



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday July 6, 2021
at 9:00 a.m. via web conference. Marianne Bowers, presiding.

1. **Call to Order.** Chair Marianne Bowers called the meeting to order at 9:00 a.m. Vice-Chair Mark Myers and Member Nan Nash were in attendance so that a quorum was present.
2. **Approval of Agenda.** Chair Bowers moved to approve the agenda. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.
3. **Approval of June 1, 2021 Meeting Minutes.** Chair Bowers moved to approve the June 2, Minutes. the Vice-Chair seconded the motion and the motion carried upon a unanimous roll call vote. (See agenda item 9 below for amendment to the Board's vote).
4. **Public Comments.** There were no requests to comment from those in attendance.
5. **Approval of Consent Election Agreement.** The Executive Director informed the Board that the parties in *NEA-Turquoise Trail & Turquoise Trail Charter School*; PELRB 302-21 had reached agreement about the procedure for conducting the representation election and the Consent Election Agreement was before the Board for their approval pursuant to NMAC 11.21.2.17. The Chair solicited comment from the other members of the Board. Vice-Chair Myers had no comment. Member Nash also had no comments about the agreement and moved to approve it. The Vice-Chair seconded the motion and the motion carried upon a unanimous roll call vote.
6. **Voluntary Dismissals.** The Executive Director informed the Board that after the Complainant's had withdrawn their complaints, Voluntary Dismissals had been issued in *AFSCME v. ABCWUA*; PELRB 111-21; *AFSCME v. ABCWUA*; PELRB 113-21; and *NEA-Los Lunas v. Los Lunas School District*; PELRB 103-21. Dina Holcomb, counsel for Los Lunas Schools, was present and stated that the Executive Director had accurately conveyed the details of PELRB 103-21. The Board directed staff to close the files.
7. **Director's Reports**
 - a. *Rhonda Goodenough v. NM CYFD and NM PELRB*; D-101-CV-2020-01743. The Executive Director informed the Board that the Complainant had filed a Notice of Appeal of the District Court Order affirming the Board's decision in this case with the New Mexico Court of Appeals and the Board should discuss its next action in response. As indicated on the agenda, staff anticipated that the Board would want to hold that discussion in closed executive session. At 9:09 a.m. the Chair moved to go into closed session pursuant to NMSA § 10-15-1(H)(7) to discuss the litigation. The Vice-Chair seconded the motion and the motion carried upon a unanimous roll call vote. At 9:18 a.m. Chair Bowers moved to go back into open session pursuant to sections 10-15-1(I)(l) and 10-15-1(J) stating that the only thing discussed during the closed session was the ongoing litigation in agenda item 7a. Member Nash seconded the motion and the motion carried unanimously upon a roll call vote.
 - b. *Conditional approval of local boards in May.* The Executive Director reminded the Board that at its May meeting it conditionally approval or denied of approval of local boards' rules

upon the condition that corrections recommended by staff were made by June 30, 2020. The following cases as listed on the agenda were the cases subject to those conditions:

- i. *In re: City of Deming*; PELRB 204-20
- ii. *In re: San Juan College*; PELRB 205-20
- iii. *In re: Silver City*; PELRB 209-20
- iv. *In re: Sandoval County*; PELRB 210-20
- v. *In re: City of Roswell*; PELRB 211-20
- vi. *In re: Los Alamos County*; PELRB 213-20
- vii. *In re: City of Las Cruces*; PELRB 218-20
- viii. *In re: City of Albuquerque*; PELRB 220-20

He reported that in each case, the conditions of approval appear to have been met had been met, but that staff was still awaiting documentation in several of those cases, such as certified copies of the rules or verified meeting minutes showing a vote to adopt the recommended rules without modification before the files could be closed.

