

# Managing the City Council and City Manager Relationship During Personnel Matters

## LOC Conference 2025



# The Role of City Council



# What is the role of the City Council?

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## Be

Be familiar with all policies established by the council that relate to the CM's authority.

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## Provide

Provide annual review of the CM's work performance and results.

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## Maintain

Maintain a relationship with the CM that balances support, trust, and accountability.

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## Follow

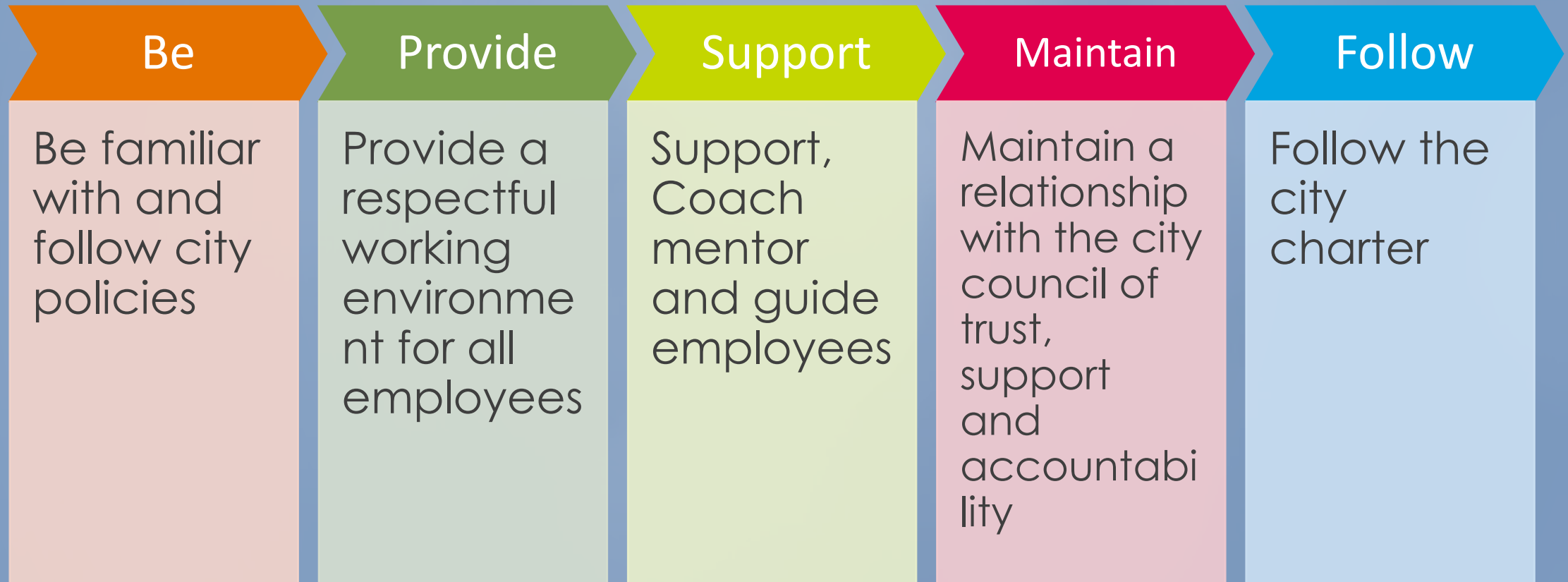
Follow the City Charter

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# The Role of the City Manager



# What is the Role of the City Manager?



# Common Claims Against Public Officials



- Employment decisions: termination, layoff
- Defamation: (or, explaining how the manager is a horrible, corrupt person and you had to fire him/her on your first day)
- Causing a “hostile work environment” for staff: (or, doing the manager’s job instead of yours)
  - ***Usually outside the scope of your authority***
- Failure to provide due process when terminating

**Can an  
Employee go  
directly to a  
member of  
the city  
council to....**



Complain about their  
job



Complain about not  
getting a promotion



To influence a city  
councilor for the benefit of  
the employee


**NO**

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Under city charter an elected official that does not have supervisory authority over an employee does not have authority to be involved in personnel related decisions.

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That is the authority of the City Manager



**Can an  
elected  
official  
request  
copies of an  
employee's**

- Discipline actions
- Dates of employee's FMLA/OFLA/PLO Oregon Sick Leave
- Employee time off usage
- Dates of Employee Paid Administrative Leave

**NO**

An elected official that does not have supervisory authority over an employee has no legitimate “business reason” to have access to otherwise confidential information.



**When might an employee bypass a city manager and go directly to a member of city council....**

## **To bring forward a complaint of alleged illegal conduct regarding the City Manager**

- Harassment
- Retaliation
- Discrimination
- Whistle blower complaints

# “Red Light” Conduct

## Protected Classes: **Who You Are**

- Race
- Color
- National Origin
- Gender
- Gender Identity

- Religion
- Disability
- Age
- Marital Status
- Family Relationship

- Sexual Orientation
- Pregnancy
- Genetic Information
- And more

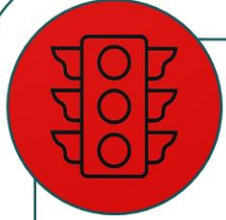
# “Red Light” Conduct

## Protected Activity: **What** You Did/Do

- Served in the military
- Injured at work
- Associated with a member of a protected class

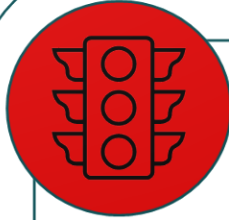
- Used protected leave
  - Sick leave, PLO, FMLA/OFLA
  - Jury Duty
  - DV Leave

- Made a protected complaint
- Participated in workplace investigation
- Reported retaliation



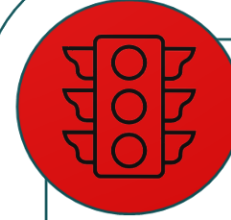
## Harassment

Creating a hostile work environment based on protected status or activity.



## Discrimination

Treating someone differently because of their protected status.



## Retaliation

Taking negative action because someone engaged in protected activity.

# “Yellow Light” Conduct

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Use caution and prepare to stop!

**Bias**

**Bullying**

**Disrespect**



# Bias

## Who

Who has bias?

**Everyone!**

It develops at an early age, and is impacted by stereotypes, past experiences, and preconceived notions.

Can be changed with awareness and effort.

## What

- Bias is both conscious and unconscious
- It's the way our brains take shortcuts to make decisions
- Often incompatible with our stated values

## When

**Examples:**

- Hiring/interacting with new co-workers
- Meeting etiquette
- Communication styles
- Performance evals
- Complaint responses

## How

How do we address our biases?

- Educate yourself
- Examine your beliefs and increase self-awareness
- Listen and observe



# Disrespect/Bullying

## Physical

### Examples:

- Lack of attention, like texting during a meeting
- Rolling eyes, loud sighs, scoffs
- Turning body away from someone while they talk

## Verbal

### Examples:

- Blaming someone else for your mistake
- Talking down to co-workers, dismissiveness
- Interrupting, talking over someone

## Team

### Examples:

- Poor communication
- Unhealthy competition
- Unhelpful feedback or defensiveness when receiving feedback

## Cyber

### Examples:

- E-mail “war” – back and forth with uncivil or rude emails
- Ignoring emails
- Forwarding an email to make someone look bad

# Reporting Obligations

## City employees should report:

- policy violations that are personal
- policy violations that they observe
- policy violations that they did not observe, but about which they have credible information



# What Happens When a Report is Made?

- The City is required to investigate complaints and reports of harassment
- A typical complaint investigation may include:
  - Interviews with the persons involved (including the accused and witnesses)
  - Reviews of documents, files, printed material
  - A decision-making process to determine if the complaint or report is substantiated
  - A decision-making process to determine if discipline or corrective action is warranted

# Preventing Discrimination and Harassment

- As an elected official for the City, you must become familiar with and enforce these anti-harassment and no-discrimination policies
- Set a good example by engaging in professional, respectful behavior
- Learn to identify when an employee is raising a concern or making a complaint and understand what to do to address it (even if it is a rumor)

