

**MINUTES FOR A SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, OCTOBER 28, 2004
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA - 2nd FLOOR**

MEMBERS PRESENT: Berube, Paul
Ellis, William
Harris, Alvin
Martinez, Ramy
Peña, Andrew
Ruck, Lance – Chair

MEMBERS ABSENT: Graham, Elijah
Schwartz, Elma
Sutherland, Ken

ALSO PRESENT: Apodaca, Alfonso
Barnes, Doug
Bond, Terry – HR Director/CSC Secretary
Buenning, Rosy – CSC Recorder
Castillo, Norma
Cuellar, Lupe – Assistant City Attorney
Curry, Patrick
Delgado, Frank – City Employees' Association
Fargo, Peter - Human Resources
Johnson, Byron – Purchasing Dept.
Ledesma, Norma
Leos, Sergio
Lisko-Apodaca, Paula
Martinez, Jim – Assistant City Attorney
Momsen, Richarda – Municipal Clerk
Sanchez, Ana - Human Resources
Surface, Steven – Fire Dept.
Thomas, Linda - Human Resources
Villanueva, Anastacio
Peña, Armando - Human Resources

The meeting convened at 6:00 p.m. with a quorum of 7 Commissioners present and Chair Ruck presiding.

CONSENT AGENDA

Ms. Bond requested that Item 17 be deleted because the person was not eligible for reinstatement because he had not finished his probation.

Commissioner Ellis requested that Items 5A and 5.5 be moved to the Regular Agenda.

Chair Ruck requested Items 1, 2A, 5B and 9B be moved to the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

1. Discussion and Action on Approval of Minutes:

October 14, 2004

This item was discussed at the beginning of the Regular Agenda.

Chair Ruck stated that there needed to be some corrections to page 7, Item 13c, paragraph 2 which reads "Chair Ruck believed there were problems ..." He said he reviewed the video stream to ensure the changes he was requesting were correct and requested that this paragraph be reworded as follows:

Chair Ruck believed there were problems with the way the department handled this, he said that if the department had charged Mr. Sweeney properly and done a fair and impartial investigation the outcome would have been different. He believed the conduct was serious enough to warrant a 2 or 3 day suspension if he had been charged with horseplay. He further stated that we set a very bad precedent when we charge an employee with wanton offensive conduct, an unprovoked attack, which is a dismissible offense but only give them a 2 or 3 day suspension. Chair Ruck said that under the circumstances, the Hearing Officer's decision was right on point.

MOTION THAT THE ADDITIONS READ BY THE CHAIR BE INCORPORATED INTO THE MINUTES AND THAT THE RECORD OF THIS MEETING REFLECT THESE REMARKS MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

2. Discussion and Action on Approval of Contracts:

- A. Personal Services Contract with Anthony R. Talamo to perform the duties of Capital Projects Manager from November 17, 2004 through February 16, 2005, for Building & Planning Services.

Chair Ruck asked if this was a renewal in which the incumbent had already been in for 6 months, was getting renewed for 3 months, and one which was going to be placed back into the classified services therefore allowing anyone to apply for the position.

Ms. Bond said that was correct.

MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER ELLIS AND UNANIMOUSLY PASSED.

- B. Two (2) Employment Services Contracts from November 1, 2004 through August 31, 2005 for Parks & Recreation:

