

RESOLUTION NO. 2022-16

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
APPOINTING HEARING OFFICER FOR
EMPLOYEE R. TOMPKINS TERMINATION APPEAL HEARING**

BE IT RESOLVED by the Board of Directors of the Rancho Murieta Community Services District as follows:

1. Recitals. This resolution is made with reference to the following background recitals:

(a) District employee Rick Tompkins was terminated from employment by District management. Mr. Tompkins has appealed his termination to the Board of Directors pursuant to District Personnel Manual section 12.09.

(b) Section 12.09 authorizes the Board to appoint a director to act as hearing officer and for the hearing officer to conduct the appeal hearing and render an advisory decision to the Board.

(c) The Board now desires to appoint a director as hearing officer.

2. Appointment. The Board appoints Director John Merchant to serve as hearing officer for the R. Tompkins appeal hearing pursuant to District Personnel Manual section 12.09. The hearing officer shall schedule the hearing date in coordination with the parties. The hearing shall be private and limited to the hearing officer, District General Counsel, District Secretary, court reporter (if requested by a party), the parties and their attorneys or representatives, and witnesses. Witnesses shall be excluded from the hearing room when not testifying.

3. Rules Authorized. The Board authorizes the hearing officer to (a) adopt reasonable rules and procedures to govern the appeal hearing, and (b) consider and decide prehearing motions, objections, and other matters that may be asserted or raised by either party or its counsel concerning the scope of the appeal hearing, scope of witnesses to testify, relevant evidence, other objections, or other matters. Any such hearing officer rules, procedures, or decisions must be consistent with section 12.09, the District Personnel Manual, and applicable laws and due process principles.

4. Post-Hearing Decision. After the appeal hearing, the hearing officer shall prepare findings of fact (based on and supported by the evidence received at the hearing) and an advisory decision. The findings and advisory decision shall be forwarded to the Board of Directors. The Board shall review and consider the findings and advisory decision, exercise its independent judgment on the appeal, and accept, reject, or modify the hearing officer's advisory decision or remand the matter for further proceedings before the hearing officer. There shall not be any factual hearing before the full Board. The Board's decision shall be by resolution, which shall be final and binding.

5. Director Recusal. Director Tim Maybee has personal knowledge of the facts underlying this appeal and he assisted District management staff in the employee termination process. Director Maybee therefore shall not participate in the appeal process or decision.

PASSED AND ADOPTED this 1st day of June 2022 by the following vote:

Ayes: Maybee, Jenco, Merchant, Butler Pohl

Noes: None

Abstain: None

Absent: None



Timothy E. Maybee, President of the Board
Rancho Murieta Community Services District

Attest:



Amelia Wilder
District Secretary