



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

**Saturday, December 5<sup>th</sup>, 2009**

Marriott Hotel  
2101 Louisiana Blvd. NE  
Albuquerque, NM 87110  
10:00 a.m.

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**I. CALL TO ORDER AND ROLL CALL**

Chair Mark Apodaca called the meeting to order at 10:14 a.m. on Saturday, December 5, 2009, at the Uptown Marriott Hotel in Albuquerque, New Mexico.

Present:           Mark Apodaca, Chair                               Raul Rodriguez, Vice Chair  
                      David Romine, Secretary                     Judy LeJeune  
                      Christine "CB" Buchholz                         Kimberly Silva

Absent:            Dr. Ronald Stern

**II. APPROVAL OF AGENDA**

Vice Chair Raul Rodriguez wanted it noted that there was a question on the expiration of his term, but that issue had been resolved. Therefore an Executive Session may not be needed. Chair Mark Apodaca stated that there was another matter to be discussed in the Executive Session, so it would remain on the agenda.

Commissioner Christine "CB" Buchholz moved to approve the agenda. Vice Chair Rodriguez seconded. Motion passed unanimously.

**III. APPROVAL OF MINUTES**

Several past meeting minutes needed to be reviewed and approved. Chair Apodaca recommended to start with regular meetings and then review special meeting minutes.

**April 25, 2009 Minutes**

Commissioner Judy LeJeune commented that on page 4, the second to the last sentence stated "Judy LeJeune explained that the DVR would add another rehabilitation counselor to cover the Santa Fe, Espanola and Las Vegas areas." Commissioner LeJeune said that was not the correct title and Lin Marksbury, Director of Community Outreach Program for the Deaf (COPD), was asked if he knew the exact title. Mr. Marksbury replied that the correct title should be "Vocational Coordinator." Commissioner LeJeune asked if that could be changed to "Vocational Specialist."

She wanted it clarified because it implied the state was adding another position, which the state had not allowed.

Commissioner Buchholz made a motion to approve the April minutes with the aforementioned change. Commissioner LeJeune seconded. The motion passed unanimously.

Chair Apodaca asked if everyone was satisfied with the format of the minutes. Commissioner LeJeune mentioned that the minutes edited by Commissioner Buchholz were very easy to read and follow and wanted to thank her for a job well done.

September 12, 2009 Minutes

Chair Apodaca clarified the second-to-last paragraph on page 3, replacing the words, “next-to-worst” with “we got a top rating.” The audit got an “unqualified opinion,” which means we had a top rating and we are following the accepted accounting principles.

Vice Chair Rodriguez made a motion to approve the minutes with the aforementioned correction. Secretary David Romine seconded. The motion passed unanimously.

October 18, 2009 Special Meeting Minutes

Commissioner LeJeune made a motion to approve the minutes. Commissioner Buchholz seconded. Vice Chair Rodriguez and Commissioner Kim Silva abstained from voting since they had not been in attendance at the October 2008 special meeting. The motion passed unanimously among the remaining members.

March 21, 2009 Special Meeting Minutes

Commissioner LeJeune had a question regarding the acronym “AFD” on page 3. Chair Apodaca thought perhaps it was supposed to be DFA which was the State’s Department of Finance and Administration, but it was finally determined that it was the Commission’s internal Administrative Services Division (ASD), formerly known as Administration and Finance Department. Vice Chair Rodriguez noted it was reflected on page 4 as well. Therefore the change will be clarified on all places listed previously as AFD.

Commissioner LeJeune made a motion to approve the minutes with the aforementioned correction. Vice Chair Rodriguez seconded. The motion passed unanimously with Commissioner Silva abstaining.

July 14, 2009 Special Meeting Minutes

It was noted that two commissioners, Ron Stern and Raul Rodriguez were not in attendance at that meeting. Chair Apodaca asked if there were corrections; none were suggested.

Commissioner LeJeune made a motion to approve the minutes as presented. Commissioner Buchholz seconded. The motion passed with Vice Chair Rodriguez refraining from the vote.

August 24, 2009 Special Meeting Minutes

For the special meeting of Monday, August 24, 2009, it was mentioned that Vice Chair Rodriguez, Commissioner Silva and Commissioner LeJeune were not in attendance.

Secretary Romine made a motion to accept the minutes as presented. Commissioner Buchholz seconded. The motion passed with Commissioners Rodriguez, Silva and LeJeune abstaining from the vote.

