

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD MEETING
TUESDAY, JULY 14, 2020
10:00 A.M.

VIRTUAL MEETING:
[https://www.gotomeet.me/NMLB/nmlb-
videotelephonic-rulemaking-hearing-meeting-ju](https://www.gotomeet.me/NMLB/nmlb-videotelephonic-rulemaking-hearing-meeting-ju)
BY PHONE:
1 877 568 4106 Access Code: 398-637-557

CALL TO ORDER: Chair Molly Manzanares approximately 10:06 a.m.

ROLL CALL:

Molly Manzanares, Chair
Tobin Dolan, Vice Chair
John Conniff, Secretary
Rita Padilla-Gutierrez, Board Member
Kathy Longinaker, Board Member

Edward Torres, Board Member
Tara Vander Dussen, Board Member
Tony Casados, Jr., Board Member
Morgan Switzer-McGinley, Board Member,
(joined after lunch recess)

Quorum Established

NMLB STAFF PRESENT:

Belinda Garland, Executive Director
Shawn Davis, Deputy Director
Leif Rasmussen, Interim Legal Counsel
Julie Gauman, IT
Andrew Silva, CFO

Gary Mora, Area 3 Supervisor
April Riggs, Area 2 Supervisor
Troy Patterson, Area 4 Supervisor
Barry Allen, Area 1 Supervisor
Mary Catey, IPRA/Public Outreach

VISITORS:

Nancy Henry
Dina Reitzel, Beef Council
E.D. Edwards
Nancy Edwards
Katie Goetz

Hank Grizzle
Troy Sauble
Jonas Moya, NM Cattle Growers
Tiffany Rivera, NM Farm & Livestock Bureau

APPROVAL OF AGENDA:

Secretary Conniff moves to approve the agenda. Board Member Vander Dussen seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes
Board Member Padilla-Gutierrez – Yes
Board Member Longinaker – Yes
Vice-Chair Dolan – Yes

Board Member Casados – Yes
Board Member Torres – Yes
Board Member Vander Dussen – Yes
Board Member McGinley – Absent

Motion to approve agenda passes 7-0.

ANNOUNCEMENT BY EXECUTIVE DIRECTOR GARLAND:

Public comments will be held to 2 minutes and then the speaker will be muted. For Item #5 (Public Comment), the public may comment on any agenda items except Item #6 (Public Hearing), and may comment on any other matters. Public Hearing comments will only be heard during that item discussion.

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APPROVAL OF MINUTES:

Minutes from the June 10, 2020 Board Meeting presented. Board Member Vander Dussen moved to approve the June 10, 2020 board meeting minutes. Secretary Conniff seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to approve minutes passes 7-0.

PUBLIC COMMENT:

Nancy Henry made public comment. Asked for clarification of public comment rules. Belinda Garland replied. Ms. Henry expressed concern about new board and executive director. Feels there is non-responsiveness to requests for responses to complaints she has emailed.

PUBLIC HEARING – PUBLIC COMMENT ON PROPOSED AMENDMENT TO 21.32.10 NMAC, SECTION 14:

Nancy Henry wanted to point out that this has come about due to her formal complaints to former state auditor Wayne Johnson. She feels cash wasn't making it to bank and it wasn't being done within 24 hrs. And problem was that banks were not available. Ms. Henry stated that there were in fact Wells Fargo banks in the rural areas she has pointed out.

ADOPTION PROPOSED AMENDMENT TO 21.32.10 NMAC, SECTION 14:

Board Member Padilla-Gutierrez moved to approve the Amendment. Vice-Chair Dolan seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to add Section 14 to 21.32.10 NMAC passes 7-0.

FINANCIAL UPDATE:

Discuss/Act Budget Adjustment Request (BAR) from Reserve Fund to General Fund to Purchase and Outfit Pickups:

Mr. Andrew Silva, Chief Financial Officer, presented information on Budget Adjustment Request (BAR) from Reserve Fund to General Fund to Purchase and Outfit Pickups (\$650,000.00). Board Member Padilla-Gutierrez had concerns on trade-in value of current pickups and trading in pickups with only 120,000 miles. Board Member Torres asked about leasing vehicles and pros and cons vs. purchasing

