

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION SEPTEMBER 2, 2003

Mayor Bernard called the work session to order at 7:10 p.m. in the City Hall conference room.

Councilors present: Barnes, Lancaster, Loomis, and Stone.

Staff present: City Manager Mike Swanson.

#### Mayor/Council Communications Agreements

Swanson discussed the previous Council's communications agreement that was done about three years ago. He felt there were two important points:

1. Why do we do these? Communications agreements ensure Council meetings are conducted in the clearest, most open, and most orderly manner possible to best inform the public; and
2. Communications agreements ensure that meetings focus on the issue(s) before Council and not on matters that are extraneous to it.

Council members had no additional points.

Swanson introduced his communication rules for this session:

1. Focus on solutions/results namely communication agreements, and not on rehashing the past;
2. Discuss ideas/principles and not get into wordsmithing;
3. Respect; do not interrupt; no side conversations; and
4. Have conversation only among council members.

He went through each point of the existing communications agreement to consider the substance and not the words.

#### **1. I am respectful of councilors, citizens, and others appearing before us and staff.**

- Councilor Lancaster, if wordsmithing, "Councilors and all appearing before us."
- Councilor Stone, if wordsmithing, "I am respectful of Councilors, staff, citizens and others appearing before the Council."
- General approval.

2. **I am respectful of all thoughts and ideas. I clarify facts and opinions to ensure understanding. I stay focused and fully participate until the issue is resolved.**
  - Councilor Stone suggested making it three separate ideas. She finds the agreement well thought out and thorough.
  - Swanson saw ways to simplify the ideas, which he finds good.
  - No one identified any missing elements.
  
3. **In all discussion I present my views in a positive and forthright manner, respond to questions clearly and directly, and maintain the focus of the discussion. I will not personalize my comments, and in matters of opinion, I will speak only for myself.**
  - General acceptance.
  
4. **Before taking a public position on City matters, I notify the group of my position, and I provide reasonable advanced notice of matters I am introducing at meetings.**
  - Mayor Bernard said he has difficulty with this one but is working on communicating better with Councilors on upcoming issues. Sometimes it is not always possible to communicate with the Council when a decision is just a few minutes away. When he is faced with that kind situation, he states he is voting as the Milwaukie Mayor and not for the entire City Council. He would add "when possible."
  - Swanson sees this element as frequently causing problems. There are a couple of things that happen. One is failure to come back and notify the group right away. If a person is a member of a regional policy group, it may be impossible to talk to the other council members before taking a position. It is good, though, to disclose to the policy group that the issue has not been discussed with the Council. If this happens, it is imperative that the council member notifies the others as soon as possible. Second is to let other Councilors know if something is going to come up at a meeting to prevent a descent into chaos and acrimony. This would be called the "No Surprises Rule." In his position he would rather think disaster might occur and not have it occur than to not know and have it occur. It is just a matter of saying, "I am going to bring this issue up tonight." This includes Council and staff. He appreciates having a chance to research issues, so they can be dealt with immediately rather than postponing the answer to a later meeting.
  - Councilor Stone suggested it might be clarified by saying, "when possible before taking a public position on City matters." She did like the idea of the individual's disclosing he/she does not have the consensus of the Council. She thought the other piece, providing advanced notice, could be separate.
  - Councilor Lancaster said there are two issues both of which speak to intent. The first issue is taking a position that represents the Council

when it should not. He has no problem at anytime with someone's taking a position publicly as long as he/she is not attempting to make it seem to be a Council view.

- Mayor Bernard discussed how the press can distort some votes.
- Councilor Lancaster thinks it is worse for the Mayor, in his opinion, because he/she is the City representative. There is an inference that what the Mayor says represents the City of Milwaukie, thus making disclosure by the Mayor even more important. It is not so much about the Council as individuals but as how this body should be conducting itself. The second portion of point number 4 is purposely dropping a bombshell on the rest of the group for effect or personal gain. Issues may suddenly emerge and need to be acknowledged.
- Swanson said it is as simple as no one wants to be caught by surprise. No one wants to look like he/she does not know what is happening. To the extent possible, it is nice to ensure others are not complicit in making you look like you do not know what is going on.
- Councilor Lancaster added there is an inherent trap by the nature of the work the Council does. He is amazed in the number of people who ask questions about something that is going on in the City and are disappointed when he does not have an answer.

