



CITY OF ALBUQUERQUE PERSONNEL BOARD

**SONJA BROWN, CHAIRPERSON
CHRISTOPHER HOLLAND
MARIE JULIENNE
JAMES PENDERGAST
T. ZANE REEVES**

**WEDNESDAY, JUNE 14, 2017
2:30 P.M.**

600 2ND STREET NW, 7TH FLOOR, ALBUQUERQUE, NM 87102

MEMBERS PRESENT:

*Sonja Brown-Chairperson
Christopher Holland
Marie Julienne
T. Zane Reeves*

OTHERS PRESENT:

*Samantha Hults Ian Stoker
Melissa Kountz Philomena Hausler
Nick Nunez Hess Yntema
Diane Kimberle Ernest Sturdevant
Victor Lovato*

Minutes

PO Box 1293

I. CALL TO ORDER.

Meeting was called to order at 2:31 p.m., by Chairperson Sonja Brown. Members, Christopher Holland, Marie Julienne and T. Zane Reeves were all present. James Pendergast was not present.

Albuquerque

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 14, 2017.

Reeves moves to approve. Mr. Holland seconded.
Passed 4-0

New Mexico 87103

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 10, 2017.

Mr. Holland moves to approve. Ms. Julienne seconded.
Passed 4-0

www.cabq.gov

IV. PB-17-03 ROBERT MONTOYA, 51 HOUR SUSPENSION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. JOINT MOTION TO DISMISS WITHOUT PREJUDICE. HEARING OFFICER BARBARA ALBIN.

Philomena Hausler, Assistant City Attorney for the City, No one from the grievants party was present. Reached a settlement.

Mr. Holland moves to approve. Mr. Reeves seconded.
Passed 4-0

V. PB-14-24 JEREMY DEAR- RESUMED DISCUSSION FROM CONTINUANCE. (NO

ADDITIONAL ARGUMENTS TO BE PRESENTED).

Chairperson Brown, states the is will be discussed in close session.

VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.

PB-15-18 Dominique Perez

Mr. Holland moves to approve the stipulated dismissal. Mr. Reeves seconded.

Passed 4-0

PB-17-05 Catherine Offret

Mr. Holland moves to approve the dismissal. Ms. Julienne seconded.

Passed 4-0

VII. VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) (LIMITED PERSONNEL MATTERS) AND 10-15-1(H)(7) (THREATENED OR PENDING LITIGATION) OF THE NM OPEN MEETINGS ACT.

Ms. Julienne moves to close the meeting. Mr. Holland seconded.

Passed 4-0

Only matters discussed in closed session where matters:

PB-14-24 Jeremy Dear

Chairperson Brown moves to open the meeting. Mr. Holland seconded.

Passed 4-0

PB-14-24 Jeremy Dear

Ms. Julienne moves to adopt the draft response to the remand order. Mr. Reeves seconded.

Passed 4-0

VIII. PUBLIC COMMENTS.

Ernest Sturdevant, would like clarification of the Dominique Perez and Jeremy Dear.

Samantha Hults, Assistant City Attorney for the City, there was a joint stipulated dismissal for Dominique Perez.

Mr. Reeves, states that a decision was made a long time ago on Dear. The decision was made 3-2 vote in November of 2015. The remand is in front of Judge Campbell right now.

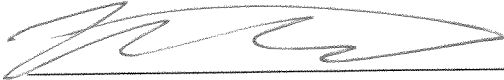
IX. OTHER MATTERS.

