

CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER, CITY HALL
June 8, 2009

A meeting of the **Personnel Board**, City of Peoria, Arizona was convened at 8401 W. Monroe Street in open and public session at 6:17 p.m.

Members Present: Mark Hughes and Dennis Cheney, Alternate Member

Members Absent: Vice Chair Carol Garner and Vernon Jacobs

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

Staff Present: Steve Burg, Chief Assistant City Attorney; Cheryl Boswell, Assistant City Attorney; J.P. de la Montaigne, Community Services Director; Wynette Reed, Human Resources Director; Kirk Haines, Parks Manager; Bobbie Kimelton, Human Resources Manager; and Natalie Gilstrap, Executive Assistant

Others Present: Mr. Ramey Averyt, Appellant; and Mr. Edmundo Robaina, Appellant's attorney.

Audience: Approximately 2 members of the public were present.

Consent Agenda:

Motion was made by Board member Cheney, seconded by Acting Chairman Hughes, to approve the Consent Agenda. Upon vote, the motion carried unanimously, 2 to 0.

1C DISPOSITION OF ABSENCE

Excused former Chair Cheryl Compton's absence from the August 30, 2007 Personnel Board meeting.

2C MINUTES

Approved the minutes of the August 30, 2007 Personnel Board meeting.

3C AUTHORIZATION TO HOLD AN EXECUTIVE SESSION

Pursuant to A.R.S. § 38-431.03.A.3: Approved authorization for 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 Ramey Averyt (Personnel Board Appeal No. 09-1).

New Business:

4R ELECTION OF OFFICERS

Acting Chairman Mark Hughes requested that the election of officers, including Chairman and Vice-Chairman, be carried over to a future meeting.

5R RAMEY AVERYT DISMISSAL APPEAL

Personnel Board Appeal Number 09-1 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. Ramey Averyt.

Ms. Boswell presented arguments in favor of rejecting the Hearing Officer's recommendation to reinstate Mr. Ramey with reduced discipline to include a substantial suspension.

Mr. Robaina presented arguments defending his client's position and generally in favor of accepting the Hearing Officer's recommendation. Mr. Robaina questioned the consistency and degree of the discipline taken by the City of Peoria and recommended by the Hearing Officer against his client.

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

Motion was made by Board member Cheney to accept the Hearing Officer's report and recommendation. Upon further discussion, Acting Chairman Hughes amended the motion to accept the Hearing Officer's findings and modify the recommended "substantial suspension" to a suspension from the date of the termination, January 6, 2009, to the date of the Personnel Board meeting, June 8, 2009. Amended motion seconded by Board member Cheney. Upon vote, amended motion carried unanimously, 2 to 0.

Executive Session:

No Executive Session was held.

Adjournment:

Being no further business to come before the Personnel Board, the meeting was duly adjourned 7:13 p.m.

Carol Garner, Vice Chair

Secretary