



CITY PERSONNEL BOARD

Wednesday, November 14, 2012

600 2nd STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Carol Adler
Sarah Beasley Lisa Vigil
Thomas Manning

OTHERS PRESENT:

Samantha Hults Rebecca Wardlaw
Diane Kimberele Mary Scott
Doris Duhigg Samuel Vallejos
Cordero Montoya Lori Cruz
Stevie Nichols Annette Paiz
Arturo Candelaria Vincent Yermal
Lucinda Montoya

Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. CALL TO ORDER

The meeting was called to order at 2:40 p.m. by Ryan Randall. Sarah Beasley, Carol Adler, Lisa Vigil and Thomas Manning were present.

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, NOVEMBER 14, 2012

Chairman Randall made a Motion that the Agenda be approved. Carol Adler seconded. Approved 5-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, SEPTEMBER 12, 2012

Chairman Randall made a Motion to approve the September 12, 2012 Minutes. Ms. Adler seconded. Ms. Vigil abstained. Approved 4-1.

IV. ELECTION OF PERSONNEL BOARD VICE CHAIR

Chairman Randall explained this is a one year term and suggested this position be alternated between a Management Representative and Employee Representative. Chairman Randall nominated Carol Adler and made a Motion that Ms. Adler be elected Vice Chair. Thomas Manning seconded. Ms. Adler abstained. Approved 4-1.

V. PB-12-09, ALBERT BARRERAS, TERMINATION-MUNICIPAL DEVELOPMENT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER

Chairman Randall stated Hearing Officer, Patrick Bingham has submitted his recommendation dismissing the Appeal and upholding the termination of Mr. Albert Barreras.

Ms. Hults, representative for the City of Albuquerque, asked the City to uphold the Hearing Officer's recommendation. She stated Mr. Barreras failed to appear at the Merits Hearing and therefore forfeited his rights to appeal. Mr. Barreras was given adequate notice for all scheduled hearings.

This case was submitted and the Board will review it when they go into Executive Session.

VI. PB-12-05, JERRY SANCHEZ, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER

Chairman Randall stated Hearing Officer, Barbara Albin has submitted her recommendation regarding Mr. Jerry Sanchez.

Ms. Wardlaw submitted, for the record, a transcript from the June 7, 2012 hearing (1st day of hearing); Ms. Wardlaw explained what occurred at this, as well as all scheduled proceedings, in this matter.

Sarah Beasley questioned the definition of a "random" drug test. Ms. Wardlaw explained the criteria.

This case was submitted and the Board will review it when they go into Executive Session.

Chairman Randall moved that the Board go into Executive Session for the sole purpose of considering PB 12-09 and PB 12-05. Ms. Adler seconded. Approved 5-0. Board in Executive Session.

Ms. Adler moved to accept the Hearing Officer's recommendation in PB 12-09. Mr. Manning seconded. Approved 5-0.

Chairman Randall stated that the Hearing Officer's recommendation in PB 12-05 would be modified. Chairman Randall moved to entertain a number of changes to the Recommended Findings of Fact and Recommended Conclusions of Law. Ms. Beasley seconded. Approved 5-0.

VII. PUBLIC COMMENT

There was no public comment.

VIII. OTHER MATTERS

Doris Duhigg explained the new Ordinance that was passed by City Council and went to effect on September 27, 2012. The process whereby Hearing Officers are chosen to hear matters was explained. The recusal of Hearing Officers was also explained. This Ordinance affects matters that were submitted after September 27, 2012.

IX. ADJOURNMENT

Chairman Randall moved to adjourn. Ms. Beasley seconded. Approved 5-0. Adjourned at 4:25 p.m.

APPROVED:

Ry-Randall

1/9/13

RYAN RANDALL, CHAIR
City Personnel Board

DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD
Wednesday, September 12, 2012
1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Carol Adler
Sarah Beasley Thomas Manning

OTHERS PRESENT:

Samantha Hults Paul Livingston
Paula Forney Mary Scott
Doris Duhigg Samuel Vallejos
Lucinda Montoya

Minutes

PO Box 1293

Albuquerque

NM 87103

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I. CALL TO ORDER

The meeting was called to order at 2:38 p.m. by Ryan Randall. Sarah Beasley, Carol Adler and Thomas Manning were present. Lisa Vigil was not present. Ms. Duhigg would like the Minutes to reflect that this is the 2nd consecutive meeting that Ms. Vigil has not appeared.

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, SEPTEMBER 12, 2012

Chairman Randall made a Motion that the Agenda be approved. Carol Adler seconded. Approved 4-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 8, 2012

Chairman Randall made a Motion to approve the August 8, 2012 Minutes. Ms. Adler seconded. Approved 4-0.

IV. PB 10-09, ALVIN ROYBAL, TERMINATION-ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER

Chairman Randall stated Hearing Officer, Barbara Albin has submitted her recommendation dismissing the Appeal of Mr. Roybal.

Paul Livingston, Attorney for Mr. Roybal, questioned this recommendation as being a Summary Judgment. Mr. Livingston explained the timeline and events which took place in this case.

Paula Forney, Attorney representing the City of Albuquerque, referred the Board to Personnel Rule Number 7 for Hearing Officers, which provides no provision against Hearing Officers deciding Motions for Summary Judgment. Ms. Forney stated Mr. Livingston has not argued the facts of this case. The facts were clear, Mr. Roybal was

terminated for testing positive for drug use; he appealed the termination and was re-instated. Under the Second Chance Policy, Mr. Roybal was to enter a Substance Abuse Program; however he failed to attend. Mr. Roybal was scheduled for a second Pre-Determination hearing at which time he was terminated. Ms. Forney stated that Mr. Livingston never responded to the City's Motion to Dismiss. The City is requesting that this Board adopt the recommendation of the Hearing Officer.

Ms. Adler questioned Mr. Livingston as to why Mr. Roybal did not attend his Substance Abuse Program and why he would think that he would be re-instated under the Second Chance Policy when he had been terminated under the Zero Tolerance Policy.

