

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
August 24, 2006**

The State Commission of Public Records convened its regular quarterly meeting at 9:00 a.m., Thursday, August 24, 2006, at 1209 Camino Carlos Rey, Santa Fe, New Mexico.

MEMBERS PRESENT

Stanley Hordes, Ph.D., Chair	Historian
Robert A. Mead	Supreme Court Law Librarian
Bergit Salazar	Representing the Director, Museum of New Mexico, Cultural Affairs Department
Christopher D. Coppin	Designee for the Honorable Patricia Madrid, Attorney General
Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department (GSD)
Linda Medina	Representing the Honorable Domingo Martinez, State Auditor

MEMBERS ABSENT

The Honorable Rebecca Vigil-Giron	Secretary of State
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STAFF PRESENT

Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Darlene A. Torres-Vigil	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
Ruben Rivera	Agency Analysis Analyst, RMD
MaryAnn Baca	Fiscal Officer, Administrative Services Division (ASD)
William DeLaO	Procurement Officer, ASD
Zachary Shandler	Assistant Attorney General

GUESTS PRESENT

Charles Kitay	Property Control Division, GSD
Karen W. Garcia	Energy, Minerals and Natural Resources/MMD
Mike Thomas	Energy, Minerals and Natural Resources/MMD
Selby L. Lucero	Building Services Division, GSD
Ellie Ortiz	Legislative Finance Committee

CALL TO ORDER

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

APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda. Ms. Deborah Moll so moved. Mr. Christopher Coppin seconded the motion. Chairman Hordes asked if there were any changes to or discussion of the agenda. Hearing none, Chairman Hordes called for the vote. The motion passed unanimously, with no abstentions.

APPROVAL OF THE MINUTES – June 20, 2006

Chairman Hordes entertained a motion for the approval of the minutes of June 20, 2006. Ms. Linda Medina so moved. Mr. Robert Mead seconded the motion. The motion passed unanimously, with no abstentions.

ELECTION OF COMMISSION SECRETARY (Replacement for Andrea Buzzard)

Chairman Hordes informed the Commission that the members needed to elect a replacement for the Commission Secretary, Andrea Buzzard, who was no longer representing the Attorney General on the Commission. He identified the duties of the Secretary by stating they were substantial and included signing off on new Records Retention and Disposition Schedules approved by the Commission. Chairman Hordes opened the floor for nominations for Secretary. Ms. Moll nominated Mr. Mead. Ms. Medina seconded the motion. Hearing no other nominations, the Chair called for the motion. The motion passed unanimously, with no abstentions.

OLD BUSINESS: DRAINAGE STUDY FINAL REPORT AND BUILDING ISSUES

Chairman Hordes stated that, if there were no objections, the Chair would like to move to **Old Business: Drainage Study Final Report and Building Issues** since Mr. Charles Kitay, of the Property Control Division (PCD) of the General Services Department (GSD) was present.

Ms. Sandra Jaramillo introduced Mr. Kitay, who in turn introduced Mr. Selby Lucero, Deputy Director of the Building Services Division (BSD) of the GSD. Chairman Hordes welcomed the gentlemen on behalf of the Commission. Ms. Jaramillo proceeded by asking Mr. Kitay to clarify any differences between the draft report reviewed by the Commission at its June 2006 meeting and the final report. She also asked how Building Services and Property Control planned to address the required repairs.

Mr. Kitay informed the Commission that the final report was received the previous Friday (August 18, 2006) from Bohannon and Houston, Inc. At that time, PCD and BSD staff met to review the problems identified in the report. Further, staff from both divisions walked over the entire site to determine what the BSD could do, and what the PCD would address. Mr. Kitay noted that the actual drainage report did not contain any significant changes from the draft report. He reported that the PCD intended to take the following action based on recommendations made in the report:

- On the north side of the building near the Records Center loading dock area, an area in which rain water tended to seep in underneath the garage door, PCD intends to saw-cut out a portion of the concrete, pour asphalt and re-pour new concrete that would be higher and slope away from the door to ensure the water drains away from the building;
- Film inside the storm drain on the south east side of the building which drains water from the courtyard to the street area. PCD was unable to film the drain before because it was obstructed with mud. PCD intends to send a camera into the drains via a procedure called "pot holding" by rerouting the camera at various locations every fifteen feet to determine the direction the water is going, and to make certain everything is draining properly; and

- Re-grate and enlarge the retention pond to the north so that it can hold more water.

Mr. Mead asked if the PCD were going to implement the recommendation for curb cuts outside the main southwest entrance to the building, followed by installation of slotted pipe storm drain system. Mr. Kitay replied at this point the pipe storm drainage system would not be included in the repairs the PCD would undertake. Ms. Jaramillo added that water ponded in the parking lot, creating an inconvenience for people trying to park and enter the building.

Mr. Lucero reaffirmed that he and Mr. Kitay reviewed the report and walked the site and stated that the GSD landscape staff would begin work "today" (August 24, 2006). He noted, however; that the biggest problem at this point was purchasing items using the SHARE system [the new statewide, integrated accounting and human resource system]. Most of the grading work would be done by hand, including removing the bark and lowering the dirt in the courtyard area, and should be completed in a matter of weeks. This was based on an assumption of some two weeks for the labor; however, he again pointed out that the BSD had had no success in getting anything purchased through the SHARE system.

Chairman Hordes referred back to the June 2006 Commission meeting minutes, which reflected a discussion about one of the draft recommendations as follows: *upon opening the inlet grade, it is recommended that it be cleaned immediately. And, asked if this was something that could be done immediately as stated. Mr. Kitay replied "yes" however, it would be done through Building Services.* Chairman Hordes inquired if this had been done; Mr. Kitay replied in the affirmative. Chairman Hordes also stated that he noticed the drainage on Cerrillos Road was not addressed in the Bohannon and Houston report. He remarked that he thought it was brought up at the June meeting but did not see it recorded in the minutes. Mr. Kitay affirmed that he thought the topic had been raised at the last meeting, and he indicated that he and the engineers walked the site and reviewed the elevations and concluded, based on the topographical map and elevations and the existing curb, that the water for the most part would flow down the street.

Chairman Hordes asked Ms. Jaramillo if there were other problems she wanted to address. Ms. Jaramillo mentioned that water had again seeped under the doors to the patio off the upstairs lobby. Mr. Lucero responded that the new landscaping in the patio, including finishing with rock, which should begin "today" (August 24, 2006) should address the problem. Ms. Jaramillo added that water had also seeped both into the lower lobby and underneath the bay doors into the Records Center. She stated that the myriad of problems with the security system still were not fixed. Mr. Lucero informed the Commission that in May, 2006, the software and the computer that ran the security system crashed. The BSD had been trying since June to get the computer repaired and software upgrade installed, but problems had risen with the vendor, such as a lost order, a wrong order, etc.; however, there was a possibility the system would be up and running by September 4 or 5. Ms. Jaramillo stated that these issues had compromised the security of the collections in the agency's trust. Further, SRCA employees, unable to get security cards, had been propping up doors just to get through the building in order to do their jobs but, at the same time, creating an additional security issue. Ms. Jaramillo added that many problems occur during holidays, although problems have occurred at virtually all times. For example, the main, exterior doors off the administration area frequently have not locked and have had to be secured with chains. Mr. Kitay stated that the purchase order for the security system upgrade had been given to the vendor on June 9 and the initial intent was to have it ordered in three to four weeks. That obviously had not occurred; however, the vendor guaranteed, via email, that by September 4 the system would be back up and running.

Ms. Jaramillo added that the building had become a target for graffiti and that it had been hit again on August 8, 2006. Even though a security guard had been patrolling, somehow, someone got up on the roof using the fire escape and tagged the building. The Chair recognized Ms. Hazlett who commented that a major concern was where the security guards had been when the taggings occurred. She noted that security had not reported the taggings - rather they were reported by staff arriving the following mornings. Chairman Hordes stated that he shared the concerns of staff but understood that the agency was limited in what it could do since security was the responsibility of Building Services.

Mr. Lucero stated that the GSD was aware of the issues and was taking action, and starting the following week a security guard would be assigned strictly to the Library, Archives and Records Center. Ms. Jaramillo reiterated that the agency was, and had been for several months, facing numerous security risks. Repeated promises had been made regarding implementation of the security system repairs and upgrade and that it all had become extremely frustrating and worrisome. Chairman Hordes asked that the record show the Commissions frustrations and concerns over these security issues and urged the GSD to take all measures necessary to secure the building. Chairman Hordes emphasized that the Commission had the responsibility for maintaining and securing the invaluable collections the agency held and that that responsibility had to be taken very seriously.

ACTION ITEMS

A. FY 08 Appropriation Request

Ms. Jaramillo indicated to the Commission that the FY08 appropriation request represented what the agency needed to move ahead but warned that it did not represent a flat budget. Ms. Jaramillo introduced Ms. Judi Hazlett to explain the request. Ms. Hazlett said that, before she began, she wished to introduce Ms. MaryAnn Baca, the agency's Fiscal Officer, and Mr. William DeLaO, the agency's Procurement Officer.

Ms. Hazlett began by reviewing the agency's budget structure, focusing on the two budgeted funds - the operating fund and the internal service fund. She then walked through the organization of the appropriation request, directing the Commission's attention to the pertinent forms. She also noted that the FY08 request was the first to use the coding from the new statewide, integrated accounting system, SHARE, and she briefly explained the differences in the new coding. Like Ms. Jaramillo, Ms. Hazlett pointed out that, although the DFA had issued a flat-budget directive, the agency's request was not flat - rather, the base request, while by no means generous, would, if funded help to regain some of the ground the agency had lost in operating money, especially in the last two years.

Ms. Hazlett began with an explanation of the request for Fund 37100, the internal service fund, explaining that the total request for FY08 was \$167,300, up from FY06 actuals but down from the FY07 operating budget. She continued that the request represented an approximate 26 percent increase over what was spent in FY06; however, the agency had been very conservative in what it spent because it had been unsure until late in the fiscal year whether, given the shortfall in the operating fund, it would have to shift some expenses to this fund. The FY06 operating budget projected expenditures of \$148,700 but only \$132,600 had actually been expended. The FY08 request, on the other hand, was some 16 percent below the FY07 operating budget. She explained that the primary difference was attributable to \$38,000 budgeted in FY07 for several major equipment purchases. She noted that although, since the statutory language was changed several years ago, uses of the fund were no longer as restricted as they once were, the agency still tried to relate expenditures from this fund to revenue-generating activities and to the purchase of bigger-ticket capital items.

Ms. Hazlett then moved on to the more complex Fund 17900 (operating budget) request, pointing out that the forms with a 0200000000 designation in the upper left reflected the general fund portion of the request and those with a 0300000000 designation, the federal funds portion.

She began the Fund 17900 presentation with a discussion of the federal funds request. She noted that the agency was reporting (she inserted that federal funds were reported in the appropriation request and in the General Appropriations Act but not actually appropriated, although the legislature had periodically tried to do so) - \$10,000, all in *Personal Services and Benefits* to support the 20 percent of the Grants Administrator's salary attributable to federal funding. Unlike with general and other state funds, however, if the agency were to receive additional federal funding during the year, it could, under current rules, add them in to the operating budget when it was submitted in May.

Ms. Hazlett then turned to general fund portion of the operating fund request, noting that the total general fund base budget request was \$2,754,500, which represented a little more than an 18 percent increase over FY06 actuals - although, she pointed out, that percentage was somewhat deceptively low since the FY06 number included several special appropriations. The FY08 request represented about a seven percent increase over the FY07 operating budget; however, Ms. Hazlett noted that if the amount budgeted for property insurance should be increased to the scheduled amount rather than the previously agreed-upon number, the percentage would jump. She then suggested that the request be reviewed by budget category.

She explained that the 200 category - *Personal Services and Benefits* - reflected existing salaries, with entry levels projected for vacant positions as required, and associated benefits, plus rates for workers' compensation, employee liability and employee assistance as provided in the GSD rate schedules.

In the 300 category, *Contractual Services*, the request, Ms. Hazlett noted, was at the approximate level of the FY07 operating budget. Included in the request were moneys for continuing support of the scholars' program, for the annual audit and for maintenance on software applications and for external IT support, if needed.

The 400 category, the *Other* category, Ms. Hazlett continued, encompassed all of the agency's basic operating needs and was the most complex. She stated that the agency had lost ground in the category, relative to increasing costs and needs. She related that the agency had received some very generous special appropriations in the past several years and two new positions for FY07; however, operating requirements had suffered. In FY06, the problem was exacerbated by the necessity of moving almost \$27,000 from the *Other* category, along with some from *Contractual Services*, to *Personal Services and Benefits* to compensate for the shortfall there.

She reiterated that the amount requested represented a level of funding adequate to meet needs but that it was in no way inflated - it was defensible. It included some major increases in both in- and out-of-state travel. This was travel necessary to allow staff to respond to requests for assistance and to participate in educational events and training and professional opportunities around the state and out of state - travel that had been restricted in the past several years. Equipment maintenance costs in both funds. Ms. Hazlett stated, continued to rise. The increase in the request for IT-related hardware and software replacements as well as all IT-related supplies resulted from the need to catch up on replacement items that were deferred because of prior-year budget limitations and to make regularly scheduled hardware replacements and software upgrades. The money requested for training was, she noted, up substantially. The agency had always held the position that staff needed

to stay abreast of developments in their respective fields if they were to perform their jobs; however, like many other on-going operational requirements, training had suffered over the past several years. Ms. Hazlett also pointed out that the telecommunications and Information Systems Division services amounts were estimates since those numbers are provided by other agencies and had not yet been received.

Ms. Hazlett briefly addressed the request for the New Mexico Historical Records grant and scholarship programs and the division of grant and scholarship expenditures between two account codes. She then reviewed the continuing issues regarding the agency's fine arts premium, reminding the Commission of the discussions over the past year or more about the unsubstantiated and dramatic increase in the rate - an increase that had yet to be justified. She explained that the agency and Risk Management had agreed, in a July meeting with the Director of Risk Management and confirmed in a subsequent e-mail, that the agency would pay the FY07 and FY08 premiums at the FY06 rate of approximately \$35,000 and that that was the amount included in the request. She stated, however, that Risk Management had billed the FY07 premium at the inflated rate of \$122,052 and continued to post a like rate for FY08, in contravention of the agreement. She said that it was likely that the agency would seek a special appropriation to fund the difference, if Risk Management did not reduce the bill.

Ms. Hazlett said that would be glad to answer any questions on the base request before moving to the expansion items. Chairman Hordes entertained questions and comments, and there was discussion reflecting the concerns over the insurance premium amounts and the inability to obtain satisfactory responses from Risk Management.

Ms. Hazlett then concluded her remarks by reviewing the five expansion requests in order of priority: an additional analyst for the Administrative Law Division; administrative support for the Office of the State Historian; the conversion of a part-time position in the Micrographics/Electronic Records Bureau to full-time; additional funding for the New Mexico history web site (digital history project); and a county records archivist.

Chairman Hordes thanked Ms. Hazlett for her presentation and Ms. Baca and Mr. DeLaO for their work and then asked for a motion to approve. Ms. Hazlett asked that any such motion provide that the staff could make technical corrections, including revisions to the telecommunications and Information Systems Division services accounts, as required. Ms. Bergit Salazar moved to approve the appropriation request, with the provision for technical corrections. Mr. Mead seconded the motion. Chairman Hordes then opened the floor to questions. After some general discussion and expressions of support for the request, the question was called and the motion passed unanimously, with no abstentions.

B. Records Retention and Disposition Schedules

1.18.521 NMAC, Energy, Minerals and Natural Resources Department

Ms. Jaramillo stated this item was brought before the Commission in June; however, at the time, it had not been reviewed by the Energy, Minerals and Natural Resources legal counsel. The Commission approved adoption pending approval by legal counsel. However, after the legal counsel review, it was determined that there were some record series missing from the schedule, and, accordingly, it was not filed. Ms. Jaramillo introduced Mr. Ruben Rivera to present the revised schedule. Mr. Rivera in turn introduced Ms. Karen W. Garcia and Mr. Mike Thomas, attorney, representing the Energy, Minerals and Natural Resources Department. Mr. Rivera provided a brief description, indicating that this was a repeal of and replacement for the *Executive Records Retention and Disposition Schedule (ERRDS), Energy, Minerals and Natural Resources Department*

