

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
December 5, 2006**

The State Commission of Public Records convened its regular quarterly meeting at 9:00 a.m., Thursday, December 5, 2006, at 1209 Camino Carlos Rey, Santa Fe New Mexico.

MEMBERS PRESENT

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

MEMBERS ABSENT

Christopher D. Coppin	Designee for the Honorable Patricia Madrid, Attorney General
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STAFF PRESENT

Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
John Martinez	Director, Administrative Law Division
Angela Lucero	Director, Records Management Division (RMD)
Melissa Salazar	Archives and Historical Services Division, Archives Bureau Chief
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
Joseph V. Valdez, II	Agency Analysis Analyst, RMD
Jackie Garcia	Agency Analysis Analyst, RMD
Alvin Garcia	Legal Counsel, Assistant Attorney General

GUESTS PRESENT

Charles Kitay	Property Control Division, GSD
Bill Taylor	Property Control Division, GSD

Judith Amer
Ted Apodaca,
Karen Baltzley
Patricia Burton
Carol L. Couch
Tom Dobson
Thomas C. Gomez
Ida M. Ly
Josh Mann
Victor Marquez
Deborah Martinez
Ron Verton

Department of Finance and Administration,
Energy, Minerals and Natural Resources Department.
GSD
Aging and Long Term Services Department
New Mexico Court of Appeals
New Mexico Department of Public Safety (DPS)
GSD
Children Youth and Families Department
Office of the State Engineer
Aging & Long Term Services Department
Children Youth and Families Department
DPS

CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m. Chairman Hordes announced that due to the number of attendants interested in the proposed rule 1.13.4 NMAC, *Records Management Requirements for Electronic Messaging*, he would like to change the order of business so that the Commission could take public comment on the proposed rule by moving that item to the top of the agenda after the election of officers.

APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda. Ms. Linda Medina moved to approve the agenda with the suggested change. Mr. Robert Mead seconded the motion. Chairman Hordes asked if there were any other 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 –August 24, 2006

Chairman Hordes entertained a motion for the approval of the minutes of August 24, 2006. Mr. Robert Mead so moved. Ms. Linda Medina seconded the motion. Chairman Hordes asked if there was discussion on the minutes. Ms. Jaramillo indicated that the sentence on page 2 “*He identified the duties of the Secretary by stating they were substantial*” should be amended by adding the word “not” so that the sentence read “*He identified the duties of the Secretary by stating they were not substantial.*” Chairman Hordes asked that the record show the word “not” be inserted between “were” and “substantial” and called for a vote to accept the minutes as amended. The motion passed unanimously, with no abstentions.

ELECTION OF OFFICERS

Chairman Hordes opened the floor for nominations for Chair, Vice-chair and Secretary. Ms. Medina nominated Dr. Hordes as Chair. Ms. Bergit Salazar seconded the motion. The motion passed unanimously. Ms. Medina then nominated Mr. Mead as Secretary. Ms. Salazar seconded the motion. The motion passed unanimously. Ms. Medina nominated Ms. Deborah Moll as Vice-Chair. Mr. Mead seconded the motion. The motion passed unanimously. Chairman Hordes congratulated all new elected officers.

SRCA Rules

The Commission moved to *Item B. SRCA Rules* under Actions Items, 1.3.14 NMAC, *Records Management Requirements for Electronic Messaging*. Ms. Jaramillo noted that action was not required on the item as the SRCA was still soliciting comments on the rule. She also stated that a tentative date for a second public hearing on the rule had been set for February 15, 2007 before final adoption.

Ms. Jaramillo introduced Ms. Angela Lucero, Director of the Records Management Division, who was asked to provide the Commission with a summary of the comments received. Ms. Lucero stated she had received comments from thirteen agencies. She also noted that the comments raised issues from grammar to the general structure in which the rule was put together. Ms. Lucero stated that most of the comments could be divided into two issues, content and resources, and went on to provide the Commission with a summary:

Content:

- The rule does not clearly define the difference between a public record and a non-record.
- The rule does not clearly explain that preliminary drafts and e-messages are considered non-records.
- Agencies are confused as to whether the rule applies to all electronic messages or just those electronic messages classified as public records.
- Agencies stated that several defined terms and acronyms did not appear in the text of the proposed rule and therefore should be deleted and that several definitions were confusing.
- The rule does not state whether text messages sent over cell phones are included within the definition of e-message/e-mail and thus there is confusion as to whether text messages are subject to the proposed rule.
- Agencies felt that the proposed rule should include a reference to exceptions cited in the Inspection of Public Records Act, such as: trade secrets, attorney-client privilege information, letters of reference, records of medical examinations, law enforcement records, tactical response plans or other records that are exempt from disclosure.
- Several agencies confused the requirements of the Inspection of Public Records Act with those of the Public Records Act.