This case was submitted, the Board will review it when they go into Executive Session. Mr. Livingston questioned if it was appropriate to discuss this in Executive Session. Ms. Duhigg stated the Open Meetings Act permits the Board going into Executive Session regarding Personnel matters. Board Members had no concerns regarding them going into Executive Session.

V. ***PB-12-07, JOSE MARTINEZ, TERMINATION-ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER***

Chairman Randall stated Hearing Officer, Barbara Albin has submitted her recommendation dismissing the Appeal of Mr. Jose Martinez.

Mr. Livingston stated he submitted a request that Ms. Albin recuse herself as the Hearing Officer for this case. Neither Mr. Livingston nor Mr. Martinez appeared or participated in the hearing as they did not agree to the process or Ms. Albin being the Hearing Officer.

Samantha Hults, Assistant City Attorney, explained the timeline and events that took place in this case. She stated at approximately 4:57 p.m. on August 13, 2012 (the day before the scheduled hearing), an e-mail was received from Mr. Livingston recusing Hearing Officer Barbara Albin. Mr. Livingston cited a rule that had been before City Council to amend the Merit System Ordinance; however, it was not in effect at the time the hearing was to take place. Ms. Hults responded to Mr. Livingston's Motion via e-mail stating the City objected to postponing and that the Motion did not clearly state bias. In that e-mail Mr. Livingston stated he would not appear or participate in the next day's scheduled hearing. The morning of the hearing, the Hearing Officer directed all parties to appear. The City appeared with its available witnesses and the Hearing Officer appeared; however, neither the grievant nor Mr. Livingston appeared. The City made a request that the case be dismissed under Personnel Board Rule 3-1-25-H which indicates that if a grievant refuses to participate in the appeal process; they waive their right to such process. The City asks that the Board adopt the recommendation of the Hearing Officer.

This case was submitted and the Board will review it when they go into Executive Session.

Chairman Randall moved that the Board go into Executive Session for the sole purpose of considering PB 10-09 and PB 12-07. Ms. Adler seconded. Approved 4-0. Board in Executive Session.

Ms. Adler moved to accept the Hearing Officer's recommendation in PB 10-09. Mr. Manning seconded. Passed 4-0.

Ms. Adler moved to accept the Hearing Officer's recommendation in PB 12-07. Ms. Beasley seconded. Passed 4-0.

VI. ELECTION OF PERSONNEL BOARD VICE CHAIR

Chairman Randall explained the term of the Vice Chair is for one year. He suggested the Board may want to alternate the vice chair position between an employee elected representative and a mayor appointed representative. Ms. Beasley had a concern regarding Ms. Vigil not being present to give her input. Chairman Randall stated that this matter would be deferred to next month's meeting. Chairman Randall asked that either Ms. Duhigg or Ms. Montoya contact Ms. Vigil to inform her that her presence is required at these meetings.

VII. PUBLIC COMMENT

Mr. Livingston questioned the terms and election of the Board Members.

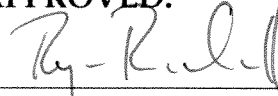
VIII. OTHER MATTERS

Mr. Livingston asked that the Board review the new rules adopted by City Council. Chairman Randall asked Ms. Duhigg if the City Attorney's Office could present the new rules to the Board at the next meeting.

IX. ADJOURNMENT

Chairman Randall moved to adjourn. Ms. Adler seconded. Approved 4-0. Adjourned at 3:47 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board

11/14/2012

DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD

Wednesday, August 8, 2012

1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Carol Adler
Sarah Beasley

OTHERS PRESENT:

Mary Scott Shenandoah Sanchez
Rebecca Wardlaw Lucinda Montoya
Doris Duhigg

Minutes

I. CALL TO ORDER

The meeting was called to order at 2:39 p.m. by Ryan Randall. Sarah Beasley and Carol Adler were present. Thomas Manning and Lisa Vigil were not present.

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, AUGUST 8, 2012.

Chairman Randall made a Motion that the Agenda be approved. Carol Adler seconded. Approved 3-0.

Albuquerque

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JULY 11, 2012.

Ms. Adler moved for approval of the July 11, 2012 Minutes. Chairman Randall seconded. Approved 3-0.

NM 87103

IV. PB 11-21, SHENANDOAH SANCHEZ, TERMINATION-ANIMAL WELFARE, RECOMMENDATION OF THE HEARING OFFICER.

Doris Duhigg's disclosure is on the record from last month's meeting, there is no conflict of interest. This matter was continued from last month. The Hearing Officer, in this matter, upheld the termination.

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Mr. Shenandoah Sanchez was given the opportunity to state why the Hearing Officer's recommendation should not be accepted by this Board. Mr. Sanchez stated he was not allowed to call his own witnesses for his defense; nor was he offered a continuance as he requested. Mr. Sanchez explained his recollection of what occurred at his hearing.

Ms. Adler questioned Mr. Sanchez on what led to his termination. Mr. Sanchez explained there were complaints from former co-workers that were reported to his supervisor. Mr. Sanchez believes his behavior was appropriate and professional.

Rebecca Wardlaw, Assistant City Attorney, stated the Hearing Officer, in her report and

recommendations did go over Mr. Sanchez's complaints about continuances and witnesses. Mr. Sanchez was given the opportunity to call witnesses; however, Mr. Sanchez did not have any witnesses available to testify on his behalf at his hearing. The City made an effort to have these witnesses available even though Mr. Sanchez's Witness List was late. Ms. Wardlaw explained there was confirmation from a number of witnesses that Mr. Sanchez's behavior was inappropriate and based on the number of previous instances of discipline, the discipline of termination was appropriate.

Mr. Sanchez responded to Ms. Wardlaw's comments regarding his Witness List.

Chairman Randall moved that the Board go into Executive Session for the sole purpose of considering PB 11-21. Ms. Adler seconded. Approved 3-0. Board in Executive Session.

