



COUNCIL MEETING AGENDA (SPECIAL)

Wednesday January 10, 2018

10:00 a.m.

City Hall Belize City Council

Members to be attending

- | | |
|-----------------------------------|-----------|
| 1. Mr. Darrell Bradley | Mayor |
| 2. Mr. Dean Samuels | Deputy |
| 3. Mrs. Alifa Elrington Hyde | Councilor |
| 4. Dr. Alain Gonzalez | Councilor |
| 5. Mrs. Hyacinth Latchman Cuellar | Councilor |
| 6. Mr. Kevin Singh | Councilor |
| 7. Mr. Michael Theus | Councilor |
| 8. Mr. Dion Leslie | Councilor |
| 9. Mr. Philip Willoughby | Councilor |
| 10. Mr. Bernard Pitts | Councilor |
| 11. Mr. Jason Edwards | Councilor |

Candice Miller, City Administrator

Lesbeth Butler, Manager Office of the Mayor

Persons to be attending by invitation

1. Mrs. McKenzie Director Legal
2. Mr. Floyd Neal – CWU General Secretary
3. Ms. Ursula Smith – Manager Human Resource
4. Mr. Jeffery Trapp – Sanitation Supervisor

Agenda Items

1. Appeal Hearing – Jeffery Trapp
2. Employment Decision - Denis Bodden
3. Motions relating to Council business or sitting
4. Adjournment
5. Setting the date for the next Council meeting



MINUTES OF ORDINARY CLOSED COUNCIL MEETING
Wednesday January 10, 2018 at 11:00 a.m.
Belize City Hall

Present:

- | | |
|-------------------------|-----------------------------|
| 1. Mr. Darrell Bradley | Mayor |
| 2. Ms. Hyacinth Cuellar | Councilor |
| 3. Mr. Jason Edwards | Councilor |
| 4. Mr. Kevin Singh | Councilor |
| 5. Mr. Michael Theus | Councilor |
| 6. Ms. Alifa Elrington | Councilor (11:50 a.m.) |
| 7. Dr. Alain Gonzalez | Councilor |
| 8. Mr. Dion Leslie | Councilor |
| 9. Mr. Bernard Pitts | Councilor |
| 1. Mrs. Lesbeth Butler | Manager Office of the Mayor |
| 2. Ms. Candice Miller | City Administrator |

Present by invitation:

- | | |
|---------------------------|-------------------------|
| 1. Ms. Ursula Smith | Manager Human Resources |
| 2. Mrs. Margaret McKenzie | Director Legal |
| 3. Mr. Floyd Neal | Union President |
| 4. Mr. Jeffery Trapp | Sanitation Supervisor |

Absent:

- | | |
|---------------------------|--------------|
| 1. Mr. Dean Samuels | Deputy Mayor |
| 2. Mr. Phillip Willoughby | Councilor |

The meeting was called to order 11:20 a.m.

Adoption of Minutes

1. This being a special meeting the minutes of the previous meeting held December 18, 2017 was not reviewed.
2. The Mayor stated that the meeting was being held in the capacity of a Council to hear an appeal from Mr. Jeffery Trapp.
3. The Mayor asked Councilors to review the documents which were shared with them. These include the letter from Mr. Trapp setting out his appeal, letter from CWU, letter from HR and the minutes from the Disciplinary Committee (DC) hearing.

4. The Mayor gave a brief summary of the matter. He stated that Mr. Trapp, Sanitation Supervisor, was accused of being in an altercation with another employee both of whom were brought in front of the DC. Both employees were given 2 weeks suspension.
5. Mrs. McKenzie asked that Council be mindful that Mr. Trapp was appealing the penalty given to him from the DC hearing and not the decision. She also mentioned that as per the MSR since it was a criminal charge to both employees, they could have been placed on interdiction.
6. Mrs. McKenzie further stated that the incident was one of major misconduct since they have been criminally charged.
7. Mayor Bradley said that although Mr. Trapp believed that the 2 weeks suspension was an excessive penalty. The penalty could have been any of the below:
 - a. Termination
 - b. Dismissal
 - c. Suspension
 - d. Demotion
 - e. Reprimand
8. Mayor Bradley said that the DC could have issued a harsher penalty, however, they went in the middle.
9. Mayor Bradley said that after Councilors reviewed the documents, Mr. Trapp along with his representative would be brought into the meeting.
10. Mrs. McKenzie reiterated that there was no need to go over the issue as Mr. Trapp has agreed that he committed an offence. He was appealing the decision.