1. Arreola, Patricia – Daycare Instructor
2. Salgado, Elvia – Daycare Instructor

3. Discussion and Action on Approval of Applications for Outside Employment:

- | | | | |
|----|----------------------------------|-----|------------------------------------|
| A. | Alonzo-Javier-Police | R. | Dominguez-Alejandro-Police |
| B. | Aman-Michael-Police | S. | Dominguez-Salvador Jr.-Police |
| C. | Amaya-Edmundo-Police | T. | Dominguez-Salvador Jr.-Police |
| D. | Arias-Aurelio-Police | U. | Dominguez-Salvador Jr.-Police |
| E. | Audirsch-Bryant-Police | V. | Enriquez-Jose A.-Police |
| F. | Avila-Hector-Police | W. | Femath-Armando-Police |
| G. | Barreno-Marcos Carlos-Police | X. | Flores-Antoinette-Police |
| H. | Bentley-Steffan B.-Police | Y. | Flores-Sandra L.-Mass Transit |
| I. | Carrasco-Raul-Police | Z. | Gomez-Raul-Police |
| J. | Carrasco-Raul-Police | AA. | Gomez-Armitage-Sonia-Police |
| K. | Chase-Marc D.-Police | BB. | Gonzalez-Jose Angel-Fleet Services |
| L. | Chavez-Alberto-Police | CC. | Harris-Leonard Jr.-Police |
| M. | Contreras-Mayra J.-Police | DD. | Hendricks-Christopher-Police |
| N. | Cordova-Armida-Police | EE. | Hoss-Ricky-Police |
| | Cordova-Martin-Police | FF. | Huizar-Juan-Fleet Services |
| | Daniels-Blanca C.-Community Dev. | GG. | Jaso-Paul L.-Police |
| Q. | Diaz-Ramiro-Police | HH. | Juarez-Eleazar-Police |

- Jurado-Zina-Police
- Lerma-Miguel-Mass Transit
- KK. Leyva-Reymundo-Fire
- LL. Madrid-Alberto-Police
- MM. Martinez-Emilio Jr.-Police
- NN. Martinez-Luis R.-Police
- OO. Martinez-Miguel Jr.-Police
- PP. Mazza-Roman-Police
- QQ. Medina-Jaime-Police
- RR. Mendoza-Ruben-Police
- SS. Moncada-Maria C.-Fleet Services
- TT. Mora-Jose-Mass Transit
- UU. Morales-Gerardo-Police
- VV. Morales-Gerardo-Police
- WW. Morales-Victor M-Purchasing
- XX. Nava, Luis III-Police
- XX. Navedo-Ana Clara-Police
- YY. Olivares-Peter S.-Police
- ZZ. Pacheco-George III-Police
- AAA. Perea-David A.-Police
- BBB. Perez-Santos-Police
- CCC. Provencio-Doris Ann-Police
- DDD. Provencio-Edward-Police
- EEE. Ramirez-Florencio III-Police
- FFF. Ramirez-Raul Jr.-Police
- GGG. Rodriguez-Benjamin-Police
- HHH. Rodriguez-Efren-Mass Transit
- III. Salinas-Bernie-Police
- JJJ. Salinas-Robert A.-Community Dev.
- KKK. Santillanes-Ruben Antonio-E.P.W.U.
- LLL. Talamantes-Humberto-Police
- MMM. Torres-Ramon D.-Police
- NNN. Urquidi-Carlos-Police
- OOO. Valencia-Eduardo-Police
- PPP. Vasquez-Victor J.-Police
- QQQ. Villalobos-Miguel-Police
- RRR. Zamora-Danny-Police

4. Notice of Promulgation of Eligible Lists:

- A. Labor Foreman I (P-6)(CR-1)
- B. Street Operations Assistant (P-17)
- C. Transit Program Manager (P-3)(O-0)

5. Discussion and Action on Approval of Classification Actions:

NEW JOB CLASS/REVISED JOB CLASS/REVISED JOB CLASS & GRADE;REVISED JOB CLASS, TITLE & GRADE

	<u>Title</u>	<u>Code</u>	<u>Grade</u>	
A.	Official:	Deputy City Manager	5869	EX A
	Proposed:	Same	Same	EX AA

This item was addressed at the beginning of the Regular Agenda.

Commissioner Ellis requested more time to review this matter. He said it was his understanding that the incumbent in 5.5B had turned in his resignation or would be resigning soon. He also didn't know whether the incumbents were qualified under the new job specifications.

MOTION TO TABLE ITEMS 5A AND 5.5 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER RUCK (no vote taken at this time). Commissioner Ellis later withdrew this motion.

Jim Martinez, Assistant City Attorney, stated he was representing the administration on this item. He told the Commission this was an effort to equalize the positions for these incumbents so they would have the same grade, classification and pay range. They believed that the incumbents all met the minimum qualifications.

