

CALL TO ORDER 9:00 A.M. THURSDAY, DECEMBER 3, 2015

ROLL CALL:

Bob Frost	Bill Sauble
David Kincaid	Jerrold Harral
Effie Walker	Bebo Lee
Kevin Elfering	Donald Martinez
	Loren Horton

NMLB STAFF PRESENT:

Ray E. Baca, Deputy Director	William Bunce, Executive Director
Shannon Murdock, General Counsel	Shawn Davis, Area 1 Supervisor
Andrew Silva, CFO	Ron Hofius, IT
Priscilla Peña-Johnson, HR Manager/Administrator	Ellen Mary Wilson, D.V.M., State Veterinarian
April Riggs, Area 2 Supervisor	Julie Gauman, IT

VISITORS WHO SIGNED IN:

Loree Dickens, USDA – Packers and Stockyards	Steve Forester, Walkin N Circles Rescue
Marvin Mendelow, CSWCD	Larry Dominguez, NMDA
Woods Hart, Eddy EES	Marylou Bradley, Bradley 3 Ranch
William Hurt	Patience O'Dowd, WHOA
Preston Stone, Lincoln Commission	Herbert Enrice, Dist Land Board
Darrell Brown, Eddy County Producer	Randell Major

APPROVAL OF AGENDA:

No changes to the agenda. Ms. Walker moves to approve the agenda. Mr. Kincaid seconds the motion to approve the agenda. All in favor. Motion passes.

APPROVAL OF MINUTES:

Minutes from the September 14th 2015 meeting presented. Ms. Walker moves to approve the minutes as presented. Mr. Harral seconds the motion. All in favor. Motion passes.

2016 OPEN MEETINGS RESOLUTION:

Required to adopt annually. Ms. Murdock stated the language is the same as last year. Mr. Kincaid moves to adopt the 2016 Open Meetings Resolution. Mr. Harral seconds the motion. All in favor. Motion passes.

REGISTERED HORSE SHELTERS:

Chairman Sauble recommends that the board establish a committee to develop criteria to be used for future distribution of Horse Rescue Funds. Last year's committee distributed \$250,000 amongst the licensed horse shelters. This year we need to establish more permanent criteria as to the distribution of these funds. For this year, there was no legislation. Approximately \$22,000 for distribution in that fund.

No requests for the money at this point. Recommends the appointment of a committee to come back to the board with the criteria. Chairman Sauble recommends for the committee: Ray Baca, Dr. Wilson, Andrew Silva and Phil Carter. Horse Rescues will recommend two names to serve on this committee.

Marvin Mendelow asked how someone would start a horse shelter or animal shelter in Sandoval County. Chairman Sauble recommended that Susan or Phil might be helpful in answering that question.

Debbie from Four Corners Rescue thinks the committee is an excellent idea.

Mr. Horton moves to accept the committee. Ms. Walker seconds the motion. All in favor. Motion passes.

PUBLIC COMMENT:

Mr. Preston Stone, rancher in Lincoln County also the chair of the Lincoln County Commission: Encourages the board to continue to take into consideration the needs of the industry in the state of New Mexico for certified vs. non-certified livestock inspectors. Understands the protocol and statutes but encourages the assessment of the needs very carefully. The board is sitting on a powder keg. Walking into his shipping corals and his home in full law enforcement attire is disrespecting him as a law abiding citizen. Somehow the board needs to educate our industry as to how this is not a disrespect to the industry and every other producer in the state. Don Hatfield is highly respected in the racing and livestock industry. He spent 11 years developing that respect.

Gary Miles, Rescue in Placitas: Had horses stolen. Came to Ray Baca and Mr. Bunce. Mr. Miles stated "they filed a lien on the horses after the fact for \$11,000." Investigates him for faulty bill of sale he filled out. Bills of Sale are confusing. Did not investigate the people that stole his horses. Mr. Miles wants the board to be aware of how it makes a person feel when they have done a good job with the horses to be accused of stupid stuff. Cousin watching Mr. Baca deliver horses. Ladies thought he was watching them. Mr. Baca told them to file a restraining order. Now he has 4 restraining orders for so-called stalking. Trial in March. 6 charges have been dismissed except for these 4. The DNA is coming out at 96%.

FINANCIAL UPDATE:

CFO Andrew Silva briefly presented the 2017 budget request. FY17 is a flat budget from FY16. Mr. Horton moves to approve the 2017 budget request. Mr. Elfering seconds the motion. All in Favor. Motion passes.

Mill Levy review. Expecting a reduction in revenue due to the yield control imposed on mill levy rates.