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vehicles. Executive Director Belinda Garland responded to these board questions and concerns. Board Member Longinaker asked about researching vehicle values online to compare to current proposed trade-in value. CFO Silva responded that we previously did silent bid auctions that we only sold for around \$3500 at best and that the trade-in offer is good for the condition of the vehicles being traded-in. CFO Silva stated that due to the rural areas and rough roads the vehicles do not last as long as vehicles used on highways. CFO Silva also stated safety for our inspectors while in their vehicle is very important. Board Member Padilla-Gutierrez asked about getting proposals from other dealers. Executive Director Garland explained that Melloy is the best deal on a state contract. Board Member Casados asked about keeping other vehicles over 90,000 miles. Executive Director Garland stated we will only keep the best for remaining backup inventory. CFO Silva stated plan is to put funds back in our budget request for FY22 for \$300,000 to \$350,000 which is about 10 vehicles per year. CFO Silva stated the Capital Outlay Hearing members told the NMLB that keeping vehicles with 135,000 miles was ridiculous for a state vehicle and that former FY21 appropriation of \$500,000 was line item vetoed by the Governor. Board Member Casados asked about where the \$500,000 went in our budget. Executive Director Garland explained that it was never granted and was vetoed. Executive Director Garland also explained that monies left in general funds can be swept by LFC/DFA. Board Member Padilla-Gutierrez asked about buying diesel vehicles vs gasoline vehicles. Board Member Longinaker explained that vehicle wear is more dependent on rough roads not just engine wear and that a diesel engine would not help that situation. Board Member Casados moved to approve the BAR. Secretary Conniff seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – No	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to approve the budget adjustment passes 6-1.

Discuss/Act Budget Adjustment Request (BAR) from Reserve Fund to General Fund to Purchase Lapel Cams and Cloud Access and Storage:

CFO Silva presented information on BAR from Reserve Fund to General Fund to Purchase Lapel Cams and Cloud Access and Storage (\$100,000.00). Deputy Director Davis presented information regarding the new bill that was enacted requiring the use of body cameras for law enforcement. Deputy Director Davis explained we have a 90 day period to have a platform up and running for law enforcement activity only. He stated that cost for systems is around \$30,000 and \$70,000 per year and the law came through as an unfunded mandate. He stated the cost is more based on the software and storage of files. Board Member Vander Dussen expressed concerns about use of the body cameras on dairy facilities. Deputy Director Davis stated that the draft agency policy would identify that regulatory or day to day activity would not require use of body cam and that inspectors would only use during law enforcement activity and investigations. Executive Director Garland stated that the draft policy will be presented at the September meeting. Board Member Padilla-Gutierrez stated that it's mandated so we should comply and she would support it. Board Member Casados stated that the law is clear cut for officers responding

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for calls of service and law enforcement encounter and he supports it. Vice Chair Dolan asked about how many law enforcement officers we have and about piggy backing on another law enforcements system. Deputy Director Davis expressed that using another agency's system may be difficult due to retention and IPRA, but that we are in talks with DPS and Game and Fish. Board Member Padilla-Gutierrez moved to approve the BAR. Board Member Torres seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to approve the budget adjustment passes 7-0.

Discuss/Act Approve Horse Rescue Fund Committee disbursement recommendations:

Deputy Director Davis presented information to Approve Horse Rescue Fund Committee Disbursement Recommendations. Deputy Director Davis discussed that at the Committee Meeting on July 1st, 2020, the allocation was to go to 10 rescues that were licensed in 2019 with the amount of \$2,140 per rescue. The remaining balance will be \$1.72 after the funds are allocated. Board Member Padilla-Gutierrez moved to approve the disbursement. Board Member Longinaker seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to approve the disbursement passes 7-0.

JUNE SPECIAL LEGISLATIVE SESSION – MEAT INSPECTION:

Executive Director Garland gave an update regarding the June special session and the bill to reinstate the state meat inspection division. The bill was not passed. NMDA is finalizing feasibility study and questionnaire to industry. Will possibly gather more information for September meeting. The bill will most likely be sponsored again in the January session.

ALTERNATIVE TO BRANDING CATTLE:

Committee members Shawn Davis, Barry Allen, Tara Vander Dussen, Beverly Idsinga, and Molly Manzanares met 3 times prior to this meeting. Dairy producers that supply to Fairlife under milk contracts will lose contracts if they brand cattle due to ethical reasons. The purpose of the proposed amendments approved by the committee will be to define "Confined Feeding" in regards to a Dairy Operation and to allow a Dairy Producer to move cattle from one Confined Feeding to another without branding.

