

REPORT: Council was concerned about litigation

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lack of sensitivity as to how employees might interpret the situation. The circumstances involved permits for the Saddlestone development, for which Gorayeb's wife serves as a real estate agent. Gorayeb told Driscoll that he is "meticulous" about separating his wife's work from his own." He also indicated that it was "common for him to ask for timelines for some — but not all — permits and that he has asked for timelines on the Saddlestone project."

Driscoll reported, "I find Gorayeb did not directly mandate the staff to process the permits for his wife's clients any faster or differently than other permit. That being said, it is reasonable for employees in the planning staff to feel implicit pressure when the City Manager asks about a project that may impact his or her personal financial situation. Gorayeb should have recognized that his involvement, even if only done as a matter of inquiry, would likely result in the staff treating those permits with a higher priority. I find Gorayeb's conduct resulted in the staff feeling compelled to treat Saddlestone permits more favorably."

It is clear from the report and the executive summary that the City Council had no grounds to dismiss Gorayeb for cause. Allegations of bullying and harassment were not sustained. Further, as Gorayeb stated in his letter of resignation, "Prior to this investigation, I have never been notified or warned about deficiencies in my performance or workplace conduct." With no prior documentation, correction or disciplinary action in his personnel file, the Council had no means of dismissing Gorayeb for the conduct that was found in the report.

Though Gorayeb was an at-will employee and could theoretically have been dismissed for "no cause" at any time, doing so in these circumstances would have meant walking into a legal minefield. Gorayeb could have argued plausibly that, given the existence of the report, that a "no cause" termination was a sham, a "for cause" firing in disguise. That could have been grounds for legal action.

Given that a majority of employees were satisfied with Gorayeb's management and felt the City was more

productive and effective under his leadership, it seems that the Council could have come to terms with Gorayeb on some form of discipline to correct objectionable behavior. The discipline the Council did propose — on April 26, very late in their deliberations — was unacceptable to Gorayeb, and all five councilors voted to accept his resignation without protest.

Clearly, the Council was unwilling to retain Gorayeb as the chief executive of the City of Sisters when his conduct included "open and frequent" use of disparaging terms for councilors and community members and other conduct that was not "fair and courteous."

Nothing in the report gives a clear picture as to why the Council felt so exposed to litigation...

The council was, in fact, willing to pay a substantial severance package to ensure that Gorayeb would resign and depart without legal entanglements. Nothing in the report gives a clear picture as to why the Council felt so exposed to litigation, other than the fact that none of the conduct was an offense that justified termination. But Gorayeb resigned. So, why a \$114,000 payout?

Councilor David Asson said that the council's action, which he voted against, was motivated by "excess concern regarding the possibility of reprisal litigation."

The Council was strongly motivated to protect the confidentiality of the investigator's report, which ultimately was released. They were concerned about the potential impact of employees' statements about other employees.

Asson said the confidentiality of the report "was a major factor in all our deliberations. All five of us (councilors) were very concerned about this."

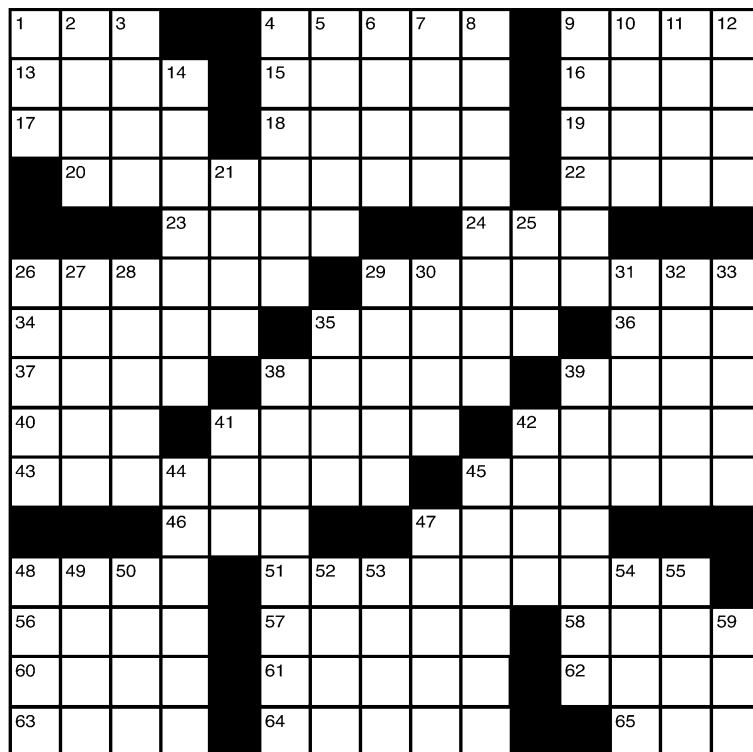
The report that was released late on Monday was redacted by the office of City Attorney Steve Bryant to protect the identity of employees other than Gorayeb. However, the report was not thoroughly redacted; the names of numerous staff members appeared in the report. A second version, with additional redactions, was released later, but the original report has already been widely disseminated.

