

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
August 26, 2008**

The State Commission of Public Records convened at 9:04 a.m. on Thursday August 26, 2008, at 1209 Camino Carlos Rey, Santa Fe New Mexico.

Members Present

Dr. Stanley Hordes, Ph.D.	Chairman
Mr. Evan Blackstone	Representing the Honorable Hector Balderas, State Auditor
Mr. Robert Mead	State Law Librarian
Ms. Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department (GSD)
Ms. Betsy Glenn	Representing the Honorable Gary King, State Attorney General
Ms. Patricia Herrera	Representing the Honorable Mary Herrera, Secretary of State

Members Absent

Ms. Frances Levine, Ph.D.	Director, Museum of New Mexico
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Staff Present

Ms. Sandra Jaramillo	State Records Administrator
Ms. Judi Ross Hazlett	Deputy State Records Administrator
Ms. Antoinette L. Solano	Administrative Assistant
Mr. John Martinez	Director, Administrative Law Division
Ms. Angela Lucero	Director, Records Management Division
Ms. Jackie Garcia	Records Management Analyst, RMD
Ms. Valerie Lucero	Records Management Analyst, RMD
Mr. Matthew Montano	Bureau Chief, Micrographics Division
Mr. Al Regensberg	Bureau Chief, Archives Division
Dr. Estevan Rael-Galvez	State Historian
Ms. Mona Valencenti	Assistant Attorney General, representing Stephen Vigil Legal Counsel

Guest Present

General Service Department Staff	
Mr. Joseph Valdez	President, ARMA Northern NM Chapter
Ms. Ellie Ortiz	LFC Analyst

I. CALL TO ORDER:

Chairman Hordes called the meeting to order at 9:04 a.m. The Chair began the meeting by thanking Ms Deborah Moll for Chairing the June 19, 2008 meeting.

II. APPROVAL OF AGENDA:

The Chair entertained a motion for the approval of the agenda. Ms. Moll so moved and Ms. Herrera seconded the motion. The motion passes the agenda was approved.

III. APPROVAL OF MINUTES:

The Chair entertained a motion for approval of the minutes. Ms. Moll so moved and Ms. Herrera seconded the motion. The Chair asked if there were any corrections, Ms. Jaramillo replied she had corrections to page 5. She asked that language be added to clarify the actions taken by the Commission on *1.18.770 NMAC, ERRDS, Department of Corrections*. Ms. Jaramillo asked to strike "*as amended*" in the following sentence "*The Chair entertained a motion to repeal and replace 1.18.770 NMAC, ERRDS, Department of Corrections, ~~as amended.~~*" and to add the following language *as presented with one modification to record series 1.18.770.36, Dismissed Disciplinary Report Packets changing the retention period from one year to 3 years after charge dismissed*" The sentence is to read: "*The Chair entertained a motion to repeal and replace 1.18.770 NMAC, ERRDS, Department of Corrections, as presented with one modification to record series 1.18.770.36, Dismissed Disciplinary Report Packets changing the retention period from one year to 3 years after charge dismissed.*" Ms. Jaramillo asked for an additional correction to the fourth paragraph also on page 5 under *1.18.446 New Mexico Medical Board*. She asked that language be added to the following sentence "*The Chair entertained a motion to approve the amended schedule as presented leaving the retention period for record series 1.18.446.105, NMAC, Malpractice Report Files at 10 years.*" After discussing the proposed changes to the minutes the Chair asked for a friendly amendment to the first motion to accept the minutes as corrected. Ms Moll and Ms. Herrera agreed. The motion to accept the minutes as corrected passed.

