

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
August 23, 2005
As amended December 6, 2005**

The State Commission of Public Records convened at 9:00 a.m., Tuesday, August 23, 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
Linda Medina	Representing the Honorable Domingo Martinez, State Auditor
Thaddeus Bejnar	Supreme Court Law Librarian

ABSENT

Bergit Salazar	Representing the Director, Museum of New Mexico, Cultural Affairs Department
Zachary Shandler	Designee for the Honorable Patricia Madrid, Attorney General
The Honorable Rebecca Vigil-Giron	Secretary of State

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
Leo Lucero	Agency Analysis Bureau Chief, RMD

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. Ms. Moll so moved. Ms. Medina seconded the motion. The agenda was approved.

APPROVAL OF THE MINUTES – June 21, 2005

Chairman Hordes complimented staff on the minutes. Chairman Hordes entertained a motion for the approval of the minutes of June 21, 2005. Ms. Medina so moved. Ms. Moll seconded the motion. The motion was approved.

ACTION ITEMS

A) FY07 Appropriation Request

Ms. Jaramillo introduced Ms. Judi Hazlett, the Administrative Services Division Director and Chief Financial Officer, who presented the agency's FY07 appropriation request for the Commission's consideration. Ms. Hazlett began by explaining the organization of the request and describing the purposes of the two funds included in the request, the organization codes and the revenue sources cited.

She then provided an overview of the combined base budget. She noted that Governor Bill Richardson had directed agencies within his purview to submit a flat budget but that the request before the Commission was far from flat. The combined base represented an approximate 25 percent increase over FY05 actuals and an approximate 18 percent over FY06 operating budget. Several factors contributed to the increase. First was the inclusion of a ten percent increase for staff in the "Personal Services and Benefits" category, at the direction of Secretary of State Vigil-Giron and the Commission; second was the need to bring funding in the "Other" category back in line with need after two years of severe under-budgeting; third, in Fund 179, was the unexplained increase from \$35.0 to \$122.0 in the agency's fine arts premium; and, finally, was the decision to use accumulated fund balances in the revolving fund to fund acquisition of equipment. The last resulted in a major percentage increase in the revolving fund, which, in turn, affected combined budget increases. The use of fund balance for equipment acquisition, however, she stated, was not unusual and represented an historical use of the fund.

Ms. Hazlett followed with a more in-depth analysis of the request by fund and, within the operating fund, by source (general fund and federal). She concluded her presentation with a review of the four expansion items the agency was proposing for inclusion. She stressed that the first priority - a request for four management analyst positions - was tied directly to a multi-agency, information technology, special appropriation request being submitted on behalf of the three participating agencies by the Human Services Department. The request is for funding for implementation of a Statewide Electronic Content Management system to include an electronic archiving component. The three remaining expansion requests, as Ms. Hazlett explained, were for: conversion of the Grant Administrator's position from a 0.7 FTE to a full-time position (a repeat of previous requests); the addition of a management analyst in the Administrative Law Division, among other things, to help with the added work expected as a result of the passage by the 2005 legislature of the Small Business Regulatory Relief Act; and the addition of an administrative support position in the Office of the State Historian.

The Commission expressed support for the increased level of funding reflected in the request, but voiced very serious concerns over the unexplained increase in the fine arts premium. Ms. Hazlett explained that she had had a call from Don Gonzales of the Risk Management Division

after 5:00 pm on the previous day and that he had attributed the increase to the major increase in value the SRCA had placed on its archival collections. Ms. Hazlett reported that she explained to Mr. Gonzales that the agency had not reported any increase since the mid-1990s. Mr. Gonzales then stated that he would have to look further into the matter. Ms. Hazlett reminded the Commission that Risk Management had several years ago submitted a radically increased premium amount for employee liability that initially it blamed on the SRCA, but actually resulted from Risk Management adding several zeroes to the number of SRCA employees reported, and that perhaps something like that had occurred again. Members questioned how the General Services Department could impose such an increase without explanation.