(EMNRD), 1.18.521 NMAC and that there were seven adjustments that would either be added or replaced. He briefly reviewed the changes, and then Chairman Hordes entertained a motion for approval of the schedule. Ms. Medina so moved. Mr. Mead seconded the motion. Ms. Moll asked if, on page 4, in the section entitled WRIGHT EXPRESS FILE, the language in the title and in the description (Subsection C) could be changed to read more generically rather than referencing the particular vendor. Mr. Rivera explained that he went with the terminology that was given to him by the agency. Ms. Jaramillo suggested that the section name be changed to read *credit card file* so that the Commission would not have to come back and amend the schedule, if the vendor were to change. Ms. Moll suggested that the title read *gasoline credit card file* and the vendor's name, if necessary, be put into brackets. *The motion, amended to reflect the terminology changes, passed unanimously, with no abstentions.*

1.19.3 NMAC, Office of the County Clerk

Ms. Jaramillo stated that the next item was an amendment for the *Local Government Records Retention and Disposition Schedule (LGRRDS), Office of the County Clerk, 1.19.3 NMAC*. She introduced Ms. Angela Lucero and Mr. Leo Lucero to present the schedule. Mr. Lucero provided a brief description of the general functions of the Office of the County Clerk. Chairman Hordes entertained a motion for approval of the schedule. Mr. Mead so moved. Ms. Moll seconded the motion. There was no discussion. The motion passed unanimously, with no abstentions.

DIRECTOR'S REPORT

Ms. Jaramillo reported that the 2006 legislature appropriated, in a special appropriation, \$100,000 for the New Mexico history web page (New Mexico digital history project), but that the appropriation was then vetoed by the Governor. Members of the Friends of History went to speak with the Governor, and the Governor agreed to allocate \$100,000 from money available to him from the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the project. The agency, Ms. Jaramillo stated, had also put together a business case for a special information technology (IT) appropriation for a centralized electronic records repository and it had received initial approval from the Office of the Chief Information Officer. The appropriation request would be submitted with the agency's IT Plan and included in a C2 (the required multi-agency, IT-project form) appropriation request, which would be submitted through the Human Services Department as lead agency.

Ms. Jaramillo noted that the agency was looking into renovating office space for information technology staff. She then continued with her report, directing the Commission to the information on the number of records that had been approved for destruction in FY06. She announced that the agency's FY06 audit would be performed by Robert J. Rivera, CPA. She also noted awards and recognitions received by staff. Ms. Daphne Arnaiz-DeLeon, Archives and Historical Services Division Director had received a \$15,000.00 fellowship from the National Historical Publication and Records Commission; Mr. Joseph Valdez II had been named Chapter Member of the Year for 2005-2006 by the Northern New Mexico Chapter of the Association of Records Managers and Administrators; and Mr. John Martinez, Director of the Administrative Law Division, had been elected as the next Secretary/Treasurer of the national Administrative Codes and Registers organization. She said that Mr. Martinez was also scheduled to make a presentation on the Disaster Preparedness to the annual Municipal League conference in Taos and that Dr. Galvez had been interviewed by KOAB and KBIM (radio). The interviews were about the statewide lectures series on Latino literary histories sponsored by the agency's Office of the State Historian through a collaborative IMLS project with the State Library and museums. Dr. Galvez had also been interviewed by Ms. Loretta Mills, host of *Report from Santa Fe*, regarding the activities of the State Historian and in particular the digital history project, as well as by the History Channel on a series on New Mexico. Chairman Hordes congratulated all on their accomplishments.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for Tuesday, December 5, 2006, at 9:00 a.m., at the State Records Center and Archives facility in Santa Fe, New Mexico.

ADJOURNMENT

Chairman Hordes entertained a motion for adjournment. Ms. Moll so moved. Mr. Mead seconded the motion. The motion passed unanimously, with no abstentions. The meeting was adjourned at 11:25 a.m.