

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
June 21, 2005**

The State Commission of Public Records convened at 9:00 a.m., Tuesday, June 21, 2005, at 1209 Camino Carlos Rey, Santa Fe, New Mexico.

MEMBERS PRESENT

Stanley Hordes, Ph.D., Chair	Historian
Deborah Moll	Designee for Edward J. Lopez, Jr., Secretary General Services Department
Zachary Shandler	Designee for the Honorable Patricia Madrid, Attorney General
Linda Medina	Representing the Honorable Domingo Martinez, State Auditor
The Honorable Rebecca Vigil-Giron	Secretary of State
Thaddeus Bejnar	Supreme Court Law Librarian

ABSENT

Bergit Salazar	Representing the Director, Museum of New Mexico Cultural Affairs Department
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STAFF PRESENT:

Alvin Garcia	Assistant Attorney General
Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Darlene A. Torres	Administrative Assistant
John Martinez	Director, Administrative Law Division
Angela Lucero	Director, Records Management Division (RMD)
Daphne Arnaiz-DeLeon	Director, Archives and Historical Services Division
Estevan Rael-Gálvez, Ph.D.	State Historian
Andrew Mackowski	Human Resource Officer
Leo Lucero	Agency Analysis Bureau Chief, RMD
Joseph V. Valdez, II	Records Management Analyst, RMD
Lisa Sandoval	Records Management Analyst, RMD
Ruben Rivera	Records Management Analyst, RMD

GUESTS

Arlene Bustos	Taxation and Revenue Department (TRD) Motor Vehicle Division
Casandra Sena	Taxation and Revenue Department (TRD) Motor Vehicle Division
Bill Taylor	General Services Department (GSD) Property Control Division

CALL TO ORDER

Chairman Hordes called the meeting to order at 9:00 a.m.

APPROVAL OF THE AGENDA

Chairman Hordes asked Ms. Jaramillo if there were any changes to the agenda. Ms. Jaramillo indicated there were none. Chairman Hordes entertained a motion for the approval of the agenda. Mr. Bejnar so moved. Ms. Medina seconded the motion. The agenda was approved.

APPROVAL OF THE MINUTES – March 29, 2005

Chairman Hordes complimented staff on the minutes. Chairman Hordes entertained a motion for the approval of the minutes of March 29, 2005. Ms. Moll so moved. Ms. Medina seconded the motion. There was discussion about the minutes, and Mr. Shandler asked for a correction on page 3, paragraph 3, in the second to the last sentence. The minutes were corrected to read "Mr. Shandler" instead of "Mr. Zachary." The minutes were approved as corrected.

ACTION ITEMS

Records Retention and Disposition Schedules

Ms. Jaramillo introduced Ms. Lisa Sandoval, who presented the repeal and replacement of 1.18.601 NMAC, Executive Records and Retention Disposition Schedule (ERRDS) for the Commission on the Status of Women. Ms. Sandoval handed out corrections to the schedule that was included in the Commissioners' packets. Ms. Sandoval explained that the corrections reflected minor changes to the descriptions of records series in Sections 1.18.601.22 and 1.18.601.25. Mr. Bejnar asked Ms. Sandoval when the rule would become effective; Ms. Sandoval replied July 27, 2005. Chairman Hordes then entertained a motion for approval of the repeal and replacement. It was so moved by Mr. Shandler and seconded by Ms. Moll. The motion passed.

Ms. Jaramillo introduced Ms. Angela Lucero who presented the amendment to the General Administrative Records Schedule, 1.15.2 NMAC, Electronic Mail. The amendment was not included in the packets and was distributed to the Commissioners at the meeting. Ms. Lucero indicated the amendment was required partially due to the consolidation of email services in state government and to clarify that "sent" and "received" email messages containing information that qualify them as public records are subject to retention. Ms. Lucero also indicated that because email servers were now maintained by the General Services Department and not by individual agencies, agencies were no longer required to purge email messages from the server when retention had been met. Since this appeared to be an information technology function and not a records management function purging email servers was no longer a requirement. Mr. Bejnar indicated that he preferred the use of "transitory value" rather than the use of the term "non-record" because state employees did not know what the term "non-record" meant. He stated that transitory value was more descriptive than non-record and employees would know what it meant. Mr. Bejnar also stated that the schedule should not be determined by actions taken by the CIO's office. He also questioned why changes had not been made to the General Administrative, Local Government and Education retention schedules that also contained retention items for email messages. Mr. Bejnar indicated that uniform language regarding retention was required in all

three schedules. Ms. Jaramillo indicated that the changes to the schedule had been at her request. After further discussion on the use of term non-record in lieu of transitory information, Ms. Jaramillo asked the Commission to table the amendment so that staff could review the other general schedules and take Mr. Bejnar's comments under consideration. Chairman Hordes entertained a motion to table the amendment. A motion to table was made by Mr. Bejnar and seconded by Mr. Shandler. The motion passed.

