

Memorandum

Date: April 8, 2010

To: The Honorable Mayor and City Council Members

From: Brent Trout, City Administrator

Re: Personnel Issue Requiring Outside Investigator

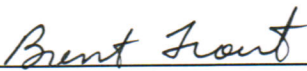
A City Council member came to me with a complaint reference a City employee's behavior towards them. The complaint information was taken down by me and I determined that an investigation was warranted to determine the facts in the case to determine if a disciplinary action was required.

The standard procedure followed when a complaint is filed is to have the Human Resources Manager/City Attorney Tom Meyer conduct an investigation by talking to the complainant, the employee, and any witnesses of the incident. The investigation is conducted and the information gathered is given to the department director for them to determine if any disciplinary action is required against the employee. It is important in any investigation to insure that both the complainant and the employee have a fair and unbiased review of the facts relating to the complaint. In this case the complainant was a City Council member which is the direct supervisor of the City Attorney creating a difficult position for the person conducting the investigation. I determined that a private attorney should conduct the investigation instead of the City Attorney given this situation. City Attorney Meyer agreed with my analysis of the situation and recommended the hiring of an outside attorney for this situation. I did not inform the City Council of this decision because it is a personnel matter under my responsibilities as City Administrator.

The situation has never occurred in my career before but it seems logical that a person that can not be influenced by the complainant or employee should conduct the investigation. I would always recommend that an outside impartial party conduct the investigation in order to provide an unbiased report. The investigation is complete and a summary will likely be forwarded to me next week. I will then review the information and meet with the appropriate department director to

determine what if any action is required based on the information. The matter is a personnel matter that is, per City Code, the sole purview of the City Administrator and will be handled as a private matter. I will not address any other matters discussed during the investigation not related to the personnel complaint as they are outside of my assigned responsibilities.

If you have questions regarding the actions taken please contact me.



Brent Trout, City Administrator

CC: Tom Meyer, Human Resources Manager/City Attorney