

**SANDOVAL COUNTY LABOR MANAGEMENT RELATIONS BOARD
THIRD FLOOR COUNTY COMMISSION CHAMBERS
MEETING MINUTES**

1:00 PM – Wednesday, March 17, 2021

1. CALL TO ORDER

The March 17, 2021 meeting of the Sandoval County Labor Management Relations Board was called to order by Chairman Baca at 1:00 pm. Members Marilyn Hill and Frank Marquez were in attendance.

2. INTRODUCTIONS & ANNOUNCEMENTS

There were no introductions or announcements.

3. APPROVAL OF THE AGENDA

Chairman Baca requested a motion to approve the agenda as presented; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously.

4. RATIFICATION OF PREVIOUS *ULTRA VIRES* BOARD ACTIONS

Chairman Baca requested a motion to ratify *Ultra Vires* actions of the Board during the Jan 27, 2021 and Jan 28, 2021 MEETING in the matter of Sandoval County v. American Federation of State, County and Municipal Employees (AFSCME) Prohibited Practices Complaint Case No. LRB 2020-01/PPC; motion moved by Member Marquez and seconded by Member Hill; motion passed unanimously.

5. APPROVAL OF MINUTES

Chairman Baca requested a motion to approve the minutes from Jan 27, 2021 and Jan 28, 2021 MEETING in the matter of Sandoval County v. American Federation of State, County and Municipal Employees (AFSCME) Prohibited Practices Complaint Case No. LRB 2020-01/PPC; motion moved by Member Marquez and seconded by Member Hill; motion passed unanimously.

6. BOARD MEMBER ELECTIONS

Chairman Baca requested a motion to elect Board positions; motion to appoint Ted Baca as Chair was moved by Member Hill and seconded by Member Marquez; motion passed unanimously. Chairman Baca was appointed as Chair

7. APPROVAL OF OPEN MEETINGS ACT RESOLUTION

Chairman Baca requested a motion to approve the 2021 Open Meetings Act Resolution; motion moved by Member Hill and seconded by Member Marquez; motion passed unanimously.

8. APPROVAL OF BOARD RULES

Chairman Baca requested a motion to approve proposed Board Rules published on February 14, 2021 in the Albuquerque Journal; motion moved by member Marquez and seconded by Member Hill; Brief comments in support of the Rules were made by Dina Holcomb, attorney for the County. Rob Trombley, a Union Representative indicated that he had not seen the rules. David Mann, Counsel to the Board advised that notice of the Rulemaking hearing was published on February 14, 2021 in the Albuquerque Journal, and the rules posted on the website more than thirty days in advance of the meeting. Motion passed unanimously.

9. MOTION TO STRIKE

Sandoval County (Dina Holcomb) requested Motion to Strike AFSCME's Proposed Findings of Fact and Conclusions of Law for not meeting the Boards submission deadline and not requesting an extension. Shane Youtz, Attorney for the Union argued against the Motion to Strike.

10. CLOSED SESSION

Chairman Baca requested a motion to go into Closed Session pursuant to 10-15-1(I) of the Open Meetings Act for the limited purpose of discussing whether to grant Sandoval County's Motion to Strike; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously.

After the Closed Session, Chairman Baca made a motion to return to Open Session; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously. The matters discussed in the closed session were limited only to those specified in the motion for closure.

11. MOTION TO DENY

Chairman Baca requested a motion to deny Sandoval County's Motion to Strike; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously.

12. MOTION TO PAY

Chairman Baca requested a motion to require AFSCME to pay for two (2) hours of Dina Holcomb's legal fees in preparing the Motion to Strike. motion moved by Member Hill and seconded by Member Marquez; motion passed unanimously.

13. SUMMARY OF CASE

Shane Youtz on behalf of the Union, and Dina Holcomb on behalf of Sandoval County presented their findings of fact and conclusions of law in the matter of Sandoval County v. American Federation of State, County and Municipal Employees (AFSCME) Prohibited Practices Complaint Case No. LRB 2020-01/PPC.

14. CLOSED SESSION

Chairman Baca requested a motion to go into Closed Session pursuant to 10-15-1(l) of the Open Meetings Act for the limited purpose of determining a ruling in RE: Sandoval County v. American Federation of State, County and Municipal Employees (AFSCME) Prohibited Practices Complaint Case No. LRB 2020.01/PPC; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously.

After the Closed Session, Chairman Baca requested a motion to return to Open Session; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously. The matters discussed in the closed session were limited only to those specified in the motion for closure.

15. DECISION OF THE BOARD

Chairman Baca requested a motion to issue the Decision of the Board as determined in the Board's closed session; motion moved by member Marquez and seconded by Member Hill; motion passed unanimously. Chairman Baca read allowed the following decision of the Board:

The Board has determined that:

- a. Complainant was not terminated because he was the President of the American Federation of State, County, and Municipal Employees (AFSCME) local chapter;
- b. Complainant admitted to inattentiveness while on duty;
- c. Complainant shall be reinstated without back pay;
- d. Any other relief sought by complainant is denied.

16. NEXT MEETING

Chairman Baca did not request a date for the next meeting. No motion was made.

17. ADJOURN

Chairman Baca ordered the meeting adjourned at 4:47 pm.

DRAFT