# Why Confidentiality is Critical!

- General obligation to keep personnel information confidential and failure to do so can result in claims
- Failure to keep reports confidential may keep other employees from coming forward
- Foot-in-mouth consequences

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# **HR Leadership in the Grey Areas**

**Jeremy Caudle  
City of Dayton  
City Manager**

- Council creates policies and budgets
- Manager handles administration
- Clear division in theory

**How is it supposed to work?**

- Limited staff/resources
- Hybrid forms (City Manager vs. City Administrator)
- Council may have more involvement
- Theory doesn't neatly fit practice

**What happens in real life?**

- Dysfunction inherited on arrival
- No trusted HR staff/limited options
- Mayor present in PIP conversation (judgment call)
- Resolution: separation agreement
- Takeaway: adapt process, protect integrity

**How do you lead in the grey zone?**

- The Charter sets the script, but practice requires flexibility
- Small cities face unique constraints
- Leadership = exercising judgment in the grey areas
- Use resources (CIS pre-loss, peers, consultants) when available

**What should we remember?**

**How will you lead  
in the grey?**

# Personnel Issues for Senior Staff

How Newberg dealt with its systemic and long-term personnel issues

OR

how to spend less money on insurance and legal fees.

2021-2022 was a time of huge change for the staff of the city of Newberg.

Many basic shifts occurred to make the team more cohesive, effective and reassert decency, hard work, and ethics.

This brought an end to a long cycle of HR problems.



Within the city staff team morale was in the basement, our ethics had been rocked by a decade of scandals.

We saw continuous and nasty in fighting.

Sadly, senior staff were deeply implicated in these matters.

While I will of course not be going into any details about this “time of tumult” we decided in 2021 that an ethics re-set had to come first before any of our other 18 internal reforms.



As you know the key takeaway from this panel is “how to uphold boundaries and maintain professional integrity” – all while the public are watching closely.

I would opine that if your current situation is broken:

- Many approaches could be used to fix things
- The Newberg example may seem like an extreme approach, but...
- It was needed for the time and place we were at in 2021-2022
- The community had completely lost faith in their local government

## How to restore trust?

- I and the city leadership team grappled with this in early 2022
- We decided it was the first thing we had to tackle
- We had a list of city values that had been developed earlier but never operationalized
- How could we promote ethics in our senior staff in a concrete way?

## **STRIVE Values:**

A planning exercise that had taken place earlier had generated this list of city values designed to inform most of our decision making::

**SERVICE** - We are of service to this community - our decisions and actions should reflect that.

**TEAMWORK** - We foster a culture of mutual respect and support.

**RESPONSIBILITY** - We uphold and honor the community's trust through stewardship of resources.

**INTEGRITY** - We believe in doing the right thing, even when no one is watching.

**VALUE** - We aim to provide the best value services at all times.

**EQUITY** - We aim to recognize everyone's unique voice.

But how to reform our HR profile and the perception of our city?

## **Operationalizing STRIVE**

New staff committee was created with the following traits:

- Made up of the number 2 person in each major department - not the department head or executive leadership
- Independent from the control of the City Manager or City Attorney
- Designed to be the guardians of our values and to monitor the professional integrity of senior staff
- Positive and reinforcing role and well as a whistleblower role

## How does the STRIVE committee work:

Meets quarterly.

- Gives the STRIVE award of a floating holiday day for those who uphold our values **[the carrot]**
- Separate HR reporting channel to supplement the regular HR / CM / City Attorney channels found in most cities **[the stick]**
- Cannot be dissolved by the CM (even though the CM created it)
- Can report on the HR Director if needed
- Role is limited to reporting HR issues not investigating them
- Others do the investigating

**How does this work?** Here is some text from the policy document:

A committee called the STRIVE committee exists within the city of Newberg. Its membership shall consist of the following positions within the city organization:

A Police Captain.

The second most senior member of the Finance department.

The second most senior member of the Library department.

The second most senior staff member within Public Works  
(usually, the maintenance superintendent).

The second most senior staff member within the Community Development team  
(due to availability this will be the Planning Manager until further notice).

Here is some more detail on how the committee works:

The STRIVE committee will first review nominations for current STRIVE awards as submitted by any staff member for the preceding few months...

