



City of Grand Island

Tuesday, March 29, 2005

Special Meeting

Item -1

**Personnel Hearing for Howard Maxon, Emergency Management
Director**

Staff Contact: John Higgins, Hearing Examiner

**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

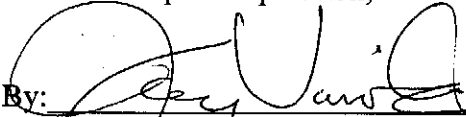
Management Center. Employees have also indicated that you are not cooperative in working with them and in assisting them with performing their duties. The city has specifically received information from a recently retired employee indicating that she was ridiculed and embarrassed by your actions while 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

ANGLE, MURPHY, VALENTINO & CAMPBELL, P.C.

ATTORNEYS AT LAW
617 GRANT AVENUE
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MICHAEL J. MURPHY
VINCENT VALENTINO
CHARLES W. CAMPBELL

WALLACE W. ANGLE
(1921-2007)

February 22, 2005

**SENT VIA: FACSIMILE (308) 385-5427
AND REGULAR U.S. MAIL**

Doug Walker
City Attorney
City of Grand Island
100 E. 1st Street
P.O. Box 1968
Grand Island, NE 68802-1968

RE: City of Grand Island v. Howard Maxon termination proceeding

Dear Doug:

I wanted to advise you formally as of this date that I represent Howard Maxon who has apparently been charged or will be charged with misconduct in office and a hearing held. I do not know precisely what date the City is looking at to have this matter handled, but I will be gone from March 3rd through March 12th to see my daughter in Madrid, Spain. If the hearing is held March 1st or 2nd, I will be available. Otherwise, I would request that the hearing not take place until the week of March 14, 2005. I would like to be informed of whatever the charges are against Mr. Maxon and be allowed access to documents that he may need in his defense. It is my understanding that he was locked out of his office and that the employees of the City of Grand Island were instructed not to have any contact with him. Depending upon the formal charges filed, I may request that he or I have access to his office to retrieve documents and have access to employees to either take their deposition or otherwise have them interviewed prior to such hearing. Thank you.

Sincerely,



Vincent Valentino
For the Firm

VV:tlw

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.

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