

**MINUTES OF THE  
STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
December 6, 2005**

The State Commission of Public Records convened at 9:00 a.m., Tuesday, December 6, 2005, at 1209 Camino Carlos Rey, Santa Fe, New Mexico.

**MEMBERS PRESENT**

Stanley Hordes, Ph.D., Chair  
Deborah Moll

Michael Poulson  
Bergit Salazar

Andrea Buzzard

Historian  
Designee for Edward J. Lopez Jr., Secretary,  
General Services Department  
Acting Supreme Court Law Librarian  
Representing the Director, Museum of New Mexico,  
Cultural Affairs Department  
Designee for the Honorable Patricia Madrid,  
Attorney General

**ABSENT**

The Honorable Rebecca Vigil-Giron  
The Honorable Domingo Martinez

Secretary of State  
State Auditor

**STAFF PRESENT:**

Sandra Jaramillo  
Judi Hazlett  
Darlene A. Torres  
John Martinez  
Angela Lucero  
Daphne Arnaiz-DeLeon  
Estevan Rael-Gálvez, Ph.D.  
Leo Lucero  
Tom Chavarria  
Ruben Rivera  
Jackie Garcia

State Records Administrator  
Deputy State Records Administrator  
Administrative Assistant  
Director, Administrative Law Division  
Director, Records Management Division (RMD)  
Director, Archives and Historical Services Division  
State Historian  
Agency Analysis Bureau Chief, RMD  
Micrographics Bureau Chief, RMD  
Agency Analysis Analyst, RMD  
Agency Analysis Analyst, RMD

**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. Moll so moved. Ms. Buzzard seconded the motion. Chairman Hordes asked if there were any changes to or discussion of the agenda. Ms. Jaramillo referred Commissioners to Item # V, Action Items, Section A, Records Retention and Disposition Schedules, 1.15.2 NMAC and 1.15.3 NMAC. Ms. Jaramillo informed the Commission that action was not required on the two amendments because they were

still in draft form; however, staff was requesting the items be reviewed and discussed by the Commission. There was no further discussion. The agenda was approved.

### **APPROVAL OF THE MINUTES – August 23, 2005**

Before proceeding, Chairman Hordes welcomed Ms. Andrea Buzzard, the new designee for Attorney General Patricia Madrid, and Mr. Michael Poulson, Acting Supreme Court Law Librarian.

Chairman Hordes then entertained a motion for the approval of the minutes of August 23, 2005. Ms. Moll so moved. Ms. Buzzard seconded the motion. Chairman Hordes asked for clarification on the spelling of the place name “Rencona” vs. “Renconda.” Ms. Arnaiz-DeLeon verified that the correct spelling was “Rencona.” Chairman Hordes also inquired why the discussion regarding the drainage study under “building issues” was not included in the minutes. Ms. Jaramillo stated that the discussion was included in the draft of the minutes but somehow the paragraph was erroneously left out; she apologized. Chairman Hordes asked that the minutes of August 23, 2005 reflect the discussion of building issues. The motion was approved to accept the minutes as amended.

### **ELECTION OF OFFICERS**

Chairman Hordes opened the floor for nominations for Chair, Vice-chair and Secretary. Ms. Moll nominated Dr. Hordes for Chair. The motion was seconded by Ms. Buzzard. The motion passed. Ms. Buzzard nominated Ms. Moll for Vice-chair. Mr. Poulson seconded the motion. The motion passed. Ms. Moll nominated Ms. Buzzard for Secretary. Mr. Poulson seconded the motion. The motion passed. Chairman Hordes congratulated all new elected officers.

### **ACTION ITEMS**

Since Ms. Buzzard and Mr. Poulson were new to the Commission, Ms. Jaramillo introduced members of her staff present at the meeting before proceeding to the next order of business.

#### **A) Records Retention and Disposition Schedules**

Ms. Jaramillo again pointed out that the amendments to 1.15.2 NMAC, GRRDS, General Administrative Records, and 1.15.3 NMAC, GRRDS, General Administrative Records (for use by local governments and educational institutions) were for discussion only and no action was required. Commissioners discussed proposed changes, in particular how the proposed e-messaging rule would likely require further amendment of both rules, and then moved on to the next item on the agenda.

#### **B) SRCA Rules**

Ms. Jaramillo stated that the SRCA conducts periodic review of agency rules to ensure that procedures in place are consistent with rules promulgated as administrative law.

#### **14.3.5 NMAC, *Microphotography Systems, Microphotography Standards***

Ms. Jaramillo noted that Section 14.3.5 of the Public Records Act gives the State Records Administrator the authority to establish standards for microphotography systems, which by statutory definition include imaging systems. She then introduced Mr. Tom Chavarria, Electronic Records and Micrographics Bureau Chief. Mr. Chavarria explained the proposed changes to 1.14.2 NMAC, *Microphotography Systems, Microphotography Standards*. He indicated that the amendments to

Subsection S of 1.14.2.10 NMAC, Standard for Microfilm, and the amendment to Subsection O of 1.14.2.12, Standard for Computer Output Microfilm (COM), changed the labeling requirements for microfilm and COM submitted to the SRCA for inspection. The new requirements would facilitate the inspection process. Ms. Jaramillo informed the Commission that the rule would be sent out to State agencies for comment and that a public hearing would also be scheduled. Following discussion of the proposed changes, the Chair proceeded to the next item on the agenda.

