

RESOLUTION NO. 2024-_____
A RESOLUTION CENSURING COUNCILOR ERWIN FOR VIOLATION OF THE CITY’S WORKPLACE HARASSMENT POLICY

WHEREAS, effective January 1, 2020, the City Council of West Linn adopted Ordinance 1704 setting forth the City’s policy and procedure for reporting and investigation of workplace harassment; and

WHEREAS, the City’s policy regarding workplace harassment, which is part of the City’s Personnel Policy, applies to all employees of the City, as well as elected officials, members of City boards and committees, and volunteers through Ordinance 1704; and

WHEREAS, the City received a complaint accusing Councilor Erwin of workplace harassment, as defined in Ordinance 1704 and ORS 659A.030, 659.082, and 659A.112; and

WHEREAS, the City delegated the responsibility for coordinating and conducting an investigation of the alleged workplace harassment to an independent investigator unaffiliated with the City to determine whether any violation of the City’s Workplace Harassment Policy occurred; and

WHEREAS, the City notified Councilor Erwin that an investigation into the alleged workplace harassment commenced; and

WHEREAS, the investigator’s report contained facts and findings substantiating the alleged workplace harassment in violation of the City’s Workplace Harassment Policy; and

WHEREAS, the City notified Councilor Erwin of the finding that reasonable grounds exist that a substantial violation of the City’s Workplace Harassment Policy has occurred; and

WHEREAS, the City further notified Councilor Erwin that the Council would hold a hearing to consider the complaint and charges and that Councilor Erwin had the right to present a defense to the alleged misconduct; and

WHEREAS, Councilor Erwin was afforded sufficient advance notice of the purpose of the hearing and chose an executive session for the hearing rather than an open session; and

WHEREAS, on January 8, 2024, the balance of Council not accused held the executive session hearing concerning Councilor Erwin’s alleged workplace harassment and the findings contained within the investigation report.

NOW, THEREFORE, THE CITY COUNCIL OF WEST LINN RESOLVES AS FOLLOWS:

Section 1: The City Council accepts the facts and findings set forth in the independent investigator’s report substantiating the allegations resulting in violations of the City’s Workplace Harassment Policy found in Ordinance 1704.

Section 2. The City Council has lost confidence in Councilor Erwin.

Section 3: The City Council censures and reprimands Councilor Erwin for violating the City's Workplace Harassment Policy set forth in Ordinance 1704.

Section 4. Under the direction of the City Council as a whole and upon passage of this Resolution, Councilor Erwin's appointment as Council liaison to the Arts & Culture Commission, the Historic Review Board, the Parks and Recreation Advisory Board, and the Planning Commission are rescinded by the Mayor. The liaison assignments will be redistributed by the Mayor.

Section 5: The City Council further asks that Councilor Erwin voluntarily resign from office.

Section 6: The City Council restates and reaffirms the City's policy that workplace harassment of employees, prospective employees, volunteers, community advisory board members, and elected officials is not permitted regardless of working relationship or supervisory role. The City Council further reaffirms the rights of victims of such violative conduct to report the conduct for immediate investigation without fear of retaliation.

Section 7: This Resolution is effective upon passage by a unanimous vote of the balance of City Council not accused.

This Resolution was PASSED and ADOPTED this ____ day of January 2024.

AYES:

NAYS:

ABSTENTIONS:

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY