

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD MEETING
THURSDAY, SEPTEMBER 27, 2018
11:30 A.M.

ALBUQUERQUE HISPANO CHAMBER OF COMMERCE
WELLS FARGO BOARD ROOM
1309 4TH STREET SW
ALBUQUERQUE, NM 87102

CALL TO ORDER: Chair Bill Sauble approximately 11:30 a.m.

ROLL CALL:

Bill Sauble, Chair

Bebo Lee, Vice Chair

Casey Spradley, Board Member

Effie Walker, Board Member

Loren Patterson, Board Member

Kevin Elfering, Board Member

Molly Manzanares, Board Member

Sybrand Vander Dussen, Board Member

Quorum Established: All Board Members present

NMLB STAFF PRESENT:

P. Robert Alexander, Executive Director

Joseph Holloway, Chief Legal Counsel

Shawn Davis, Deputy Director

Ralph Zimmerman, State Veterinarian

Andrew Silva, CFO

Gary Mora, Area 3 Supervisor

April Riggs, Area 2 Supervisor

Troy Patterson, Area 4 Supervisor

Julie Gauman, IT

Priscilla Peña-Johnson, Administrator

VISITORS:

Kelly Hamilton, NMDA

Russell Johnson, Johnson Ranches

Nancy Henry, NMEROG

Debbie Sauble

Debbie Coburn, Four Corners Equine Rescue

Susan Hemmerle, The Horse Shelter

Laurie, Animal Protection of New Mexico

APPROVAL OF AGENDA:

Board Member Walker moves to approve the agenda. Board Member Lee seconds the motion. All in favor. Motion passes.

APPROVAL OF MINUTES:

Minutes from the June 12, 2018 Board Meeting presented. Board Member Walker moved to approve the June 12, 2018 board meeting minutes with a correction of the name of the person on page 2 (Cooper) under public comment. Board Member Spradley seconds the motion. All in favor. Motion passes.

DISCUSS STRATEGIES FOR HOLDING IMPOUNDED EQUINE:

2017 Legislative Session vetoed by the Governor that would have given the first right of refusal of any stray equine to the registered horse rescues reimbursing the Livestock Board their costs. If rescues did not take the horses then they would be put up through the current auction process. If the horses were not auctioned off in that process, they would be euthanized. Animal Protection of New Mexico inquired if the board would consider implementing this per rule. If nothing is done by rule, a bill would have to be reintroduced next legislative session. Discussion today, no formal action will be taken, focuses on whether we can go forward with a rule outlining that process. Chief Legal Counsel Joseph Holloway presented information. With a rule, timing is an issue. Needs proper advertisement and public

comment. A rule change would also have to go through Governor's Policy Division for approval. The Board itself could have the discretion to implement something in policies and procedures under 77-13-5. Through this statute, it does appear that the Board, through the discretion of the Director, can establish the procedures. The process changed in 2013. Perhaps a couple of years of discretion in rule instead of changing statute. More flexibility in handling through discretion. More research on 77-13-5.

Totality of statutes must be considered as well. 77-14-36-A (place of impoundment) has also been an issue. Location of impoundment is nearest location OR most convenient location to where the trespass occurred. Two separate options. The nearest is the first the second is the most convenient. The Director again has the discretion. Statutorily the Board has the discretion to make the decision. Comment made by Nancy Henry that the Livestock Board is all over the place. Some horses are hauled 4 or 6 hours away. There are locations that are convenient, safe or nearby but the horse is still hauled hours away to Santa Fe.

The basis for any determination as to where to keep or board a horse for impoundment several factors have to be taken into account. Facility must be secure, safe environment for the handlers and the horses, must have adequate chutes and pens, must have ability to separate studs, mares, geldings, adequate feed and water and the willingness to ensure daily attention and veterinary attention. The Santa Fe location was selected because it meets all the requirements that the livestock board needs to ensure animals are kept safe and ensure care. The NMLB is fully responsible for the care and safety of the animal once it impounds. Santa Fe is a secure facility; payment is easier; safe handling requirements are also met; consistency in charges; and access to veterinary staff and at cost veterinary services. Rescue staff indicated that Santa Fe can be advantageous. Nancy Henry stated that next to never does the State Veterinarian go to Santa Fe. Another veterinarian overcharges instead.

DISCUSS STRATEGIES FOR INVESTIGATIVE/ENFORCEMENT EMPHASIS:

Chief of Law Enforcement and Field Operations, Shawn Davis, led the discussion. In response to the public demand for an increase in the quantity and quality of law enforcement traffic stops/investigations NMLB is proposing a plan of action that includes adding 5 law enforcement officers whose primary positions would be larceny investigations, cruelty investigations and other felony investigations. Support for these positions would include vehicles, equipment, training and travel. One position for each area and one for Albuquerque. Area Supervisors would be responsible for assigning these positions. May need to use these positions to fill in on the inspection side at times during the busy times of the year.

Andrew Silva, CFO, shared the budget for FY2020 including an increase of \$896,000 to include this plan of action. Mr. Silva provided a break down summary of the budget needs. For the 5 positions and associated costs, the agency needs \$669,000.

Law Enforcement activities have increased. Several saturations down south. Contacts have been made with out of state inspectors and investigators. Contacts have been made at sale barns out of state as well.