Resources:

- Responding agencies felt that the rule imposed unreasonable and burdensome requirements on state agencies for collecting and maintaining all metadata for electronic messages, regardless of whether the messages were maintained in hard copy or electronic format.
- Agencies stated that in order to comply with the rule they would have to hire more staff and purchase hardware and software.
- Responding agencies stated that although the proposed rule allowed for compliance by printing e-messages classified as public records to paper, this was an outdated labor intensive methodology feasible for only the smallest agencies.
- Most agencies would have to deploy a modern ECM (enterprise content management) system in order to successfully comply with proposed requirements. The cost of a modern ECM capable of meeting the proposed requirement could cost anywhere from several hundred thousand to several million dollars for each separate implementation. The implementation of ECM at separate agencies is contrary to ECM Best Practices. Forcing each agency to develop and deploy its own ECM solution would significantly fragment and hinder the State's overall ability to react and adapt to changing requirements, legal proceedings, and other e-record's business processes. Further, the agency-by-agency approach could seriously impede a small-to-mid-size agency's ability to leverage and participate in the full scalability and functionality of well integrated, centralized ECM solution.

- Individual agencies or groups of agencies would each need to hire staff, purchase infrastructure, and purchase software/implementation packages to meet these requirements on their own.

Ms. Lucero stated that two agencies believed the GSD should manage their e-mail because a great deal of effort and money had been invested in the e-mail enterprise system and the agencies in question did not believe managing e-mail was their obligation. Agencies also commented that it would be difficult for state employees to identify and classify e-mail as public records and to come up with a filing plan.

Ms. Jaramillo then asked that the Commission take comments from the audience. The Chair asked each person providing comment to state their name and the name of their agency.

Public Comments:

Mr. Ron Verton, with the DPS, stated that most of the concerns of his agency had been expressed by Ms. Lucero and included need for additional staff and for an electronic document management system and additional hardware to ensure that the DPS could comply with the rule.

Ms. Judith Amer, General Counsel with the DFA stated that Ms. Lucero had also expressed the concerns of the DFA but that she wished to reiterate the more important points. She stated that a consistent definition for e-mail was required. She noted that interchangeable terms such as e-mail and e-messaging were being used throughout the rule. She asked that one term be used and defined throughout the rule. She asked that the definition of "non-record e-messages" include the phrase "included but not limited to" so that the list was not exhaustive. Ms. Amer suggested that the description of non-record e-mails be changed to state "non-record e-mails include but are not limited to: duplicate copies of e-mail, i.e. personal messages, e-mails that relate to scheduling meetings, e-mails containing or forwarding copies of job minutes for convenience or reference, e-mails that are preliminary thought processes that reflect the exchange of ideas, and preliminary drafts of letters, reports or memoranda." She stated that if the examples she provided were classified as non-record it would be easier for state agencies to manage e-mail. Ms. Amer also stated the rule did not clearly state whether text messages sent over a cell phone were included within the definition of e-mail. She stated her agency had questions on whether an e-mail message classified as a public record but not subject to the provisions of the Inspection of Public Records Act still had to be retained as a public record according to an agency's retention schedule? Other questions included: once the e-mail message classified as a public record is saved as hard copy or on disc, can the e-mail message be permanently deleted? Is an e-mail message sent to multiple people in which, an individual is copied considered a non-record e-mail by the individual who received the copy and can the message be deleted? Once a single copy of a public record e-mail is appropriately filed, can all other electronic files be deleted? Ms. Amer also asked if metadata were worthy of preservation? In conclusion, Ms. Amer stressed that a deficit of the rule was the lack of discussion on non-record e-mail. She stated that guidance on what is non-record e-mail would result in agencies deleting more emails and that this in turn would cut down on other issues that were statement sources.

Ms. Karen Baltzley, Chief Information Officer for the GSD, commented that many of the GSD concerns had already been referred to in record and that their biggest concern was "how much is too much?" And, how much can the state afford to save and manage? And, how is it going to be managed effectively? Ms. Baltzley stated that the definitions of "custodial agency" and "custodian" needed further definition - specifically, who is responsible for maintaining and managing records.

