

**MINUTES OF THE  
STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
December 4, 2007**

The State Commission of Public Records convened at 9:00 a.m., Tuesday, December 4, 2007, at 1209 Camino Carlos Rey, Santa Fe New Mexico.

**Members Present**

Stan Hordes, Ph D., Chair	Historian
The Honorable Mary Herrera	Secretary of State
Mr. Antonio Corrales	Representing Honorable Hector Balderas, State Auditor
Dr. Frances Levine	Director, Museum of New Mexico
Mr. Robert. Mead	State Law Librarian
Ms. Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department (GSD)
Ms. Betsy Glenn	Designee for the Honorable Gary King, Attorney General

**Staff Present**

Ms. Sandra Jaramillo	State Records Administrator
Ms. Antoinette Solano	Administrative Assistant
Ms. Judi Ross Hazlett	Deputy State Records Administrator
Mr. John Martinez	Director, Administrative Law Division
Ms. Angela Lucero	Director Records Management Division, RMD
Ms. Jackie Garcia	Records Management Analyst, RMD
Ms. Valerie Lucero	Records Management Analyst, RMD
Mr. Cliff Serrano	Records Management Analyst, RMD
Mr. Joseph Valdez	Records Management Analyst, RMD
Mr. Alvin Garcia	Assistant Attorney General

**Guest Present**

Mr. James Flores	Office of the Secretary of State
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**I. CALL TO ORDER**

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

**II. APPROVAL OF THE AGENDA**

Chairman Hordes entertained a motion for the approval of the agenda. Ms. Jaramillo stated she had one correction to the agenda; under "Action Items," she asked that the amendment to 1.18.926 NMAC, *ERRDS*, School for the Blind and Visually Impaired, be removed since the schedule was being presented as a repeal and replacement and not as an amendment. Ms. Mary Herrera moved for approval of the agenda as corrected, Ms Moll seconded the motion. The motion passed, and the agenda was approved.

**III. APPROVAL OF THE MINUTES – August 28, 2007**

Chairman Hordes entertained a motion for the approval of the minutes of the meeting of August 28, 2007. Mr. Mead had one correction; he asked that his title be corrected to State Law Librarian. Chairman Hordes entertained a motion for approval of the minutes as corrected. Ms Moll so moved; Mr. Mead seconded the motion. The motion passed and the minutes were approved.

**IV. ELECTION OF OFFICERS**

Chairman Hordes opened the floor for nominations for Chair, Vice-Chair and Secretary. Ms. Moll nominated Dr. Hordes as Chair, Mr. Mead seconded the motion. The motion passed. Mr. Mead nominated Ms Moll for Vice-Chair, Ms Herrera seconded the motion. The motion passed. Ms Moll nominated Mr. Robert Mead as Secretary, Ms. Herrera seconded the motion. The motion passed.

**V. ACTION ITEMS**

**A. Records Retention and Disposition Schedules**

Ms. Jaramillo introduced Ms Angela Lucero, Records Management Division Director. Ms. Lucero introduced new members of her staff: Mr. Matthew Montano, Micrographics/Electronic Records Bureau Chief; Mr. Cliff Serrano, Electronic Records Management Analyst; and Mr. Jay Rodriguez, Records Management Analyst formerly with the Albuquerque Records Center. Ms Jaramillo added that Ms Lucero had done an excellent job putting together a team to move the work of the Records Management Division forward.

**Amendment to 1.18.333 NMAC ERRDS, Taxation and Revenue Department-**

Ms Jaramillo stated the first item for the Commission's consideration was an amendment to 1.18.333 NMAC, Executive Records Retention and Disposition Schedule (ERRDS) for the Taxation and Revenue Department. She introduced Ms Jackie Garcia who presented the amendment.

Chairman Hordes stated that before Ms. Garcia presented the amendment he wished to introduce and welcome two new attendees representing members of the Commission: Mr. Antonio Corrales, Chief of Staff, representing the State Auditor and Ms Betsy Glenn, designee for the Attorney General.

Ms Garcia informed the Commission that the amendment to the Taxation and Revenue schedule was necessary to correct an error in the description of the records series items 1.18.330.230 NMAC and 1.18.330.234.NMAC. Chairman Hordes entertained a motion for approval. Ms. Moll so moved, Mr. Mead seconded the motion. The motion passed unanimously.

