

BELEN CITY COUNCIL SPECIAL MEETING

October 14, 2019

4:00 p.m.

Mayor Jerah Cordova called the Special Meeting of the Belen City Council to order at 4:00 p.m. Roll Call taken by Leona Vigil, City Manager.

PRESENT: Councilor Frank F. Ortega
Mayor Pro-Tem David Carter (present at 4:30 P.M.)
Mayor Jerah R. Cordova
Councilor Ronnie Torres
Councilor Wayne Gallegos

CITY MANAGER: Leona Vigil

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See attached Sign-in Sheet

PLEDGE OF ALLEGIANCE

Mayor Cordova led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Cordova asked for a motion to approve the agenda. Councilor Torres made a motion to approve. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

| | | |
|--------------------------|-----|----------------|
| Councilor Frank Ortega | Yes | |
| Councilor Ronnie Torres | Yes | |
| Councilor Wayne Gallegos | Yes | |
| Councilor David Carter | Yes | Motion Carried |

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL TO RELEASE THE INTERNAL INVESTIGATION REPORT TO THE CITY AUDITOR REGARDING BELEN POLICE DEPARTMENT COMPLAINTS.

Jerah Cordova

Stated he had a discussion with the Deputy State auditor briefly today, she could not offer any kind opinion one way or another. She did advise that we do have the authority to release the information if that is the way we wanted to go and it's up to the auditor to keep the information confidential.

Ronnie Torres

Asked if it is normal of the auditors to be asking for personnel files. He does not see the reasoning as to why they are wanting this information. He feels like this is a witch hunt. He wishes that the auditors were here so that they could answer these questions.

Wayne Gallegos

Advised that he has a conflict with this as he has been invited along with David Carter entrance audits and exits audits these past years. We were put on notice that we were going to have an audit exit then not, it's been back and forth. He advised that when they went to meet with them that there were some serious issues along with audit that certain information had to be looked at for the liabilities that the City is facing financially. That's why this is a big deal as to what we should or should not do? They were asked to sign documentation to send to the AG's office, and he refused to sign the paperwork. He felt this needed to be done by City Manager and Mayor. Wayne quoted and email from Leona "per our conversation that you and the mayor will release the Investigation Report this next Tuesday".

Mayor Cordova

Advised that was incorrect information, he went on to say that he was not invited to the entrance meeting nor the exit meeting. He found out about draft audit Thursday by Leona in which they together with Robert via phone had a 3-hour meeting and we discussed the audit in detail. He advised that some of the information was false and auditor agreed for a response.

Frank Ortega

Advised that the council was never involved in the investigation that went on. This was handled administratively and handled by Leona and Mayor. We didn't have a vote one way or another. We were not involved at the beginning but now we are involved, I don't understand why.

Leona Vigil

Advised that this was an HR situation within the police department and it being a hostile situation. The HR at the time did not feel we were doing enough so she obtained a PO and hired an external company to do the investigation. The governing body does not need to approve an investigation. She was advised by city attorney that if we take a vote by governing body then the investigation can be released.

Frank Ortega

Asked what about the protection on the employee we investigated? Can we discuss the findings?

Jerah Cordova

Advised "no" we cannot release the findings. Its personnel record it's protected by law. It's not just 1 employee it is a couple of employees.

Frank Ortega

Wants to know the liability issue.

Leona Vigil

The auditor is liable to keep confidentiality of report.

David Carter

He disagrees that we need to have the attorney to release this investigation. He feels this should be done administratively. The auditors are held at a high degree of confidentiality. He is concerned that the Chief has not been able to view the investigation either? He just does not understand why this can't be done administratively and not council, he does not feel they need to vote, this is a waste of time. He advised that he will abstain.

Ronnie Torres

Questioned the auditor "is this something that happens every audit"? the auditor replied "this is something that happens every audit".

Auditor Robert

Explained the audit process in detail. This is a standard procedure through every municipality. They test personnel records. Because there is an IA report they look at the risk of loss. He felt they were blatantly lied too and called it attorney – client privilege. You cannot not restrict information from this audit, and he feels that management has not been transparent. Auditor was asked "who" and he referred to "management directed by the Mayor". There is absolutely no transparency period! He feels that the City is playing games with him.

