

MINUTES
SPECIAL MEETING
LAWTON PERSONNEL BOARD
NOVEMBER 9, 2012 AT 9:00 A.M.

The meeting was called to order by Ernest Godlove, Acting Chairman, at 9:00 a.m. in the Council Chambers/Auditorium, New City Hall. Meeting notice and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL:

Members Present: Ernest Godlove, Ray Polk, Tom Rheinlander

Members Absent: None

Also Present: Frank Jensen, City Attorney; Kelea Fisher, Assistant City Attorney, R.C. Cathey, appellant; Jared R. Ellis, Counsel for appellant; Traci Hushbeck, City Clerk, Donna Flook, Certified Court Reporter.

BUSINESS ITEMS:

2. Hold election of officers: Chair, Vice-Chair, and Secretary.

MOTION by Rheinlander, SECOND by Polk, to appoint Godlove as Chairman. AYE: Rheinlander, Polk, Godlove. NAY: None. MOTION CARRIED.

MOTION by Polk, SECOND by Godlove, to appoint Rheinlander as Vice Chairman. AYE: Polk, Godlove, Rheinlander. NAY: None. MOTION CARRIED.

MOTION by Rheinlander, SECOND by Godlove, to appoint Polk and Secretary. AYE: Godlove, Rheinlander, Polk. NAY: None. MOTION CARRIED.

3. Consider approving the minutes of Special Personnel Board Meetings of September 16, 2008 and July 27, 2012.

MOTION by Rheinlander, SECOND by Polk, to approve the minutes of September 16, 2008. AYE: Rheinlander, Polk. NAY: None. ABSTAIN: Godlove MOTION CARRIED.

MOTION by Polk, SECOND by Godlove, to approve the minutes of July 27, 2012. AYE: Polk, Godlove. NAY: None. ABSTAIN: Rheinlander. MOTION CARRIED.

4. Consider prehearing motions regarding appeal of R.C. CATHEY.

There were no prehearing motions.

5. Consider the appeal of R.C. CATHEY regarding a termination in employment with the City of Lawton, SOLID WASTE COLLECTION DIVISION.

The following witness was called on behalf of the appellant: R. C. Cathey.

The following witnesses were called on behalf of the City: Dennis Bothell, Equipment Maintenance Superintendent and Jerry Ihler, Public Works Director.

The witnesses were excused after testifying.

(The Board recessed at approximately 10:37 a.m. and reconvened at approximately 10:51 a.m. with all those present who were present prior to the recess).

The following Appellant Exhibits were submitted and accepted:

1. Labor/Trade Performance Appraisal dated 12-12-11
2. Photograph of Truck 1
3. Photograph of Truck 2
4. Traffic Collision Report 12-1279
5. Photograph of back-up camera display.
6. Traffic Collision Report 12-1929

The following City Exhibits were submitted and accepted:

1. Personnel Board Rules of Procedure
 2. City Charter – Article C-8 (Officers and Employees Generally)
 3. City Code – Chapter 17, Article 1 Division 8 (Personnel Board)
 4. City Code – Chapter 17, Article 1 Division 7 (Discipline and Grievances)
 5. Administrative Policy 3-12 – Driver Improvement Program
 6. Administrative Policy 3-23 – Safety Program
 7. February 27, 2012 Memorandum to Jayson Powell
 8. March 27, 2012 Memorandum to Jayson Powell
 9. September 4, 2012 Memorandum to Jayson Powell
 10. Vehicle Inspection Checklist from July 10, 2012
 11. September 4, 2012 Memorandum to Jayson Powell
 12. Employee Warning/Reprimand Notice from April 3, 2012
 13. Notice of Predetermination Hearing/Meeting (09/14/12)
 14. Notice of Discharge (09/19/12)
 15. Personnel Action Form Discharging R.C. Cathey (09/20/12)
6. Pursuant to Section 307.B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review and discuss evidence relating to the employment of R.C. CATHEY and consider action on the appeal in open session.

MOTION by Polk, SECOND by Godlove, to convene in executive session to review and discuss evidence relating to the appeal of R. C. Cathey. AYE: Rheinlander, Polk, Godlove. NAY: None. MOTION CARRIED.

The Board convened in executive session at approximately 11:02 a.m. and reconvened in regular open session at approximately 11:11 a.m. with all those present who were present prior to executive session.

MOTION by Polk, SECOND by Rheinlander, to uphold the decision of the City Manger. AYE: Godlove, Rheinlander, Polk. NAY: None. MOTION CARRIED.

There was no further business to consider and upon motion, second and roll call the hearing adjourned at 11:13 p.m.

Ernest Godlove, Chairman