**Amendment to 1.18.630 NMAC, ERRDS, Human Services Department**

Ms Jaramillo stated the amendment to 1.18.630 NMAC, ERRDS, Human Services Department would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendment to the schedule had been made at the request of the Human Services Department. The amendment establishes the

retention period for a new records series, 1.18.630.299, NMAC, Interim Assistance Reimbursement Files. Chairman Hordes entertained a motion for approval. Ms Moll so moved, Ms Herrera seconded the motion. The motion passed unanimously.

**Amendment 1.18.665,NMAC, ERRDS, Department of Health**

Ms. Garcia also presented the amendment to 1.18.665 NMAC, ERRDS, Department of Health. Ms. Garcia stated the amendment added four new record series to the current schedule.

Before continuing Chairman Hordes took a few minutes to welcome Mr. Alvin Garcia, assistant attorney general for the Commission of Public Records, who had just arrived.

Ms. Moll asked whether the use of the noun "Aspen" in the title of 1.18.665.2361, *Facility (Aspen) Complaint System* was a product name or the name of the system. Ms Garcia replied that "Aspen" is the Company name for the database system. Ms Moll suggested that the name be deleted in the event that the Department of Health would change computer systems at a later date, thereby eliminating the need to amend the schedule because of the name change. Ms Jaramillo advised the Commission that anything in parenthesis was informational and not part of the official title or rule material. Mr. Mead asked why the record series carried a confidentiality note. Ms Jaramillo stated the confidentiality clause provided notice that portions of the record could contain information exempt from public disclosure. Chairman Hordes entertained a motion to approve. Ms Moll so moved; Ms Herrera seconded the motion. The motion passed.

**Repeal and Replacement, 1.17.216 NMAC, JRRDS, New Mexico Supreme Court**

Ms. Jaramillo introduced Mr. Joseph Valdez who presented the repeal and replacement of 1.17.216 NMAC, Judicial Records Retention and Disposition Schedules (JRRDS) for the New Mexico Supreme Court. Mr. Mead as State Law Librarian requested that he be shown as abstaining to avoid any potential conflict. Mr. Valdez stated the last time the schedule had been reviewed was in 1997. Ms Moll expressed concern over the retention period for Supreme Court oral argument tapes, "upon issuance of mandate or final disposition from the Supreme Court." Chairman Hordes asked why the tapes couldn't be held for a longer period of time. Commissioners proceeded to discuss preservation issues related to the longevity of magnetic tapes and the ability to retrieve information after five years. Ms. Jaramillo advised that magnetic tapes require environmental controls to prolong the life of the media, such as storage temperatures of 45 degrees Fahrenheit. She also noted that the State Records Center could not provide storage for the tapes because of limited vault storage. Ms. Moll advised that the 10 years after issuance of mandate or final disposition would be a more suitable retention period. Chairman Hordes entertained a motion to approve the repeal and replacement of the schedule with the suggested change in the retention period

for the Supreme Court oral argument recordings to "10 years after issuance of mandate or final disposition. Ms. Moll so moved; Ms. Glenn seconded the motion. The motion passed with one abstention by Mr. Mead.

**Repeal and Replacement ,1.18.430 NMAC, ERRDS, Public Regulation Commission**

Ms. Jaramillo stated Ms. Jackie Garcia would present the repeal and replacement of 1.18.430 NMAC, ERRDS, Public Regulation Commission. Ms. Garcia indicated that several new record series had been added and that the schedule had been renumbered and reformatted. Chairman Hordes entertained a motion for approval of the repeal and replacement for 1.18.430 NMAC. Ms. Moll, so moved and Mr. Mead seconded the motion. The motion passed.

**Repeal and Replacement, 1.18.644 NMAC, ERRDS, Division of Vocational Rehabilitation**

Ms. Jaramillo introduced Ms. Valerie Lucero who presented the repeal and replacement for 1.18.644 NMAC, ERRDS, Division of Vocational Rehabilitation. Ms. Lucero indicated the replacement schedule had been developed to comply with an agency strategic initiative to have records retention and disposition schedules current within a five-year period. Chairman Hordes entertained a motion for approval of the repeal and replacement. Ms. Moll so moved; and Ms. Herrera seconded the motion. The motion passed.

**Repeal and Replacement 1.18.926, NMAC, ERRDS., School for the Blind and Visually Impaired**

Mr. Valdez presented the repeal and replacement for 1.18.926 NMAC, ERRDS, School for the Blind and Visually Impaired. Chairman Hordes inquired whether *1.18.926.18 NMAC, American Printing House Reports*, was the name of the Printing House doing business with the School and whether the name of the printing house should be included in the title of the record series. Mr. Valdez replied that the American Printing House report is a standard report published since statehood on issues related to individuals who are visually impaired. Chairman Hordes entertained a motion for approval of the repeal and replacement, Ms. Moll so moved, and Ms Herrera seconded. Chairman Hordes thanked staff for their hard work.

**B. Acceptance of Deed of Gifts**

Ms. Jaramillo introduced Ms. Melissa Salazar, Acting Archives and Historical Services Division Director. Ms. Salazar presented deeds of gifts for the New Mexico Audubon Council and the Sangre de Cristo Audubon Society. Ms. Salazar provided the Commission with a summary of the organizations' histories and indicated the collections complemented other collections in the State Archives such as the Game and Fish Department Collection. She also stated the collections had informational value and would be of importance to researchers in the future. Chairman Hordes entertained a motion to accept the papers from the

New Mexico Audubon Society and the Sangre de Cristo Audubon Society. Ms. Moll so moved; and Mr. Mead seconded the motion. The motion passed.

## **VI. NEW BUSINESS**

Ms. Jaramillo introduced Mr. John Martinez, Administrative Law Division Director. Mr. Martinez provided the Commission with a short report on regulatory reform efforts being undertaken in the 2008 legislative session. Mr. Martinez reported he had attended a summit in October 2007, sponsored by the Association of Commerce and Industry in Albuquerque to discuss rulemaking in New Mexico. He stated that three bills regarding regulatory reform were discussed during the summit; however, the recommendation of the group was to support a bill that would establish a task force to study the process and to make recommendations to the Legislature on how State rule making could be more uniform. Chairman Hordes thanked Mr. Martinez for his report and asked whether he had any concerns with the bill. Mr. Martinez replied that the bill included language which stated that the Administrative Law Division Director would provide staff support to the task force, and therefore he would be able to address any issues or concerns the SRCA might have with the task force's recommendations. Ms. Jaramillo stated that she would keep the Commission apprised of all bills related to rule making during the legislative session.

## **VII. OLD BUSINESS**

### **Building Issues:**

Ms. Jaramillo explained that Mr. Charles Kitay of the Property Control Division was unable to attend the Commission meeting; however, she was pleased to report that all of the uncompleted repairs previously identified in the West Capital Complex Drainage Study Report had been addressed. These included widening of the drainage ponds and lowering an existing drain culvert so that water in the ponds could drain into the main city culvert. The east courtyard received an additional drop inlet basin adjacent to the sidewalk culvert so that runoff from the roof could drain directly into the inlet basin. A sidewalk culvert was added next to the southwest exit door in the records center to accommodate the overflow from the downspout and to reduce ice build-up in the winter months. She also informed the Commission that the Property Control Division had undertaken a security and fire suppression assessment of the facility and that she would provide a report to the Commission at its next meeting.

### **2008 Legislative Agenda:**

Ms. Jaramillo reported that the agency's FY 2009 appropriation represented a three percent increase over the FY 2008 operating budget and included one expansion item; the conversion of a half-time OSH administrative assistant position to full-time. The agency also submitted a \$50,000 special appropriation request to conduct a facility needs assessment for the SRCA. She stated that the Albuquerque Records Center was at full capacity and that the SRCA could not honor requests for storage. Ms. Jaramillo also indicated that additional office

space was required for the Santa Fe facility to accommodate the addition of new FTEs.