Ms. Adler moved to accept the Hearing Officer's recommendation. Ms. Beasley seconded. A vote was taken and the Motion was approved 3-0. Chairman Randall will accept the Hearing Officer's recommendations.

V. PUBLIC COMMENT.

No public comment.

VI. OTHER MATTERS.

Chairman Randall informed the Board that a new Vice Chair would be needed; this will be discussed at next month's Meeting.

VII. ADJOURN.

Chairman Randall moved to adjourn. Ms. Adler seconded. Approved 3-0. Adjourned at 3:16 p.m.

APPROVED:

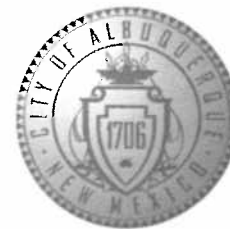


RYAN RANDALL, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD
Wednesday, July 11, 2012
1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Carol Adler
Sarah Beasley Thomas Manning

OTHERS PRESENT:

Lucinda Montoya Mary Scott
Rebecca Wardlaw Vince Yermal
Doris Duhigg Shenandoah Sanchez
Lucinda Montoya

Minutes

I. CALL TO ORDER

The meeting was called to order at 2:38 p.m. by Ryan Randall. Linda Myers was not present, all other members appeared.

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 11, 2012.

Chairman Randall made a motion that the Agenda be approved. Sarah Beasley seconded. Approved 4-0.

Albuquerque

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JUNE 13, 2012.

Chairman Randall moved for approval of the June 13, 2012 Minutes. Carol Adler seconded. Approved 4-0.

NM 87103

IV. PB 11-21, SHENANDOAH SANCHEZ, TERMINATION-ANIMAL WELFARE, RECOMMENDATION OF THE HEARING OFFICER.

Doris Duhigg, Assistant City Attorney, stated that she represents Animal Welfare; however, does not know Mr. Sanchez.

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Chairman Randall explained that the Board has received a recommendation from Hearing Officer that the termination be upheld.

Shenandoah Sanchez appeared at today's hearing pro-se. Mr. Sanchez questioned Ms. Duhigg regarding her presiding over one of his hearings. Ms. Duhigg responded that she had not.

Mr. Sanchez questioned his notification of today's meeting. He explained that he had received separate mailings; the first being the Hearing Officer's Recommendation which he received on June 20, 2012 and on July 6, 2012 received the Agenda for today's meeting.

Mr. Sanchez explained that this has not allowed him enough time to seek representation.

Chairman Randall explained to Mr. Sanchez that the purpose of today's meeting was to review the Hearing Officer's Recommendation and give the Board the opportunity to either accept or deny the Recommendation; as well as giving Mr. Sanchez the opportunity to respond to the Recommendation.

Mr. Sanchez is requesting that this matter be continued to next month's meeting in order to give him sufficient time to seek representation.

Rebecca Wardlaw, Assistant City Attorney, explained that at the actual hearing, Mr. Sanchez was being represented by his Union Representative, Rocky Gutierrez; however, Mr. Gutierrez, and the Union services, were terminated by Mr. Sanchez during the early stages of the hearing and continued pro-se. It is the City's position that the Hearing Officer's Recommendation should stand.

Mr. Sanchez explained what took place at the hearing.

Chairman Randall does not believe that continuing this matter to August will be harmful. Board Members were given an opportunity to question Mr. Sanchez regarding the hearing procedures and his representation or self-representation at that time. Mr. Sanchez explained that he represented himself under protest, because he received no response from the Union.

Chairman Randall made a Motion to continue this matter to the August meeting, but not beyond the August meeting. Ms. Beasley seconded. Passed 4-0.

V. PUBLIC COMMENT.

No public comment.

VI. OTHER MATTERS.

Chairman Randall discussed the e-mail correspondence the Board had been receiving regarding Jerry Sanchez, PB 12-05 and Alvin Roybal, PB 10-09, both cases being assigned to Barbara Albin. Questions have been raised by Paul Livingston regarding the propriety of her appointment. It is the understanding of Chairman Randall that Ms. Albin is going to proceed with these matters until she hears otherwise from the Board. He believes that the hearings should proceed, and when a final decision is brought to the Board, issues can be raised by the parties and the Board can determine if it wants to uphold the Hearing Officer's recommendations or reverse the recommendations for whatever reason, including bias, and could even remand to a different Hearing Officer.


Ms. Duhigg stated her concern for the Board not having the authority to determine bias. Chairman Randall explained that the Board does not have the authority to remove a Hearing Officer; but if a party wanted to oppose a decision, and one of the reasons being because of bias on the part of the Hearing Officer, the Board could take that into account in deciding if a particular decision should be affirmed or rejected. These two particular cases should proceed and final Findings of Facts and Conclusions of Law should be rendered by the Hearing Officer; the Board will then review everything and decide further if it appropriate to uphold or reject them.

Chairman Randall informed the Board that the Personnel Board Election will be held on August 21, 2012.

VII. ADJOURN.

Chairman Randall moves to adjourn. Ms. Adler seconded. Approved 4-0. Adjourned at 3:06 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD

Wednesday, June 13, 2012

1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Carol Adler
Sarah Beasley Thomas Manning
Linda Myers

OTHERS PRESENT:

Lucinda Montoya Mary Scott
Rebecca Wardlaw Vince Yermal
Samantha Hults Doris Duhigg
Rocky Gutierrez Mark Tafoya
Paul Livingston

Minutes

I. CALL TO ORDER

The meeting was called to order at 2:35 p.m. by Ryan Randall. All other members appear.

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 13, 2012.

Chairman Randall suggests that Items III & IV be switched. Sarah Beasley made a Motion to switch Items III and IV of the June 13, 2012 Agenda. Chairman Randall seconded. Approved 5-0.

Albuquerque

III. INTRODUCTION OF NEW PERSONNEL BOARD MEMBERS - CAROL ADLER AND THOMAS MANNING

Chairman Randall introduced two members to the Personnel Board. Carol Adler, Executive Director and Director of Human Resources at CNM. Ms. Adler is a new representative appointed by the Mayor. Thomas Manning, Senior Human Resources Representative and Labor Relations Officer for CNM. Mr. Manning is also appointed by the Mayor. Chairman Randall thanks Mary Beth Vigil and Julian Sanchez for their service to the Board.

