



Minutes
New Mexico State Fair Commission Regular Meeting
November 9, 2023
African American Performing Arts Center
300 San Pedro NE – NM State Fairgrounds
Albuquerque, NM

Call to Order: The meeting was called to order by Chairman Serna at 10:00 a.m.

Roll Call: Michele Clement called the roll.

The following Commissioners were present:

Chairman Eric Serna
Commissioner Benny Roybal
Commissioner Carol Cloer
Commissioner Tony Casados
Commissioner Walter Adams

The following Commissioners were absent:

Commissioner Larry Chavez

The following Staff was present:

Dan Mourning, General Manager
Joseph Holloway, Deputy Manager
Chris Machin, General Counsel

Pledge of Allegiance: The pledge of allegiance was led by Commissioner Cloer

New Mexico State Flag Pledge: The New Mexico State Flag pledge was led by Commissioner Cloer.

Approval of Agenda: the agenda was approved on a motion from Commissioner Adams and seconded by Commissioner Casados, all voted in the affirmative.

Approval of Minutes of August 5, 2023 Regular Meeting: The minutes from the August 5, 2023 regular meeting were approved on a motion from Commissioner Adams, seconded by Commissioner Roybal, all voted in the affirmative.

Introduction of Guests:

Mariah Wilson, NM Arabian Horse Association
Tom Denslow
Robert Goff
Danielle Wilson
Justin Carmona, Albuquerque City Councilor Fiebelkorn's Office

Public Comment:

Mariah Wilson- NM Arabian Horse Association Horse Show

Mrs. Wilson stated that she wanted to thank Chairman Serna and Commissioner Roybal for the invitation to come and speak to the Commission once again. Mrs. Wilson added that she did not want to talk about the past but wanted to discuss what the future holds. Mrs. Wilson added that she felt the purpose of the Horse Shows during the State Fair should be about money, revenue, if she was to look at it from the perspective of a commissioner. Mrs. Wilson stated that it is has been her goal to insight change and transparency by speaking with the Commission about the New Mexico State Fair Horse Shows. Mrs. Wilson stated that she had reached out to the Horse community in New Mexico and as a result of her outreach she had seen much better networking and growth in the community.

Mrs. Wilson stated that she will be having a Multi-breed horse show in 2024 and the plan was to have the show in Santa Fe once again but that she would like to discuss having the show during the 2024 New Mexico State Fair instead.

Mrs. Wilson stated that planning for the New Mexico State Fair Horse shows should begin in December and added that beginning the planning in December was very important to reach the timelines for registration and fees for the different disciplines. Mrs. Wilson stated that the Fair should hire a Horse Show manager now and added that she would be willing to take on that position if the Fair is interested.

Chairman Serna stated that he would like for State Fair management to meet with Mariah to discuss her interest in being the New Mexico State Fair Horse Show manager and added that he would like to see a robust horse show with participation from the horse show community in New Mexico. Chairman Serna added that he appreciates the energy and tenacity of Mrs. Wilson.

General Manager Mourning stated that he would be happy to sit down and have conversation with Mariah and others. General Manager Mourning added that he has some ideas and suggestions as well.

Danielle Wilson- Animal Activist

Ms. Wilson stated that she was at the Commission meeting to talk with the commission about the Shriners' Circus and asked that the commission not have the circus back again. Ms. Wilson added that the animals are treated very badly, they are chained most of the time and can be very dangerous if they get loose. Ms. Wilson stated that many national circuses have done away with the animal portion of their shows and have gone to just human acts, including some of the other Shriner Circus' around the country. Ms. Wilson stated that Albuquerque and Santa Fe had outlawed circuses with wild animals such as elephants, lions, tigers, bears. Ms. Wilson also added that there is a law that makes it illegal to transport wild animals on Albuquerque city streets but is not enforced.

Ms. Wilson stated that the Shriners claim to be a charitable organization but no one can prove where the money goes. Ms. Wilson stated that she felt that the profits leave town and they the spend money in other places than New Mexico.

Commissioner Casados asked for clarification that Ms. Wilson was asking the commission to do away with the wild animals at the circus that kids love to see? Commissioner Casados added that he does not want to see these animals taken away from kids.

Ms. Wilson stated that kids could see wild animals at the Zoo, that is what they are for. Ms. Wilson added that she would request that the commissioners go see behind the scenes to see how the animals are treated.

Commissioner Adams stated that he thought the circuses had to follow rigorous protocols, licensures, and procedures. Commissioner Adams asked if General Manager Mourning could address those procedures.

