

MINUTES OF THE SPECIAL MEETING  
CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
DECEMBER 9, 1985

The special meeting of the City of Sacramento Civil Service Board was called to order by President Gail Mabbutt in Conference Room 103, Department of Personnel, 801 - 9th Street, Sacramento, CA at 9:10 a.m.

MEMBERS PRESENT:           Mr. Jonathan Mayhew  
                                  Mr. Bill White  
                                  Ms. Catherine Harris  
                                  Mr. Joseph Russell  
                                  Ms. Gail Mabbutt

RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE - HEZEKIAH EVANS

Mr. Sam Jackson, Deputy City Attorney, addressed the Board. Mr. Jackson informed the Board that he would be brief in his presentation since the Board was given copies of the transcript of the Administrative Law Judge hearing. He urged the Board to uphold the proposed decision of the Law Judge.

Mr. Daniel Boone, Attorney at Law, representing Mr. Evans addressed the Board. Mr. Evans was present. Mr. Boone informed the Board that he too would be brief in his statements. He asked the Board not to adopt the proposed decision of the Administrative Law Judge but to reinstate Mr. Evans back to his position.

Mr. Jackson placed Exhibit 2, a diagram of the facilities in question, on the wall. He answered questions from the Board regarding the facilities.

The Board asked questions of both attorneys.

Ms. Mabbutt asked Mr. Boone if Mr. Evans had any objection to the Board going into Executive Session. Mr. Evans had no objection. Mr. Jackson informed the Board that he objected to the Board going into Executive Session.

Mr. Carnazzo, Deputy City Attorney, informed the Board that as long as Mr. Evans had no objection to the Executive Session then it was all right.

A motion was made that the Civil Service Board enter into Executive Session.

Motion:                   Ms. Harris  
Second:                  Mr. Mayhew

The motion was approved by unanimous roll call vote.

The Board went into Executive Session at 10:40 a.m.  
The Board reconvened at 12:25 p.m.

A motion was made that the findings of fact and recommended decision of the Administrative Law Judge with regard to the appeal of Hezekiah Evans be modified to a one-month suspension commencing September 22, 1984; and in addition, we find that:

1. The evidence as a whole is insufficient to support the charge of theft of gasoline for appellant's personal use and therefore the City fails in its burden of proving theft by a preponderance of the evidence.

However, the evidence is sufficient to support the charge of unauthorized use of City property, in that:

2. Mr. Evans used a City vehicle which is not part of his job; and
3. Mr. Evans used the City gas card to dispense gas which is not part of his job.

Motion: Mr. Mayhew  
Second: Ms. Harris

The motion was approved by unanimous roll call vote.

There was no further business, President Mabbutt declared the meeting adjourned at 12:35 p.m.

*Gail Mabbutt*

Gail Mabbutt  
President

*Donna L. Giles*

Donna L. Giles  
Secretary