

City of Fresno

City Hall
2600 Fresno Street
Fresno, CA 93721



Meeting Minutes - Final

Tuesday, March 21, 2023

9:00 AM

Regular Meeting

**City Hall, Second Floor
Meeting Room A (2165N)**

Civil Service Board

*Chairperson Michael McDonald
Vice Chair Jack Tracy
Boardmember Linda Moreno
Boardmember Marina Magdaleno
Boardmember Todd L Cregar
Boardmember Vacant*

The meeting was called to order at 9:00 am.

1. 9:00 a.m. ROLL CALL

Present 4 - Chairperson Michael McDonald, Vice Chair Jack Tracy, Board Member Linda Moreno, and Board Member Todd L. Cregar

Board Counsel James McCann , was present and represented the Board. Also present were **Acting Secretary Designee Michael Torosian**, **Supervising Deputy City Attorney Jennifer DeRuosi** , **Deputy City Attorney III Mao Lee**, **Deputy City Attorney III Laura Davila** and **Assistant Director of Personnel Jennifer Misner**

At 9:02 am the Board convened into Closed Session.

2. APPROVAL OF MINUTES

A. **ID 23-408** February 13, 2023

On motion of Vice Chair Tracy , **seconded by Board Member Moreno**, the above Action Item hereby be APPROVED. The motion duly carried, RESOLVED by a unanimous vote.

3. OLD BUSINESS

A. **ID 23-409** Closed Session- Government Code Section 54957- Continued Public Employee Discipline/Dismissal/Release - Review of Findings [Pursuant to Fresno Municipal Code Section 3-283]

B. **ID 23-452** Closed Session- Government Code Section 54957 Continued Public Employee Discipline/Dismissal/Release - Hearing Officer Findings [Pursuant to Fresno Municipal Code Section 3-283]

On motion of Vice Chair Tracy, **seconded by Board Member Moreno**, that the Hearing Officer's findings, upholding the dismissal of Transit Supervisor I, be approved.

Aye: 4 - Chairperson McDonald, Vice Chair Tracy, Board Member Moreno and Board Member Cregar

Excused: 1 - Magdaleno

4. NEW BUSINESS

A. **ID 23-410** Closed Session- Government Code Section 54957 - Continued

Public Employee Discipline/Dismissal/Release - Joint Stipulation and Order to Vacate Hearing Dates [Pursuant to Fresno Municipal Code Section 3-283]

B. ID 23-417 Closed session - Government Code Section 54957 Public Employee Discipline/Dismissal/Release -Schedule Meeting(s) to Conduct Appeal Hearing [Pursuant to Fresno Municipal Code Section 3-284]

5. HEARING ON APPEAL

A. ID 23-411 Closed session - Government Code Section 54957 Public Employee Discipline/Dismissal/Release [Pursuant to Fresno Municipal Code Section 3-284]

Present on behalf of the Appointing Authority were: Deputy City Attorney III Mao Lee and Department of Transportation Assistant Director Joe Vargas.

Present for the Appellant were : Labor Representative Terri Hauschel and the Appellant.

Witnesses were sequestered and the reading of the Order was waived by the parties.

Exhibits of evidence were presented during testimony and they were filed and moved into the record.

At 12:35 PM, following summaries and closing remarks from the parties, the Board convened into Executive Session to deliberate the matter.

At 1:08 PM, the Board reconvened into Closed Session and voted on the charges as read by Michael Torosian , Acting Secretary Designee.

Present for report of Decision from the Board on behalf of the Appointing Authority were Deputy City Attorney III Laura Davila and Department of Transportation Assistant Director Joe Vargas. Appellant was present and Labor Representative Terri Hauschel. Also present were Board Counsel, James McCann , Acting Secretary Designee Michael Torosian.

The Board proposed action on a motion by Vice Chair Tracy , seconded by Board Member Cregar , that the Order of Removal be Upheld.The motion carried by the following vote:

Aye: 4 Board Member Moreno, Board Member Creger, Vice Chair Tracy and Chairperson McDonald

No: 0

The charge of violation of Fresno Municipal Code Section 3-286(a) as set forth in the Order was Sustained by the following vote:

Sustained : 4 Board Member Moreno, Board Member Creger, Vice Chair Tracy and Chairperson McDonald

Not Sustained : 0

The charge of violation of Fresno Municipal Code Section 3-286(b)(8) as set forth in the Order was Sustained by the following vote:

Sustained : 4 Board Member Moreno, Board Member Creger, Vice Chair Tracy and Chairperson McDonald

Not Sustained : 0

The charge of violation of California Vehicle Code Section 23123.5(a) Operation of Motor Vehicle - Use of Wireless device as set forth in the Order was Sustained by the following vote:

Sustained : 4 Board Member Moreno, Board Member Creger, Vice Chair Tracy and Chairperson McDonald

Not Sustained : 0

The charge of violation of Transportation Department Policy: P7-10(2) Personal Communication Devices as set forth in the Order was Sustained by the following

vote:

Sustained : 4 Board Member Moreno, Board Member Creger, Vice Chair Tracy and Chairperson McDonald

Not Sustained : 0

6. UNSCHEDULED COMMUNICATION

None

7. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:13 pm.