

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
MICHEL NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY NILAND, DISTRICT 8

**SPECIAL WORK SESSION MEETING OF THE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
May 29, 2012**

The City Council met at the above place and date. Meeting was called to order at 2:04 p.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susie Byrd, Carl Robinson, Michiel Noe, Eddie Holguin, Jr. Steve Ortega, and Cortney Carlisle Niland. Late arrival: Susie Byrd at 2:11 p.m.

.....

AGENDA

1. Discussion and action regarding charges filed by Jesus Bautista calling for the removal of Civil Service Commissioner Marcia Turner.
2. Discussion and action regarding charges filed by employees of the City of El Paso calling for the removal of Civil Service Commissioner Marcia Turner, Civil Service Commissioner Kenneth Gezelius and Civil Service Commissioner Eileen Karlsruher.

Mayor Cook started off the meeting with an overview of what was expected of both parties.

Ms. Sylvia Firth, City Attorney commented that this would not be conducted as a Public (normal) hearing. The City Charter states that the Mayor is permitted to vote:

- Recommends to council
- Investigates matters
- Hear/determine appeals
- Oversees provisions
- Appoints hearing officers

She read Rule 1, Section 11 into the record – Removal of Commissioner for cause. The commissioner being charged will be permitted to be heard.

Ms. Firth stated that the charge being brought forward in the May 3 and May 8 charges is Malfeasance and nothing else should be considered.

Representative Ortega questioned Malfeasance as the only charge.

Mayor Cook stated that letters were sent to individuals (no personal attacks). Each person will have reasonable time to defend themselves and that no additional charges will be allowed.

Mr. Jesus Bautista, Commissioner, stated that fairness needs to be transparent.

Ms. Lisa Turner, citizen, read two letters into the record on behalf of Mr. Bautista.

Mayor Cook stated why he allowed the letters to be read into the record on behalf of Mr. Bautista.

Ms. Marcia Turner, Commissioner, asked for the opportunity to go through each charge and defend herself. She stated:

- that she does not cut off representatives or employees and that her voting record resembles other commissioners.
- That upon hearing comments about the City she made notes on April 12th and asked Commissioner Karlsruher to read her letter as she was unable to attend. She read the letter into the record.

Representative Byrd thanked Ms. Marcia Turner for volunteering for the Civil Service Commission and stated that she thought that this was more a personality conflict than malfeasance.

Representative Lilly thanked Ms. Marcia Turner for her 3-1/2 years of service for District 1.

Representative Noe expressed appreciation for what is done on this Commission.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly and unanimously carried to **DENY** the removal of Commissioner Turner.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Cook, Noe, Holguin, Ortega and Niland
NAYS: None

Mayor Cook stated that he had reviewed the films of the meetings in question and that unfortunately they show a lack of respect but no behavior that would warrant removal.

Mr. David Guzman, AFSCME, stated that there is friction within the Commission and that employees are disappointed in the unprofessionalism of the Commissioners. From the employees' side he states:

- That Commissioners cut off employees, are rude and argue with employees.
- The March 8, 2012 meeting shows the employees' concerns regarding commissioners
- Employees must have an opportunity to speak
- Employees want the Commission to work.

Representative Byrd stated that AFSCME plays a vital role in representing employees and is doing a terrible job. There must be a better way to resolve issues. They have failed to bring forth any substance pertaining to the charges. She further stated that everyone must be respectful and bring forth solutions.

Mayor Cook wants to give everyone the opportunity to speak.

Ms. Emila Fierro made comments about looking at this from the side of the City employee.

Mayor Cook asked if the Commissioners being charged would like to speak.

Nobody commented.

Representative Byrd asked what could be done to make the meetings more productive and stated she doesn't see why any Commissioner should be removed.

Mayor Cook stated that everyone is to blame for the conduct of the meetings. That a scolding is necessary and not removal. However, employees must be treated with respect as well. He will speak with the Commissioners.

Representative Niland stated that she has only heard personal attacks. That is if the Commissioners can not conduct the meetings, we need to set the rules.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly to **DENY** the removal of Commissioners Marcia Turner, Kenneth Gezelius and Commissioner Eileen Karlsruher.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Representative Robinson stated that he agrees with the comments from the Mayor. Everyone must be professional and that rules must be set at the beginning of the meeting.

Representative Niland asked that the City Manager advise the Commissioner in the Rules and Regulations and the procedures that need to be in place in an organized fashion.

Mayor Cook advised against. It is wrong to eliminate the ability to bring forth hearings that need to be addressed.

Representative Robinson stated that the Rules of Conduct need to be addressed.

Ms. Firth stated that the by-laws will be addressed.

Motion made by Representative Byrd, seconded by Representative Niland and unanimously carried to have a work session fully vetted before it comes to Council with clear direction and revised guidelines and best practices.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly and unanimously carried to adjourn this meeting at 3:23 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk