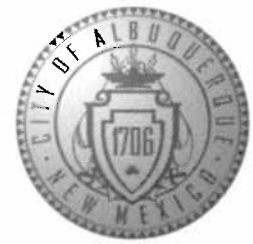


# CITY OF ALBUQUERQUE



**LABOR-MANAGEMENT RELATIONS BOARD**  
***Monday, January 8, 2018***  
**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*  
*Michael Wartell*

*OTHERS PRESENT:*

*Eric Locher*  
*Melissa Kountz*  
*Ian Stoker*  
*Nick Nunez*  
*Jessica Enriquez*

*Diane Kimberle*  
*James Montalbano*  
*John D'Amato*  
*Rocky Gutierrez*  
*Pattie French*

## *Minutes*

PO Box 1293

**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.

Albuquerque

**II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JANUARY 8, 2018.**

Chairman Baca moved item X to item IX. Mr. Montoya moved to approve the amended agenda. Mr. Wartell seconded. Vote taken and passed 3-0.

NM 87103

**III. REVIEW AND APPROVAL OF MINUTES FOR MONDAY, DECEMBER 7, 2017.**

Mr. Wartell moved to approve the minutes for December 7, 2017. Mr. Montoya seconded. Vote taken and passed 3-0.

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

No public comments.

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

The following Orders were approved and signed by the Board members:

LB 12-28, Order of Withdrawal;

LB 15-25, Order Granting Respondent's Amended Motion to Vacate Hearing;

LB 15-29, Stipulated Order on City's Motion to Dismiss and Motion for Summary Judgment;

LB 16-12, Order Denying Summary Judgment;

LB 17-36, Order of Dismissal.

The Board scheduled future meetings for February 7, 2018 and February 9, 2018. The merits hearing for LB 15-25 is rescheduled for February 7, 2018.

**VI. PRESENTMENT OF ORDERS.**

Ian Stoker, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The City submitted an Order Granting Motion for Discovery Deadline and Extending Dispositive Motion Deadline in LB 17-35. Mr. Stoker stated that the union has not responded to the City's Motion for Discovery Deadline. Mr. Gutierrez asked the Board for thirty days to file a response. The deadline for the union to file a response is February 14, 2018 and the City's deadline for dispositive motions is February 28, 2018. The Order was approved and signed by the Board.

**VII. STATUS ON VACATED MOTIONS HEARINGS:**

- **LB 10-19, CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT AND AFSCME 624 RESPONSE TO CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City. James Montalbano, Attorney from Youtz and Valdez appeared on behalf of AFSCME. Ms. Kountz stated that the parties are working on a Stipulated Order of Dismissal in this matter and will submit to the Board once it is completed.

- **LB 15-01, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS.**

Ms. Kountz appeared on behalf of the City and stated that there is a settlement agreement that has been sent to the Chief Administrative Officer for her review and approval. Chairman Baca rescheduled this matter for status on February 7, 2018.

- **LB 16-08, 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.**

Ms. Kountz appeared on behalf of the City and stated that the parties have been discussing a settlement agreement. Chairman Baca rescheduled this matter for status on February 7, 2018.

**VIII. SCHEDULING OF MERITS HEARING IN LB 15-29.**

Ms. Kountz appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME. After a brief discussion on scheduling the parties and the Board agreed to schedule this matter for merits hearing on April 13, 2017. This matter will also be placed on the agenda for February 7, 2018 for status to confirm the scheduled date of April 13<sup>th</sup>.

**IX. CONTINUED FROM DECEMBER 4, 2017 THE BOARD'S PRESENTMENT AND ADOPTION OF THE PROPOSED AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS BOARD RULES AND REGULATIONS.**

- See attached, Proposed Amendments to Labor-Management Relations Board Rules and Regulations.
- Public written comments may be submitted to the Hearing Monitor, Jessica Enriquez for the Board's review and consideration by December 29, 2017 and written comments submitted after December 29th may not be considered. Her email address is [jenriquez@cabq.gov](mailto:jenriquez@cabq.gov) and her phone number is 505-924-3918.

Written comments were submitted to the Board from the City of Albuquerque's Human Resources Department Director, Mary Scott; the City of Albuquerque Legal Department; and from James Montalbano, Attorney from Youtz and Valdez on behalf of AFSCME. Ms. Kountz presented a comment from the Chief Administrative Officer, Sarita Nair stating that she fault that the proposed rules and regulations are too formal with too much legalese and she is concerned that the proceedings have moved from quasi-judicial stand point to almost full blown litigation. She is also concerned that it could be difficult for a pro se party to understand the rules because of how they are worded. There was discussion and comments on the proposed rules and regulations starting from 1.1 through 4.11. After public comments this matter was continued for February 7, 2018.

**X. MOTIONS HEARING:**

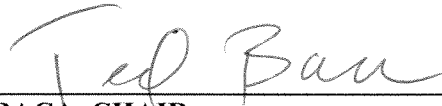
- **LB 17-07, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT.**

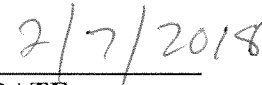
Ian Stoker, Assistant City Attorney appeared on behalf of the City. James Montalbano, Attorney from Youtz and Valdez appeared on behalf of AFSCME Local 3022. Mr. Stoker presented and argued the City's Motion for Summary Judgment. Mr. Montalbano presented and argued AFSCME's Response to City's Motion for Summary Judgment. Mr. Montoya moved to deny the City's Motion for Summary Judgment and move to schedule this matter for a merits hearing. Chairman Baca seconded. Voted and passed 3-0. Chairman Baca stated that this matter will be scheduled for a merits hearing on April 13, 2018.

**XI. ADJOURNMENT.**

Mr. Montoya moved to adjourn. Chairman Baca seconded. Vote taken and passed 3-0. The meeting was adjourned at 12:16 p.m.

**APPROVED:**

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

  
\_\_\_\_\_  
**DATE**

cc: Tim Keller, Mayor  
Trina Gurule, Interim City Clerk