

**MINUTES OF THE  
STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
June 30, 2009  
9:30 a.m.**

The State Commission of Public Records convened at 9:30 a.m. on Tuesday June 30, 2009 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87505.

**Members Present**

Stanley Hordes Ph D.	Chair
Tananco Borrego	Representing the Honorable Hector Balderas, State Auditor
Robert Mead	State Law Librarian
Kathleen Magee	Representing Secretary Arturo Jaramillo, General Services Department
Betsy Glenn	Designee for the Honorable Gary King, State Attorney General
Paula Templeton	Representing the Honorable Mary Herrera, Secretary Of State
Frances Levine Ph D.	Director, Museum of New Mexico

**Staff Present**

Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Antoinette L. Solano	Administrative Assistant
Estevan Rael-Galvez, Ph.D.	State Historian
John Martinez	Director, Administrative Law Division
Melissa Salazar	Director, Archives and Historical Division
Angela Lucero	Director, Records Management Division (RMD)
Jackie Garcia	Records Management Analyst, Agency Analysis Bureau, RMD
Marla Ortiz-Gabaldon	Records Management Analyst, RMD
Cliff Serrano	Records Management Analyst, RMD
Emmanuel J. Rodriguez	Records Management Analyst, Albuquerque Record Center
Lori LeRouge	Director, Information Technology Division, IT

Stephen Vigil	Assistant Attorney General
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**Guest Present**

Clyde De Mersseman	New Mexico Department of Work Force Solutions (NMDWS)
Nicolina Rushalko	NMDWS
John Swartz	NMDWS
Ramona Griego	NMDWS
Kenneth Roybal	NMDWS
Rose Q. Valencia	NMDWS
Tiffany Starr Salcido	NMDWS
Dennis McQuillan	New Mexico Environment Department
Ralph Vincent	Vincent and Associates

**Cont Guest Present**

Gail Kessler	Taxation and Revenue Department (TRD)
Brenda Riggs	TRD
Vangie Samora	Hispanic Women’s Council

**CALL TO ORDER**

The Chair called the meeting to order at 9:30 a.m. The Chair 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 Commission meeting. Mr. Mead so moved, Dr. Levine seconded, and the motion carried. The agenda was approved.

**APPROVAL OF MINUTES – March 31, 2009**

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

**ACTION ITEMS**

**A. Records and Retention and Disposition Schedules**

**1.18.333 NMAC Executive Records Retention Schedule (ERRDS), Taxation and Revenue Department**

Ms. Jaramillo stated the first item for the Commission's consideration was an amendment to *1.18.333 NMAC ERRDS, Taxation and Revenue Department*. She introduced Ms. Jackie Garcia and stated Ms. Garcia would present the amendment. Ms. Garcia informed the Commission that the amendment to the schedule was made at the request of the Taxation and Revenue Department. She stated that the amendment included changes to the following Sections; 1.18.333.7 NMAC, Definitions, 1.18.333.8 NMAC, Abbreviations and Acronyms, 1.18.333.100 NMAC, Gentax Database, and 1.18.146 NMAC, Special Fuel Supplier’s Tax Report Files.

She also indicated that new Sections were added to include record series that were not described in the current schedule. The Sections include; 1.18.333.106 NMAC, Employee Quarterly Wages and Withholding Report, 1.18.333.107 NMAC, Application for Tax Credit Files, 1.18.333.149, Oil and Gas Proceeds Withholdings Tax Report Files, 1.18.333.210, Commercial Driver’s License Examiner Certification Files, 1.18.333.213 NMAC, Commercial Driver’s License Tester Compliance Audit Report, 1.18.217 NMAC, Commercial Driver’s License Cancellation Files and 1.18.33.218 NMAC, Hazardous Material Endorsement Approval Files.

Ms Garcia stated that Sections 1.18.333.142 NMAC, Petroleum Products Loading Fee Report, and 1.18.333.143 NMAC, Gasoline Distributor’s Monthly Report File were being repealed as the information was now included in 1.18.333.146 NMAC, Special Fuel Supplier’s Tax Report Files. Ms Garcia then introduced TRD staff, Ms. Brenda Riggs and Ms Gail Kessler who were in attendance.

