



Buchholz and Kimberly Silva. Chair Apodaca stated that it would hopefully be discussed at the next Board Meeting under New Business. He also asked Interim Director Shannon Smith to make sure that new commissioners would get a copy of the Commissioner's Handbook. Chair Apodaca added that all the commissioners should have a copy of the Open Meetings Act as well.

Chair Apodaca commented that everyone has a copy of the draft for HR Policies and Procedures. Commissioner Silva was to review them; however she has a family situation that she needs to focus on, and is unable to take on this task, so the Board will need to ask someone else. He explained that there isn't much that to do with them because much of it is the State Personnel Office's policies. However he advised all the Commissioners to read them and to become knowledgeable about them.

For the finance report, Chair Apodaca stated that the Governor has already signed the new budget for FY13. Mark Apodaca was appointed by the Department of Finance and Administration (DFA) as Interim CFO since the Fiscal Year 2011 audit was submitted after deadline. Chair Apodaca stated he met with the auditor to review the audit report, and it has now been approved by the State Auditor. Apodaca said he would like all the commissioners to have a copy of that report for their review.

## **V. AGENCY REPORTS**

### **Executive Summary**

Interim Director Shannon Smith commented that she was pleased to announce that the Governor did sign the budget the previous day. The Commission received a flat budget including the \$300,000 to continue Deaf/Blind Services and Deaf Plus Services. Ms. Smith announced that CDHH will receive a new Request For Proposal (RFP) in the spring for a new contract to take effect July 1, 2012.

CDHH was successful in assisting State Purchasing with launching a statewide price agreement for sign language interpreting. It now includes five interpreter agencies and allows state agencies to use video remote interpreters. CDHH's telecommunication equipment distribution contract was once again awarded to Teltex, Inc. out of Missouri.

Ms. Smith went on to say that challenges faced in the second quarter of FY12 was still position vacancies including the Executive Director, Director of Public Policy and Advocacy and Chief Financial Officer.

A new hurdle that CDHH is facing is information technology. Currently the office is completely out of IP addresses and the investment to increase it is quite expensive due to the age of the building. This has led to the removal of the public video phone and staff that use both caption call and VP now must choose one or the other.

Ms. Smith shared that another challenge that CDHH faces this year is the TRS revenue collection. The Taxation and Revenue Department did request a new full-time employee to be assigned to oversee this, but that request has been denied. Due to tough economic times, more and more senior citizens are moving to Magic Jack or bundling services through Comcast or Vonage. This is directly related to the decrease in revenue. In addition, Ms. Smith said she doubted that CDHH was getting the full revenue due from wireless carriers, and wireless carriers have informed Tax and Revenue that it is more difficult than ever to determine what states get what revenue. According to state statutes and rules, CDHH is eligible for revenue from wireless carriers if the phone call originates and ends in New Mexico. Wireless carriers are saying it takes more time to calculate the surcharge state by state than it does collecting. Smith mentioned that this is not the end of this issue, and that CDHH should be aware of this as we enter FY13.

Interim Director Smith said that the 2012 Conference on Hearing Loss will be held April 25<sup>th</sup> and 26<sup>th</sup> at the Albuquerque Marriott. Speakers are CJ Jones and Lou Ferrigno. Attorney General Gary King will do the welcoming address and additional speakers are Howard Rosenblum and Dr. Sam Trychin.

The Mini-Grant Process will be revamped for the next fiscal year. Ms. Smith explained that overall, compliance is not going well. Two of the Mini-Grant Awardees are completely compliant, but the others are behind. The Mini-Grant program was started to provide seed money for projects, but CDHH has found that agencies are becoming increasingly dependent on the Mini-Grants as opposed to seeking funds elsewhere. Management will discuss some changes to that program.

Smith said that another project in motion is regarding the office location. As stated in the Executive Summary, there are about six pages of issues with the current location ranging from accessibility, to our state car being vandalized in the parking lot. An ADA assessment was done on the building, and it was so far out of compliance that it will be extremely expensive for the building owner to bring it into compliance. Some of the ADA issues are the dual call elevators which if you press the button for the right, the left will show up and vice-versa, and a parking situation in which the accessible parking really is not accessible at all. CDHH has given a 30-day notice for everything to be brought up to code, however, a clause in our current lease states the building had 60 days to be in compliance after we moved in on December 17, 2004. Since the building was not in compliance since then, it is a breach of contract.