General Manager Mourning stated that any animal acts in New Mexico have to go through rigorous procedures. General Manager Mourning stated that he personally had not seen any cruelty to the animals. General Manager Mourning stated that he had visited with met with City Councilor Fiebelkorn and asked for her office to provide viable options.

Commissioner Adams stated that he appreciated Ms. Wilson for coming today to present to the Commission and added that nobody on the commission or a part of State Fair management would support cruelty to animals but felt this was two different things.

Tom Denslow- Shriner's Circus

Mr. Denslow thanked the Commission for the opportunity to speak with them and wanted to address two things; First, in the 70 plus years that the Shriners have had a Circus there has never been an issue with the animals. Mr. Denslow assured the commission that the animals are very well taken care of, there is an onsite Veterinarian, and the animals are very well fed. Mr. Denslow added that he would be happy to give a backstage tour for the Commissioners, during which they can see the animals and talk with trainers. Mr. Denslow stated that circus has to meet certain standards and they go above and beyond the requirements both at the state and federal level. Second, The Shriners have been in New Mexico for the past 100 years and during that time have supported three major hospitals in the country and Mr. Denslow assured the Commissioners that the money goes to care for kids from New Mexico, Arizona, Colorado and Texas.

Report from State Fair Attorney:

Enabling legislation: General Counsel Machin began his report by stating that he had researched the legislation directly related to the powers and responsibilities of the New Mexico State Fair Commission as requested at the previous Commission meeting.

General Counsel Machin stated that he had researched New Mexico Statute Chapter 16, Parks, Recreation and Fair, Sections 16-6-2 and 16-6-15 and also research whether or not there are other statutes, rules or policies that may have an effect on the powers and duties of the commission.

General Counsel Machin stated that there are other statutes in NMAC/MAPS that do affect some of the commission powers because the State Fair is an executive branch agency and is required to follow those statutes and rules as such.

General Counsel Machin continued his report by discussing 16-6-4- Section A- Annual State Fair Event and 16-6-4- Section B- State Fair. General Counsel Machin stated that the duties listed in this statute have been delegated to general manager pursuant to Title 4, Chapter 3 of the NMAC.

Commissioner Roybal asked at this time if General Counsel Machin had a printout of his presentation for the Commission to be able to follow along.

General Counsel Machin stated that he did not have copies of his presentation for the Commissioners at this time but could provide them with the information after the meeting.

General Counsel Machin continued by stating that 16-6-4 Section B-2 which addresses the hiring/firing of officers/employees was superseded by State Personnel Office rules which govern standards/procedures, for classified employees. General Counsel Machin added that the Commission does not have the authority to appoint "At-Will" employees, such as the General Manager which is appointed by the Governor and serves at the pleasure of the governor's office, not at the pleasure of the State Fair commission.

Commissioner Casados asked if the information General Counsel Machin was presenting was in writing somewhere? Commissioner Casados asked what is the role of the commission?

Commissioner Roybal stated at this time that he did not think that the commission wanted anything specific but there has been some confusion about the role of the commission and added that the commission wanted something that the commission could review as a commission to identify the job duties and roles of the commission. Commissioner Roybal added that there are two new members of the commission who have asked for this information during the last couple of meetings.

Commissioner Roybal asked for information from General Counsel Machin in black and white which gives an overall view of role and responsibilities of the State Fair Commission and added that it would have been nice to have something in front of them to review and ask questions about during today's presentation.

Commissioner Roybal stated that the General Manager of the State Fair has a job to do and the Commission doesn't want to get involved in the day-to-day duties but the commission would like to have a clear idea of their role and responsibilities.

General Counsel Machin stated that he understood at this time that the commission wanted him to prepare a report which clearly outlines the role and responsibilities of the State Fair Commission. General Counsel Machin stated that he will now move forward with that report.

Commissioner Roybal asked that General Counsel Machin provide that report sooner than later to prepare any questions that the Commissioners may ask for next meeting.

General Manager Mourning stated that he wants what is best for the State Fair and wants to work with the Commission. General Manager Mourning added that he appreciates the insight and expertise of commissioners but added that Staff also has expertise and works very hard all year long.

State Fair Management Report:

Financial Report: CFO Smouse

CFO Smouse stated that Staff are busy closing out the Fair financials, which is usually done by December. CFO Smouse added that she planned on having those numbers available to the commission at the next meeting. CFO Smouse added that she anticipates that the Audit Report will be available for the next meeting as well.

Chairman Serna asked when the Audit is due.

CFO Smouse stated that Audit is due December 1, 2023 after which the State Auditor's office will review the State Fair Audit report and approve it before it is released.

- **Contracts-**

Commissioner Roybal stated that he would like a list of all contracts in Share.

