

MINUTES
SPECIAL MEETING
LAWTON PERSONNEL BOARD
JULY 27, 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.

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

ROLL CALL:

Members Present: Ernest Godlove, Ray Polk

Members Absent: Tom Rheinlander

Also Present: Frank Jensen, City Attorney; Kelea Fisher, Assistant City Attorney, Ismael Cruz, Jr., 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. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**
3. Consider approving the minutes of September 16, 2008 Special Personnel Board Meeting. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**
4. Consider prehearing motions regarding appeal of ISMAEL CRUZ, JR.

There were no prehearing motions.

5. Consider the appeal of ISMAEL CRUZ, JR regarding a termination in employment with the City of Lawton, SOLID WASTE COLLECTIONS DIVISION.

The following witness was called on behalf of the appellant: Ismael Cruz, Jr.

The following witnesses were called on behalf of the City: Candy Brown, Safety and Risk Officer and Jerry Ihler, Public Works Director.

The witnesses were excused after testifying.

(The Board recessed at approximately 10:10 a.m. and reconvened at approximately 10:20 a.m. with all those present who were present prior to the recess).

The following Appellant Exhibits were submitted and accepted:

1. Oklahoma Workers' Compensation Court, Form 3, filed 06/21/12.
2. City of Lawton, Report of injury dated 06/17/96
3. City of Lawton, Report of Injury dated 06/27/98

The following City Exhibits were submitted and accepted:

1. Personnel Board Rules of Procedure
 2. City Code – 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. Public Works Policy No. 32
 6. Notice of Predetermination Hearing/Meeting dated 06/15/12
 7. Notice of Discharge dated 06/25/12
 8. Personnel Action Form discharging Ismael Cruz, Jr. dated 06/25/12.
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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 ISMAEL CRUZ, JR 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 Ismael Cruz, Jr. AYE: Polk, Godlove. NAY: None.
MOTION CARRIED.

The Board convened in executive session at approximately 10:58 a.m. and reconvened in regular open session at approximately 11:03 a.m. with all those present who were present prior to executive session.

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

There was no further business to consider and upon motion, second and roll call the hearing adjourned at 11:05 p.m.

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