



SUMMARY MINUTES

CITY OF SCOTTSDALE PERSONNEL BOARD MEETING

8:30AM., Tuesday, September 9, 2014
NCY – Wrangler Room
9191 E. San Salvador Drive
Scottsdale, Arizona 85258

PRESENT

Board Members: June Cohen (Chair)
Lyle Ferger (Vice Chair)
Jennifer Pollock, Board Legal Counsel

Respondent: Alan Rodbell, Chief of Police
William Hysten, Respondent Counsel

Appellant: Joseph Petrocco
Phil Fleming, Appellant Counsel

Respondent Witnesses: Mark Ashton
Bryan Smith
Kathryn Alcini
Alan Blume
Jeffrey Hawkins
Nathan Mullins
Joseph Nichols
Jason Stumpf
Lisa Angelini
Alan Rodbell

Appellant Witnesses: Joseph Petrocco
Matt Rundell
Michelle Mitchell

Staff: Donna Brown, Human Resources Director
Lorelei Oien



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CALL TO ORDER

Chair Cohen called the Personnel Board Hearing meeting to order at 8:28 a.m. Roll call confirmed the presence of Board members as noted.

1. HEARING ON APPEAL OF TERMINATION OF JOSEPH PETROCCO

The hearing convened at 8:28 a.m. with introductions of the Board, Appellant Party and Respondent Party, followed by Chair Cohen's statement of the authority of the Board and the rules of order that were to apply during the hearing.

Chair Cohen called for the witnesses, asked each one to stand, raise their right hands, and administered the oath.

Chair Cohen asked if either Party wished to exclude any or all witnesses from hearing the testimony of the others; Mr. Fleming invoked the exclusionary rule.

Chair Cohen asked Donna Brown, Human Resources Director, to enter into the record the case to be heard by the Board.

Chair Cohen asked each Party to make a brief opening statement of not more than ten minutes; Mr. Hylan, Counsel for the Respondent, proceeded first, followed by Mr. Fleming, Counsel for the Appellant. With the rule for exclusion being implemented, the witnesses were moved to an adjoining room to wait to be called for their testimony after opening statements were completed.

Chair Cohen asked Mr. Hylan to present the Respondent's evidence and to call witnesses in support of the charges.

At 10:17 am, Chair Cohen called for a 10 minute break; the hearing was reconvened at 10:28 a.m. with the continuation of respondent witness testimony, cross examination and questions by the board members.

Chair Cohen called for a lunch break at 11:57 a.m.

Chair Cohen called the hearing back to order at 12:38 p.m. and respondent witness testimony, cross examination and board member questions continued.

The hearing was reconvened at 2:09 after a five minute break and Mr. Fleming presented the Appellant's evidence and called witnesses in support of the appeal. Upon conclusion of all testimony, cross-examination and questions by the board members, Chair Cohen received the Respondent's Exhibits A through W and the Appellant's Exhibits 1 through 3 into evidence.

Chair Cohen called for summations and explained that each Party would have up to 15 minutes each to present a summation of their positions, beginning with the Respondent. Upon the conclusion of Mr. Hylan's summation, Mr. Flemings presented the summation for Appellant.



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2. MOTION TO RECESS INTO EXECUTIVE SESSION

The Board recessed into Executive Session from 4:45 p.m. to 5:05 p.m.

3. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD

The Board discussed the findings of fact, their conclusions, and recommendation to the City Manager.

4. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER

Chair Cohen moved to approve the Board's Findings of Fact that:

(1) The City acted appropriately in not following the progressive discipline system due to the severity of the April 19, 2014, incident;

(2) Regarding the April 19, 2014, incident, Officer Petrocco did not perform his duties in a competent or efficient manner in violation of SRC 14-72(1);

(3) The time for Officer Petrocco to get to the scene April 19, 2014, to backup Officer Alcini was in excess of four minutes. Officer Petrocco was prompted on several occasions by the officer in charge. This violated SRC 14-72(18); and

(4) Officer Petrocco did not violate SRC 14-72(2).

Additionally, the Board found that:

- Officer Petrocco was talked to by both Internal Affairs as well as his Sergeant and that there was testimony from his Sergeant that Officer Petrocco had been informed that the behavior the Sergeant had been seeing was unacceptable and needed improvement, in accordance with ARS 38-1104(l)(3)(a).
- Officer Petrocco was in violation of safety rules and practices which put another officer in jeopardy and that just cause was met, in accordance with ARS § 38-1104(l)(3)(b).
- There seemed to be no discrepancy as to what occurred. There were timelines that supported what occurred and there was general consensus of the people who testified of what occurred. The Board found there was a preponderance of evidence of what occurred, in accordance with ARS § 38-1104(l)(3)(c).
- Given the testimony by Chief Rodbell, the actions or inactions of Officer Petrocco rise to the occasion of warranting disciplinary action. Despite his excellent service record and even understanding this was one mistake, the standard of just cause was met, in accordance with ARS § 38-1104(l)(3)(d).

Chair Cohen moved that the Board adopt the findings of fact, uphold the citation of 14-72 Subsection 1 and Subsection 18 and the recommendation of termination by the City of



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Scottsdale, seconded by Vice-Chair Ferger. Motion approved with a vote of two (2) to zero (0).

5. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON JANUARY 14, 2014

Vice-Chair Ferger moved to approve the January 14, 2014, meeting minutes of the Personnel Board, seconded by Chair Cohen. Motion approved with a vote of two (2) to zero (0).

8. FUTURE AGENDA ITEMS*

There was no discussion of future agenda items.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Lorelei Oien
Human Resources Management Analyst



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