#### ***1.13.30 NMAC, Destruction of Public Records***

Ms. Jaramillo informed the Commission that 1.13.30 NMAC, *Destruction of Public Records*, was being presented as a repeal and replacement. She stated that the current rule did not adequately address the method of destruction for records and non-records containing confidential information and personal identifiers. Ms. Jaramillo introduced Ms. Angela Lucero who presented the rule. Ms. Lucero informed the Commission that the purpose of the rule was to provide guidelines to State agencies on acceptable methods of destruction for all public records that had met their legal retention. She stated that a new section on non-records was added since sometimes non-records contain confidential information and personal identifiers. Records and non-records containing confidential information or personal identifiers must be destroyed in such a way that the record can not be read or reconstructed. Ms. Jaramillo added that the rule would be sent out for comment to State agencies before final adoption.

#### ***1.13.4 NMAC, Records Management Requirements for Electronic Records***

Ms. Jaramillo stated Ms. Lucero would present 1.13.4 NMAC, *Records Management Requirements for Electronic Records*. Ms. Lucero explained that the intent of the new rule was to provide State agencies direction in managing electronic messages that could be classified as public records. Ms. Jaramillo indicated that a draft copy of the rule would be sent to Secretary Lopez, liaison officers, IT leads and Cabinet Secretaries. Ms. Jaramillo stated that all State agencies should have email policies and procedures in place that would provide guidance to employees regarding the use of email. The State Records Center and Archives has such an email policy that could serve as a model for all State agencies. Ms. Jaramillo stated that the enterprise email system was never intended to serve as an electronic archives; rather, it is a system for sending and receiving emails. Unfortunately, State employees are using it as a repository.

### **C. Acceptance of Deed of Gift**

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 introduced Ms. Daphne Arnaiz-DeLeon, Director of the Archives and Historical Services Division, to present the Deed of Gift for the Chester Hoag Collection of John Watts and Susan Barnes Family Papers. Ms. Arnaiz-DeLeon stated that the collection was a significant one that contained materials documenting the territorial period and included judicial records from the County of Bernalillo. She also stated that the collection had been used by Mr. David Remley in researching and writing his book, *Adios Nuevo Mexico: the Santa Fe Journal of John Watts in 1859*. Ms. Jaramillo added that it was Mr. David Remley who had brought the existence of these papers to the attention of the Archives. Chairman Hordes asked that a letter be sent to Mr. Remley and the Hoag family thanking them for the collection. Chairman Hordes entertained a motion to approve acceptance of the collection. It was so moved by Ms. Moll and seconded by Ms. Buzzard. The motion passed.

## **NEW BUSINESS**

Ms. Jaramillo asked Ms. Lucero to provide the Commission with a report on the activities of the Records Management Division. Ms. Lucero gave a brief overview of the functions of each of the Bureaus, beginning with the Agency Analysis Bureau. She stated that the Bureau conducts record surveys of all State agencies and then creates records retention and disposition schedules, establishing a retention period for each record series identified. The Electronic Records and Micrographics Bureau, under the direction of Mr. Tom Chavarria, reviews imaging plans for all State agencies and inspects microfilm to ensure agencies adhere to microphotography standards. Ms. Lucero stated that both the Santa Fe and Albuquerque Records Centers provide storage for inactive records maintained by State agencies. She also informed the Commission that the Agency Analysis Bureau had temporarily suspended working on retention schedules so that they could assist Records Center staff with correcting inventory and data problems encountered in the new Image 2000 records management inventory system implemented in July, 2005. She explained to the Commission that in the conversion to the new system faulty data were entered. Those incorrect data included disposition dates, record series numbers and box locations. Mr. Leo Lucero, Agency Analysis Bureau Chief, then discussed inventory statistics. He reported that in both Records Centers, total box numbers were overstated. For the Santa Fe Center, the box count as originally entered was 60,702; the corrected count was 54,657. For the Albuquerque Center, the original count was 107,256; the corrected count was 90,797. Chairman Hordes asked how many corrections had yet to be made. Ms. Lucero responded that the box errors had been corrected, but others remained in the system. She estimated that about 50 percent of the total errors had been corrected. Chairman Hordes expressed concern about the missing and incorrect data; Ms. Lucero assured him and the Commission that new procedures had been implemented to prevent a recurrence.

