

**SPECIAL MEETING OF THE
CITY OF AVALON CITY COUNCIL
THURSDAY, APRIL 14, 2016
ACTIONS**

CITY COUNCIL CALL TO ORDER 8:32 a.m.

ROLL CALL – Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez, and Joe Sampson. Also present Interim City Manager/City Clerk Denise Radde and Geoff Sheldon, Legal Counsel.

CLOSED SESSION 8:34- 10:13 a.m.

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to subdivision (d) (2) of Section 54956.9
Number of cases: Two cases
2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

GENERAL BUSINESS 1:37 p.m.

Following Closed Session Legal Counsel read into the record a written statement on the findings of the appeal hearing for Planning Director Amanda Cook. By a unanimous vote the City Council determined:

VI. Level of Discipline

As to the level of discipline, in determining whether termination is excessive, the overriding considerations are: (1) the extent of harm to the public service resulting from the employee's conduct; and (2) the likelihood that the conduct, if repeated, would result in such harm. (Paulino v. Civil Service Commission (1985) 175 Cal.App.3d 962, 971.)

Based upon the City Council's independent judgment, and for the reasons discussed above, the Council finds that the City met its burden of proving that it there was just cause to impose some type of discipline on Ms. Cook for her acts or omissions. However, the Council finds that termination is not an appropriate disciplinary penalty given the nature of the performance deficiencies. Instead, the City Council finds that Ms. Cook should be reinstated to her position as Planning Director subject to a two (2) week suspension without pay (which shall be deducted from the back pay/benefits that she shall receive in light of the Council's decision to reinstate Ms. Cook's employment). In addition, upon reinstatement Ms. Cook shall be provided a new Performance Improvement Plan so that she is aware of the expectations of her position and so she can bring up her level of performance. Ms. Cook's reinstatement shall be effective as of April 27, 2016.

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ADJOURN

Mayor Marshall adjourned the City Council meeting at 1:57 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the Special City Council Meeting on April 14, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk / Interim City Manager