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NEW MEXICO LAW ENFORCEMENT ACADEMY

VIRTUAL SPECIAL BOARD MEETING

August 19, 2021

9:00 a.m.

REPORTED BY: Cynthia C. Chapman, RMR, CRR
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BOARD MEMBERS PRESENT

New Mexico Attorney General
Hector Balderas, Chairman

Bobbie Jean Green, Vice Chairman

Rick Tedrow, Esq.

Chief Tim Johnson

Chief Naithan Gurule

Sheriff Adan Mendoza

Sergeant Hollie Anderson

ALSO PRESENT

Kelly Alzaharna, Director

Steven Romero, Esq.

Monica Medrano, Case Manager

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AGENDA ITEM INDEX

ITEM	PAGE
1 Roll Call	4
2 Approval of Agenda	5
3 Approval of Meeting Minutes, June 24, 2021	7
4 Public Comment	8
5 Presentation/Vote on Proposed FY23 NMLEA Board Budget	11
6 Next Scheduled Board Meeting, September 2, 2021	66
7 Adjournment	68

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1 A.G. BALDERAS: Well, I believe it's about
2 9:00, 9:01. I want to welcome our Board members and
3 our members of the public, and, of course, our LEAB
4 administration and staff.

5 If there are no good reasons, I'd like to
6 maybe just get us going and hereby call the meeting
7 to order.

8 ITEM NO. 1: ROLL CALL

9 A.G. BALDERAS: Monica, if you could go
10 for the roll call at this time, I think we do have a
11 quorum.

12 MS. MEDRANO: Can you hear me?

13 A.G. BALDERAS: I can hear you.

14 MS. MEDRANO: Okay.

15 Honorable Hector Balderas.

16 A.G. BALDERAS: Present.

17 MS. MEDRANO: District Attorney Rick
18 Tedrow.

19 MR. TEDROW: Here.

20 MS. MEDRANO: Chief Tim Johnson.

21 CHIEF JOHNSON: Here.

22 MS. MEDRANO: Sheriff Adan Mendoza.

23 SHERIFF MENDOZA: I'm here.

24 MS. MEDRANO: Chief Naithan Gurule.

25 CHIEF GURULE: Here.

1 MS. MEDRANO: Sergeant Holly Anderson.

2 SERGEANT ANDERSON: Here.

3 MS. MEDRANO: Dr. Bobbie Green.

4 (No response.)

5 MS. MEDRANO: I believe that's it.

6 A.G. BALDERAS: Okay. Monica, how many
7 members did you confirm? Is that --

8 MS. MEDRANO: That is six, sir.

9 A.G. BALDERAS: Six. Okay. Great.

10 ITEM NO. 2: APPROVAL OF AGENDA

11 A.G. BALDERAS: I'd like us to all maybe
12 put our eyes on Item No. 2, Approval of the Agenda.

13 And because this is a special meeting, I
14 want to make sure. I've got, I believe, six items
15 on the agenda, not counting obviously, the
16 adjournment.

17 So I've got the agenda, the minutes,
18 public comment, review and presentation of the LEAB
19 board budget, and our discussion for the next
20 scheduled board meeting.

21 Is that kind of what everybody else has?
22 Excellent.

23 So if everyone agrees that we're on the
24 same page with the agenda, I'll entertain a motion
25 to approve the agenda as laid out this morning.

1 SERGEANT ANDERSON: Hollie Anderson, sir.

2 I move to approve the agenda as presented.

3 A.G. BALDERAS: Thank you, Board Member
4 Anderson.

5 There's a motion. Is there a second?

6 CHIEF JOHNSON: Mr. Chair, Tim Johnson. I
7 will second.

8 A.G. BALDERAS: Thank you, Chief. There's
9 a motion and a second to approve today's agenda.

10 All in favor? We should do a roll call
11 because of the Zoom.

12 Go ahead, Monica.

13 MS. MEDRANO: Balderas.

14 A.G. BALDERAS: Yes.

15 MS. MEDRANO: Tedrow.

16 MR. TEDROW: Yes.

17 MS. MEDRANO: Gurule.

18 CHIEF GURULE: Yes.

19 MS. MEDRANO: Johnson.

20 CHIEF JOHNSON: Yes, ma'am.

21 MS. MEDRANO: Mendoza.

22 CHIEF MENDOZA: Yes.

23 MS. MEDRANO: Anderson.

24 SERGEANT ANDERSON: Yes.

25 A.G. BALDERAS: Great. Any in opposition?

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(No response.)

A.G. BALDERAS: Roll call vote, all in favor. Motion for Approval of Agenda, Item No. 2 for August 19th does pass. There is no opposition.

ITEM 3: APPROVAL OF THE MEETING MINUTES

June 24, 2021

A.G. BALDERAS: We can now move to Item No. 3, the approval of the minutes. Minutes involve a June 24th meeting. And copies of those minutes should all be in front of you at this point, and they're always on the LEAB website.

Taking a minute or so, if there are no corrections, I'll also entertain a motion to approve minutes as laid out.

MR. TEDROW: Mr. Chair, this is Rick Tedrow. I will move to approve the minutes.

A.G. BALDERAS: Thank you, Board Member Tedrow. There is a motion to approve the June 24th minutes.

Is there a second?

SERGEANT ANDERSON: Hollie Anderson. I'll second.

A.G. BALDERAS: Thank you, Board Member Anderson.

There's a motion and a second to approve

1 Board member minutes of June 24th. Let's do a roll
2 call.

3 MS. MEDRANO: Balderas.

4 A.G. BALDERAS: Yes.

5 MS. MEDRANO: Tedrow.

6 MR. TEDROW: Yes.

7 MS. MEDRANO: Gurule.

8 CHIEF GURULE: Yes.

9 MS. MEDRANO: Johnson.

10 CHIEF JOHNSON: Yes, ma'am.

11 SHERIFF MENDOZA: Mendoza.

12 CHIEF MENDOZA: Yes.

13 MS. MEDRANO: Anderson.

14 SERGEANT ANDERSON: Yes.

15 MS. MEDRANO: Green.

16 DR. GREEN: Yes.

17 A.G. BALDERAS: Is there any opposition?

18 (No response.)

19 A.G. BALDERAS: So the motion to approve

20 the minutes from June 24th, Item No. 3 on the

21 agenda, does pass by a seven-zero roll call vote.

22 We can now move to Item No. 4, Public

23 Comment.

24 ITEM NO. 4: PUBLIC COMMENT

25 MR. MECHELS: I would like to comment.

1 A.G. BALDERAS: Great, Mr. Mechels. And
2 is there anyone else? We usually allow three to
3 five minutes for public comment.

4 Mr. Mechels, you have the floor.

5 MR. MECHELS: Thank you. Good morning to
6 the Board and the Chair. I'm Chris Mechels. Of
7 course, I've been attending these meetings for a
8 while, a long time, years, in fact.

9 My comment this morning, I have taken the
10 trouble to get the material that will be presented
11 this morning. Looking at it, I think it might be
12 useful to say I've got a bit of history on the
13 Board. And what I see is going on hopefully is an
14 attempt to return to the -- to the -- to a workable
15 board that we had many years ago, is that back --
16 this -- the Board was actually functioning pretty
17 well, and, as I've (inaudible) it was designed to
18 function, until about 2003.

19 In 2003, the Board was actually broken by
20 the governor and DPS to allow for the removal of the
21 director at the time, Darrell Hart, who had been the
22 director for about 12 years. I think -- my
23 perception is, looking at the history of it, is that
24 the Board really seized to function in the way that
25 it was designed at that point in 2003.

1 And the other big event that happened in
2 2013 under Governor Martinez and the DPS Secretary
3 Eden at the time was that they broke the curriculum
4 making process and installed the curriculum that is,
5 in essence, the same curriculum you're running
6 today. It was a curriculum that involved getting
7 rid of a lot of community policing and good police
8 practice and installing a lot more violence in the
9 curriculum. And this was all done, apparently, with
10 an illegal move.

11 So what I see going on, and, hopefully, we
12 can go forward with, is just -- I'm hoping the
13 history is a little bit helpful, because I think
14 what is being proposed this morning is to try and
15 kind of move back to that 2000 legal curriculum that
16 ended in 2003. Very negative consequences.

17 And I think if this Board doesn't take a
18 move back to what worked, I think that the
19 Legislature, at some point, as of the last session,
20 will intervene. And their interventions tend to be
21 a bit messy.

