

# A Resolution

NO. \_\_\_\_\_

## AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT ENTITLED *CITY OF FORT WORTH V. SHEA O'NEILL*

**WHEREAS**, Shea O'Neill was employed as a Fort Worth firefighter when he struck a senior citizen in the face at a TCU scrimmage;

**WHEREAS**, Shea O'Neill was fired by the Fire Chief and appealed his termination;

**WHEREAS**, the hearing examiner selected for the appeal relied on evidence outside of the appeal hearing in issuing an award in favor of O'Neill;

**WHEREAS**, the City appealed the hearing examiner's award to the 342<sup>nd</sup> District Court, Tarrant County, Texas and the Court rendered judgment in favor of the City, vacating the hearing examiner's award and ordering a new hearing;

**WHEREAS**, the City seeks to follow the statutory process outlined in Chapter 143 of the Texas Local Gov't Code for selecting a new hearing examiner and O'Neill seeks to have the same hearing examiner preside over the new hearing;

**WHEREAS**, O'Neill and the hearing examiner have scheduled a purported civil service hearing that is inconsistent with the law and without agreement of the City;

**WHEREAS**, it is improper for the hearing examiner to preside over the new appeal and a new hearing should be selected in accordance with the applicable law;

**WHEREAS**, since the parties are at an impasse, the City seeks to have a court declare its rights under Chapter 143 of the Texas Local Government Code with regard to the post-vacature process.

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

The City Council ratifies the City Attorney's filing of a suit in a District Court of Tarrant County against Shea O'Neill to declare the rights of the parties under Chapter 143 of the Texas Local Government Code and enjoin O'Neill from participating in an improper civil service appeal.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

By: \_\_\_\_\_

Mary Kayser, City Secretary