Ms. Bond told the Commission that the job descriptions in front of them today were previously approved by the Commission. There were very slight changes to the minimum qualifications only.

Discussion.

Joyce Wilson stated that she was trying to correct an error. There were four Deputy City Managers and one of them was given a higher grade. She wants all of them to be at the same level.

MOTION TO APPROVE ITEMS 5A AND 5B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

B.	Official:	Parking Meter Service Worker	3721	GS 15
	Proposed:	Same	Same	Same

5.5. Discussion and Action on Approval of placement of incumbents into reclassified positions:

	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>	
A.	Official:	Deputy City Manager	5869	EX A
	Proposed:	Same	Same	EX AA

1. Adauto, Patricia D.
2. Hamlyn, Deborah G.

B.	Official:	Chief Financial Officer/Deputy City Manager	5299	EX AA
	Proposed:	Deputy City Manager	5869	Same
		Chapman, William A.		

This item was addressed at the beginning of the Regular Agenda.

MOTION TO APPROVE ITEM 5.5 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

6. For Notation: Request to have appeal heard by Arbitrator:

Rodriguez, Jim – Suspension – Police Dept. (IA04-046)

7. Discussion and Action on request to have name placed on Transfer list:

Olivas, Martin – Equipment Operator II – Solid Waste Management

8. Discussion and Action on request to have name placed on Reinstatement list:

Limas, Richard – Police Sergeant – Police Department

9. Discussion and Action on Request for Temporary Promotion:

A.	Avila, Roberto Jr. – Parks & Recreation
	From: Groundskeeper
	To: Automotive Shop Helper

B.	Gilmore, Katrina – Municipal Court (Extension)
	From: Clerk Typist II
	To: Clerk Typist III

This item was addressed at the beginning of the Regular Agenda.

Chair Ruck asked why this person was being placed in the position when there was a list available.

Richarda Momsen, Municipal Clerk, explained that she had an employee on leave and therefore could not fill the position permanently but that the position needed to be filled as it was a vital position in her department.

0. Discussion and Action on approval of merit increases in accordance with C.S.C. Guidelines:
- A. Airport - Atilano, Maria D. - Personnel & Payroll Clerk
 - B. Airport - Quinonez, Jose L. - Foreign Trade Zone Manager
 - C. Airport - Waggoner, Paige K. - Aviation Admn. Asst. Director
 - D. Comptroller - Lorkowski, Blanca – Treasury Services Manager
11. Information Item: Assessment Center Panel for Fire Deputy Chief.
12. Discussion and Action on Request for Approval to use Special Examiners for Assessment Centers:
- 1. Fire Deputy Chief
 - 2. Police Commander
 - 3. Police Sergeant

REGULAR AGENDA

13. Discussion and Action on Rule 13, Leave of Absence, Resignation, Sick Leave and Vacations and associated changes to Ordinance 8064, regarding approval of and length of leaves of absence, FMLA, benefits during leave, working hours and other benefits (Tabled 10/14/04).

Commissioner Ellis explained that there was no backup for this item. He said that Representative Cushing undertook some suggestions to include some additional language in the Rule that are not presently in the proposal. He said he was expecting some language from Rep. Cushing and therefore they are not ready to proceed with this matter. He will request the item be placed on the agenda until they are ready to proceed since the committee will be meeting again to discuss the new issues.

MOTION TO DELETE ITEM 13 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

14. Discussion and Action on Request to give credit to Paula Lisko-Apodaca for Working Out-of-Class as Consumer Affairs Administrator (Tabled 10/14/04).

Assistant City Attorney Lupe Cuellar told the Commission that she had met with Terry Bond, Mr. Archuleta and Mr. Loweree. She stated that the department didn't want Ms. Lisko-Apodaca to receive retroactive credit for this work, they were asking for her to be approved now to be worked out of classification. She advised that it was her legal opinion that Ms. Lisko-Apodaca would be performing duties outside of her current specification so this item was properly before the Commission.

Commissioner Ellis commented that he believed the item wasn't posted properly.

