

**MINUTES OF THE  
NEW MEXICO COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
December 7, 2004**

The New Mexico Commission of Public Records convened at 9:04 a.m., Tuesday, December 7, 2004, at the New Mexico State Library, Archives and Records Center, 1205 Camino Carlos Rey, in Santa Fe, New Mexico.

**MEMBERS PRESENT:**

Stanley Hordes, Ph.D., Chair	Historian
Kathy Rubio	Representing the Honorable Rebecca Vigil-Giron, Secretary of State
Thaddeus Bejnar	Supreme Court Law Librarian
Deborah Moll	Designee for Edward J. Lopez, Jr., Secretary, General Services Department

**MEMBERS ABSENT:**

The Honorable Domingo Martinez	State Auditor
The Honorable Patricia Madrid	Attorney General
Bergit Salazar	Representing the Director, Museum of New Mexico

**STAFF PRESENT:**

Roberta Joe	Assistant Attorney General
Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Ruben Rivera	Administrative Assistant
John Martinez	Director, Administrative Law Division
Leo Lucero	Agency Analysis Bureau Chief, Records Management Division (RMD)
Joseph Valdez	Records Management Analyst, RMD
Lisa Sandoval	Records Management Analyst, RMD
Estevan Rael-Gálvez, Ph.D.	State Historian
Dennis Trujillo, Ph.D.	Assistant State Historian

**GUESTS:**

Bill Taylor	Director, Property Control Division, General Services Department
Richard Akeroyd	State Librarian, State Library

## **CALL TO ORDER:**

Chairman Hordes called the meeting to order at 9:04 a.m.

## **APPROVAL OF THE AGENDA:**

Chairman Hordes proposed to the Commission that the order of the agenda be changed to allow Mr. Bill Taylor, Director of the Property Control Division, General Services Department, to present his report under Old Business, Item A "Building Issues," before the Action Items. Ms. Roberta Joe, Assistant Attorney General responded that such a change was permissible as long as it was noted at the beginning of the meeting so that everyone was made aware of the change in the order of the agenda. Ms. Sandra Jaramillo informed the Commission that the Attorney General's Office had requested that executive records retention and disposition schedule for the Attorney General's Office be removed from the agenda due to an incomplete review of the schedule by the agency. The Commission agreed, and the schedule was removed from the agenda. Chairman Hordes then entertained a motion for the approval of the agenda. Ms. Deborah Moll so moved. Mr. Thaddeus Bejnar seconded the motion. The agenda was approved.

## **APPROVAL OF THE MINUTES: August 24, 2004**

Chairman Hordes had some corrections to make. The first correction was under Members Absent: the name of Al Lama, Vice Chair, who is no longer with the Attorney General's Office was to be replaced with "The Honorable Patricia Madrid." The second correction was on page two, Item II Approval of the Agenda, lines three and four. The wording was changed to read, "In the process of trying to get in contact with the Civil Division to find out who would represent the Attorney General's Office." The third correction was on page two, line two, under Item III. Approval of the Minutes: May 25, 2004. The wording was changed to read, "Ms. Moll moved approval of the minutes." The fourth correction was on page two, line four; the wording was changed to read, "Chairman Hordes called for a motion to approve the minutes as amended." The fifth correction was on page four, line two, Item IV, Action Items, Strategic Plan 2005-2009; the word "wa" was changed to "was." The sixth correction was on page five, second paragraph, line four, Item V, Old Business, Confidential Records; the wording was changed to read, "The bill made it through the House but failed in the Senate." The seventh correction was on page five, third paragraph, line seven, under Senate Joint Memorial 10 – State Ownership of Former Land Grants; the wording was changed to read, "Mr. Torrez also clarified information regarding the encomienda system, which was not an allocation of land, but a means of exacting tribute via Indian labor." The eighth correction was on page five, third paragraph, line nine; the wording was changed to read, "The paragraph pertained to the legitimacy of the Cruzate land grants." The ninth correction was on page five, paragraph four, line one, "Dr. Galvez" was changed to "Dr. Rael-Galvez." The tenth correction was on page five, paragraph five, line one. "Attorney General's Office" was replaced with, "United States General Accounting Office's." The last correction was on page five, paragraph five, line four; the wording was changed to read "Also, Chairman Hordes mentioned the unrealistic expectation of the legislature to expect a huge volume for the study when there was zero appropriation for Senate Joint Memorial 10." Chairman Hordes entertained a motion for the approval of the minutes of August 24, 2004, as

corrected. Ms. Moll so moved. Ms. Kathy Rubio seconded the motion. The motion passed; the minutes were approved as corrected.

## **ELECTION OF OFFICERS**

The Chair opened the floor for nominations for Chair, Vice-chair and Secretary. Mr. Bejnar nominated Dr. Hordes for Chair. Ms. Moll seconded the motion. The motion passed. Mr. Bejnar nominated Ms. Moll for Vice-Chair. Ms. Rubio seconded the motion. The motion passed. Ms. Moll nominated Mr. Bejnar for Secretary. Ms. Rubio seconded the motion. The motion passed.