The Chair entertained a motion to approve the amendments. Ms. Magee so moved and Mr. Mead seconded the motion, the motion passed unanimously with no abstentions.

#### **1.18.667 NMAC ERRDS, Department of Environment**

Ms. Jaramillo stated that the next item for the Commission's consideration was an amendment to *1.18.667 NMAC ERRDS, Department of Environment*, which was also presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the schedule were initiated at the request of the Department of Environment. The amendments included the repeal of Sections 1.18.667.285 NMAC, Liquid Waste Program Files, and 1.18.667.286, Liquid Waste Program Files. New sections were added; 1.18.667.287 NMAC, Environment Notification Tracking System (ENTS), 1.18.667.288 NMAC, Complaint Files, 1.18.667.290 NMAC, Liquid Waste Permit Database, 1.18.667.291 NMAC, Liquid Waste Permit Files and 1.18.667.292 NMAC, Well Test Files. Ms. Garcia then introduced Mr. Dennis McQuillan who was in attendance representing the Department of Environment.

The Chair inquired whether the retention period of three years for Section 1.18.667.288 NMAC, Complaint Files, was long enough. The Chair indicated that three years did not appear to be a sufficient amount of time to retain the records and asked if the retention period was sufficient. Mr. McQuillan, representing the Department of Environment advised the Commission that the three year retention period for Complaint Files was sufficient because the complaints which the Department investigated and in which action was taken were part of the enforcement files which are designated as permanent records.

The Chair entertained a motion to approve the amendment. Ms Glenn so moved and Ms Magee seconded, the motion passed unanimously with no abstentions.

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

Ms. Jaramillo indicated that the Children Youth and Families Department (CYFD) had requested that the next item on the agenda was an amendment to *1.18.690 NMAC ERRDS, Children, Youth and Families Department* be withdrawn to allow CYFD additional time to research legal requirements for retaining the records.

The Chair entertained a motion to withdraw 1.18.690 NMAC from the June 30, 2009 agenda. Mr. Mead so moved, and Ms. Templeton seconded and the motion passed unanimously, with no abstentions.

#### **1.18.631 NMAC ERRDS, Department of Workforce Solutions**

Ms. Jaramillo stated the next item for the Commission's consideration was the repeal of *1.18.631 NMAC ERRDS, Department of Labor* with the replacement of *1.18.631 NMAC ERRDS, Department of Workforce Solutions* (NMDWS). She introduced Mr. Emmanuel Rodriguez who presented the schedule. Mr. Rodriguez introduced NMDWS staff members in attendance; Kenneth Roybal, John Swartz, Ramona Griego, Rosa Valencia, Clyde DeMersseman and Tiffany Starr-Salcido.

Mr. Clyde DeMersseman addressed the Commission and expressed his gratitude for the assistance that Mr. Rodriguez's had provided the NMDWS in developing the new schedule. Mr. DeMersseman stated that the changes were much easier to read and follow. He also requested that the Commission consider the adoption of the replacement schedule for the NMDWS.

Mr. Mead stated that he had concerns, with the retention period for Section 1.18.631.112 NMAC, Decisions of Appeals Tribunal. He felt that a longer retention period was warranted. Mr. DeMersseman advised the Commission that the retention was well beyond the legal time frame for retaining that type of record. Mr. Vigil on the same note stated that Section 1.18.631.141 NMAC, Foreign Certification Files retention period of three years was not substantial. Ms. Valencia explained that the three year period retention was the most that the Federal Government required. The Chair entertained a motion to accept the repeal and replacement of 1.18.631 NMAC, Department of Workforce Solutions. Dr. Levine so moved and Ms. Templeton seconded the motion, the motion passed unanimously with no abstentions.

