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# PROPOSED CENSURE OF COUNCIL MEMBER MACDONALD

Presented by  
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City Council Meeting  
December 16, 2025

# Overview

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Two proposed resolutions. Separated to allow Council Member MacDonald to participate in items where no conflict of interest.

Based on findings of an outside, independent attorney investigator with Van Dermyden Makus law firm, Council directed all actions in the resolutions be brought forward.

# Scope of Investigation

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The investigator conducted a workplace investigation into allegations that Council Member MacDonald engaged in negative and offensive behavior towards City employees motivated by her publicly-known, consensual romantic relationship with a different City employee (“Consensual Relationship”).

# Investigator's Findings

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The investigator determined Council Member MacDonald:

1. Engaged in negative behavior toward City employees because of her Consensual Relationship;
2. Made unwelcomed comments of a sexual nature to City employees about her Consensual Relationship; and
3. Attempted to influence a City operational decision based on her perception it may benefit her romantic partner.

Based on those findings, the investigator concluded Council Member MacDonald violated the City's Anti-Harassment Policy.

# Two Proposed Resolutions

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The **first** resolution, if adopted, will take disciplinary action and certain remedial actions based on the investigator's findings. Council Member MacDonald may participate in this item.

The **second** resolution will be considered after Council Member MacDonald recuses. The resolution, if adopted, will take an additional remedial action based on the investigator's findings.

# Background: Code of Conduct

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The Code of Conduct for Council Members and Board and Commission Members (Council Policy No. 000-51) requires Council Members and Board/Commission Members to:

- Adhere to the highest standards of respect, Council Policies, civility, and honesty in ensuring the effective maintenance of intergovernmental relationships and
- Treat others with respect.

Council Members have primary responsibility for ensuring compliance with the Code of Conduct to maintain full public confidence in the integrity of City government.

# Background:

## Anti-Harassment Policy

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The City's Harassment, Discrimination, and Retaliation Prevention Policy (Council Policy No. 700-03) is intended to prohibit and prevent discrimination, harassment, and retaliation in the City's workplace and sets forth related procedures.

# Background:

## Anti-Harassment Policy (cont'd)

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Workplace “harassment” includes conduct that is intended, or actually does, unreasonably interfere with an employee’s work performance or creates an intimidating, hostile, or offensive working environment.

Harassment includes “unwelcome” conduct related to an intimate relationship between others in the workplace.

Harassment does not require an intent to harass.



# Background:

## Anti-Harassment Policy (cont'd)

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The Policy requires managers/supervisors, including City elected officials, to:

- Model appropriate behavior;
- Take all steps necessary to prevent harassment, discrimination, and retaliation from occurring.
- Receive complaints in a fair and serious manner;
- Take appropriate action to stop potential policy violations;
- Implement appropriate disciplinary and remedial actions; and
- Participate in appropriate training.

# Background:

## Anti-Harassment Policy (cont'd)

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The policy also specifically requires Council Members to:

- Treat City employees with respect and consideration,
- Model appropriate behavior, and
- Participate in periodic training as appropriate or required.

# Background:

## Romantic/Sexual Relationships Policy

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- The City has a Romantic/Sexual Relationships Policy
- Like other similarly-sized cities, the City's policy does not apply to Council Members or address relationships between Council Members and City employees.

# Workplace Investigation

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- City received allegations in June 2025.
- City followed the Anti-Harassment Policy and retained the attorney investigator to conduct a confidential independent workplace investigation. The investigation began in July 2025.
- After concluding the investigation, the investigator provided City with a confidential attorney-client privileged report in November 2025.

# Why Only Limited Information?

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In disclosing information about the confidential investigation, the City carefully and appropriately balanced two important and competing interests:

1. The need for transparency about the conduct of the City's elected officials; and
2. The privacy and other rights of City employees, along with the City's commitment to maintaining a positive and respectful workplace where employees feel comfortable reporting alleged policy violations.

# First Resolution: Proposed Disciplinary Action

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## Censure Council Member MacDonald

- Censure = publicly admonish.
- Strongest form of discipline Council can take against a Council Member.
- Council has no authority to remove an elected official from office.

# First Resolution:

## Proposed Remedial Actions

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1. Urge Council Member MacDonald to re-commit to her obligations under the Ant-Harassment Policy and Code of Conduct.
2. Direct the City Manager to implement reasonable and appropriate operational steps in response to the investigator's findings.

# First Resolution

## Proposed Remedial Actions (cont'd)

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3. Direct the City Manager to bring recommend changes to the Code of Conduct and Anti-Harassment Policy to Council for adoption.
4. Direct the City Manager to provide, by end of March 2026, additional training for Council Members related to the investigator's findings.
  - In addition to the harassment prevention and ethics trainings required by state law.





# Questions?

# Council Member MacDonald Recuses

# Second Resolution: Proposed Further Remedial Action

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If adopted, the **second** resolution, would take the following additional remedial measure based on the investigator's findings:

Direct the City Manager to schedule a study session to obtain direction concerning a possible new policy to address intimate relationships between Council Members and City employees.

# Second Resolution:

## Why a Study Session?

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- Need to explore various policy options and provide direction
- Policy enforcement challenges: Council cannot remove elected officials from office
- Depending on direction, may require bargaining with employee representatives



# Questions?