NM 87103

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IV. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, APRIL 11, 2012.

Chairman Randall moved for approval of the April 11, 2012 Minutes. Being that Ms. Adler and Mr. Manning were not present, they will not be participating in this particular item. Linda Myers seconded. Approved 3-0.

V. PB 11-24, MARK TAFOYA, 10 DAY SUSPENSION-ANIMAL WELFARE, RECOMMENDATION OF THE HEARING OFFICER.

Doris Duhigg, Assistant City Attorney, stated that she represents Animal Welfare and has worked with Mr. Tafoya on a number of animal issues; therefore, she will not be contributing. Chairman Randall advised her that the Board would not be asking her for

guidance on this matter nor will she be included in Executive Session to discuss this matter.

Chairman Randall explained that the Hearing Officer reversed a suspension of Mr. Tafoya. The City is the appealing party in this matter.

Samantha Hults appeared on behalf of the City of Albuquerque. Officer Tafoya was put on a 10-day suspension, 5 days were served without pay and 5 days were held in abeyance. Ms. Hults explained history of the case. Ms. Hults submits that the Hearing Officer excluded from the Findings of Facts the testimony that Officer Tafoya had been trained and reminded constantly on how to cool animals down. The Hearing Officer also failed to include in his findings that Mr. Tafoya did have water to provide to the animals, in the vehicle, but did not. Since these issues are not in the record, the City wanted to bring this to the attention of the Board. The City believes the Hearing Officer has ruled in error by not putting those facts in his decision and taking those facts into consideration. The City is asking the Board, under Section 3-1-25-2 of the Merit System Ordinance, overturn the Hearing Officer's recommendation and find that there was just cause for the suspension. The City asks that if the Board will not uphold the entire 10 day suspension, that a new ruling or new form of discipline. The City suggests at least upholding the 5 day suspension.

Chairman Randall questioned what instructions Mr. Tafoya would have seen in regards to cooling animals. Ms. Hults explained that each day officers are given oral instruction on what to do in order to cool animals down. Chairman Randall questioned Officer Macias attempting to cool the dogs down. Ms. Hults explained that Ms. Macias testified that she did not, but she offered to transport the dogs and when Officer Tafoya refused, she believed that he was the Officer and charge and would take care of that.

Ms. Beasley questioned the operation of the cooling system, the pre-trip inspection and maintenance on the vehicle. Ms. Hults explained her knowledge of the cooling system. Mr. Tafoya testified that he had always seen the temperature gauge read high and not accurately. Ms. Hults stated that the vehicle had been serviced and that a new toggle readout had been installed in the vehicle a few weeks prior to the incident.

Ms. Adler questions prior discipline Mr. Tafoya may have received. Ms. Hults stated that Mr. Tafoya did not have prior discipline.

Mr. Manning questioned the air conditioning maintenance and the temperature gauge being broken. Ms. Hults stated that Mr. Tafoya testified that the temperature gauge was always that way. A mechanic testified that there was a defect in the system and how it was set up. Mr. Manning questions whose responsibility it was to get the defect fixed. Ms. Hults stated that Mr. Tafoya had reported the problem and the City would take it to be repaired, which this vehicle had been.

Ms. Beasley questioned Mr. Tafoya physically checking on the animals to ensure they were not in distress. Ms. Hults stated that when asked, Mr. Tafoya stated that he could see them through the window and that they appeared to be fine. No physical opening of the doors to ensure the air was running.

Rocky Gutierrez appeared on behalf of Mr. Tafoya. Mr. Gutierrez stated that he believed that the recommendation for the Hearing Officer is exact and accurate. He explained that the placement of the sensor in the unit is what is causing the temperature gauge to

malfunction. The mechanic testified that because of the placement, it is always going to read 90 degrees and that it is a default of the builder of the van. It was also testified that several of the vans do not have temperature units. It is not unusual for dogs to be in vans for more than 3 hours. Mr. Gutierrez explained the events that took place the day of the incident. Mr. Gutierrez stated that testimony, from the mechanic, was given indicating that there was no way for Mr. Tafoya to know that air was not being blown to the back of the van. Because of no fault by Mr. Tafoya were these dogs injured. It was caused by a mechanical malfunction not by Mr. Tafoya being neglectful of these animals.

Ms. Beasley questions the mechanical temperature and whether it was a mechanical malfunction or if the unit has never worked. Mr. Gutierrez stated that it has never worked and that the 90 degree reading is caused by the placement of the unit not a malfunction. He stated that all the vehicles with this unit have the same problem and that several vehicles don't have the unit. Mr. Gutierrez explained Mr. Tafoya turning in his vehicle for service for the air conditioning unit three weeks prior to this incident.

Ms. Adler questions Mr. Gutierrez' knowledge of any other animals dying because of similar circumstances. Mr. Gutierrez stated that to his knowledge not because of mechanical reasons.

Mr. Manning questioned the temperature difference from what the gauge is reading and what the actual temperature in the back of the truck was. Mr. Gutierrez stated that the mechanic's notes state that sensor in the front of the vehicle was reading 90 plus degrees and the air in the back was reading 66 degrees. Mr. Manning questioned being able to hear the blower in the front of the vehicle. Mr. Gutierrez explained that there is a solid wall between the front and back of the vehicle; therefore, Mr. Tafoya would not have been able to hear that the blower was not blowing air in the back of the vehicle.

Ms. Beasley questioned the dogs being cooled off being detrimental to them. Mr. Gutierrez explained that cooling off the dogs too quickly (dousing them with water), could have been detrimental to the dogs. There is no written procedure/policy on how to cool animals down. Mr. Gutierrez stated that the dogs overheated because of lack of oxygen.

