

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
June 14, 2011**

The State Commission of Public Records convened at 9:30 a.m. on Tuesday, June 14, 2011 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present

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| Stanley Hordes, Ph.D. | Chair, Historian |
| Christina Espinoza | Representative for the Honorable Dianna J. Duran, Secretary of State |
| Frances Levine, Ph.D. | Director, Museum of New Mexico |
| Edwynn Burckle | Secretary, General Services Department |
| Robert Mead | State Law Librarian |
| Mark Reynolds | Designee for the Honorable Gary King, State Attorney General |
| Evan Blackstone | Representative for the Honorable Hector Balderas, State Auditor |

Staff Present

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| Sandra Jaramillo | State Records Administrator |
| Judi Hazlett | Deputy State Records Administrator |
| Antoinette L. Solano | Administrative Assistant |
| Pete Chacon | Director, Information Technology Management Division |
| John Martinez | Director, Administrative Law Division |
| Jackie Garcia | Records Management Analyst, Agency Analysis Bureau, Records Management Division (RMD) |
| Leo Lucero | Chief, Agency Analysis Bureau, RMD |
| Melissa Salazar | Director, Archives and Historical Services Division |
| Rick Hendricks, Ph.D. | State Historian |
| Tania Maestas | Assistant Attorney General |

Guests Present

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| Michael Rodriguez | Property Control Division (PCD) |
| John O. Baxter | Deed of gift, Donor |
| Joe Browning | Ellis/Browning Architects |
| Ben Wakashige | New Mexico State Library, Interim Librarian (NMSL) |
| Laurie Canepa | NMSL |
| Lemoyne Blackshear | PCD |
| Pauline Varela | Regulation and Licensing Department |

CALL TO ORDER

The Chair called the meeting to order at 9:30 a.m.

APPROVAL OF AGENDA

The Chair entertained a motion to approve the agenda. Dr. Frances Levine so moved and Mr. Robert Mead seconded the motion. The Chair suggested that Action Item "C," the Acceptance of the Deed of Gift for the Baxter Research Collection, be considered before the Feasibility Study and Action Items A and C to accommodate Dr. John Baxter who was in attendance. The Chair asked if there were any other changes, Ms. Jaramillo stated she had three other changes: the addition of the approval of the minutes for the Special Meeting held by the Commission on June 2, 2011, and the removal of amendments to Executive Records Retention and Disposition Schedules (ERRDS), *1.18.521 NMAC, ERRDS, Energy Minerals and Natural Resources* and *1.18.790 NMAC, ERRDS, Department of Public Safety*. Ms. Jaramillo stated that Secretary Eden of the Department of Public Safety was opposed to the changes in the schedule and asked that the schedule be removed from the agenda. She also indicated the amendment to the Energy Minerals and Natural Resources schedule required further revisions. The Chair called for the vote to approve the revised agenda. The motion passed. The amended agenda was approved.

APPROVAL OF MINUTES - March 29, 2011

The Chair entertained a motion for approval of the minutes for the regular meeting of the Commission held March 29, 2011. Secretary Edywnn Burckle so moved and Mr. Mark Reynolds seconded the motion. The Chair stated he had one correction on page six; the last name Rodriguez was misspelled. The letter "q" should be changed to "g." The motion carried and the minutes were approved as corrected.

APPROVAL OF SPECIAL MINUTES - June 2, 2011

The Chair entertained a motion to approve the special meeting minutes of June 2, 2011. Dr. Levine so moved and Mr. Mead seconded the motion. The motions carried. The minutes were approved.

ELECTION OF VICE CHAIR

The Chair opened the floor for nominations for Vice Chair. The Chair welcomed Mr. Mark Reynolds and stated that the former Vice Chair Ms. Betsy Glenn, designee for Attorney General King, had been replaced by Mr. Mark Reynolds. Mr. Mead nominated Dr. Levine as Vice Chair and Mr. Reynolds seconded the motion. The motion passed unanimously, with no abstentions.

ACCEPTANCE OF DEED OF GIFT

Ms. Jaramillo introduced Ms. Melissa Salazar, Archives and Historical Services Division Director. Ms. Salazar presented the deed of gift for the John Baxter Research Collection. Ms. Salazar stated that Dr. Baxter wished to donate his collection of land title documents, maps and photographs relating to his research on New Mexico and the Southwest. The collection comprised approximately one linear foot of materials. She informed the Commission that Dr. Baxter had received his Bachelor of Arts degree from Princeton University and his Master's and Ph.D from the University of New Mexico. Dr. Baxter's published books include *Cowboy Park: Steer Roping Contests on the Border*, *Dividing New Mexico's Waters 1700-1912* and *Las Carneradas: Sheep Trade in New Mexico, 1700-1860*. Dr. Baxter was an archivist and historian with the New Mexico State Records Center and Archives (SRCA) from 1976 through 1980. Since 1983, he has written several reports for the State Engineer's Office and the U.S. District

Courts regarding irrigation and water rights. Dr. Baxter is the recipient of the Gaspar Perez de Villagra Award from the Historical Society of New Mexico and the Gilberto Espinoza Prize for best article in *New Mexico Historical Review, 1983-1984*, "Restocking the Navajo Reservation after Bosque Redondo." The Chair expressed the Commission's deep appreciation to Dr. Baxter's for his donation. Dr. Baxter replied that he felt the SRCA was where his collection needed to be. The Chair entertained a motion to accept the donation. Dr. Levine so moved and Secretary Burckle seconded the motion. The Chair asked if there was further discussion; hearing none the Chair called for a vote to accept the collection. The motion passed unanimously, with no abstentions.

FEASIBILITY STUDY

Ms. Jaramillo stated the next item for the Commission's consideration was the *Feasibility Study and Expansion Report* submitted by the firm of Ellis and Browning Architects. Ms. Jaramillo indicated that the feasibility study was commissioned in response to a recommendation made in the *Capital Buildings Master Plan* for the State Records Center and Archives (SRCA) prepared by Architectural Research Consultants (ARC). One of the recommendations of that study was to "*Investigate creating additional record storage in Santa Fe.*"

Ms. Jaramillo introduced Mr. Joe Browning of Browning Architects and Mr. Michael Rodriguez and Ms. Lemoyne Blackshear with the Property Control Division (PCD) of the General Services Department. Ms. Jaramillo stated that Mr. Browning had conducted the study of the Santa Fe facility under the direction of the PCD and that a final report providing a summary of findings had been received on June 9. Ms. Jaramillo referred the Commissioners to the report submitted by Mr. Browning. The Chair recognized Mr. Browning; Mr. Browning stated the study was directed solely at records storage needs of the SRCA due to the continued growth of records in both the Records Center and the Archives and did not include facility needs of the State Library, joint tenant in the building with the SRCA. Because of the concern for the increased need for storage, the study looked at ways to expand the Santa Fe facility.

The study proposed three feasible expansion schemes, A, B and C: Scheme A provides for an on-grade expansion of the Records Center warehouse, which was anticipated at the time the building was built in 1996. The expansion would effectively double the size of the Records Center by adding 14,700 square feet (sf); the storage capacity would depend on the type of shelving. Utilizing stationary shelving, the storage capacity would increase by 69,088 cubic feet (cf) and extend storage for 23 years, with an estimated cost of \$3.8 million. Utilizing high-density bay shelving storage would increase storage capacity by 112,896 cf and extend storage for 38 years, at an estimated cost of \$4.9 million.

Scheme B, would provide an underground archives vault adjacent to the current Archives vault. The proposed new construction would enlarge the storage area by 10,200 sf, increase storage by 41,312 linear feet (lf) and extend storage to the year 2034, at an estimated cost of \$3.9 million. Scheme C would provide additional storage areas for the Archives by remodeling the Library's Southwest Room. Mr. Browning stated the renovation had some draw backs as well as benefits; the renovation would require renovating the General Library on the second level in order to relocate the Southwest room to the second level. Scheme C would provide an additional 8,690 gross feet and increase storage capacity by 26,387 linear feet at an estimated cost of \$2.7 million.

Mr. Rodriguez pointed out that the study also envisioned making changes to the West Capital Complex by transforming the upper parking lot into a campus center. He stated that the buildings in the West Complex have no cohesion among them; the Campus Center concept would provide a new public entrance to the facility through the upper level and unite other buildings in the complex with the State Library, Records Center and Archives. The Chair stated that, independent of the expansion scheme decided upon, the ultimate goal appeared to be to promote access to the State Library and Archives through the northeast entrance. He asked if the plans separately could adapt the concept. Mr. Rodriguez replied that all three schemes had the ability to accommodate the campus center.

The Chair opened the floor for discussion. Mr. Mead asked if Schemes B and C were alternative plans. Mr. Browning replied that they were, that they offered alternatives for expanding the archives vaults storage capacity and that the Commission could consider endorsing Scheme A to expand the Records Center and then select either Schemes B or C to expand the Archives storage capacity. Mr. Mead then asked the Library staff in attendance if they had a preference for either Scheme B or C. Mr. Ben Wakashige, Interim State Librarian, stated that he held the position of State Librarian when the State Library and the SRCA first occupied the facility in 1998 and, as he recalled, the vision for the facility when it was designed was to house both agencies in a facility where patrons could utilize in close proximity the collections that were held by the Southwest Room and the State Archives, thereby creating cohesion between the two agencies. He stated that Scheme C required moving the Southwest Room up to the second level, thus removing the collections, resources and equipment shared with the Archives. He stated that statistically 33 percent of the patrons using the Southwest Room also used the State Archives.

Mr. Wakashige said he was concerned that Scheme C would disrupt the cohesion and vision for use of the Southwest Room and the Archives. He also believed that in the next 25 years the State Library will require additional shelving space for federal and state publications as well as for other library collections. He expects the State Library holdings to grow by forty-three percent. The Library will also need additional shelving space to accommodate small agencies that may give up their library collections. He stated that, for example, a few years ago the Energy and Minerals Department and the Environment Department gave up their library holdings, which the State Library chose to accept. The Department of Cultural Affairs had also transferred collections to the Library and likely would do so again.

Mr. Wakashige also expressed apprehension that Scheme C would involve moving collections to the second floor but no costs for doing so were included in the projected costs. The State Library projects that moving expenses would be between \$300,000 and \$500,000 and that funds would also be required to purchase compact shelving. The Library staff is also uneasy about the possible disruption of services which would result during the renovation. He reiterated that the staff of the State Library had many concerns with Scheme C. Mr. Wakashige then introduced Ms. Laurie Canepa, Director of the Public Services Bureau of the State Library. Ms. Canepa stated she concurred with Mr. Wakashige's statements. -

Dr. Levine asked what action was required by the Commission and asked for guidance on how to proceed. Ms. Jaramillo replied that she would like a recommendation from the Commission on

which scheme or schemes she should proceed with in submitting the Infrastructure Capital Improvement Plan (ICIP) due on July 1, 2011. She stated that the ICIP provides critical information to the executive and legislature so that they can make informed decisions regarding assistance and funding for capital projects. Ms. Jaramillo said projects affecting facilities that fall under the responsibility of the PCD must be coordinated with PCD before submitting the ICIP and that she was working with Ms. Leymore Blackshear.

Ms. Jaramillo stated she agreed with Mr. Wakashige's concerns over Scheme C and the disruption of services and programs that would result if C were implemented. She said she preferred Scheme B because new construction does not require relocating both SRCA and Library staff, moving Library books or closing the facility as a result of noise and dust levels. She stated she was concerned that the construction cost for Scheme C projected at 2.7 million was not a true reflection of actual costs which were not included in the projections. She said before the Southwest Room could be renovated, the Agency Analysis Bureau and the Administrative Law Division would have to be relocated to the Records Center. That would require the Records Center to be renovated for the office space. Once the SRCA staff is relocated, the Development Office of the State Library could be relocated to the space now occupied by those two SRCA units. After the Development Office was relocated; the space previously occupied by the Development Office would be renovated for the new Southwest room. Only after the Southwest room was relocated could the renovation for the archives vault begin. Ms. Jaramillo estimated that the timeframe for relocating those programs would be between 18 and 24 months and that the costs for the relocation had not been factored into the renovation costs.

Dr. Levine stated she was concerned that the Commission had not been given enough time to process the information in the Browning report and that she would like to have a special meeting to discuss these concerns. Ms. Jaramillo explained that due to the ICIP deadline of July 1, 2011 she needed direction from the Commission so that she could prepare the plan during the next two weeks.