Board Member Vander Dussen moved to bring the rule change proposal to Public Hearing. Vice-Chair Dolan seconds the motion.

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ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member McGinley – Absent

Motion to bring the proposal to Public Hearing passes 7-0.

REQUEST FOR REIMBURSEMENT Armendaris Ranch/Mr. E.D. Edwards:

E.D. Edwards was in attendance to answer any questions regarding the board's review and decision regarding reimbursement. Deputy Director Davis clarified response by NMLB to Armendaris about the initial gathering of the estrays.

Board Member Casados moved to deny reimbursement to the Armendaris Ranch. Board Member Padilla-Gutierrez seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Absent
Board Member Longinaker – Yes	Board Member Vander Dussen – No
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to deny reimbursement to the Armendaris Ranch passes 5-1.

REQUEST FOR REIMBURSEMENT Bersani Ranch/Ms. Lori Lindsay:

Troy Patterson Region 4 Regional Operations Manager (ROM), presented information regarding this stray. Lori Lindsay was not in attendance. Board Member Casados was concerned that Lori Lindsay asked to be on agenda but did not attend.

Vice-Chair Dolan moved to table the discussion until more information is gathered. Secretary Conniff seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to table the discussion passes 7-0.

CLAIMS FOR ESTRAYED LIVESTOCK:

Bobby Clouthier Estray #114-1-05322:

April Riggs Region 2 ROM, presented the information regarding this stray.

Board Member Casados moved to recommend payment to Mr. Clouthier. Vice-Chair Dolan seconds the motion.

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ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados– Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – No	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to recommend payment to Mr. Clouthier passes 6-1.

Anthony Gonzales Estray #173-1-00396:

April Riggs Region 2 ROM, presented information regarding this estray.

Vice-Chair Dolan brought it to the Board that the incident report was not in the Board Book. Deputy Director Davis advised that the voice recording in the case file was also not provided to the Board. Vice-Chair Dolan moved to not recommend payment to Gonzales. Board Member Padilla-Gutierrez stated that she could not make a judgement without the incident report. Vice-Chair Dolan withdrew his motion to not recommend payment.

Board Member Longinaker moved to table the issue until the incident report can be provided. Board Member Padilla-Gutierrez seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados– Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to table the issues passes 7-0.

Hank Grizzle Estray #030-6-09708:

Gary Mora Region 3 ROM, presented the information regarding this estray. Hank Grizzle was in attendance to present his case for payment.

Board Member Casados moved to deny payment to Mr. Grizzle. Vice-Chair Dolan seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados– Yes
Board Member Padilla-Gutierrez – No	Board Member Torres – No
Board Member Longinaker – No	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to deny payment to Mr. Grizzle passes 4-3.

Tom Jessop Estray #114-1-05221:

April Riggs Region 2 ROM, presented the information regarding this estray.

Board Member Casados moved to recommend payment to Mr. Jessop. Secretary Conniff seconds the motion.

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ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to recommend payment to Mr. Jessop passes 7-0.

Larry Romero Estray #086-A2-10346:

April Riggs Region 2 ROM, presented the information regarding this estray. Board Member Padilla-Gutierrez moved to recommend payment to Mr. Romero. Secretary Conniff seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Absent

Motion to recommend payment to Mr. Romero passes 7-0.

LUNCH BREAK:

Chairperson Manzanares moves to break for lunch at approximately 12:30pm and return at 1:15pm. All in favor.

Chairperson Manzanares calls the meeting to return from lunch break. All members present. Morgan Switzer-McGinley has also joined the meeting. Board Meeting resumes at approximately 1:15pm.

Sauble Ranch Co. Estray #081-19-03147:

April Riggs Region 2 ROM, presented the information regarding this estray. Troy Sauble was in attendance to present his case for payment. Board Member Casados moved to recommend payment to Sauble Ranch Co. Board Member Padilla-Gutierrez seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados – Yes
Board Member Padilla-Gutierrez – Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen – Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Yes

Motion to recommend payment to Sauble Ranch Co. passes 8-0.

