



MEMORANDUM

To: The Oregon City Citizen Involvement Committee
From: Laura Terway, AICP, Planner
RE: Grievance Process
Date: October 26, 2015

On October 13, 2015 the City received a Grievance for the Citizen Involvement Committee (CIC). The general process under which the CIC shall review the Grievance is set forth in Chapter 2.30.060 of the Oregon City Municipal Code. City staff prepared this memo in consultation with the Assistant City Attorney to provide a guide for how the Citizen Involvement Committee and associated Grievance Committee will process Grievances.

Assemble the Grievance Committee.

At the November 2, 2015 CIC meeting, five (5) members from the CIC will be chosen at random by the CIC Chairperson to serve on the Grievance Committee (GC). Any member who is a party to, or is directly impacted by, the grievance or the recommendation must recuse themselves from being chosen on this committee. The CIC Chair will serve as an ex-officio on this committee and will not vote on any recommendation or course of action unless chosen randomly to be on the GC.

The Grievance Committee will Convene.

One week prior to the GC meeting, city staff will post notice of the GC meeting on the City's website on the CIC agenda and mailed to all parties identified in the Grievance who submitted a legible email or mailing address as well as to all CIC members and neighborhood association chairs. The Grievance will be included in the agenda posting. The agenda will state that comments related to the Grievance may be submitted in writing to the Planning Division and the written comments will be forwarded to the GC.

Until a recommendation of the GC is made, the GC will convene monthly, on the first Monday of each month at 5pm at City Hall in Commission Chambers. A majority of the committee members will constitute a quorum. The meeting will be open to the public and video recorded.

The GC will meet for the first time on Monday, November 2, 2015 directly following the CIC meeting. At the first GC meeting a chair will be elected and the group will review the Grievance process.

As identified in OCMC 2.30.060.C.1, the first step in reviewing the Grievance is to suggest mediation. City staff will have a letter prepared for the GC which recommends the parties seek to reconcile their differences through mediation. It will also state that if the CIC is told in writing that mediation has failed or that the parties refuse to mediate, the CIC is authorized to conduct such meetings and hearings as may be necessary to determine the facts of the matter in dispute. The GC is to review and sign the letter so it may be sent to the parties identified in the Grievance. City staff will mail the letter the following business day.

Notice of Failed Mediation.

In the event mediation fails, and the City receives a written request to continue to review the Grievance, the following Grievance process shall occur. The City shall prepare and send by mail or email, notice of the hearing to all parties identified within the Grievance whom have provided a legible mail or email address, any named CIC member or Neighborhood Association Chair as well as the CIC officers. The Grievance and all supporting materials and evidence submitted may be inspected at no charge and copies may be obtained at reasonable cost at the Planning Division office.

The record shall open upon receipt of the written request to continue the grievance review process and any interested party may testify at the hearing(s) or submit written comments on the Grievance at or prior to the hearing until the GC closes the record. All written communication and items submitted to the City concerning the Grievance will be included GC agendas if timely submitted.

The GC review process shall be:

1. Grievance Committee Recommendation.

At each meeting, the GC Chair shall call for any ex-parte contacts, conflicts of interest or bias from the GC at the beginning of each GC meeting. Testimony will be heard in the following order at each meeting while the record is open:

- i. The person / group whom submitted the Grievance shall be allotted a maximum of 15 minutes to identify and explain the Grievance and provide any other information.
- ii. The person / group named in the Grievance shall be allotted a maximum of 15 minutes to speak about the Grievance.
- iii. Any member of the public in favor of the Grievance shall be allotted a maximum of 3 minutes to speak about the Grievance.
- iv. Any member of the public in opposition of the Grievance shall be allotted a maximum of 3 minutes to speak about the Grievance.
- v. The person or group whom submitted the Grievance will be allotted a maximum of 15 minutes for rebuttal.

The GC is permitted to ask questions of those testifying once they have completed their testimony. The questions do not count against the time of the person testifying.

After the testimony has concluded the GC will close the hearing and deliberate on the matter. Committee action will be determined by a majority vote of those present and voting. Once a recommendation is made, the GC shall write report identifying each Grievance, a recommendation for each Grievance and findings of why that recommendation is being made. Once the City Attorney or staff have had an opportunity to review and provide adequate analysis explaining the why the recommendation is being made, the report will be submitted to the CIC. The committee is to report its progress to the CIC at each CIC meeting.

2. Citizen Involvement Committee Decision

The CIC will hear the recommendation and vote on a final decision. The CIC process will be limited to the information contained within the record from the GC process. No new information may be submitted. The CIC will conduct hearings and accept testimony in the same process as identified above for the GC.

Any member who is a party to, or is directly impacted by, the Grievance or the recommendation, must recuse themselves from voting. The CIC will provide a written decision with each Grievance, a decision for each Grievance and findings of why that decision is being made. Once completed, the written report will be reviewed by the City Attorney, or designee to identify if there is sufficient findings of why the decision is being made. Once the City Attorney or staff have had an opportunity to review and provide adequate analysis explaining the decision, the CIC will vote to accept the written report.

The CIC decision will be mailed and emailed to all parties whom have submitted a legible address. The CIC decision is final unless called up for review by the City Commission. The CIC decision is final and may not be appealed to the City Commission.

The GC and CIC will meet as often as needed to reach a conclusion.

The following is meant to provide a guide for how the Citizen Involvement Committee and associated Grievance Committee will process Grievances. Additional information or clarification about the process will be provided as needed.