She stated that some agencies are of the opinion that the GSD is the custodian because the GSD maintains the enterprise e-mail system. Ms. Baltzley stated that e-messages sent through a Personal Digital Assistant (PDA) were also a concern because at the present it was a very uncontrollable means of communication. She asked who is tracing and tracking how the PDA's are being used and how can the records be captured? She also stated that the GSD was looking very seriously at the management responsibilities referred to in 1.13.4.10 NMAC, and that it would be very difficult for the e-mail enterprise service provider to adequately address subsections B, C, D, E, and F. Ms. Baltzley stated that the GSD was looking at the size of e-mail boxes and how the messages are to be retained. She also had the same concerns about the definitions addressed by Ms. Amer. Other concerns included Section 1.13.4.12 NMAC, Filing E-Messages, which states "e-mail classified as public records shall be filed in either a manual (paper based system) or an electronic filing system;" she wished clarification on how messages from a PDA device could be retrieved for filing. She also expressed concern about agencies retaining e-mail messages beyond their retention period and what the cost would be to retain those messages and whether there should be a policy to address this issue.

Mr. Tom Gomez, IT Manager, Information Services Division (ISD), GSD, concurred with comments made by Ms. Amer and Ms. Baltzley. He also stated that he would like to make sure that agencies as they set new directives for the future, take a look at the technology and resources that are in place and determine what it is going to be the cost to the State to meet these needs.

Mr. Ted Apodaca, Legal Counsel with the Energy, Minerals and Natural Resources Department (EMNRD), stated that the EMNRD was concerned that the rule made records management requirements for retention of electronic records much more difficult and time consuming than that of paper public records. He stated that there was also confusion in the rule as to whether it applied to all public record e-mails or just all e-mails. To make that distinction, whether or not the rule applied to all e-mails or just public record e-mails, the EMNRD suggested language in Sections 9, 10, and 11 be eliminated. He stated that the deletion was needed because the rule seemed to apply to all e-mails and every type of voice mail and that the EMNRD believed that the intention of the Records Administrator was to try and create a system where electronic public records are dealt with in much of the same way as the paper public records. Mr. Apodaca stated that the EMNRD believed it should be up to the agencies to determine which e-mails are public records and that it was not up to the State Records Administrator to make that determination. He also stated that the EMNRD was concerned about the filing of e-messages under Section 12. Section 12 provides for a manual filing or electronic filing and requires that documentation be retained as to whether an e-mail message has been opened and received. He stated that requirement differed from paper mail, in that documentation on whether a letter had been received would only be provided if a letter had been sent with a return-receipt request. However the rule requires all information to be collected and maintained by an employee something that would be impossible to track because an individual would have no way of knowing whether an e-mail had been forwarded to someone else. Mr. Apodaca asked why agencies had to collect that type of documentation for e-messages if it was not required for paper documents.

Chairman Hordes thanked everyone for their comments, and asked the Commissioners if they had any questions or observations.

Commissioner Moll asked her colleagues from the ISD if they could elaborate on the GSD storage requirements for e-mail and how the GSD handles e-mail, particularly when requests to view e-mail are made under the Inspection of Public Records Act. Ms. Moll stated that if people understood what was going on they might have a better handle on things.

Ms. Baltzley, Chief Information Officer for the GSD stated that the ISD was in the process of looking at different types of archiving technology and journaling functions that were available when the enterprise e-mail system was first implemented but due to the cost, were not included. She stated that the ISD is looking at new technology due to the cumbersome technology now in place that is used to create backups and to store messages as well as to retrieve and recover messages. Ms. Baltzley stated that the ISD does not know how much the new technology will cost but that they are interested in assisting the State in what ever way it can by bringing in the right technology to accommodate whatever rule is put into place.

Mr. Gomez, IT Manager for the ISD concluded by stating that agencies had been asked to estimate their storage needs prior to the implementation of the e-mail enterprise system and that the enterprise system had been designed based on the agencies requirements. The ISD is looking at a redesign to accommodate the storage needs of users. He went on to state that what is currently in place is extremely cumbersome to do any sort of record retrieval and that the retrieving system was designed strictly for disaster recovery.

