



# CITY OF ALBUQUERQUE

## CITY LABOR-MANAGEMENT RELATIONS BOARD MONDAY, JULY 8, 2024

### MEMBERS PRESENT:

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

### OTHERS PRESENT:

*Domonique Limon  
Joel Villarreal  
Merissa Reddy  
Chad Willis  
Augustine Romero  
Andrew Montoya  
Jose V. Lopez  
Victoria Gammill  
Courtney Willis (Zoom)  
Angelica Sanchez (Zoom)*

*James Montalbano  
Evan Crocker  
Leigh Brunner  
Fred Mowrer  
Louis Sisneros  
Stephanie Gomez  
Patricia Tafoya-Harris  
Connie Derr (Zoom)  
Martina Nichols (Zoom)  
Diego Gonzales (Zoom)  
Catherine Gonzales*

## MINUTES

### **I. CALL TO ORDER.**

Chairman Baca called the meeting to order at approximately 9:45 a.m. All three Board members were present in person.

### **II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JULY 8, 2024.**

Chairman Baca moved to approve. Mr. Perlman seconded. Voted and passed 3-0.

### **III. REVIEW AND APPROVAL OF MINUTES FOR JUNE 10, 2024 – Minutes not provided. Will be added to next Agenda.**

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

### **V. PRESENTMENT AND APPROVAL OF ORDERS:**

- **LB 22-19 STIPULATED ORDER TO DISMISS – SIGNED BY MR. PERLMAN.**
- **LB 20-04; LB 21-35 ORDER GRANTING STIPULATED MOTION TO VACATE MERITS HEARING AND STAY PROCEEDINGS – SIGNED BY MR. PERLMAN.**
- **LB 23-05 UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE –** Attorney James Montalbano, Youtz and Valdez on behalf of AFSCME, confirmed the Order removes one local from the case and the case will go forward. Approved and signed.
- **LB 23-05 CITY'S SUBPOENA FOR PATRICIA TAFOYA-HARRIS – Signed and Issued.**
- **LB 23-05 UNION'S SUBPOENA FOR ROCKY GUTIERREZ - Signed and Issued.**

### **VI. MISCELLANEOUS/STATUS CONFERENCE:**

- **LB 24-05 STATUS CONFERENCE FOR PROHIBITED PRACTICE COMPLAINT FILED BY**

**ATTORNEY FRED M. MOWRER ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING EMPLOYMENT RIGHTS TO AN INDEPENDENT ADMINISTRATION INVESTIGATION, VIOLATING DEPARTMENT POLICIES AND VIOLATING EMPLOYER'S GARRITY RIGHTS.**

Attorney Fred Mowrer appeared on behalf of the APOA. Attorneys Catherine Gonzalez and Evan Crocker appeared on behalf of the City. Attorney Mowrer, stated that he is not exactly sure where we are, we have both submitted briefings. All Briefings have been submitted to the Board. Attorney Mowrer spoke on his argument.

For clarification, LB 24-05 as well as LB 24-14, raises the issue of whether or not SOPs are incorporated within the Collective Bargaining Agreement. Attorneys Gonzalez and Crocker spoke on their argument.

Chairman Baca made a motion 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. Session was closed at approximately 10:16 a.m.

Chairman Baca stated the Board was in closed session to discuss and deliberate on LB 24-14 and no other matters were discussed.

Chairman Baca asked for clarification regarding the City's Motion to Dismiss filed. Mr. Crocker stated the City filed a Motion to Dismiss in leu of Briefing. Chairman Baca made a Motion to grant the Motion to Dismiss. Mr. Perlman seconded. Voted and passed 3-0.

Mr. Crocker asked for clarification on the SOP issue, stated this was originally a status Conference for LB 24-05, however we have also argued the IPRA issue on LB 24-14.

Attorney Fred Mowrer provided additional information regarding his argument.

Mr. Perlman added, this is a status conference, there is not an item on the Agenda which provides action.

- **LB 24-17 FACIAL VALIDITY SCREENING FOR PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FREDERICK M. MOWRER ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AND SGT. ARMANDO HERNANDEZ & SGT. ROSS VANDERLIP AGAINST THE ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CBA SECTION 20 BY UNTIMELY IMPOSING DISCIPLINE.**

Attorney Chad Willis appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of the APOA. Chairman Baca reviewed the PPC aloud. Attorney Willis stated the City does not agree the PPC is facially valid. In his review of the CBA, the Complaint does not include when the predetermination hearing was had, therefore, cannot determine whether or not the discipline was timely. Attorney Mowrer spoke on his argument for it being valid.

Mr. Montoya moved to find facially valid. Chairman Baca seconded. Voted and passed 3-0.

- **LB 24-18 FACIAL VALIDITY SCREENING PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FREDERICK M. MOWRER ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AND OFFICER ADAM GOLSON AGAINST THE ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CBA SECTION 20 BY UNTIMELY IMPOSING DISCIPLINE.**

Attorney Evan Crocker appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of the APOA. Chairman Baca reviewed the PPC aloud. Attorney Crocker argued the PPC was not facially valid. Attorney Mowrer spoke on his argument for it being valid.

Mr. Perlman moved that the PPC be found facially valid. Mr. Montoya seconded. Voted and passed 3-0.

**VII. MOTION HEARING:**

- **LB 23-05 MOTION FOR SUMMARY JUDGMENT FOR PROHIBITED PRACTICE COMPLAINT BY AFSCME COUNCIL 18, LOCALS 624 (TRANSIT), 624 (BLUE COLLAR), 1888, 2499, AND 3022**

**BY AND THROUGH YOUTZ & VALDEZ AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATIONS OF THE LMRO AND THE COLLECTIVE BARGAINING AGREEMENT.**

Attorney James Montalbano, Youtz and Valdez on behalf of AFSCME. Attorney Victoria Gammill appeared on behalf of the City. The parties have stipulated to each other's hearing Exhibits. Attorney Montalbano spoke on his argument and argued that the City's Motion was untimely. Attorney Gammill spoke on her argument.

Chairman Baca made a motion 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. Session was closed at approximately 12:00 p.m.

Chairman Baca announced, we will take lunch and be in recess until 1:30 p.m.

Chairman Baca made a motion to go back into open session. Mr. Montoya seconded. Voted and passed 3-0.

Chairman Baca stated the Board was in closed session to discuss and deliberate on the Motion for Summary Judgment in LB 23-05 but we did not take any votes. Mr. Montoya made a motion to grant the Union's Motion for Summary Judgment. Chairman Baca seconded. Mr. Perlman abstained. Voted and passed 2-1.

**VIII. ADJOURNMENT.**

Chairman Baca adjourned meeting at 1:35 p.m.

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

Aug 26, 2024  
DATE