



City of Grand Island

Tuesday, March 22, 2005

Council Session

Item I3

#2005-96- Approving Date for Personnel Hearing

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney
Meeting: March 22, 2005
Subject: Misconduct Charges Against Howard Maxon
Item #'s: I-3
Presenter(s): Douglas R. Walker, City Attorney

Background

Written charges of misconduct against the Emergency Management Director have been signed, verified and filed with the City Clerk as required by Grand Island Code Section 2-22. This section of the City Code also requires that a resolution be passed by the City Council to establish a hearing on the charges of misconduct if requested by a department director as defined in Section 2-21 of the City Code. The Emergency Management Director, Howard Maxon, has requested a hearing and a resolution setting a hearing date has been prepared for consideration of the City Council.

Discussion

The Emergency Management Director is one of the positions listed under Section 2-21 of the Grand Island City Code as being subject to a process wherein if written charges of misconduct are filed against a director, then that director is entitled to a hearing before the City Council pursuant to the provisions of City Code Section 2-22. Section 2-22 of the City Code further requires that a hearing be established by resolution of the City Council and that the hearing take place not less than five days nor more than ten days after the passage of the resolution. The resolution before the City Council for consideration would establish a hearing for March 29th, which would be seven days after the passage of the resolution if the Council chooses at 9:00 AM do so at the March 22, 2005 meeting.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the resolution which will establish a hearing on March 29, 2005, for the Council to determine whether or not the charges that have been filed against Howard Maxon are valid and warrant termination of employment.
2. Disapprove or deny the resolution setting a hearing in which case a hearing could not proceed and the process of terminating the employment of Howard Maxon could not proceed.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council pass the resolution establishing a hearing date on the charges of misconduct that have been brought against Howard Maxon on March 29, 2005.

Sample Motion

Motion to approve the resolution establishing a hearing date on March 29, 2005.

**Charges of Misconduct
Against
Howard Maxon, Emergency Management Director**



The following is a list of the charges that I am filing with Grand Island City Clerk RaNae Edwards against Howard Maxon, Emergency Management Director.

1. **Unsatisfactory Performance.** Your evaluation dated April 28, 2004, indicated that your performance was substandard as an employee. Your evaluation indicated that you needed improvement in the areas of dependability, productivity, initiative, attitude, self-improvement, leadership and training. As a result of these deficiencies, you were placed on probation and given an opportunity to correct these problems. The job performance deficiencies noted in your April 28, 2004, evaluation were also reflected in your evaluation dated February 9, 2005, thus indicating that you have not made satisfactory improvement.

2. **Incompetence.** One of the duties of your position is to oversee the 911 revenues on the surcharge fees from local phone service providers. An audit of the 911 revenues conducted in November and December, 2004, disclosed that these monies were not handled properly and that lack of oversight caused the county to lose a substantial sum of money, estimated to be well in excess of \$100,000 due to phone service surcharge fees that were not collected when an increase was implemented from .50¢ per land line to \$1.00 per land line for the period of January 1, 2002 until January 3, 2003. City employees who conducted the audit also indicated that you were uncooperative during the process of reviewing the records of 911 revenue.


3. **Demeaning, Disruptive and Uncooperative Conduct in the Work Place.** City Administration and Human Resource Departments have received feedback from personnel in your department that your conduct has been demeaning to employees of the Emergency

Management Center. Employees have also indicated that you are not cooperative in working with them and in assisting them with performing their duties. The city has specifically received information from a recently retired employee indicating that she was ridiculed and embarrassed by your actions while working in your department. As a result of these actions, you are hereby charged with demeaning conduct in the workplace.

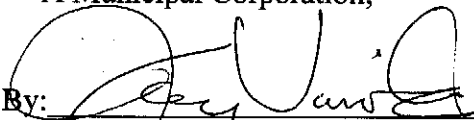
4. **Insubordination.** City Administration and the Human Resources Director met with employees of your department to evaluate and find solutions to the poor work environment. A June 8, 2004 memo was issued to you summarizing the comments of problems in your department along with recommendations to correct these problems. The memo required that you implement the changes to improve the working environment and to share the memo with your staff. You did not fully implement, follow through or sustain the required improvements. You also did not share the information in this memo with your entire staff until your supervisor verbally reprimanded you for not doing so. You have therefore, been insubordinate in the handling of your department.

As Mayor of the City of Grand Island, I am submitting these charges pursuant to the requirements of Section 2-22 of the Grand Island City Code, which are all offenses set forth in the City Employee Handbook which may result in discharge from employment.

Attest:


RaNae Edwards, City Clerk

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

By: 
Jay Vavricek, Mayor

RESOLUTION 2005-96

WHEREAS, written charges of misconduct against the Emergency Management Director, Howard Maxon, have been signed, verified and filed with the City Clerk; and

WHEREAS, Grand Island City Code Section 2-22 requires that the City Council by resolution set a time for hearing on such charges, not less than five days nor more than ten days subsequent to the passage of such resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a hearing on the written charges against Howard Maxon, Emergency Management Director, which have been signed, verified and filed with the City Clerk, shall be held on March 29, 2005, at 9:00 a.m.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 22, 2005.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 17, 2005	☐ City Attorney