concert Hall, Hult Center for the Performing Arts
For Tickets & Info Call 541-682-5000 or visit www.HultCenter.org