

**Martin Luther King Jr. State Commission Regular Meeting**  
**Minutes of Friday, November 8, 2024, at 1:00 pm**

**Call to Order**

The meeting was called to order by Chairman West at 1:06 p.m.

**Commission Introductions and Verification of Commissioners**

The Roll of Commissioners was called, as follows:

Commissioners Present:

Chairman Little V. West (Speaker of the House appointee)  
Vice Chair Constance Williams (Governor appointee)  
Commissioner Joseph Dabney, III (Governor appointee)  
Commissioner Joseph Cotton (House Minority Leader appointee)  
State Treasurer Laura Montoya, *ex officio*  
Secretary of State Maggie Toulouse Oliver, *ex officio*  
PRC Chairman Pat O’Connell, *ex officio*  
Human Right Bureau Director Hazel Mella, Ph. D., *ex officio*

Commissioners Absent:

Commissioner Oscar Robinson (Senate Minority Leader Appointee)  
Cabinet Secretary Josett Monette, *ex officio*

Commissioners Arriving Late:

Commissioner Ahdohny Routheni (Senate President *pro tem* appointee) (arriving at 1:12 P.M.)

**Establishment of Quorum.**

8 commissioners being present, Chair West announced a quorum was present.

**Approval of the Agenda**

On approval of the agenda, Commissioner Joseph Cotton moved, and State Treasurer Laura Montoya seconded, approval of the agenda. The roll was called and the motion to approve the agenda passed, with all eight Commissioners present (West, Williams, Cotton, Dabney, Montoya, Oliver, O’Connell, and Mella) voting in favor.

**Approval of the Minutes from January 12, 2024**

Commissioner Joseph Cotton moved, and State Treasurer Laura Montoya seconded, approval of the minutes from January 12, 2024. The motion passed with a vote of 1 in favor with 8 abstentions (Cotton voting in favor, and West, Williams, Routheni, Dabney, Montoya, Oliver, O’Connell, and Mella, abstaining) *See Attachment 1.*

## **Approval of the Minutes from October 18, 2024**

Commissioner Joseph Cotton moved, and State Treasurer Laura Montoya seconded, approval of the minutes from October 18, 2024. The motion passed with a vote of 9 in favor (West, Williams, Routheni, Cotton, Dabney, Montoya, Oliver, O’Connell, and Mella). ***See Attachment 2.***

## **Dr. King Minute.**

Commissioner Routheni provided the Commission with a Dr. King Minute, reminding the Commissioners of Dr. King’s important work with fair housing, including the history of the Fair Housing Act of 1968 and his work with the National Association of Real Estate Brokers.

## **Public Comment**

There was no public comment.

## **Informational Only Items From the Chair.**

Chairman West announced that the Chair, Vice Chair and Acting Director of the Commission agreed to establish a financial control procedure of the commission whereby all expenditures would be monitored and controlled by mutual review and agreement by those three officials. Commissioner Cotton asked if this applied to all expenditures of the Commission; the Chair confirmed that the procedure applied to every expenditure during this transitional period, pending potential modification of the procedure by the full Commission. Commissioner Cotton stated that he disagreed with the financial control procedure established by the Chair, Vice Chair and Acting Director and considered it to be micromanagement; the Chair indicated to Commissioner Cotton that the Commission could make an appropriate motion later in the meeting to modify the authority of the Acting Director to make expenditures if he felt it to be appropriate later in the meeting. Deputy Attorney General Jimenez here noted for the Commission that the Commission itself must undertake the responsibility to exercise all oversight over the Commission’s finances because the Commission is not attached to any other agency and cannot rely on any other agency to exercise such oversight. The Chair then stated that later in the agenda the Commission would have the opportunity to decide the extent to which it would allow the Acting Director to have authority to make expenditures without prior approval from the Commission’s officers and that the Commission’s leadership team did not feel it would have been appropriate to allow the Acting Director to make expenditures without prior approval of the Commission’s officers without the approval of the full Commission as a whole.

The Chair announced that he anticipated that the Executive Director Search Committee would submit a formal report to the full Commission at the December meeting outlining the formal process for hiring an Executive Director. While the process will ultimately be recommended by the Committee and will be subject to final approval by the full Commission, the Chair announced his expectation that, in broad strokes, the position would be posted for several weeks starting after the 2025 King Day, with the Executive Director Search Committee considering applications

submitted and recommending finalists to the full Commission for consideration by the March 2025 meeting of the Commission.

The Chair announced that he expected to appoint a Strategic Planning Committee at the December meeting to spearhead the New Day @ MLK Initiative. The Chair announced that he expected the committee would undertake a 5 year planning process and accept public comment on what the Committee's priorities should be in pursuing its mission statewide. The Chair asked any interested Commissioners to be in touch with him about serving on the Committee.