Commissioner Moll thanked the State Records Administrator for her efforts to put a rule in place that addressed the management of e-mail; however, she wanted to express her concern to the Records Administrator about putting a rule into place that would not be easy to implement at the present point in time. She stated that the rule might be easier to implement in a small agency, but it would be more difficult in a larger agency. She thought perhaps the Records Administrator might want to consider postponing adoption of the rule until a document management system could be put in place.

Commissioner Mead stated that the judiciary was looking at the recent Federal Rules of Civil Procedure dealing with the discoverability of e-mail. He stated that the federal rule may significantly harm state agencies if the agencies are not prepared to respond to requests especially if electronic records such as e-mails are poorly managed and difficult to search.

Commissioner Salazar indicated that often new programs are put into place by state agencies before employees have been trained properly. She suggested that perhaps the rule could be staged so that employees received training first before fully implementing the rule so that legal issues could be addressed without overburdening the agencies.

Mr. John Martinez, Administrative Law Division Director of the SRCA stated that his experience in providing training to state agencies demonstrated that many state employees were unaware of what constitutes a public record. He stated that employees often confuse the definition of public record found in the Inspection of Public Records Act (IPRA) with the definition of public record in the Public Records Act. He observed that many of the comments received from state agencies regarding the proposed e-mail rule indicated confusion between the two Acts and stressed that the authority for the e-mail rule and the definition of public record came from the Public Records Act.

Ms. Jaramillo stated she appreciated all the comments received from state agencies, and that she agreed with Mr. Martinez that there appeared to be confusion among state agencies between the requirements of the IPRA and the Public Records Act, and also with the definition of a public record. She stated that the intent of the rule was to assist agencies in managing their records and that the statutory responsibility of the State Records Administrator as defined in the Public Records Act is to create efficient and effective records management programs for state agencies. Ms. Jaramillo stated that whether the rule was promulgated or not, there were legal issues concerning

the management and destruction of e-mail that state agencies would have to address. She noted that the new rules of federal civil procedure, effective December 1, 2006, had new requirements for the discovery of electronic mail that could severely impact agencies. Ms. Jaramillo stated that agencies should take a proactive approach to managing e-mail due to the costs and resources required to respond to e-discovery or IPRA requests. She stated she recognized that an ECM solution would be the best way to handle the management of e-mail; however, the SRCA did not have the resources in place to implement such a solution. Ms. Jaramillo said she believed there were actions state agencies could take to alleviate the risk of litigation, such as training employees to delete transitory non-record e-mails. She acknowledged the concern expressed by agencies about the costs and resources required to implement the e-mail rule, but she reminded agencies that there were also costs associated with reviewing massive amounts of e-mail in order to retrieve e-mail messages in response to IPRA requests or as a result of litigation. Ms. Jaramillo stated she knew training was essential and that the SRCA was working on ways to provide the training to state employees. In conclusion, Ms. Jaramillo thanked everyone for attending the meeting and for their comments and stated that she would take all comments into consideration as the rule was finalized.

Chairman Hordes thanked everyone for their input and commended Ms. Lucero and Ms. Jaramillo for taking this first step.

OLD BUSINESS: DRAINAGE STUDY FINAL REPORT AND BUILDING ISSUES

Chairman Hordes welcomed Bill Taylor and Charles Kitay with the PCD. Mr. Taylor provided the Commission with a written status report on the completion of designated repairs to the drainage problems identified at West Capitol Complex. Mr. Taylor said he would like to skip directly to the PCD funding points:

He stated that the PCD received funding from the State Board of Finance on October 17, 2006 to hire contractors to perform site alterations consisting of, but not limited to the sites and projects identified below.

- Area DPA-1a, re-pour positive drainage concrete aprons at the (three) north rollup doors away from building.
- DPA-3b, conduct further pot hole/camera investigation of the storm drain pipe at the southeast building fence to identify any storm pipe clogging or directional issues.
- DPA-6, enlarge and re-grade the retention pond with cobble rock at the storm inlet to the city storm drain pipe.
- DPA-5, shoot elevations (the PCD) and provide the BSD with several curb-cut, marked locations to allow storm water to drain from main-entry landscape area to the parking lot retention pond. The BSD will perform the actual curb saw cuts.

Mr. Taylor then went over the PCD timeline to complete the drainage work.

- 12/31/06 - request proposals/quotes from various State Purchase Agreement contractors/vendors and/or secure three quotes, as required per the Procurement Code.
- 1/15/07 - submit a purchase order(s) for the work.
- 2/15/07 - have approved/dispatched purchase order(s).
- 2/18/07 - begin site work alterations after scheduling/staging.
- 3/31/07 - completed site alterations.