Vice Chair Rodriguez made a suggestion that the full name for acronyms be written out. Commissioner Buchholz stated that the full name were always written out the first time used, and then followed by the acronym.

Commissioner Buchholz did have a concern that the minutes were not posted on the website. Executive Director Barbara Jean "BJ" Wood stated that she did not know we were to post a draft of the minutes without being approved first. Also she was concerned about having no place on the website where the public could post questions or comments. Commissioner Buchholz explained that per the Open Meetings Act the minutes must be posted and clearly marked as a draft.

Commissioner LeJeune stated that with or without public input on minutes, the minutes would not be changed. Much discussion followed regarding how to make the website accessible to public comments and Commissioner LeJeune suggested that the website could simply display an email address of the individual responsible for collecting those comments and then those comments should become part of the next board meeting. Vice Chair Rodriguez mentioned that sometimes individuals did not come to consecutive meetings. They may not be in attendance when the minutes are approved and then don't have the opportunity to correct a possible misquote. Therefore the public should be able to comment on the draft of the minutes and it should be considered at the next meeting. In conclusion, the draft minutes will be posted on the website per the Open Meetings Act.

#### **IV. BOARD REPORTS**

##### **Finance Committee**

Commissioner Buchholz stated that the new budget was discussed and would be put into a report. Several people, including BJ Wood, went before the Legislative Finance Committee (LFC). Ms. Wood said she would be happy to expand on this subject as well as where we stood on FY10 later during the agency report presentation.

Chair Apodaca said that at the next Financial Committee Meeting, he wanted to see how the 22 findings would be corrected and corrective actions taken to this Commission, due before the end of the current audit. Commissioner Buchholz also commented that they were discussing on adding a separate Auditing committee to prepare records for the next audit and to make sure of compliance with the Auditor's recommendations.

There was some discussion about which fiscal years had been audited and if we were in compliance. Chair Apodaca clarified that the CPA audit was completed for FY07 & FY08, and between the two audits, there were 22 findings which needed to be corrected before the FY09 audit. If corrections were not made, the findings of previous years would be carried over to the next year's audit.

Commissioner Buchholz stated her concern about the \$400-million state budget deficit in the spring, for which the Governor and legislators swept funds from various state agencies to help erase the deficit. Now the state is looking at another \$400-million deficit and there is a projected 1-billion deficit come this January. Commissioner Buchholz wanted all present in the meeting room as well as community members to be aware of the situation affecting all the state agencies.

## **V. AGENCY REPORTS**

### **1<sup>st</sup> Quarter Report**

Commissioner Buchholz asked if Executive Director BJ Wood could report on the Mini-Grant process, so that it could be entered into this public record. The commission received several applications and 4 were awarded on September 12th. The four contracts were recently finished and signed so the recipients could now get to work. Approximately a total of \$46,000 was awarded to the following agencies for the next six months:

- The Hearing Loss Association of Albuquerque (HLAAbq), to help improve information access to their Hard of Hearing membership.
- The Rape Crisis Center of Central New Mexico, to improve their brochures and availability to Deaf and Hard of Hearing survivors and their families.
- The Ability Center, an independent living center in Las Cruces, to have community trainings and ASL classes.
- WelInterpret.net (WIN) to reduce the cost of interpreting services to non-profit organizations.

Commissioner Buchholz further explained that WIN received a grant for situations where a company would request interpreting services without realizing its responsibility to pay for the services. WIN would pay for that first time only and additionally provide education for that agency on correct procedures and hiring practices in the future.

Chair Apodaca asked if we would be offering any more mini-grants. Ms. Wood responded that the idea was very popular as it was helping to set up or improve services for deaf and hard of hearing in New Mexico. Hopefully the Commission would have the funds and opportunity to do this again in the next fiscal year.

Chair Apodaca added that he noted that WIN established emergency coverage for the Las Cruces area but that it didn't seem that it was utilized. Ms. Wood stated that there may not be any emergencies, but it is great that the service is on stand-by in case it was needed. Furthermore the advertising regarding this new service needed to be improved.

### **2<sup>nd</sup> Quarter Report**

Ms. Shannon Smith announced that in June we had a successful transition for Relay New Mexico from the previous contractor, New Mexico Relay Network, to Hamilton Relay. Ms. Smith introduced three representatives from Hamilton Relay/Relay New Mexico in attendance: John

Fecter, Christa Cervantes, and the Relay New Mexico Outreach Coordinator, Abbi Sanchez. Ms. Sanchez works closely with Ms. Smith and travels extensively throughout the state as Outreach Coordinator. Chair Apodaca noticed that there has been a substantial savings after the transition of \$25,000 per month.

