

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

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

WEDNESDAY, MAY 11, 2022
2:30 P.M.

MEMBERS PRESENT:

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

OTHERS PRESENT:

Patricia Padrino *Kelly Haney*
John D'Amato *Justin Pennington*
Jessica Enriquez *Rocky Gutierrez*

Minutes

I. CALL TO ORDER.

Chair John Castillo called the meeting to order. Board members Vice Chair Zane Reeves, Bernie Toon, Magdalena Vigil-Tullar and Katherine Korte were also present.

II. REVIEW AND APPROVAL OF THE PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, MAY 11, 2022.

Chair Castillo stated that two items have been added to item IV. which are Orders for PB 21-20 and PB 21-28. Ms. Vigil-Tullar moved to approve the agenda as amended. Vice Chair Reeves seconded. Voted and passed 5-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR FEBRUARY 9, 2022.

Ms. Vigil-Tullar moved to approve the minutes for February 9, 2022. Ms. Korte seconded. Voted and passed 5-0.

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

- **PB 20-18, CHRISTOPHER DUDA, STIPULATED ORDER GRANTING MOTION TO DISMISS.** Attorney John D'Amato appeared on behalf of Christopher Duda. Assistant City Attorney Ian Stoker appeared on behalf of the City. The parties stated that they reached an agreement and both approved the Order. See item VII.
- **PB 20-20, VICTOR CANSINO, ORDER OF DISMISSAL.** Mr. Stoker appeared on behalf of the City and stated that the parties have reached an agreement. See item VII.
- **PB 21-17, MARK HOLMAN, ORDER OF DISMISSAL.** Mr. D'Amato appeared on behalf of Mark Holman and Mr. Stoker appeared on behalf of the City. The parties stated that they have reached an agreement and stipulated to the Order. See item VII.
- **PB 21-23, DANNY PADILLA, ORDER OF DISMISSAL.** Mr. D'Amato appeared on behalf of Danny Padilla and stated that this matter was appealed under old contract. Assistant City Attorney Catherine Gonzalez appeared on behalf of the City. Both parties agreed to dismiss this matter. See item VII.

- **PB 21-25, RICHARD LERNER, RECOMMENDED ORDER OF DISMISSAL WITH PREJUDICE.** Attorney Andrea Robledo appeared on behalf of the City and stated that the parties have resolved this matter. See item VII.
- **PB 21-20, PHETAMPHONE PHOLPHIBOUN, STIPULATED, ORDER FOR DECISION.** Mr. D'Amato appeared on behalf of Phetamphone Pholphiboun. Assistant City Attorney Justin Pennington and Mr. Stoker appeared on behalf of the City. After brief discussion Assistant City Attorney and Board counsel Patricia Padrino stated that the Board can not rule on this matter because it was not on the agenda and did not provide 24-hour notice to the parties. Vice Chair Reeves made a motion to schedule this matter on the next Board agenda. Ms. Vigil-Tullar seconded. Voted and passed 5-0.
- **PB 21-28, STEVEN ARIAS, STIPULATED ORDER FOR DECISION.** Mr. D'Amato appeared on behalf of Steven Arias. Mr. Stoker appeared on behalf of the City. After brief discussion Assistant City Attorney and Board counsel Patricia Padrino stated that the Board cannot rule on this matter because it was not on the agenda and did not provide 24-hour notice to the parties. Vice Chair Reeves made a motion to schedule this matter on the next Board agenda. Ms. Vigil-Tullar seconded. Voted and passed 5-0.

V. BOARD DISCUSSION OF THE DRAFT CHANGES TO THE PERSONNEL BOARD RULES AND REGULATIONS.

Sub-committee members Vice Chair Zane Reeves and member Magdalena Vigil-Tullar presented the revised draft Rules and Regulations. The Board members, public attendees and City Clerk Ethan Watson also provided comments and discussion. Ms. Korte made a motion to approve the Rules and Regulations as written with the addition of adding the word "written" to section B. of number 14. Implementation of Decision. Vice Chair Reeves seconded. Voted and passed unanimously 5-0.

Chair Castillo made a motion to delete the added language on page (10). No second and motion failed.

VI. PUBLIC COMMENTS.

Rocky Gutierrez, AFSCME Representative, asked that City provide clarification on whether the Grievance Resolution Committee would have jurisdiction for split suspensions if what is served is not more than (5) days. Mr. Stoker stated that the Board does not have power to enforce a request to the GRC; however, he will discuss with his client and report back to Mr. Gutierrez.

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. Ms. Vigil-Tullar seconded. A roll call vote was taken and passed 5-0.

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.

Ms. Vigil-Tullar made a motion to accept the Stipulated Order Granting Motion to Dismiss for PB 20-18, Christopher Duda. Mr. Toon seconded. Voted and passed 5-0.

Vice Chair Reeves made a motion to approve the Order of Dismissal for PB 20-20, Victor Cansino. Mr. Toon seconded. Voted and passed 5-0.

Ms. Korte made a motion to approve the Order of Dismissal for PB 21-17, Mark Holman. Mr. Toon seconded. Voted and passed 5-0.

Ms. Vigil-Tullar made a motion to accept the Order of Dismissal for PB 21-23, Danny Padilla. Chair Castillo seconded. Voted and passed 5-0.

Mr. Toon made a motion to accept the Order of Dismissal for PB 21-25, Richard Lerner. Chair Castillo seconded. Voted and passed 5-0.

VIII. OTHER MATTERS.

Chair Castillo thanked the subcommittee, City attorneys, attorneys and representatives involved in the revision of the Personnel Rules and Regulations.

IX. ADJOURNMENT.

Chair Castillo adjourned the meeting.

DocuSigned by:


JOHN CASTILLO- CHAIR
City Personnel Board

7/19/2022 | 11:03 AM MDT

DATE

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