Ms. Jaramillo asked Mr. Kitay why only portions of the landscaping bark had been removed and whether the PCD intended to complete the landscaping around the West Capitol Complex. Mr. Taylor stated that the PCD would be submitting funding requests to complete scheduled repairs in

December and that funding for landscaping was also required. Chairman Hordes asked Commission members if they had any further comments. Hearing none, he then asked Ms. Jaramillo about the status of the building's security system. He stated that he, along with Ms. Jaramillo, had met with GSD Secretary Arturo Jaramillo in late August to discuss the problems with the security system that had been reported to the Commission at its last meeting (August 24, 2006). Ms. Jaramillo reported that, with the assistance of the PCD, funding had been secured to upgrade software for the security system, which now appeared to be functioning properly. She commented that employees were now able to use their key cards to open doors and did not have to prop doors open to get in and out of secure areas. Ms. Jaramillo said that key cards had been issued to new employees but that there were still problems with the employee entrance doors not securing properly and with the alarm panel. She thanked Secretary Jaramillo for providing additional security guards at the State Records Center and Archives until the system was back up and running. Mr. Taylor stated that he would follow up on the unresolved security issues with the BSD. Chairman Hordes commended Ms. Jaramillo for her diligence in making the appointment with Secretary Jaramillo to find a solution to the security problems. Chairman Hordes also commended Secretary Jaramillo for his diligence in ensuring that everything was fixed. Ms. Jaramillo expressed her appreciation to Mr. Kitay and Mr. Taylor for their assistance.

Before proceeding to the action items, Ms. Jaramillo informed the Commission that Mr. Joseph Valdez had received awards from the local Chapter of ARMA and ARMA International in recognition of his work in the records management profession. Chairman Hordes commended Mr. Valdez for his awards.

ACTION ITEMS

A. *1.17.215 NMAC, New Mexico Court of Appeals*

Ms. Jaramillo stated the first item for consideration was the repeal and replacement of 1.17.215 NMAC, the Judicial Records Retention and Disposition Schedule (JRRDS) for the Court of Appeals but that the schedule provided in the Commission packets had been replaced by a new draft which had just been distributed to the Commission. Ms. Jaramillo noted that the new draft included a change in the definition for "mandates of disposition," which in turn had resulted in changes to the retention period for several of the record series described in the schedule. The schedule was presented by Mr. Joseph Valdez. Mr. Valdez gave a brief description of the general functions of the New Mexico Court of Appeals. Chairman Hordes entertained a motion for approval of the repeal and replacement of the schedule as presented. Ms. Rebecca Vigil-Giron so moved. Mr. Mead seconded the motion. There was no discussion. The motion passed unanimously, with no abstentions.

1.18.430 NMAC, Public Regulations Commission

Ms. Jaramillo stated that the next item was an amendment to 1.18.430 NMAC, the Executive Records Retention and Disposition Schedule (ERRDS) for the Public Regulation Commission (PRC). She introduced Mr. Ruben Rivera, who presented the amendment to the schedule. Mr. Rivera stated neither the legal counsel for the PRC nor the PRC Chairman had yet reviewed the amendments. Accordingly, Ms. Jaramillo asked that the Commission table the schedule. Chairman Hordes entertained a motion to table the schedule. Ms. Vigil-Giron so moved. Ms. Moll seconded the motion. The motion passed unanimously, with no abstentions.

1.18.521 NMAC, Energy, Minerals and Natural Resources Department

Ms. Jaramillo stated that Mr. Rivera would also present the next item - amendments to 1.18.521 NMAC, the ERRDS for Energy, Minerals and Natural Resources. Mr. Rivera said that the schedule

included descriptions of database systems that had not been captured in the previous schedule and indicated that there were new changes to schedule provided to the Commission in their packets. Chairman Hordes asked if everything underlined was new material, and Mr. Rivera indicated in the affirmative. Chairman Hordes asked that Mr. Rivera continue with his presentation and the Commission would then decide if they would accept the schedule. Secretary Vigil-Giron suggested that since the material was new to Ms. Jaramillo and to staff that perhaps staff should have the opportunity to review the material before presenting it to the Commission. Ms. Jaramillo stated she agreed and preferred to table the schedule. Chairman Hordes entertained a motion to table the schedule. Secretary Vigil-Giron so moved. Ms. Linda Medina seconded the motion. The motion passed unanimously, with no abstentions.

