



# City of Albuquerque

City of Albuquerque  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Legislation Details (With Text)

**File #:** R-14-101  
**Type:** Resolution  
**File created:** 8/18/2014  
**Status:** Sustained  
**In control:** City Council  
**Final action:** 11/3/2014  
**Enactment date:**  
**Enactment #:**  
**Title:** F/S Setting Policy Relating To The Circumstances In The Matter Of The City Of Albuquerque v. American Federation Of State, County And Municipal Employees (AFSCME) Local 624; Albuquerque Police Officers' Association; And International Association Of Fire Fighters Local 244; Directing The City Attorney To Dismiss This Matter (Gibson)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. R-101, 2. R-101 Approved Floor Substitute, 3. R-101fsfinal

| Date       | Ver. | Action By    | Action                             | Result |
|------------|------|--------------|------------------------------------|--------|
| 11/3/2014  | 3    | City Council | Sustained                          |        |
| 10/24/2014 | 3    | Mayor        | Vetoed                             |        |
| 10/14/2014 | 2    | City Council | Sent to Mayor for Signature        |        |
| 10/6/2014  | 2    | City Council | Passed                             | Pass   |
| 9/15/2014  | 2    | City Council | Postponed                          | Pass   |
| 9/15/2014  | 2    | City Council | Postponed                          |        |
| 9/3/2014   | 1    | City Council | Substituted                        | Pass   |
| 9/3/2014   | 1    | City Council | Postponed as Substituted           | Pass   |
| 8/18/2014  | 1    | President    | To be heard at the Council Meeting |        |
| 8/18/2014  | 1    | City Council | Introduced                         |        |

## CITY of ALBUQUERQUE TWENTY FIRST COUNCIL

COUNCIL BILL NO. F/S R-14-101 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Diane Gibson

### RESOLUTION

F/S Setting Policy Relating To The Circumstances In The Matter Of The City Of Albuquerque v.

American Federation Of State, County And Municipal Employees (AFSCME) Local 624;  
Albuquerque Police Officers' Association; And International Association Of Fire Fighters Local  
244; Directing The City Attorney To Dismiss This Matter (Gibson)

SETTING POLICY RELATING TO THE CIRCUMSTANCES IN THE MATTER OF THE CITY OF  
ALBUQUERQUE V. AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES (AFSCME) LOCAL 624; ALBUQUERQUE POLICE OFFICERS' ASSOCIATION;  
AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 244; DIRECTING THE CITY  
ATTORNEY TO DISMISS THIS MATTER.

WHEREAS, after several years of negotiation the City of Albuquerque recently renewed a  
collective bargaining agreement with the Albuquerque Police Officers' Association (APOA)  
effective July 16, 2014; and

WHEREAS, after several years of negotiation the City of Albuquerque also recently renewed a  
collective bargaining agreement with the International Association of Fire Fighters (IAFF) effective  
March 8, 2014; and

WHEREAS, at or near the end of negotiation with the APOA and the IAFF the City Attorney  
filed a lawsuit against the APOA, the IAFF and the American Federation of State, County, and  
Municipal Employees (AFSCME) 624 seeking payment from these entities for City wages accrued  
by union officials while conducting union business as authorized under the expired collective  
bargaining agreements; and

WHEREAS, this lawsuit by the City against City organized labor unions shows bad faith on  
the part of the City by having negotiated new collective bargaining agreements and subsequently  
filing suit for conduct authorized under the expired contract but before execution of the new  
contract; and

WHEREAS, the City is in ongoing negotiation with AFSCME 624 for a new collective  
bargaining agreement, and has been since approximately 2010 and an appearance of bad faith  
could impact the future negotiations with this and other labor groups; and

WHEREAS, the City's action in negotiating new bargaining agreements and immediately filing  
suit for activities during the negotiation period that were authorized by the prior, expired contract  
will be detrimental to the City's interest in good labor relations and the completion of future,  
reasonable collective bargaining agreements.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

Section 1. It is the Policy of the City to not seek civil damages from labor groups or their officials for conduct during negotiations that was consistent with the terms of the most recently expired collective bargaining agreement when the City was enjoined from not honoring the terms of the expired agreements; and accordingly, the City Attorney is directed to immediately dismiss the matter of *City of Albuquerque v. American Federation of State, County, and Municipal Employees (AFSCME) Local 624; Albuquerque Police Officers Association; and International Association of Fire Fighters Local 244* (D-202-CV-2014-04347).

Section 2. SEVERABILITY. If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause word or phrase irrespective of any provisions being declared unconstitutional or otherwise invalid.

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