Before proceeding to next order of business, Ms. Jaramillo introduced Dr. Dennis Trujillo as the new Assistant State Historian. Dr. Trujillo thanked the Commission for the warm welcome and said he looked forward to working with the agency.

## **OLD BUSINESS**

### *Building Issues*

Ms. Jaramillo introduced Mr. Bill Taylor, Director of the Property Control Division. Mr. Taylor provided the Commission with an update on unresolved building issues. Mr. Taylor stated that the renovation of the office space on the first level for the Office of the State Historian had been delayed due to staffing shortages at the General Services Department. As a result there has been a delay in the completion of architectural drawings for the project. He reported that preliminary drawings would be completed by the middle of December by an outside vendor, M & E Engineering. Mr. Taylor also explained that before the project could be let out to bid, the Board of Finance would need to approve the budget for the renovation. The amount appropriated by the legislature for the project was \$45,000. However the total amount of the renovation was expected to be \$185,000. Mr. Taylor informed the Commission that Property Control had identified additional funds that could be used to complete the project, and barring any other delays, he anticipated the project could be completed as early as March 2005.

Mr. Taylor proceeded to report on other unresolved building issues. He reported that Property Control had contracted with M & E Engineering to look at correcting deficiencies in the mechanical room above the micrographics area in Building B and also to address cooling requirements for the server room. Ms. Jaramillo stated she felt that the floor in the mechanical room would have to be re-sealed or problems in that area with water leaks would persist. Mr. Taylor stated the floor would be resealed, but that the drain would have to be realigned prior to resealing the floor. Dr. Hordes asked when the work would be completed. Mr. Taylor stated he did not have a schedule yet. He also reported that Great Western had completed the installation of smoke detectors, strobe lights and pull stations identified as deficiencies in the Fire Marshal's report of October 2002. Mr. Taylor informed the Commission that lighting rods had been installed in Building B and that funding had been identified to conduct a drainage study for the site and that work was expected to begin the first of the year. Chairman Hordes inquired about repairs to the exterior south wall along no-name street and also about the landscaping around the building. Mr. Taylor reported that funds had not yet been identified to complete either the repair of the wall or landscaping.

Ms. Jaramillo introduced Mr. Richard Akeroyd, State Librarian, who also voiced the Library's concern over the lack of landscaping and the deplorable condition of the south exterior wall. Chairman Hordes thanked Mr. Taylor for his report and stated the Commission appreciated his attendance. Dr. Hordes asked if he would please update the Commission at their next meeting. Mr. Taylor stated he would be glad to do so.

## **ACTION ITEMS**

Ms. Jaramillo introduced Mr. Joseph Valdez who presented amendments to 1.15.2 NMAC, General Retention and Disposition Schedule (GRRDS) for General Administrative Records. Mr. Valdez informed the Commission that there were two substantive changes; two record series were added to the schedule and were reflected in 1.15.2.208 NMAC, *Material Safety Data Sheets* and 1.15.2.709 NMAC, *Methylene Blue Test Forms*. Chairman Hordes entertained a motion for the approval of the amendments. Mr. Bejnar so moved. Ms. Rubio seconded the motion. The motion passed.

Mr. Valdez also presented amendments to 1.15.3 NMAC, General Government Administrative Records Retention and Disposition Schedule for use by local government and educational institutions. Mr. Valdez stated the same two record series were added to the general administrative schedule in use by local governments, municipalities, and educational institutions throughout New Mexico. The new series were contained in 1.15.3.208 NMAC, *Material Safety Data Sheets* and 1.15.3.709 NMAC, *Methylene Blue Test Forms*. Chairman Hordes entertained a motion for the approval of the amendments. Mr. Bejnar so moved. Ms. Moll seconded the motion. The motion passed.

Mr. Valdez presented the repeal and replacement for 1.18.369 NMAC, Executive Records Retention and Disposition Schedule (ERRDS) for the Commission of Public Records - State Records Center and Archives. Corrections were made to include a new definition for non-record and a change on the retention for 1.18.369.62 NMAC, *Methylene Blue Test Forms*, was changed to read, "until superseded by new test results." Chairman Hordes entertained a motion to repeal the existing schedule and to adopt the new replacement schedule 1.18.369 NMAC, as corrected. Ms. Rubio so moved. Ms. Moll seconded the motion. The motion passed.

Ms. Jaramillo introduced Ms. Lisa Sandoval who presented the repeal and replacement for 1.18.927 NMAC, ERRDS School for the Deaf. Ms. Sandoval stated that the schedule had been reviewed by legal counsel assigned to the New Mexico School for the Deaf. Chairman Hordes entertained a motion to repeal the existing schedule and to adopt the new replacement schedule of 1.18.927 NMAC. Ms. Moll so moved. Ms. Rubio seconded the motion. The motion passed.

## **OLD BUSINESS (continued)**

### **Amendment to Public Records Act**

Ms. Jaramillo reported that she and Chairman Hordes had met with Raul Burciaga and Paula Tackett of the Legislative Council Service to discuss amendments to the Public Records Act. Proposed changes include: new definitions for *personal identification*

*information, records custodian and records retention and disposition schedules.* It also adds a new section. Subsection A of that section provides for access to confidential records that are required by a records retention and disposition schedule to be maintained longer than 25 years. After 25 years from the date of creation, the records may be accessible to the public with certain exceptions. Those exceptions are:

- personal identification information deemed confidential by law, shall remain confidential for 100 years after date of creation, unless a shorter duration is otherwise provided by law;
- records that are confidential pursuant to Section 2-3-13 NMSA 1978
- records that are confidential pursuant to Section 18-6-11.1 NMSA 1978; and
- records the disclosure of which is prohibited by court action or federal law.

Subsection B of the new section stipulates that the provisions are not to be construed to limit or remove the authority of a records custodian under the Inspection of Public Records Act to release or withhold a public record.

Chairman Hordes entertained a motion to approve the changes as presented by Ms. Jaramillo. Ms. Rubio so moved. Ms. Moll seconded the motion. The motion was approved. The Commission instructed Ms. Jaramillo to find a sponsor for the bill. Ms. Jaramillo stated that Ms. Tackett had recommended Senator Sanchez.

### **Senate Joint Memorial 10**

Ms. Jaramillo reported to the Commission that pursuant to the provisions of SJM 10 she presented a report to the Land Grant Committee at its October meeting. The meeting was held in Taos on October 21, 2004. Committee members in attendance included Senator Bernadette M. Sanchez, Chair, Senator Richard C. Martinez, Representative Debbie A. Rodella, and Representative Ben Lujan. Ms. Jaramillo stated she had relayed the concerns of the Commission to the Land Grant Committee. In particular the need to clearly define what state owned property fell within the scope of the project and that funds be appropriated by the Legislature to finance a thorough and detailed research study to determine chain of title of the property identified in the Torrez report. She reported that the Land Grant Committee accepted the report and thanked the Commission of Public Records.

### **EXECUTIVE SESSION**

Chairman Hordes entertained a motion to go into executive session to discuss limited personnel matters pursuant to Paragraph 2 of Subsection H of Section 10-15-1 NMSA 1978. Ms. Moll so moved. Ms. Rubio seconded the motion. Mr. Rivera took a roll call vote of the Commissioners. Dr. Hordes voted yes; Mr. Bejnar voted yes; Ms. Moll voted yes; and Ms. Rubio voted yes. The Commission went into executive session at 10:12 a.m. and came out of executive session at 10:25 a.m. Chairman Hordes continued by stating the executive session was held for discussion of limited personnel matters pursuant to paragraph 2 of subsection H of section 10-15-1 NMSA 1978 and no other issues were discussed through the course of the Executive Session.

Mr. Bejnar moved that the Commission award a raise to the Executive Director (Ms. Jaramillo) based on the maximum percentage that can be given to an exempt employee. Ms. Rubio seconded the motion. The motion passed.

## **DIRECTOR'S REPORT**

Ms. Jaramillo referred Commissioners to their packets for the first quarter performance measures report. She then reported on personnel changes: Mr. Ruben Rivera was promoted from Administrative Assistant to Management Analyst with the Agency Analysis Bureau; Ms. Rita Seeds resigned her position as Human Resource Officer, and the vacancy had been advertised; Mr. Cody Misplay was hired as the new Computer Systems Analyst; Ms. Gail Cross was hired as the new Secretary in the Archives and Historical Services Division; Ms. Angela Lucero was hired as Director for Records Management Division; and Dr. Dennis Trujillo was hired as Assistant Historian.

Ms. Jaramillo reported that the agency had received an award from the Department of Finance and Administration. The *Accounting Function Responsibility Award* was granted to the New Mexico Commission of Public Records financial team (Ms. Judi Hazlett, Ms. Mary Ann Baca, and Ms. Kathy Mattison) on September 24, 2004 in recognition of the agency achieving the standards set forth in 2.20.5 NMAC.

She also reported to the Commission that the agency was working with the Human Services Department, and the Taxation and Revenue Department on an Electronic Document Management System project funded by the Legislature as a multi-agency project. The Commission received \$180,000 to conduct an assessment of the electronic records environment in state government. A joint-powers agreement was being negotiated by the three agencies: the agreement would define how the project would be affected. Ms. Jaramillo stated that she had contacted Ms. Roberta Joe who had reviewed the agreement and had made several suggestions.

Lastly, Ms. Jaramillo reported on Archives Week. She reported that it was very successful. Attendance was up significantly compared to the previous year.

## **IX. SCHEDULING OF NEXT MEETING**

The next Commission meeting will be held Tuesday, March 29, 2005.

## **X. ADJOURNMENT**

Chairman Hordes entertained a motion for adjournment. Ms. Moll so moved. Ms. Rubio seconded the motion. The motion passed. The meeting was adjourned at 10:40 a.m.