22 So I think the easiest thing for everyone,
23 including the Board, is to act responsibly, take
24 responsibility for the Board and your responsibility
25 to the people of the state, and do this before the

1 Legislature reforms you. Reform yourself.

2 And I see this morning's presentation as a
3 move in that direction. I'm encouraged. So thank
4 you, and I encourage you to do the right thing.

5 I'll end there. Thank you.

6 A.G. BALDERAS: Thank you, Mr. Mechels,
7 for your comments. We appreciate it.

8 Are there any more public comments?

9 (No response.)

10 ITEM NO. 5: PRESENTATION/VOTE ON
11 PROPOSED FY23 NMLEA BOARD BUDGET

12 A.G. BALDERAS: Excellent. We can now
13 move to Item No. 5, Presentation of Fiscal Year '23
14 NMLEA Board Budget.

15 Madam Director, you have the floor.

16 DIRECTOR ALZAHARNA: Thank you, Chair,
17 Governing Board Members.

18 I'm going to share the screen with you
19 now. Am I good?

20 Okay. I'm just going to give a brief
21 overview. It's just for information purposes for
22 the Board as I move into how we got to the budget
23 that you're going to be taking a look at today.

24 It starts with 29-7-2, which identifies
25 that the Law Enforcement -- New Mexico Law

1 Enforcement Academy was established. And the role
2 of the academy is to provide a planned program of
3 basic law enforcement training and in-service
4 training to police officers.

5 It doesn't mention in here
6 telecommunicators. But the academy provides that
7 same basic training and in-service training for
8 telecommunicators as well.

9 It also provides advanced training. And
10 that doesn't necessarily mean -- it covers the whole
11 gamut of everything above and beyond basic training.

12 The next reference point is 29-7-3 of
13 statute. And this is where the New Mexico Law
14 Enforcement Academy Board was created.

15 Some of the responsibilities of the
16 Board -- this section actually outlines some of
17 what's covered in your NMAC. But, specifically, it
18 says the academy should be controlled and supervised
19 by policy set by the Board.

20 So it identifies that one of the Board's
21 responsibility is to set the policy and guidelines,
22 and that the New Mexico Law Enforcement Academy
23 follows those guidelines, which is what happens.
24 And that's exactly what the other satellite
25 academies do as well.

1 The other sections in here just talk about
2 the appointments and the members. And that's
3 covered in our NMAC as well.

4 When we got to 9-19-8, this identifies
5 administratively attached agencies. And that's what
6 the New Mexico Law Enforcement Academy Board is.
7 It's an agency. And this section identifies that
8 the Board is administratively attached, it says, "to
9 a department in accordance with the Executive
10 Reorganization Act".

11 The department that the Board is attached
12 to is the New Mexico Department of Public Safety.

13 9-1-7 talks about the relationships
14 between an agency that is administratively attached
15 to a department. And, specifically, I highlighted
16 the ones that kind of moved us towards this budget
17 discussion.

18 Number one, it says, "The agency attached
19 to a department..." -- so, in this case, the Board
20 being attached to the Department of Public Safety --
21 "...shall exercise its functions independently of
22 the department and without approval or control of
23 the department."

24 And number two, it says that it'll submit
25 its budgetary requests through the department.

1 So that's what we're moving towards now.
2 The subcommittee that was talking about funding
3 regarding training and curriculum and how this
4 discussion came up is attached to this particular
5 section about, well, how do we submit our budget
6 requests and how does the Board let it be known what
7 is needed to accomplish their mission.

8 Section B here talks about the
9 responsibilities of the department to which the
10 agency is attached. So it talks about the
11 responsibilities of DPS, to which the Board is
12 attached. And, specifically, here, it just said
13 that the agency -- "The department will include the
14 agency's budgetary requests as submitted and without
15 changes in the departmental budget."

16 So we've been trying to wind our way
17 through it and figure out how the Board gets its
18 request submitted, because it is -- what we have
19 found in the past is we can't see that it has
20 followed these statutes in the past.

21 So what we're trying to do is have the
22 Board identify its budget requests so that I can
23 move that forward so that DPS can attach that
24 request to their budget, as identified here.

25 The budget that you're going to be

1 considering needs to take into consideration the
2 powers and duties and the responsibilities of the
3 Board.

4 And, again, in state statute, 29-7-4, it
5 says, "The Board shall...", and things that there's
6 probably a cost attached to are, "developing and
7 implementing the planned program of basic training
8 and in-service training," and, it says, "a portion
9 of which may be conducted on a regional basis."

10 That would cover your satellite academies,
11 but it also covers any training that could be put on
12 at different agencies throughout the state. It
13 covers the same thing for training for
14 telecommunicators as well.

15 "The Board also prescribes qualifications
16 for instructors and prescribes courses of
17 instruction," which means you set the curriculum and
18 the hours and the topics that go into the basic Law
19 Enforcement Academy curriculum and the basic
20 training and in-service curriculum.

21 Additional costs, of course, are the costs
22 of -- as you rewrite, review, revise your Board
23 rules, there are costs that are attached to the
24 meetings, to publishing those changes, to making
25 that happen.

1 And under G, there are costs to the
2 day-to-day processing costs that the staff incurs
3 to -- to process all the paperwork for issuing,
4 granting, denying, reviewing, the whole disciplinary
5 process regarding law enforcement officer and
6 telecommunicator certifications.

7 And then part of the misconduct process,
8 under H, is, of course, all of the paperwork that
9 goes back and forth to properly notify the
10 respondents and the involved parties during that
11 process.

12 And then "any and other acts appropriate
13 to the development and operation of the Academy" is
14 what falls under part of the Board's
15 responsibilities as well.

16 So all of those things are taken into
17 consideration when trying to put a budget together.

18 This past legislative session, prior to
19 that, in as far as technically, the Board has not
20 had a budget. When I was first working trying to
21 establish, okay, what -- how much does the Board
22 have to spend, I wasn't successful in being able to
23 be provided with a number: "The Board has this much
24 money to spend."

25 And so I had asked for that initially so I

1 could identify where our needs were and what we
2 needed to ask before.

3 Basically, my understanding of how it's
4 been happening is our -- what we have incurred, the
5 costs we have incurred, have been covered by the
6 Department of Public Safety. But it wasn't a
7 specific set-out budget, where the -- anybody on the
8 Board could look at it and say, "Okay. How much do
9 we have to spend on this?"

10 Let's say if we wanted a job task analysis
11 or a curriculum review, it just wasn't detailed like
12 that so we could identify it.

13 So in simple speak, we have a zero budget,
14 but your costs were covered.

15 This past legislative session, the LFC
16 proposed -- this was a proposal partway through the
17 session. And it's down at the bottom of this second
18 paragraph with the yellow, that says, "The LFC
19 recommendation directs \$350,000 and 5 FTE..." -- or
20 full-time -- "...positions for use by the Board to
21 ensure it has a dedicated funding stream and
22 full-time staff and to provide greater independence
23 from DPS."

24 That was what their proposal was during
25 the session.

1 And it's open to interpretation. I have
2 learned that the wording is purposeful in how it can
3 be interpreted and how that money is actually
4 appropriated.

5 But that was the initial proposal.

6 What was actually approved -- and this is
7 the section out of House Bill 2, the Department of
8 Public Safety's budget that referenced that funding.
9 And that proposal turned into the General Fund
10 appropriations to the Statewide Law Enforcement
11 Supports Program -- which is a program under DPS,
12 where the Board costs are held, basically -- include
13 \$350,000 for costs related to the operation and
14 activities of the Law Enforcement Academy Board.

15 So that \$350,000 was approved. But it
16 wasn't as specific as what was in the proposal.

17 So that amount is what the Board was given
18 starting July 1st. So for this fiscal year 2022.

19 There's no other specifics as to how
20 that's spent or distributed.

21 I'm going to blow this one up just a
22 little bit.

23 So just based on that, in working --

24 A.G. BALDERAS: Madam Director, can you --
25 can -- just for the record, can you reference the

1 amounts, just for the record, that you're referring
2 to, in terms of totals?

3 DIRECTOR ALZAHARNA: When I get to this
4 particular sheet?

5 A.G. BALDERAS: Well, just because you're
6 describing the narrative, it would be nice if you
7 could just --

8 DIRECTOR ALZAHARNA: It's \$350,000.

9 A.G. BALDERAS: How much?

10 DIRECTOR ALZAHARNA: \$350,000.

11 A.G. BALDERAS: Okay.

12 DIRECTOR ALZAHARNA: And that highlighted
13 blue section right there, that's -- and Chief
14 Johnson may correct me. He works a lot more
15 detailed on this than I do. That's the general
16 wording of what was awarded: \$350,000 for costs
17 associated -- for costs related to the operation and
18 activities of the Law Enforcement Academy Board.

