

**MINUTES OF THE  
STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
December 8, 2009  
9:40 a.m.**

The State Commission of Public Records convened at 9:40 a.m. on Tuesday December 8, 2009 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87505.

**Members Present**

Stanley Hordes, Ph.D.	Chair, Historian
Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department
Patricia Herrera	Representative for Honorable Mary Herrera, Secretary of State
Robert Mead	State Law Librarian

**Members Absent**

Frances Levine, Ph.D.	Director, Museum of New Mexico
Honorable Hector Balderas	State Auditor
Honorable Gary King	State Attorney General

**Staff Present**

Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Antoinette L. Solano	Administrative Assistant
John Martinez	Director, Administrative Law Division
Angela Lucero	Director, Records Management Division (RMD)
Alvin Regensberg	Chief, Archives and Historical Services Division
Jackie Garcia	Records Management Analyst, RMD
Leo Lucero	Chief, Agency Analysis Bureau, RMD
Jay Rodriguez	Records Management Analyst, RMD
Ruben Rivera	Fiscal Officer
Scott Sheldon	Procurement Specialist

**Guests Present**

Raymond. W. Mensack	Bernalillo Metro Court
Jeanne Luciani	Bernalillo Metro Court
Brian Gilmore	Bernalillo Metro Court
Robin Berry	Bernalillo Metro Court
Rose Valencia	Department of Workforce Solutions
Nicolina Rushalko	Department of Workforce Solutions
Bernabe Romero	Donor, Deed of Gift

## **CALL TO ORDER**

Chair Hordes called the meeting to order at 9:40 a.m.

## **APPROVAL OF AGENDA**

Chair Hordes entertained a motion to approve the agenda. Mr. Mead so moved, and Ms. Herrera seconded the motion and the motion carried. The agenda was approved.

## **APPROVAL OF MINUTES – August 18, 2009**

Chair Hordes entertained a motion for approval of the minutes. Mr. Mead so moved and Ms. Herrera seconded the motion and the motion carried. The minutes were approved.

## **ELECTION OF OFFICERS**

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

## **ACTION ITEMS**

### **A. Executive Order 2009-004 – Impact on Agency**

Ms. Jaramillo noted that the first item for the Commission's consideration was the Executive Order 2009-004 with the impending impact that will affect the agency. The executive order required a three percent reduction and five furlough days in the current fiscal year. Ms. Jaramillo recommended that the Commission consider a four percent agency budget reduction, with no staff furloughs. Mr. Mead asked if a better strategy would be to propose a three percent budget reduction at this time with an added one percent at a later date. Chair Hordes acknowledged his concern, however he stated that the four percent reduction was a good compromise, and asked Ms. Jaramillo if it included the halting of the hiring of the positions in the Chief Information Officer (CIO), and the State Historian's positions. Ms. Jaramillo stated that the reduction was in lieu of leaving both positions unfilled, and that the positions will be filled later this fiscal year. Chair Hordes entertained a motion to accept the four percent agency budget reduction with no staff furloughs. Ms. Moll also noted that the four percent was feasible. Mr. Mead moved to accept the four percent reduction with no staff furloughs and stated for the record that the agency was working with a thirty three percent vacancy rate. Ms. Herrera seconded the motion and the motion passed unanimously, with no abstentions.

### **B. Records and Retention and Disposition Schedules**

#### **1.17.244 NMAC, Judicial Records and Disposition Schedule JRRDS, Bernalillo County Metropolitan Court**

Ms. Jaramillo stated the first item for the Commission's consideration was an amendment to *1.17.244 NMAC, JRRDS, Bernalillo County Metropolitan Court*. Ms. Jaramillo informed the Commission she had requested that language be added to the retention period for record series 1.17.244.121 Criminal Case Files to indicate that cases involving domestic violence or driving under the influence of liquor or drugs are to be transferred to the state archives twenty-five years after a case is closed. The cases involving domestic violence and driving under the influence are

permanent records however the retention schedule does not indicate when the records are to be transferred. Ms. Jaramillo explained that the State Archives had accepted the legal custodial transfer of 875 boxes from Bernalillo Metro court in the spring of 2009. However the case files which were transferred to the State Archives appeared to be active files. Ms. Jaramillo informed the Commission that the State Archives had received and continues to receive requests for copies of these case files from District Attorneys throughout the state. She explained that the additional language added to the retention period indicating "a transfer to archives after twenty-five years after case closed" would help prevent the premature transfer of active case files to the State Archives.