Two of the compliance issues, the door-handles on the accessible restroom and potted plants in front of the push buttons for the front doors, have been fixed. The staff have noticed people measuring the parking lot, and the owners have until March 25<sup>th</sup> to bring it into compliance. At that point, CDHH could legally break the lease, rent month to month, and begin the process of moving to an accessible location. Ms. Smith added that goal would not only be accessibility, but continuity; our board meetings and trainings could be held on site, saving up to \$6,000 on hotel space. Ms. Smith will keep the Board informed as things progress.

### **Upcoming Projects**

Interim Director Smith announced some of the upcoming projects for CDHH. The Deaf-Blind and Deaf Plus RFP will be issued in the spring. In the fall, the new RFP for Telecommunications Relay Service will be issued. Also in the fall, CDHH will be working on a Communication Access Realtime Translation (CART) Invitation to Bid (ITB) to increase the ability of state agencies to use CART when requested.

CDHH will be looking for locations for the Las Cruces office. The lease expires the end of April. The Las Cruces office has also had issues including a car set on fire in the parking lot and a SWAT situation nearby. The building itself is not safe and secure.

Commissioner James DeBee asked where CDHH is looking for a new location. Ms. Smith explained that CDHH is not allowed to pre-identify any locations since we need to do a full RFP for office space identifying technical specifications: A first floor or one-story building would be preferable, enough office space for each staff member to have his/her own office, IT wiring and telephone requirements to meet our specific IT needs, and a conference room large enough to provide a communication access friendly environment. Smith added that when Property Control came out to look at the office, they didn't understand why large office space was necessary. They felt the commission could double-up in private offices and have cubicles in the hallways. It was necessary to have conversations with them about effective communication with Deaf and Hard of Hearing and confidentiality issues with our clients. Property Control needs to understand the Commission's specific needs that differ from other state agencies. Ms. Smith went on to say that it was unlikely to find the right location in the uptown area since rent is running anywhere from \$16 to \$24 a square foot. The I-25 corridor in the Jefferson area is also high at \$18 - \$27 a

square foot. On the west side there is a new development that runs \$12 - \$16 a square foot so that looks more likely.

Commissioner Deb Hambel asked if CDHH had a timeline after the RFP was out. Ms. Smith answered that it may take 6 – 12 weeks, however Property Control and State Purchasing are aware that once we notify the landlord, we will need to get ready to vacate and it will have to be an expedited RFP.

Commissioner DeBee agreed that it would be nice to have enough space to have a showroom for the Telecommunication Equipment Distribution Program (TEDP). Chair Apodaca asked how much square footage the Commission would be allowed. Ms. Smith said that with the showroom for TEDP, a library and a full conference room, CDHH would need about 5,500 to 6,000 square feet.

It was brought up that it would be nice to have a conference room that could be used by the Deaf Culture Center (DCC), the New Mexico Association of the Deaf (NMAD), and other community organizations. Ms. Smith responded that as much as she would like to see that happen, General Services Division (GSD) frowns upon non-state entities using the conference room, because if someone were to be injured it would be a liability. Smith did see the benefit of having space available to community groups, and would continue to negotiate with GSD. She added that another hurdle to having a conference room open to community groups is they would need to have a staff member present. That could create budget issues with flex time and over time.

#### **Finance and Administration**

Chair Apodaca asked why CDHH was over budget in the second quarter. Ms. Smith explained that it was for IT. Management, meeting with Finance and Administration, deemed it necessary to go ahead and upgrade all the computers within the agency. Every staff member will now have a 19-inch screen, docking station, and laptop with a camera. This was important because of the age of the current computers and also because CDHH is encouraging staff to use VRS software on their laptop when they go out into rural communities. Originally they were not budgeted, so each department cut budgets to move it to the IT supplies. Chair Apodaca asked if CDHH planned to do a Budget Adjustment Request (BAR) to move forward with this and Ms. Smith said the BAR was made last week, but was not yet approved.

Chair Apodaca also asked what the Rept Recor was and why it also showed that it was over budget, and there was also a line with no description at all. Ms. Smith said she didn't know the answers off hand, however she would find out and update him on the following Monday.

#### **Communication Access and Development**

Chair Apodaca asked the Board if there were any questions regarding Communication Access and Development. Commissioner DeBee had concerns regarding the Statewide Price Agreement for on-site interpreting and VRI services that included out of state agencies. Knowing that Governor Martinez wanted to focus on keeping business in state, he asked why were the out of state agencies were chosen. Ms. Smith explained that these were not contracts but rather the approved responses to an Invitation to Bid (ITB) which results in a Statewide Price Agreement. The Communication Access & Development (CAD) department only participated by writing the "Scope of Work" portion of the ITB. To be able to respond to the ITB, an agency has to be registered with the state by filling out a W-9 form.