Commissioner Bejnar also requested that the narrative for the Administrative Law expansion request be reworded to address the impact of the Small Business Regulatory Relief Act earlier in the discussion. Ms. Hazlett said she would make that change.

Commissioner Bejnar thanked Ms. Hazlett and her staff for a job well done. Ms. Hazlett recognized MaryAnn Baca, the Fiscal Bureau Chief, for all her help. Commissioner Bejnar moved to approve the request as presented. Ms. Hazlett asked that the motion include a provision to allow staff to make technical changes as needed. Commissioner Bejnar agreed to amend his motion to provide for such changes. Ms. Moll seconded the amended motion to approve. The motion carried unanimously, and Chairman Hordes again thanked Ms. Hazlett and staff.

B) Approval of Gift Agreements

Ms. Jaramillo stated that pursuant to the provisions of Section 14-3-5 NMSA 1978, the Commission may receive and accept donations of personal papers and records from private sources that are of value to the State and the general public for reference and historical research. She informed the Commission that donations become the property of the State of New Mexico, and acceptance of the donation is at the discretion of the Commission. Ms. Jaramillo then introduced Daphne Arnaiz-DeLeon, Director of the Archives and Historical Services Division who presented the Deeds of Gifts for the Thelma Pauline Zuber Pairsh Papers, the Agapito Olivas Family Papers and the Spanish Colonial Arts Society Records.

Mr. Bejnar asked that in the future an article be prepared by one of the Archivists explaining why the donation was of value and included in the Commission packets. That way, when reviewing the Deeds of Gifts Commissioners would have enough information to formulate questions. Ms. Jaramillo responded that in the future an article would be prepared for each Deed of Gift presented to the Commission.

Ms. Arnaiz-DeLeon stated that the first donation for the Commission's consideration was the Thelma Pauline Zuber Pairsh Papers. Ms. Pairsh was a school teacher and graduate of the New Mexico Normal School (New Mexico Highlands University). She taught school in Carrizozo, Las Colonias, and Rencona from 1927 through 1971. Included in the collection are teacher contracts, class pictures, and family pictures. Ms. Arnaiz-DeLeon displayed a 1940 class photograph of Ms. Pairsh and her students. Chairman Hordes entertained a motion to accept the Thelma Pauline Zuber Pairsh Papers. Mr. Bejnar moved to accept, and Ms. Moll seconded the motion. The motion passed.

The second Deed of Gift presented was for the Agapito Olivas Family Papers donated by Mr. Sean Olivas of Albuquerque New Mexico. Ms. Arnaiz-DeLeon stated that the collection documented the family history of Agapito Olivas in Rio Arriba County from 1834 through 1940. The collection contains documents of interest to genealogists. Chairman Hordes entertained a motion to accept the Agapito Olivas Family Papers. Mr. Bejnar moved to accept, and Ms. Moll seconded the motion. The motion passed.

The third Deed of Gift presented was for the Spanish Colonial Arts Society Records, 1913-1965. Ms. Arnaiz-DeLeon indicated that these records had been on loan to the SRCA since 1982. When discovered, the agency approached the Colonial Arts Society and asked that they formally donate the material, which they did. Mr. Bejnar moved to accept the donation, Ms. Moll seconded the motion. The motion passed.

NEW BUSINESS

Ms. Jaramillo stated that August 1, 2005 marked the fourth Anniversary of the in-house publication of the *New Mexico Register* and that Mr. John Martinez, Administrative Law Division Director would provide a brief report to the Commission on the activities of the Administrative Law Division since assuming responsibilities for the in-house publication of the *Register*. Mr. Martinez provided a brief history on the *New Mexico Register* and the *New Mexico Administrative Code* (NMAC). He stated that the agency had produced the first in-house publication of the register on August 1, 2001 and completed the NMAC website in January 2002. A paper version of the *New Mexico Register* is available at a subscription rate of \$270.00 per year or \$12.00 per issue.

