

CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER, CITY HALL  
February 1, 2010

A meeting of the **Personnel Board**, City of Peoria, Arizona was convened at 8401 W. Monroe Street in open and public session at 5:38 p.m.

**Members Present:** Mark Hughes, Gene Sweeney and Dennis Cheney, Alternate Member

**Members Absent:** Vernon Jacobs

**Board Attorney Present:** Fredda Bisman, Attorney-at-Law

**Staff Present:** Steve Kemp, City Attorney; Cheryl Boswell, Assistant City Attorney; Wynette Reed, Human Resources Director; Bobbie Kimelton, Human Resources Manager; and Linda Blas, Deputy City Clerk

**Others Present:** Mr. Joseph Garnica, Appellant; and Mr. Edmundo Robaina, Appellant's attorney.

**Audience:** Approximately three members of the public were present.

**CONSENT – New Business:**

**1C DISPOSITION OF ABSENCE:**

Acting Chairman Mark Hughes announced Agenda Item 1C was pulled from the agenda at the request of staff.

**2C MINUTES:**

Acting Chairman Mark Hughes announced Agenda Item 2C was pulled from the agenda at the request of staff.

**3C Authorization to Hold an Executive Session Pursuant to A.R.S. § 38-431.03.A.3:**

Motion was made by Board Member Cheney, seconded by Board Member Sweeney, to authorize the holding of an Executive Session for the purpose of discussion or consultation with legal counsel for legal advice pertaining to the dismissal appeal of Joseph Garnica (Appeal No. 09-3).

Upon vote, the motion carried unanimously 3 to 0.

**NEW BUSINESS:**

**4R ELECTION OF OFFICERS**

Motion was made by Board Member Cheney, seconded by Board Member Sweeney, to carry over to the next meeting the election of officers including Chairman and Vice-Chairman.

Upon vote, the motion carried unanimously 3 to 0.

**5R JOSEPH GARNICA DISMISSAL APPEAL**

Personnel Board Appeal Number 09-3 was heard in Open Session. Ms. Cheryl Boswell, Assistant City Attorney was present and represented the Respondent, the City of Peoria. Mr. Edmundo Robaina was present and represented the Appellant, Mr. Joseph Garnica.

Ms. Boswell presented arguments in favor of accepting the Hearing Officer's Recommended Decision and Award upholding the City of Peoria's termination of Mr. Garnica.

Mr. Robaina presented arguments defending the Appellant's position regarding termination of employment.

Ms. Boswell made a brief rebuttal in response to Mr. Robaina's arguments.

The Board recessed into Executive Session at 6:44 p.m.

Acting Chairman Mark Hughes reconvened the meeting of the Personnel Board in Open Session at 6:49 p.m.

Motion was made by Board Member Cheney, seconded by Board Member Sweeney, to accept the Hearing Officer's Recommended Decision and Award and deny the grievance filed by Mr. Garnica.

**Adjournment:**

Being no further business to come before the Personnel Board, the meeting was duly adjourned 6:52 p.m.

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Secretary