



**STATE OF NEW MEXICO
COMMISSION FOR DEAF AND HARD OF HEARING PERSONS**

Wednesday, February 12, 2014

State Bar of New Mexico

5121 Masthead NE

Albuquerque, NM 87109

3:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Chairman Mark Apodaca called the meeting to order at 3:00 p.m.

Present:	Mark Apodaca, Chair	Deb Hambel, Vice-Chair
	Dr. Ron Stern, Secretary	Randy Gonzalez
	John A. Johnson, Jr.	Austin Welborn

Not in attendance: Luis Quinonez, who was attending Police Academy.

Nine staff members from NMCDHH were present: Interim Director Lisa Dignan, Sam Martinez, Jason Siergey, Corina Gutierrez, Nathan Gomme, Deborah Romero, Cheryl Padilla, Lori Neubauer, Joyce Croker, and Roger Robb. Five interpreters were present: Rhiannon Sykes-Chavez, Julayne Feilbach, Shaundra Sanders, Sarah Cady Sartorius and Becki DeSantis. Eighteen members of the community were in the audience.

II. APPROVAL OF AGENDA

Chair Apodaca asked for a motion to approve the agenda.

14.21

Commissioner Ron Stern made a motion to approve the agenda.

Commissioner Austin Welborn seconded.

Motion passed.

III. ACTION ITEMS

- a. Approval of Minutes for Special Meeting 10/28/13*

14.22

Commissioner Ron Stern made a motion to approve the minutes as presented.
Commissioner Deb Hambel seconded.
Motion passed.

b. Approval of Minutes for 11/13/13

Commissioner Randy Gonzalez noted that on motion 14.17, there was no name as to who seconded the motion. No one remembered who seconded that motion and it was not caught on the CART transcript. Commissioner Stern declared it a moot point since the motion passed.

14.23

Commissioner Randy Gonzalez made a motion to accept the minutes as presented.
Commissioner John Johnson seconded.
Motion passed.

c. DCC Multipurpose Center Project

Chair Apodaca explained that the DCC Multipurpose Center Project was on the agenda because he was informed that some individuals would like to see the fiscal responsibility moved to a different agency. He wanted the Board to be aware of the situation.

Chair Apodaca asked Interim Executive Director Lisa Dignan to explain. Ms. Dignan said that she has been in communication with Lisa McNiven and the DCC nonprofit group has decided that they would like the capital outlay funds be transferred from CDHH to a different agency. The primary reason is that CDHH does not have the statutory authority to own land or to operate a building.

Ms. Dignan explained that Ms. McNiven was in communication with two different agencies and she will hopefully be able to work out transferring the funds to either the Department of Cultural Affairs or the Developmental Disability Planning Council. Ms. McNiven was in the audience if there were questions for her. Also, Ms. McNiven had informed Ms. Dignan that a bill has been entered in the round house to extend the time of the \$20,000 since there cannot be an RFP for architectural services yet.

Commissioner Johnson asked if the fiscal responsibility was transferred to another agency along with the RFP, would that relieve some responsibilities that are weighing down NMCDHH because of their short staff. Ms. Dignan responded that it would.

Chair Apodaca asked if Sally Malavé had an opinion on the transfer of funds. She responded that she really didn't have an opinion one way or another. She said that practically speaking, because CDHH doesn't have the authority to own property or to hold title it makes sense. Commissioner Ron Stern asked if the Department of Cultural Affairs have more statutory authority, and Ms. Malavé said they do. Dr. Stern said that did make sense and that they have had experience on these types of projects, and more expertise than CDHH has at this time.

Commissioner Gonzalez asked Ms. McNiven's opinion and also wondered if the Department of Cultural Affairs understands the culture of the Deaf Community, so that the center would be built

in a way that would effectively meet their needs. Ms. McNiven responded that she has not yet had a discussion with Shelly Sanchez, who has experience working with the Hispanic Cultural Center and African-American Cultural Center. Ms. McNiven said she would sit down with her and educate her on the community.

Ms. McNiven also stated that it was appropriate for the money to be transferred since, as Ms. Malavé said, CDHH doesn't have any authority to own property and she felt it was a better fit to move it to Cultural Affairs. However, she also spoke with John Block, her former supervisor who is currently Executive Director of the Developmental Disabilities Planning Council (DDPC). Mr. Block also seemed interested in this project. The bill to ask for an extension was heard at the legislative session without changing the CDHH as the fiscally responsible agent, but there would be time to take care of that once a decision is made.

Commissioner Gonzales clarified with Ms. McNiven that the project is basically on hold at this point. Commissioner Johnson added that the RFP process also could be put on hold now, freeing up CDHH staff. Ms. Dignan stated that the RFP process must be on hold as well, because there is nothing to be done until land is acquired and CDHH is unable to acquire land even if there was money to do so.

14.24

Commissioner Stern made a motion to table the RFP.
Commissioner Gonzalez seconded.
Motion passed.

d. Contract for Service Coordinator to serve the Las Cruces Office

Interim Director Dignan explained that soon after the last Board meeting the other contractor from Las Cruces left, leaving Sandra Williams alone in the Las Cruces office. So Ms. Dignan asked for approval from the board for a contract for a Service Coordinator in Las Cruces, in addition to the interpreter contract. She added that CDHH did advertise for the interpreter, but there were no qualified applicants. CDHH will re-advertise that contract.