1.18.630 NMAC, Human Services Department

Ms. Jaramillo indicated the next item was an amendment to 1.18.630 NMAC, the ERRDS for the Human Services Department (HSD) and would also be presented by Mr. Rivera. Mr. Rivera gave a brief description of the general functions of the HSD and explained the amendments. Chairman Hordes entertained a motion for approval. Mr. Mead so moved. Secretary Vigil-Giron seconded the motion. The motion passed unanimously, with no abstentions.

C. Acceptance of Deed of Gift: Leona Kuntz Photograph Collection

Ms. Jaramillo introduced Ms. Melissa Salazar, Chief of the Archives Bureau of the Archives and Historical Services Division. Ms. Salazar presented the Deed of Gift for Leon Kuntz Photograph Collection. Ms. Salazar stated that the collection was historically significant because of the photographic documentation of student life at the Albuquerque Indian School for the years of 1916 and 1917. Prior to the donation of the photograph collection, the State Archives maintained only nine photographs of the Albuquerque Indian School (1885-1890) in the New Mexico Department of Tourism Photograph Collection. Ms. Salazar provided the Commission with biographical information on Ms. Leona Kuntz who taught school for several years in the "Indian Service" at the Albuquerque Indian School and in Cantonment, Oklahoma. Ms. Jaramillo informed the Commission that under Section 14.3.5 NMSA 1978 of the Public Records Act, the Commission may receive donations from private sources that are of value to the state and the general public for historical research. Chairman Hordes entertained a motion for approval of the Deed of Gift. Secretary Vigil-Giron so moved. Mr. Mead seconded the motion. The motion passed unanimously, with no abstentions.

VII. 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. Secretary Vigil-Giron so moved. Ms. Moll seconded the motion. Mr. Alvin Garcia stated that the Open Meetings Act requires reasonable specificity as to the name of the subject to whom the Commission would be evaluating. Chairman Hordes stated the Commission would be conducting the annual performance review of the State Records Administrator. Chairman Hordes entertained a motion for a roll call vote. Secretary Vigil-Giron so moved. Ms. Moll seconded. Mr. William DeLaO gave the roll call, Secretary Vigil-Giron voted yes, Mr. Mead voted yes, Ms. Moll voted yes, Ms. Medina voted yes, and Ms. Salazar voted yes. The Commission went into executive session at 11:05 a.m. and came out of executive session at 11:20 a.m. Chairman Hordes entertained a motion to go out of the executive session. It was so moved by Secretary Vigil-Giron and seconded by Mr. Mead. The motion passed. Chairman Hordes stated that only personal matters were discussed and that no other business was discussed during the closed session. Secretary Vigil-Giron stated that Ms. Jaramillo exceeded expectations in all five categories; she then moved that the Commission award a raise to the Ms. Jaramillo based on the maximum percentage that can be given to an exempt employee. Ms.

Bergit Salazar seconded the motion. The motion passed unanimously, with no abstentions. Ms. Jaramillo thanked the Commission for their vote of confidence and her management team for their support.

DIRECTOR'S REPORT

Ms. Jaramillo asked Mr. John Martinez, Administrative Law Division Director, to provide a brief report on the Association of Commerce and Industry's (ACI) efforts to change the State's regulatory process. Ms. Jaramillo stated that Mr. Martinez had been made aware of the ACI's proposed changes to the rule-making process in October. Mr. Martinez reported that the ACI, a statewide association of chambers of commerce, had coined the phrase "regulatory justice" in its efforts to bring about change by calling on state regulatory bodies to produce consistent and uniform regulatory processes for companies doing business with the state. Mr. Martinez stated that ACI intended to introduce 10 bills during the next legislative session. Chairman Hordes thanked Mr. Martinez for his report. Ms. Jaramillo stated that she and Mr. Martinez would monitor the introduction of any bills calling for proposed changes to the State Rules Act that would have a direct impact on the agency.

Ms. Jaramillo stated that the Fiscal Year 2006 financial audit had been completed by the established deadline by the firm of Robert J. Rivera, CPA and that an exit interview was scheduled for later that same afternoon.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for April 3, 2007 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. Secretary Vigil-Giron so moved. Ms. Deborah Moll seconded the motion. The motion passed unanimously, with no abstentions. The meeting was adjourned at 11:45 a.m.