

LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, June 11, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

Leigh Brunner *Patty French*
Ian Stoker *Sean Frazier*
Melissa Kountz *Fred Mowrer*
Jessica Enriquez

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order. Board members Juan Montoya and Ryan Harrigan were also present.

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR TUESDAY, JUNE 11, 2019.

Mr. Harrigan moved to approve the amended agenda for June 11, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

No public comments.

IV. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS.

V. None.

VI. PRESENTMENT OF ORDERS.

None.

VII. MOTIONS HEARING:

- **LB 16-22, RESPONDENT'S MOTION FOR SUMMARY JUDGMENT AND AFSCME LOCAL 2962'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT.** A Stipulated Order of Dismissal was signed by the Board on June 10, 2019 for this matter.
- **LB 16-24, CITY'S MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STAY TIME LIMITS FOR DISPOSITIVE MOTIONS.** Melissa Kountz, Assistant City Attorney appeared on behalf of the City and Patricia French appeared on behalf of AFSCME Local 3022. Ms. Kountz stated that the Motion to Stay Time Limits is moot and the Union has agreed to submit an amended prohibited practice complaint and therefore the motion has been resolved.
- **LB 16-30, CITY'S MOTION FOR DISMISSAL OR ALTERNATIVELY SUMMARY JUDGMENT OF PETITION FOR ACCRETION AND CITY'S REPLY IN SUPPORT OF ITS MOTION FOR DISMISSAL OR ALTERNATIVELY MOTION FOR SUMMARY JUDGMENT.**

Ms. Kountz appeared on behalf of the City and presented the City's Motion for Dismissal or Alternatively Summary Judgment of Petition for Accretion and stated that the petition should be dismissed because it does not identify the employees it is seeking to accrete and also it is legally insufficient. Attorney Fred Mowrer appeared on behalf of the Albuquerque Police Officers' Association and presented the Union's Response.

Mr. Montoya 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. Harrigan 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 16-30 and no other matters were discussed.

Mr. Harrigan moved to grant the City's Motion for Summary Judgment. Chairman Baca seconded. Voted and passed unanimously 3-0.

- **LB 19-07, MOTION TO DISMISS PROHIBITED PRACTICE COMPLAINT AND RESPONSE IN OPPOSITION OF MOTION TO DISMISS PROHIBITED PRACTICE COMPLAINT.**

Ms. Kountz appeared on behalf of the City and presented the City's Motion to Dismiss and stated that the petitioner Carlos Montoya does not have standing and the complaint was not filed timely. Mr. Mowrer appeared on behalf of IAFF 244 and presented the Union's Motion to Dismiss and stated that he agrees with the City in that Mr. Montoya does not have standing and never approached the Union for filing of his complaint and the Union controls the contractual right to file the prohibited practice complaint. Attorney Thomas Grover appeared on behalf of Mr. Montoya and presented his Response in Opposition of the City's and Union's Motion to Dismiss and discussed the prohibited practice complaint that was filed. He also stated that Mr. Montoya contends that he did seek help of the Union and they failed to take action.

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

Mr. Montoya 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. Harrigan 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 19-07 and no other matters were discussed.

Mr. Montoya moved to grant the Motion to Dismiss on both basis of standing and timeliness. Chairman Baca seconded. Voted and passed unanimously 3-0.

VIII. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Mr. Harrigan seconded. Voted and passed 3-0.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk