LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, November 29, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Eric Locher*	*Jessica Enriquez*
Juan Montoya	*Melissa Kountz*	*Tomas Romero*
Michael Wartell	*Ian Stoker*	*James Montalbano*
	Bobby Griego	*Pattie French*

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR WEDNESDAY, NOVEMBER 29, 2017.

Mr. Montoya moved to approve the agenda for November 29, 2017. Mr. Wartell seconded. Vote taken and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR NOVEMBER 27, 2017.

Mr. Montoya moved to approve the minutes for November 27, 2017. Mr. Wartell seconded. Vote taken and passed 3-0.

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

James Montalbano, Attorney for AFSCME appeared and asked the Board for clarification regarding the December 7, 2017 agenda regarding the review and approval of the Labor Board Rules and Regulations. He asked if the Board will entertain public comment and input prior to approving the rules. Chairman Baca stated that the Board has posted the agenda as a public meeting and will entertain comment and input and would like to approve the Rules and Regulations on December 7th but if need to make changes then the Board will reschedule and put on a future agenda.

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

The Board approved and signed a Stipulated Order of Dismissal for LB 15-06.

VI. PRESENTMENT OF ORDERS.

None.

VII. STATUS ON VACATED MOTIONS HEARING IN LB 15-01. (ROBERT RIVERA, AFSCME LOCAL 624)

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the settlement agreement that was submitted to the City Attorney's office has not been reviewed or approved. She will address the agreement with the new administration and asked the Board to move this matter for a status review in January 2018. Chairman Baca stated that this matter will be rescheduled in January 2018.

VIII. MOTIONS HEARING:

- **RESCHEDULED- LB 10-19, CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGEMENT AND AFSCME 624's RESPONSE TO CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT. (STEPHEN CURTICE, YOUTZ & VALDEZ)**

  Melissa Kountz, Assistant City Attorney appeared on behalf of the City. James Montalbano, Attorney appeared on behalf of AFSCME. Ms. Kountz presented and argued the City's Motion to Dismiss or in the Alternative for Summary Judgment. Mr. Montalbano presented and argued the Union's Response to the City's Motion.

  Chairman Baca moved to hold the Board's determination in abeyance and allow the parties' time to meet and try to work out a stipulation that resolves this matter and solidifies the 2012 City Operator's Procedures as legitimately being in place. He also stated that this matter will be rescheduled for January 2018. Mr. Wartell seconded. Voted and passed 3-0.

- **LB 16-01, AFSCME'S AMENDED MOTION FOR RECONSIDERATION AND CITY'S RESPONSE TO MOTION FOR RECONSIDERATION. (AFSCME LOCAL 1888 ROCKY GUTIERREZ)**

  Ian Stoker, Assistant City Attorney appeared on behalf of the City. James Montalbano, Attorney appeared on behalf of AFSCME and with him also appeared Tomas Romero, AFSCME Representative. Mr. Montalbano presented the Union's Motion for Reconsideration and asked the Board to reconsider their Order of Dismissal and allow this matter to go forward with a merits hearing. Mr. Stoker presented and argued the City's Response to the Motion for Reconsideration.

  Mr. Wartell 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. Chairman Baca seconded. A roll call vote was taken and the Motion 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. Mr. Montoya seconded. A roll call vote was taken and the Motion passed 3-0. Chairman Baca stated that the Board was in closed session to discuss LB 16-01 and no other cases were discussed.

  Mr. Montoya moved to deny the Union's Motion for Reconsideration. Mr. Wartell seconded. Vote taken and passed 3-0.

- **LB 16-07, CITY'S AMENDED MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. (AFSCME LOCAL 3022 AND JAMES MONTALBANO, YOUTZ & VALDEZ)**
  Melissa Kountz, Assistant City Attorney appeared on behalf of the City. James Montalbano, Attorney appeared on behalf of AFSCME and with him appeared AFSCME Representative Patricia French. Ms. Kountz stated that the parties were in discussion regarding a possible settlement and asked the Board to defer this matter. Chairman Baca moved to continue LB 16-07 to a future date to allow the parties time to meet and settle this matter. Mr. Montoya seconded. Vote taken and passed 3-0.

IX. MERITS HEARING:

- **LB 15-33, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT AND DEPARTMENT OF MUNICIPAL DEVELOPMENT.(ROCKY GUTIERREZ, AFSCME LOCAL 624)**
  Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that the parties have submitted a Joint Motion to Dismiss and an Order. This matter was partially consolidated with LB 15-13 involving Mr. Torrieta. James Montalbano, Attorney appeared on behalf of AFSCME and the Union agreed to the Motion and Order to Dismiss. The Board approved and signed the Order of Dismissal.

X. ADJOURNMENT.

Chairman Baca moved to adjourn the meeting. Mr. Montoya seconded. Vote taken and passed 3-0. The meeting was adjourned at 11:05 a.m.

APPROVED:

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

cc: Richard J. Berry, Mayor
Trina Gurule, Interim City Clerk