Ronnie Torres

Why is it that only certain council met with you? I have never met you before this. Auditor advised that an email was sent out to everyone's email address. The governing body is more than welcome to meet with them to address any concerns.

Frank Ortega

Questioned the auditor “how many times have you had to come to the council”? Auditor said never, this is very strange and highly unordinary. Frank believes the administration should handle this and so this should end with administration.

Auditor Robert

He feels that City has something to hide and very obvious.

Jerah Cordova

Said we have to protect personnel information.

David Carter

Asked why has this not been released. He said to release it! What are we hiding? Then turn it loose. He said to make a decision. Said if the council stayed out of personnel matters this would never happened. We are getting to involved with personnel.

Jerah Cordova

Said that the “client” is the City of Belen. Asked if there were any other questions, concerned, comments.

Leona Vigil

Advised she will not be doing anything illegal.

Auditor Robert

Advised that he is an independent and needs this information to move forward.

Jerah Cordova

Asked to confirm that the Auditor Robert that he did in fact speak with City Attorney.

Frank Ortega

Asked if Leona does not want to do anything illegal, then why is the governing body being asked to do so? **Jerah Cordova** advised that they the governing body and are the City of Belen “client”. **Leona Vigil** said “if you agree to have me release it I will”.

David Carter

Asked who called the investigation? Leona advise that LaShae Cordova did.

Ronnie Torres

Said to the auditor that they are assuming that we are guilty.

Auditor Robert

Explains how he is given restricted information. He is working on behalf of the people to make sure there are no liabilities within the City.

Clara

Asked if the previous Internal Investigation was ever requested during the previous audit?

Ronnie Torres

Why was the previous Internal Investigation ever asked for during the previous audit?

Jerah Cordova

He feels this is being weaponized by those sitting here. It’s important to me, to the City, the public and cut it out! That we stop weaponizing this audit!

Wayne Gallegos

Agrees, and feels the Mayor is at fault and is pulling Leona's strings.

Jerah Cordova

Said that he has been blocked out of this audit. He advised that the he was never asked for anything. He feels the auditor has gotten information elsewhere.

David Carter

Bottom line wants to see the investigation released. LaShae Cordova requested the investigation. He feels this is the administration. He decided and made a motion to direct the move to release.

Wayne Gallegos

Asked what is the Attorneys direction here? **Leona Vigil** advised that the governing body needed to vote to decide. **Leona Vigil** said that she cannot release it period. Only the governing body can. All the information we are getting from management is different than what the Mayor gets.

Chief Rodriguez

He says he is extremely disappointed with management. The primary focus that he was exonerated was refused to view the investigation as requested 2 months ago. To find out later that management went around the attorney-client privilege. The City of Belen has liability in the police department unless management does something about it. We have a duty to our community to be transparent. This back and forth should have never started. This will now follow me the rest of my life. I have requested it and still have not received. Management needs to start acting like management.

Jerah Cordova

Yes, the IA is concerning the Chief, there are multiple employees in that report. The information in there is highly sensitive in nature.

Mayor Cordova asked for a motion.

Councilor Carter made a motion to release the IA. Mayor Cordova asked for a second.

Councilor Ortega seconded the motion.

Roll Call Vote:

| | | |
|--------------------------|-----|----------------|
| Councilor Frank Ortega | Yes | |
| Councilor David Carter | Yes | |
| Councilor Wayne Gallegos | Yes | |
| Councilor Ronnie Torres | No | Motion Carried |


ADJOURNMENT:

Mayor Cordova asked for a motion to adjourn tonight's Special Council Meeting. Councilor Carter made a motion to adjourn. Councilor Ortega seconded the motion. Roll Call Vote:

| | | |
|--------------------------|-----|----------------|
| Councilor Frank Ortega | Yes | |
| Councilor Ronnie Torres | Yes | |
| Councilor Wayne Gallegos | Yes | |
| Councilor David Carter | Yes | Motion Carried |



 Dorothy Flores, City Clerk



 Jerah Cordova, Mayor