Ms. Jaramillo introduced Mr. Joseph Valdez who presented an amendment to 1.18.333 NMAC, ERRDS for the Taxation and Revenue Department (TRD). Mr. Valdez informed the Commission that the amendment had been requested by the agency. He then introduced Ms. Arlene Bustos and Ms. Casandra Sena, representatives from the Taxation and Revenue Department, who were present, and Chairman Hordes welcomed them. Mr. Bejnar then asked for a definition of "a transaction of limitation of action" as presented in Section 1.18.333.634 NMAC, Vehicle, Mobile Homes, and Vessel Title Transaction Files. Mr. Valdez responded that when a title is issued by TRD it constituted a transaction. The Commission then proceeded to discuss whether the retention period "15 calendar years after date of transaction limitation of action" based on the statute of limitations on real property was adequate. During the discussion it was determined that there were a number of Motor Vehicle Division (MVD) records which had not been described or scheduled in 1.18.333 NMAC. Ms. Jaramillo asked that the amendment be tabled so that Mr. Valdez could work with TRD to verify that all MVD records were appropriately captured and described. Chairman Hordes entertained a motion to table the amendment. Secretary Vigil-Giron so moved. Ms. Moll seconded the motion. The motion passed.

Ms. Jaramillo then introduced Mr. Leo Lucero, who presented an amendment to 1.18.780.16 NMAC, the ERRDS for the Crime Victims Reparation Commission (CVR). Mr. Lucero provided Commissioners with a brief description of the functions of the Crime Victims Reparation Commission. Mr. Bejnar stated that he felt records described in the CVR claim files were of informational and historical value. He then moved to amend Subsection D of 1.18.780.18 NMAC by striking out the retention for both approved and denied applications and to change the retention period to read "75 years after date application received, then transfer to archives for final review and disposition." Secretary Vigil-Giron seconded the motion to amend the language. The motion passed. Chairman Hordes then entertained a motion for approval of the amendment as a whole. The motion to approve the retention schedule, as amended, was made by Secretary Vigil-Giron and seconded by Ms. Medina. The motion passed.

Chairman Hordes then asked the Commission to move to "Old Business" to accommodate Mr. Bill Taylor, Director of the Property Control Division, who was in attendance to report on Building Issues scheduled under Old Business on the agenda.

OLD BUSINESS

Chairman Hordes indicated that the Commission was encouraged by reading the minutes of the last meeting (March 29, 2005) that indicated progress had been made in resolving some of the building issues outstanding since 1997. He indicated that he was pleased that a drainage study of the West Complex had been conducted by Dandridge Corporation and that Property Control was awaiting submittal of the final report. Mr. Taylor replied that although the drainage study had been completed it did not achieve the goals and objectives of the entire campus. He stated a

second survey would be conducted to provide a full topographic mapping and survey of the entire campus. Mr. Taylor also informed the Commission that a proposal had been received by Property Control to conduct the study; however, clarification on the cost of the survey was required and the contract on the initial proposal had to be amended. He stated that the survey would be initiated within two weeks and that the survey would be completed within 30 days, with a final report issued 45 days after completion of the project.

Mr. Taylor stated the renovation project contract had been presented to the Board of Finance at the June 14, 2005, meeting. The contract included: renovation of the empty space on the lower level as office space for the State Historian; repair of the outside wall; installation of security cameras in the upper and lower lobbies; and repair of the mechanical room floor. Mr. Taylor stated that the Board deferred taking action on the contract because the Board felt the cost for the project was too high and the members also had questions on the funding of the project. Mr. Taylor said he was working on clarifying the issues raised by the Board of Finance and that action would be taken by the Board at the July 12, 2005 meeting. He stated he felt confident the contract would be approved.

Mr. Bejnar asked Mr. Taylor for a copy of the Dandridge Report. Mr. Taylor stated he would provide the Commission with a copy. Secretary Vigil-Giron indicated that the frustration expressed by the Commission over the unresolved issues stemmed from seven years of not being able to get all parties working together to communicate and solve the problem. She expressed her concern over the potential risk to collections, the building, and artwork if the drainage issue was not resolved. Mr. Taylor apologized for the delays and indicated that Property Control was on a mission to improve service.

