

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
March 31, 2009**

The State Commission of Public Records convened at 9:00 a.m., on Tuesday, March 31, 2009, at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87505.

Members Present

Stanley Hordes, Ph.D.	Chair
Arturo Jaramillo	Cabinet Secretary, General Services Department
Blanca Sena	Representing the Honorable Hector Balderas, State Auditor
Robert Mead	State Law Librarian
Deborah Moll	Designee for Secretary Arturo Jaramillo, General Services Department
Betsy Glenn	Designee for the Honorable Gary King, State Attorney General
Patricia Herrera	Designee for the Honorable Mary Herrera, Secretary Of State

Members Absent

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

Sandra Jaramillo	State Records Administrator
Antoinette L. Solano	Administrative Assistant
Estevan Rael-Galvez, Ph.D.	State Historian
John Martinez	Director, Administrative Law Division
Angela Lucero	Director, Records Management Division (RMD)
Jackie Garcia	Records Management Analyst, Agency Analysis Bureau, RMD
Leo Lucero	Chief, Agency Analysis Bureau, RMD
Alvin Regensberg	Chief, Archives Bureau, Archives and Historical Services Division
Elaine Lujan	Representing Stephen Vigil, Assistant Attorney General, Office of the Attorney General

Guest Present

Elaine Trujillo	State Land Office
Kurt McFall	State Land Office
Lucille Sisneros	State Land Office
Chuck Noble	Department of Health
Shirley Macias	Department of Health
Virginia Maestas	Department of Environment

CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m. He began the meeting by welcoming staff and guests in attendance.

APPROVAL OF AGENDA

The Chair entertained a motion to approve the agenda for the March 31, 2009 meeting. Mr. Mead so moved, Ms. Moll seconded, and the motion carried. The agenda was approved.

APPROVAL OF MINUTES - November 25, 2008

The Chair entertained a motion for approval of the minutes. Ms. Jaramillo informed the Commission of the corrections to the November 25, 2008 minutes. She stated that Mr. Rodriguez's name was misspelled and the minutes reflected the "q" was changed to the letter "g." Ms. Jaramillo also referred to page eight and stated that the "s" in Molls was deleted to reflect the name Moll. The Chair entertained a motion to approve the minutes as corrected. Mr. Mead so moved, Ms. Moll seconded, and the motion carried. The minutes were approved.

ACCEPTANCE OF THE FISCAL YEAR (FY) 2008 FINANCIAL AUDIT REPORT

Ms. Jaramillo informed the Commission that the FY 2008 financial audit report had been submitted to the State Auditor by the established deadline. She stated that she was pleased to report that the audit was unqualified and then introduced Mr. Robert Rivera, CPA, who presented the audit report to the Commission for its approval. Mr. Rivera informed the Commission that the exit conference was held on December 2, 2008. The report was released by the State Auditor on January 27, 2009. He went on to summarize how the audit had been conducted and stated there were no deficiencies or findings. He then thanked the staff of the Administrative Services Division of the State Records Center and Archives. The Chair entertained a motion to accept the FY 2008 financial audit report. Ms. Moll so moved, Ms. Glenn seconded, and the motion carried.

ACTION ITEMS

A. Annual Reasonable Notice Review and Determination, 1.13.1 NMAC

Ms. Jaramillo informed the Commission that the Open Meetings Act required the Commission to determine annually what constituted "reasonable public notice." She stated that the Commission had adopted a rule *1.13.1 NMAC*, on the Opening Meetings Act, and that the rule had also required the Commission to determine whether the provisions in the rule still constituted reasonable public notice.

Ms. Lujan informed the Commission that Subsections B and C of 1.13.1.8 NMAC contained discrepancies in the notice requirements for special and emergency meetings. She recommended that the Subsections be conformed to meet the same notice of provision requirements.

The Chair entertained a motion to reaffirm the provisions for public notice, with the suggested amendment to amend Subsections B and C. Ms. Moll so moved, Mr. Mead seconded, and the motion carried.

B. Records Retention and Disposition Schedules

1.18.369 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Commission of Public Records.

Ms. Jaramillo stated that the next item for the Commission's consideration was an amendment to *1.18.369 NMAC, ERRDS, Commission of Public Records*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that this was an amendment to modify Sections 30 through 39, 41, 42, 72 and 75, of 1.18.369 NMAC. The Chair entertained a motion to approve the amendment. Ms. Moll so moved, Ms. Herrera seconded, and the motion carried.

