

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
March 21, 2006**

The State Commission of Public Records convened at 9:00 a.m., Tuesday, March 21, 2006, at 1209 Camino Carlos Rey, Santa Fe, New Mexico.

MEMBERS PRESENT

Stanley Hordes, Ph.D., Chair	Historian
Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department
Michael Poulson	Acting Supreme Court Law Librarian
Bergit Salazar	Representing the Director, Museum of New Mexico, Cultural Affairs Department
Andrea Buzzard	Designee for the Honorable Patricia Madrid, Attorney General
Linda Medina	Designee for the Honorable Domingo Martinez, State Auditor
Patricia Herrera	Representing the Honorable Rebecca Vigil-Giron, Secretary of State

STAFF PRESENT

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)
Alvin Regensberg	Senior Archivist, Archives and Historical Services
Estevan Rael-Gálvez, Ph.D.	State Historian
Leo Lucero	Agency Analysis Bureau Chief, RMD
Tom Chavarria	Micrographics Bureau Chief, RMD
Jackie Garcia	Agency Analysis Analyst, RMD
Lisa Sandoval	Agency Analysis Analyst, RMD
Randy Forrester	Grants Administrator, New Mexico Historical Records Advisory Board (NMHRAB)
Joseph V. Valdez, II	Agency Analysis Analyst, RMD

GUESTS PRESENT

Alvin R. Garcia	Assistant Attorney General
Diego Sisneros	Human Services Department, CSED
Rick Sandoval	Zlotnick, Law & Sandoval, Auditor
Alex Maestas	Worker's Compensation Administration
Charles Kitay	Property Control Division, GSD

CALL TO ORDER

Chairman Hordes called the meeting to order at 8:55 a.m.

APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda. Ms. Medina so moved. Ms. Herrera seconded the motion. Chairman Hordes asked if there were any changes to or discussion of the agenda. Ms. Jaramillo indicated that Mr. Charles Kitay of Property Control Division would be here to give a report on building issues and asked that he give his presentation at the end of the acceptance of the audit report. There was no further discussion. The agenda was approved. Ms. Buzzard asked if she could make an observation by indicating that every members vote must be recorded in the minutes, so when a vote is taken, it is appropriate either to have a roll call vote or simply to indicate when a measure has passed unanimously that all members are present and there are no abstentions. Chairman Hordes concurred and suggested that he would hence forth state after a vote, if appropriate *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

APPROVAL OF THE MINUTES – December 6, 2005

Chairman Hordes entertained a motion for the approval of the minutes of December 6, 2005. Ms. Moll so moved. Ms. Buzzard seconded the motion. The motion was approved to accept the minutes. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

ACCEPTANCE OF THE AUDIT REPORT – FISCAL YEAR 2005

Ms. Jaramillo introduced Mr. Rick Sandoval with Zlotnick, Law & Sandoval to present the Fiscal Year 2005 Audit Report. Mr. Sandoval reported that the audit was conducted as of June 30, 2005. Mr. Sandoval gave a brief summary of how the audit was conducted. Two reports listed in this document are 1) The Opinion of Financial Statements. This indicates a non qualified opinion, which means it is clean. All the financial statements or numbers as presented are in accordance with the standards. There were no exceptions or major adjustments that resulted. 2) Audit of Financial Statements. What we do is look at the internal control system; how you process transactions, what controls are in place to make sure that you summarize transactions into the proper accounts. We did have one audit finding listed on page 37 that had to do with budget over expenditure. There was an over expenditure of the budget amount and personal services category. The agency's response is listed at the bottom of the page, which is basically a projection based on an individuals salary through the end of the fiscal year. The calculation was human error in the amount of approximately \$100.00. Mr. Sandoval indicated that the agency does have the proper procedures in place. Ms. Hazlett responded that on the audit finding, it was an over expenditure on our budget, and it was a category and not the entire appropriation. Chairman Hordes asked Ms. Jaramillo if she had any comments and Ms. Jaramillo stated that Ms. Hazlett and Ms. Maryann Baca, Financial Officer did a wonderful job in keeping records. On behalf of the Commission, Chairman Hordes thanked Ms. Jaramillo, Ms. Hazlett and Ms. Baca for an outstanding job. Chairman Hordes entertained a motion for a formal acceptance of the audit report for fiscal year 2005. Ms. Moll so moved. Ms. Medina seconded the motion. The motion was approved to accept the audit report for fiscal year 2005. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

Building Issues

Ms. Jaramillo informed the Commission that the two reports have been located and were conducted by Red Mountain and Bohannon & Houston. Ms. Jaramillo then introduced Mr. Charles Kitay who would present information on the new west complex study that is to be conducted. Mr. Kitay noted that a new amendment with Bohannon & Houston through the architect that built the Anaya Building and Public Regulation Department is scheduled to complete a master drainage study and report for the entire west campus. Mr. Kitay also mentioned that the new amendment has taken eight months to go through the process to get approved which was granted on February 9, 2006. The surveying and topographic mapping will take place this week. Chairman Hordes asked Mr. Kitay if the reports would be ready to review before the Commission packets are distributed to members, and, will the new survey be intended to examine the question of waters that originate off site as well as on site? Mr. Kitay replied yes and added that in the study of the scope of work that was given to the engineer, were requested to conduct a study along Cerrillos Road and Camino Carlos Rey. The drainage on Cerrillos Road as it currently stands will be addressed and the drainage study on Cerrillos Road had already been corrected by the City. Chairman Hordes asked Mr. Kitay to ask the engineers to consider the overflow due to flooding in this building from Cerrillos Road and asked to anticipate that there are problems. Ms. Jaramillo mentioned she is concerned about the water that drains off the roof from this building, because it comes directly on front of the doorways and creates huge puddles. Chairman Hordes asked Mr. Kitay if Bohannon & Houston have been provided with the earlier engineering reports that go back 10 years to Red Mountain. According to Mr. Kitay, they have been provided with the report. Ms. Jaramillo added that Mr. Kitay was very instrumental in helping us resolve other building issues. The wall outside of the building was repaired, cooling units were installed in our server rooms, additional security cameras were installed in our lobby areas and the floor in the mechanical room above Micrographics Bureau was repaired. The renovation project was completed in January.

ACTION ITEMS

A) Records Retention and Disposition Schedules

1.19.2 NMAC, Office of the County Assessor

Ms. Jaramillo mentioned the next item is a repeal and replacement for the local government records retention and disposition schedule for the Office of the County Assessor, 1.19.2 NMAC. The Public Records Act states that the State Records Administrator may advise and assist County and Municipal Offices in the formulation of programs for the disposition of public records. This schedule will be presented by Ms. Lisa Sandoval. Ms. Sandoval provided a description of the functions for the Office of the County Assessor. In the current retention schedule, when it comes to the maintenance system, we have local government preference because the schedule will apply to all County Assessor's Offices in the thirty-three counties. Chairman Hordes stated *let the record show we are now joined by Mr. Garcia*. Chairman Hordes then brought to the attention that on page four 1.19.2.113 Plats, Surveys and Maps Files have all been designated as permanent which would be beneficial to historians who go back into the past and try to reconstruct what was going on, where and how. And, on page five, 1.19.2.121 NMAC, Manufactured Home Systems. Chairman Hordes asked if there was a reason that we do not need a longer retention schedule. Ms. Sandoval indicated on the system and the hard copy file, Motor Vehicle is actually the keeper of the record and they keep the record for tax purposes. Chairman Hordes inquired if we ever received further information regarding the retention schedule from Motor Vehicle relating to Mobile Homes. Ms. Jaramillo indicated that Motor Vehicle Division (MVD) is currently working with Ms. Jackie Garcia and Ms. Angela Lucero. Ms. Lucero stated that MVD is currently working on their retention schedule and it should be ready by the next Commission Meeting. Chairman Hordes asked if there

were any comments or questions on behalf of the Commission and from those in attendance, hearing none, Chairman Hordes entertained a motion for acceptance for approval of the schedule. Ms. Moll so moved. Ms. Medina and Ms. Herrera seconded the motion. The motion was approved. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

1.19.5 NMAC, Office of the County Sheriff

Ms. Jaramillo stated the next item for the Commissions consideration is a replacement for 1.19.5 NMAC. The schedule will also be presented by Ms. Sandoval. Ms. Sandoval provided a brief description of the functions stating this is a replacement for the existing local government records retention and disposition schedule for the County Sheriffs Office, 1.19.5 NMAC. Chairman Hordes noted on page 3 and page 4 relating to the statistical reports and manual reports with information on macro data wondered shouldn't there be a longer or permanent retention schedule for monthly and annual reports? Ms. Sandoval replied on 1.19.5.25 Crime Statistics Reports, the annual report is usually kept at the Sheriffs Office, and it is not the actual annual report that gets sent to our agency for permanent retention. Chairman Hordes asked if there were any comments or questions on behalf of the Commission and from those in attendance, hearing none, Chairman Hordes entertained a motion for acceptance for approval of the schedule. Ms. Medina so moved. Ms. Salazar seconded the motion. The motion carries. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

1.18.630 NMAC, Human Services Department

Ms. Jaramillo stated the next item for the Commissions consideration is an amendment to 1.18.630 NMAC. This is the records retention and disposition schedule for Human Services Department. Ms. Jaramillo introduced Mr. Tom Chavarria who would present the amendment. Mr. Chavarria referred to Section 8, Abbreviations and Acronyms. CSES (Child Support Enforcement System) has been added. The following additions are 1.18.630.349, NMAC, License Suspension Case Files and 1.18.630.350 NMAC, Financial Institution Data Match Case File. Ms. Jaramillo indicated these two items were not captured on the previous schedule. Mr. John Martinez, Administrative Law Director commented that these are filed and published with SRCA however, they will look differently but the substance will be the same. Chairman Hordes asked if there were any comments or questions on behalf of the Commission and from those in attendance, hearing none, Chairman Hordes entertained a motion for approval of the amendment. Ms. Salazar so moved. Ms. Moll seconded the motion. The motion was approved. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

1.18.632 NMAC, Worker's Compensation Administration

Ms. Jaramillo introduced Mr. Joseph Valdez who indicated this is an amendment to the Executive Records Retention and Disposition Schedule for the Worker's Compensation Administration. Amendments to Section 1, 2, 3, 5, 6, 7 and 9 were made to update the ERRDS to conform with current NMAC style and format requirements. The amendment to 1.18.632.102 NMAC of the existing ERRDS was requested by the Worker's Compensation Administration to further clarify that the hearings are recorded on tapes which changes both the maintenance system and retention schedule. Mr. Valdez introduced Mr. Alex Maestas, Clerk for the Court. Ms. Jaramillo mentioned these changes to the records series 1.18.632.102 clarifies that this is a tape for a formal claim hearing which also indicates the maintenance system is chronological by calendar year and the retention is also changed to one year after the close of calendar year in which the case is closed. Chairman Hordes asked why the retention was reduced from fifteen years to one year. Mr. Valdez stated it was done in the previous administration. Ms. Moll asked if copies of the original tapes go to the court or do the original tapes go. Mr. Valdez stated only if there is an appeal all materials go

to the appeals court. Chairman Hordes asked if there were any comments or questions on behalf of the Commission and from those in attendance, hearing none, Chairman Hordes entertained a motion for approval of the amendment. Ms. Salazar so moved. Ms. Herrera seconded the motion. The motion was approved. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

