



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday July 14, 2020
at 9:30 a.m. via web conference. Duff Westbrook, presiding.

1. **Call to Order.** The Board's Chair, Duff Westbrook, called the meeting to order at 9:30 a.m. Member Mark Myers and Member Marianne Bowers were also present, so that a quorum was established. Chair Westbrook welcomed Mark Myers to the Board.
2. **Approval of Agenda.** Member Bowers moved to approve the agenda. Member Myers seconded the motion and the agenda was unanimously approved upon a roll call vote.
3. **Approval of June 5, 2020 meeting minutes.** Member Bowers moved to approve the minutes of the Board's June 5, 2020 meeting. Member Myers seconded the motion and the minutes were unanimously approved without modification upon a roll call vote.
4. **Public Comments.** Dina Holcomb asked if the ad hoc rules committee would be involved in the approval of the new templates for local ordinances which have been placed on the PELRB website. The Executive Director explained that they were placed on the website without much discussion due to the necessity of having them available on July 1, 2020 when the changes to the PEBA and the PELRB rules took effect. He suggested placing approval of the templates on the Board's agenda and accepting public comment on them at a meeting of the PELRB and the Board concurred.
5. **Certification of Election Results.** The Executive Director reminded the Board that the election results in PELRB 302-20, *NEA-Turquoise Trail Charter School & Turquoise Trail Charter School* were presented to the Board at its June meeting but certification of those results was tabled until the deadline for filing objection to the election passed. Mr. Griego stated that the objection period passed without an objection having been filed and the results could now be certified. Chair Westbrook moved to approve the election results and order the director to close the file. Member Bowers seconded the motion and the motion was unanimously approved upon a roll call vote.
6. **Order to Show Cause In Re: City of Las Vegas; PELRB 201-20.** Director Griego explained that he had received a "Petition to Decertify the City of Las Vegas Local Labor Board", which he accepted as a request that this Board revoke its prior approval of that board's enabling ordinance. He issued an Order to Show Cause to the local board for that purpose. Subsequently, the City's attorney indicated via email Las Vegas intended to rescind its enabling ordinance at a city council meeting in August. Dina Holcomb stated that the city attorney had told her it had been placed on the July 15, 2020 agenda. Chair Westbrook moved to table the matter until after the city council meets to address the issue. Member Bowers inquired about the position of the union on tabling the Order to Show Cause. James Montalbano spoke on behalf of the union stating that it had no objection provided the delay was not too long. Member Bowers seconded the motion and the motion was unanimously approved upon a roll call vote.
7. **Appeal of Hearing Officer's Report and Recommended Decision – Goodenough v. CYFD; PELRB 106-19.** The Executive Director explained that Complainant Goodenough

appealed to the Board from his Report and Recommended Decision in PELRB 106-19. Counsel for both parties were present and the Chair invited the appellant to speak first.

On behalf of the appellant, Rosario Vega Lynn stated that as the appellee had not filed a response to the appeal, she did not have anything to add to her written appeal other than her position that the issues decided were a matter for the appellate courts. She directed the Board's attention to NMSA § 50-4-35.

James Cowan spoke on behalf of the appellant. His position was that the Report and Recommended Decision was correctly decided and supported and requested that the Board adopt the Report and Recommended Decision as their Order. Member Bowers moved to adopt the Report and Recommended Decision; Member Myers seconded the motion. Before a vote, Member Bowers withdrew her motion and the Chair moved to go into executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act, to deliberate. Member Myers seconded the motion and the motion was unanimously approved upon a roll call vote at 9:54 a.m.

At 10:04 a.m., the Chair moved to resume open session and stated that pursuant to §§ 10-15-1(I)(I) and 10-15-1(J), the only matter discussed in the closed executive session was PELRB 106-19; *Goodenough v. CYFD*. Member Myers seconded the motion and the motion was unanimously approved upon a roll call vote. Member Bowers moved to adopt the Report and Recommended Decision as the Board's decision. Member Myers seconded the motion and the motion was unanimously approved upon a roll call vote.

8. **Rules Changes Effective July 1, 2020.** The Executive Director reported that the rules approved at the June 5, 2020 meeting were published in the New Mexico Register and became effective on July 1, 2020.
9. **Approval of FY21 MOU with AHO.** The Executive Director informed the Board that the Memorandum of Understanding with the Administrative Hearings Office for Tanya Ramirez to provide financial services had expired and needed to be renewed. A new MOU was presented for the Board's approval; the only change to the agreement being the expiration date. He stated the arrangement was working well and recommended approval of the agreement. After a brief discussion, arrangements were made to obtain signatures. The Chair moved to approve the agreement, Member Bowers seconded the motion and the motion was unanimously approved upon a roll call vote.
10. **CFO Monthly Financial Report and FY21 audit report.** The Board's CFO, Tanya Montoya-Ramirez, directed the Board's attention to spreadsheets in their packets detailing the current financial status of the agency. She stated that there was an overall decrease of \$9,800 to the budget and that despite the reductions, there should be enough in the budget for FY21 to continue the Board's operations under austerity measures. She informed the Board that the independent audit contract with Hinkle + Landers to perform the annual audit had been approved and executed and that the entrance interview with the accountants would occur later that day. She gave an overview of what the entrance interview entails and outlined what to expect as the next steps in the audit process.

11. **Recommendation of Neutral Board Member.** The new Board members discussed their responsibility to recommend a neutral third appointee for the Board. After a brief discussion they instructed the Executive Director to conduct an inquiry to identify qualified individuals who would be willing to serve in that capacity. They stated their preference for waiting for the Executive Director to report the results of that inquiry at the next meeting before discussing the matter further.
12. **Next Meeting Date and Adjournment.** After a brief discussion, the next meeting was set for August 6, 2020 at 9:30 a.m. Member Bowers moved to adjourn the meeting. Member Myers seconded the motion and the motion was unanimously approved upon a roll call vote. The time was 10:28 a.m.