1.18.539 NMAC, ERRDS, State Land Office.

Ms. Jaramillo stated that the next item for the Commission's consideration was an amendment to *1.18.539 NMAC, ERRDS, State Land Office*, which would also be presented by Ms. Garcia. Ms. Garcia informed the Commission that this was an amendment made at the request of the State Land Office. She stated that the amendment added a new section 1.18.539.115 NMAC, Royalty Refund Files and modified 1.18.539.16 NMAC, Oil and Natural Gas Administration and Revenue Database (ONGUARD) System, to include 1.18.539.16 NMAC, Royalty Refund Files, as input to ONGUARD. She also introduced members of the State Land Office in attendance, Ms. Lucille Sisneros, Ms. Elaine Trujillo, and Mr. Kurt McFall. The Chair entertained a motion to approve the amendment. Mr. Mead so moved, Secretary Jaramillo seconded, and the motion carried.

1.18.665 NMAC, ERRDS, Department of Health.

Ms. Jaramillo stated that the next item for the Commission's consideration was an amendment to *1.18.665 NMAC, ERRDS, Department of Health*, also presented by Ms. Garcia. Ms. Garcia informed the Commission that this particular amendment, initiated at the request of the Department of Health, added 1.18.665.630 NMAC, New Mexico Behavioral Risk Report Files and 1.18.665.885 NMAC, Community Program Provider Agreement Files, to the existing schedule. The Chair entertained a motion to approve the amendment. Mr. Mead so moved, Ms. Herrera seconded, and the motion carried.

1.18.667 NMAC, ERRDS, New Mexico Department of Environment.

Ms. Jaramillo stated that the next item for the Commission's consideration was an amendment to *1.18.667 NMAC, ERRD, New Mexico Department of Environment* that would be presented by Ms. Garcia. Ms. Garcia informed the Commission that this amendment, made at the request of the Department of Environment, repealed, 1.18.667.246 NMAC, Ad Hoc Reports and 1.18.667.248 NMAC, Corrective Action Fund Files. A survey of the Department's corrective action fund files revealed that these files were reference copies. She noted that all

documentation regarding corrective fund project management was retained in the corrective action fund and remediation files, scheduled in 1.18.667.247 NMAC.

She noted that the amendment also included modifications to 1.18.667.247, NMAC, Corrective Action Fund Database, to reflect better the function of data maintained in the database. The Chair entertained a motion to approve the amendment. Mr. Mead so moved, Secretary Jaramillo seconded, and the motion carried.

C. Acceptance of Deed of Gift

Ms. Jaramillo introduced Mr. Alvin Regensberg who is the Archives and Historical Services Divisions Bureau Chief. Mr. Regensberg will be presenting all ten deeds of gift in lieu of Ms. Melissa Salazar, the Archives and Historical Services Division Director, who was unable to attend the meeting.

1. American Association of University Women Records, Santa Fe Branch.

Ms. Jaramillo informed the Commission that the first deed of gift for its consideration was the American Association of University Women Records, Santa Fe Branch records. Mr. Regensberg stated that the records were donated by the Santa Fe Branch of American Association of University Women. The Chair entertained a motion to accept the American Association of University Women Records, Santa Fe Branch deed of gift. Ms. Glenn, so moved, Ms. Herrera seconded, and the motion carried.

2. Begelspiker, David Photograph Collection (David's Studio).

Ms. Jaramillo informed the Commission that the next item for the commission's consideration was the David Photograph Collection (David's Studio). Mr. Regensberg stated that this photograph collection was donated by Barbara Begelspiker and Family. The Chair entertained a motion to accept the Begelspiker, David Photograph Collection (David's Studio) deed of gift. Mr. Mead so moved, Ms. Herrera seconded, and the motion carried.

3. Huey, William (Bill) S. Papers. Donated by William Huey

Ms. Jaramillo informed the Commission that Mr. Regensberg would present the William (Bill) S. Papers for its consideration. Mr. Regensberg stated that the papers were donated by Mr. William Huey. The Chair entertained a motion to accept the William (Bill) S. Papers deed of gift. Secretary Jaramillo so moved, Ms. Glenn seconded, and the motion carried.

4. Marthey, Ken Motion Picture Film and Magnetic Audio Tape Collection

Ms. Jaramillo informed the Commission that Mr. Regensberg would present the Ken Marthey Motion Picture Film and Magnetic Audio Tape Collection for its consideration. Mr. Regensberg stated that this Film and Audio Tape Collection was donated by Mr. Ken Marthey. The Chair entertained a motion to accept the Ken Marthey Motion Picture Film and Magnetic Audio Tape Collection deed of gift. Mr. Mead so moved, Ms. Herrera seconded, and the motion carried.