Commissioner Roybal stated that the commission would like this list to know where the Fair is spending our money.

CFO Smouse stated that she will get that report to Commissioner Roybal for the FY23 and FY24 time frame.

Managers' Report: General Manager Mourning

Expo NM:

General Manager Mourning stated that there have been several successful recent events including:

- The \$uicideBoy\$ concerts were a great success with back-to-back sold out shows on Oct. 27 and 28
- Bareknuckle Fighting Championships
- Bosque Chile Fest
- New Mexico Brew Fest
- Bruja Fest

General Manager Mourning added that Expo New Mexico continues to serve as a great community-wide partner, by hosting a mobile voting site for Bernalillo County and serving as a food distribution point for Roadrunner Food Bank in the near future.

General Manager Mourning stated that as further evidence of our commitment to community and statewide service through collaboration and partnership, Expo NM has recently entered into an agreement with the New Mexico National Guard to host future Youth Challenge sessions at EXPO New Mexico. The program which originated in Roswell will now have a central location where youth from all over the state can live and train for future careers. It is a free 17-month program that can now reach an entirely new population of young people, including at risk youth who are eager for the opportunity to build meaningful skills including high demand job skills, with training and education provided by CNM. The partnership is supporting a renovation of our

youth dorms in order to provide adequate housing for program participants and will ultimately benefit 4-H fair competitors who stay in the dorms during our Annual Event.

New Mexico State Fair:

General Manager Mourning stated that the 2023 New Mexico State Fair had been a success and provided the Commission an overview of the 2023 Fair “By the Numbers”:

- ✓ Final attendance of this year’s event was 465,000.
- ✓ Revenues generated by spectacles increased approximately 33.8% compared to last year.
- ✓ Increased sponsorship activities resulted in an increase in cash to the Fair of approximately \$154,000 as compared to last year.
- ✓ This year, over 400 exhibitors returned to the fair with approximately 2,000 livestock entries. This year’s sale yielded over \$710,000 for 4-H and FFA youth. This was by far the highest grossing sale in State Fair History.
- ✓ With an additional 593 art entries as compared to last year, revenue from Art Department sales were up by approximately \$50,000.
- ✓ The State Fair increased its revenue generated by the carnival by \$200,000.
- ✓ Our volunteer program was a resounding success, with three times the number of volunteers signing up to augment staffing at the Fair as compared to last year. In total, we had nearly 700 volunteers join us at this year’s Fair. Local high schools made up the majority of our volunteer force and were able to use their volunteer hours to raise money for their clubs.
- ✓ As a result of our successful partnership with local brewer Ex Novo Brewing Company, the official beer of the State Fair, Dusty Spur, was very successful and sold around 600 cases statewide.
- ✓ The Sensory Station continues to be popular among families and fairgoers with an important focus on providing options for kids and adults with special needs and anyone who is feeling overstimulated or overwhelmed by crowds and high traffic events. There were approximately 3,000 visitors to the Sensory Station during the run of the Fair.
- ✓ The Fair set a new record for competitive entries and had nearly 15,000 participants in our School Days program.

General Manager Mourning continued his report by highlighting a few outstanding facts and events from the 2023 Annual Event:

- The 2023 New Mexico State Fair was the safest Fair on record. There were no felony incidents and only four misdemeanor arrests.
- The New Mexico State Fair continues to be the home of all things New Mexico, illustrated by CBS national news visiting the Fair to sample and feature many of our green chile offerings.
- This year, the State Fair rolled out several new attractions and events including the Beef Jerky Competition, the Slingshot Ride, Comedy Nights at the Fair in partnership

with Dry Heat Comedy Club, selfie stations and new spectacles including shark and stingray encounters, and Tumbleweed Crossing Wild West Comedy Gun Fight Show.

- The New Mexico State Fair teamed up with American Idol and Ozz Karaoke for the New Mexico State Fair Idol Competition. The top-three finishers earned a video audition with American Idol producers.
- The Red-Carpet Theatre in Lujan C was an extremely popular exhibit. It featured a red-carpet photoshoot, props used in movies and TV shows provided by CNM Ingenuity, special effects makeup tutorials by Alessi Casting, a WWII era ambulance used in *Oppenheimer*, the New Mexico Film Office, educational content about movies and TV shows filmed in New Mexico and a video that included trailers for movies that were shot in New Mexico.
- This year's Rodeo/Entertainment lineup was strong with unique up-and-coming artists, classic country concerts, and exciting rodeo options. The introduction of the new Invitational Ranch Rodeo was a great addition which included a few local competitors and was a real crowd-pleaser.
- The PRCA Rodeo was showcased on the Cowboy Channel this Fair, with 4 streamed rodeo performances and 1 live performance which aired during the final stand-alone matinee Rodeo held on Sunday, September 17, 2023. The New Mexico State Fair rodeo is ranked in the top 60 rodeos which is due to the strong partnership with our Rodeo Contractor HiLo Pro Rodeo.
- The Fair has submitted several pieces of media for IAFE awards. The awards will be announced on November 16, 2023.