Assistant City Attorney Lupe Cuellar said she believed it was posted properly.

MOTION TO APPROVE ITEM 14 MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Peña, Martinez, Berube, Harris

Nays: Commissioner Ellis (He said he was voting against this because he didn't believe it was properly posted).

15. Discussion and Action on Grievance filed by:

Villanueva, Teresa – Purchasing Department

Ms. Villanueva said that on Ms. Bond's memorandum to her it said that she "may" return to her previous position. She was questioning the "may" portion because it wasn't something sure.

Chair Ruck stated that at this point nobody knew which representative would be taking that position and it wouldn't be known until a new representative came in as to who he or she would select to be his secretary, and whether it would be a classified or contract position.

Commissioner Ellis said that when this was last acted on by the Commission, the request was to work Ms. Villanueva out of class. He said that Ms. Villanueva was doing work considerably different from her position. He said that regardless of what was happening with the Working Out of Class issue, the item before the Commission now was a grievance, which needed to be addressed and suggested assigning a committee to hear the grievance.

Assistant City Attorney Lupe Cuellar stated that before assigning a committee, Ms. Villanueva needed to specify which rule she was referring to and what right had been denied to her. She said that the Commission approved for Ms. Villanueva to be worked out of classification and wasn't clear on what right had been violated.

Commissioner Ellis told Assistant City Attorney Cuellar that maybe Ms. Villanueva's grievance was not stated as he or she (Ms. Cuellar) would state it but he felt it states a violation of the Commission's harassment policy. He believed they were jumping the gun by not considering the matter through a committee.

Commissioner Martinez pointed out that once her grievance is specific, maybe a committee could be assigned to hear her grievance.

Ms. Villanueva said that she was told to follow the channels which is what she did in this case. She stated that the only reason she was moved was because somebody wanted to do her wrong. She said that in the past the representative's position has become vacant but the secretarial staff was left in place.

Discussion.

MOTION TO DENY ITEM 15 MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Peña, Martinez, Berube

Nays: Commissioner Harris, Ellis (Commissioner Ellis didn't think the Commission should deny a grievance they didn't hear)

16. Discussion and Action on appeal from Patrick Curry, Fire Department, reference reclassification from Firefighter to Fire Paramedic.

Chair Ruck asked Mr. Curry if he had received a copy of the memorandum dated October 27, 2004 to the Commission from Ms. Bond.

Mr. Curry told the Commission that he received it late this afternoon at his home fax. He said that as he read the memorandum it sounded to him like they had agreed to rewrite the Firefighter job description and not really address the issue of reclassification from Firefighter to Fire Paramedic on a Paramedic Pumper. He told the Commission that when he read their motion he could see where the motion might not have been as specific as it could have been, and HR could have taken that motion to mean that they would reclassify the Firefighter job description.

Chair Ruck asked if the 83 pending reclassification requests before Mr. Curry's came as appeals before the Commission. He believed that if those other pending reclassification requests didn't come before the Commission, Mr. Curry's item should be addressed immediately ahead of the other items.

Ms. Bond said the other 82 pending requests didn't come before the Commission. Ms. Bond explained that there was only one staff person left in the Classification and Compensation section working on these issues and there were some requests that had already been waiting for 1 ½ years.

Discussion.

MOTION THAT THE COMMISSION RECEIVE THE REPORT REFERENCED IN THE MEMORANDUM DATED OCTOBER 27, 2004 NOT LATER THAN THE COMMISSION'S DECEMBER MEETING MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

17. Appeal of Denial of Reinstatement Request filed by James Barela for the position of Police Officer.

This item was deleted concurrent with the approval of the Consent Agenda.

Commissioner Ellis asked if the employee had requested for the item to be deleted.

Ms. Bond advised that the employee was not eligible for reinstatement since he had not completed his probation.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:48 p.m. to discuss Items 18 and 21, and reconvened for Open Session at 7:11 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

18. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

Villanueva, Anastacio Jr. – Residential Inspector (8.1.d.4. & 25.2.b.)