19 So starting July 1st of this year, the
20 Board had \$350,000.

21 Initially, I -- when I inquired about it I
22 had been told that the intent was for \$50,000 set
23 aside for operational costs, and then the remaining
24 funding to be used for FTEs, while the remaining
25 funding would be \$300,000. And that doesn't cover

1 very many FTEs.

2 So, just in generally talking about it,
3 four positions were identified that, if -- if
4 positions here out of the staff that we have were
5 separated by what function they actually serve --
6 for example, our misconduct case manager position
7 solely serves -- its function serves the Board. It
8 has no function that's really attached to the Law
9 Enforcement Academy.

10 Just like an instructor would serve for --
11 would actually be better served attached to the Law
12 Enforcement Academy, because that's what they do is
13 the training, their service wouldn't be utilized
14 actually for the Board.

15 So we identified four positions that were
16 Board positions, that their purpose serves the
17 Board, and still couldn't get it down to under --
18 under the \$300,000. That total, personnel costs
19 just for those four positions, was \$307,478.97.

20 And this is just all basic discussions.
21 There's no way -- no place that it's specifically
22 identified at the time.

23 So moving from that discussion, and then
24 speaking with DPS, it was my understanding that the
25 intent -- the legislative intent was that we

1 absolutely have five FTE positions.

2 Now, again, there's no designation. Is
3 that five FTEs plus operational costs? Or just five
4 FTEs? And it's open to interpretation.

5 So we moved and identified it and said,
6 "Okay. Well, if we had five FTEs, what positions
7 would those be?"

8 And we wanted to identify the costs. So
9 the five positions identified were the director,
10 which, by statute, is a Board position, operates
11 under the Board. Three compliance officer
12 positions, mainly because the Board is a compliance
13 agency. I mean, the bulk of our staff, those
14 compliance officers, that's all they do, and they
15 will never stop doing that. They are the ones who
16 process all of the satellite academy applications,
17 all the accreditation packets for classes, for
18 instructor certifications, for advanced
19 certification. They are the compliance arm of what
20 the Board does.

21 And then the one state investigator
22 position, and that's tied to the misconduct portion,
23 along with the Director.

24 So we identified those five positions.
25 And that still brings it to over \$350,000, if the

1 interpretation is that the whole total is 350,
2 whether you break it down by operational and
3 personnel costs or just do all personnel costs. It
4 still is not enough funding to provide the Board
5 with the staff or the operating costs to do what
6 they're tasked with doing.

7 A.G. BALDERAS: Director, I'm going to
8 defer to you. But you ask -- you tell me how you
9 want to handle the rest of the presentation. I have
10 some questions, too, a little bit more about the
11 history in terms of your discussions and trying to
12 get proper information of staffing levels, you know,
13 over the past two years, four years, ten years.

14 I can wait till those que- -- hold those
15 questions until the end of your presentation if
16 you're going to include that. But I have a few
17 questions about the history and whether or not this
18 350, to you, in your interpretation, is an increase.

19 And then, number two, these four or five
20 positions, I'm assuming those include some of your
21 support staff that you use to help, like Monica, in
22 terms of building out some of the meetings.

23 And then I just want to clarify for the
24 record, this doesn't even include all of the
25 volunteer staff that the AG provides, like counsel,

1 administrative staff. That's not at all tied to
2 those costs or FTEs as well.

3 So if you want to clarify that for us
4 moving forward, or we can do it at the end of the
5 presentation. So I'll defer to you how you want to
6 handle that.

7 DIRECTOR ALZAHARNA: I am hoping to cover
8 it as we move forward.

9 A.G. BALDERAS: Great.

10 DIRECTOR ALZAHARNA: So that's how we got
11 to where we are right now, with looking at the fact
12 that this is the first time, at least that I've been
13 able to identify, that the Board is actually saying,
14 "We -- we need funding to do our job." And it
15 includes all of those things, Chair, that you just
16 mentioned.

17 A.G. BALDERAS: Well, I just want to
18 clarify that that -- this is not the first time.
19 We've been echoing for years that not only do you
20 need sufficient funding, but that the investigative,
21 the disciplinary process, at least how we run our
22 office at the AG's office, are nowhere near the
23 proportional demand.

24 I think the history was that DPS viewed
25 that they volunteered some of that funding without

1 any dedicated support from the Legislature. But I
2 want to be aggressive. Because that was -- for five
3 years, we've been telling the LFC that the
4 investigative process and the discipline process
5 have no case management investment from a direct --
6 so I don't know that I disagree with you.

7 But I just want to make sure that we're --
8 that I clarify that piece of the record, that we've
9 done our own budget analysis at the AG's office.
10 The real question is why were we doing it instead of
11 the LFC? And so I just want to add that to the
12 historical narrative.

13 DIRECTOR ALZAHARNA: Yes. And I'm not
14 intending -- I'm -- there were discussions. And I
15 think people -- I agree. People have been pushing.

16 And I apologize. I'm a little more
17 linear. I was thinking from a process standpoint in
18 the fact that the Board, by statute, is supposed to
19 actually submit a budget that DPS can include when
20 they move their budget forward, because that is our
21 process. That's the Board's process for requesting
22 a budget.

23 And that's what I have not been -- I
24 haven't been able to get anybody to say that that
25 has been done in the past. They've talked about it.

1 And I don't think anybody denies that there is a
2 need, and the Board needs it. But in following the
3 formal process for requesting and identifying those
4 funds, I wasn't able to find where this process has
5 been followed.

6 So DPS worked -- their budgeting staff
7 worked very well with me. I've been asking over the
8 last year, you know, "This is what it says the
9 process is. So if the Board puts together a budget,
10 how should they submit it?"

11 Now, early on, there was reluctance.
12 "Well, that's not the way it's done."

13 I understand that. But statute says this
14 is how it's supposed to be done. So if the Board
15 has no budget, one of the reasons they may not have
16 one is because they've never submitted one the way
17 the process identified that they should. So that's
18 what we were trying to do at this point.

19 And, of course, one of the things is, once
20 we recognized and knew the timelines, I believe by
21 statute, the deadline to submit these budgets is
22 September 1st.

23 And DPS started a long time ago, months
24 ago, putting together the budget they do. So for
25 now -- to have a big chunk like this added causes

1 stress and strain -- I contacted the budget director
2 or interim director with DFA, who walked -- who, we
3 walked through it, and said, "Yes, that makes sense.
4 That seems to be the process."

5 But I never got a confirmation back. I
6 don't know if anybody else was in contact with her.
7 But I didn't get any follow-up.

8 But DPS has been very supportive of
9 saying, "Okay. If that is the mechanism for doing
10 it, then we need those numbers. We need that
11 information to move it forward," because it's due,
12 like, tomorrow.

13 So that was -- my reference was what the
14 formal process is for the Board submitting their
15 request. And this seems to be on the right track.
16 Or it's the only track anybody has been able to
17 identify.

18 SERGEANT ANDERSON: I apologize, Chairman.
19 This is Hollie Anderson. We've had a situation here
20 with our department, and I'm going to have to excuse
21 myself from this meeting.

22 A.G. BALDERAS: Thank you, Sergeant. I
23 hope everything is safe and well. But we appreciate
24 your time.

25 SERGEANT ANDERSON: Thank you.

1 A.G. BALDERAS: Thank you.

2 CHIEF JOHNSON: Mr. Chair, Tim Johnson. I
3 may be headed to that same thing here shortly. I do
4 know that I need to try to get some of this -- I
5 have a huge hand, obviously, in this budget. So --

6 A.G. BALDERAS: Yeah. I --

7 CHIEF JOHNSON: -- we need to kind of move
8 along.

9 A.G. BALDERAS: I just want to make
10 sure -- I don't want to lose a quorum, Director. If
11 you need us to take a discretionary vote to support
12 your vision, I think if you could maybe get us
13 through some of the top lines and -- for our
14 consideration. But I'm worried that we're going to
15 lose our chief soon, as well.

16 Counselor, how many can we lose before we
17 lose quorum?

18 MR. ROMERO: Yes, Mr. Chair. It looks
19 like Dr. Green is -- has joined us.

20 A.G. BALDERAS: Okay.

21 MR. TEDROW: So I'm trying to crunch the
22 numbers now. We have DA Tedrow. We have Sheriff
23 Mendoza. We have Chief Gurule. Yourself.

24 A.G. BALDERAS: If we lose our state
25 police chief, will we still have quorum? I just

1 want to make sure we give enough time to our
2 director in her budget presentation.

