

SPECIAL MEETING

April 21, 2000

CALL TO ORDER:

The special meeting was called to order by Mayor Rob Drake in the Third Floor Conference Room in Beaverton City Hall, 4755 SW Griffith Drive, Beaverton 97005, at 4:49 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Forrest Soth, Dennis Doyle and Cathy Stanton. Also present were City Attorney Mark Pilliod and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one present to speak.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Brzezinski MOVED, SECONDED by Coun. Doyle to approve the consent agenda as follows:

00-143 Boards and Commissions Appointment

Question called on the motion. Couns. Brzezinski, Doyle, Soth and Stanton voting AYE, motion CARRIED unanimously. (4:0)

COUNCIL ITEMS:

Review of Applications for Interim Councilor Appointment

Council President Evelyn Brzezinski remarked that she thought they should discuss the criteria to be used in rating the applications, the questions to be asked and then decide which of the applicants to interview.

Coun. Brzezinski asked if the other Councilors were comfortable with the criteria that had been developed.

The Councilors had an extensive discussion about the various criteria including how they related to the job of City Councilor. They discussed how much weight should be allocated to each criteria with ratings of 1 to 10 points, and decided to have points up to 10 on all criteria. They also discussed ways of assuring there would be no conflict of interest in the process if Henry Kane was interviewed and Coun. Soth participated. (Since Kane was Coun. Soth's opponent in the upcoming Primary election.

They then discussed a variety of questions that should or should not be asked of the applicants.

The Councilors decided to have a sub-committee to finalize the questions and criteria, which would be comprised of Couns. Brzezinski and Soth.

Darleen Coghurn, City Recorder, pointed out that they should not submit the questions to her in advance because they would become public record. She said that since Council did not want the applicants to have the questions in advance, they should keep them confidential.

Coun. Brzezinski then asked them to look at all the applicants and decide who to interview, and asked if the Councilors wanted to ask any further questions prior to that decision.

Coun. Doyle asked Mark Pilliod, City Attorney, if there was anyone on the list who was in violation of the Charter, and should be disqualified.

Pilliod said there was no one who was in violation. He explained that the Charter would prohibit a person who was a current candidate from filing for another Council position in the same year, and read from the Charter (in record). He stated that Kane was a current candidate and it was too late for him to withdraw from that candidacy, so the second clause applied to him, and the first clause appeared to apply because it said a candidate could not file for more than one numbered position in one year. He noted that Kane had filed in March 2000, for the position for which he was a current candidate.

Coun. Brzezinski asked what the counter reason was to why Kane should not be considered.

Pilliod said there was no reason for him to not be considered for appointment, but this clause would prevent him from being a candidate in September.

There was further discussion between the Councilors and Pilliod regarding this issue, and it was determined that the Council could determine if Kane was a candidate in this appointment process.

Pilliod pointed out that Kane had noted the Charter issues in his letter of application, so he knew it was an issue of concern.

Coun. Soth clarified that he would abstain from any discussion on this issue.

Coun. Doyle explained that since Coun. Yuen's resignation, he had stated that he would be hard pressed to consider appointing anyone who was a current candidate for any position at this time, and he had no problem interpreting the Charter in a broad way.

Pilliod said the language in this section of the Charter implies that it would apply only to Council positions, but Coun. Doyle also felt that it meant for any office.

Coun. Stanton stated that she thought a candidate was a candidate and that was all they were looking at.

Coun. Brzezinski stated that she did not think Kane was eligible.

There was further discussion about this issue.

Pilliod said Council needed to decide by consensus whether Kane should be interviewed.

Coun. Brzezinski asked if anyone thought this would be making a fatal flaw, and specifically asked Mayor Drake what his perspective was on the issue.

Mayor Drake pointed out that he was not the attorney, but it appeared to him that Kane was now a candidate twice, so he would have disqualified himself.

Pilliod said he had talked to Mike Dowset, who was the City Attorney when the Charter was prepared, who informed Pilliod that the Charter Review Committee was adamant that there be no "shopping" for a slot that seemed to be more vulnerable or available than another.

There was more discussion about this issue.

Coun. Doyle noted that he was disappointed that this even came up, that Kane applied, because it put the Council in a position where people could say the Council were playing favorites, either doing Coun. Soth a favor or being unfair to Kane.

Coun. Brzezinski said she felt that a completely unbiased person hearing this statement would say the Kane could not run.

Coun. Brzezinski MOVED, SECONDED by Coun. Doyle, that the Council drop from consideration the application of Henry Kane on the basis that the City Charter precluded a person from being a candidate for two numbered positions in the same year.

Question called on the motion. Couns. Brzezinski, Doyle and Stanton voting AYE, motion CARRIED unanimously. (3:0) Coun. Soth abstained.

Coun. Doyle suggested that they check to see if everyone was in agreement to interview all other applicants.

Consensus was to interview all other applicants.

Coun. Brzezinski suggested that they all arrive 30 minutes prior to the interviews to review the questions they would be asking, and suggested they arrive at 5:30 p.m., and begin the interviews at 6:00 p.m.. She noted this would allow them to be completed by around 9:00 p.m.

After some discussion, they decided to allow 45 minutes per applicant and conduct the interviews alphabetically as schedule allowed. It was decided to allow Cogburn to schedule the interviews and make adjustments if any applicants could not appear in the alphabetical order.

Pilliod clarified that the meeting would actually begin when they started the interviews, but they could arrive earlier and have dinner while they reviewed the questions.

There was discussion as to whether or not Pilliod needed to attend.

Consensus was that Pilliod did not need to attend, since the entire meeting was related to the interviews and possibly a decision on the applicants.

Cogburn reiterated what she understood to be the directions for the meeting to interview the applicants as follows: They would meet in the Third Floor Conference Room, on May 3, 2000, at 5:30 p.m. for dinner and the interviews would begin at 6:00 p.m. They would allow 30 minutes to interview each applicant, and 15 minutes for Council discussion and breaks, totaling 45 minutes between applicants. She clarified that she would schedule an interview every 45 minutes. Council agreed with that schedule.

It was decided that Council President Brzezinski should contact Kane that evening, to inform him of the decision to disqualify him from being considered.

Pilliod asked for clarification that the questions would not be released to any of the applicants in advance.

The Councilors responded that was correct.

Coun. Brzezinski asked if any of the applicants was not going to be in the area, if they could conduct the interview by telephone, as they had done in the past.

Consensus of the Council was that would be fine, they could use a speaker phone.

Pilliod said he assumed the Councilors would complete all of the interviews before they tabulated the results, so all the individual notes and scoring would not be shared with others until they were complete. He reiterated that the scoring and tabulation should not be done until all the interviews were completed.

Consensus was that they would tabulate the numbers/scores and be able to select the appointee at the conclusion of the interviews.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 5:57 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 18th day of September, 2000.

Rob Drake, Mayor