

CITY of ALBUQUERQUE
TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-14-101 ENACTMENT NO. _____

SPONSORED BY: Diane Gibson

1 RESOLUTION

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

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

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

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

20 WHEREAS, this lawsuit by the City against City organized labor unions
21 shows bad faith on the part of the City by having negotiated new collective
22 bargaining agreements and immediately suing for circumstances that existed
23 during negotiations; and

24 WHEREAS, the City is in ongoing negotiation with AFSCME 624 for a new
25 collective bargaining agreement, and has been since approximately 2010; and

1 WHEREAS, the City's action in negotiating new bargaining agreements and
2 immediately suing on grounds related to the circumstances that existed
3 during negotiations will be detrimental to the City's interest in good labor
4 relations and the completion of future, reasonable collective bargaining
5 agreements.

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

8 Section 1. It is the Policy of the City to negotiate the full terms of new
9 collective bargaining agreements so as to not set up the possibility that a
10 union or its officials may be sued and held liable for their activities during the
11 negotiations; and accordingly, the City Attorney is directed to immediately
12 dismiss the matter of *City of Albuquerque v. American Federation of State,*
13 *County, and Municipal Employees (AFSCME) Local 624; Albuquerque Police*
14 *Officers Association; and International Association of Fire Fighters Local 244*
15 *(D-202-CV-2014-04347).*

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