The City of Sisters is expected Thursday to formally hire Rick Allen as a limited duration city manager, as the City moves on.

The Nugget Newspaper Crossword

By Jacqueline E. Mathews, Tribune News Service

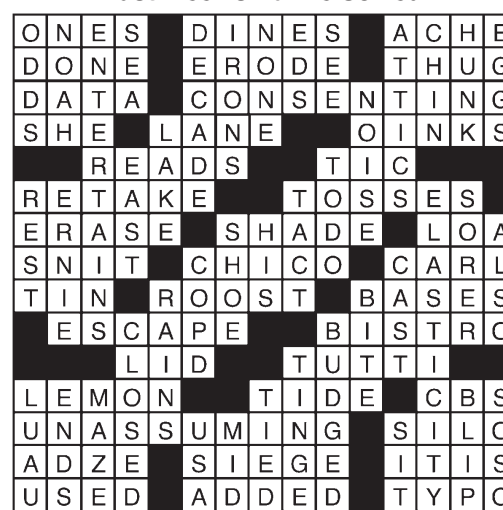
- ACROSS**
- "He Ain't Heavy, ___ My Brother"
 - Oak tree nut
 - Vexes
 - Possesses
 - Juliet's love
 - Bar ___; with no exceptions
 - ___ moss; soil enhancer
 - 1960s dance
 - Crock-Pot meal
 - Italian staple
 - ___ up; spends
 - Sightseeing trip
 - Coolidge's nickname
 - Luxury car
 - Artists
 - Went astray
 - Circular
 - Actor Diesel
 - Gets older
 - Human ___; person
 - Kelly or Wilder
 - Kook
 - Cut of beef
 - Sicker
 - Picture on the wall of a coastal resort
 - Nun
 - Small batteries
 - ___ over; contemplate
 - Black card
 - Exciting
 - Long walk
 - Pass out
 - Have to have
 - At any time
 - Say
 - Fence opening
 - "___ of the d'Urbervilles"
 - Suspicious
 - ___ away; fled
- DOWN**
- Bunny's move
 - Mothers of lambs
 - Ginger cookie
 - 19th-century U.S. president
 - Cringe in fear
 - Fail to mention
 - Sit for a spell
 - Catching sight of
 - Cheap shot
 - Decomposes
 - Part of the leg
 - Uses a Singer
 - Museum pieces
 - Egg on
 - Most common conjunction
 - Denims
 - Quarrel
 - Actress Garbo
 - Self-confidence
 - Female relative
 - Chris of tennis
 - Wash off soapsuds
 - Look of contempt
 - "As ye sow, so shall ye ___"
 - Like a braggart
 - Baby waterbird
 - TV maker of the past
 - Little Prince George's dad
 - Fencing swords
 - Hot and humid
 - Ore seeker
 - Huntley or Atkins
 - TV's "One Life to ___"
 - Hawaiian lutes, for short
 - Abhor
 - Ceremony
 - ___ completion; almost finished
 - ___ kick out of; find humorous
 - Hideaway



Created by Jacqueline E. Mathews

5/18/16

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5/11/16

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