Commissioner DeBee questioned why out of state agencies were getting our money and Chair Apodaca asked why the interpreters and VRI providers were put together on one ITB. Ms. Smith replied first to Commissioner DeBee and explained that he had valid concerns about the money going out of state, but that VRI had to get started here. New Mexico has areas where there are no local licensed interpreters and people in the community go without or use individuals that are

not qualified to interpret. Smith said it was her hope that once they start using VRI that it will get launched in New Mexico with local interpreters and local agencies.

In answer to Chair Apodaca's question, Ms. Smith stated that the State Purchasing Agent, Mr. Larry Maxwell, is working with the staff to reduce the number of procurements across the state; not just with CDHH, but all agencies need to streamline procurement. On the upside, the respondents to the invitation to bid did not have to be providers of both services.

Commissioner Hambel mentioned that DVR was working to have VRI and one important aspect that they have come across is the compatibility of the units. So to get the services started, DVR had to pick Communication Service for the Deaf (CSD) out of South Dakota as it is the only provider that will work with the firewall restrictions. Other state agencies may have to go with them as well.

Chair Apodaca asked how close local interpreting agencies are to having VRI. Ms. Smith said that three of them are working towards it, but she did not know how close they are. She would forward that question to Lisa Dignan who works closely with the interpreter referral agencies. Chair Apodaca asked to get back with him soon and do what we can to push for VRI in New Mexico.

There was a concern regarding the 93 provisional interpreting licenses and if they would soon be converting to the Community License. Ms. Smith assured the Board that Lisa Dignan was actively working with the community to give out notifications to stay active, alert them to license deadlines, make sure paperwork is disseminated and that everything is accessible through the website.

There was also a question asking if the agencies on the statewide price agreement would be reporting in the 3<sup>rd</sup> or 4<sup>th</sup> quarter. Ms. Smith explained that because CDHH does not have a contract with these entities, they are under no obligation to report to the Commission or Board. Chair Apodaca still wondered if it was possible to contact them and inform them that the Board would like to have some data on how they are serving the citizens of New Mexico. Ms. Smith said that we could contact them to request the information, but she wanted to emphasize that they are not obligated to do so.

### **Public Policy and Advocacy**

Under Public Policy and Advocacy, Chair Apodaca had a question under the 3<sup>rd</sup> quarter planning in regard to developing a Communication Access Fund for small businesses through the Chamber of Commerce. Ms. Smith explained that local, truly small businesses that want to comply with the ADA sometimes cannot due to the financial burden. CDHH worked with the Chamber of Commerce to set up a fund so that small "mom & pop" businesses could tap into the fund. There would be a screening process involved. Chair Apodaca asked if part of our budget was being used for this fund. Smith replied that this fund would be established by the Chamber of Commerce and would solicit those members to contribute to the fund. This would have no effect on the CDHH budget at all.

Moving on to the Mini-Grants, Chair Apodaca noticed that some of the awardees are very far behind. Ms. Smith said that Nathan Gomme has issued warnings for agencies that are behind on their goals and cannot provide an adequate report. It may result in us not paying them the full amount. This is one reason CDHH will revamp the Mini-Grants. Some of the draft procedures so far involve time limits on the number of times and agency can receive a Mini-Grant, and putting caps on the amount they receive. For example, the Hearing Loss Association receives a Mini-Grant and uses that money for communication access. They do not do other fundraisers, such as a walk for hearing. There are other community-based organizations we should be involved in rather than continuously supporting the same ones over and over again.

Commissioner Hambel asked if CDHH had parameters within the Mini-Grants that allow for reporting sustainability efforts as they go forward. Ms. Smith said they do not, but that would be a great idea to look at as the program is being revamped. She added that the new procedures and applications need to be distributed around May 1<sup>st</sup> because the next Mini-Grant cycle would start July 1<sup>st</sup>.

### **Telecommunications and Technical Assistance**

Vice-Chair Romine asked if CDHH would get a new training person. Ms. Smith replied that Rhiannon Sykes-Chavez is a contractor serving in the position. CDHH has not yet been able to approve the full-time position through the State. With the Conference on Hearing Loss coming up, Ms. Sykes-Chavez has taken the ball and run with it.