3 MR. ROMERO: Yes, Mr. Chair. We'd still
4 have five, as long as Dr. Green, yourself, Sheriff
5 Mendoza, Chief Gurule, and DA Tedrow.

6 A.G. BALDERAS: Okay. Okay, Madam
7 Director, I'll shut up and let you kind of get
8 through this.

9 DIRECTOR ALZAHARNA: Thank you, Chair.

10 So based on all of that discussion, what
11 you'll see here on this sheet is if -- the way I
12 looked at it was if the Board is going to make this
13 form- -- this request formally for the first time,
14 then the request should readily identify what is
15 needed to perform the functions.

16 And I'll say, right off the bat, because I
17 was looking at it in the terms of how -- the costs
18 that DPS have covered in the past, which haven't
19 included the costs to the OAG's office for the
20 administrative prosecutors and the staff and costs
21 that you've identified, Chair, those are not on
22 here, because it was looked at from the DPS
23 perspective. But they certainly could be added on
24 here, and most likely should, since this is an
25 overall Board cost.

1 So these costs that are -- you're looking
2 at on this first page are just positions. What I've
3 reviewed there are 16 positions, not including the
4 OAG office positions, that would give the Board at
5 least adequate staff to perform the functions that
6 they're required to perform right now.

7 It includes the director, two operations
8 managers. One of them would be the curriculum
9 manager overseeing all of the functions that have to
10 do with updating, writing, revising curriculum,
11 keeping that constantly up to date.

12 The other manager would be over the
13 accreditation and compliance, which is all of the
14 compliance functions that the Board does. That
15 would include three instructional coordinators,
16 which are your curriculum development specialists;
17 so you have people on staff who are actually doing
18 that.

19 The remaining bulk of them are the
20 compliance officers, the ones who are working with
21 the satellite academies and the agencies to make
22 sure they're meeting the compliance standards.

23 And information and records clerks. We
24 are inundated with requests, from IPRA requests to,
25 now, due to the climate of law enforcement, when

1 people are looking for jobs out of state, we are
2 getting overrun by background checks, not official
3 like criminal background checks, but your state
4 post-check. They want to know the background of
5 misconduct and their training. And those requests
6 all come to us.

7 There would be no problem having an
8 information and records clerk having full-time
9 responsibility doing that.

10 And then state investigator positions, one
11 of them currently, like we have, who is the
12 misconduct case manager processes, makes sure all
13 the hearings are set up, all the notices are sent
14 out.

15 And the second one would be specifically
16 to do the follow-up investigation that we're really
17 not able to manage right now. Those personnel costs
18 right there put it at closer to \$1.1 million for
19 personnel costs, not including OAG costs.

20 And then the remainder of these costs are
21 broken down. You'll see the personnel costs right
22 there. All the other costs that go down put it
23 closer to -- between \$1.3 and \$1.4 million are the
24 operational costs, which include all of the Board --
25 the costs for having a meeting venue when the Board

1 actually meets in person, the travel and per diem
2 costs for Board members to go to those meetings, the
3 costs for setting up meetings like this through
4 Microsoft, costs for training for Board members.

5 I think an example are when our counsel,
6 Mr. Romero, participated in a virtual meeting with
7 other POST -- with other POST counsels, with other
8 attorneys who actually do what he does and represent
9 their POSTs with other states and those operational
10 costs that were included in there.

11 So that's just real basic -- a basic
12 overview and a start-up request, not including the
13 OAG's request, that puts you between \$1.3 million
14 and \$1.4 million.

15 What's on here in red is what it doesn't
16 include -- and it's because that is a separate
17 request -- but the timing for that is right now as
18 well, is special appropriation. And that's where
19 the request for the funding for the job task
20 analysis would be. Right now the estimate is
21 probably close to \$1.5 million.

22 And I've just put that on there, because
23 it wouldn't be part of the General Fund; it wouldn't
24 be part of your annual budget. It would be a
25 one-time request.

1 And I would say that is part of what
2 stemmed this was your curriculum and training
3 subcommittee saying, you know, "We need to do a job
4 task analysis before we touch the curriculum. And
5 this is how much is cost. Where does that funding
6 come from?"

7 So I would put that in as a special
8 request for the Board as a special appropriation
9 request for the FY23.

10 So are there additional questions? That
11 is my initial proposal. If -- and I think there
12 should be numbers included from the OAG's office.
13 That would bump up these costs or projections.

14 DPS has to have these numbers by tomorrow
15 morning at the latest, because they have their first
16 meeting -- correct me if I'm wrong, Chief -- on
17 Monday, regarding the budget.

18 CHIEF JOHNSON: Yes, that is correct. We
19 present to the executive and DFA on Monday.

20 SHERIFF MENDOZA: This is Sheriff Mendoza,
21 I have a couple of questions. I'm a little confused
22 here as to what we're talking about. You first
23 referenced that \$350,000 that was allocated for the
24 Board; is that correct?

25 And are you saying that -- that that's

1 insufficient and that your estimate is \$1.3 million
2 for the needs of the Board? Is that what I'm
3 understanding?

4 DIRECTOR ALZAHARNA: Yes and no. \$350,000
5 is what the Board has already been given for this
6 fiscal year, from July 1st of 2021 until June 30th
7 of 2022. The Board already has that. It's a done
8 deal. We have that.

9 What we're doing now is working on your
10 budget request for Fiscal Year '23, which would
11 start next July, July 1st, 2022. And we want to get
12 this request in to cover what we think the projected
13 needs are of the Board.

14 SHERIFF MENDOZA: Okay. So I see. So
15 this is Sheriff Mendoza. I see that what we're
16 talking about is a budget request, not the
17 allocation of the \$350,000 that's already been
18 allocated for '21-'22; is that correct?

19 DIRECTOR ALZAHARNA: Correct. I just gave
20 you that lead-in to let you know how we got to where
21 we are right now.

22 SHERIFF MENDOZA: Okay. I guess I was
23 confused. I thought we were going to be talking
24 about the allocation of the \$350,000. But I see.

25 DIRECTOR ALZAHARNA: That could be part

1 of -- I mean, there certainly could be comments as
2 far as that as well, because right now, all it is is
3 identified that the Board received \$350,000. And
4 what that leaves us with is how is that allocated?

5 If you said you want two FT- -- well, I
6 don't want to speak out of turn, because I -- I
7 wasn't involved in the discussions as to -- if
8 there's any other mandates short of that generic
9 paragraph that says, you know, that you get
10 \$350,000. I don't know if there are any particular
11 mandates on how the Board allocates that.

12 A.G. BALDERAS: Okay. Well, yes. So
13 we're definitely in the phase of questions.

14 I want to make sure I prioritize the list
15 of questions. I will maybe -- maybe add a comment,
16 hopefully, that clarifies, that doesn't make things
17 more confusing.

18 So as I understand it, the Board's
19 mandate, Director, that maybe you're looking for
20 some feedback on, is that we definitely approve or
21 disapprove the appointment of the Director by the
22 Secretary.

23 And what's difficult is, I also think --
24 as we're playing out through this budgetary process,
25 I think you're seeing a healthy tension that, at

1 some point, will still need to be clarified by the
2 New Mexico Legislature. We're playing it out in
3 some of the line of questioning that you're already
4 getting, Director.

5 And it may color some of the narrative
6 history and the struggle of -- there's the LEAB
7 board. Then there's the LEAB board's authority and
8 duties.

9 And we are not management. We do not have
10 day-to-day management. The only powers that we have
11 are to -- to develop and implement a program and --
12 of which, then, that -- over a department, which is
13 the LEAB. And then the LEAB -- and I want to
14 applaud the director -- because she is now within
15 her own duties trying to build a budget out that can
16 only be requested through DPS.

17 So even though the LEAB agency is
18 administratively attached to DPS, I think what she's
19 trying to propose is some guidance from us on what
20 is an appropriate budget request.

21 And I think the reason that past boards
22 struggled and there's not a direct appropriation
23 request from the LEAB board is we are not
24 management. We don't manage the employees at DPS.
25 We set policy.

1 Of course, in identifying the gaps, the
2 Board has taken past positions that -- that the LEAB
3 executive functions, which are the training and the
4 discipline, is severely underfunded.

5 So I do want to applaud the Director for
6 trying to carve out what her resources are. What we
7 really only have a say in the Director and how she
8 implements the program that we -- so I do think that
9 the budget discussion should -- definitely has a
10 goal that I want all our Board to give her guidance
11 and direction on your priorities.