Ms. Jaramillo introduced Mr. Jay Rodriguez who presented the amendment. Mr. Rodriguez informed the Commission that the amendment to *1.17.244 NMAC, JRRDS, Bernalillo County Metropolitan Court, section 1.17.244.121 Criminal Case File*, added language "transfer to archives twenty-five years after case is closed." Mr. Rodriguez introduced Mr. Mensack representing Bernalillo Metro Court. Mr. Mensack addressed the Commission and stated he had some concerns because he had been assured by Ms. Jaramillo that the 875 boxes transferred to the State Archives would not be returned to Bernalillo Metro Court.. He expressed his concern that the amendment would require Bernalillo Metro Court to take back files now in the custody of the State Archives.

Mr. Mead asked for clarification on the records that would be affected by the amendment. Ms. Jaramillo replied that the records which would be affected would be the case files stored in the records centers and still under the legal custody of the Bernalillo Metro Court. Ms. Angela Lucero, Division Director for the Records Management Division stated the 875 boxes had been transferred to the State Archives because the Albuquerque Records Center had reached full capacity and could no longer take in any additional storage space. She expressed her concern over the limited amount of storage space available in the Albuquerque and Santa Fe records centers. She explained that procedures are in place for the storage of inactive records however state agencies do not always comply with the procedures and often submit active records for storage. Ms. Jaramillo reiterated that both records centers are close to reaching storage capacity, and within ten years, the SRCA will no longer have storage availability. She indicated that the feasibility study currently underway would address the storage issues the agency is facing.

Chair Hordes entertained a motion to adopt the amendment. Ms. Moll so moved. Ms. Herrera seconded the motion. The motion passed unanimously, with no abstentions.

### **1.18.631 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Department of Workforce Solutions**

Ms. Jaramillo stated that the next item for the Commissions consideration was an amendment to *1.18.631 NMAC, ERRDS, Department of Workforce Solutions*. She stated Mr. Rodriguez would present the amendment. Mr. Rodriguez explained that the amendment included the addition of two new record series, sections: *1.18.631.205, NMAC, Public Works Violation Register and 1.18.631.301, Quality Control Audit Case Files*, which had not been included in the schedule previously adopted by the Commission.

Mr. Rodriguez introduced Ms. Rose Valencia, legal counsel with the Department of Workforce Solutions and stated she was in attendance to answer any questions the Commission might have regarding the amendments. The Chair welcomed Ms. Valencia and asked if she wished to comment. Ms. Valencia declined. Chair Hordes asked for a motion to approve. Mr. Mead made a motion to approve the amendments; Ms. Moll seconded the motion. The motion passed unanimously, with no abstentions.

#### **1.18.690 NMAC, ERRDS, Children, Youth and Families Department**

Ms Jaramillo stated that the next item for the Commissions consideration was an amendment to *1.18.690 NMAC, ERRDS, Children, Youth and Families Department*, and the amendment would be would be presented by Mr. Jay Rodriguez. Mr. Rodriguez informed the Commission that the Department had requested the amendment to the existing schedule due to the expansion of the Department's responsibilities in regards to juvenile parole hearings. The amendment added Sections; *1.18.690.91 NMAC Juvenile Parole Hearings*, and *1.18.690.92 NMAC Parole Revocation Hearing Proceedings* to the existing schedule. The Chair entertained a motion to approve the amendment. Ms. Moll made a motion to approve. Ms. Herrera seconded the motion. The motion passed unanimously with no abstentions.

#### **1.18.795 NMAC, ERRDS, Juvenile Parole Board**

Ms Jaramillo stated that Mr. Rodriguez would present the repeal and replacement of *1.18.795 NMAC, ERRDS, Juvenile Parole Board* and its replacement *1.18.795 NMAC, ERRDS, Juvenile Public Safety Advisory Board*. Mr. Rodriguez stated the Juvenile Public Safety Advisory Board was created during the 2009 legislative session and replaced the Juvenile Parole Board. The board is administratively attached to the Children, Youth and Families Department (CYFD) and its mission is to make recommendations to CYFD on all matters relating to adjudicated youth program operations.

Chair Hordes entertained a motion for approval of the repeal and replacement. Mr. Mead made a motion to approve the replacement. Ms Herrera seconded the motion. The motion passed unanimously with no abstentions.

#### **C. Acceptance of Deeds of Gift**

Ms Jaramillo introduced Mr. Alvin Regensberg, Archives Bureau Chief and informed the Commission that Mr. Regensberg would present all three deeds of gift, due to the absence of Ms. Melissa Salazar, the Archives and Historical Services Division Director, who was unable to attend the meeting.

