

BEFORE THE LABOR-,MANAGEMENT RELATIONS BOARD  
OF THE CITY OF ALBUQUERQUE, NEW MEXICO

NEW MEXICO TRANSPORTATION UNION,  
ROBERT GUTIERREZ, Interim Chairman,  
CITY MOTORCOACH OPERATORS,  
And SUN VAN DRIVERS,  
Complainants,

vs. LB-03-31

CITY OF ALBUQUERQUE,  
MARTIN CHAVEZ, Mayor,  
JAY CZAR, Chief Administrative Officer,  
ALBUQUERQUE CITY COUNCIL,  
Respondents.

**RESPONDENT'S ANSWER TO COMPLAINT OF  
UNFAIR AND PROHIBITED LABOR PRACTICES**

Respondent's herein the City of Albuquerque, Mayor Chavez, Chief Administrative Officer Czar, and the Albuquerque City Council, hereby respond to the New Mexico Transportation Unions Complaint of Unfair and Prohibited Labor Practices by denying the charges stated therein. More specifically, Respondent's respond as follows.

**RESPONSE TO THE PROBLEM**

As to the section of the Complaint designated "The Problem" Respondent's hereby deny the allegations therein.

**RESPONSE TO THE FACTS**

1. As to paragraph 1 of the Complaint, Respondent's admit the first sentence and are without knowledge as to the second sentence and therefore deny it.
2. Paragraph 2 of the Complaint is vague and is therefore denied.

3. Respondents deny paragraph 3.
4. Respondents admit paragraph 4.
5. Respondents deny paragraph 5.
6. As to paragraph 6, the City admits that it has an obligation to expend monies pursuant to a balanced budget but denies the remainder of the paragraph.
7. As to paragraph 7, the City admits that Petitioners requested a meeting with the Guidelines Committee which was scheduled on June 2, 2003 and denies the remainder of the paragraph.
8. As to paragraph 8, the City admits that a quorum of the Guidelines Committee was not present at the scheduled meeting and denies the remainder of the paragraph.
9. Respondents deny paragraph 9.
10. The City denies paragraph 10.
11. As to paragraph 11, the City admits that Mayor Chavez proposed, with the assent of all the City bargaining representatives, to use \$7.2 million to fund a bonus a bonus for City of employees and denies the remaining allegations in the paragraph.

#### **RESPONSE TO THE LAW**

12. As to paragraphs 12, 13, 14, 15 and 16, these paragraphs purport to make statements of law which require no response and the City refers the Labor Board to the full text of the Labor/Management Relations Ordinance.

#### **RESPONSE TO NMTU CLAIMS OF PROHIBITED LABOR PRACTICES**

13. As to paragraph 17, 18, 19, 20, 21, 22, 23 and 24, the City denies the allegations and affirmatively states that the City's Labor/Management Relations

Ordinance provides a process for fair and equitable bargaining between the City and its employees, that the collective bargaining process provided in the Ordinance has been scrupulously followed by City negotiators and this matter should be set down for hearing at the Board's soonest convenience.

#### **FIRST AFFIRMATIVE DEFENSE**

The complaint is barred by res judicata and/or collateral estoppel.

#### **SECOND AFFIRMATIVE DEFENSE**

At all times relevant hereto, Defendant City of Albuquerque and its employees complied with the provisions of the New Mexico Constitution requiring that the City maintain and operate pursuant to a balanced budget.

#### **THIRD AFFIRMATIVE DEFENSE**

At all times relevant hereto, Defendant City of Albuquerque and its employees complied with the provisions of the applicable union contracts.

#### **FOURTH AFFIRMATIVE DEFENSE**

The individual defendants are not subject to suit.

#### **FIFTH AFFIRMATIVE DEFENSE**

The City Council is not a separate entity subject to suit.

#### **SIXTH AFFIRMATIVE DEFENSE**

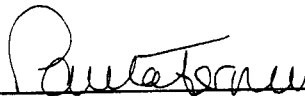
The complaint fails to state a claim upon which relief may be granted.

#### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims present no justiciable controversy.

RESPECTFULLY SUBMITTED

CITY OF ALBUQUERQUE  
Robert M. White

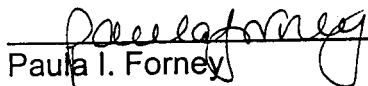


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I hereby certify that a true and correct  
Copy of the foregoing pleading was  
Mailed to:

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on this 2nd day of October, 2003.

  
Paula I. Forney