NEW BUSINESS

Role of the Commission of Public Records as advocates for the State Records Center and Archives (SRCA). Ms. Jaramillo indicated that the Commission had asked that this item be placed on the agenda for discussion. She stated that due to the nature of the governance structure of the agency as an independent agency, the budgetary needs of the SRCA did not receive the same level of attention as those of cabinet-level agencies. Ms. Jaramillo stated she could use the assistance of the Commissioners as advocates in support of the SRCA's FY 07 appropriation request. She indicated that the agency would be submitting expansion items in the FY 07 appropriation request for additional FTE's for the Office of State Historian, the Electronic Records Management Bureau, and the Administrative Law Division. Chairman Hordes then appointed a sub-committee to meet and devise a legislative strategy. He appointed Mr. Bejnar and Secretary Vigil-Giron. Mr. Alvin Garcia of the Attorney General's Office also volunteered his assistance.

Report on History Website. Dr. Rael-Galvez gave a brief, fifteen-minute presentation on the New Mexico History website and explained the structure of the website. He demonstrated how to navigate the website and explained how the themes of people, place, time, and story worked together to give the visitor a circular approach to history rather than a linear one. Dr. Rael-Galvez provided Commissioners with handouts explaining the project. Commissioners were pleased with the presentation and thanked Dr. Rael-Galvez for his presentation.

Report on the Electronic Records Assessment. Ms. Jaramillo handed out a summary report on the Electronic Document Management Project. She reported that the project was a multi-agency project funded initially in 2004. Participating agencies include the SRCA, Human Services Department (HSD), and the Taxation and Revenue Department (TRD). The project was divided into three phases: 1) needs assessment and planning; 2) implementation of an EDMS model; and 3) transition and closeout. She stated that the first phase of the project was completed in mid June by Optimos Inc., the contractor hired to conduct the assessment. Optimos surveyed 20 state agencies, selected by the SRCA, that included large, small, and independent agencies. Optimos provided the project team with results of the survey, including best practices in electronic records management, and functional and technical requirements for an Electronic Document Management System, as well as requirements for an Electronic Records Management System (ERMS) that could serve as a centralized electronic archive. Ms. Jaramillo introduced Mr. Tom Chavarria, Bureau Chief of Electronic Records/Micrographics Bureau, who also gave a brief presentation on Electronic Records. Secretary Vigil-Giron asked what the cost would be for implementation of an ERMS. Ms. Jaramillo replied that with hardware, software and staffing, she estimated the cost to be close to \$600,000 or more. Mr. Chavarria indicated three years ago, through an RFI, the project cost had been estimated at \$1.5 million. Ms. Jaramillo stated that funding for the ERMS would be submitted as part of a C-2 project by the SRCA, TRD, and HSD. The Commissioners thanked Ms. Jaramillo for her report.

DIRECTOR'S REPORT

Ms. Jaramillo referred Commissioners to the Director's report in their packets. She reported on recent personnel changes. Secretary Vigil-Giron inquired about the reclassification of the State Historian's position to Executive Manager. Ms. Jaramillo informed the Commission that the paper work to reclassify the position had been submitted to the State Personnel Office on June 17, 2005. She then reported on performance measures which were available for the third quarter of FY 05. The agency was meeting five out of six performance targets. Ms. Jaramillo reported on the activities of the Historical Records Advisory Board, including the ranking and funding of grant proposals by the Board at their June 17, 2005 meeting.

Ms. Jaramillo completed her report and asked if Commissioners had any questions. In reference to the third quarter action plan report included in the Commissioner packets (Action Step 2.2.1 percentage of requests for access to public records in its custody the agency is able to satisfy.) Mr. Bejnar asked what the process was for locating items missing from collections in the Archives vault, since the report indicated that of the 1,061 requests for material, eight could not be satisfied because the materials could not be located (six - photographs, 1-map, 1-unpublished dissertation). Ms. Jaramillo explained the procedures employed by staff for locating missing documents, which usually tended to be misplaced rather than missing. Ms. Arnaiz-DeLeon further explained that sometimes the card catalogs used by patrons were not exact and were based on locations in the old facility. Ms. Jaramillo informed Commissioners that every effort was made to locate misplaced materials through an annual inventory.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for Tuesday, August 23, 2005 to allow the Commission enough time to review the FY 07 Budget appropriation request that needs to be submitted by September 1, 2005. Secretary Vigil-Giron asked that staff include a 10

percent increase, across-the-board, for salaries and benefits. Ms. Hazlett indicated that agencies are not allowed to do so and that the personal services and benefits portions of budget system would have to be manipulated to produce the increases. Ms. Hazlett suggested a special appropriation. Secretary Vigil-Giron stated that the effort should be made to include the increase in the budget itself and that she added such increases in her own budget regularly. Ms. Jaramillo stated that a 10 percent increase for personnel services would be included in the FY 07 appropriation request. Ms. Jaramillo also reported that the agency had received a funding in contractual services in FY 06 to conduct a classification study for all SRCA positions.

ADJOURNMENT

Chairman Hordes entertained a motion for adjournment. Secretary Vigil-Giron so moved. Mr. Shandler seconded the motion. The motion passed. The meeting was adjourned at 11:20 a.m.