**5. I work toward consensus and accept the collective decision-making process of the group. If I disagree with a decision of the group, I respect and accept that decision.**

- Swanson believes it says, once a decision is made, it is not the function of any member of the group to go out and dis the group. It is okay to say one does not agree with a decision but let the group move on. It should not be the basis for creating discord for everything that happens from that point forward.
- Councilor Lancaster explained at one point there was a councilor who used this method to try and reverse a Council decision that could not possibly have had a positive outcome.
- Mayor Bernard added sometimes a person has to walk away, calm down, and think it over. Remember that I am part of the group and that is the group's decision.
- Councilor Lancaster said the winner/loser mentality is prevalent, but that is not what democracy is about. It is about everyone's opinions being heard. Democracy is messy, and there will always be a certain number of people who are not happy with a decision. The only way a society can progress is to move forward in an orderly manner with the decisions that have been made. It is all right if one wants to constructively raise the consciousness of others to come to a different outcome at some point in the future. It is not all right to target a decision made for one's own personal gratification.
- Councilor Loomis said when faced with that, he just feels it is his opinion. He has never looked negatively on fellow councilors when a

vote did not go his way. He respects other's opinions as being as valid as his own.

**6. I look for ways to positively praise efforts and accomplishments. If issues or concerns arise between team members. I first attempt to resolve such matters by addressing the issue in an appropriate, private, and timely manner.**

- Councilor Barnes feels e-mail is the best way to accomplish this. She feels it is important to find a way to encourage the use of e-mail, and that is the challenge before this group. Problems can be solved by an ongoing dialogue. She would like to see that incorporated in the communications agreement, perhaps in this area. She understands from the city attorney that policy decisions are not being made via e-mail since it is more a matter of seeking clarification and asking questions.
- Swanson said the entire inventory of e-mail messages is maintained on the server. One of the best ways to deal with potential public records issues is to place a one-on-one call. E-mail, even though it could be argued one-on-one e-mail is not a public record, is still on the server and retained for a period of time. Council members may use their personal e-mail for one-on-one discussions.
- Councilor Loomis would rather discuss issues person-to-person because there can be too much misunderstanding in e-mail. It is good for providing information.
- Councilor Lancaster said e-mails can be very one dimensional and agreed face-to-face is preferable. Not much progress will be made if one stops dialogue with e-mail.
- Councilor Stone said Lancaster has a good point about the second part. It is clearly not aimed at a Council issue; it would be an issue between two members. She believes a phone call is the better route with face-to-face conversation being the best. That, however, is sometimes difficult. She believes this one could be split because the second clearly deals with conflict resolution. A phone call is like driving a car and having road rage against someone. If you are without your car or without your phone, you might have a different meeting and conversation. It tends to take away some barriers that could interrupt communication. In the sentence about praising efforts, Stone suggested adding "of fellow Council members, staff, and any who come before us in meetings." She would make the other part a separate agreement and perhaps clarify the preferable route for conflict resolution.
- Councilor Lancaster would not restrict the form of communication. He prefers face-to-face, but there may be other issues that can effectively be dealt with via e-mail.
- Swanson said there could be several approaches and certain methods work best with some while not with others.

**7. I engage the community in a shared dialogue in order to fulfill my responsibility to make decisions that serve the best interests of the community.**

- Councilor Lancaster said part of what this agreement was getting to was personal agendas that did not move the Council forward on community goals. One person's goals may have been moved forward. The intent was to focus on community goals and not on individuals.
- Councilor Barnes believed the Council had to be out in the public to share dialogue and urged Council members to make a commitment to attend neighborhood association meetings and picnics and other City functions. She would like to see a renewed emphasis to do that in order to help Council make better decisions.
- Mayor Bernard agreed with Barnes's interpretation and agreed it is important to visit neighborhood meetings.
- Councilor Stone said at the end of that she would add "and make decisions that serve the best interests of this community while supporting community goals."
- Mayor Bernard was not sure he agreed with that statement. Council is out there listening to what people are saying, and things change rapidly. Usually discussions are not about big issues but things that touch people's daily lives like potholes and streetlights. He cannot remember a time he talked about community goals with the possible exceptions of the riverfront and Safeway.
- Councilor Stone asked how the community goals were identified.
- Councilor Lancaster said the City went through a very comprehensive community process. The neighborhoods were very involved during this 9-month process, and there were a lot of public meetings. The neighborhood goals and visions shaped the community goals. The core values and desires have not changed much and some, in fact, have been accomplished. He cautioned against the tendency to become very specific in this agreement. He feels it is important to view these points as a framework in which to operate.
- Swanson said the challenge would be to somehow construct the agreement in such a way that it is memorable without having to refer to a piece of paper. It should be crafted in such a way that it is integrated into what we do and becomes a part of us.

