



MEMORANDUM

To: Miranda Sierra and all other Parties Identified in the Grievance submitted February 15, 2017
From: The Oregon City Citizen Involvement Committee, Grievance Committee
RE: Grievance Submitted February 15, 2017
Date: March 7, 2017

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. At the March 6, 2017 CIC meeting, five (5) members from the CIC were chosen at random to staff the Grievance Committee (GC).

Chapter 2.30.060.C.1 of the Oregon City Municipal Code directs the GC to recommend the parties seek to reconcile their differences through mediation prior to further review of the Grievance. The GC suggests utilizing Clackamas County Dispute Resolution Services whom may be contacted at (503) 655.8850.

If mediation has failed, the GC and CIC are authorized to conduct meetings and hearings as may be necessary. If this should occur, a written request to continue the Grievance review process must be sent to the City. Please contact Laura Terway at lterway@orc.org or (503) 496.1553 with any additional questions or concerns.

Sincerely,

The Oregon City Citizen Involvement Committee, Grievance Committee

Attachments:

1. Chapter 2.30 of the Oregon City Municipal Code
2. Memorandum dated February 27, 2017



Chapter 2.30 – Citizen Involvement Committee

2.30.010 - Created.

The citizen involvement committee (CIC) is hereby created for the City of Oregon City. The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the City Commission and perform other duties as identified within this chapter.

2.30.020 - Duties.

The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the City Commission and the public.
- D. Address grievances of the CIC and of neighborhood associations.
- E. Assist with requests from the City Commission.

2.30.030 Membership.

- A. The CIC shall consist of one primary member and one alternate member from each City recognized neighborhood association.
- B. Each neighborhood association shall provide a primary and alternate member nomination for appointment by the Mayor. Each primary and alternate member appointed shall have first been nominated by the neighborhood association of which they represent.
- C. Members shall be appointed for two years. Terms of the office shall commence on the first day of the calendar year.
- D. The members shall reside, work in, own property, or own a business within the neighborhood association boundaries which they represent or the land outside of the City limits but inside the Urban Growth Boundary designated to be within the neighborhood association which they represent.
- E. All members shall serve without compensation.
- F. If a member is unable to attend a meeting, it is the member's responsibility to inform the City Liaison prior to the meeting being missed.
- G. Upon failure of any member to attend three consecutive meetings, misconduct or nonperformance of duty, the CIC may recommend termination of that appointment to the City Commission. A CIC member may be removed by the City Commission, after hearing, for misconduct or nonperformance of duty. The alternate member may become the primary member for the remainder of the term and the neighborhood association shall nominate a new member.

2.30.040 – Officers and staffing.

- A. Officers shall include Chairperson, Vice-Chairperson and Secretary.
 - 1. The officers shall be appointed for two years starting in January of each even year. In the event that an officer is unable to complete the specified term, a special election shall be held for the

completion of the term. Members may not serve more than two consecutive terms as a Chair, Vice-Chair or combination thereof. An officer appointment expires if a member is no longer appointed to the CIC.

2. Chairperson. The Chairperson shall preside at all CIC meetings and serve as an ex-officio member on all committees. The Chairperson shall be the official spokesperson for the CIC, representing the majority position of the CIC, unless otherwise delegated in writing with the majority consent of the CIC.
 3. Vice-Chairperson. The Vice-Chairperson, in absence of the Chairperson, shall have general supervisory and directional powers over the CIC. The Vice-Chairperson shall conduct all business delegated to the Chairperson, in his or her absence.
 4. Secretary. The Secretary prepares the minutes and attendance records (as needed) of all meetings and submits the information to the City Liaison.
- B. Staffing of the CIC may include a City Commissioner Liaison and a City Liaison.
1. City Commissioner Liaison. One liaison from the City Commission may be appointed to act as a resource to CIC and attend CIC meetings. The City Commissioner Liaison will be a non-voting member of the CIC.
 2. City Liaison. The Planning Division and the City Manager's Office or their designee shall be responsible for keeping an accurate and legally sufficient record of all proceedings. In addition, the City Liaison shall create and post agendas, maintain a database of CIC members and track the CIC budget. The City Liaison(s) will be a non-voting member of the CIC. Consistent with the City Charter, the City Manager shall retain his/her discretion to suspend staffing when reasonable circumstances warrant.