The Chair recognized Ms. Blackshear, Staff Architect with PCD. Ms. Blackshear pointed out that the SRCA had submitted an ICIP in the previous fiscal year for high-density shelving for the Albuquerque Records Center. The shelving had been included in the capital outlay bill that did not pass in the 2011 legislative session. However, if a special session was held the capital outlay bill might be considered by the Legislature and funding could become available for the shelving. She indicated that had the capital outlay bill been passed by the Legislature and signed by the Governor funding for the shelving would have been available on July 2011. Since the bill did not pass and the additional shelving was still needed for the Albuquerque Records Center the agency should keep the shelving request in the ICIP.

Ms. Jaramillo informed the Commission that the ICIP request Ms. Blackshear was referring to was the \$500,000 for additional shelving for the Albuquerque Records Center that was also a recommendation in the ARC study that was submitted for funding in FY 12. The request was submitted July 1 of 2010 under the assumption that the SRCA would be able to request funding for additional lease space in Albuquerque where the shelving could be installed. However, due to state revenue shortfalls, the agency was unable to submit a request for the lease expansion.

She said that even if the agency received the funding for the shelving, it would still require the additional lease space to accommodate the shelving. Ms. Jaramillo indicated that the ICIP plan required the agency to prioritize projects and that she would recommend leaving the shelving in the ICIP plan as priority #1. She asked that the Commission consider endorsing Scheme A expanding the Santa Fe Records Center as priority #2. She explained that proceeding with Scheme A would provide the additional storage space in demand by state agencies and allow the Records Center to hold archival collections until the archives vault could be expanded. Ms. Jaramillo emphasized that due to the concerns expressed with Scheme C she strongly favored Scheme B as the approach to expanding the archival vault.

Dr. Levine said that she understood the top priority was the need for space in the Albuquerque facility but she felt that an additional meeting was required to allow her to study the report submitted by Mr. Browning which she was seeing for the first time. She asked if the Library staff was included in the study. Ms. Jaramillo replied that the former State Librarian Susan Oberlander had been invited several times to participate but that Ms. Oberlander had declined the invitations. She stated that Ms. Canepa had expressed concern when she was made aware of the plans to renovate the Southwest Room and was involved late in the planning stages of the project.

Dr. Levine asked if there was going to be a public meeting held for discussion of these issues. Ms. Blackshear replied that the agency had no obligation to hold a public meeting; however, GSD was open to soliciting public comment in the construction of state buildings. Dr. Levine stated she did not know which Scheme, A, B or C, was best for the agency. The Chair explained that Scheme A expanded the storage space for the Records Center, and that expansion of the archives vault required the Commission to decide between the new construction in Scheme B, or renovation of an existing space in Scheme C. The schemes needed to be evaluated based on benefit to the agency.

Secretary Burckle asked Ms. Blackshear for clarification on what would happen with the ICIP should the capital projects bill not be included in the call for a special session or a special session not occur; would the agency still have an opportunity to request funding for shelving in the January 2012 session. Ms. Blackshear stated the request for additional shelving should be included in the FY 13 ICIP due July 1, as priority #1 which would serve as a place holder. Dr. Levine asked what specific priority the Commission was being asked to accept.

The Chair recognized Ms. Judi Hazlett, Chief Financial Officer, who responded to Dr. Levine's question by stating the agency could set priorities in the ICIP and that the shelving had previously been identified as priority #1, but the agency could still put in a place holder for Scheme A as priority #2. She stressed that Scheme A, which involved an addition to the Records Center could be considered and implemented independently of Scheme B and C, which offered two options for expanding the archival vault. She pointed out that the need for extra space in the Records Center was clear and immediate. She went on to say that acquisition of the shelving, if funded in the special session did have other problems, as Ms. Jaramillo pointed out earlier in the discussion. Ms. Hazlett noted that if the shelving was funded during a special session of the legislature, the agency would need to submit a special or supplemental appropriation request, depending on timing for funding to lease additional space to accommodate the shelving. She

also pointed out that if the shelving were funded during the special and escaped veto, then the Records Center expansion would advance to priority #1.

The Chair recognized Ms. Melissa Salazar, Archives and Historical Services Division Director who stated that she agreed with Ms. Jaramillo and that she preferred Scheme B to C.