Eddie Walker Estray #173-1-00377:

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April Riggs Region 2 ROM, presented the information regarding this estray. Secretary Conniff moved to recommend payment to Mr. Walker. Board Member Switzer-McGinley seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados– Yes
Board Member Padilla-Gutierrez –Yes	Board Member Torres – Yes
Board Member Longinaker – Yes	Board Member Vander Dussen,– Yes
Vice-Chair Dolan – Yes	Board Member Switzer-McGinley – Yes

Motion to recommend payment to Mr. Walker passes 8-0.

STATE VETERINARIAN'S REPORT:

Dr. Zimmerman, State Veterinarian, is out of town TB testing. His report was included in the Board Book for the Board to review.

DEPUTY DIRECTOR'S REPORT:

Deputy Director Shawn Davis addressed the Board on the press-worthy cases including the two horses shot in the Mora area and the slaughtered pony in Corrales, which the NMLB is actively investigating.

EXECUTIVE DIRECTOR'S REPORT:

Executive Director Belinda Garland assured the Board that the office staff is being diligent in COVID-19 spread mitigation and following the Governor's Health Orders. No directive regarding fairs has been given by the Governor at this time. Brand renewals are going well and 12,543 brands have been processed as of this morning. Some renewals are still lingering from 2017 and 2014. Most of the ones have been processed so far have been done on the website. The NMLB office is still closed to the public, unless by emergency appointments. Bids for a new office space are being taken at this time. Legal actions before the board are being addressed efficiently. Six inspector positions have been tested for. The NMLB received 45 applicants and many have passed the written test. Outreach activity is on-going. Garland and Davis met with Dina at the Beef Council. Garland and Davis met with the NM Cattle Growers Association. Garland and Davis will travel to Santa Teresa to observe the port and meet with Mr. Daniel Manzanares. In March, the Board agreed to meet on September 10th, 2020 for the next Board Meeting.

The winter NM Cattle Growers December meeting is not finalized at this time. Will wait to decide about the December meeting until they decide about their meeting.

CLOSED EXECUTIVE SESSION:

Board Member Longinaker moved to go into Closed Executive Session Pursuant to 10-15-1 (H) (7) Threatened and Pending Litigation. Board Member Casados seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Casados– Yes
Board Member Padilla-Gutierrez –Yes	Board Member Torres – Yes

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Board Member Longinaker – Yes
Vice-Chair Dolan – Yes

Board Member Vander Dussen – Yes
Board Member Switzer-McGinley – Yes

Motion to go into Closed Executive Session passes 8-0. Meeting closes at approximately 1:45pm.

RETURN FROM EXECUTIVE SESSION:

Board Member Vander Dussen moved to leave Closed Executive Session. Secretary Conniff seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes
Board Member Padilla-Gutierrez –Yes
Board Member Longinaker – Yes
Vice-Chair Dolan – Yes

Board Member Casados– Yes
Board Member Torres – Yes
Board Member Vander Dussen – Yes
Board Member Switzer-McGinley – Absent

Motion to leave Closed Executive Session passes 8-0. Meeting re-opens at approximately 2:45pm.

Nothing else was discussed in Executive Session other than items listed on agenda. Motion by Board Member Casados that nothing else was discussed. Board Member Vander Dussen seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes
Board Member Padilla-Gutierrez –Yes
Board Member Longinaker – Yes
Vice-Chair Dolan – Yes

Board Member Casados– Yes
Board Member Torres – Yes
Board Member Vander Dussen – Yes
Board Member Switzer-McGinley – Absent

Motion that nothing else was discussed passes 7-0.

BOARD CONCERNS:

None discussed.

ADJOURNMENT:

Executive Director Garland introduced new Executive Director of NM Cattle Growers Jonas Moya. Mr. Moya introduced himself and thanked the Board.

Vice-Chair Dolan moved to adjourn the Board Meeting. Board Member Vander Dussen seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes
Board Member Padilla-Gutierrez –Yes
Board Member Longinaker – Yes
Vice-Chair Dolan – Yes


Board Member Casados– Yes
Board Member Torres – Yes
Board Member Vander Dussen – Yes
Board Member Switzer-McGinley – Absent

Motion passes to adjourn the meeting 8-0. Meeting adjourned at approximately 2:55pm.

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APPROVAL:



John Conniff, Secretary



Molly Manzanaras, Chair