2.30.050 – Organizational procedures.

- A. The CIC shall hold an official meeting every month. The CIC shall meet at such times and places as may be fixed by the committee. Special meetings may be called in accordance with the public open meetings law by the City Manager or the City Manager's designee.
- B. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, voting matters shall be approved by a simple majority of the voting members present. All primary members who are present and all alternate members who are acting as primary members in the absence of the primary members are allotted one vote each on all motions.
- C. The CIC shall establish goals every two years that are consistent with the adopted Goals and Objectives of the City Commission.
- D. The CIC Chairperson or designee shall report to the City Commission once a year to provide CIC accomplishments.
- E. All meetings shall comply with ORS 192.640 and all CIC business shall comply with all applicable Federal, State, and local laws and regulations.

2.30.060 - Grievances

- A. Upon written submission of a grievance to the CIC, an ad hoc Grievance Committee will be formed to recommend resolution to the CIC for a vote.
- B. The Grievance Committee will consist of five (5) primary or alternate members chosen by the CIC Chairperson through a random lottery of CIC representatives.
 1. Any member who is a party to, or is directly impacted by, the grievance or the recommendation, must recuse themselves from being chosen for this committee.
 2. 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 Grievance Committee.
 3. A committee Chair will be appointed by the Grievance Committee itself.

- C. The task of the Grievance Committee will be to study any grievances directed in writing to the CIC by any of its members, neighborhood associations, or any person considering themselves adversely affected by the CIC. Upon receipt of such complaint the Grievance Committee will proceed in the following manner:
1. First, it will recommend that the parties seek to reconcile their differences through mediation.
 2. If mediation fails, the committee is authorized to conduct such meetings and hearings as may be necessary to determine the facts of the matter in dispute.
 - a. A majority of the committee members will constitute a quorum.
 - b. Committee action will be determined by a majority vote of those present and voting at each committee meeting.
 - c. The committee is to report its progress to the CIC at each CIC meeting.
 - d. The committee shall submit a written report with a recommendation for the resolution of the grievance to the CIC.
 - e. The CIC will hear the recommendation and vote on a final decision.
 - f. 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.

2.30.070 - Conflict of interest.

A member of the CIC shall not participate in any committee proceeding or action in which any of the following has or will receive a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting where the action is being taken. The committee shall operate in the general public interest serving the community as a whole.

2.30.080 - Expenditures.

The CIC shall have no authority to make any expenditures on behalf of the city or to obligate the city for payment of sums of money.



MEMORANDUM

To: The Oregon City Citizen Involvement Committee
From: Laura Terway, AICP, Community Development Director
RE: Grievance Process
Date: February 27, 2017

On February 15, 2017 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. This memo provides guidance as to how the Citizen Involvement Committee and associated Grievance Committee will process grievances.

Assemble the Grievance Committee.

At the March 6, 2017 CIC meeting, five (5) members from the CIC will be chosen at random 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.

The GC will meet for the first time on Monday, March 6, 2017 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.

In the event mediation fails, and the City receives a written request to continue to review the grievance, the Grievance Committee will form a recommendation. One week prior to each GC meeting the City shall prepare and send by mail or email, notice of the a hearing with the Grievance Committee 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 notice of the GC meeting and the grievance will be posted on the City's website on the CIC agenda. 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. Comments related to the grievance may be submitted in writing to the Planning Division and the written comments will be forwarded to the GC. All written communication and items submitted to the City concerning the grievance will be included GC agendas if timely submitted.

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 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.