### **B Acceptance of Deed of Gift**

Ms. Jaramillo stated she wished to acknowledge Dr. Rose Diaz for her assistance in acquiring the collections being presented to the Commission; regrettably Dr. Diaz could not be present due to a previous commitment.

Ms. Jaramillo introduced Ms. Melissa Salazar, who presented four donations for the Commission's consideration and approval. Ms. Salazar presented the deed of gift for the *Maralyn Budke Papers* which consists of four linear feet documenting Ms. Budke's professional career in state government. The Chair complimented Ms. Salazar and Ms. Diaz for their collaboration on the wonderful addition to the agency's collections. Mr. Mead moved to accept the collection. Dr. Levine seconded the motion, the motion passed unanimously with no abstentions.

The second donation presented by Ms. Salazar was the *Records of the Hispanic Women's Council*. Ms. Salazar introduced Ms Vangie Samora who was in attendance representing the Hispanic Women's Council. The collection includes the Council's by-laws, oral histories, publications, and newsletters. Ms. Salazar informed the Commission that the donation complimented other Women's organization collections in the custody of the SRCA. Dr. Levine asked if the oral histories included permissions to use the interviews for research. Ms. Salazar replied that signed releases were included with the oral histories. The Chair entertained a motion to accept the records of the Hispanic Women's Council. Mr. Mead so moved and Dr. Levine seconded the motion, the motion passed unanimously with no abstentions.

The third donation presented were the papers of the *National Organization for Women – Albuquerque Chapter*. Ms. Salazar stated that the collection was donated by Ms. Jennifer White, who is the current President. The collection includes minutes, reports, newsletters and correspondence of the Organization. The Chair asked if the papers were going to be transferred to acid free boxes, for their preservation. Ms. Salazar advised the Commission that archival staff was in the process of re-housing the documents. The Chair entertained a motion to accept the deed of gift. Ms. Glenn so moved and Ms. Magee seconded, the motion passed unanimously with no abstentions.

The fourth donation presented by Ms. Salazar was the *New Mexico Organization for Women*. The collection was donated by Ms. Dana Middleton, the current President of the organization. Ms. Salazar advised the Commission that the collection consisted of minutes, newsletters and miscellaneous documents. The Chair asked if the organization was a subdivision of the Albuquerque Chapter. Ms. Salazar replied that it was not. The Chair entertained a motion to accept the deed of gift. Ms. Magee so moved and Mr. Borrego seconded the motion, the motion passed unanimously with no abstentions.

### **C. Loan Agreement**

Ms. Jaramillo stated that the next item for the Commission's consideration was a five-year loan agreement between the Commission of Public Records and the Nuestra Senora de Rosario San Fernando y Santiago Land Grant. She indicated that the records of the organization had been on loan to the SRCA, however the loan agreement had expired several years earlier and that a new loan agreement was being negotiated. Ms. Salazar stated that the organization is willing to consider a donation of the records to the SRCA but until that decision is made they want to loan the records to the SRCA. Dr. Levine asked if the SRCA had obtained a promised gift document in which the Land Grant organization promised to donate the records. Ms. Jaramillo stated that the agency had not negotiated such an agreement. However she would be willing to work with Mr. Vigil to research such an agreement.

Mr. Mead moved to accept the loan with the condition that the collection be donated after the term of the loan. Ms. Glenn seconded the motion. The Commission discussed the legal issues related to accepting the loan agreement based on the promise of a future donation. The Chair asked if Mr. Mead would accept a friendly amendment, to his motion to accept the loan agreement for the term of one year, instead of five years. This would allow the staff time to research and negotiate a promised gift document. Mr. Mead agreed to the friendly amendment and Ms. Levine seconded the motion, the motion passed unanimously with no abstentions.

### **NEW BUSINESS**

Ms. Jaramillo informed the Commission that the agency had received a \$150,000 multi-year appropriation for expenditure in FY09 through FY 10 to initiate the first phase of the Centralized Electronic Records Repository (CERR). The first phase consist of a needs analysis of the current records management business processes in place at the SRCA, along with an assessment of the agency's IT infrastructure. She stated that Mr. Ralph Vincent of Vincent and Associates was contracted to complete the assessment. Ms. Jaramillo indicated that Ms. Angela Lucero and Mr. Ralph Vincent were present to provide a brief report on the project.

