



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

Saturday, August 7, 2010
Albuquerque Marriott
2101 Louisiana Blvd. NE
Albuquerque, NM 87110
10:00 a.m.

I. CALL TO ORDER AND ROLL CALL

Chair Mark Apodaca called the meeting to order at 10:08 a.m. on Saturday, August 7, 2010 at the Albuquerque Marriott in Albuquerque, New Mexico.

Present: Mark Apodaca, Chair Raul Rodriguez, Vice Chair
 David Romine, Secretary Christine "CB" Buchholz
 Dr. Ronald Stern

Absent: Kimberly Silva

II. APPROVAL OF AGENDA

Chair Apodaca opened the meeting with a request to change the agenda. Historically the Executive Session is at the end of the meeting, but there were issues that needed to be dealt with and therefore he requested it be moved to after the approval of agenda.

Commissioner Christine Buchholz interjected that she felt both Public Comments and the Executive Session should be moved up after approval of the agenda.

11-1

Commissioner Buchholz moved to approve the revised agenda. Commissioner Judy LeJeune seconded. Motion passed unanimously.

III. PUBLIC COMMENTS

Chair Apodaca requested that if anyone wanted to make a comment, they should come to the front to make it easier for the interpreters to see, voice or hear the comments.

Mr. Steve Frazier, State Coordinator for Hearing Loss Association of America (HLAA), announced the start-up of a new HLAA Chapter in Las Cruces, NM. He stated that this chapter had been in the works for two years, but Thyra Heger from the NMCDHH's Las Cruces office really focused her efforts on making it a reality and it was now off the ground. Mr. Frazier wanted to extend his gratitude to Ms. Heger and the Commission for the time and effort that went into organizing the group, and for the mini-grant which will

Basically the situation is back to square one. The conversations and negotiations have continued regarding who is responsible for the hiring of the Executive Director and who decides her salary. Ms. Wood's contract expired on July 31st, so the board needed to discuss how to resolve this and how to preserve having our Executive Director in the future.

Commissioner Buchholz stated that during the Executive Session that they were discussing options and how to resolve this whole matter with the Governor's Office. The law states that there cannot be any vote or action during the Executive Session; it must be public where the action can be viewed. The job opening had already been announced two months previously and only two people applied. The board talked to the Governor's Office and recommended B. J. Wood, but the Governor's Office said no because there were not three names put forward to their office. Therefore, it was suggested that we reopen the job search, which required a vote.

11-4

Commissioner Buchholz made a motion to open job search again. Commissioner LeJeune seconded. Motion passed unanimously.

Commissioner Buchholz brought up the fact that CDHH currently does not have an executive director because Ms. Wood's contract expired the previous week (July 31st.) Therefore she suggested that B. J. Wood's contract through New Mexico Abilities should be renewed for six months while an executive director search is conducted. Commissioner Stern clarified that Ms. Wood's contract would ensure continuity of operations at CDHH.

11-5

Commissioner Buchholz made a motion to renew B. J. Wood's contract for another six months. Vice-Chair Rodriguez seconded. Motion passed unanimously.

Commissioner Buchholz added that during the Executive Session it was discussed that it was extremely important to give the community the opportunity to express themselves regarding this situation. It would be important to document what the community has to say so that the Board has the ability to show the Governor's Office what our community is saying.

The floor was opened for comments. Johnny Robertson commented that he strongly supports Ms. Wood's work with the community. He stated that it would be important for people across the state to know that we need to have three applicants, but he still wanted B. J. Wood to continue as Executive Director because she has done a remarkable job. Not only has she worked hard with all in the community, she has also been open to him and others coming in to her office and sitting down to talk. Additionally she gives up a lot of her free time to work and communicate with the community. Ms. Wood also has a wealth of experience from setting up the Commission for Deaf and Hard of Hearing offices in Massachusetts and Colorado. She has excellent management skills, having reorganized the Commission so that it actually operates more efficiently and provides better services to people across New Mexico.

Roy De Haven also supported the contract for Ms. Wood to be continued for six months allowing time for a smooth process in the job search. He also wanted continuity because of what has happened in the past which disrupted operations.

Chair Apodaca stated that Governor believes it is his role to appoint the executive director. Commissioner Stern said we need to come to a conclusion about whether the board or the Governor has the authority to appoint the executive director.

VII. Agency Reports

TRS Surcharge

Executive Director Wood gave an update regarding the TRS surcharge. She recently learned that the collection of the surcharge is voluntary, not mandatory, and they still do not have enough staff to go after the telephone carriers who are not paying that surcharge to the state. Ms. Wood said this leaves CDHH with two options. The first is to work with the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) may help Tax & Revenue collect the surcharge. The second option is to increase the surcharge, currently 33 cents, to increase the revenue. Ms. Wood mentioned that there was a drop in collections in the past fiscal year.

Commissioner David Romine asked if it was known which companies were collecting the tax, but not paying the tax to the State. Shannon Smith responded that she had, along with Ms. Wood, met with Tax and Revenue three times and Tax and Revenue emphasized that taxpayer accounts, whether corporate or personal, are completely confidential. The most information released to CDHH was the number of companies that are in compliance. They stated that they sent 149 reminder letters reminding them that the surcharge in New Mexico is self-reporting. Tax and Revenue received 97 responses, and only about 46 were in compliance.

Commissioner LeJeune asked if that meant that those companies are collecting the tax from consumer and then not paying it to the state, which would constitute fraud. She asked if the Public Regulation Commission could have a role in this.

Ms. Wood stated that is why CDHH is relying on DFA and LFC, because they have more authority to coordinate with Tax and Revenue and the Public Regulation Commission. CDHH has done all they can do and needs their additional help. They have met with one gentleman and are scheduled again to meet in August to come up with a strategic plan.

Commissioner LeJeune stated that when she pays her wireless bill and her land line bill there is quite a bit of tax there, which she wouldn't mind paying if she knew the taxes are going for the services that they are set up for. She said this was a big issue and that it is hurting the deaf and hard of hearing community who need these services.

Ms. Wood agreed that CDHH must be more assertive. Up until this point, it has been a learning venture. Now that we are figuring out what is happening, it is time to take action. Director Wood said that in her years of experience working with government, things like this happen toward the end of the second quarter when the Governor is getting ready to move out of office. There will be a lot of changes happening in the administration such as turnover, new guidelines, new protocols, and this will impact CDHH on how to move forward.

Areas of Focus

Ms. Wood reported that CDHH would now be focusing on the following areas:

1. Improving services to senior citizens, especially in the area of healthcare. Hospitals, nursing homes, assisted living facilities need to be communication accessible and it will take working with the Department on Aging to make this possible.
2. Improve outreach to Native Americans who are deaf and hard of hearing. CDHH needs to find these people and make sure that they are informed as to what government can do for them and how they can access those services.
3. The next four board meetings will be in cities outside of Albuquerque and will include Town Hall meetings so CDHH can reach out to the four corners of the state.

Johnny Robertson brought up the fact that NMSD's Outreach staff work with a variety of school districts to make sure they are providing appropriate services to their students. However he did feel the Commission also should be able to support school districts and NMSD.

Other Items of Discussion

Commissioner Buchholz asked for clarification regarding page 28 of the board report which read that one of the Service Coordinators, Cheryl Padilla, gave a presentation at a domestic violence conference, Advocacy in Action, and also provided a presentation on domestic violence at the School for the Deaf for high school seniors. Commissioner Buchholz asked if Ms. Padilla represented CDHH or Signs of Hope. Ms. Wood clarified that she was there as a staff person of CDHH working in partnership with the Rape Crisis Center, doing public education events across the state. Commissioner Buchholz stated that New Mexico Signs of Hope were working on that as well and wondered if they might be overlapping. Ms. Wood acknowledged that was a good point and Ms. Wood and Ms. Buchholz agreed to meet to discuss and clear that up.

Commissioner Buchholz also asked, in regards to the economy, if Ms. Wood would be reducing outreach and the number of staff that would go to out-of-state conferences. Ms. Wood stated that there has been a reduction, but they were doing that according to the budget. So there was probably a reduction from 80 down to 60 workshops annually.

VIII. Unfinished Business

There was no unfinished business addressed at this time.

IX. New Business

There was no new business addressed at this time.

11-7

Vice Chair Rodriguez made a motion to adjourn. Commissioner LeJeune seconded. Motion passed unanimously.

The meeting adjourned at 12:55 p.m.

Respectfully Submitted,


Lori G. Neubauer, Administrative Assistant


Mark Apodaca, Chairman of the Board


David Romine, Secretary