The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT CITY COUNCIL

6:00 PM **November 7, 2017**

MEETING CALLED BY THE MAYOR JERRY L. TOMLINSON Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, OK 74701 SPECIAL AGENDA

DURANT CITY HALL
300 W. EVERGREEN, DURANT, OK
ROSCOE J. HATFIELD COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consider Resolution No. 2017-22 A Resolution of the Durant City Council Disapproving and Censuring Certain Actions of Councilmember Oden Grube

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 2nd day of November, 2017 and that an agenda of said meeting was posted at the place of such meeting at 3:31 p.m. on the 6th day of November, 2017.

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Cynthia J. Price, City of Durant

The City of Durant

Office of City Clerk

Memorandum

Date:	11/6/2017
To:	Mayor and City Council
From:	Thomas Marcum, City Attorney
Re:	Consider Resolution No. 2017-22 A Resolution of the Durant City Council Disapproving and Censuring Certain Actions of Councilmember Oden Grube

Council Information / Action Requested

Consider Action on Resolution No. 2017-22 A Resolution of the Durant City Council Disapproving and Censuring Certain Actions of Councilmember Oden Grube.

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
Memo	Exhibit	11/6/2017
Resolution 2017-22	Exhibit	11/6/2017

THOMAS N. MARCUM
ATTORNEY AT LAW

MEMORANDUM

TO: Mayor and City Council

FROM: Thomas Marcum

DATE: November 6, 2017

RE: Consideration of Resolution regarding Censure

The above-referenced agenda item, if adopted, publicly acknowledges the Council's disapproval of the actions taken by Councilmember Grube. Censuring a councilmember puts the member and the public on notice that the Council finds that the member has violated the Code of Conduct for councilmembers, state statute, municipal policy, or other standard by which the council holds itself. Censuring a councilmember does not in itself limit that member in the member's right to sit or vote on council matters. The adoption of the censure resolution may, however, prevent the member from serving on authorities, boards, committees, and commissions as a councilmember.

(580) 380-2848
tmarcum@durant.org

Resolution No. 2017-22

A RESOLUTION OF DURANT CITY COUNCIL DISAPPROVING AND CENSURING CERTAIN ACTIONS OF COUNCILMEMBER ODEN GRUBE

WHEREAS, It is essential for the effective governing of the City of Durant for the public to have confidence in the integrity of its local government and its fair, effective, respectful, and courteous operation; and

WHEREAS, Councilmembers are bound to comply with Ordinances of the City of Durant, Oklahoma State Statutes, and the Protocols and Code of Ethics adopted by the City Council; and

WHEREAS, the City Council must ensure that municipal, state, and federal laws and guidelines are followed by its members in all areas and, specifically, as to employer-employee relations; and

WHEREAS, the City Council has both observed and been provided information by third parties indicating Councilmember Oden Grube has taken actions toward or directly involving city employees that were interpreted as abusive, hostile, or disrespectful; and

WHEREAS, Councilmember Grube's actions have had a negative effect on the working environment within the City and has been detrimental to the effective governance of the City; and

WHEREAS, numerous individuals have expressed concerns regarding Councilmember Grube's actions including but not limited to employees of the City of Durant, members of various municipal Commissions and Authorities, and members of the public; and

WHEREAS, the specific allegations against Councilmember Grube are that she has:

1. Conducted meetings with City employees beyond that permitted by an elected official;
2. Publicly released a document outlining several meetings with City employees conducted without the knowledge of City Manager or other administrative staff in which personnel matters were discussed and specific employees were criticized.
3. Utilized social media to criticize City employees including specifically naming certain staff;
4. Acted unprofessional in conducting personal attacks toward City employees both in person and in public and on social media;
5. Confronted City employees, cursing at them and threatening funding of their department(s);
6. Publicly implied individuals were involved in criminal activities including members of the public.
7. Assisted City of Durant employees by coordinating and promoting fake social media accounts in order to post defaming and slanderous comments about other city employees, the City Manager, fellow council members and even their spouses on her Concerned Residents Against Misrepresentation & Misappropriation (CRAMM) Facebook page that she administers.

8. Has fostered and created a workplace environment in which some Durant city employees feel entitled to publicly admonish their supervisors and administration because they feel protected by her authority.

WHEREAS, Durant City Council has an obligation to ensure that no member of the Council contributes to the creation of a potentially hostile work environment for City employees; and

WHEREAS, in response to the allegations set forth herein, the Council met in Executive Session on September 12, 2017, to review the allegations, discuss the legal consequences and potential for litigation to which the actions of Councilmember Grube expose the City; and

WHEREAS, the Council in Executive Session, Councilmember Grube present, reviewed this proposed Resolution; and

WHEREAS, having been made fully aware of the allegations against her, Councilmember Grube has refused to acknowledge the proper role of a Councilmember and the conduct associated therewith and to recognize that her actions place the City in a position of potential liability; and

WHEREAS, Councilmember Grube has had the opportunity to respond in the public portion of the special meeting of the Durant City Council conducted November 7, 2017, prior to the Council's vote on this Resolution.

NOW, THEREFORE BE IT RESOLVED by the Durant City Council that the above recitals are true and correct as are incorporated herein as though set forth in full.

BE IT FURTHER RESOLVED that the Durant City Council finds that Councilmember Grube in her conduct toward City Staff and members of the public:

1. Has detracted from the orderly, efficient, and fair conduct of City business;
2. Has improperly interacted with City Employees beyond that permitted by an elected official;
3. Has potentially created a hostile work environment by publicly addressing certain departments and staff as incompetent or in need of termination;
4. Has not served to increase the public confidence in City government;
5. Has not met the standards of conduct this Council requires of its members.

BE IT FURTHER RESOLVED by the Council that the Resolution serves as a formal statement of censure disapproving Councilmember Grube's conduct as described herein.

PASSED AND ADOPTED this 7th day of November, 2017.

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Jerry Tomlinson, Mayor

ATTEST:

_____

Cynthia Price, City Clerk