#### **Bernabe Romero, Architect Papers**

Ms. Jaramillo stated the first deed of gift for the Commissions consideration was the Bernabe Romero Architect Papers. Mr. Regensberg informed the Commission that Mr. Romero served on several boards such as the New Mexico State Board of Examiners for Architects and on the City of Santa Fe's Historic Design Review Board. Mr. Romero has been personally involved in the design of historic building renovations in Santa Fe. He added that the collection would compliment the many architectural collections that were in the custody of the agency.

Ms. Moll stated she had concerns that Mr. Romero's clients may not be aware of or approve of having their private floor plans made public. Ms Jaramillo stated that the drawings in the collection were also made available through the Construction Industries Department. Ms. Moll asked if the agency could contact Mr. Romero and speak with him regarding the Commission's concerns on the matter. Chair Hordes entertained a motion to table the approval of the deed of gift for the collection until Mr. Romero could respond to the concerns raised by Ms. Moll. Mr. Mead moved to table approval of the deed of gift. Ms. Herrera seconded the motion. The motion was tabled unanimously, with no abstentions.

The deed of gift was later considered when Mr. Bernabe Romero joined the Commission meeting. Chair Hordes, thanked Mr. Romero for his donation however; he stated that the Commission had certain concerns as to the privacy of the architectural plans for private homes that were included in his donation. Mr. Romero apprised the Commission that the contract negotiated for his services between himself and his clients addressed the issue. The drawings are his work product to do with as he pleases. Chair Hordes again, expressed his concern that the general public would have access to the documents and may have some other intention in mind, other than architectural history.

Ms. Moll stated that with the information that Mr. Romero has brought forth, she felt confident that the drawings were Mr. Romero's to do with as he pleased and that the collection should be accepted. Chair Hordes entertained a motion to withdraw the tabled motion of the Bernabe Romero papers and entertained a motion to accept the papers. Mr. Mead so moved. Ms. Moll seconded the motion. The motion passed unanimously, with no abstentions.

#### **Elvira "Tiny" Vidano Photograph album, gift of Samuel Sisneros**

The next item for the Commission's consideration was the deed of gift from Mr. Samuel Sisneros for the Elvira "Tiny" Vidano Photograph Album. Mr. Regensberg stated that Ms. Vidano had passed away March 20, 2008 and that the photo album was found in the trash by Mr. Sisneros her next door neighbor. Mr. Sisneros made attempts to contact Ms. Vidano's family regarding the photo album however he had no response. The realtor who was charged with sale of Ms. Vidano's home told Mr. Sisneros his instructions were to throw everything out. Mr. Regensberg stated the photo album contained approximately 250 images which documented Ms. Vidano's 1947 summer road trip from Illinois to Missouri, Oklahoma, Texas, New Mexico and many other states along the way, returning back to Illinois.

Mr. Mead asked if there was an "owner transfer-of-title". Ms. Jaramillo stated there was no legal transfer of title, and that Mr. Sisneros had rescued the album from the trash and had recognized the historical significance of the photographs. Ms. Jaramillo stated that the agency has accepted donations in the past, without a legal transfer. She stated that in the event a rightful owner claimed the collections, and had proof of ownership the SRCA would release the collection to the owner.

Chair Hordes entertained a motion for approval. Ms. Moll so moved. Ms. Herrera seconded the motion. The motion was approved unanimously, with no abstentions.

### **Fabian Chaves Papers**

The next item for the Commissions consideration was the Fabian Chaves Papers. Mr. Regensberg informed the Commission that Mr. Chaves could not be in attendance. Mr. Chavez a noted public servant was elected to the House of Representatives and served from 1951 to 1952. He also served as Senator for eight years from 1957 to 1965. The collection consists of seven linear feet of correspondence, certificates, newspapers, as well as audio and video tapes and campaign materials.

Chair Hordes asked how the collection came into the agencies custody. Ms. Jaramillo stated that she had spoken with Chavez about donating his papers to the State Archives while he was conducting research several years ago. Mr. Chavez agreed to donate his papers and transferred the collection in the summer of 2009. Mr. Regensberg noted that as a prominent figure over the last 70 years in New Mexico, Mr. Chavez' collection will complement all the agency holdings relating to military and political history. Chair Hordes entertained a motion to accept the Fabian Chavez papers. Ms. Moll so moved. Ms Herrera seconded the motion. The motion was passed unanimously with no abstentions.

### **OLD BUSINESS**

#### **Feasibility Study:**

Ms. Jaramillo reported that the Architectural Research Consultants Inc (ARC) firm contracted by the Property Control Division to conduct a feasibility study for the SRCA had presented a preliminary draft report to the Capital Building Planning Commission on November 16, 2009. She referred the Commission to their packets for a preliminary summary of findings. Ms. Jaramillo stated that due to the State's revenue shortfall and budget constraints the findings in the report could not be addressed this legislative session and that the agency would have to wait until the next session. Ms. Hazlett noted that in a normal year, the agency would ask for a special appropriation. She explained that with the current state budget crisis, only an emergency or fire need would be considered justification for special appropriations.