Ms. Angela Lucero, Records Management Division Director introduced Mr. Vincent to the Commission and went on to explain that the assessment had been completed and included a workflow analysis of the agency's strengths, weaknesses, opportunities and threats and a GAP analyses of SRCA business processes, including recommendations for improving efficiency and effectiveness as well as staffing recommendations required to implement the CERR.

Mr. Vincent stated that he had enjoyed working on the project, and had learned a great deal about records management. Mr. Vincent commended the Records Center staff for its dedication

and hard work. Mr. Vincent advised that he had discussed the staffing issues with Ms. Jaramillo, along with the resources required to implement the CERR. Ms. Lucero thanked Mr. Vincent and recognized the members of the management team, Mr. Cliff Serrano and Ms. Marla Gabaldon and commended the team for helping the project move forward.

### **50th Anniversary**

Ms. Jaramillo informed the Commission that the State Records Center and Archives would complete its fiftieth anniversary as an agency in FY 10. She stated she had named a committee to plan activities to celebrate the occasion and would like to have a Commissioner participate in the planning. The Chair asked the Commission if any one wished to be part of the committee. The Chair stated that he would be putting himself on the committee, and was willing to offer the Commissions help. Ms. Jaramillo thanked the Chair and the Commission for their support and advised that the festivities would be planned in conjunction with Archives Month scheduled for October 2010.

### **OLD BUSINESS**

Ms. Jaramillo reported that the agency was working with the Property Control Division of the General Services Department to conduct a feasibility study, to determine space requirements for both the Santa Fe, and Albuquerque Records Centers. Ms. Jaramillo reported that the Albuquerque facility is at fully capacity and the Santa Fe Records Center is at 98% capacity. She stated that the scope of the feasibility study includes looking at how space is being utilized, as well as collecting and reviewing relevant information related to records storage, retrieval and access to state agencies in the Albuquerque areas, as well as the Southern part of the State. Ms. Jaramillo indicated the study would be completed by late September. She also explained that the lease on the Albuquerque record center will expire in June 2010 and that she along with Property Control were working on negotiating an extension on the lease to allow enough time to complete the feasibility study and to explore all recommendations made as a result of the study.

The Chair thanked Ms. Jaramillo for her report and asked that she keep the Commission apprised.

### **DIRECTOR'S REPORT**

Ms. Jaramillo informed the Commission that information on FY 09 records destruction was included in their packets. She also advised the Commission that she would be requesting an exception to the hiring freeze for the CIO position and the State Historian. She added that the agency would not be able to reach its performance measures, due to the number of employee vacancies (6). The Chair asked if the recent reduction of the research room hours had provided any assistance to the archives staff, and that if it had affected the work schedules of the division.

Ms Salazar replied that with the reduction in research room hours, archival staff was able to devote more time to respond to research inquiries. She also advised the Commission that the new on-line cataloging implemented in FY 08 has increased the number of correspondence requests by 76%.

Ms. Jaramillo advised the Commission that the agency had received a National Historical Publications and Records Commission (NHPRC) grant in the amount of \$70,000 for the period

January, 1, 2010 through June 30, 2011 year. The grant will provide 20% of the salary and benefits required for the grants administrator's position and additional funds for the regrant program.

Ms. Jaramillo concluded her report stating a reception in honor of Dr. Rael-Galvez and Ms. Lori LeRouge would follow the Commission meeting.

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

The Chair thanked the Commissioners and staff for considering the proposed time change of 9:30 a.m. for future meetings. The next scheduled meeting was set for Tuesday August 18, 2009.

#### **ADJOURNMENT**

The Chair entertained a motion for adjournment. Mr. Borrego so moved, Ms. Herrera seconded, and the motion carried. The meeting was adjourned at 11:09 am.