

Mayor and Council Communication

DATE: 05/11/21

M&C FILE NUMBER: M&C 21-0323

LOG NAME: 12ONEILL LAWSUIT_2021

SUBJECT

(ALL) Adopt Resolution Ratifying the City Attorney's Lawsuit in the 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

RECOMMENDATION:

It is recommended that the City Council ratify a lawsuit filed against Shea O'Neill and adopt the attached resolution.

DISCUSSION:

Shea O'Neill was employed as a Fort Worth firefighter when he struck a senior citizen in the face at a TCU scrimmage. Shea O'Neill was fired by the Fire Chief for his conduct and appealed his termination. A hearing examiner was selected for the appeal in accordance with Chapter 143 of the Texas Local Government Code. In her award favoring O'Neill, the hearing examiner relied on evidence outside of the appeal hearing.

The City appealed the hearing examiner's award to the 342nd District Court, Tarrant County, Texas and after a trial on the merits, the Court rendered judgment in favor of the City, finding that the hearing examiner's award was procured unlawfully. The District Court vacated the hearing examiner's award and ordered a new hearing. O'Neill seeks to have the new hearing before the same hearing examiner who rendered a decision unlawfully. The City seeks to follow the process for selection of a hearing examiner as outlined in Chapter 143 of the Texas Local Government Code.

The parties are at an impasse; therefore, 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.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this action will have no material effect on City funds.

Submitted for City Manager's Office by: ALL ACMs 6222

Originating Business Unit Head: Sarah Fullenwider 7623

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Expedited