12 I know that a job task analysis was a
13 priority for this Board. I know that we need many
14 more investigators to investigate the backlog of
15 cases.

16 And so whether it's 350 or over a million
17 dollars in the request, I think we're -- we -- I
18 want to make sure that our Board weighs in on where
19 they think the budget request should be focused on
20 the justifications of why we need either more
21 investigators, more trainers.

22 And, yes, Madam Director, I do think that
23 we could give you an estimate of the prosecutorial
24 function of the Board's decision-making. Even
25 though we're a different agency, we do believe that

1 DPS could at least request those funds, and then we
2 could work it out later how those funds are
3 appropriated later.

4 So I hope I didn't confuse the Board. I
5 just want to give the Board some historical
6 guidance.

7 Part of the problem is that you, as board
8 members, don't build out the budget, because you
9 don't have day-to-day operational management over
10 the Board -- I mean over the LEAB. The LEAB is only
11 administratively attached to DPS. And so I think
12 that is where, in the past, some of the statutory
13 functions are confusing.

14 We control the Director. We control
15 the -- we give her guidance. But the LEAB budget
16 process, the LFC is expecting DPS to request that
17 funding. So she's correct that the -- my position
18 is that we're glad that the director is requesting
19 appropriate funding that she thinks she needs to
20 carry out the program that statutorily we're
21 requested to provide guidance and feedback on.

22 The program meaning, Madam Director, do
23 you think that \$1-point-some million is enough to
24 fund the law enforcement training and the
25 investigations that are necessary for the Board to

1 make those decisions? And I guess that's more of a
2 question.

3 We'll get you the number that we think we
4 need for the prosecution of those cases. We think
5 that DPS is a good partner for us to start to
6 educate the LFC on how much money we're expending
7 out of our own budget, which comes out of child
8 abuse investigations, corruption investigations.
9 They have never independently funded those
10 functions.

11 And so this -- I want to give you some
12 credit that I think this is a good approach. But I
13 do think the Board is asking questions, because they
14 don't have day-to-day operational functions in terms
15 of how big your caseloads are and whatnot.

16 So -- and then, Chief, if you would weigh
17 in to give us some clarity as well on the history.

18 But the other question that I'm not
19 understanding from the Board is how much fiduciary
20 responsibility we have beyond your function,
21 Director, if maybe the chief or the director would
22 weigh in on that as well.

23 But I'm all for the Department of Public
24 Safety asking for as much money as you think you
25 need, Director.

1 DIRECTOR ALZAHARNA: Chief, did you --

2 CHIEF JOHNSON: Go ahead.

3 MR. ROMERO: This is Counselor Romero. I
4 just wanted to follow up. The Chair is correct that
5 the budget that we're submitting, right, is
6 Board-specific; so things like curriculum
7 development and things that would fall under the
8 responsibility of the Board, not necessarily the
9 management stuff. So that is a correct analysis.

10 DIRECTOR ALZAHARNA: I would also -- and
11 now -- and I'm not -- I'm not disagreeing. I'm just
12 speaking from my experience in working with other
13 boards and how other states do it.

14 It may not have been done that way in the
15 past. But statute identifies. There is an intent.
16 Your board is a stand-alone agency by statute. It
17 is an agency, just like other agencies. It's
18 attached to DPS, because the Board doesn't have a
19 budget section. The Board doesn't have payroll.
20 The Board doesn't have HR. So they are attached to
21 an agency that has those functions and has agreed to
22 perform those functions.

23 Those -- the staff that the Board needs
24 are not -- or should not be considered DPS staff.
25 DPS has a division, which is the Law Enforcement

1 Academy. And they can hire staff to run that
2 academy, which is the instructors and whatever else.

3 Again, it has not been done that way, but
4 your regulations and statutes are designed for it to
5 be set up that way. The academy is a separate
6 division of DPS. The Board is a separate agency, a
7 stand-alone agency from DPS.

8 And the Board -- in answer to the question
9 about the budget, this budget that I have proposed
10 only covers the Board's functions. I'm working with
11 DPS on the division side on the Law Enforcement
12 Academy side to do the same thing and separate out
13 the costs that are only applicable to the academy as
14 a division of DPS.

15 So I've been separating them. So they are
16 operationally and identifiably separate as designed.

17 As far as the Board not having management
18 abilities, I don't find that to be the case, either.
19 There are a board -- all kinds of boards, not just
20 state agency boards, that you hire the director and
21 the director hires the staff.

22 But the staff still belong to the Board.
23 And the Board doesn't oversee that staff, you're
24 correct, any more than the chief of police directly
25 oversees the line-level staff. There's supervision

1 in between that.

2 So the director answers to the Board, and
3 I, as the director, follow out the Board's
4 direction. It's my responsibility -- or the
5 director's responsibility -- to supervise any staff
6 that's hired.

7 And in 29-7-5, when it talks about the
8 powers and duties of the Director, it says, "The
9 director is the chief executive officer of the
10 academy and will employ necessary personnel."

11 So the personnel that are identified that
12 just perform the Board's functions, like compliance
13 officers, fall under that. And because also,
14 statutorily, the Director is the CAO of the academy,
15 then oversees, you know, the instructors or whatever
16 staff that are particularly attached to the academy.

17 So other states that operate this way,
18 there is a separation. And the only reason there's
19 an attachment is because you, as a board, as an
20 agency, don't have those day-to-day administrative
21 functions.

22 A.G. BALDERAS: Right. I think we're
23 saying the same thing, Madam Director. Under
24 29-7-4, I'm still trying to find where the actual
25 board submits the budget, versus the agency, which

1 would be the LEA.

2 Counselor?

3 MR. ROMERO: Yes, Mr. Chair. So I think
4 where the Director is pulling that from is from
5 the -- 9-1-7, in the statutes. Because the agency,
6 which is administratively attached, which would be
7 the Board, under (A)(2), would submit its budgetary
8 requests through the department.

9 A.G. BALDERAS: Right. Right. I'm
10 just -- what I'm trying to clarify is some of the
11 questions from our Board, as of today what they're
12 approving or weighing in on is do they have the
13 authority to actually approve or override the
14 Director if they think the request is too small or
15 too big?

16 Or, is the Board evaluating the Director's
17 budget request, which we support, and then providing
18 guidance on where she should punch up the priorities
19 related to the program of services which the Board
20 totally agrees under 29-7-4. We hire -- we approve
21 or disapprove of the director. We know we do that.

22 We also know that we're supposed to assist
23 in the development and implementation of a planned
24 program. And we're committed to evaluating her
25 budget request in that -- in that frame.

1 We also know that we have a say in the
2 type of qualifications the instructors should have.
3 And also we know that our number one priority in
4 supporting her program administratively is to
5 suspend or revoke licenses. That is really also a
6 very important function.

7 So I just want to make sure I know what
8 we're voting on.

9 Are we -- are we voting on that we think
10 her budget request reflects those priorities in our
11 statute? Or are we trying to identify whether her
12 budget is too small or large to carry out the
13 Board's vision as well in terms of where they
14 provide guidance?

15 I think we're getting circular. But I
16 hope I narrowed it down to what -- why I'm trying to
17 make sure that I assist with the Board's
18 responsibility today.

19 MR. ROMERO: Yes, Mr. Chair. So the Board
20 can direct the Chair -- or can direct -- I'm
21 sorry -- the Director to -- you know, to carry out
22 the budget as the Board would like. And the Board
23 can ask Director Alzaharna to put forth the
24 budget -- the Board can approve the budget that
25 she's presented, and then she would pass that on

1 through DPS as outlined in the statutes.

2 A.G. BALDERAS: To -- to the -- to DPS
3 that they're administratively attached to; is that
4 right? That's the way I understand the statute as
5 well.

6 MR. ROMERO: Yes, Mr. Chair.

7 A.G. BALDERAS: Okay.

8 Hey, Chief, do you have any questions?

9 And, Director, I welcome you to kind of go
10 back -- I'm sorry I interrupted. Some of our other
11 Board members I know had some questions about to
12 whether -- what we're approving today, if you could
13 clarify that, or Chief.

14 I think we understand the process -- at
15 least today the top lines are we want to make sure
16 that the LEAB gets a complete budget request to DPS
17 before the deadline, number one.

18 Number two, before we get too nuanced into
19 what the statute says and doesn't say, I think a
20 Board priority today is are there any projects or
21 priorities, like some of this job task analysis,
22 that is sufficiently included in the Director's
23 budget.

24 And, then, number three, I will be
25 providing, Madam Director, the prosecutorial piece

1 as well in terms of our estimated costs.