Mr. Villanueva was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO DENY ITEM 18 UNDER RULE 8.1.D.4. MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

19. Discussion and Action on hiring of a Hearing Officer (Tabled 10/14/04).

Ms. Bond advised the Commission that the City Manager had asked Human Resources to provide her some information on the Hearing Officers (i.e., frequency, kind of cases assigned, dollar amounts, etc.) and asked that the item be postponed until she can review the information.

Commissioner Ellis asked what the backlog was on the Hearing Officer cases and stated that he would highly recommend Mr. Bruce Ponder to be hired as the third Hearing Officer.

Ms. Bond said she could provide the Commission with that information but not at tonight's meeting.

Commissioner Berube commented that Hearing Officer Bruce Ponder was a very good Hearing Officer and recommended the Commission retain him also.

Chair Ruck wanted to hear from the City Manager.

MOTION THAT THE COMMISSION HIRE BRUCE PONDER AS A HEARING OFFICER MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

Assistant City Attorney Lupe Cuellar asked the Commission if they wanted to renew Mr. Ponder's contract now or wait until his present contract expires.

Various Commissioners suggested that they wait until his present contract expires and then submit the 1 year contract, others stated that was why they didn't need to vote on it now.

Assistant City Attorney Lupe Cuellar said she would place the item on the City Council agenda and from the time City Council approves it, the contract will be in effect for 1 year from that date.

20. A. Discussion and action on renewal of contract for Commission Recorder.
- B. Discussion and Action on selection and employment of Commission Recorder.

MOTION TO ADDRESS ITEM 20B BEFORE ITEM 20A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

Jim Martinez, Assistant City Attorney, asked the Commission if there was a dispute over who had authority to hire the Commission Recorder.

Commissioner Ellis said there was no dispute and said the Commission had that authority.

Mr. Martinez stated that there were some provisions which support the Commission's authority to hire the recorder and there were also some provisions supporting management's right to hire the recorder. He felt it wasn't clear and detailed his reasons for why he believed the administration had that authority.

Chair Ruck asked if he and the City Manager objected to Ms. Rosy Buenning being the CSC Recorder. He asked if he would be correct in saying that the recorder could be hired under Section 6.6-5 b and c Professional and/or Personal Services contracts as many other semi classified positions have been.

Mr. Martinez said he didn't object to hiring Ms. Buenning. He said there was a provision that addressed that position expressly and believed they should refer to it.

Discussion.

Ms. Bond said Ms. Buenning was selected by Pat Diamanti.

Rosy Buenning, CSC Recorder, told the Commission that when she was originally hired she was interviewed by a panel of three Commissioners, Commissioners Sutherland, Sambrano and Aldana and that Ms. Diamanti was present during the interview but never asked her any questions. She said that she always believed she was selected by the Commissioners and suggested they ask Commissioner Sutherland since he was one of the panel members.

Commissioner Berube said he remembered what she was saying because he was on the Commission with the mentioned panel.

Discussion.

MOTION TO DELETE ITEM 20B MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

MOTION TO RENEW ROSY BUENNING'S CONTRACT UNDER ITEM 20A WITH A PROVISIO THAT THE PROVISIONS OF THE CONTRACT BE SUBMITTED TO THE COMMISSION AT THEIR NEXT MEETING IN NOVEMBER AND THAT THOSE PROVISIONS INCLUDE THAT THE CONTRACT MAY BE TERMINATED BY THE EMPLOYEE AND THE COMMISSION ONLY, FOR A PERIOD OF 1 YEAR, TO INCLUDE A COMPETENCY INCREASE OR ANY OTHER TYPE OF INCREASE WHICH MIGHT BE APPLICABLE MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

Commissioners Ruck and Berube believed the contract could be sent directly to City Council for approval since the Commission had already approved it today and it was agreed to send it directly to City Council.

Assistant City Attorney Lupe Cuellar said other Civil Service employees would be eligible for competency and merit increases and she would look into those. She told the Commission she knew what provisions they were requesting and would prepare the contract to be sent to City Council.

