

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

**BOARD MEMBERS
JOHN CASTILLO- CHAIR
THOMAS ZANE REEVES- VICE CHAIR
MAGDALENA VIGIL-TULLAR
KATHERINE KORTE**

**WEDNESDAY, February 8, 2023
2:30 P.M.**

MEMBERS PRESENT:

John Castillo- Chair
Thomas Z. Reeves- Vice Chair
Magdalena Vigil-Tullar
Katherine Korte

OTHERS PRESENT:

Ian Stoker	George Heidke
Antonia Romero	Carrie Cook
Justin Pennington	Carlos Galaviz
John D'Amato	Michael Baca
Victoria Gammill	Katherine Gonzalez

Minutes

I. CALL TO ORDER.

Chair John Castillo called the meeting to order at 2:32 pm. Vice Chair Zane Reeves, Board Member Magdalena Vigil-Tullar and Board Member Katherine Korte were present.

II. REVIEW AND APPROVAL OF THE PERSONNEL BOARD AGENDA FOR WEDNESDAY JAN 11, 2023.

Member Vigil-Tullar moved to approve the agenda. Vice Chair Reeves seconds. Voted and passed 4-0

Member Korte brings it to the boards attention that the agenda that was previously approved is the incorrect date and should read agenda for Wednesday February 8, 2023

MOTION TO APPROVE AGENDA WITH NOTED CHANGES

Member Korte moved to approve the correct agenda. Member Vigil-Tullar Seconds. Voted and passed 4-0

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JANUARY 11, 2023.

Member Korte moved to approve the minutes. Vice Chair Reeves seconds. Voted and passed 4-0

IV. PUBLIC COMMENTS

There were no public comments.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS:

• **PB 21-36, RICHARD ANDERSON, ORDER OF DISMISSAL**

John D'Amato appeared on behalf of the grievant and asked the board to adopt the order as submitted. city attorney Edward Pennington appeared on behalf of the city and agreed to dismiss the order.

• **PB 21-05, BRANDON FORSBERG STIPULATED ORDER FOR DECISION**

John D'Amato appeared on behalf of the grievant and asked the board to adopt the order as submitted. city attorney Ian Stoker appeared on behalf of the city and agreed to dismiss the order.

- **PB 22-11 LUIS MACIAS, ORDER OF DISMISSAL**

D'Amato appeared on behalf of the grievant and asked the board to adopt the order as submitted. city attorney Carrie Cook appeared on behalf of the city and agreed to dismiss the order.

VI. PB 21-29, KEVIN NAPOLEON- HEARING OFFICER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW UPHOLDING TERMINATION FROM APD

John D'Amato appeared on behalf of the grievant and asked board to review findings paying special attention to lack of procedural due process on city's part and asked to remand the case back to hearing officer to review procedural due process.

Edward Pennington on behalf of the city believes that the hearing officers' decision is complete and consistent based on the evidence that hearing officers procedural due process was discussed at the hearing and the hearing officer chose not to adopt a particular argument. Only other concern is that hearing officer made findings about the credibility of the grievant Mr. Napoleon was being untruthful during an internal affairs investigation in APD. Mr. Napoleon also made sworn statements during this hearing that the hearing officer found untruthful, the hearing officer determined that the grievant was unable to determine the difference between fact and fiction. Mr. Pennington asked the board adopt findings and uphold termination.

No further comments.

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.

Member Korte moved for the Board 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. Vice Chair Reeves seconded. A roll call vote was taken and passed 4-0.

Chair Castillo 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.

Vice Chair Reeves made a motion to approve the Order of Dismissal for PB 21-36, Richard Anderson. Member Korte seconded. Voted and passed 4-0.

Member Vigil-Tullar made a motion to approve the Stipulated Order for Decision for PB 21-05, Brandon Forsberg. Vice Chair Reeves seconded. Voted and passed 4-0.

Member Korte made a motion to approve the Order of Dismissal for PB 21-11, Luis Macias. Vice Chair Reeves seconded. Voted and passed 4-0.

Member Korte Made a motion to uphold Hearing Officer's findings of fact and conclusions of law upholding termination from APD. Vice Chair Reeves seconded. Voted and passed 4-0

VIII. OTHER MATTERS.

Chair Castillo brought up the matter of the board being a member short. A short discussion was held regarding the process to get a new member no decisions were made and follow up will be needed

IX. ADJOURNMENT.

Chair Castillo adjourned the meeting at 3:00 pm.

JOHN CASTILLO- CHAIR
City Personnel Board

DATE

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