2 So that would be helpful. I'll defer to
3 the Board if there are any other questions.

4 CHIEF JOHNSON: Mr. Chair, Tim Johnson. I
5 don't necessarily have any questions, but just a
6 couple of statements.

7 I don't think we're talking too much about
8 the \$350,000 that was appropriated, and I won't get
9 into that too deep.

10 But basically what happened there was they
11 stripped that money from one portion of DPS and put
12 it over there, which I don't agree with. So I'll
13 make that known, and I have already.

14 I give this. Yeah. And, again, we
15 meet -- we have our budget presentation, our first
16 one, on Monday. So, you know, whatever is obviously
17 approved today, we will present to that -- to that
18 first piece.

19 One thing I do think -- I can't see the --
20 I can't see the positions -- I printed out the
21 documents that the Director sent. I can't see the
22 positions that she's asking for. My eyes -- I don't
23 know -- aren't working that well these days. The
24 print was very small. If we could go back to that.

25 And so, you know, saying that this is

1 completely detached from DPS, which that's what the
2 law says, I would suggest that she adds those
3 support positions that we're talking about:
4 finance, procurement, right? If it's completely
5 detached, it's -- it should be completely detached.

6 So she could -- she can touch base with
7 budget and the internal folks on what those position
8 titles are, how much those cost.

9 And then I don't know if you recall, sir.
10 But I think during some of the committees last year,
11 some of those legislators were -- I think they were
12 a little -- they were questioning or a little wonky.
13 I don't -- I wouldn't pretend to know why they were
14 asking such questions, but kind of commingling what
15 you need in your office versus what, you know, DPS
16 or the LEA Board needs to kind of make the
17 discipline process a little more functional and
18 staffed.

19 So including yours in there, I don't know
20 if that's going to help or hurt. So I don't know if
21 we maybe need to think about that a little bit more.
22 I'm not trying to be a downer. But I know you
23 recall those -- those questions that they had for
24 us.

25 A.G. BALDERAS: Sure.

1 CHIEF JOHNSON: I do believe -- I have to
2 check. I do believe the joint -- or the JTA is in
3 the request that we have for Monday. So that will
4 be on there again, whether that's approved or not, I
5 don't know.

6 And then I do know that there's a ton of
7 traction and support for a newer version, a little
8 bit better version of 375, the Senate bill, which
9 will be introduced again. And even if that does
10 happen, I think what's lined out here could be a
11 good operational plan to go by for that group,
12 once -- if that's passed and kind of all this is
13 moved anyways.

14 But, yeah, whatever -- whatever we vote
15 on, we'll need to know pretty quick, because --

16 A.G. BALDERAS: Got it.

17 CHIEF JOHNSON: -- because, yeah, it's
18 Monday.

19 A.G. BALDERAS: Okay. I'd love to hear
20 from the rest of the Board. I think -- you know,
21 this is a complicated process that is being
22 undertaken, so there are only helpful, informative
23 questions. And so I'd love to get some feedback.

24 I -- I think what the Chief is also
25 saying -- he raises a great point.

1 I think, for us, we would just give the
2 costs -- we would probably request it as part of the
3 other agency that's involved. DPS is attached to
4 the LEAB, but we would just -- but I think getting
5 the Director the number just gives the LFC some --
6 wherever they put it in, whatever agency, it doesn't
7 necessarily matter, we can reroute it, but just to
8 start building out the actual costs of the LEAB
9 program is a good step forward moving forward.

10 So that, I think, was some of the
11 confusion last time. But we'll be available to make
12 sure that we don't bottleneck the proposal.

13 What I'm hearing, Madam Director, is the
14 Chief is also suggesting building out some of your
15 core management functions so that you truly are only
16 attached, but that you are truly independent from
17 DPS, outside of the budget request.

18 And so -- again, I'm going to also kind of
19 throw out a -- more of a Socratic question. I want
20 to make sure that this is the first time that I
21 think we're trying to push for full funding of these
22 law enforcement oversight functions. And that, I
23 know the LFC has never gotten a \$2 million or a
24 \$3 million function. So I would love any opinions
25 on policy where the priorities should definitely be.

1 I'll give you a good example the way I
2 think.

3 In terms of -- the LEAB has never had a
4 truly independent, fully funded oversight function
5 in terms of training and discipline from the
6 perspective of looking at how many licensed police
7 officers there are in the State of New Mexico.

8 So even where the budget request is at
9 right now, I would provide my context for -- unless
10 you're going to steal money from the LFC -- I mean,
11 the DPS budget or the AG budget, which I'm not
12 advocating for -- and I would also want to make my
13 position very vocal, that in this budget process,
14 the LFC can shuck and jive a lot of shifting of
15 resources.

16 But we want to make sure that this budget
17 is truly independent, and it's funded by General
18 Fund dollars, that we are not advocating requesting
19 over a million dollars for the Director, only to be
20 stolen from the DPS budget or the AG budget, that
21 invests in prosecution and investigation of other
22 cases.

23 But I would say that it's a good start,
24 and we're going to be supportive. But I don't want
25 any money stolen from other budgets in law

1 enforcement. This has to be new money, number one.

2 And, number two, I would fully fund or
3 support a budget that, Director, gives you true
4 independence. That means HR functions; that means
5 other accounting functions that are either being --
6 we are providing some legal counsel for -- at a net
7 loss to our agency. And I think that's what the
8 secretary -- I mean the Chief -- is getting at is
9 that he's not supporting -- he wants to support an
10 increase in budget. But it's -- we don't want funds
11 taken from an agency to fund this particular
12 function.

13 And then, finally, I would just say that,
14 Director, I want to make sure -- my feedback on the
15 budget is supportive. But I want to look at it from
16 the amount of licensed officers we have in the State
17 of New Mexico who could come into your jurisdiction
18 needing more training, or there could be some
19 directive related to our program related to
20 suspension and revocation, and that even this budget
21 is severely underfunded if you're talking about a --
22 if you're talking about, in terms of the clients,
23 our officers or our clients, how many law
24 enforcement officers could come into your services
25 and jurisdiction on any given week.

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1 It's in the thousands; am I correct?

2 And maybe, Chief, you can tell us how many
3 licensed officers you think we have that could come
4 into the LEAB service jurisdictional process.

5 CHIEF JOHNSON: I mean, I think -- sir, I
6 think Director Alzaharna probably has the exact
7 number. But I think the last we polled was
8 5,000-some-odd. In one way or another, they
9 probably touch LEA in a given year, in service
10 qualifications, all the required items needed.

11 A.G. BALDERAS: So 5,000, you know,
12 divided by the larger budget amount, Director, how
13 much are you estimating per licensed officer to keep
14 them trained, safe, and keep that force operating
15 with the highest level of integrity, which means we
16 have to get the bad officers out and litigate and
17 investigate those cases. How much does this larger
18 budget request reflect per a licensed officer if
19 we're talking about the 5,000-officer or a
20 6,000-officer number?

21 DIRECTOR ALZAHARNA: Well, number one,
22 this includes telecommunicators as well. So we're
23 talking 8,000-plus. And we're talking about, on the
24 Board side of things, we touch probably in the high
25 hundreds every day. Because every time there's an

1 employment action on an officer or a
2 telecommunicator, whether they get a promotion,
3 whatever happens, an employment action, that is
4 reported to us. So at the very detailed level,
5 we're dealing with that every day.

6 On top of that, this does not include
7 training costs. Training is not a function of the
8 Board. Training is a function of the Law
9 Enforcement Academy. So that doesn't include any of
10 that. This includes the development of the
11 programs. But the academy is the one that actually
12 provides that training. And so those costs are
13 attached to the academy, not to the Board.

14 A.G. BALDERAS: No, Madam Director, I
15 understand that. What I'm saying is the Legislature
16 wants robust oversight from the Board and the
17 Director; right? Is that -- I'm just saying, do
18 the -- can you do the math for us and do -- this is
19 a ballpark estimate. This is more talking for
20 legislative-speak.

21 Your budget divided by the 8,000 licensed
22 professionals, what would that be per licensee? And
23 if you could indulge me. I'm just going to make a
24 policy position.

25 DIRECTOR ALZAHARNA: Yes. \$168.75?

1 A.G. BALDERAS: That's my point. Yeah.
2 So I don't want to belabor -- I support your budget
3 request. I still think the Legislature has to give
4 you many more resources to increase the level of
5 training oversight, curriculum development, and
6 licensing, either professionalism -- professional
7 development or discipline of officers, I think.

8 But this is a great starting point. I
9 support it. And so you kind of tell us what you
10 need from us at this point.

11 But I think it is a good start, because
12 think about it from the perspective of -- the first
13 offer out of the gate was the \$350,000. And now
14 you're exponentially increasing it.

