

**CITY OF ALBUQUERQUE
PERSONNEL BOARD
VIRTUAL ZOOM MEETING**

BOARD MEMBERS

*JOHN CASTILLO, VICE CHAIR
ROBERT LUJAN
THOMAS ZANE REEVES
BERNARD TOON*

WEDNESDAY, FEBRUARY 10, 2021
2:30 P.M.

MEMBERS PRESENT:

*Chairperson Sonja Brown
John Castillo
Zane Reeves
Bernard Toon*

OTHERS PRESENT:

*Bryan Rowland Kelly Haney
Ian Stoker Justin Pennington
Devon Moody Robert Rivera
Melissa Kountz Kraig Maestas
Victor Lovato Jessica Enriquez*

Minutes

I. CALL TO ORDER.

Chairperson Sonja Brown called the meeting to order at 2:44 p.m. Board members John Castillo, Zane Reeves and Bernard Toon were also present.

II. REVIEW AND APPROVAL OF THE PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY 10, 2021.

Chairperson Brown stated that there is a correction for item VII. the case listed is PB 18-08 but the correct case to be heard is PB 18-01. Mr. Castillo moved to approve the agenda with changes. Mr. Reeves seconded. Voted and passed 4-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR DECEMBER 9, 2020.

Mr. Reeves moved to approve the minutes for December 9, ,2020. Mr. Castillo seconded. Voted and passed 4-0.

IV. INTRODUCTION OF NEW BOARD MEMBER ROBERT LUJAN.

Mr. Lujan notified the Monitor that due to an illness he would not attend the meeting. Chairperson Brown stated that this item will be placed on the agenda for next month.

V. PUBLIC COMMENTS.

City Clerk, Ethan Watson attended the meeting and suggested that the Board revise their Rules and Regulations because they have not been revised for a few years. Mr. Toons left the meeting due to conflict of interest for the following cases.

- VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.** None.
- VII. PB-18-01- ROBERT RIVERA (D-202-CV-2020-01507) - OPINION AND ORDER GRANTING CITY OF ALBUQUERQUE'S MOTION TO RECONSIDER.**
Assistant City Attorney Ian Stoker appeared on behalf of the City and Robert Rivera was also present. Both parties provided brief statements and responses to the District Court's remand for the Board to provide Findings of Facts and Conclusions of Law.
- VIII. PB-20-02, MARLON BATTAGLIA- TERMINATION FROM THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT-RECOMMENDATION OF THE HEARING OFFICER JUDITH DURZO.**
AFSCME Representative Rocky Gutierrez sent an email requesting to reschedule this matter and PB 20-03 for April. Chairperson Brown stated that both parties agreed to stay of back pay fees until the April meeting and this matter was vacated.
- IX. PB-20-03, MATTHEW TORREZ- TERMINATION FROM THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT-RECOMMENDATION OF THE HEARING OFFICER JUDITH DURZO.**
Rescheduled, see item VIII.
- X. PB-20-16- KRAIG MAESTAS- 6-DAY SUSPENSION (3-DAYS SERVED AND 3-DAYS HELD IN ABEYANCE)- CITY OF ALBUQUERQUE TRANSIT DEPARTMENT- ORDER GRANTING CITY'S MOTION TO DISMISS FOR MOOTNESS AND VACATION OF HEARING.**
Assistant City Attorney Justin Pennington appeared on behalf of the City and stated that the City has no objection to the Order. Kraig Maestas was also present and provided brief comment.
- XI. 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. Castillo moved to enter into closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act which allows for the closing of meetings for deliberation by a public body in connection with an administrative adjudicatory proceeding. Mr. Reeves seconded. A roll call vote was taken and passed 3-0.

Chairperson Brown moved to return to open session and stated that the Board was in closed session to discuss only the items on the agenda and no other matters were discussed.

In the matter of PB 18-01, Mr. Castillo moved to deny the request to reconsider. Mr. Reeves seconded. Voted and passed 3-0. Mr. Reeves moved that the Board enter their independent Findings of Fact and Conclusions of Law. Mr. Castillo seconded. Voted and passed 3-0.

In the matter of PB 20-16, Mr. Castillo moved to grant the Order of Dismissal. Mr. Reeves seconded. Voted and passed 3-0.

XII. OTHER MATTERS.

Assistant City Attorney Bryan Rowland stated that this was Chairperson Brown's last meeting and the Board will have to discuss and vote on a new chairperson at the next or future meeting. Mr. Reeves moved that the Board move this discussion to the next meeting. Mr. Castillo seconded. Voted and passed 3-0.

XIII. ADJOURNMENT.

Chairperson Brown moved to adjourn the meeting.

APPROVED:

CHAIRPERSON, SONJA BROWN
City Personnel Board

DATE

cc: *Timothy M. Keller, Mayor*
Ethan Watson, City Clerk