Before the Chair could address the topic of Commission vacancies, it was noted that Commissioner Routheni had indicated a willingness to serve as Secretary and the Commission unanimously elected him to serve in the role.

The Chair congratulated Commissioner Routheni on his election as Secretary. The Chair also thanked all the Commissioners for their service as Commissioners. The Chair also extended his special thanks to the State Treasurer and her staff for their recent support of the Commission.

### **Acting Executive Director's Report**

The Commission received a report from Acting Executive Director Beverly A. Gaines, B.S. *See Attachment 3* (Executive Director's presentation). Acting Director Gaines reported on the status of the FY 2023 Audit and resolutions of all findings therefrom, as well as the status of the 2024 Audit. Acting Director Gaines provided a Budget update to the Commission, covering FY 2025 Appropriations, FY 2025 expenditures through 10/18/24 and FY 2025 from 10/18/24 through 11/18/24. The Commission also received a recommendation from Acting Director Gaines relating to the 2025 Budget Appropriations request to the Legislative Finance Committee. Acting Director Gaines also addressed the support she has received from Floating CFO Lisa Jennings. The Acting Director also noted that the Annual Report is due by December 1, 2024.

### **New Business.**

State Treasurer Laura Montoya moved, and Commissioner Joseph Cotton seconded, to authorize the Chair and Acting Director to Submit a Legislative Finance Committee Budget Request for FY 26. The motion was carried by a vote of 9-0. (West, Williams, Cotton, Routheni, Dabney, O'Connell, Montoya, Toulouse Oliver, Mella voting in the affirmative).

State Treasurer Laura Montoya moved, and Commissioner Joseph Cotton seconded, to approve the Open Meetings Act Resolution as drafted by Deputy Attorney General Jimenez. The motion was carried by a vote of 8-0. (West, Williams, Cotton, Routheni, Dabney, O'Connell, Montoya, Mella, voting in the affirmative; Toulouse Oliver excused). *See Attachment 4* (final, approved resolution).

State Treasurer Laura Montoya moved, and Commissioner Mella seconded, to amend the Policies and Procedures of the Commission to clarify that a non-officer member of the Commission may receive travel reimbursements to the extent permitted by state law. The motion

was carried by a vote of 9-0. (West, Williams, Cotton, Routheni, Dabney, O’Connell, Montoya, Toulouse Oliver, Mella voting in the affirmative).

State Treasurer Laura Montoya moved, and Commissioner Mella seconded, to authorize the Acting Director to approve expenditures of up to \$5,000, with approvals of \$5,000 or more requiring approval of the entire Commission. The Chair asked for clarification of whether that motion applied only to funding requests or to all expenditures; the State Treasurer clarified that the motion applied to all expenditures. The Chair then raised the issue of potential for conflicts under policies and procedures in case the Acting Director would be conflicted out of approval of a funding request from an organization where she was a member and suggested, in such a case, that the motion might contain an option for the Acting Director to designate a disinterested Commissioner to approve a conflicted funding request under \$5,000 in her stead. After discussion, during which Deputy Attorney General Jimenez again noted that the Commission must undertake the responsibility to exercise all oversight over the Commission’s finances because the Commission is not attached to any other agency and cannot rely on any other agency to exercise such oversight, the motion was not amended to include such an option for the Acting Director. The motion was carried by a vote of 9-0. (West, Williams, Cotton, Routheni, Dabney, O’Connell, Montoya, Toulouse Oliver, Mella voting in the affirmative).

### **Executive Session**

Commissioner Cotton moved to proceed to the next item on the agenda, *i.e.* “Action to convene in closed session to discuss: a. limited personnel matters, specifically the Executive Director Performance and Resignation pursuant to Open Meetings Act, NMSA 1978, Section 10-15-1(H)(2). and b. Attorney client privilege discussion pertaining to pending litigation, pursuant to Open Meeting Act, NMSA 1978, Section 10-15-1 (H)(7)”, seconded by Commissioner Dabney. The motion was carried by a vote of 9-0. (West, Williams, Cotton, Routheni, Dabney, O’Connell, Montoya, Toulouse Oliver, Mella voting in the affirmative). The Commission went into Executive Session. Commissioner O’Connell left the meeting during Executive Session.

### **Open Session**

Chair West confirmed that the meeting was publicly streaming and recording.

State Treasurer Montoya stated that nothing was discussed in closed session except those matters related to items 4a and 4b on the agenda. State Treasurer Montoya moved to convene in open session, seconded by Commissioner Routheni. The motion was carried by a vote of 8-0. (West, Williams, Cotton, Routheni, Dabney, Montoya, Toulouse Oliver, Mella voting in the affirmative). The Commission returned to open session.

### **Any action required as a result of the Closed Meeting**

None.

**Next Meeting**

The Commissioners briefly discussed the date for the next meeting and agreed that it would be held on Friday, December 13, at 11:00 a.m.

**Adjournment**

Without objection, the meeting was adjourned.