

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Friday, April 12, 2019*  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

*Chairman Ted Baca*  
*Juan Montoya*  
*Nicholas Hart*

OTHERS PRESENT:

*Leigh Brunner*      *Devon Moody*  
*Ian Stoker*        *Rocky Gutierrez*  
*Nick Nunez*        *Fred Mowrer*  
*Melissa Kountz*

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order at 9:08 a.m. Board members Juan Montoya and Nicholas Hart were also present.

**II. REVIEW AND APPROVAL OF THE AGENDA FOR FRIDAY, APRIL 12, 2019,**

Mr. Hart moved approval of the agenda for April 12, 2019. Mr. Montoya seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 20, 2019.**

Mr. Montoya moved approval of the minutes for March 20, 2019. Mr. Hart seconded. Voted and passed 3-0.

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

Leigh Brunner, Assistant City Attorney introduced herself and announced that she has been assigned as general counsel for the Board. There was also brief discussion on the status of old cases. Rocky Gutierrez, AFSCME Representative stated that the Union needs more time to discuss old cases with the City and requested a continuance for item VII Melissa Kountz, Assistant City Attorney stated that there are one hundred and one pending active cases and provided copies to the Board members. Chairman Baca stated that item VII is rescheduled for April 24, 2019.

Mr. Hart stated that he has been contact twice by two city employees regarding LB 14-28 who expressed displeasure with the Board's decision and after discussion with the Board members, they have agreed that there has been a violation of the ex-parte rules. He stated that he will still be impartial in deliberations and his opinion in this case has not changed. Ms. Kountz stated that she was not aware of the call or situation and is prepared to file a response and asked the Board to table this matter. Chairman Baca scheduled this matter for status conference on August 24, 2019.

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

- **LB 11-38, ORDER OF DISMISSAL.**  
Approved and signed by the Board.

- **LB 13-18, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**

Approved and signed by the Board.

**VI. PRESENTMENT OF ORDERS:**

- **NOTICE OF HEARING FOR LB 17-06 CONSOLIDATED WITH LB 17-14 AND LB 18-20.** Approved and signed by the Board.
- **LB 18-10, ORDER ON CITY'S MOTION FOR SUMMARY JUDGMENT.** Approved and signed by the Board.
- **LB 18-16, ORDER ON STIPULATED MOTION TO EXTEND TIME TO FILE RESPONSE TO RESPONDENT'S MOTION TO DISMISS.** Approved and signed by the Board.
- **LB 18-26, ORDER RESCHEDULING AUGUST 19, 2019 MERITS HEARING.** Approved and signed by the Board.
- **ORDER ON UNOPPOSED MOTION TO CONSOLIDATE LB 19-04 WITH LB 19-01 AND SCHEDULING ORDER.** Approved and signed by the Board.
- **LB 19-02, SCHEDULING ORDER.** Approved and signed by the Board.
- **LB 19-06, SCHEDULING ORDER.** Approved and signed by the Board.

**VII. STATUS ON ALL PENDING CASES.**

See item IV.

**VIII. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DELIBERATE FOR LB 15-28.**

Mr. Hart 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. Montoya seconded. A roll call vote was taken and the Motion passed 3-0.

Mr. Hart 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 their decision for LB 15-28 and no other matters were discussed.

Chairman Baca made a motion to conclude that the City demonstrated justifiable cause to terminate Mr. Mendoza. Mr. Hart seconded. Voted and passed unanimously 3-0.

**IX. ADJOURNMENT.**

Mr. Montoya moved to adjourn. Mr. Hart seconded. Voted and passed 3-0.

**APPROVED:**

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

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**DATE**

cc: Tim Keller, Mayor  
 Katy Duhigg, City Clerk