LABOR-MANAGEMENT RELATIONS BOARD
Thursday, July 13, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Nicholas Bullock*	*James Montalbano*
Juan Montoya	*Samantha Hults*	*Stephen Curtice*
Michael Wartell	*Philemina Hausler*	*Casey Padilla*
	Ian Stoker	*Michael Dorin*
	Javier Gonzales	*Rocky Gutierrez*

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:03 a.m. Board members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR THURSDAY, JULY 13, 2017.

Ian Stoker, Assistant City Attorney appeared on behalf of the City and proposed changes to item VIII, LB 17-06. He presented the City's Motion to Vacate and Leave to file Amended Motion to Dismiss. James Montalbano, Attorney for AFSCME appeared and stated that the Union opposed the City's Motion to Vacate and file Amended Motion to Dismiss. Mr. Montoya moved to continue LB 17-06 and grant the City's Motion to Vacate and file Amended Motion to Dismiss. Mr. Wartell seconded. Vote passed 3-0.

Samantha Hults, Assistant City Attorney asked the Board to continue two matters listed in item VIII, which are LB 12-20 and LB 14-20 because council for the City, Kelly Garcia was not able to attend due to a medical emergency. Stephen Curtice, Attorney for AFSCME appeared and did not oppose to the City's request to continue. Ms. Hults asked the Board to place these two matters on agenda after the July 17, 2017 meeting.

Philemina Hausler, Assistant City Attorney appeared and stated that there are a total of twenty four cases that have similar issues as LB 17-06 and she will email a copy of those cases to the Monitor, Jessica Enriquez.

Mr. Montoya moved to approve the agenda excluding cases to be continued are LB 12-20, LB 14-20 and LB 17-06. Mr. Wartell seconded. Vote taken and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 30, 2017.

Mr. Montoya moved to approve the minutes for June 30, 2017. Mr. Wartell seconded. Vote taken and passed 3-0.

IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.

No public comments.

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

Philemona Hausler, Assistant City Attorney appeared on behalf of the City regarding an Order Staying Proceedings in LB 15-16. She stated that the parties have agreed to a sixty day stay. Mr. Wartell moved to approve the Order Staying Proceedings in LB 15-16. Mr. Montoya seconded. Vote taken and passed 3-0.

Chairman Baca presented an Order of Dismissal for a Joint Motion to Dismiss that was entered by the parties in LB 16-31. Mr. Wartell moved to approve the Order of Dismissal in LB 16-31. Mr. Montoya seconded. Vote taken and passed 3-0.

VI. PRESENTMENT OF ORDERS.

None.

VII. MOTIONS AND/OR RESPONSES *(TO DISCUSS SCHEDULING OF MOTIONS HEARING OR MERITS HEARING):*

- **RESCHEDULED- LB 15-33, CITY'S MOTION TO DISMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DIMISS AND MOTION TO CONSOLIDATE WITH LB 15-13. (AFSCME 624)**
- **RESCHEDULED LB 15-35, CITY'S MOTION TO DISMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 2962)**

  Ian Stoker, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. Both parties stated that these matters are fully briefed and ready to be scheduled for a hearing.

  There was a brief discussion by the Board members on scheduling dates for future Labor Board meetings. The next two scheduled meetings are July 27, 2017 and August 8, 2017.

  Chairman Baca scheduled LB 12-20, LB 14-20 and LB 17-06 for merits hearing on July 27, 2017 and scheduled LB 15-33 and LB 15-35 for merits hearing on August 8, 2017.

  Chairman Baca asked the City to attach a copy of the prohibited practice complaint when filing a Motion in a case.

VIII. MOTIONS HEARING:

- **LB 12-20, CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT AND AFSCME'S RESPONSE TO THE CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT. (AFSCME 2962)**

  This matter has been scheduled for merits hearing on July 27, 2017. See item VII.

- **LB 13-17, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 624)**

  Samantha Hults, Assistant City Attorney appeared on behalf of the City. Stephen Curtice, Attorney from Youtz and Valdez appeared on behalf of the Union. Ms. Hults stated that the parties have stipulated to a stay in this matter until briefing in case LB 12-02 is resolved because it may also resolve the issues in LB 13-17. The Board voted unanimously to approve the Motion to Stay Proceedings.

- **LB 14-20, CITY'S MOTION TO DISMISS AND AFSCME 2962'S RESPONSE TO CITY'S MOTION TO DIMISS.**
  This matter has been scheduled for merits hearing on July 27, 2017. See item VII.

- **LB 15-18, AFSCME 2962'S MOTION FOR RECONSIDERATION AND CITY'S RESPONSE TO UNION'S MOTION TO RECONSIDER.**
  Ian Stoker, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. Mr. Gutierrez presented the Union's Motion for Reconsideration. Mr. Stoker presented the City's Response to the Motion for Reconsideration. Both parties gave argument.

  Chairman Baca made a Motion that the Board go 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. Mr. Wartell seconded. A roll call vote was taken and passed 3-0.

  Mr. Wartell made a Motion to return to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Chairman Baca seconded. A roll call vote was taken and the Motion passed 3-0. The Board was in closed session to discuss LB 15-18 and no other cases were discussed.

  Mr. Wartell moved to deny the Motion for Reconsideration. Chairman Baca seconded. Vote taken and passed 3-0.

- **RESCHEDULED-LB 17-06, CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION AND AFSCME 3022'S RESPONSE TO CITY'S MOTION TO DISMISS.**
  This matter has been scheduled for merits hearing on July 27, 2017. See item VII.

IX. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Chairman Baca seconded. Vote taken and passed 3-0 and the meeting was adjourned at 10:50 a.m.

APPROVED:

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TED BACA, CHAIR **DATE**
City Labor Management Relations Board

cc: Richard J. Berry, Mayor
Natalie Howard, City Clerk