

LABOR-MANAGEMENT RELATIONS BOARD

Monday, May 10, 2021

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner Rocky Gutierrez
Devon Moody James Montalbano
Melissa Kountz Fred Mowrer
Ian Stoker John D'Amato
Juan Martinez Michael Dorin
Augusta Garcia Tomas Romero
Jessica Enriquez*

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, MAY 10, 2021.

Mr. Montoya moved to approve the agenda for May 10, 2021. Mr. Perlman seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR APRIL 13, 2021.

Mr. Montoya moved to approve the minutes for April 13, 2021. Chairman Baca seconded. Voted and passed 3-0.

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

Assistant City Attorney Leigh Brunner and counsel to the Board stated that the Labor Management Rules were submitted to the State and the Director's response was that the Board will need to make significant changes. He will be submitting a memo outlining the changes that need to be made and they must be done and resubmitted by June 30, 2021. Chairman Baca stated that the Board's current rules continue to control the operations of the Board and once Leigh receives the memos, a meeting will be scheduled to discuss proposed amendments.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS.

None.

VI. PRESENTMENT OF ORDERS:

- **LB 19-37 REQUEST FOR PRESENTMENT OF COMPETING ORDERS; CITY'S FINAL ORDER AND UNION'S FINAL ORDER.** Chairman Baca 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. Perlman seconded. A roll call vote was taken and the motion passed 3-0.

Chairman Baca 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 moved to enter the City's Order with one change. Mr. Montoya seconded. Voted and passed 3-0.

- **LB 21-09, SCHEDULING ORDER.** Approved and signed by the Board and the merits hearing is scheduled for September 13, 2021.

- **LB 21-13, SCHEDULING ORDER.** Approved and signed by the Board and the merits hearing is scheduled for September 20, 2021.

VII. STATUS CONFERENCE:

- **LB 21-06, APOA'S DISCOVERY MOTION.**
- **LB 21-08, APOA'S DISCOVERY MOTION.**
- **LB 21-11, APOA'S DISCOVERY MOTION.**
- **LB 21-17, APOA'S DISCOVERY MOTION.**
- **LB 21-18, APOA'S DISCOVERY MOTION.**
- **LB 21-19, APOA'S DISCOVERY MOTION.**

Assistant City Attorney Devon Moody appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. These matters resume pending and will be scheduled as requested.

VIII. MOTIONS HEARING:

- **LB 13-06, CITY'S MOTION TO RECONSIDER OR MODIFY DECISION AND UNION'S RESPONSE TO CITY'S MOTION TO RECONSIDER.** Assistant City Attorney Ian Stoker appeared on behalf of the City and Attorney James Montalbano appeared on behalf of AFSCME Local 3022. The parties agreed to a continuance pending possible settlement resolution. Chairman Baca rescheduled this matter for June 7, 2021.

IX. MERITS HEARING:

- **LB 19-35 CONSOLIDATED WITH LB 20-34, PROHIBITED PRACTICE COMPLAINTS FILED BY ALBUQUERQUE POLIC OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS TO THE COLLECTIVE BARGAINING AGREEMENT.** Attorney Fred Mowrer appeared on behalf of APOA and Assistant City Attorneys Melissa Kountz and Devon Moody appeared on behalf of the City. Both parties presented opening and closing statement. The Union called the following witnesses to testify: Greg Weber; Brandon Forsberg; Paul Broome and Anthony Perna. The City called to testify Eric Garcia and Zake Cottrell.

Chairman Baca 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. Perlman seconded. A roll call vote was taken and passed 3-0.

The Board returned to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. A roll call vote was taken and passed 3-0. The Board was in closed session to deliberate on LB 19-35 and LB 20-34 and no other matter were discussed.

Chairman Baca moved to find in favor of the Albuquerque Police Officers' Association for both LB 19-35 and LB 20-34 and direct that only matters where discipline was imposed should be recorded on retention cards and used as a form of aggravating factor in personnel matters. Also finds that investigations of these natures as discussed in this proceeding begin with the assignment of an I number. The parties should file findings of facts and conclusions of law by May 28, 2021 if there will be an appeal and if not appealed then an Order should be filed.

X. ADJOURNMENT.

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

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
 Ethan Watson, City Clerk

