

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Wednesday, February 13, 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:

<i>Kathleen Ahghar</i>	<i>Victor Lovato</i>
<i>Ian Stoker</i>	<i>Rocky Gutierrez</i>
<i>Devon Moody</i>	<i>Robert Montoya</i>
<i>Nick Nunez</i>	<i>Fred Mowrer</i>
<i>Justin Schutte</i>	<i>Jessica Enriquez</i>
<i>Melissa Kountz</i>	

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order at 9:05 a.m. Board members Juan Montoya and Nicholas Hart were also present.

**II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR WEDNESDAY, FEBRUARY 13, 2019,**

Mr. Montoya moved to approve the amended agenda for February 13, 2019. Mr. Hart seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR FEBRUARY 6, 2019.**

Mr. Hart moved to approve the minutes for February 6, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

Ian Stoker, Assistant City Attorney presented an Unopposed Motion and Order to Reschedule Merits Hearing in LB 18-10 scheduled for February 22, 2019. He stated that the parties are prepared for motions hearing on February 22<sup>nd</sup>. The Board approved and signed the Order to Reschedule Merits Hearing and this matter is scheduled for motions hearing on February 22, 2019.

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

- **LB 11-38, ORDER ON STIPULATED MOTION TO VACATE FEBRUARY 13, 2019 MERITS HEARING.**  
Order approved and signed by the Board members.
- **LB 15-28, ORDER TO APPEAR TELEPHONICALLY.**  
Order approved and signed by the Board members.

**VI. PRESENTMENT OF ORDERS.**

- **LB 18-12, ORDER GRANTING SECOND JOINT MOTION TO STAY PROCEEDINGS.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. The parties stated that they have been in discussion regarding this matter and decided arbitration would be a good venue for it. This matter is rescheduled for March 5, 2019. (See item VII)

**VII. MOTIONS HEARING:**

- **LB 18-13, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (Fred Mowrer, APOA)**

Nick Nunez, Assistant City Attorney appeared on behalf of the City and presented the City's Motion for Summary Judgment. Mr. Mowrer appeared on behalf of APOA and presented Petitioner's Response to City's Motion for Summary Judgment. The Board stated that they would go into closed session to discuss this matter after LB 18-25.

- **LB 18-25, CITY'S MOTION FOR MORE DEFINITE STATEMENT AND RESPONSE TO CITY'S MOTION FOR MORE DEFINITE STATEMENT.**

Devon Moody, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME Local 624. Motion was taken under advisement by the Board to allow the parties more time to submit a scheduling order with deadlines for discovery and response to City's Motion for More Definite Statement.

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 to discuss LB 18-12 and LB 18-13. Mr. Hart 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. Hart 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 in LB 18-13 and discussed LB 18-12 and no other matters were discussed.

Mr. Hart stated that the Board agreed to table LB 18-12 until March 5, 2019 and by then the parties will report to the Board if the entire complaint will go to arbitration or if the entire case will be heard by the Board. If the parties decide to arbitrate this matter then the labor board case will remain open until completion of the arbitration or appeal to make sure no further issues need to be decided. Mr. Montoya seconded. Voted and passed 3-0.

Mr. Montoya moved to deny the City's Motion for Summary Judgement in LB 18-13. Mr. Hart seconded. Voted and passed 3-0.

**VIII. ADJOURNMENT.**

Mr. Hart moved to adjourn. Mr. Montoya seconded. Voted and passed 3-0. The meeting was adjourned at 10:33 a.m.

**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