- c. *Draft of Amendment to the lease agreement.* As previously reported an extension of the lease for the Board's offices had been successfully negotiated with the landlord, and a copy of the lease extension for one year was in their packets and fully executed but for the signature of a representative of the General Services Department. The lease was sent to GSD for that signature and a fully executed copy is expected soon. Additional rent increases are anticipated and must be negotiated in order to make the necessary request for additional funds from the legislation as part of the current FY23 appropriations request. Chair Bowers asked about the certifications of insurance coverage and the Director responded that, as GSD provided evidence of the coverage annually, he expected documentation to be coming from GSD on schedule as part of the FY 22 budget process.
 - d. *FY22 MOU for CFO services.* The Executive Director informed the Board that the agency had once again reached an agreement with the Administrative Hearings office to share the CFO services of Tanya Montoya-Ramirez for FY22. He informed the Board that Ms. Montoya-Ramirez had done an exceptional job for the Board thus far and was pleased to have secured her services for the coming year.
 - e. *In re: NEA-NM & Española Schools*; PELRB 502-20 (Impasse) and f. *In re: Hatch POA & Village of Hatch*; PELRB 502-21 (Impasse). Director Griego suggested by both agenda items be addressed together. The parties to these two cases both reported an impasse in their collective bargaining negotiations and requested referral by this Board to mediation and, if necessary to arbitration pursuant to NMSA 1978 § 10-7E-18 (2020). That referral was made and the parties' progress monitored. With the help of a mediator from the Federal Mediation and Conciliation Service, parties in both cases reached an agreement. Staff was directed to close the files.
8. **Board member terms expiration.** The Executive Director stated that in September, by operation of NMAC 11.21.1.33, Vice-Chair Myers will become the Chair, Member Nash will become the Vice-Chair and Chair Bowers will remain on the Board as a member. He suggested that at the September meeting, Mr. Myers calls the meeting to order as the new chair and states on the record that the Chair position has transferred to him by operation of the rule. Chair Bowers asked to be reminded of the change in September. The Executive Director invited Mr. Myers to contact him prior to the change for a primer on the duties of the Chair. He went on to state that because Mr. Myers replaced the previous management recommendation mid-term, his term had recently expired, but under Article XX, Section 2

of the New Mexico Constitution he continues to serve until a successor has been appointed; however, as Mr. Myers had expressed a willingness to serve another term, staff had contacted the Governor's office and requested his reappointment. Vice-Chair Myers reiterated his willingness to serve another term and stated that he had been contacted by the Governor's office about that last week. The Executive Director further informed the Board that Ms. Bowers' term was not set to expire until 2023. He also stated that Ms. Nash's term would be expiring at the end of the month and the other members of the Board had to make a recommendation to the Governor pursuant to NMSA § 10-7E-8(A). Ms. Nash stated that she was willing to serve another term. Chair Bowers stated that she felt Member Nash had done a superlative job as a Board member and that it was her wish that Ms. Nash continue to be the joint recommendation; Vice-Chair Myers voiced his agreement. The Chair then moved to recommend Nan Nash as the neutral appointment; Vice-Chair Myers seconded the motion and the motion carried 2-0 on a roll call vote with Member Nash abstaining.

9. **Adjournment.** Chair Bowers noted that the next meeting was scheduled for August 3, 2021. The Executive Director stated that a typographical error had been discovered on the agenda and ceded the floor to the Administrative Assistant who stated that the Agenda erroneously referred to approval of the June 2, 2021 minutes when, in fact, the minutes were of the June 1, 2021 meeting. The Executive Director suggested a motion to approve the June 1, 2021 minutes be entertained. The Chair so moved; Member Nash seconded the motion and the motion passed unanimously upon a roll call vote. The Chair then moved to adjourn the meeting; Member Nash seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:42 a.m.

Updated and amended Agendas may be picked up at the PELRB office up to seventy-two hours in advance or at the board meeting. If you are an individual with a disability in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Executive Director at the PELRB office located at 2929 Coors Blvd. NW Suite 303 Albuquerque, New Mexico, Telephone 505-831-5422 at least two weeks prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive Director at the PELRB Office at the address and telephone number above if a summary or other type of accessible format is needed.