5. Meadow, John R. Uranium Exploration Company Records

Ms. Jaramillo informed the Commission that the next item for its consideration was the John R. Uranium Exploration Company Records. Mr. Regensberg stated that these records were donated by Karen Stein Daniel. The Chair entertained a motion to accept the John R. Meadow Uranium Exploration Company Records deed of gift. Mr. Mead so moved, Secretary Jaramillo seconded, and the motion carried

6. New Mexico Dance Coalition Records and Videotape Collection

Ms. Jaramillo informed the Commission that Mr. Regensberg would present the New Mexico Dance Coalition Records and Videotape Collection for its consideration. Mr. Regensberg stated that these records and videotape collection were donated by the New Mexico Dance Coalition. The Chair entertained a motion to accept the New Mexico Dance Coalition Records and Videotape Collection deed of gift. Secretary Jaramillo, so moved, Mr. Mead seconded, the motion carried.

7. Theodore Roybal Family Papers

Ms. Jaramillo informed the Commission that the next item for its consideration was the Theodore Roybal Family Papers. Mr. Regensberg stated that these papers were donated by the Roybal-Press Family deed of gift. The Chair entertained a motion to accept the Theodore Roybal Family Papers. Ms. Herrera so moved, Mr. Mead seconded, and the motion carried.

8. Santa Fe Art Institute Collection

Ms. Jaramillo informed the Commission that the next item for its consideration was the Santa Fe Arts Institute Collection. Mr. Regensberg would be presenting the collection. Mr. Regensberg stated that this collection was donated by the Santa Fe Art Institute. The Chair entertained a motion to accept the Santa Fe Art Institute Collection deed of gift. Ms. Herrera so moved, Secretary Jaramillo seconded, and the motion carried.

9. San Miguel County Treasurer's Ledger Book

Ms. Jaramillo informed the Commission that the next item for its consideration was the San Miguel County Treasurer's Ledger Book. Mr. Regensberg stated that the ledger books were donated by, Audubon New Mexico. The Chair entertained a motion to accept the San Miguel County Treasurer's Ledger Books deed of gift. Secretary Jaramillo so moved, Ms. Herrera seconded, and the motion carried.

10. Valles Caldera Coalition Records

Ms. Jaramillo informed the Commission that the last deed of gift was the Valles Caldera Coalition Records for its consideration. Mr. Regensberg stated that these records were donated by, Audubon New Mexico. The Chair entertained a motion to accept the Valles Caldera Coalition Records deed of gift. Mr. Mead so moved, Secretary Jaramillo seconded, and the motion carried.

D. Applicability of Two Percent Salary Reduction

Ms. Jaramillo stated she had received a memo addressed to all Exempt Employees issued by Brian Condit, Chief of Staff for Governor Richardson indicating that Governor Richardson was directing all agency heads under the Governor's authority to implement a temporary two percent salary reduction. The reduction was to become effective March 7, 2009. Ms. Jaramillo stated she had responded to the memo by informing Allan Oliver, Director of Cabinet Affairs that as the State Records Administrator she served at the pleasure of the Commission of Public Records and was not under the direct authority of the Governor. However if the Commission wished to discuss the two percent salary reduction the item would be placed on the agenda for discussion at the Commission's next regular meeting. Ms. Jaramillo indicated that all Commissioners had been sent copies of her letter. She also stated that Secretary Jaramillo asked that the two percent salary reduction item be placed on the agenda for discussion. She referred Commissioners to their meeting packets for the supporting documentation.

Cont D Executive Session

The Chair 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. Secretary Jaramillo so moved and Ms. Herrera seconded the motion. Ms. Antoinette L. Solano conducted a roll call vote. Chairman Hordes, yes, Mr. Mead, yes, Secretary Jaramillo, yes, Betsy Glenn, yes, Ms. Patricia Herrera, yes, Blanca Sena, yes. The Commission went into executive session at 10:26 a.m.

The Commission re-convened its executive session at 10:38 a.m. The Chair stated that only limited personal matters and no other business was discussed during the closed session. The Chair entertained a motion to go out of executive session. Secretary Jaramillo so moved, Ms. Herrera seconded, the motion, carried. The Chair then entertained a motion to resume the regular agenda Commission Meeting. Secretary Jaramillo so moved, Ms. Herrera seconded, and the motion carried.