### **Real Property Working Group Report**

Ms. Jaramillo reported the Real Property Working Group had met on September 18 and October 19, 2007 and she provided the Commission with minutes of the two meetings. Ms. Jaramillo stated that the working group had developed a work plan and a timeline for producing a draft standard to present to the Commission for its consideration. She informed the Commission that the working group had established April 8 as its deadline for submitting the draft to the Commission. If the Commission approved the draft, a notice of rule making would be published in May and a public hearing to solicit comments would be scheduled in June. Ms. Jaramillo stated the standard was to be promulgated jointly as a rule with the Department of Information Technology (DoIT). Therefore, the standard required the concurrence of the DoIT. Ms. Jaramillo thanked Commissioner Mead and Patricia Herrera designee for the Secretary of State and John Martinez for their participation in the working group.

### **VIII. EXECUTIVE SESSION**

Chairman Hordes entertained a motion to go into the executive session to discuss the annual performance review of the State Records Administrator pursuant to Paragraph (2) of Subsection H of the Open Meetings Act. Ms. Moll so moved. Mr. Mead seconded the motion. Ms. Antoinette Solano gave the roll call. Ms. Herrera voted yes, Mr. Mead voted yes, Ms. Moll voted yes, Dr. Levine voted yes, Ms. Glenn voted yes, Dr. Hordes votes yes, and Mr. Corrales voted yes. The Commission went into executive session at 10:24 a.m. and came out of executive session at 10:45 a.m. Chairman Hordes entertained a motion to go out of the executive session. It was so moved by Dr. Levine 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. Chairman Hordes entertained a motion to award a raise to the Ms. Jaramillo based on the maximum percentage that is given to an exempt employee. Ms. Moll so moved; Mr. Mead seconded the motion. The motion passed.

### **IX. DIRECTORS REPORT**

Ms. Jaramillo referred Commissioners to the Director's Report included in their meeting packets and called their attention to personnel changes that had occurred in the agency since August 2007. She reported on Archives Month activities and called on Assistant State Historian, Dr. Dennis Trujillo, to speak on the OSH internship programs.

Dr. Trujillo explained the internship program was a new program initiated by the OSH as a result of a special appropriation. He indicated that the division working with College of Santa Fe, specifically with students from the Department of Film and Documental Studies on various projects that will benefit the digital history project. Dr. Hordes thanked the OHS for all the work.

Ms. Jaramillo announced to the Commission the award of a National Historical Publications Records Commission (NHPRC) grant to the New Mexico Historical Records Advisory Board (NMHRAB) in the amount of \$86,257. She indicated the grant will support the NMHRAB re-grant and scholarship programs. The NMHRAB administers grant and scholarship programs that provide funding to eligible applicants, state, local and tribal governmental organizations and private non profit repositories and employees and volunteers of these organizations. Ms. Jaramillo stated that the firm of Robert J. Rivera, CPA had completed the field work for preparing the Fiscal Year 2007 financial audit; however, the auditor had not been able to get the necessary cash value information from the State Treasurer to complete the audit report. The audit report is to be submitted to the State Auditor by December 15, 2007. Ms. Hazlett, Chief Financial Officer for the agency indicated that the Treasurer's office could not produce the required information that the auditor required from the SHARE, (the State's financial accounting system.) She stated the system was producing inconsistent numbers. Chairman Hordes expressed concern over the untimely submission of the audit report and how that would affect the agency's FY 09 appropriation request. He recalled a past experience in which the agency was reprimanded by the Legislature for not having a timely audit. Chairman Hordes asked if the agency could be proactive and send a letter to the State Auditor advising him why the FY 07 audit report would be late. Ms. Jaramillo replied that she would send a letter to the State Auditor if the information required to complete the audit report was not made available in time to meet the deadline of December 15. Mr. Corrales stated that the Auditor had been working with the DFA and the Treasurer's Office to resolve the issue which was also affecting other state agencies. He agreed a letter would be a good idea. Ms. Jaramillo indicated she would notify the Commission if a letter was required.

#### **X. SCHEDULING OF NEXT MEETING**

Chairman Hordes scheduled the next Commission meeting for April 8, 2008 at 9:00 a.m., at the State Records Center and Archives facility in Santa Fe, New Mexico.

#### **XI. ADJORNMENT**

Chairman Hordes entertained a motion for adjournment. Ms Moll so moved and Mr. Mead seconded the motion. The motioned carried. The meeting adjourned at 11:15 am.