As a backup plan, in case of not getting the funds, consider current inspectors for these positions? Inspectors will be able to transfer to these new positions. We currently have some inspectors who would do well in these positions. If funding does not come through, we will figure out a way to accomplish this. Before we go to the legislature look for an alternative in case they don't see the value of the \$669,000.

FINANCIAL UPDATE:

The proposed budget for the new positions also includes a Public Information/IPRA position due to the time consuming nature of this process. Requesting \$1.4 million in FY2020. NMLB vacancy rate is 10%. Other increases include GSD and DoIT by \$80,000 for insurance and technology. Taxpayer dollars are needed to help cover IPRA requests.

DISCUSS/ACT - DISPOSAL OF STATE VEHICLES:

The NMLB requests approval from the board to auction 10-12 trucks, 1-2 trailers and a veterinary box this year. Vice-Chair Lee moves to approve the disposal of state vehicles. Board Member Patterson seconds the motion. All in favor. Motion passes.

STATE VETERINARIAN'S REPORT:

Dr. Ralph Zimmerman, State Veterinarian, presented the State Veterinarian's Report. Dr. Zimmerman discussed quarantines, Brucellosis, Scrapie compliance, Foreign Animal Diseases and TB. Dr. Zimmerman also discussed the animal emergency exercises that took place in Albuquerque airport and EXPO New Mexico. NMLB staff were recognized as incredibly efficient and expert during the exercise. He also discussed the 150 pigs taken into custody after this exercise, due to the arrest of the driver transporting them. NMLB, NMDA, EXPO NM and State Police responded. The pigs were taken to EXPO and cooled down. Well-handled and well done.

Meeting tomorrow in Capitan on Trich. Listening sessions have been held to hear the opinions of NM producers on mandatory trich testing. More sessions are being scheduled. Working on survey as well.

DEPUTY DIRECTOR'S REPORT:

Shawn Davis presented statistics in report. Area Supervisors Mora, Riggs and Patterson presented larceny case updates in their respective areas.

EXECUTIVE DIRECTOR'S REPORT:

LIVESTOCK CRIMINAL CODE: The Chief Law Enforcement Officer is now on board. Looking forward to having him onboard and moving forward. Seminar in July to manage conflict. The tip line is up and running.

Mr. Hamilton from the NM Department of Agriculture addressed the Board. Correct tip line number is out. Working with the supervisors on wording of referrals. 2-3 calls per week.

Mr. Alexander also discussed the organizational structure, inspection fees, the Valles Caldera National Preserve issues and the definition of public lands.

CLOSED EXECUTIVE SESSION:

Chair Sauble moves to go into closed Executive Session pursuant to 10-15-1 (H) (7) Pending Litigation - Findings from N. Henry v. NMLB I and II, WHOA v. NMLB – ALTO. Vice-Chair Lee seconds the motion.

ROLL CALL VOTE:

Chair Bill Sauble - Y	Loren Patterson, Board Member – Y
Bebo Lee, Vice Chair - Y	Kevin Elfering, Board Member – Y
Casey Spradley, Board Member - Y	Molly Manzanares, Board Member - Y
Effie Walker, Board Member – Y	Sybrand Vander Dussen, Board Member - Y

All in favor. The NM Livestock Board goes into closed Executive Session at approximately 1:30 p.m.

RETURN FROM EXECUTIVE SESSION:

Chair Sauble moves to return to open session noting that nothing was discussed in closed Executive Session except what was listed on the motion to close and no action was taken. Vice-Chair Lee seconds the motion.

ROLL CALL VOTE:

Chairman Bill Sauble - Y	Loren Patterson, Board Member – Y
Bebo Lee, Vice Chair - Y	Kevin Elfering, Board Member – Y
Casey Spradley, Board Member - Y	Molly Manzanares, Board Member - Y
Effie Walker, Board Member – Y	Sybrand Vander Dussen, Board Member - Y

All in favor. The NM Livestock Board returns from Executive Session at approximately 2:04 p.m.

PUBLIC COMMENT:

Nancy Henry, NM for Equine Rights and Open Government
Russel Johnson, Johnson Ranch

BOARD CONCERNS:

Board Member Patterson – Welcome to Shawn Davis; has been to trich meetings and looks forward to working with Dr. Zimmerman; Alto horses are coming from the Mescalero Reservation. They call horses feral and that should be how the agency looks at it.

Board Member Walker – Would like to see the public comment be more respectful.

Board Member Spradley – Welcome to Shawn Davis; agency must address turnover and morale issues to be effective. Need to have a copy of the statute to know the statutes. She respects the work the inspectors do. Work with inspectors to get them training to avoid the lawsuits and these situations.

Thanks for all that you do and hopefully we will get you the tools you need.

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Board Member Elfering – Law Enforcement agencies are paying a lot more money. That is behind a lot of the turnover. Increase salaries to keep employees. Provide training to increase investigative skills. Moving forward with investigative emphasis is important.

Chairman Sauble – Asked Mr. Silva to present the sustainability of the plan. Mr. Silva reminded everyone to keep in mind we have to sustain the \$669,000 plan. To sustain the change we would have to dip into fund balance. One way to sustain is to increase inspection fees. Inspection fees are at the statutory maximum now. Increases would require legislation. Industry would be key to moving this forward. Following year would be similar minus the vehicles.

ADJOURNMENT:

Board Member Walker moves to adjourn. Board Member Van Dussen seconds the motion. All in favor. Motion carries. Meeting adjourned at approximately 2:26 p.m.

APPROVAL: *Bill Sauble*

