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RESOLUTION 2022-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN CITY ESTABLISHING A
PROCESS FOR COMPLAINTS AGAINST DIRECT REPORTS**

WHEREAS, the Lincoln City Charter provides that three positions report directly to the City Council: the City Manager, the City Attorney and the Municipal Judge (i.e. the direct reports).

WHEREAS, performance evaluations of the these direct reports are performed by the City Council; and

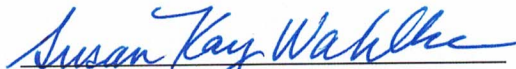
WHEREAS, complaints regarding the conduct of direct reports need to be heard by the City Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY,
AS FOLLOWS:**

Section 1. The process described in Exhibit "A" shall be used for review of complaints against direct reports.

Section 2. This resolution is effective as of the date of its adoption.

PASSED AND APPROVED by the City Council of the City of Lincoln City this 28th day of March 2022.



SUSAN WAHLKE, Mayor

ATTEST:



JAMIE YOUNG

APPROVED AS TO FORM:



**RICHARD APPICELLO
CITY ATTORNEY**

39 EXHIBIT A

40
41 Executive session evaluations for direct reports shall be noticed to include the
42 possibility of review of, complaints, if any, during the review period:

43
44 Authority:

45
46 ORS 192.660(2)(i) (To review and evaluate the employment-related
47 performance of the chief executive officer of any public body, a public
48 officer, employee or staff member who does not request an open hearing)

49
50 ORS 192.660(2)(f) To consider information or records that are exempt by
51 law from public inspection.

52
53 ORS 192.660(2)(b) To consider the dismissal or disciplining of, or to hear
54 complaints or charges brought against, a public officer, employee, staff
55 member or individual agent who does not request an open hearing.

56
57 Subject(s):

58
59 *"insert direct report position here "* evaluation, complaints, if any, during
60 evaluation period, and related confidential records

61
62 Employee Notice: – Be advised, for executive sessions to consider evaluations or
63 hear complaints, the employee has the right to request an open hearing. If an
64 open hearing is requested in writing [e.g. email to City Recorder] before the start
65 of this executive session, the executive session will be cancelled and the matter will
66 be scheduled for an open hearing at future City Council meeting.

67
68
69 Whether or not a complaint occurs inside or outside of the evaluation process, if
70 there is a complaint against a direct report, staff recommends that HR first contact
71 CIS and determine whether an outside investigator should be hired. The
72 subsequent executive session would be noticed per ORS 192.660(2)(b) with the
73 appropriate notice to the employee.

74
75 All existing personnel policies applicable to complaints continue to apply.
76
77