Mr. Martinez informed the Commission that there are approximately 5,000 visits per week on the NMAC website. The website is updated once a month and noted that the process is lengthy. He stated that any increase in future in the number of rule filings would make it difficult, if not impossible, for the agency and the division, to complete all that is required in law without an additional analyst. Chairman Hordes thanked Mr. Martinez for his excellent presentation.

OLD BUSINESS

A) Report from Commission Subcommittee

Ms. Jaramillo stated that the subcommittee had met on July 15, 2005, and that Chairman Hordes, Secretary Vigil-Giron, Mr. Garcia, and Mr. Bejnar were all present. The committee discussed strategy and action steps that could effectively support the agency's FY07 appropriation request. For the record, Chairman Hordes pointed out that the members of the subcommittee did not constitute a quorum and therefore did not violate the Open Meetings Act.

B) Building Issues

Ms. Jaramillo informed the Commission that Mr. Bill Taylor would not be attending the Commission meeting due to an emergency and sent his apologies. She stated that Mr. Taylor had forwarded a brief report to her via e-mail. The report stated that the Board of Finance at their July 14, 2004 meeting had approved the contract with Longhorn Construction to proceed with the building remodeling project and repair of outstanding building issues. The contract

included funds to renovate the office space for the State Historian; repair of the exterior wall; installation of security cameras in the lower and upper lobbies; and resurfacing of the mechanical room floor above the micrographics area. The Longhorn contract had been routed for signatures and was to be returned to the Property Control Division, General Services Department by September 9, 2005. Once the contract is signed a "Notice to Proceed" will be issued, and the contractor can begin work within ten days. Mr. Bejnar noted that at the last meeting, a copy of the Dandridge Report was promised and wanted to know if the report has been received. Ms. Jaramillo stated the report had not yet been received. Mr. Bejnar asked if a formal request could be made to Property Control asking for a copy of the Dandridge report and expressing the agencies frustrations. Ms. Jaramillo indicated she would do so.

DIRECTOR'S REPORT

Ms. Jaramillo stated that a copy of a report prepared by the National Electronic Commerce Report Council on *Challenges in Managing Records in the Twenty-first Century* had been included with Commission packets. The report provided an excellent overview of the problems faced by government agencies in the management and disposition of electronic records. She then referred the Commission to the Directors Report included in the Commission packets for further information on personnel changes; the status of FY06 operating budget; public records destruction reports for FY 05; and the fourth quarter FY05 performance measure report.

Ms. Jaramillo stated that as an affiliate archives of the National Archives, the SRCA had received its annual inspection in July by Ms. Diane Vogt O'Conner and Ms. Eileen Bolger. Two recommendations were made; the first is to include language on the SRCA website indicating its affiliation with National Archives and Records Administration (NARA), and the second is to have SRCA Archives personnel check the identification of patrons requesting access to original NARA records. Ms. Jaramillo also informed the Commission that Ms. Vogt O'Connor had stated that the Office of the Inspector General (OIG) would be making a visit to the State Records Center and Archives sometime in September.

She further reported that a call for applications had been issued for the Office of the State Historian Scholars Program with a submittal deadline of September 1, 2005.

Information on Archives Week 2005 was also distributed to Commissioners. Chairman Hordes congratulated Ms. Arnaiz-DeLeon on her efforts regarding the upcoming Archives Week activities and Dr. Rael-Galvez for the newspaper article on the History Website in the Santa Fe New Mexican. Chairman Hordes encouraged all Commissioners to attend Archives Week activities.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for Tuesday, December 6, 2005 at 9:00 am in Santa Fe, New Mexico.

ADJOURNMENT

Chairman Hordes entertained a motion for adjournment. Ms. Moll so moved. Mr. Bejnar seconded the motion. The motion passed. The meeting was adjourned at 11:15 a.m.