Several commissioners commented on the new format of the quarterly reports and were impressed with the professional look. Ms. Wood stated that with the binder, future quarterly reports could be added and kept in order.

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Commissioner Buchholz expressed concern about the vacancy in the CDHH Las Cruces office and asked if it was posted yet. CDHH reached an agreement with the Governor's analyst, Richard Blair to hold the CFO position and instead we would hire a full time Service Coordinator position in Las Cruces and a six-month temporary position in Albuquerque. Ms. Wood would like to switch the full time position to Albuquerque and offer it to Cheryl Padilla because her six-month temporary position has already been extended several times. Ms. Wood explained that an use of temporary staff position in the Las Cruces office would give more flexibility on meeting the needs of this region. This position could be contracted for several months at a time, until certain needs were met; then this position would be advertised again with different goals in mind. In the meanwhile, CDHH will work without a CFO this year, and the CFO duties will be spread among Deborah Romero, Joyce Croker and Ms. Wood, with two contracted professional services for auditing and accounting services. The CFO position can be filled in the next fiscal year.

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While testifying before the Legislative Finance Committee (LFC), Ms. Wood expressed her concerns regarding the reduced TRS Fund after they swept our \$8 million under the Senate Bill 79. The State currently takes approximately a .33% surcharge on statewide customer phone bills. Ms. Wood will meet with the Telecommunication Department at Tax and Revenue to discuss collection from all the providers, and possibly to change the surcharge to meet the commission budgetary needs. After Shannon Smith collects enough data, a proposal will be made to the Tax and Revenue Department and the Legislature to consider increasing the TRS fund.

A question arose as to the exact balance of TRS Fund. During the fiscal years of 07, 08 and 09, we failed to transfer funds from TRS Fund to NMCDHH Operation account. After completion of both FY07 and 08 audits, we were able to correct that. For this FY10 budget, after the corrections and the \$8 million sweep last year, we now have a balance of \$733,000 in the TRS fund. That should cover expenses for the next 2 months, January and February. For the following 6 months with an average collection of 290K monthly, we should be able to cover this year's budget with at least 200K left for next fiscal year. Ms. Wood will meet with both DFA and LFC analysts to plan for next fiscal year and discuss the question of whether we should raise the surcharge or not.

Commissioner LeJeune asked what happened to the left over money from previous years and if we could get it back from the General Fund. Chair Apodaca stated that it was used to pay down the State's deficit. Ms. Wood said it appeared the General Fund swept everything but there might be \$3 million left. She recalled reading it somewhere and would investigate it further.

Commissioner Buchholz requested clarification on TRS and if federal dollars supported that fund. Shannon Smith stated that state surcharges go to in-state TRS, but some other surcharges were from the federal government for interstate TRS. Video phones (VP's) are regulated by the Federal Communications Commission (FCC) and the captioned telephone service at this point in time is not mandated by either State or Federal entities. The FCC's Consumer Advisory Committee met recently to start the rule-making process to mandate captioned telephone service. Once the FCC mandates this service, it will be up to the state to follow suit. This process may take some time because currently there is only one manufacturer, distributor and service provider of that product.

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Vice Chair Rodriguez asked to go back to the issues regarding the Las Cruces office He was aware that our staff member Sandy Williams needed help, but he feared that for budgetary reasons she would not have the support she needed. He requested that the Las Cruces office have its own separate report and that more attention should be given to that office. Ms. Wood agreed, and explained that Ms. Williams would have more flexibility within her office. It was agreed that Ms. Wood, Ms. Williams, and Vice Chair Rodriguez would meet with Las Cruces-area legislators to request more FTE's (Full-Time employees).

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Ms. Wood explained further the new organizational chart enclosed in the second-quarter report. This chart demonstrates an improvement in contract management. In the past, contracts were mostly done by our Administrative Services Division (ASD). However, because the ASD staff doesn't have a full understanding of some of the services that the Commission contracts for, it was necessary for a team approach where contract managers could oversee the whole process.

One such example of this teamwork would be when CDHH received an invoice for contracted services and before the Executive Director signed the invoice, the appropriate contract manager would make sure that the services provided and costs were correct. Then Ms. Wood would sign and hand it to ASD to process the payment. This would create more oversight and also increase the managers' responsibilities.