Chair Apodaca asked if some new products were coming out. Ms. Smith said they were adding a new product to the program that looks like a wristwatch and is wirelessly connected to a landline phone, so if a person falls down, they can press a button and it would wirelessly connect to the phone to call 911. Also the Commission is offering smoke alarms. The state Fire Marshal took our press release on the smoke alarms and put the information in departments all over New Mexico.

Interim-Director Smith also wished to highlight that she was proud of the Equipment Distribution Specialist, Jason Siergey. In the first half of FY12 he has distributed more equipment than was distributed in FY10 and 11 added together.

Commissioner DeBee wondered if the issue with distribution captioned phones had been resolved. Ms. Smith stated that CDHH still does not distribute CapTel, and the issue is the pricing of CapTel with Weitbrecht Communications, Inc. (WCI). WCI offers only a one-year warranty and the cost for that equipment is \$499. Right now consumers can purchase the CapTel for \$99. Smith asked repeatedly if CDHH could purchase that equipment for \$99 and get a 3-year warranty, and WCI is not willing to do so. Budget-wise, there was not a way to justify distributing a free device that will cost the Commission \$500, and that the consumer could buy for just \$99.

Chair Apodaca asked about the program CSD has in partnership with the federal government to distribute laptops or iPads. He asked if it was possible for the Commission to work with the federal government on a program like that for New Mexicans. Ms. Smith responded that it would be difficult to do that because everything CDHH distributes is related to a land line. There is a bit of a grey area for cell use. Smith added that she would be reluctant to get in the business of distributing laptops. The land line phones distributed by CDHH are very strong and can take a beating, therefore they are inexpensive to repair or replace. A laptop is a whole other issue. However, in Florida they are launching an iPad pilot program and that's something the Commission can take a look at for the future. The feds were not happy with Project Endeavor because they would find the equipment for sale on e-Bay.

Ms. Smith added that what it really gets down to is paying for service. We cannot pay for a consumer's wireless service, internet service, or land line bill. Not only is it not in the budget, but if CDHH is really in the business of empowering the consumers, they should be paying their bill. The Commission can give them the equipment that gives them communication access, but if we start paying people's bills, we're opening up Pandora's box.

### **Las Cruces Office**

Interim-Director Smith stated that the Las Cruces Office now has one full-time staff and two contractors. Alexis Zarret is the Administrative Assistant and On-Site Interpreter. Tim Farr is the Service Coordinator.

Vice-Chair Romine commented on the collaboration with Mr. Farr on behalf of the Commission and the Lion's Club in Southern New Mexico to hopefully set up a hearing-aid bank. Ms. Smith said that we average a phone call a day from people asking how to get affordable hearing aids. She felt CDHH could build a better referral process with the Lion's Club. She stated also that there are people who call and say their parent or grandparent died and they have hearing aids they want to donate. Now CDHH can tell them to give them to John at the Lion's Club and they will issue a receipt for tax purposes, but the Commission still needs to work out all of that.

**Strategic Plan**

Before former Executive Director B. J. Wood left, Chair Apodaca said that she was developing a strategic plan. He asked Interim Director Smith if she was aware of that, and she replied that she was not. Apodaca stated he would like to have that report for the next Executive Director, including ideas of what to do if our revenue started to decrease even more, what advancement we could be using and the things we can do to help our clients.

**VI. PUBLIC COMMENTS**

*There were no public comments.*

**VII. UNFINISHED BUSINESS**

*There was no unfinished business.*

**VIII. NEW BUSINESS**

*There was no new business.*

**IX. EXECUTIVE SESSION**

**12-8**

Vice-Chair Romine made a motion to go into Executive Session.  
Commissioner DeBee seconded.

Roll Call Vote:

Chair Apodaca:	yes	Vice-Chair Romine:	yes
Commissioner DeBee:	yes	Commissioner Hambel:	yes

Board went into closed Executive Session at 11:10 a.m.

**12-9**

Commissioner Hambel made a motion to exit Executive Session.  
Commissioner DeBee seconded.

Chair Apodaca:	yes	Vice-Chair Romine:	yes
Commissioner DeBee:	yes	Commissioner Hambel:	yes

Public Board Meeting reconvened at 11:48 a.m. No action was taken during the Executive Session.

**12-10**

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

Meeting adjourned at 11:49 a.m.

Respectfully Submitted,

  
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Lori G. Neubauer, Administrative Assistant

  
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Mark Apodaca, Chairman of the Board