## **OLD BUSINESS**

### **Building Issues**

Ms. Jaramillo informed the Commission that Mr. Bill Taylor would not be attending the Commission meeting due to a prior commitment. She reported that she had spoken with Mr. Taylor regarding the drainage study for the west complex. She stated that Property Control had not been able to locate the Dandridge Report referred to in previous Commission meetings. Ms. Jaramillo informed the Commission that she had also tried to secure a copy of the drainage report issued by Red Mountain Engineering. The firm was hired by Property Control in 1997 to conduct a drainage analysis of the site. Ms. Jaramillo stated that Joseph Chato of Red Mountain had dissolved the company and that she had been unsuccessful in acquiring a copy of the report. She reported that she was told by the Property Control Division (PCD) that they were in the process of negotiating a contract with Bohannon & Houston to complete the drainage study for the entire West Capitol Complex, including the Anaya building. Ms. Jaramillo stated that the contract would be going back to ASD, General Services Department, for approval. Once approved, it would take approximately four to five weeks for the site survey to be completed. Chairman Hordes stated that, for the record, he wished to note that the Commission was concerned over the slow progress of the comprehensive drainage report and would like to urge the PCD to continue their efforts to complete the drainage analysis and submit a report to the Commission as soon as possible. Ms. Jaramillo indicated on a more positive note that the renovation project was underway and that action was being taken to resolve existing building issues, such as the repair of the exterior south wall. She informed the Commission that the remodeling of new office space for the State Historian would be completed by

January 9, 2006. She added that repair of the mechanical room floor above the micrographics area would also be completed by mid January and that security cameras for the upper and lower lobbies would be installed in December. She noted that the cooling units installed in the computer server room were in operation and that the two outstanding building issues yet to be resolved were the drainage study and landscaping. Ms. Jaramillo stated that landscaping would probably not be addressed because the PCD did not have funding to take care of the landscaping. Ms. Jaramillo stated that she appreciated Mr. Taylor's efforts in resolving building issues.

## **EXECUTIVE SESSION**

Chairman Hordes entertained a motion to go into the executive session to discuss limited personnel matters pursuant to Paragraph (2) of Subsection H of the Open Meetings Act. Ms. Buzzard so moved, with the addition that the subject be noted as evaluation of Ms. Jaramillo's job performance. Ms. Salazar seconded the motion. Chairman Hordes stated no other business would be discussed during the closed session. The motion passed with all members voting in the affirmative. The Commission went into executive session at 10:05 a.m. and came out of executive session at 10:25 a.m. Chairman Hordes reaffirmed that only those matters for which the Commission went into closed session were discussed during the closed session.

Chairman Hordes entertained a motion to continue the open session. It was so moved by Ms. Buzzard and seconded by Ms. Moll. The motion passed. Chairman Hordes stated "let the record show that only personal matters were discussed and that no other business was discussed during the closed session." Ms. Buzzard moved that the Commission rate Ms. Jaramillo as exceeding expectations in all categories and recommended that Ms. Jaramillo be given the maximum salary increase allowable. Ms. Moll seconded the motion. The motion passed. Chairman Hordes congratulated Ms. Jaramillo for a job well done, and in return Ms. Jaramillo thanked her management team.

## **DIRECTOR'S REPORT**

Ms. Jaramillo indicated that a copy of the report was included in each Commissioner's packet along with the Performance Measures for the first quarter. She reported that the agency currently had three vacancies, which would remain open to make up a deficit in personnel services and benefits. She informed the Commission that the reclassification for the State Historian had been approved by State Personnel and the Department of Finance and Administration. She stated that a classification study for all SRCA positions was to be conducted by State Personnel. Ms. Jaramillo reported that the FY05 Financial Audit had been completed by the firm of Zlotnick, Law & Sandoval and that an exit interview had been scheduled, since audit reports were due to the State Auditor by December 15, 2005. She informed the Commission that the Office of the State Historian had, on August 5, 2005, issued a call for fellowship applications to the Scholars Program, and that two fellowships were awarded. Ms. Denise Holladay Damico, a doctoral candidate enrolled in the American History program at Brandeis University, received an award of \$1,760.00 and was scheduled to make a presentation on "Nuestra Agua, Nuestra Vida" Water Conflict, Continuity, and Conquest in Nineteenth-Century New Mexico on January 6, 2006 at the State Records Center and Archives. Ms. Jaramillo asked Mr. John Martinez, Administrative Law Division Director, to provide a status report on the Small Business Regulatory Commission (SBRC). Mr. Martinez reported that a letter was sent to Secretary Rick Homans indicating that the State Records Center and Archives was willing to work with him and the SBRC; however, Mr. Homans had not responded. Ms. Jaramillo

reported on Performance Measures, stating the agency would not meet performance measure number two, *percentage of State agencies with current records retention and disposition schedules*, because staff had temporarily suspended working on schedules to assist the Records Center, as previously reported. Lastly, she reported that the LFC budget hearing had been held on October 26, 2005 and that Secretary Rebecca Vigil-Giron had read the letter prepared by Chairman Hordes in support of the SRCA budget.

#### **SCHEDULING OF NEXT MEETING**

Chairman Hordes scheduled the next Commission meeting for Tuesday, March 21, 2006, at 9:00 am in Santa Fe, New Mexico.

#### **ADJOURNMENT**

Chairman Hordes entertained a motion for adjournment. Ms. Moll so moved. Ms. Buzzard seconded the motion. The motion passed. The meeting was adjourned at 11:30 a.m.