Chair Hordes stated that if a special appropriation would assist the agency, he would try to get the Commission's support. Ms. Jaramillo explained that the 2010 legislative session had a short time frame and it would be difficult to get anything accomplished. Mr. Mead stated that he would also assist in this process. Ms. Jaramillo stated that the agency would need a special appropriation of over \$400,000 to enter a lease for additional space and equipment at the Albuquerque Records Center. Ms Hazlett added that there would be a risk in asking for any monies, due to the budget crisis.

#### **Class Room Remodel:**

Ms Jaramillo reported that the classroom remodel included the construction of four cubicles for IT staff with the addition of a door to the computer storage space and counter workspace. The Architectural services of Joe Browning were secured by Property Control Division to design blueprints for the space. Mr. Browning completed the drawings in September 2009. Bids were solicited during the month of October. Proposals were reviewed by Property Control with a contract awarded to Solid Construction (\$20,451.20). A Notice to Proceed was issued to Mr. Pete Kuzov on November 13, 2009. Construction is expected to begin December 9, 2009 and to be completed March 1, 2010.

### **Security Upgrade:**

Ms. Jaramillo advised the Commission that Data and Security System (DTS) the security company under contract with Property Control Division, GSD was working on upgrades to the access control, intrusion and video surveillance systems. Work is expected to be completed by January. New and additional card readers are being added as well as additional cameras to cover all building entrances and exits including the parking lots. Chair Hordes asked if the agency for sees a smooth transition, once the new equipment is installed. Ms. Jaramillo asked Mr. John Martinez who is the agency's representative to the project team to comment. Mr. Martinez assured the Commission that DTS had been working to keep the management staff aware of any complications that arose and that he expected a smooth transition.

### **NEW BUSINESS**

#### **On Line Training- Mr. John Martinez, Administrative Law Division**

Chair Hordes entertained a motion to table the On Line Training due to time constraints. Mr. Mead made a motion to table the section. Ms. Moll seconded the motion. The motion passed unanimously, with no abstentions.

### **EXECUTIVE SESSION**

Chair Hordes entertained a motion to go into executive session to discuss limited personnel matters, Pursuant to Paragraph 2 of Subsection H of Section 10-15-1 NMSA 1978. Mr. Mead so moved and Ms. Herrera seconded the motion. The motion passes unanimously, with no abstentions.

Ms. Antoinette L. Solano conducted a roll call vote. Chair Hordes, yes Mr. Mead, yes, Ms. Moll, yes, Ms. Herrera, yes. The Commission went into executive session at 10:58 a.m. The Commission re-convened the regular meeting at 11:18 a.m. The Chair stated that only limited personnel matters and no other business was discussed during the closed session. He then asked for a motion to award a raise to Ms. Jaramillo, the State Records Administrator based on the maximum percentage given to an exempt employee. Mr. Mead so moved. Ms Moll seconded the motion, and the motion passed unanimously, with no abstentions.

Ms. Jaramillo thanked the Commission and stated that given the current budget crises that salary raise was not possible and thanked the Commission for their support.

### **DIRECTOR'S REPORT**

Ms. Jaramillo indicated that a copy of her report was included in the Commissioners' packets, under the Director's Report tab. She noted that the agency had elected to participate in the Persistent Digital Archives and Library System (PeDALS) project with six other states (Alabama, Arizona, Florida, New York, South Carolina and Wisconsin). PeDALS is a research project funded by the Library of Congress for the purpose of developing a curatorial rationale to support the preservation of permanent digital records. The project will pay for hardware (S servers) and software. Partners are asked to contribute roughly 20% of two individuals for curatorial staff (or some combination equivalent to a 40% FTE. She reported that Ms. Angela Lucero (RMD) and Mr. John Martinez, (ALD) had attended training classes and the agency's

participation in the multiple-state project will help the SRCA in developing cost effective methods of processing and preserving digital records and collections. Ms. Jaramillo noted that the PeDALS project was one way the agency is moving forward to provide knowledge and services to constituents in spite of budget restrictions.

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

Chair Hordes inquired about the next date for the Commission meeting. Chair Hordes asked if everyone was in agreement with the date of Tuesday, March 16, 2010 at 9:30 am. The Commissioners concurred, the March meeting date was scheduled.

#### **ADJOURNMENT**

Chair Hordes entertained a motion for adjournment. Ms. Moll so moved, Mr. Mead seconded the motion and the motion carried. The meeting was adjourned at 11.51 a.m.