The committee will share the names of the award recipients with the City Manager, and Community Engagement staff for inclusion on web pages and other media.

### **Ethics Violations Defined**

The second part of the meeting will consider any report of dishonest or unethical practices that involve senior city staff. City senior staff is defined as the City Manager, the City Attorney, the City Manager's direct reports, the head of HR, and the appointed Judge of the City of Newberg.

## And what would happen to such a report?

A report will generally be sent to the head of HR and the Mayor by the chair of the STRIVE committee (unless the report concerns the direct reports of City Council or the head of HR).

The STRIVE committee will not investigate the matter themselves nor shall they take any further action, their role is simply to ensure that the matter is reported rapidly if it involves the listed senior staff.

## ... and what if the report concerns a council direct report?

If allegations involve:

- The Municipal Judge
- The City Manager
- The City Attorney

The initial report will go to the head of HR and the entire Council simultaneously. If the report is credible, the head of HR and the Council will initiate an investigation using a professional outside investigator selected by the Mayor and the head of HR jointly (with a private investigator license in accordance with Oregon law).

... and what is the report is about the HR Director?

If allegations involve:

The HR Director

The initial report will go to the entire Council simultaneously.

If the report is credible the Council will initiate an investigation using a professional outside investigator selected by the Mayor and the Council President jointly (with a private investigators license in accordance with Oregon law).

The Council may choose to refer the matter to the City Attorney's office for investigation.

Over four years did the STRIVE committee work?

First at the time of the STRIVE committee coming into operation Newberg was unable to get recruits for reputational reasons (we were told by applicants) now we are fully staffed.

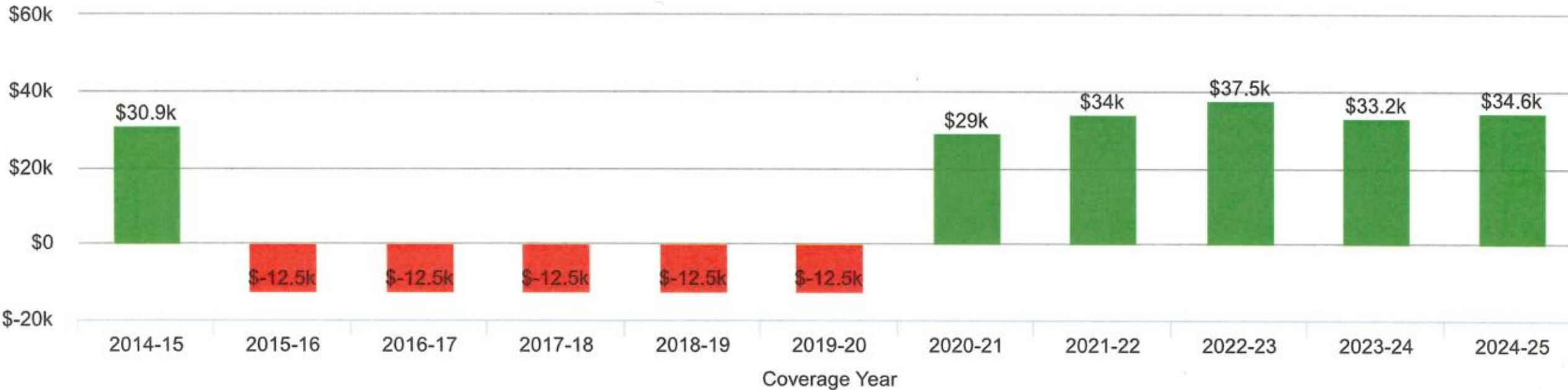
Second with integrity re-established we were able to rapidly end the two legacy lawsuits that existed at the end of 2021

Third our legal expenses which had been over budget by \$200 - \$300,000 for multiple years have been under budget for the last two years.

## Over four years did the STRIVE committee work?

Lastly this is our recent insurance liability record compared to a “standard” liability plan:

Liability Alternative Plan Savings (+) or Loss (-) Compared to a Standard Liability Plan



By being willing to put ourselves under the microscope via the STRIVE committee the senior staff of Newberg were able to end a long time of tumult...

Questions