General Manager Mourning opened the floor up for questions or comments from the Commissioners. There were none at this time.

Discussion Items

- Status of Liquor RFP: General Manager Mourning stated that the Liquor Company RFP is currently out to bid, submittals are due today.
- Budget- State Fair Entertainment- Tingley Coliseum
Commissioner Roybal stated that he asked to have this on the agenda and added he would like to know how the budget for entertainment was determined.
General Manager Mourning stated that the budget depends on the type of artists we are looking for and added that the process of scaling which is the value of the cost of a particular artist and how many seats can be sold, at what price?
Commissioner Roybal asked if General Manager Mourning developed a list of potential artists beforehand?
General Manager Mourning stated that Sabrina Garza, Events Manager attended the IEBA conference each year to talk with agents about developing a list of potential artists taking into consideration routing issues. Ms. Garza asks for a list of artists starting at \$500,000.00 and below. That list will include, Country, rock and roll, new age/alternative bands/artists. General Manager Mourning added that Ms. Garza also looks

at Pollstar Magazine to see how an artist performed at similar venues to Tingley Coliseum. Ms. Garza also looks at artists who have performed at other local venues in New Mexico to see how they performed in the last year.

Chairman Serna stated that maybe General Manager Mourning could look at an artist that is big enough to sell out the gate but still lose money because there are many other places on the fairgrounds where fairgoers could spend some money. Chairman Serna thought this might be worth trying.

General Manager Mourning stated that he did not disagree with Chairman Serna and added that this idea maybe something to look at.

- Upcoming out-of-State Conferences for 2023 and 2024:
General Manager Mourning stated that the conference information listed below was provided per the request of the commission. General Manager Mourning added that several staff members have been scheduled to attend these conferences, many for the first time, to learn more about the Fair Industry in general and learn more about their particular area of interest.
 - International Association of Fairs and Expos (IAFE)- November 26-29, 2023 will be held in Salt Lake City, Utah.
 - Professional Rodeo Cowboys Association (PRCA)- December 4-7, 2023 will be held in Las Vegas, Nevada.
 - Western Fairs Association (WFA)- January 4-6, 2024 will be held in Anaheim, California.

General Manager Mourning stated that if any of the commissioners were interested in attending any of the conferences mentioned above, they should work with Ms. Kulinna to make reservations and travel arrangements.

- Carnival Contract: No discussion at this time.

Executive Session- Closed Executive Session: to discuss those matters listed on the agenda as closed, pursuant to section 10-15-1 (H).

Matters pertaining to threatened or pending litigation-

- a. Threatened litigation regarding RFP for Carnival

Commissioner Roybal made a motion that the Commission go into closed executive session to discuss only those matters listed on the agenda as closed, pursuant to section 10-15-1 (H7). The motion was seconded by Commissioner Cloer.

Chairman Serna stated that the Commission is back in open session and affirmed that the Commission discussed only the matters specified in the motion to close the meeting in accordance with Section 10-15-1 (J).

Chairman Serna called for a vote to return to Open session from the Commission: Commissioner Adams-voted in the affirmative, Commissioner Casados-voted in the affirmative, Commissioner

Cloer- voted in the affirmative, Commission Roybal voted in the affirmative, Chairman Serna voted in the affirmative.

Discussion of Meeting Calendar:

Commissioner Adams stated that he would like to discuss selecting dates for the upcoming commission meetings in 2024 and asked will the commission meet quarterly/bi-monthly?

Chairman Serna stated that he thought the method being used right now was working, he calls the commissioner to check on their availability. Chairman Serna added that it is often hard to plan that far ahead.

Commissioner Roybal reminded the Commission that they had to meet on the first Monday of each new year per statute. Michele Clement confirmed that the date was January 8, 2024. Commissioner Roybal stated that he would agree to bi-monthly meetings.

Commissioner Adams suggested that at the January 8, 2024 meeting they could discuss the meeting calendar.

Discussion of Agenda Items of Next Meeting: No discussion at this time.

Adjournment: The meeting was adjourned at 1:41 p.m. on a motion from Commissioner Adams, seconded by Commissioner Roybal, all voted in the affirmative.