In her explanation of the duties and responsibilities listed in the organizational chart, Ms. Wood introduced Suzanne Ruble as Director of Public Policy in charge of the Deaf-Blind Program and the Mini-Grant Program. She would provide oversight to ensure those programs running properly. Responsible for Information & Referral, Technology and Training, Shannon Smith would oversee contracts such as the Relay, the Telecommunications Equipment Distribution Program and the new web design. As the director of the Communications Access and Development, Lisa Dignan would oversee the Interpreter Referral Services contracts with Community Outreach Program for the Deaf (COPD) and We Interpret.Net (WIN). She also would oversee the Mentoring Program and develop a Memorandum of Understanding (MOU) with the Licensing Board. Ms. Wood herself would oversee the MOU with the Division of Vocational Rehabilitation (DVR) because the managers would have enough on their plates.

### **TEN-MINUTE BREAK, meeting commenced again at 11:40 a.m.**

#### **Deaf-Blind Services Proposal**

Ms. Wood pointed out that the allocated \$50,000 would be used to serve the needs of an increasing New Mexico's Deaf-Blind population. Ms. Wood came across a Deaf-Blind Program Report submitted by Richelle Hammett to the Commission for the Blind and CDHH in the year 2000. Statistics at that time revealed approximately 111 deaf-blind children and 124 adults, but these were not in-depth statistics; i.e. they did not include areas in which these persons lived nor the causes of their deaf-blindness such as Usher's Syndrome. Ms. Wood thought the numbers were under-reported. Lin Marksbury from COPD and Suzanne Ruble had been developing a request for proposal for the allocated \$50,000. The commission will consult with the Commission for the Blind and Aging and Long Term Services and will invite representatives from the American Association of the Deaf-Blind (AADB) and will utilize the deaf-blind service models from Seattle and Minnesota. They will share with us how the four or more state agencies can better plan for long-term funding and stability.

Suzanne Ruble explained that this was a huge challenge and that all the past work with the Deaf-Blind community was done on a volunteer basis by Maria Perea, who was currently seriously ill

and could not continue her work. (As of this writing, Ms Maria Perea passed away on December 6<sup>th</sup>, 2009.) There was a huge void and need to continue this work, and we could start this by establishing a viable program.

The commissioners agreed on the need for more accurate numbers and information of deaf-blind persons in the state. Ms. Wood mentioned that the Governor's Commission on Disability (GCD) received \$250,000 for Deaf-Blind services designated for one district, Bernalillo County. Vice Chair Rodriguez mentioned that the Deaf-Blind clients needed to be located because staff traveling time and accommodations would need to be included in the cost of services. He emphasized the importance of showing how the monies were dispersed so that we could have this information handy when asking for future funding from the legislature.

Commissioner LeJeune made a motion to approve the services for Deaf-Blind. Commissioner Romine seconded and discussion was open on this motion.

Commissioner LeJeune reiterated that although the deaf-blind population was small, the services were necessary, especially for deaf-blind who were older and had multiple disabilities. A state general funding was needed to provide these services. Commissioner LeJeune maintained that perhaps CDHH could apply for \$90,000 of the GCD's \$250,000 for serving the deaf-blind because a RFP process wouldn't be needed if we contracted with another state agency. Ms. Wood did contact Jim Parker, Director of GCD, to let him know about a soon-to-be released federally funded curriculum for training Support Service Providers (SSPs) and deaf-blind individuals on how to use SSPs; this way, any state money would not have to be used for developing a new curriculum.

Chair Apodaca called for the vote on the motion to approve services for Deaf-Blind. The motion passed unanimously.

Ms. Wood informed the commissioners of her plan to have dinner with each Commissioner one-on-one to discuss an agenda for the future, needed improvements and visions. She also added that Governor announced Health Care Reforms which would cause great concerns within the deaf and hard of hearing community. At the same time, she viewed this as an opportunity for our community to get involved in the legislative process.

## **VI. PUBLIC COMMENTS**

There were no public comments from the audience. Commissioner Buchholz asked if the CDHH office kept approved minutes in a specific location. Ms. Wood responded that we would keep two years worth of minutes within the office. Commissioner Buchholz announced that all the approved minutes had been signed and ready for safekeeping at the commission office.

Mr. Lin Marksbury, director of Community Outreach Program for the Deaf (COPD) announced a new program for the deaf-blind, implementing Service Support Provider (SSP) services. It was the first time since 1994 that something came to fruition. For many years, people like the aforementioned Maria Perea volunteered a great deal of their time to be SSPs. About 15 SSPs will be trained and then paid for their services. Mr. Marksbury thanked Ms. Suzanne Ruble for developing this contract and the commissioners for approving the contract.