14.25

Commissioner John Johnson made a motion to go ahead with the contract.
Vice-Chair Deb Hambel seconded.
Motion passed.

e. Election of Officers for 2014 (effective May 14, 2014)

Chair Apodaca said that Commissioner Johnson recently asked him what each position involves. The chairperson would be responsible for running the meetings, working with the Executive Director and going to legislative sessions. The chairperson meets with the Governor's office periodically and the Attorney General's office as well. On certain issues, the Chair may work with the staff. The Vice-Chair would take over the meeting if the Chairperson was unable to make it. The Secretary is responsible for taking notes, as Dr. Stern did at the special meeting in October.

Dom Bonura from the audience thanked Mark Apodaca for his leadership as Chair and reminded everyone that the Chair could only serve two terms. Commissioner Stern advised that the floor was not open for Public Comments.

14.26a

Commissioner Stern made a motion to reappoint Mark Apodaca as Chair. There were no other nominations. Mr. Apodaca accepted.

Commissioner Randy Gonzalez said in his copy of the Commissioner's Handbook that he had received, it did state there was a limitation on terms. Sally Malavé, from the Attorney General's office was asked if there was a statute regarding a limitation in terms and she replied that she had no knowledge of a statute other than the Chair must be elected from the membership, and that there was a Handbook drafted and under review.

Commissioner Johnson had some concerns about what rules were in effect. Chair Apodaca asked former Chair C. B. Buchholz, who was in the audience, whether there was a handbook during her term as Chair. Ms. Buchholz said that she and former Executive Director B. J. Wood had developed a Commissioner's Handbook, but it wasn't adopted during her term and that was the last she knew of it.

Commissioner Gonzalez suggested that the election of Chair be postponed to further discuss the matter. Chair Apodaca stated that they were required by law to elect. The Board can continue with the same officers until we get clarification and then there will be another election. For now, Dr. Stern's motion was still on the floor.

14.26b

Commissioner Welborn seconded. Motion passed.

14.27

Commissioner Welborn made a motion for Commissioner Hambel to be retained as Vice-Chair. Commissioner Hambel accepted. Commissioner Johnson seconded. Motion passed.

14.28

Commissioner Randy Gonzalez made a motion to retain Commissioner Stern as Secretary. Commissioner Stern accepted. Commissioner Welborn seconded. Motion passed.

IV. EXECUTIVE DIRECTORS REPORT

Interim Executive Director Dignan reported that they are still working with the State Personnel Office (SPO) to get a recruitment waiver to be able to interview more people for the Service Coordinator Position in the Albuquerque office.

CDHH is still working on an RFP for office space in Albuquerque.

Ms. Dignan also wanted to congratulate the staff for doing a wonderful job even though CDHH is short-staffed. She wanted to keep her report short, but was open to any questions or comments. Commissioner Johnson just wanted to thank the staff and also the interpreters and CART for making effective communication possible.

V. NEW BUSINESS

Commissioner John Johnson wanted to see what could be done for his per diem to go to Santa Fe, because it is a long drive for him to go up there and he needs to get overnight accommodations before he can drive back. He would like to see what can be done so that he doesn't have to pay the hotel rate out of pocket. Commissioner Stern thought there were certain rules that needed to be adhered to and that it was not an appropriate use of meeting time. Chair Apodaca suggested Ms. Dignan and Mr. Johnson could discuss that after the meeting.

Commissioner Hambel wanted to take a moment to reiterate Commissioner Johnson's comments of appreciation of interpreters and CART provider. She stated that at past board meetings there were issues and she wanted the interpreters to know that the Board supports them and would like to address concerns as they come up and make sure past activities with the interpreters do not occur again. Ms. Hambel wanted to acknowledge their hard work with all the different communication needs and wanted to thank them openly for their service.

Ms. Dignan noted that the Commissioners' Handbook had been brought up several times and wanted to request that a subcommittee be formed to look at the handbook and get that process moving forward. She also wished to respectfully request that at least a couple of CDHH staff be included in the review to make sure that procedures were correct; for example Commissioner Johnson's question regarding per diem should be addressed in the handbook. Chair Apodaca said it was important that state statute is in there.

VI. EXECUTIVE SESSION

14.29

Commissioner Welborn made a motion for the Selection Committee of the Board to go into Executive Session concerning personnel matters related to the hiring of an individual for the Executive Director position.

Commissioner Hambel seconded.

Roll Call Vote:

Chair Mark Apodaca	yes	Commissioner Deb Hambel	yes
Commissioner Austin Welborn	yes	Commissioner Ron Stern	yes

14.30

Commissioner Welborn made a motion for the Selection Committee to exit Executive Session.

Commissioner Stern seconded.

Roll Call Vote:

Chair Mark Apodaca	yes	Commissioner Deb Hambel	yes
Commissioner Austin Welborn	yes	Commissioner Ron Stern	yes

Chair Apodaca announced that during executive session, discussion took place about the candidates and no decision was made as he will schedule a meeting with the Governor's office to discuss the candidates. A special board meeting will take place after the meeting with the Governor's office.

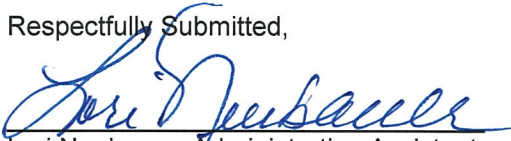
VII. ADJOURNMENT

14.31

Vice-Chair Hambel made a motion to adjourn.
Commissioner Welborn seconded
Motion passed.

The meeting adjourned at 4:32 p.m.

Respectfully Submitted,



Lori Neubauer, Administrative Assistant



Mark Apodaca, Board Chair