NEW BUSINESS

Ms. Jaramillo stated that in an effort to keep the Commission apprised of the various functions of the agency. She has invited each of the six division directors to make a presentation to the Commission on their respective divisions at each quarterly Commission meeting. She then introduced Lori LeRouge, Chief Information Officer and Director of the Information Technology Management Division. Ms. LeRouge proceeded to give a brief summary of the services provided by the IT division as well as information on accomplishments and future goals of the division.

The Commission thanked Ms. LeRouge and asked what the most pressing challenge of the division was. Ms. LeRouge, as well as Ms. Jaramillo both replied that the lack of human resources was the most pressing need and challenge. Ms. LeRouge also went on to say that although the division lacked the human resources to provide any additional IT support that she and her staff were committed to provide excellent IT support.

OLD BUSINESS

Ms. Jaramillo reported that the security problems with the upper lobby doors, reported at the November 25, 2008 meeting had been resolved. She also explained that the building services division had entered into a new contract with a new security company, Chief Security which had replaced Legit Security.

She also informed the Commission that the drainage issues on the west side of the records center had been resolved. But that the gravel had not yet been applied to the areas surrounding the drainage pond. The Chair asked if there was any indication of a timeline for completing the project. Ms. Jaramillo responded that she understood that the funding for the gravel was not available at this time. And that the work on the landscaping to the west complex area would not be completed.

Ms. Jaramillo also reported that the agency was currently working with the property control division. They are conducting a feasibility study to determine the facility needs for space requirements, and for the projected thirty year growth of the Albuquerque Records Center and the State Records Center and Archives (SRCA) in Santa Fe. The study will also examine the need for a third facility in southern New Mexico. She also reported that the lease on the Albuquerque Records Center will expire in June of 2010. Secretary Jaramillo wished to speak to the Commission on a related topic, regarding the College of Santa Fe Campus.

Secretary Jaramillo stated that he had been asked by Governor Richardson to serve on a task force that would be reviewing potential uses of the College of Santa Fe Campus. He noted that the same issues regarding the need for space by the State Records Center and Archives and other state agencies could be addressed, with the potential availability of the college campus space. He advised that anyone having ideas for any use of the campus facility to please forward the information to him for its consideration.

Ms. Jaramillo reported that the agency's general fund operating budget for FY 09 had been reduced by 2.5 percent, instead of the projected 5 percent. Therefore a furlough was not requested. She also stated that several bills that had been introduced relating to rule making, had not passed legislation. Ms. Jaramillo informed the Commission that House Bill 367 was introduced by Representative Egolf, who amended the Public Records Act, requiring state publications to be published in electronic format, and that it moved forward in the House but did not make it out of the Senate Rules Committee.

Ms. Jaramillo reported that of particular concern for the agency, was House Bill 2, the appropriations bill for FY 10. She stated that the general fund appropriation for FY 10 was \$88,000 less than the FY 09 operating budget. This requires the agency to maintain the four vacancies and to move additional funds from the other category to salary and benefits, to make up the remaining difference.

Ms. Jaramillo also stated that if legislation such as the Veterans Museum Act, the Music Commission Act and the Hispanic Affairs Department Act, were to be signed by the Governor, that it would impact the agency considerably. All these future acts would require all new records retention and disposition schedules that would have to be created

DIRECTOR'S REPORT

Ms. Jaramillo informed the Commission regarding vacancies, FY 09 performance measures and FY 09 records destruction information, which was included in the Commissioners packets, under the Director's Report tab. She also reported that the Office of the State Historian had received the Outstanding Project Award for the N.M. Digital History Project featuring them as best in the nation, by the National Council of Public History (NCPH). The Chair on behalf of the agency congratulated Dr. Rael-Galvez and he asked if he would like to address the Commission. Dr. Rael-Galvez thanked the Chair and the Commission and stated that he would be traveling to Providence, Rhode Island to receive the award at the Annual NCPH conference. Dr. Rael-Galvez also provided a list of the OSH fellowship recipients.

SCHEDULING OF NEXT MEETING

The Chair inquired about the next meeting date. He asked if there was a possibility of starting the meeting at 9:30 am. The Commission and staff concurred. The meeting will be scheduled for June 30th, 2009 with the time change of 9:30 am.

ADJOURNMENT

The Chair entertained a motion for adjournment. Secretary Jaramillo so moved, Ms. Herrera seconded, and the motion carried. The meeting was adjourned at 11:30 am.