None

X. ADJOURNMENT.

Meeting adjourned at 3:11p.m

APPROVED:



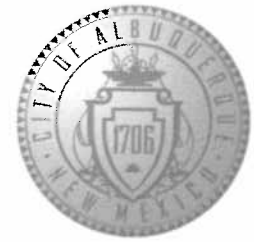
CHAIRPERSON (Sonja Brown)
City Personnel Board

Nicholas Dolbeck o/b/o Sonja Brown

cc: *Richard J. Berry, Mayor*
Natalie Y. Howard, City Clerk

8-9-17

DATE



CITY OF ALBUQUERQUE PERSONNEL BOARD

**SONJA BROWN, CHAIRPERSON
CHRISTOPHER HOLLAND
MARIE JULIENNE
JAMES PENDERGAST
T. ZANE REEVES**

**WEDNESDAY, AUGUST 9, 2017
2:30 P.M.**

600 2ND STREET NW, 7TH FLOOR, ALBUQUERQUE, NM 87102

MEMBERS PRESENT:

*Sonja Brown-Chairperson
Marie Julienne
James Pendergast*

OTHERS PRESENT:

*Delilah Ortega Ian Stoker
Robert Rivera Nick Bullock
Victor Locato*

Minutes

- PO Box 1293 **I. *CALL TO ORDER.***
Meeting was called to order at 2:33 p.m., by Chairperson Sonja Brown was telephonic
Members, Marie Julienne, James Pendergast were present. Christopher Holland and T. Zane
Reeves were not present.
- Albuquerque **II. *REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY,***
AUGUST 9, 2017.
Pendergast moves to approve the agenda. Ms. Julienne seconded.
New Mexico 87103 Passed 3-0
- www.cabq.gov **III. *REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY,***
JUNE 14, 2017.
Mr. Pendergast moves to approve the minutes. Ms. Julienne seconded.
Passed 3-0
- IV. *PB-16-16 AUGUSTIN BALDERRAMA, TERMINATION-CITY OF ALBUQUERQUE***
DEPARTMENT OF PARKS & RECREATION. JOINT MOTION TO DISMISS. HEARING
OFFICER BARBARA ALBIN.

Ms. Julienne moves to uphold the recommendation to dismiss. Mr. Pendergast seconded.
Passed 3-0
- V. *PB-17-01 DELILAH ORTEGA- 48 HOUR SUSPENSION, CITY OF ALBUQUERQUE***
TRANSIT DEPARTMENT. RECOMMENDATION OF THE HEARING OFFICER PATRICK
BINGHAM.
Ian Stoker, Assistant City Attorney for the City of Albuquerque, No the City don't have any

additional comments to make. The hearing officer heard the whole case and made the recommendation off of that. The City's position is that it should be adopted and upheld.

Robert Rivera, AFSCME 624 representative for Grievant Delilah Ortega. A few things Mr. Rivera would like to stress about this case. At no point there was not factual evidence. She was not given a directive order at the time. Andy Montoya testified that he didn't recall everything and he didn't recall if her shirt was tucked in. Ms. Ortega is receiving retaliation because she has testified against Mr. Andy Montoya for sexual harassment. This is a significant amount of punishment. Asking for this to be overturned.

VI. **RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.**
None

VII. **VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) (LIMITED PERSONNEL MATTERS) AND 10-15-1(H)(7) (THREATENED OR PENDING LITIGATION) OF THE NM OPEN MEETINGS ACT.**

Mr. Pendergast moves to close the meeting. Ms. Julienne seconded.
Passed 3-0

Chairperson Brown moves to open the meeting. Ms. Julienne seconded.
Passed 3-0

Only matters discussed in closed session where matters:
PB-17-01 Delilah Ortega

Mr. Pendergast moves to accept the Hearing Officers recommendation but reduce the suspension to eight (8) hours. Conclusions of Law #4 and Finding of Fact #3
Ms. Julienne seconded.
Passed 3-0

VIII. **PUBLIC COMMENTS.**
None

IX. **OTHER MATTERS.**
None

X. **ADJOURNMENT.**
Meeting adjourned at 3:03p.m

APPROVED:



CHAIRPERSON (Sonja Brown)
City Personnel Board

9/13/17

DATE

cc: *Richard J. Berry, Mayor*
Natalie Y. Howard, City Clerk



CITY OF ALBUQUERQUE PERSONNEL BOARD

**SONJA BROWN, CHAIRPERSON
CHRISTOPHER HOLLAND
MARIE JULIENNE
JAMES PENDERGAST
T. ZANE REEVES**

**WEDNESDAY, SEPTEMBER 13, 2017
2:30 P.M.**

600 2ND STREET NW, 7TH FLOOR, ALBUQUERQUE, NM 87102

MEMBERS PRESENT:

*Sonja Brown-Chairperson
Marie Julienne
Christopher Holland
James Pendergast
T. Zane Reeves*

OTHERS PRESENT:

*Samantha Hults John D'Amato
Diene Kimberly*

Minutes

PO Box 1293

I. CALL TO ORDER.

Meeting was called to order at 2:32 p.m., by Chairperson Sonja Brown. Members, Marie Julienne, James Pendergast, T. Zane Reeves were present. Christopher Holland was telephonic.

Albuquerque

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, SEPTEMBER 13, 2017.

Pendergast moves to approve the agenda. Mr. Reeves seconded.
Passed 5-0

NM 87103

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 9, 2017.

Mr. Pendergast moves to approve the minutes. Mr. Reeves seconded.
Passed 5-0

www.cabq.gov

IV. PB-17-02 JONAHTAN FRANCO, 90 HOUR SUSPENSION-CITY OF ALBUQUERQUE POLICE DEPARTMENT. RECOMMENDATION OF THE HEARING OFFICER. HEARING OFFICER JUDITH DURZO.

Ms. Hults, Assistant City Attorney for the City of Albuquerque. What you're looking at with Grand vs Connor is if there was a fourth amendment violation to an individual. Here were looking at was the policy of SOP put forward by APD violated. Mr. Franco was informed of the SOP and was supposed to follow the SOP and knew about the SOP. There was also testimony in April that Mr. Franco had taken force of use training. The video speaks for itself. This was a progressive disciplinary issue. He was aware of the policy. Ask's for the Board to uphold the Hearing Officers recommendation.

Mr. John D'Amato, Attorney for the Grievant Jonathan Franco. In reviewing the report it is ironic to see that the hearing officer did find in fact compliance with Grand .vs. Connor, but that Mr. Franco violated the city policy on use of force. The policy in question is that in the policy that use of force will be measured under the fourth amendment. It seems that the policy goes beyond Grand .vs. Connor standard, and goes with the least intrusive means. Which extends the law and the hearing officer did find that Officer Franco complied with Grand .vs. Connor. Ask's for the Board to reverse the Hearing Officers finding's.

V. PB-15-05 MIKAL MONETTE, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT. JOINT MOTION TO DISMISS, HEARING OFFICER BARBARA ALBIN.

Samantha Hults, Assistant City Attorney for the City of Albuquerque, This matter has been resolved and dismissed sometime ago, and would like the Board to dismiss this matter.

VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.
None

VII. VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) (LIMITED PERSONNEL MATTERS) AND 10-15-1(H)(7) (THREATENED OR PENDING LITIGATION) OF THE NM OPEN MEETINGS ACT.

Mr. Pendsergast moves to close the meeting. Chairperson Brown seconded.
Passed 5-0

Chairperson Brown moves to open the meeting. Ms. Julienne seconded.
Passed 5-0

Only matters discussed in closed session where matters:
PB-17-02 Jonathan Franco
PB-15-05 Mikal Monette

PB-17-02 Jonathan Franco
Mr. Pendergast moves to uphold the Hearing Officers recommendation. Ms. Julienne seconded.
Passed 5-0


PB-15-05 Mikal Monette
Mr. Reeves moves to accept the joint motion to dismiss. Mr. Holland seconded.
Passed 5-0

VIII. PUBLIC COMMENTS.
None

IX. OTHER MATTERS.
None

X. ADJOURNMENT.
Meeting adjourned at 2:54p.m

APPROVED:



CHAIRPERSON (Sonja Brown)
City Personnel Board



DATE

cc: *Tim Keller, Mayor*
Trina Gurule, Acting City Clerk