21. Discussion and Action on Report from Committee regarding Performance Evaluation of:

Bond, Terry – Human Resources Director – Human Resources

Ms. Bond was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

Chair Ruck read the report and recommendation from the Committee consisting of himself, Commissioner Peña and Commissioner Martinez.

The Committee recommended Ms. Bond's performance evaluation should be re-rated. The Committee's recommendation to the Commission was that Ms. Bond's appeal be approved.

MOTION MADE BY COMMISSIONER BERUBE TO ACCEPT THE REPORT AS SUBMITTED TO THE COMMISSION, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

Mr. Martinez was reminded that he would be re-rating Ms. Bond and that the re-rating would be accompanied by a memo from the Mayor.

22. Discussion and Action on the legal advice furnished to the Civil Service Commission by the City Attorney's Office and the Screening of Materials furnished to the Commission by an Assistant City Attorney representing Human Resources.

Commissioner Ellis said his understanding was that a fairly recent adjustment in the City Attorney's office placed Ms. Cuellar in a position where she advises the Commission. The attorney reviewing the materials that come to the Commission is Lupe Martinez. He is concerned that the material that comes before the Commission is being screened by someone who is not advising the Commission. He said he was concerned that the Commission was not being provided with documentation they should have, and believed the Commission should decide what information they should or shouldn't see. He gave the example of the backup email memorandum in Item 16. He pointed out that the email was to the Commission Recorder from the employee and in the email the employee on his own included his address, phone, etc., yet that information was obliterated. He said he had been reassured by Ms. Cuellar that she has input in terms of knowing what it is that the Commission is not being shown. He wanted it to be clear that the Commission's council should be privy to everything that is relevant to an item so she knows what is being deleted and knows of documentation that the Commission should have that they don't have.

Commissioner Berube said that all information is being redacted for protection of the employee.

Chair Ruck said he wanted to make sure Ms. Cuellar was seeing all the documentation, and possibly the Chair also seeing all the documentation so that he would make sure he agreed that the Commission shouldn't see the documentation.

Ms. Cuellar assured she was looking at all the documentation and told the Commission she could also advise them of why certain documentation would be withheld from them.

Chair Ruck advised that he had spoken with Mr. Montoya and the reason IT has not made attachments available to the public is because he is short staffed and the expense and time it takes them to do this for City Council. Mr. Montoya said that if any citizen from the public wants to they can file a request to receive a sign-on name and password so that they would be able to access the agenda and attachments on the City Portal. Chair Ruck also said that Mr. Montoya had told him that any Commissioner who was interested in a laptop needed to come see him.

Ms. Bond advised that the use of the laptops would be during the meetings only.

MOTION TO DELETE ITEM 22 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

23. Discussion and Action on Pending Appeals of:

- A. Jimenez, Jesus Jr. (04-ST-04BY)
- B. Miranda, Miguel (04-ST-05BY)
- C. Perez, Ruben (04-ST-07BY)
- D. Torres, Javier (04-ST-06BY)

Commissioner Ellis said there is a problem with these matters and believed there was an ex-parte issue also. The problem is that the Hearing Officer who heard these cases cannot make a recommendation. He believed it would be inappropriate to discuss the matter without the employees being present and suggested tabling the item.

Assistant City Attorney Lupe Cuellar didn't believe there was an ex-parte issue but stated that as a matter of due-process the individuals should be notified so they can completely understand whatever recommendation is going to be made. She advised the Commission that the Hearing Officer who was appointed to hear these cases is also employed by the County Attorney. A determination has been made by his boss, the County Attorney, that there is a conflict with him proceeding with these cases.

Commissioner Berube asked if the cases couldn't just be reassigned to another Hearing Officer?

Assistant City Attorney Lupe Cuellar said that there is a possibility of another step the Commission to take. Mr. Yetter had advised Ms. Cuellar of a step that his superior will allow him to take and they want to present that to the Commission.

MOTION TO TABLE ITEM 23 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 8:05 P.M.



LANCE RUCK, C.S.C. CHAIR


TERRY BOND, C.S.C. SECRETARY

C.S.C.

DATE APPROVED **NOV 11 2004**