11:28 a.m. Mr. Trapp and Mr. Neal from CWU was called to the meeting

11. Mayor Bradley welcomed Mr. Neal and Mr. Trapp to the meeting. He then stated that Council was convened to hear Mr. Trapp grievance, which is the penalty he received based on the DC hearing.
12. Mr. Neal said that Mr. Trapp was also challenging that he did not admit to physically assaulting Mr. Alvarez but rather he attempted to restrain him.
13. Mr. Trapp said that he shared his information of what transpired with HR and he also sent correspondences to the DC.
14. Mayor Bradley reviewed the section of the minutes which detailed Mr. Trapp's portion of the hearing.
15. Mr. Neal voiced that he was not privy to the minutes from which the Mayor was making reference.
16. Mayor Bradley asked that Mr. Neal be given a copy of the minutes for the DC hearing. This was done.
17. The Mayor requested that in the future a copy of the DC minutes be shared with the Mr. Neal.
18. Mr. Neal stated that this was only necessary if there was an appeal of the decision.
19. Mr. Neal made some reference to the wording in the minutes which stated that "by Mr. Trapp own admission he assaulted Mr. Alvarez".
20. The Mayor and Mr. Neal discussed the minutes and the letter given to Mr. Trapp following the DC hearing.
21. Mayor Bradley gave both Mr. Neal and Mr. Trapp an opportunity to state whatever they wanted by way of appeal.
22. Mr. Neal said that Mr. Trapp believed that the trial did not treat him fairly.

23. Mayor Bradley asked why.
24. Mr. Trapp said that he believed that he was not treated fairly as the Disciplinary Committee did not have enough evidence and they did not allow him to present a recording he had.
25. Mayor Bradley told him that the notice letter he received to be at the DC hearing stated that he should bring whatever evidence, witness and representation he had. However, Mr. Trapp wanted to present a recording and a witness statement from Mr. Frederick Alexander Trapp after Mr. Alvarez left the hearing which was not fair to Mr. Alvarez.

Councilor Edwards left 11:40 a.m.

26. Mayor Bradley stated that having had a DC hearing Council will not hold a new hearing. He told Mr. Trapp that if he believed he did not have enough time to present his witness he could have asked for an adjournment.
27. Mayor Bradley asked when did Mr. Trapp receive his notice letter for the DC hearing. Ms. Ursula informed that he was given his notice letter on December 11, 2017 and DC was December 15, 2017.
28. Mrs. McKenzie said that Council needs to be mindful that DC made their decision based on what was presented.
29. Mayor Bradley stated that the MSR took out any political aspect by having only one councilor sit on the DC. Also, there would not be 2 hearings on the same matter.

Councilor Elrington arrived 11:50 a.m.

30. Mr. Neal said that Mr. Trapp had presented 5 letters to Council in regards to the incident.
31. Mayor Bradley read paragraph 4 from page 3 of the DC minutes which detailed Mr. Alvarez questioning Mr. Trapp in the DC Hearing.
32. Mr. Trapp said that it was Mr. Alvarez who punched him and not him who punched Alvarez as stated in the minutes.
33. Mr. Trapp then went over his version of the incident.
34. Councilor Elrington asked Mr. Trapp the below questions:
 - a. Are you Mr. Alvarez supervisor? Mr. Trapp responded yes.
 - b. This person works under your supervision? Mr. Trapp responded yes.
 - c. Why didn't you get off Mr. Alvarez car when he asked you? Mr. Trapp responded that everyone was leaning on the car, also earlier Mr. Alvarez was giving him the keys to his car. In addition, he did not realize that Mr. Alvarez was that angry.
35. Councilor Singh said that in the DC hearing Mr. Trapp said that he actually bounced on the car.
36. Mrs. McKenzie stated that Mr. Trapp was bringing up many new things and the purpose of this meeting was not to have a new hearing.
37. Mr. Trapp said that he did not accept any wrong doing as he was defending himself.
38. Councilor Gonzalez asked if Mr. Alvarez was on duty and drinking on the job.
39. Mr. Trapp said that Mr. Alvarez came to inform him that he was not coming to work because he had pink eye.
40. Councilor Elrington asked Mr. Trapp if he and Mr. Alvarez had any animosity with each other.
41. Mr. Trapp said that he had given Mr. Alvarez a letter the week before and he believed Mr. Alvarez was upset about receiving the letter.