FY15 Annual Financial Audit. Audit is complete and was submitted timely. Unmodified audit with no findings. Submitted on November 30th. Board congratulates Mr. Silva. Management support for internal controls is critical to succeeding.

HR UPDATE:

Vacancies reviewed. Four positions reclassified from Certified Inspectors to Brand Inspectors. The Brand Inspectors are in Tucumcari, Raton, Clayton and Santa Fe. Certified positions will be filled as well.

Personnel and position reclassification process review.

Mr. Andrew Silva presented information on budget if the agency had a 100% fill rate for a fiscal year. Completely filled for FY17 would mean \$350,000 over our budget. Going over the budgeted amount is an automatic audit finding. Mr. Silva stated that budget adjustment requests can address shortages to ensure that agency operations continue. The agency is committed to evaluating each position to determine needs prior to posting a vacancy.

VISITOR:

Chairman Sauble welcomed Senator Pat Woods to the board meeting. Senator Woods asked if there were drawbacks to utilizing reserves. Chairman Sauble stated that one main reason for the reserves is so that the agency can respond to any animal health emergency should it arise. Senator Woods stated that this board has the most integrity and deals with extremely pressing matters. Senator Woods thanked the Board Members for their service.

IT UPDATE:

Brand Re-Record for multiple years was implemented and highly successful. Dramatically reduced the amount of staff required for re-record.

IT staff introduced. IT strategy is to build rather than buy. Reviewed the systems that staff has available for use. Applications are developed based on need. Recently, the agency implemented the next phase of our disaster recovery plan. Prepared for any kind of hardware failure. A backup will be in Santa Fe by next week. Everything we need to run our computers will be in Santa Fe. In case of emergency business could resume within 24 hours.

Website will have a new face. Features will allow for different devices to access. The website changes based on how it is being accessed. Employee directory shows district numbers. Navigation has been improved. Field staff hardware is being replaced.

STATE VETERINARIAN'S REPORT:

Updates on report enclosed in board book:

Page 1 - 16NM0001 initiated for a horse with oral lesions. Had to be initiated as a foreign animal disease investigation since NM had already been passed the 21 day timeline for VS free status.

Page 2 - Brucellosis traces discussed at previous meeting are all closed at this time.

Page 3 - Additional tuberculosis information presented.

Page 4 - Vesicular Stomatitis 21 days free of VS. Currently waiting for a test that is pending.

Page 5 - In regards to Scrapie, currently looking at a date in January to test the trace herd.

Dr. Wilson presented information on TB Traces.

Dr. Wilson presented information on Bovine Trichomoniasis and trich rule 21.30.6. There is some misinterpretation of the rule, conflicts and gaps in coverage in the rule. These issues impact the ability to control Trich in the state.

Chairman Sauble requests that the board consider appointing an advisory committee to look at the rule and make changes if needed. Committee should report back to the board by June with their recommendations. Mr. Harral is responsible for getting the committee organized and going.

Chairman Sauble recommended the following individuals to participate on the committee: Dr. Wilson, Bob Libby, Dr. Tim Hanosh, Dr. John Wenzel, Area Supervisor Gary Mora, Gerald Chacon, Jeff Bilberry, Smiley Wooton, Dr. Sammie Uhrig, William Hurt and Jerrod Harral.

Mr. Horton moves to accept the names for the committee. Mr. Kincaid seconds the motion. All in favor. Motion passes.

DEPUTY DIRECTOR'S REPORT:

Handout in board book. No questions from the board. Copy of handout for the public requested.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Bunce reported back to the board that Colorado Brand Inspectors are authorized to bear arms, make arrests, conduct road stops, etc. However, they are not peace officers and do not receive training as peace officers. They are authorized to carry firearms but they are not required to. Those that do, do so openly and only when making a road stop. Officer is not trained or certified. They do not wear uniforms or drive marked vehicles. The weapon and the badge identify them as brand inspectors. Those inspectors who do want to make road stops receive training from local law enforcement agencies and follow a protocol that requires they notify local law enforcement when they do road stops. This is not what we want to do. Lack of standardization in any training.

Ms. Murdock spoke with Assistant Attorney General in the Denver office. There is concern and this is a huge liability. NM case law requires that peace officers be in a marked unit, in uniform and displaying their badge of office. The Colorado brand inspectors are not considered police officers, which is different from our statute. But they are considered "law enforcement authority." They have a very different function and they rely heavily on the surrounding agencies. They also spend quite a bit of their time educating local police officers on livestock because those officers don't know about livestock. This

would hinder our industry. Our statutes require certified law enforcement officers to carry their weapon while on duty. We have already had DA's not want to take our cases of cattle theft due to their limited resources. Our certified officers continue to work with the DA's office to ensure they understand the importance of these cases.

