

CITY COUNCIL STALLS ON AUDITOR PROPOSAL

Mayor's study group presents options

The Eugene City Council delayed on a motion to create an appointed independent office of the city auditor after a Monday, Nov. 20, work session that also included a presentation by the mayor's performance auditor study group.

Measure 20-283 will appear on the May 2018 ballot for voters to decide whether they want an elected city auditor. The City Council, though, could vote to put a competing measure before the voters for an appointed auditor. The proposed measure would institute an auditor who focuses on both finances and performance.

At the work session, nearly every councilor asked a second round of questions, but the council didn't reach any conclusion. Councilors will hold another work session before their winter break to decide how to move forward.

Mayor Lucy Vinis adjourned the work session after determining that councilors had questions that City Attorney Glenn Klein couldn't answer in the meeting. The councilors will submit their questions to Klein within two weeks, and he will respond in writing.

Questions councilors had included whether the city auditor would have the power to audit EWEB and how much the auditor would make compared to other elected officials in Oregon.

The City Council now has four options, three of which will have no tangible effect on the May ballot. At the next work session councilors will vote to support the measure, oppose it, remain neutral or draft a competing measure.

Klein, the city attorney, recommended the councilors decide sooner rather than later, as any competing measure will have to be submitted to him for review by mid-January in order to be presented by Feb. 12 for submission on the May ballot.

The mayor's performance auditor study group presented its findings to the council Monday.

Vinis established the study group six weeks after City Accountability's measure calling for an elected, independent city auditor was approved for the ballot. She says she created the group in response to CA's measure in order to "have a complete

conversation about auditing."

The study group reviewed 12 performance auditor programs around the country, including the proposed measure and a proposed charter amendment from 2002. The group examined whether the auditor was appointed or elected, who determines what will be audited, and the degree of accountability that the auditor has. The comparison can be viewed at eugeneperformance-auditor.org.

While the group's job was not to make any recommendations, its members tell *Eugene Weekly* they agree that a city auditor is a good idea. "We all agree with the petitioners," Vinis says. "We just need to determine how to do it. We wanted to make sure we lay the groundwork for later."

Despite agreeing with the petitioners on the need for an auditor, the study group has concerns about the measure coming before the voters in May. Study group member Dave Fidanque told *EW* there are some deviations from other cities the group examined.

He points to the "sizable" salary for an elected official — the proposal calls for a salary that is "not less than 70 percent of the average of the (a) Eugene City Manager, (b) Salem City Manager, and c) the Eugene Water and Electric Board's General Manager." It also calls for a minimum auditor's budget of 0.1 percent of the city's total adopted budget and the auditor's being able to demand time at City Council meetings. "This is a very strong auditor that isn't answerable to council," Fidanque says.

At the work session Councilor Mike Clark raised concerns about how much oversight — or lack thereof — the city auditor would have. Councilor Chris Pryor was concerned about language in the proposal that points to the city auditor focusing on "catching and exposing" rather than "improving and saving."

"I don't want that to be the function of the job," Pryor said. Instead he prefers an auditor to balance the two approaches.

Councilors Jennifer Yeh, Alan Zelenka and Claire Syrett also had misgivings about the proposed measure. Emily Semple and Betty Taylor appeared to be in favor of the measure's language and aims.

Bonny Bettman McCornack, chief petitioner and a former city councilor, said in an interview before the work session that even if the auditor isn't answerable to the City Council, he or she will be held accountable to the public through public elections every four years, being subject to recalls, and being reviewed every three years by a professional in accordance with the Generally Accepted Government Auditing Standards.

McCornack says some of the people whom the petitioners talked to called for a different form of city government.

Eugene's charter establishes a very strong office of city manager paired with a relatively weak city council and mayor. McCornack says she and the rest of City Accountability don't believe this is the issue and that the city government is plenty accessible — it is simply lacking checks and balances. ■

PUBLIC RECORDS?

What hasn't been subject to public review, according to Art Bollman, a City Accountability petitioner, is the mayor's study group. He did a public records request for emails between study group members that discussed the research and findings of the group. Bollman says he was told that only the emails that included the mayor were public record.

The city contends that the group, which was created by the mayor to conduct research and provide information to the City Council, is not a public committee and thus any emails that don't include the mayor are not subject to the request.

"This study group was handpicked by the mayor to present a report to City Council," Bollman writes in an email to *EW*. "Some people have questioned whether this committee is truly neutral. I submitted a record request which had large parts of it denied because it was a private group." He says this is an evasion of Oregon public records law, and it "flies in the face of the intent of this act, and seriously damages the group's credibility. This is also a terrible precedent that cannot be allowed to stand and cannot be repeated."



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