**8. I communicate with staff to gather information and to cultivate ideas. I do not give direction except through the city manager after agreement with the council.**

- Mayor Bernard found it amazing that he can walk into a department and mention something, and in a short time it is done.
- Councilor Loomis said it is important for Councilors to remember their positions when they are talking to staff.

- Swanson said the first sentence is important. This organization is an open system and there is no wall between the Council and staff. This is by choice for more effective decision-making.
- Councilor Stone referred to the second sentence and said not every issue needs to go through Council to give direction to the city manager.
- Swanson briefly discussed a recent building permit issue Loomis brought to his attention. He did not bring it to the rest of Council. There are issues he will look into and will end up informing the rest of Council because it may be of citywide concern. It depends on the issue; everything a Council member asks does not necessarily go to the others.
- Councilor Lancaster said this brings up the question of whether this is being drafted for this group or is it considered a timeless foundation of how the Council should operate. The Council has a good relationship with this City Manager, but it may not be the same in the future. The interesting differentiation from a technical standpoint is that the City Council creates policy and the city manager carries it out. Outside of policy issues, the Council has no directive authority; that is the city manager's job. Currently, that line is blurred because of the council/city manager relationship. Is this agreement just for us, or is it a longer-lasting framework?
- Councilor Stone sees these as guiding principles. She would wordsmith and say "I give direction through the city manager and/or after agreement with the Council" to clarify that not everything needs to come to Council.
- Swanson wished he could capture what it is that we do because there is a profession out there that is set in its ways. The lines are blurred, but it is by a mutual agreement to make things happen and to work. He was not sure how that can be articulated.
- Councilor Stone suggested, "I give direction to staff through the city manager" because that is who the Council would be directing.
- Councilor Lancaster discussed how a Councilor feels like an average person but is not perceived that way by staff or citizens.
- Swanson said here it is bypassing an unnecessary bureaucratic step.

**Swanson** will draft an updated and simplified agreement based on this discussion.

**Councilor Barnes** asked what the Council would do if a member perceived that some part of this agreement had been violated.

**Swanson** said the rule is to do something privately initially. Then the question is whether to try to do something one-on-one, and Swanson indicated he would become involved if asked. The only way to deal with it is to say, "We have these

agreements, and the allegation is they have been violated." Hopefully it can be resolved in that part of the process.

**Councilor Stone** said in the interest of saving the City money, it is her preference to take it up together, one-on-one. If it cannot be resolved, that is when a third party is brought in for conflict resolution. It speaks to the maturity level because it is hard to confront others. No one is born with that talent, and we all have to struggle through it. She would not involve Swanson unless she found the individuals could not resolve the situation.

**Councilor Loomis** has seen these rules violated while on Council but not intentionally. Sometimes Councilors seem to take things personally, and most members are respectful of each other.

**Councilor Lancaster** believes the over-riding principle is intent. If it is not done intentionally, there should be no harm in respectfully bringing issues to someone's attention.

**Councilor Loomis** commented even small things can become an issue and grow.

**Swanson** said Lancaster's point on intent is an important issue. What is the intent?

The work session adjourned at 8:10 p.m.



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Pat DuVal, Recorder

### **Communications Agreement**

1. I am respectful of Councilors, citizens and others appearing before us, and city staff.
2. I am respectful of all thought and ideas. I clarify facts and opinions to ensure understanding. I stay focused and fully participate until the issue is resolved.
3. In all discussion, I present my views in a positive and forthright manner, respond to questions clearly and directly, and maintain the focus of the discussion. I will not personalize my comments, and in matters of opinion, I will speak only for myself.
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5. I work toward consensus and accept the collective decision-making process of the group. If I disagree with a decision of the group, I respect and accept that decision.
6. I look for ways to positively praise efforts and accomplishments. If issues or concerns arise between team members, I first attempt to resolve such matters by addressing the issue in an appropriate, private, and timely manner.
7. I engage the community in a shared dialogue in order to fulfill my responsibility to make decisions that serve the best interests of the community.
8. I communicate with staff to gather information and to cultivate ideas. I do not give direction except through the City Manager after agreement with the Council.