15 But that was my whole point is, I think,
16 for the expectation of the public and the level of
17 professionalism that the Board is asking for and
18 that you've shared in your own vision, there's
19 still -- it's still severely underfunded as an
20 oversight agency.

21 But that's a debate that the -- a
22 political conversation for the LFC and the
23 legislators. But I just wanted to make sure that --
24 that the per licensee that we're servicing, that
25 constituency, that this is a decent step forward.

1 But, you know, we -- I will say, as Chair,
2 I look forward to exponential growth so that you
3 have sufficient resources. But we do appreciate you
4 professionalizing some of these services.

5 DIRECTOR ALZAHARNA: If I may, in a
6 discussion with the Chief, when we talk about the
7 staffing we need -- and I'm not looking at it right
8 now.

9 But the way the statute reads, the
10 administrative attachment, it isn't -- it is
11 separate. But the reason it's attached
12 administratively is so that agency doesn't have to
13 hire their own HR people and their own budget
14 people.

15 And I think the wording is there -- in
16 there is that it talks about "if the agency agrees."

17 So administratively attached, I'm not sure
18 how having an HR person -- giving us two budget
19 people -- you know, the Board -- the way it works,
20 at least with us attached to DPS right now, we do
21 have a budget person that funnels our invoices and
22 all of that stuff. And DP- -- and we process it
23 through DPS guidelines.

24 Going in the opposite way -- so we're an
25 agency. If you totally separated it that way,

1 then -- then we'd have to request -- I would see a
2 request to repeal that language that says we would
3 be administratively attached to DPS, if it was
4 requested that all of those positions be given to
5 the Board as an agency.

6 Does that make sense?

7 Here, number one, it says that, "The
8 department would provide, if mutually agreed, the
9 budgeting, record-keeping, and related
10 administrative and clerical assistance to the
11 agency," which is, I think, how, in that one area,
12 it's been operating, those administrative functions.
13 The Board utilizes those functions of DPS.

14 Like when I was preparing this budget, I
15 worked with the DPS budget people to provide that,
16 because we don't have that, and it would take more
17 than just one person to do it.

18 CHIEF JOHNSON: That makes sense to me. A
19 bit shortsighted I think, but, yeah, if that's the
20 way the law reads. But, again, assuming all that is
21 free, that we have enough people, which we all know
22 that we don't, on the budget side, HR side,
23 shorthanded already, based on the amount of people.
24 So, I don't know. Maybe -- maybe I need to add some
25 to the DPS budget to kind of make sure we can cover

1 these additional personnel, if this is approved.

2 A.G. BALDERAS: Okay.

3 DIRECTOR ALZAHARNA: And that was one of
4 my thoughts, that in the way I -- the -- where I'm
5 sitting working with DPS and working with the OAG
6 and their functions that are tied to Board costs,
7 that we do have that communication, so that if this
8 is presented, and I'm able to say, "Guess what?
9 These are the Board costs. I'm putting this
10 together for the Board."

11 But for this to work, then they do have to
12 consider the costs to DPS to provide that
13 administrative function for the Board, and they do
14 have to provide that funding to the OAG for the
15 administrative services that -- they as well. So I
16 wouldn't want it to be, at least from my
17 perspective, just representing the Board to say that
18 these costs are all-inclusive, that, no, it's going
19 to absolutely affect the other agencies we're
20 administratively involved with.

21 And, Mr. Chair?

22 A.G. BALDERAS: Yes.

23 DIRECTOR ALZAHARNA: I -- I just lost that
24 thought.

25 A.G. BALDERAS: Okay. So are there any

1 other questions?

2 If there are none, I think, Mr. Tedrow,
3 maybe I'll call on you to kind of present a
4 carefully articulated, maybe, motion to take action
5 on this. I will just say that any motion
6 constructed, I will direct us to consider that we
7 are giving the Director feedback and support on
8 either -- whether or not this budget is at least a
9 sufficient basis for the development and
10 implementation of the planned program that we
11 oversee, number one.

12 Number two, that we think this budget
13 reflects the value set, giving her enough resources
14 to prescribe qualifications for instructors and
15 courses of instruction. And that -- that this will
16 give her enough resources, at least in -- providing
17 us a process to issue, grant, deny, renew, suspend,
18 or revoke law enforcement licenses.

19 So those are the critical three areas that
20 I think we've had some discussion of this budget.
21 And we have a little bit better understanding of
22 what she's going to do with the budget request. She
23 will build it into DPS's formal request, which will
24 occur tomorrow.

25 I think that's how I understand it,

1 Mr. Tedrow. But I'll defer maybe to someone like
2 you as to whether or not we want to take action to
3 be supportive.

4 But understanding the Board's statutory
5 role over -- as fiduciaries, but more importantly
6 over the budget process, seems a little bit limited.
7 But I'm -- I think I welcome our oversight and
8 feedback.

9 MR. TEDROW: Thank you, Mr. Chair. I
10 think you very eloquently laid out, and it is now
11 part of our record, where the Law Enforcement
12 Academy Board sits when it comes to oversight of the
13 budgetary process by the academy.

14 I think the record speaks for itself as
15 presented by the Director. And, personally, I
16 believe that as an oversight committee and the Board
17 members that we are, at this time it would be
18 appropriate for us to have a motion that would
19 approve the budget, as submitted by the Director, to
20 be presented to both the LFC and the DFA in the
21 budgetary process as we always see.

22 I think we all know that when it comes to
23 the budget, just because it's presented by
24 September 1st, and then we'll see a hearing date
25 later before the interim committees, especially the

1 budget committee, there's no guarantees that the
2 budget ends up being what it is.

3 I think over the past 16 years, we've seen
4 recessions throughout the State of New Mexico, and
5 recessions in our budgets. So it's probably very
6 likely that even the requested amount may not
7 happen.

8 However, it's important to -- and I think
9 it's vital to both the legislators to be able to see
10 that when the legislators want oversight, you know,
11 they need to be able to back that with the budgets
12 as they're being presented.

13 I think this is a great step forward that
14 the Director is taking with the budget so that she
15 can effectively do her job of oversight.

16 And at this time, I would like to make a
17 motion that we, as a Board, approve and support the
18 budget recommendations as being submitted in the
19 2022 budget request due September 1st.

20 DIRECTOR ALZAHARNA: Mr. Chair?

21 A.G. BALDERAS: Thank you, Board Member.

22 There is a motion -- yes. Do you have a
23 question?

24 DIRECTOR ALZAHARNA: Yes. I would just
25 like to correct that that's for the FY23 budget.

1 A.G. BALDERAS: I'll note that,
2 Mr. Tedrow, that that includes '23.

3 MR. TEDROW: I'm sorry. My correction to
4 it. It's going to be for the following year. We
5 are now in 2022. So for FY2023, as submitted this
6 September 1st.

7 A.G. BALDERAS: Great. There is a motion
8 to support your presentation of the budget for
9 Fiscal Year '23.

10 Before I call for a second, I just want to
11 make sure, does this include any special project
12 money, for instance, like the job task analysis that
13 had been discussed by the Board? Or is this
14 strictly a base budget for staffing?

15 DIRECTOR ALZAHARNA: That budget will
16 include the -- it's noted in red on that page. When
17 the time comes for the special appropriation, it'll
18 include the request for that \$1.5 million.

19 A.G. BALDERAS: Thank you for that
20 clarification.

21 A motion to support Member Tedrow to
22 support Fiscal Year '23 presentation of the budget
23 now being our statutory role, is there a second to
24 Board Member Tedrow?

25 SHERIFF MENDOZA: Mr. Chair, I hate to

1 hold up the process. This is Sheriff Mendoza. I
2 wanted to make one comment. With the positions, I
3 noticed the hourly rate. And I want to make sure
4 that we're not requesting the base starting salaries
5 on those positions, and maybe mid-range, or else
6 we're going to put ourselves in a position there, I
7 think, when it comes to recruitment.

8 But I just want to make that comment
9 before we get the second.

10 A.G. BALDERAS: Well, Madam Director, are
11 these midpoints?

12 DIRECTOR ALZAHARNA: Good question. It's
13 how DPS budgeting does it. The Chief may be able to
14 do that. What I do is ask for projections when I
15 give it.

16 I know if the positions are filled, they
17 are based on what the actual person in that position
18 right now is making. If it's vacant or a position
19 that doesn't exist yet, I don't know if it's at
20 minimum or midpoint.