IV. ACTION ITEMS:

A. Retention and Disposition Schedules

Amendment to 1.18.790, NMAC, Executive Records Retention and Disposition Schedule, (ERRDS), Department Of Public Safety

Ms. Jaramillo introduced Ms. Jackie Garcia who presented an amendment to *1.18.790, NMAC, ERRDS, Department of Public Safety*. Ms. Garcia indicated the amendment to the schedule had been tabled by the Commission at the June 19, 2008 meeting to allow staff from the Department of Public Safety (DPS) to review the proposed change to the retention period for record series *1.18.790.39 NMAC State Police Promotional Files*. The Commission felt the previously proposed one year retention period for *State Police Promotional Files* was not long enough and had suggested the retention period be changed to three years. Ms. Garcia reported that she had consulted with DPS staff and DPS was in agreement with the proposed change. The Chair entertained a motion to accept the amendment to *1.18.790 NMAC*

ERRDS, Department of Public Safety. Ms. Moll so moved, Ms. Herrera seconded, the motion carried with no abstentions.

Repeal and Replacement, 1.18.350, NMAC, Executive Records Retention and Disposition Schedule, (ERRDS), General Services Department (GSD)

Ms. Jaramillo introduced Ms. Valerie Lucero who in turn introduced staff present from the GSD. Ms. Lucero presented the repeal and replacement of *1.18.350 NMAC ERRDS, General Services Department.* Ms. Lucero indicated the replacement schedule had been reviewed by the GSD legal department and the Internal Review Committee of the State Records Center and Archives. The Chair entertained a motion to repeal the old schedule, and replace it with the new schedule presented by Ms. Lucero. Ms. Moll so moved, and Ms. Herrera seconded, the motion carried with no abstentions. The Chair thanked the GSD staff for attending the meeting.

Repeal and Replacement, 1.18.805, NMAC, Executive Records Retention and disposition Schedule, (ERRDS), Department of Transportation (DOT)

Ms. Jaramillo stated Ms. Garcia would present *1.18.805 NMAC, ERRDS Department of Transportation.* Ms. Garcia indicated that the schedule had not been updated since 1997. She informed the Commission the replacement schedule had been reviewed by the legal staff at DOT as well as by the Internal Review Committee of the State Records Center and Archives. The Chair entertained a motion to repeal and replace the *1.18.805 NMAC, ERRDS Department of Transportation.* Ms. Moll so moved Mr. Blackstone seconded the motion, the motion carried unanimously with no abstentions. The Chair recognized Mr. David Corriz from the DOT who thanked Ms. Garcia for her hard work.

B. 1.11.2 NMAC, Real Property Electronic Recording

Ms. Jaramillo stated the next item for the Commission's consideration was *1.11.2 NMAC, Real Property Electronic Recording.* The purpose of the rule is to establish standards for the electronic filing of real property records as mandated by 14-9A-5 NMSA 1978 of the Uniform Real Property Electronic Recording Act. She reported that the rule would be filed jointly by Commission of Public Records, and the Department of Information Technology. She stated that two public hearings had been held on June 3, and June 19 to solicit comment on the rule. A few grammatical changes were made to the rule based on comments received and the rule was now ready to be presented to the Commission for adoption. The Chair entertained a motion for approval. Ms. Moll so moved, and Ms. Herrera seconded. The motion carried unanimously with no abstentions.

C. Acceptance of Deed of Gifts

Ms. Jaramillo indicated that the next item on the agenda was the presentation of the Deed of Gift for the Ken C. Marthey Motion Picture Film Collection. She stated that the collection was first offered to the State Records Center and Archives as a possible donation in 1998. The collection has been stored by the SRCA since 1998 awaiting the negotiation of a Deed of Gift from Mr. Marthey. She stated that the agency had finally received a response from Mr. Marthey in March of 2008. However, she felt

that the conditions placed on the Deed of Gift such as reserving the right to have his estate and/or heirs withdraw any materials until 10 years after the donor's death were unacceptable, and she did not recommend that the Commission accept the donation based on the restrictions placed on the Deed of Gift. Ms. Jaramillo stated she had submitted the proposed Deed of Gift to Mr. Stephen Vigil, Assistant Attorney General for his review. She stated that Mr. Vigil was in agreement with her recommendation to decline the donation.

Ms. Jaramillo introduced Mr. Al Regensberg the Bureau Chief for the Archives Division who was present to answer any questions regarding items in the collection. Mr. Regensberg advised that the donor also wanted 50% of all royalties directly and indirectly associated with duplication of film and that there were third party issues regarding copyright. The Chair asked Ms. Jaramillo if she would be willing to work with Mr. Vigil to negotiate a counter proposal. Ms. Jaramillo replied she would be willing to do so. The Chair then entertained a motion to table the donation to allow Ms. Jaramillo and Mr. Vigil time to renegotiate the terms of the donation. Ms. Moll so moved, and Ms. Herrera seconded, the motion was tabled.

D. FY 10 Appropriation Request

Ms. Jaramillo advised that the next item for the Commission's consideration was the FY10 Appropriation Request to be presented by Ms. Judi Hazlett. Ms. Hazlett introduced Ms. Ellie Ortiz the agency's Legislative Finance Committee analyst, Mr. Ruben Rivera, the agency's Fiscal Officer and the agency's new procurement officer, Mr. Scott Sheldon. Ms. Hazlett began her presentation by explaining the process used by the agency, to develop the FY 10 appropriation documents. She reviewed the agency's budget structure, focusing on the two budgeted funds - the General Operating Fund (179) and the Internal Service fund (371). She then walked through the appropriation request, directing the Commission's attention to the pertinent forms. Ms. Hazlett noted that the request did not include the required IT plan or Strategic plans because they were still being worked on. Ms Hazlett stated the General Fund request included an 8% increase over FY 09 operating fund. She also stated the request contained 4 expansion items (\$325.3) and presented them in the order of priority:

- \$46.8 for a term position, for the Land Grant Digitization project to scan original land grant documents and make them available online.
- \$117.2 for 2 FTE Information Technology positions. Implementation of the NM Digital History project, the Land Grant Digitization project and HERITAGE the online catalog system require additional IT support.
- \$86.3 for 2 FTE, Records Center Staff. The agency has managed two records centers over the last twenty years with the same number of staff however the services requested and activities associated with managing the records centers have increased by over seventy-five percent since 1989.
- \$75.0 to provide content for the NM Digital History project.

Ms. Hazlett concluded her presentation. Ms. Jaramillo commended Ms. Hazlett, Mr. Rivera and Mr. Sheldon for their hard work in preparing the appropriation documents. The Chair thanked the staff for doing their jobs and being so involved. Mr. Mead

motioned to accept the budget; Ms Moll seconded the motion. The motion carried with no abstentions.

V. OLD BUSINESS

A. Building Issues

Ms. Jaramillo reported that Property Control Division, GSD was still working on recommissioning the HVAC systems and planned to have a report with recommendations by December of 2008. She informed the Commission that repairs to the north wall of the records center had been completed, however drainage for the newly created holding pond was still incomplete.

B. Albuquerque Record Center

Ms. Jaramillo reported that funds to complete a feasibility study for the Albuquerque Records Center had been requested as a Capital Improvement Project along with funds to remodel the IT offices. She reported that she along with the Chair had appeared before the Capital Building Planning Commission in July to explain the request.

VI. DIRECTOR'S REPORT

Ms. Jaramillo reported that the Directors Report included statistics on the number of records destroyed in FY 08. She also advised that the agency's LFC budget hearing was scheduled for 1pm on October 23, 2008. Ms. Jaramillo reported that Mr. John Martinez of the Administrative Law Division was appointed as the Chair of the Intergovernmental Preparedness for Essential Records (IPER) working group which included representatives from the Department of Information Technology, Homeland Security and County Officials. The IPER project is a national project spearheaded by the Council of State Archivists as a means of delivering training on disaster preparedness to state, county and local governments.

VII. SCHEDULING OF NEXT MEETING

The next meeting of the New Mexico Commission of Public records was scheduled for **Tuesday November 25, 2008** at 9:00 a.m.

VIII. AJOURNMENT

The Chair entertained a motion for adjournment. Ms Moll so moved and Mr. Blackstone seconded the motion, the motion carried. The meeting was adjourned at 10:46 a.m.