

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

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

WEDNESDAY, JANUARY 11, 2023
2:30 P.M.

MEMBERS PRESENT:

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

OTHERS PRESENT:

Ian Stoker	Nicole Sanchez
Antonia Romero	Carrie Cook
Justin Pennington	Stephanie Apodaca
John D'Amato	Jason Burnette
Victoria Gammill	Katherine Gonzalez

MEMBERS ABSENT:

Katherine Korte

Minutes

I. CALL TO ORDER.

Chair John Castillo called the meeting to order at 2:31 pm. Vice Chair Zane Reeves and Board Member Magdalena Vigil-Tullar were present.

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

Vice Chair Reeves moved to approve the agenda. Member Vigil-Tullar seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR OCTOBER 12, 2022.

Member Vigil-Tullar moved to approve the minutes for November 9, 2022. Vice Chair Reeves seconded. Voted and passed 3-0.

IV. PUBLIC COMMENTS

There were no public comments.

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

• PB 21- 12, KAREN MANN, ORDER OF DISMISSAL

Jason Burnette appeared on behalf of the grievant and asked for the order to be dismissed. Assistant City Attorney Edward Pennington appeared on behalf of the City and agreed to dismiss the order.

• PB 22-03, BRIAN WILSON, ORDER OF DISMISSAL

John D'Amato appeared on behalf of the grievant and asked the board to adopt the order. Assistant City Attorney Edward Pennington appeared on behalf of the City and agreed to adopt the order.

VI. PB 21-34, PAUL DURHAM- HEARING OFFICER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW UPHOLDING EIGHT HOUR SUSPENSION AND REMOVAL FROM APD SWAT TEAM

John D'Amato appeared on behalf of the grievant. Assistant City Attorney Victoria Gammill appeared on

behalf of the City.

Chair Castillo had concerns on hearing this matter whether a removal was in fact a demotion. Vice Chair Reeves agrees with Chair Castillo's concern. Assistant City Attorney Antonio Romero was unable to provide supporting detail. John D'Amato asked board to hear this case argued adverse employment emanation from removal and asked board to hear this case however unsure if removal is equivalent to a demotion. Edward Pennington does not believe the board has jurisdiction over the matter. Ian Stoker states that the position is one that is a specialized unit and must be applied to as well a per pay check incentive and adds that APD and the police officer's union agree that removal requires justifiable cause however officer maintains their rank. Vice Chair moved for the board to enter executive session. Chair Castillo agrees to closed session after hearing from the attorneys representing this case.

John D'Amato moved for the board to remand the case back to the hearing officer to reevaluate the boards jurisdiction. City Attorney Victoria Gammill asks that the board uphold the hearing officers' findings if the board holds jurisdiction.

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.

Vice Chair Reeves 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. Member Vigil-Tullar seconded. A roll call vote was taken and passed 3-0.

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.

Member Vigil-Tullar made a motion to approve the Order of Dismissal for PB 21-12, Karen Mann. Chair Castillo seconded. Voted and passed 3-0.

Vice Chair Reeves made a motion to approve the Order of Dismissal for PB 22-03, Brian Wilson. Member Vigil-Tullar seconded. Voted and passed 3-0.

Chair Castillo made a motion to Decline to hear the case based on jurisdiction for PB 21-34, Paul Durham. Vice Chair Reeves seconded. Voted and passed 3-0.

VIII. OTHER MATTERS.

No other matters

IX. ADJOURNMENT.

Chair Castillo adjourned the meeting at 3:07 pm.

DocuSigned by:

John Castillo

JOHN CASTILLO- CHAIR
City Personnel Board

2/13/2023 | 1:35 PM MST

DATE

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