Ms. Hults objects to Mr. Gutierrez' last statement. The Vet did not speak of lack of oxygen to the back of the truck, what the dogs died of was heat exhaustion. She explained that the Vet testified that to cool an animal down, water can be given for the animal to drink or their paws could have been placed in water and that would not have been detrimental to their health.

Chairman Randall questions the Vet testifying in regards to if the dogs had received water to drink their likelihood of survival under the circumstances they were in. Ms. Hults stated that there was no testimony given to that fact.

Ms. Alder questions if there was water readily available to Mr. Tafoya. Ms. Hults stated that there was water in the truck.

Ms. Beasley questions the mechanic being reprimanded and also the procedures of checking on animals in vehicles that do not have a temperature gauge. The testimony was that it was a defect of the manufacturer itself. In regards to policies and procedures for vehicles that are not equipped with a temperature gauge, Ms. Hults stated that as an Animal Control Officer, it is their responsibility to make sure that the animals are safe.

Chairman Randall moves that the Board go into Executive Session for the sole purpose of considering PB 11-24. Ms. Adler seconded. Approved 5-0. Board in Executive Session.

Ms. Beasley moved to accept the Hearing Officer's recommendation. Ms. Myers seconded. A vote was taken and the Motion approved 3-2. Chairman Randall will accept the Hearing Officer's recommendations.

VI. PUBLIC COMMENT.

No public comment.


VII. OTHER MATTERS.

Ms. Duhigg stated that Lisa Vigil's name will be submitted to City Council at either their next meeting on June 18 2012 or the following meeting. Ms. Duhigg will keep the Board informed. Ms. Vigil will be replacing Ms. Myers.

X. ADJOURN.

Chairman Randall moves to adjourn. Ms. Myers seconded. Approved 5-0. Adjourned at 3:41 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD

Wednesday, April 11, 2012

1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Julian Sanchez
MaryBeth Vigil Sarah Beasley
Linda Myers

OTHERS PRESENT:

Lucinda Montoya Sam Bregman
Rebecca Wardlaw Russell Perea
Samantha Hults Doris Duhigg
Kathy Levy John D'Amato
Marty Esquivel Nancy Laflin
T. Zane Reeves Sam Bregman
Stephany Perea Paula Forney
Jenica Jacobi Molly O-Rourke Wall
Deb Rainaldi Rocky Gutierrez
Mike McGrath Alvin M. Roybal
Paul Livingston Roberto Albertorio

Minutes

PO Box 1293

Albuquerque

NM 87103

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I. CALL TO ORDER

The meeting was called to order at 2:35 p.m. by Ryan Randall. All other members appear.

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 11, 2012.

Chairman Randall discusses how the Board is going to handle the matters before the Board today. After review of the minutes, Board may need to combine some of the matters and then go into Executive Session. Chairman Randall moves for approval of the Personnel Board Agenda for Wednesday April 11, 2012. Mr. Sanchez seconded. Approved 5-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, FEBRUARY 8, 2012 AND WEDNESDAY, MARCH 14, 2012.

Ms. Vigil moves for approval of the February 8, 2012 minutes. Ms. Myers seconded. Approved 5-0. Ms. Vigil moves for approval of the March 14, 2012 minutes. Ms. Beasley seconded. Approved 5-0.

IV. PB-11-07, MARK WILSON-TERMINATION, ALBUQUERQUE POLICE DEPARTMENT, HEARING OFFICER'S RECOMMENDATION.

Hearing Officer ordered that the termination be rescinded and employee be re-instated. Kathy Levy appeared on behalf of the City of Albuquerque. City feels the Hearing Officer exceeded her scope of authority in this matter. The purpose was to determine if the Chief of Police had just cause based on the evidence. No termination on the merits for this dismissal. City asks the Board not accept the recommendation and to affirm the termination of Mr. Wilson. John D'Amato appeared on behalf of Mark Wilson. Hearing

Officer found that no just cause existed based on what was presented; but did find that one Commander recommended discipline/3 day suspension. Despite that recommendation, the Chief of Police decided termination was appropriate. Sufficient evidence to find that there is no just cause in this case. It is the responsibility of the Hearing Officer to determine if the City had just cause to discipline this employee. Just cause is not present in this case. Asks that the Board affirm and adopt the recommendations of the Hearing Officer. Board has no questions for Mr. D'Amato. Chairman Randall moves that the Board go into Executive Session for the sole purpose of considering PB-11-07 Mark Wilson. Ms. Beasley seconded. Approved 5-0. Went into Executive Session

Mr. Sanchez moves to accept the Hearing Officer's recommendation rescinding the City's discipline and reinstating the grievant with back pay and benefits. Ms. Vigil seconded. Approved 5-0.

V. ***PB-12-06, CITY OF ALBUQUERQUE'S MOTION FOR THE REMOVAL OF HEARING OFFICER T. ZANE REEVES INDIVIDUALLY AND IN THE MATTER OF PB-11-18 AND PB-12-01.***