If the issue is carrying the weapons on ranches, that issue would be addressed by the NM Law Enforcement Commission. Our officers would go before them if their commission is ever questioned for any reason. Our policies currently abide by all requirements under statutes.

Mr. Bunce then spoke about the protective vests policy. The NMLB policies from July 2010 through the current policy have had no significant changes made to these policies. No further changes to the policy are necessary. However, to attempt to address concerns, Mr. Bunce discussed the possibility of providing exemptions due to medical issues, undercover work, administrative work or as determined by the agency.

2015 Report to the Governor describes the past year's activities and numbers. Mr. Bunce reviewed some of the numbers submitted to the Governor's Office.

Chairman Sauble recommended a question for consideration for the committee is if a rancher requests that an inspection be done on their property, does this involve law enforcement duties? We have contract deputies and brand inspectors doing that work without carrying a weapon. Does inspecting at the owners request require the use of a weapon? Is it a law enforcement activity? We may need an AG opinion or more discussion. Ms. Murdock stated that any law enforcement officer, regardless of what they are doing, is required to wear their weapon.

Mr. Horton would like to poll the Inspector 2 law enforcement officers for a breakdown of their typical day to understand where we are at.

Mr. Elfering stated there are somethings that are not negotiable. However, we should have consistency across the state. Evidence gathering or violations should be treated the same. Discretion is important but they should have some guidelines for what is up for their discretion.

More training by our staff must be done on animal health. The animal health component is critical to the industry. Need the skill sets all around.

Mr. Elfering pointed out that the burden of proof is different between civil and criminal cases. Certified Inspectors are well trained in criminal investigations but what about civil cases. Also consistency in how cases are prosecuted around the state is important.

CLOSED EXECUTIVE SESSION:

Chairman Sauble moves to go into closed executive session pursuant to NMSA 1978 10-15-1(H) (7) for a litigation update on pending and new cases. Mr. Horton seconds the motion.

Roll Call vote:

Bob Frost - Y

Jerrod Harral - Y

David Kincaid

Bebo Lee - Y

Effie Walker - Y

Donald Martinez - Y

Kevin Elfering - Y

Loren Horton Y

The NM Livestock Board goes into closed executive session after a five minute break at approximately 11:52 a.m.

RETURN FROM EXECUTIVE SESSION

Chairman Sauble moves to return to open session noting that nothing was discussed in Executive Session except what was listed on the motion to close and no action was taken. Mr. Horton seconds the motion.

Roll call vote:

Bob Frost - Y

Jerrod Harral - Y

David Kincaid - Y

Bebo Lee - Y

Effie Walker - Y

Donald Martinez - Y

Kevin Elfering - Y

Loren Horton - Y

NM Livestock Board goes back into open session at approximately 12:40 p.m.

Mr. Gary Miles asked what cases were discussed in closed session. He further stated that the board could specify what cases were discussed by the law. Chairman Sauble stated that pending and new cases were discussed.

BOARD CONCERNS:

Mr. Donald Martinez stated that he encountered a situation in June. He received a citation for crossing sheep for helping kids at a rodeo. The officer stated he was told by his supervisor to issue the citation. Districts 26, 9 and 24 are not working. They cross through the communities and there are not enough personnel in the livestock board to keep track of what is going on. Approved in 2001. Need to sit down with someone to change this. Cattle and sheep go across daily. Why do we need so many districts? Should have trust in our ranchers. When can we sit down to discuss this? Chairman Sauble stated that those district lines have been in effect since well before 2001. Mr. Harral stated that we could look at that again. He would like to see our counties used. Mr. Ray Baca stated that may be a consideration for the law enforcement committee to look at. Movement and crossing of districts is a law enforcement function. Violations of health regulations and movement on borders need to be reviewed before a change in structure. Chairman Sauble stated that 4 area wide or statewide districts will impact quarantines and animal health issues. Districts will impact TB program. He also cautioned that the district lines we have now are a very good deterrent of theft. Mr. Martinez stated that it is not right to divide a community. No complaints for all the years it has been in place.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD MEETING
THURSDAY, DECEMBER 3, 2015
9:00 A.M.

2015 JOINT STOCKMEN'S CONVENTION
MARRIOTT PYRAMID HOTEL
5151 SAN FRANCISCO RD NE
ALBUQUERQUE, NM 87109

The law enforcement committee will be included on the agenda for the next meeting.

ADJOURNMENT:

Mr. Kincaid moves to adjourn. Mr. Horton seconds the motion. All in favor. Motion carries. Meeting adjourned at approximately 1:00 pm.

APPROVAL:

Bill S. Cantle
11/5/15