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Via e-mail to [mayorberry@cabq.gov](mailto:mayorberry@cabq.gov)  
and [rjperry@cabq.gov](mailto:rjperry@cabq.gov)

Richard Berry, Mayor  
Robert Perry, Chief Administrative Officer  
City of Albuquerque, New Mexico

Re: Notice of Violation of the New Mexico Open Meetings Act:

Dear Mayor Berry and Mr. Perry:

Last week the City issued an Agenda indicating that the first meeting of the City Labor Board in over a year would be held on April 19, 2011. The caption indicates that the two members of the Board, one representing Labor, the other representing management, have already selected a Chairman. However, that selection was made pursuant to negotiations or considerations that were never made public and that have not been heard at an open meeting.

In *City of Albuquerque v. Montoya* the New Mexico Court of Appeals recently addressed the selection of the third member of the City's Labor Board. The Court found that the City's Labor-Management Relations Ordinance did not sufficiently protect the rights of employees to a neutral Labor Board. The New Mexico Transportation Union and I have repeatedly challenged the City's secrecy in selecting Personnel Hearing officers, but the Labor Board's secret and possibly collusive selection of the third-member neutral for the Board presents a somewhat different area of concern.

We contend that the selection process for the Labor Board "neutral" constitutes a violation of the New Mexico Open Meetings Act. We also, and perhaps more importantly, believe that it is a serious violation of the rights of all the employees and their unions who appear before the Labor Board for the City or its Labor Board to consider and select the Board Chairman outside of the public's view and without any opportunity for concerned parties or their representatives to be heard.

This notification is sent to you pursuant to Sec. 10-15-3(B) of the Open Meetings Act and constitutes "written notice of the claimed violation to the public body." Thank you for your consideration of this important matter.

Yours very truly,

*s/ Paul Livingston*

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Paul Livingston  
Attorney for NMTU