B) Open Meetings Act

Ms. Jaramillo stated that the Commission adopted a rule on the Open Meetings Act 1.13.1 NMAC and the rule requires that the Commission review the notice provisions of the rule annually to determine whether the provisions in the rule still constitute reasonable notice of public meetings. No changes have been made to the rule. Ms. Jaramillo asked the Commission to review the rule and determine if the notice requirements are still adequate. Ms. Buzzard asked Ms. Jaramillo to explain the notice requirements in detail by section. Chairman Hordes asked if there were any comments or questions on behalf of the Commission and from those in attendance, hearing none, Chairman Hordes entertained a motion for approval. Ms. Salazar so moved. Ms. Buzzard seconded the motion. The motion was approved. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.*

NEW BUSINESS

Ms. Jaramillo introduced Mr. Randy Forrester, Grants Administrator and asked him to provide the Commission with a report on the activities of the New Mexico Historical Records Advisory Board (NMHRAB). She also indicated that the New Mexico Historical Records Advisory Board was created in 1975 as an unfunded adjunct to the New Mexico Commission of Public Records. Mr. Forrester provided a comprehensive history of NMHRAB to the Commission. Chairman Hordes thanked Mr. Forrester for his presentation on NMHRAB.

OLD BUSINESS

Chairman Hordes asked Ms. Jaramillo if there was more information regarding building issues in reference to the graffiti. Ms. Jaramillo indicated that a police report was filed and security does patrol the building. Security did notice a white truck driving away but were unable to retrieve a license plate. Security cameras are installed inside the lobby and Ms. Jaramillo mentioned that she would like to have security cameras outside the building also.

2006 Legislative Update

Ms. Jaramillo informed the Commissioners that a copy of the 2006 Legislative Update report is in their packets, and noted at the time the report was done, we had not yet had information on the action taken by the Governor on House Bill 2 and Senate Bill 415.

Chairman Hordes asked Ms. Jaramillo is she could give an assessment of how things were done this year, and what we could do for improvement. Ms. Jaramillo replied that this year, we secured the services of Mr. Joe Covert as a legislative liaison and with his help and the assistance of his associates we were able to get the two FTS into the budget. We realize that we need to start working with Senators, especially Local Government Division (LGD) by making them aware of what are needs are. Ms. Jaramillo mentioned that she has made an appointment with Representative Varela to get on the Local Government Divisions (LGD) agenda to talk about electronic records management issues and put forward our proposal for next year for the enterprise content management system that we want to secure funding for.

Records Center Update

Ms. Jaramillo stated at the last meeting Ms. Lucero provided a report on the records center. There were discrepancies in the Santa Fe and Albuquerque Records Center regarding the data inventory. The discrepancies were discovered when we implemented our new web base inventory system. We were resolving those issues in trying to find out where those discrepancies were. The Santa Fe Records Center is pretty much cleared up, and as for the Albuquerque Records Center, we had to stop due to budget constraints.

DIRECTOR'S REPORT

Ms. Jaramillo indicated that a copy of her report was included in each Commissioner's packet. Ms. Jaramillo also mentioned the \$96,000 deficit is in salaries and benefits, and we were able to make up some of that by holding three positions open. We are planning to fill two positions in April. The agency has a remaining deficit in the amount of \$37,670.00 so by transferring \$8,413.00 from "contractual services" and \$29,257.00 from the "other category" into "personal services" we were able to make up the difference. The Office of the State Historian, were awarded four fellowships for the scholars program. Dr. Rael-Gálvez mentioned the four awards went to Ms. Hillah Culman, a graduate student from Texas Tech, Mr. Mark Schiller an independent researcher, Ms. Kristine Courtial, a San Diego State University student, and Mr. Stephen Hussman. Ms. Jaramillo mentioned the State Records Center and Archives is currently working with the State Library and University of New Mexico to sponsor a tribal archives and records management institute on June 6-8, 2006 in Santa Fe, New Mexico and staff from State Records Center and Archives will be providing presentations on archives and records management.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for Tuesday, June 20, 2006, at 9:00 am 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. Ms. Medina seconded the motion. The motion passed. Chairman Hordes stated *let the record show that the vote was unanimous in the affirmative and there were no absences and no abstentions.* The meeting was adjourned at 10:47 a.m.