Chairman Randall questions if this Board has the authority to make the decision to remove a Hearing Officer, and if so how procedurally to do that. Mr. Sanchez questions whether this matter is properly before the Board. Samantha Hults appeared on behalf of the City. Argues that this is a proper motion before the Board. Chairman Randall questions if this is a matter for District Court. Marty Esquivel appeared on behalf of Dr. Reeves. Mr. Esquivel does not believe this matter is properly before the Board. The City is asking that Dr. Reeves be removed after a decision that was not in favor of the City, had been rendered. No procedural guidelines. Chairman Randall questions Esquivel about the term of the Hearing Officer contract. Two year contract may not be terminated by the City for any reason except the violation of the Code of Judicial Conduct. Chairman Randall questions the City terminating Dr. Reeves' contract instead of presenting it to the Personnel Board. Mr. Esquivel does not feel that Board is in the position to make that ruling. Chairman Randall questions the City as to why they have brought this issue before the Board rather than terminating Dr. Reeves' contract. City has requested that Dr. Reeves step down; however, he has refused. Mr. Sanchez questions the City regarding the selection of Hearing Officers. He questions the Board being involved in the selection process for Personnel Board Hearing Officers. Roberto Albertorio, Chief Administrative Hearing Officer for the Office of Administrative Hearings explains the selection process. Mr. Sanchez questions Mr. Albertorio regarding the Board being involved in the selection process. Mr. Albertorio states that he is not aware of the Board being involved in this process. Mr. Albertorio explains how cases are assigned to Hearing Officers as well as have their invoices are submitted to the City and paid. Mr. Sanchez questions the Merit Ordinance giving the Board authority to take action against/for contract employees as opposed to classified employees of the City. CAO has the authority to hire and fire. Chairman Randall questions employee representative as to whether this matter is properly before this Board. Sam Bregman, who represents Russel Perea and Susan Dixon, does not believe this matter is property before this Board. Paul Livingston, who represents Alvin Roybal, does not feel this matter is properly before this Board. Rocky Gutierrez, who represents City employees, does not feel this matter is properly before this Board. Paula Forney, Esq. does not know if this matter is properly before this Board. Ms. Myers questions the City as to why this matter was not taken to the Office of Administrative Hearings. Rebecca Wardlaw who represents the City of Albuquerque and filed this Motion, responds. This Board has to review the Hearing Officer's recommendations to determine if the Hearing Officer acted

properly. She states that every case that Dr. Reeves hears and rules against the City will go up on appeal on the basis of bias. City wants and is entitled to a fair hearing. City does not feel Dr. Reeves is abiding by Rules of Judicial Conduct; they feel this is something this Board should make a decision on. Sam Bregman questions the City's decision to appeal matters heard by Dr. Reeves. No questions from the Board. Chairman Randall states the Board needs to collect a finding and discuss whether this matter is appropriately before the Board. Doris Duhigg suggests it be done in Open Session. Ms. Beasley does not feel the Board has the authority being that Dr. Reeves is not an employee of the City. Ms. Myers did not feel the Board had the authority to do what the City asked, and voted against the City's Motion. The Board unanimously rejected the City's Motion. Mr. Sanchez does not feel that this matter is properly before this Board. Ms. Vigil does not feel this is properly before this Board. Ms. Myers does not feel this matter is properly before this Board. Chairman Randall does not feel this matter is properly before this Board, it is more of a contractual matter. Chairman Randall moves to deny the City's Motion in Case 12-06 to Remove Dr. Reeves. Mr. Sanchez seconded. Approved 5-0.

VI. *PB-10-09 & PB-10-19, ALVIN ROYBAL, NOTICE OF APPEAL TO THE PERSONNEL BOARD ON THE CITY'S MOTION FOR THE HEARING OFFICER TO RECUSE HIMSELF FROM PRESIDING OVER THE HEARING.*

Chairman Randall states that there is nothing further for this Board to discuss until Final Findings of Facts and Conclusions are made. Mr. Livingston feels this matter needs to be heard by the Board, not by Dr. Reeves. Ms. Forney would like the Board to deny Mr. Livingston's Motion. City is willing to have this matter heard by Dr. Reeves. Chairman Randall moves that this matter be referred to the Hearing Officer in order for him to render a Final Findings of Facts and Conclusions of Law. Mr. Sanchez seconded. Approved 5-0.

VII. *PB-11-18, RUSSELL PEREA-TERMINATION, ALBUQUERQUE POLICE DEPARTMENT, HEARING OFFICER'S RECOMMENDATION.*

Chairman Randall states that there are Final Findings of Facts and Conclusions of Law that were rendered. Dr. Reeves reversed the termination of Mr. Perea. City has expressed concerns regarding Dr. Reeves' impartiality. Hearing Officer questioned credibility of witnesses. Mr. Perea's conduct was questioned by Internal Affairs and two Deputy Police Chiefs. There were concerns about his honesty. Different versions of events that happened. Dr. Reeves ruled that Perea should be re-instated with APD. Asked that Motions be placed in the file. Chairman Randall states that it is the Hearing Officer's responsibility to determine if an employee engaged in misconduct. Mr. Sanchez questions if the procedures of this process are being followed correctly. Ms. Wardlaw does not believe so. She is not aware of how the Hearing Officers are selected for each matter. Mr. Reeves did not allow the City opportunity to present its case properly and she did object. Mr. Sanchez questioned Ms. Wardlaw as to whether she believed the decision was arrived at in an arbitrary and capricious manner. She responded that she did believe so. Mr. Sanchez also asked if she felt there was some level of fraud in the decision. Ms. Wardlaw responded that she did not. Sam Bregman states that there is no evidence to suggest that Perea lied. No criminal charges were ever brought against Perea and asks that Board follow the recommendation of the Hearing Officer. Chairman Randall moves that the Board go into Executive Session for the sole purpose of considering Russell Perea PB-11-18. Mr. Sanchez seconded. Approved 5-0. Went into Executive Session. Ms. Myers moved that the Board uphold the Hearing Officer's Decision. Chairman Randall seconded. Approved 5-0.

VIII. PUBLIC COMMENT.

Mr. Gutierrez does not feel that it is appropriate for the City to ask a Hearing Officer to recuse himself because they do not agree with a decision that he made. The City is making allegations without any founded merit. Mr. Livingston states that there are several cases that are being handled improperly.

IX. OTHER MATTERS.

No other matters were discussed

X. Chairman Randall moves to adjourn. Ms. Vigil seconded. Approved 5-0. Adjourned at 4.33 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board

6/13/2012

DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD

Wednesday, March 14, 2012

1820 RANDOLPH RD SE, ALBUQUERQUE, NM 87106

HEARING ROOM 1

MEMBERS PRESENT:

MaryBeth Vigil Julian Sanchez
Linda Myers Sarah Beasley

MEMBERS NOT PRESENT:

Ryan Randall

OTHERS PRESENT:

Vanessa F. King Rebecca Wardlaw
Mary Scott Doris Duhigg
Kathy Levy John D'Amato
Bob Thomas Nancy Laflin
T. Zane Reeves Sam Bregman
Russell Perea Stephany Perea

Minutes

I. CALL TO ORDER

The meeting was called to order at 2:30 p.m. by Linda Myers. Chair Randall is not present. All other members appear.