Councilor Gonzalez left 12:15 p.m.

42. Mayor Bradley asked why Mr. Trapp's 5 letters were not discussed at DC and whether Mr. Trapp had an opportunity to present them. He also asked what in the 5 correspondences was Mr. Trapp denied to present since despite sending the letters he could have still presented it at DC and conveyed his arguments.
43. Councilor Elrington asked Mr. Trapp if he was saying that DC did not have all the evidence what was the information they didn't have.
44. Mayor Bradley asked if DC denied or kept him from presenting something.
45. Mr. Trapp did not respond to any of the above.
46. Mr. Neal said that during the DC they made mention to a memo from the Manager, Mr. Murillo, that he never saw.
47. Mayor Bradley asked what was in the letter that would have denied him the right to present his evidence.
48. Mr. Trapp said that he could not present his letter/evidence because DC did not allow him.
49. Councilor Elrington asked Mr. Trapp to whom did he present his 5 letters.
50. Mr. Trapp said that he gave them to HR.
51. Councilor Elrington asked if this was after he was issued with notice to attend DC but before the hearing.
52. Mr. Trapp said yes.
53. Councilor Elrington asked if he wanted to present his letters to the DC and was denied to do so.

Councilor Edwards returned 12:20 p.m.

54. Councilor Singh said that the DC hearing was over an hour long. He asked Mr. Trapp how long he and Mr. Alvarez were in the hearing.
55. Mr. Trapp said he didn't know.
56. Mayor Bradley asked Mr. Trapp if he was told that he could not present anything or was he told that the only things he could not present was information after Mr. Alvarez left.
57. Mr. Trapp said he was only not allowed to present anything after Mr. Alvarez left.
58. Councilor Elrington read section 64 10 "G" from the MSR which states "ensure that the entire process is completed in a timely manner but in no case longer than fourteen days".
59. Mayor Bradley asked why Mr. Trapp believed that it wasn't an impartial hearing.
60. Mr. Neal said because Mr. Trapp could not present all his evidence.
61. Mr. Trapp said that he was not given an opportunity to present his evidence.
62. Mayor Bradley asked if he was always told he could present anything except that he could not present after Mr. Alvarez left.
63. Mr. Trapp responded yes.
64. Mayor Bradley stated that the records show that both parties were given the opportunity to be heard. He said that it is the Council's responsibility to ensure that the hearing is completed in a timely manner.
65. Mr. Neal stated that the incident occurred from October 6, 2017 but the hearing was not held until December 15, 2017.

66. Mayor Bradley said that both Mr. Trapp and Mr. Alvarez were under a criminal charge which is still pending.
67. Councilor Elrington asked at what point did it become a council charge.
68. Mr. Neal stated that he has an issue with Mr. Alvarez's letter being written on the council's letterhead as to him this showed some kind of bias.
69. Councilor Elrington said that this is not an issue.
70. Mr. Trapp stated that at the time he was going to the police he was being called by Mr. Alvarez's brother, who is a Sanitation Coordinator, asking him to let them talk about the situation.
71. Councilor Elrington stated that Caucus is being held to review the penalty and not go over the hearing. In addition, the action of the manager did not negate the action.
72. Councilor Latchman asked Mr. Trapp why he did not move off Mr. Alvarez vehicle when asked.
73. Mr. Trapp did not respond.
74. Mayor Bradley then summarized what was discussed. He said that Mr. Trapp was given the opportunity to present his evidence and bring any witness he wanted.
75. Mr. Neal stated that he still had an issue with Mr. Alvarez writing his correspondence on the council's letterhead.
76. Mr. Trapp said that he is a loyal employee and Mr. Alvarez is on probation.
77. Mayor Bradley said that Mr. Trapp conceded to the below points:
 - a. He was asked to get off Mr. Alvarez car
 - b. Suggest that there was a fight because he had to be taken off Mr. Alvarez car
 - c. Mr. Trapp was a supervisor
78. Mr. Trapp said that the fight came to him.
79. Mayor Bradley asked why he believed that the DC hearing was not fair to him.
80. Mr. Trapp said that he felt giving them both 2 weeks was harsh and that as a supervisor he was trying to calm things down. He said he does not believe that they should have been given the same penalty. In addition, he believed that it was wrong not to allow him to present his recording.
81. Councilor Elrington said that as a word of advice to Mr. Trapp, he being a senior he should not be thinking as a regular employee and he needs to know the people/subordinates.
82. Mayor Bradley thanked Mr. Neal for the union exercising its rights to request the grievance hearing. He said that this is the 3rd such hearing and the Council welcomes the opportunity to dialogue with them on points of concerns.
83. Mr. Neal expressed his appreciation to the Council for giving them the opportunity.

