

**POLICE OVERSIGHT BOARD
PERSONNEL SUBCOMMITTEE**

**Wednesday, May 6, 2015 – 1:30 p.m.
Plaza Del Sol, 600 2nd St. NW
Seventh Floor Conference Room**

Members Present

Eric Cruz
Beth Mohr (Chair)
Joanne Fine

Others Present

Robin S. Hammer
Michelle Contreras
Diane McDermott
Leonard Waites
Blake Whitcomb, Asst. City Attorney

MINUTES

- I. Welcome and Call to Order:** Chair Mohr called the meeting to order at 1:30 p.m.
- II. Public Comments.** None
- III. Approval of the Minutes:** Due to their late arrival, Board Member Fine moved that the minutes for the April 27, 2015 Personnel Subcommittee be deferred to the next meeting scheduled for June 9, 2015 at 1:30 p.m. Board Member Cruz seconded the motion. Passed.
For: 3 – Fine, Mohr, Cruz
- IV. Discussion of Contract for Independent Legal Counsel**
 - A. Introduction of applications for Independent Counsel Contract**

The members discussed the contract for the Independent Legal Counsel. The legal counsel advertisement was read out loud by Assistant City Attorney Whitcomb for the record prior to reviewing the applications. Chair Mohr indicated that she had received several applications but only printed and distributed the Curriculum Vitae's (CV's) Members Fine and Cruz for their review during the meeting. Ms. Mohr made available to the Members all of the other documents which the applicants had supplied. Ms. Mohr provided an extra set of applications to be kept for the record. Chair Mohr suggested that, if during their review of the applications, the Subcommittee selected more than one applicant, she proposed that they come up with a questionnaire to obtain more information from selected applicants.
 - B. Discussion of Process for ranking and selection**

The Members discussed the process for ranking and selection of the applicants. Chair Mohr advised the Subcommittee that there was an issue of the hourly wage which is set at \$185. Acting Executive Director Hammer advised the Subcommittee that there was

set amount of money for the Independent Legal Counsel position within the Civilian Police Oversight Agency (CPOA) budget, but that the Subcommittee could set the hourly rate for the Independent Council. Ms. Hammer stated that other City boards have hired legal counsel with an hourly rate from \$120 to \$180. Ms. Hammer indicated that there is a budget of \$15,000 until June 30, 2015 and \$75,000 for fiscal year 2016 allotted for the hiring of the Independent Legal Counsel. Assistant City Attorney Whitcomb recommended that the Subcommittee rank candidates by their hourly rate and negotiate their rate. Mr. Whitcomb also clarified that \$180 to \$200 is reasonable government rate. Chair Mohr summarized that a \$75,000 budget with a potential hourly rate of \$180 would result to about 400 billable hours. Chair Mohr indicated that if they select an attorney from a law firm, that it would not be appropriate for the firm to send an associate to the POB meetings. Chair Mohr suggested that Subcommittee members go through the applications, which are sorted by alphabetical order, and discuss each one.

C. Discussion of Candidates

After the Subcommittee reviewed the applications, Chair Mohr proposed that the candidates must have the following qualifications:

1. Be an active member of the New Mexico Bar;
2. Have expertise in civil rights, police misconduct and criminal law;
3. Have some expertise in Contract Law, Municipal Regulation, Open Meetings Act, IPRA and Union Contracts, but knowledge in each of these legal areas of law were not required.

D. Selection of Top Candidates

The Members discussed the following candidates for the Independent Legal Counsel. Board Member Fine wanted clarification on how they were rating the applicants. In response, Chair Mohr indicated that they would go through the *yes*, *no* and *maybe* piles and then rank the applicants in the *yes* pile of the following candidates:

1. Christina Adams
2. Erika E. Anderson
3. Adam S. Baker
4. Mark T. Baker
5. Wayne L. Baker
6. Renee Barela Gutierrez
7. Adam Harrison Bell
8. Joshua D. Boone
9. Joshua L. Carpenter
10. Diane Garrity
11. John T. L. Grubestic
12. George F. Heidke
13. Henry F. Narvaez
14. Amy Sirignano
15. Christopher N. Orton

16. Ryan J. Villa
17. Joel M. Young

After reviewing the applications, Subcommittee Members sorted the applications by *yes* and *maybe*. The following applicant was placed in the *yes* pile:

1. Amy Sirignano

The following applicants were placed in the *maybe* pile:

1. Wayne L. Baker
2. Mark T. Baker
3. John T. L. Grubestic
4. George F. Heidke

E. Discussion of Potential Legal Conflicts

A discussion was had regarding the potential legal conflicts. Chair Mohr asked Assistant City Attorney Whitcomb to request the City Attorney's Office to determine if Amy Sirignano had any conflicts with the City.

F. Discussion of Next Steps and Recommendations for Selection

The Members discussed the steps and recommendations the Subcommittee should take in the process of selecting an applicant. Chair Mohr advised the Subcommittee members that they have several choices; they could ask Ms. Amy Sirignano if she would take the rate and put it forward to the full Board as sole choice, rank the *maybe* pile now, or do a survey for more information. Board Member Cruz proposed that they rank the applicants including Ms. Sirignano, who was selected as the only *yes* candidate.

Chair Mohr indicated that she had prepared a questionnaire with 10 questions to present to the four *maybe* applicants in the event Ms. Sirignano did not take the \$180 per hour rate.

Board Member Fine moved that the Subcommittee present their number one selection, Amy Sirignano and the list of alternates to the full POB board. Board Member Cruz seconded the motion. Passed.

For: 3 – Fine, Mohr, Cruz

Board Member Cruz moved that if Ms. Amy Sirignano declined the propose hourly rate and negotiations have failed, that the Subcommittee would send the prepared questionnaire to the remaining four candidates: Wayne L. Baker, Mark T. Baker, John T. L. Grubestic, George F. Heidke. Board Member Fine seconded the motion. Passed.

For: 3 – Fine, Mohr, Cruz

After the motion, Ms. Hammer suggested that if Ms. Sirignano did not accept the offer, that the Subcommittee delegate the task for further background research of the

alternates to a Subcommittee Member. Chair Mohr volunteered to do the background research of the five candidates.

V. Other Business and Subcommittee Recommendations. None.

VI. Next Meeting set for Tuesday, June 9, 2015 at 1:30 p.m.

VII. Adjournment: Board Member Cruz moved to adjourn the meeting. Board member Fine seconded. Passed.

The meeting adjourned at 3:51 p.m.

Approved by:
Beth Mohr, Personnel Subcommittee Chair

Date

CC: Julian Moya, City Council Staff
Natalie Y. Howard, City Clerk
Rey Garduño, City Council President