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II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MARCH 14, 2012.

Mrs. Myers moves for the continuance of Item V, PB-11-18, Russell Perea-Termination, Albuquerque Police Department, Hearing Officer's Recommendation and Item VII, Motion for the Removal of Hearing Officer T. Zane Reeves, Individually and in the Matter of PB-11-18 and PB-12-01 until next months meeting when Chair Randall is present. Mr. Sanchez gets clarification of items to be continued. Mrs. Vigil seconded. Approved 4-0.

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III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, FEBRUARY 8, 2012.

Mr. Sanchez questions Item V, Alvin Roybal-Termination-Albuquerque Transit Department-Motion to Refer to the Personnel Board minutes. Mr. Sanchez moves to amend the minutes to say, "Board denies the employee's suggestion to intervene and conduct a full evidentiary hearing of the case," instead of, "Board denies the Employee's suggestion to intervene and hear the merits of the case." Mrs. Vigil seconded. Approved 4-0. Amended minutes to be approved at next meeting. Sam Begman asks to be excused and advises the board that he will respond to the City's Motion for the Removal of Hearing Officer T. Zane Reeves individually and in the matter of PB-11-18, Russell Perea.

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IV. OPEN MEETINGS RESOLUTION

Previously passed last meeting, need signatures by two last members.

V. PB-11-19, PETER DWYER-TERMINATION, ALBUQUERQUE POLICE DEPARTMENT, HEARING OFFICER'S RECOMMENDATION.

John D' Amato appears on behalf of Peter Dwyer. Kathy Levy appears on behalf of the City of Albuquerque. Mr. D' Amato requests that the Board remand and reverse the findings and recommendations of the Hearing Officer. He believes that the Hearing

Officer did not take into consideration the officer's First Amendment Rights. Mrs. Levy discusses comments made by Mr. Dwyer via social networks and department policies. Board asks questions of Mrs. Levy and Mr. D'Amato regarding speech and issues. Mrs. Myers moves to go into executive session to discuss Peter Dwyer. Mr. Sanchez seconded. Approved 4-0.

Mrs. Beasley moves to affirm the recommendation of the Hearing Officer and uphold the disciplinary measures. Mrs. Vigil seconded. Approved 4-0.

VI. MOTION FOR THE REMOVAL OF HEARING OFFICER T. ZANE REEVES, INDIVIDUALLY AND IN THE MATTER OF PB-11-18 AND PB-12-01.
Matter continued to 4/11/12. See Item II.

VII. PUBLIC COMMENT
None.


VIII. OTHER MATTERS
Doris Duhigg discusses the Personnel Board Election which will take place on March 20, 2012. There is one nomination, Lisa Vigil. Ms. Duhigg gives Board a copy of Ms. Vigil's CV. Discussion of election of Vice Chair. Board discusses terms and appointment of the Board. Vanessa F. King will check with Joan Yazze-Gallegos regarding term information for the board.

Vanessa F. King asks Board how to assign the Motion for the Removal of Hearing Officer T. Zane Reeves and correspondence from the CAO. Mrs. Duhigg advises that the matter be assigned a PB number but no correspondence is needed from the CAO. Notification of the matter should be sent to the CAO with agenda.

Mrs. Beasley asks procedure for media. Mrs. Duhigg advises that pending cases are not discussed.

IX. ADJOURNMENT
Mrs. Myers moves to adjourn. Mrs. Vigil seconded. Approved 4-0. Adjourned at 3:17 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD

Wednesday, February 8, 2012

GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Julian Sanchez
Linda Myers

OTHERS PRESENT:

Vanessa F. King Paula Forney
Mary Scott Doris Duhigg
Paul Livingston Selinda Guerrero
Alvin Roybal

Minutes

I. CALL TO ORDER

The meeting was called to order at 2:37 p.m.

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY 8, 2012.

Chairman Randall moves for approval of the Personnel Board Agenda for Wednesday February 8, 2012. Mr. Sanchez seconded. Approved 3-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JANUARY 11, 2012.

Mrs. Myers moves for approval of the January 11, 2012 minutes. Chair Randall seconded. Approved 3-0.

IV. OPEN MEETINGS RESOLUTION

Chair moves for the approval of the Open Meetings Resolution. Mrs. Myers seconded. Approved 3-0. Mrs. Duhigg informs the board that all members must sign the Resolution. Item will be placed on the agenda for next month.

V. ALVIN ROYBAL-TERMINATION-ALBUQUERQUE TRANSIT DEPARTMENT-MOTION TO REFER TO THE PERSONNEL BOARD

Paula Forney appears on behalf of the City of Albuquerque. Paul Livingston appears on behalf of Alvin Roybal. Parties explain history of case. The City of Albuquerque previously submitted a Motion to Dismiss. Hearing Officer, T. Zane Reeves, denied the Motion and referred the matter to the Personnel Board. A hearing was scheduled for December 11, 2011, was canceled. Matter is now before the Personnel Board. Mr. Livingston discusses Substance Abuse Policy and discusses his client Mr. Roybal. Mr. Livingston moves to enter "Bus driver fails drug test, earns \$13k in paid leave". Mr. Livingston claims that the case has been pending for over two years and lists the reasons why the case has not been heard. He suggests that the Personnel Board hear the current case. Chair moves to go into Executive Session to figure out what needs to be done in the case. Mr. Livingston claims that it is illegal and a violation of the Open Meetings Act to discuss item in Executive Session and objects to go into closed session. Mrs. Duhigg advises that the board may go into Executive Session. Mrs. Forney hands out the "Alvin Roybal Time Line" and discusses grievance issues. Chair moves to go into Executive

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Session . Mrs. Myers seconded. Mr. Sanchez asks for clarification of what is to be discussed in Executive Session. Approved 3-0.

