



**CIVIL SERVICE COMMISSION  
QUARTERLY MEETING  
WEDNESDAY, APRIL 26, 2023  
9:00 AM**

City Hall  
255 W. Alameda Street, 1<sup>st</sup> Floor Conference Room East  
Tucson, Arizona 85701  
**LEGAL ACTION REPORT**

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Call to Order / Roll Call 9:01am

A Quorum was established. Present: Chairperson Paul Fimbres, Commissioner Carol West, Commissioner Rios, and Commissioner Becky Montaño. Absent: Commissioner Michael Mathieu.

1. Call to Audience

No one addressed the Commission

2. Re-Appointment of Rebecca Montaño on April 18, 2023 and Paul Fimbres on June 6, 2023

Discussion and information only, no action taken.

3. Update on Cubberley Appeal to Superior Court

A motion made by Commissioner West duly seconded, that Mr. Cubberley's appeal of the Commission's appeal is a continuation of the dispute between an employee and employer, and because the Commission is subject to the jurisdiction of the Court, the Commission will not take an active role in the litigation. Further move, that in any future appeals of the Commission's decisions, the attorney for the Commission is not required to take an active role in the litigation unless otherwise instructed by the Commission, was passed by a roll call vote of 4-0.

4. Election of Chair and Vice-Chair – Chair also sits on Pension Board

A motion made by Commissioner West duly seconded, to nominate Commissioner Montaño as Vice-Chair, was passed by a roll call vote of 4-0.

A motion made by Commissioner West duly seconded, to nominate Commissioner Fimbres as Chair, was passed by a roll call vote of 4-0.

5. Review, discussion, and possible action on the Commission's position on appeals of its decisions to Superior Court

Discussion and information only, no action taken.

6. Approval of Minutes:

- Appeal of Termination Hearing: Bencomo June 14-15, 2022 (scheduled June 14-16, 2022, adjourned on June 15, 2022)
- Quarterly Meeting: October 26, 2022
- Quarterly Meeting: January 25, 2023

A motion made by Chair Fimbres duly seconded, to approve the minutes for the Bencomo termination hearing, was passed by a roll call vote of 4-0.

A motion made by Vice-Chair Montaña duly seconded, to approve the October 26, 2022 quarterly meeting minutes, was passed by a roll call vote of 4-0.

A motion made by Vice-Chair Montaña duly seconded, to approve the January 25, 2023 quarterly meeting minutes, was passed by a roll call vote of 4-0.

#### 7. Scheduling of Pending Appeals

-Possible Special meeting for The Civil Service Commission to consider a request in accordance with Civil Service Rule X, Section 7, "*Administrative Review from Removal of Eligibility Lists*".

Commissioners discussed possible hearing dates. Tentatively set for Monday, May 1<sup>st</sup> with Friday, May 5<sup>th</sup> as alternate depending on availability of Applicant.

Ms. Donna Aversa gave a brief update on the Remington case.

Having no further items to discuss, the quarterly meeting adjourned at 9:23 A.M.