## **VII. UNFINISHED BUSINESS**

Chair Apodaca noted that at the April 25, 2009 meeting, the topic of educational consultation as (reflected on page 6), was tabled. He asked if it should be revisited. Vice Chair Rodriguez asked to have it followed up at the next meeting; because they needed to further discuss how to improve deaf education in view of the state budget constraints and to make these recommendations to the Public Education Department. Chair Apodaca put it under the unfinished business section for the next meeting.

It was noted that on page 8, Dr. Ron Stern motioned to table the topic of Mission Consulting until reports were provided by Ms. Wood. It was clarified that the contract with Mission Consulting for relay service RFP development was not signed by the Commission's former executive director until within three weeks of the close of FY08; therefore Mission Consulting did not have sufficient time to complete the project. In the past there were some misconceptions regarding this situation, but the clarification was already on record. No action needed to be taken. Chair Apodaca concluded that this discussion was moot since clarifications had already been noted in the approved minutes.

## **VIII. NEW BUSINESS**

### **Update and Approval of Contracts**

Three contracts – with Hamilton Relay for TRS services and with COPD and WIN for interpreting services -- needed to be approved by the Board. Discussion ensued over the Board's authority to approve contracts worth \$50,000 or above. Chair Apodaca read the New Mexico Administrative Code and talked with some state authorities. From his understanding, the Board did not have any authority to approve contracts \$50,000 or above. Commissioners LeJeune and Silva expressed concern over not being informed of other contracts because they often had to address questions from constituents. Chair Apodaca stated that these contracts were already in place and operating since July 1, 2009. He also clarified that the General Services Division (GSD) was very involved with the CDHH staff during the RFP and contractual processes, along with the State Department of Finance and Administration (DFA), to make sure of compliance. Commissioner Buchholz further clarified that the contracts did go through the proper bidding process in accordance with GSD and DFA, but that the Board should be made aware of these contracts.

Ms. Shannon Smith informed the Board that CDHH was in mid-progress of an RFP to for the Telecommunications Equipment Distribution Program (TEDP). Commissioner Buchholz emphasized that any RFP process was a confidential process and could not be tainted by having the board know the identity of the bidders during the bidding process. Furthermore, the vote on RFPs was basically the Board's blessing at this point in time. Policies and procedures needed to be set up so the board is aware of any progress without any confidential information being disclosed. Commissioner LeJeune suggested that board members rotate to serve on the RFP committee so there can be representation for the Board as part of the process.

Vice Chair Rodriguez made a motion that they set aside the vote to approve contracts already in place, the request to be informed of contracts of \$50,000 and above, and for the policies and procedures committee to recommend a protocol for future RFPs and contracts. Commissioner LeJeune seconded. Motion passed unanimously.

### **Election of Officers**

Chair Apodaca opened the topic of the election of new officers to begin serving January 1, 2010.



Commissioner Buchholz moved that the Board retain the same officers. Commissioner Silva seconded. Commissioners were polled individually and all voted yes.

Chair Apodaca requested a motion to go into the Executive Session.

Commissioner LeJeune made a motion to go into Executive Session. Vice Chair Rodriguez seconded.

Roll Call Vote:

Vice Chair Rodriguez	yes	Romine	yes
Buchholz	yes	LeJeune	yes
Silva	yes		

Board went into closed Executive Session at 12:01 p.m. and reconvened at 1:41 p.m.

Commissioner Romine made a motion to reconvene. Commissioner LeJeune seconded. Motion passed unanimously.

Roll Call Vote:

Vice Chair Rodriguez	yes	Romine	yes
Buchholz	yes	LeJeune	yes
Silva	yes		

Commissioner Romine asked to make a clarification on a motion made on August 24, 2009 and made a motion to accept Barbara Jean "BJ" Wood as permanent Executive Director for the New Mexico Commission of Deaf and Hard of Hearing in the amount of \$73,000 for 9 months beginning on October 3, 2009 for the fiscal year 2010. Vice Chair Rodriguez seconded. The motion passed unanimously.

Commissioner Romine made a motion to adjourn. Commissioner Silva seconded. The motion passed unanimously.

The meeting adjourned at 1:46 p.m.

Respectfully submitted,

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Lori G. Neubauer, Administrative Assistant

Approved by:

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Mark Apodaca, Chairman of the Board

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David Romine, Secretary