21 CHIEF JOHNSON: Yeah. I mean, it's --
22 most of you know, it's a wonky system, in that the
23 budget folks know how to do it, and they put it in
24 there how they see it.

25 And then -- so there's never really any

1 exact dollar amount. It's a projection based on the
2 category. And so, yeah, I mean that's what it is.

3 And one question I did have, and I think
4 maybe the Director can answer, when we get to the
5 vote -- I'm sorry, Tedrow. You're going to lose
6 your train of thought. I apologize.

7 Obviously, some of these positions are
8 created; is that correct? We don't have these on
9 the books currently.

10 DIRECTOR ALZAHARNA: We don't have any of
11 them on the books as far as the Board. They are
12 listed as DPS positions.

13 CHIEF JOHNSON: Okay. So that we all
14 understand that this has a SPO approval component as
15 well. Just so everybody understands that, too;
16 so...

17 A.G. BALDERAS: Yeah, I -- Mr. Tedrow --
18 and I lean on you, because I know we go way back as
19 friends. So I'm really just giving you a problem
20 here that I wouldn't want to present.

21 Can you -- is there a way to retract
22 the -- just modify the -- the voting approval of the
23 budget presentation, but with maybe some of those --
24 maybe contingencies or factors that -- where Sheriff
25 Mendoza -- and you were alluding to it in your

1 motion -- the understanding that the budget may
2 shift, that we're supportive of real equity in
3 salary levels, the AG is noting that this is a
4 severely underfunded budget as to our priorities as
5 a board in terms of the adequacy of oversight and
6 training, but -- or if you believe that it weighs in
7 some of those protest positions from the Board as
8 far as direction. I'll defer to you if you think
9 that motion is adequate.

10 I just -- I want to make sure that the
11 Board knows that it's not voting on the exact, that
12 we endorse the salary levels, or that we are somehow
13 endorsing that this is full funding of this agency,
14 because I don't believe it's full funding. But it
15 is an important start.

16 So I just convey those concerns to Board
17 Member Tedrow for his brilliant assessment of the
18 motion.

19 MR. TEDROW: Well, thank you, Mr. Chair.
20 And I think being that it's my motion, I can go
21 ahead and amend my own motion or accept something as
22 a friendly amendment.

23 I would like to amend my motion on
24 approval. And I don't like to use the word
25 "contingency." I would like to say that it is

1 the -- the Board's recommendation that not only we
2 approve the motion as being presented, but we also
3 ask that the Director, in reviewing salaries, keep
4 in mind that it's important for recruitment and
5 retention purposes that when we're talking salaries,
6 at least, that we're basing it off of a next year's
7 midpoint range.

8 I think every agency can tell you that,
9 Director, that it's important to have that
10 flexibility. And that flexibility would be there
11 just based off of the general number. But what it
12 could affect is your ability of hiring the people
13 you want. It may mean you can pay up to mid.
14 However, it may mean you're only getting four
15 instead of five people that you wanted to be able to
16 do that.

17 So I think based on the motion as I've
18 requested from this Board, I think just a little
19 guidance that goes with it.

20 We would ask that before September 1st,
21 the numbers be checked and that we're looking at a
22 midpoint, at least in the recommendations when it
23 comes for salaries. That way, the Board -- excuse
24 me. That way, the Director has the ability to
25 adjust and hire appropriately.

1 So I think that that's where I would leave
2 my motion at this point, and I think it addresses
3 Sheriff's concerns as well.

4 A.G. BALDERAS: Thank you, Board Member.

5 There is a motion to support -- from the
6 Board, support Director Alzaharna's budget request,
7 also with the advisement and direction that she
8 confirm appropriate salary levels and make those
9 adjustments throughout the budget process as she
10 deems fit.

11 Is there a second to supporting Board
12 Member's motion pertaining to the Fiscal Year '23
13 budget?

14 DR. GREEN: Mr. Chair, this is Bobbie
15 Green. I second that motion.

16 A.G. BALDERAS: Thank you, Board Member
17 Green.

18 There is a motion and a second to support
19 Director Alzaharna's budget for Fiscal Year '23.

20 If we can do now a roll call vote.

21 MS. MEDRANO: Balderas.

22 A.G. BALDERAS: For.

23 MS. MEDRANO: Tedrow.

24 MR. TEDROW: For.

25 MS. MEDRANO: Gurule.

1 CHIEF GURULE: For.

2 MS. MEDRANO: Johnson.

3 CHIEF JOHNSON: We are not golfing. So
4 yes.

5 MS. MEDRANO: Mendoza.

6 SHERIFF MENDOZA: Yes.

7 MS. MEDRANO: Green.

8 DR. GREEN: Yes.

9 A.G. BALDERAS: Well, thank you, Director.
10 You have our support. Good luck with the beginning
11 of this budget process.

12 And I do -- I want to commend you.
13 There's going to be a lot of -- as the Chief said,
14 there's a lot of interest from the Legislature on
15 priorities. And I think that we are all willing to
16 support increased resources.

17 And so we look forward to working with you
18 during the legislative session and the budgetary
19 process.

20 ITEM NO. 6: NEXT SCHEDULED BOARD MEETING
21 SEPTEMBER 2, 2021

22 A.G. BALDERAS: I'd like us to now go to
23 Item No. 6. We have a date for September 2nd. If
24 there is no opposition to that, I just wanted to
25 offer that as a friendly target for our next

1 meeting.

2 CHIEF JOHNSON: Mr. Chair, Tim Johnson.
3 Can I make a quick -- I've got to get.

4 But if we could just make sure -- we're
5 meeting internally tomorrow, so I'm going to need
6 Director Alzaharna to give the write-up to me by
7 close of business today.

8 Like we normally do it here, obviously the
9 dollar figure, the positions, what they will
10 actually do and how they will benefit the program,
11 just a short write-up on all of that so I have some
12 justification come Monday.

13 A.G. BALDERAS: Great.

14 Director, you can be assistive of that
15 request, right, to get him the info today?

16 DIRECTOR ALZAHARNA: Yes, I'll give him a
17 call right after this to get an example so I can get
18 it to him.

19 A.G. BALDERAS: Excellent.

20 Okay. Well, before I take a motion to
21 adjourn, I understand that some officers were
22 involved in their line of duty in an active shooting
23 at this point, and there's some concern for the
24 safety of officers in the State of New Mexico as
25 we're speaking.

1 So we appreciate you, Chief, hanging in
2 there with us, as there's a critical emergency right
3 now playing out involving APD. And so our well
4 wishes and our hopes and thoughts go with Sergeant
5 Anderson as well, who was not able to conclude this
6 meeting.

7 But it is a real reminder of how important
8 it is to fully fund this function. But there is a
9 serious matter pending at this point.

10 ITEM 7: ADJOURNMENT

11 A.G. BALDERAS: And so with that, I'll
12 entertain a motion to adjourn. And I want to thank
13 you all for your time and this thoughtful discussion
14 on the budget process.

15 MR. TEDROW: Mr. Chair, this is Rick
16 Tedrow. At this time, I will go ahead and make a
17 motion to adjourn.

18 And I would just like to reach out to the
19 Director and let her know that if she needs
20 assistance with the budget, just let me know.
21 You're going down a path that we do every year. So
22 I'm -- I'm quite familiar with it. If you need
23 assistance, just reach out.

24 DIRECTOR ALZAHARNA: Thank you.

25 A.G. BALDERAS: Thank you, Board Member

1 Tedrow.

2 He's made a motion to adjourn. Is there a
3 second?

4 DR. GREEN: Yes, Mr. Chair. This is
5 Bobbie Green. I second.

6 A.G. BALDERAS: Thank you, Dr. Green.
7 There is a motion and a second to adjourn.
8 We might as well finish with a roll call vote. I'm
9 in favor of adjourning.

10 MS. MEDRANO: Tedrow.

11 MR. TEDROW: Yes.

12 MS. MEDRANO: Gurule.

13 CHIEF GURULE: Yes.

14 MS. MEDRANO: Johnson.

15 CHIEF JOHNSON: Yes, ma'am.

16 MS. MEDRANO: Mendoza.

17 SHERIFF MENDOZA: Yes.

18 MS. MEDRANO: Green.

19 DR. GREEN: Yes.

20 A.G. BALDERAS: Motion to adjourn passes.

21 We'll see you soon at the next meeting. And like I
22 said, thank you guys for all your hard work and
23 these important discussions. Have a good morning.
24 Bye-bye.

25 (This meeting adjourned at 10:30 a.m.)

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REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD, held in the State of New Mexico, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on September 7, 2021.

Cynthia Chapman

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