Mr. Neal and Mr. Trapp were dismissed 1:05 p.m.

Councilor Gonzalez returned

84. Councilor Singh said that at the DC, the evidence showed that Mr. Trapp provoked the issue and Mr. Trapp had ample time to move away.

85. A vote was taken on whether the decision made to suspend Mr. Trapp should stand. The Mayor and all Councilors present voted in favor of upholding the decision.

UPHOLDING 2 WEEKS SUSPENSION

Mayor Bradley
Councilor Singh
Councilor Theus
Councilor Gonzalez
Councilor Edwards
Councilor Leslie
Councilor Elrington
Councilor Latchman
Councilor Pitts

86. Councilor Elrington said that the time frame for disciplinary hearing in the MSR needs to be amended. She suggested that it be changed to 30 days.
87. Mayor Bradley said that there must be a time by which the investigation must be done.
88. Councilor Elrington said that being that Mr. Alvarez was on probation, this was a cause for him to be terminated.
89. Both Councilor Singh and Mrs. McKenzie stated that at the time of DC hearing they were not aware that he was on probation.
90. Councilor Elrington said that she did not believe they should have been given the same penalty.
91. Mayor Bradley committed to writing to the union on council's decision.
92. The Mayor motioned that the meeting be adjourned, Councilor Theus motioned that the meeting be adjourned, Councilor Singh 2nd the motion. All Councilors present voted in favor of adjourning the meeting.
93. The meeting was adjourned at 1:15 p.m.



DARRELL BRADLEY
MAYOR

CANDICE MILLER
CITY ADMINISTRATOR



**Belize City Council
RESOLUTION NO. 1 of 2018**

**A RESOLUTION TO APPROVE THE DECISION OF THE
DISCIPLINARY ACTION COMMITTEE**

WHEREAS, the Belize City Council, is a body corporate established by Sec 3 (1) of the Belize City Council Act, CAP 85 of the Substantive Laws of Belize, Revised Edition 2000,

AND WHEREAS, the Belize City Council having been duly elected by the residents of Belize City mandated to serve the citizenry and entrusted with the general rule and good governance of Belize City,

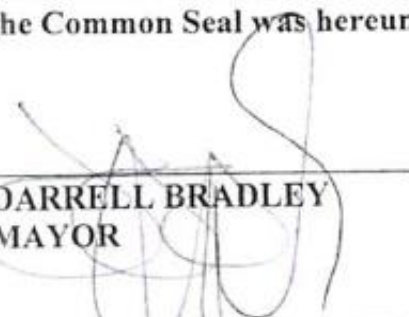
Whereas, the Council has in place a Disciplinary Action Committee (DAC) as mandated by the Municipal Service Regulations, which convenes hearings for the review of actions or lack thereof, of Belize City Council employees other than Managers and Directors and prescribes disciplinary actions as warranted,

Whereas, the Christian Workers Union, a duly registered union representing Belize City Council employees in Industrial affairs, petitioned the Council to review the decision taken by the DAC in the suspension of Sanitation Supervisor Mr. Jeffery Trapp,

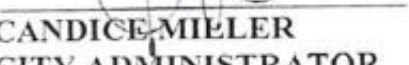
Now therefore, be it resolved that the Council supports, approves, and confirms

- The decision made by the Disciplinary Action Committee to suspend Sanitation Supervisor Mr. Jeffery Trapp for 2 weeks remains.

In pursuance of an order of the Belize City Council made on the 10th day of January 2018 the Common Seal was hereunto affixed by:



**DARRELL BRADLEY
MAYOR**



**CANDICE MIELER
CITY ADMINISTRATOR**

