



## **City of Avondale**

### **City Council Online Meeting**

Thursday, December 23, 2021

### **Mayor and Council**

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Pat Dennis, Council Member

Bryan Kilgore, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

### **Administration**

Charles A. Montoya, City Manager

Cherlene Penilla, Assistant City Manager

Tracy Stevens, Deputy City Manager | Lindsey Duncan, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

### **Online Meeting**

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/99706985158>

Using a Mobile Device? Download the Zoom Cloud Meeting App

Join the meeting with audio only: Call 301-715-8592 (meeting ID: 997 0698 5158)



# City Council Online Meeting Notice & Agenda Thursday, December 23, 2021

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## **SPECIAL MEETING 2:00 PM**

### **CALL TO ORDER BY MAYOR**

#### **1. ROLL CALL BY THE CITY CLERK**

#### **2. EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA**

Discussion and possible action to terminate the employment agreement with Charles A. Montoya as City Manager with cause, effective immediately and to direct the City Attorney to take all necessary steps to implement such action. The Council will take appropriate action.

#### **3. ADJOURNMENT**

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Council Members of the City of Avondale will attend either in person or by telephone or video conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por video. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

## CITY COUNCIL REPORT

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**SUBJECT:** Employment Agreement with Charles Montoya

**MEETING DATE:** 12/23/2021

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**TO:** Mayor and Council

**FROM:** Nicholle Harris, City Attorney, (623) 333-1514

**REVIEWED:** Cherlene Penilla, Acting City Manager, (623) 333-1015

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### STRATEGIC PLAN:

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#### PURPOSE:

To discuss the termination of the Employment Agreement with Charles A. Montoya for cause.

#### BACKGROUND:

The City Council held an Executive Session on December 21, 2021, to discuss the employment agreement for Charles A. Montoya. During this session, the Council obtained legal advice regarding Mr. Montoya's conduct under the Employment Agreement. The legal analysis determines that cause exists under Subsections 3.1 (C) and (E).

C - Either in his personal or professional capacity, severely damaged the reputation of the City or the City Council or otherwise substantially impaired the City's ability to maintain or attract businesses.

E - Caused or allowed any practice activity decision or organizational circumstance which is either illegal, immoral, imprudent or in violation of the ICMA Code of Ethics.

#### DISCUSSION:

The proposed action is that the Mayor and City Council terminate the employment agreement with Charles A. Montoya with cause, effective immediately and to direct the City Attorney to take all necessary steps to implement such action.

#### BUDGET IMPACT:

None

#### RECOMMENDATION:

The proposed action is that the Mayor and City Council terminate the employment agreement with Charles A. Montoya with cause, effective immediately and to direct the City Attorney to take all necessary steps to implement such action.