Executive Session concluded. Chair Randall moves to deny City's Request to Intervene and to hear the City's Motion to Dismiss. Board denies the employee's suggestion to intervene and conduct a full evidentiary hearing of the case. Denies the Hearing Officer's Request to Hear the Matter Prior to Final Decision and moves to remand the case back to the Hearing Officer to handle this case and render Finding of Facts and Conclusions of Law. Mr. Sanchez seconded. Approved 3-0.

VI. PUBLIC COMMENT

Paul Livingston thoroughly comments on the City of Albuquerque's Substance Abuse Policy. Thanks the Board for ruling in the Alvin Roybal matter.


VII. OTHER MATTERS

Chair Randall informed that he will not be present at the March hearing and will need the Vice Chair to take over. Mrs. Myers will conduct the hearing as the Vice Chair.

VIII. ADJOURNMENT

Chair Randall moves to adjourn. Mr. Sanchez seconded. Approved 3-0. Adjourned at 3:24 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk



CITY PERSONNEL BOARD
Wednesday, January 11, 2012
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Marybeth Vigil
Linda Myers Sarah Beasley
Julian Sanchez

OTHERS PRESENT:

Vanessa F. King Paula Forney
Mary Scott Jessica Tapia
Doris Duhigg David Tapia
Paul Livingston Selinda Guerrero
Lori Cruz Antoinette Montoya

Minutes

- I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JANUARY 11, 2012.**
Meeting was called to order at 2:32 p.m. Chair Randall moved to approve the agenda for Wednesday, January 12, 2012. Mr. Sanchez seconded. Agenda approved 5-0.
- II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, DECEMBER 14, 2011.**
Linda Myers requests a copy of the minutes for review. There was a problem with her receiving them. Mrs. Myers moves to approve the minutes for Wednesday, December 14, 2011. Marybeth Vigil seconded. Minutes approved 5-0.
- III. PB-10-15 & PB-09-20, ANSELMO SMITH (TRANSIT)-SUBSTANCE ABUSE POLICY-RECOMMENDATION OF THE HEARING OFFICER.**
Paula Forney appeared on behalf of the City of Albuquerque. No one appears on behalf of Mr. Smith. Matter taken under advisement into executive session.

Mrs. Vigil moves to uphold the recommendation of the Hearing Officer's Recommendations. Mr. Sanchez seconded. Motion approved 5-0.
- IV. PB-11-15, JESSICA TAPIA (TRANSIT)-TERMINATION- MOTION FOR SANCTIONS.**
Motion for Sanctions previously filed by Paul Livingston and is not Jessica Tapia's representative. Chair Randall does not believe that the Board does not have to be heard however, in fairness will hear the Motion. Paula Forney appears on behalf of the City of Albuquerque. Paul Livingston appears. Mr. Livingston claims he had no intent to prosecute the claim. However, feels that he needed to discuss Mrs. Forney's conduct. Mr. Livingston claims Mrs. Forney sent correspondence to Ms. Tapia's doctor requesting medical records to avoid depositions. Mrs. Tapia's doctor provided the medical records to Mrs. Forney. Mrs. Forney has had close contact with the doctor's office and has not formally requested approval of medical records from Mrs. Tapia or Mr. Livingston. Mr. Livingston also claims that Mrs. Forney issued a subpoena by the personnel board, returned back the records and then requested a subpoena by the Hearing Officer, Mr.

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Bingham for the medical records. Mrs. Forney claims that Mr. Livingston should have brought the issue up before the Hearing Officer and not the Personnel Board. She believes that if Mr. Livingston was not going to prosecute the claim that it should be dismissed. Mrs. Forney admits she sent the records back and did not read them while in her possession. Chair Randall discusses HIPPA and civil rights. He believes that the subpoena appears to be issued illegally. Mrs. Forney admits to making a mistake. She claims she did not read or look at the records, sent them back and then requested a subpoena from the Hearing Officer. She claims she now makes requests from the Hearing Officer. Mr. Sanchez directs questions to Mr. Livingston regarding the Personnel Board authority regarding sanctioning. Mr. Sanchez claims that the Board cannot sanction the City attorney or a Hearing Officer. Mr. Livingston becomes upset with Mr. Sanchez and Chair Randall calls order.

Chair Randall moves for executive session. Mr. Livingston claims he was not heard on the Anselmo Smith case because he was tardy and becomes angry with the Board. Chair Randall again moves for executive session. Mr. Sanchez seconded. Motion passed 5-0. Board in Executive Session.

Chair Randall moves to deny the Motion because it is beyond the Boards scope of authority. Mr. Sanchez seconded. Motion passed 5-0.

Chair Randall requests that parties adhere to rules of discovery and approach the proper level of decorum and respect.

V. PUBLIC COMMENT.

None.

VI. OTHER MATTERS.

- PB-10-09, Alvin Roybal: Mr. Livingston appears on behalf of Mr. Roybal. Paula Forney appears on behalf of the City of Albuquerque and requests that the matter be placed on the agenda. She claims there was an email previously submitted by the Hearing Officer, T. Zane Reeves that referred the matter to the Personnel Board. Mr. Livingston does now know why the matter will be placed on the agenda and discusses the case. The Board needs documentation to understand what is going on with the matter. An email has been sent to Vanessa F. King regarding the referral to the Board. Mrs. Forney may also submit a brief at the next hearing if she chooses to. Matter set for February 8, 2012.
- Chair Randall raises concern about the Open Meetings Act Resolution. Doris Duhigg will prepare and submit for review and approval at next hearing month's hearing.
- Discussion of the Personnel Board Election that is to be conducted on March 9, 2012. Board also discusses selection of new board member, approval and selection of Vice Chair.
- Discussion of new address for the Office of Administrative Hearings.

VII. ADJOURNMENT.

Chair Randall moved to adjourn. Mrs. Beasley seconded. Approved 5-0. Adjourned at 3:05 p.m.

APPROVED:

Ry-Randall

2/8/2012

RYAN RANDALL, CHAIR
City Personnel Board

DATE

cc: *Richard J. Berry, Mayor*
Amy Bailey, City Clerk