Dr. Levine asked Mr. Browning if Scheme B was considered an underground vault. Mr. Browning replied yes and gave an explanation of the issues and the start-up cost for underground construction. She then asked the PCD representatives if the underground construction required an archeological or environmental study before groundbreaking. Ms. Blackshear replied that before any project could progress, it would have to be budgeted and that the projected costs submitted by Mr. Browning did not include survey and administrative costs. Secretary Burckle asked Mr. Rodriguez if there were any issues the Commission needed to be aware of if the agency endorsed Scheme B. Mr. Rodriguez replied that they would not know what was underground until they began construction and that it is always easier to build above ground. The Chair recognized Ms. Salazar who asked if there was a reason why below ground construction was considered as opposed to above ground construction. Mr. Rodriguez replied that the underground construction was considered because the current archives vault is underground and the new vault would be built along side the existing vault.

Ms. Jaramillo stated that an underground vault would make it easier to secure since it could not be penetrated as easily through the outside and that humidity and temperature levels would be easier to maintain underground instead of above ground. She said that drainage and flooding concerns in the current vault had been addressed by ensuring the vault was surrounded by a protective corridor and that, if the agency decided on Scheme B, the underground construction, it should request that a protective corridor be built around the new vault. Mr. Robert Mead moved to table Scheme B, reject Scheme C, move forward on Scheme A, with the high density shelving at \$4.9 million, and keep the shelving for the Albuquerque Records Center in the ICIP plan. Dr. Levine seconded the motion. The Chair asked if there was any further discussion. Secretary Burckle said he was in favor of the motion. The motion passed unanimously with no abstentions. Ms. Jaramillo thanked the Commission and apologized for the short notice due to ICIP deadlines.

ACTION ITEMS

VII. Annual Reasonable Notice Review and Determination, 1.13.1. NMAC

Ms. Jaramillo stated that the Open Meetings Act requires that any board, commission or other public body that formulates public policy must determine annually what constitutes reasonable public notice for its meetings. She stated that the Commission adopted *1.13.1 NMAC, General Provisions*, to provide public disclosure of the process and procedures for conducting the meetings of the Commission of Public Records. The Commission must determine whether notice requirements as outlined in *1.13.1 NMAC* still constitute reasonable notice. The Chair entertained a motion to reaffirm the provisions for public notice. Mr. Reynolds, so moved and Dr. Levine seconded the motion. The Chair asked Ms. Tania Maestas if she had reviewed *1.13.1 NMAC*. Ms. Maestas replied that the rule complies with the Open Meeting Act requirements.

The Chair asked if there was further discussion; hearing none the Chair called for the vote to approve *1.13.1. NMAC*. The motion passed unanimously, with no abstentions.

B. Records and Disposition Schedules

1.18.420 NMAC, Executive Records Retention and Disposition Schedules (ERRDS), Regulation and Licensing Department

Ms. Jaramillo stated that the first schedule for the Commission's consideration was an amendment to *1.18.420 NMAC, ERRDS, Regulation and Licensing Department*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that changes were made at the request of the Regulation and Licensing Department (RLD). She then introduced Ms. Pauline Varela, who was representing the RLD and was available to answer questions. Ms. Garcia informed the Commission that the RLD had initially requested changes to portions of the schedule to include Signed Language Interpreter Licensure Files; however, in the process SRCA staff determined that other modifications were required to bring the schedule up to current schedule format requirements. Modifications were made to Sections *1.18.420.1 NMAC* through *1.18.420.9 NMAC* to conform formatting and a new records series, *1.18.420.840 NMAC, Signed Language Interpreter Licensure Files*, was added. The Chair entertained a motion to adopt the amendments to *1.18.420 NMAC*. Mr. Mead so moved, and Secretary Burckle seconded the motion. The Chair asked if there was any further discussion; hearing none the Chair called for a vote to approve the amendment to *1.18.420 NMAC*. The motion passed unanimously, with no abstentions.

1.18.516 NMAC, ERRDS, Department of Game and Fish

Ms. Jaramillo stated that Mr. Leo Lucero would present the amendment to *1.18.516 NMAC, ERRDS, Department of Game and Fish*. Mr. Lucero informed the Commission that the amendment to the existing ERRDS for the Department of Game and Fish added a new records series *1.18.516.39 NMAC, Guide/Outfitter Files*, which was made at the request of the Department. Changes were also made to Section *1.18.516.9 NMAC, Instructions*, to conform to ERRDS style requirements. Mr. Lucero reported that the schedule was reviewed by staff from the Department of Game and Fish and the SRCA Internal Review Committee. The Chair entertained motion to accept the amendment. Dr. Levine so moved, and Ms. Christine Espinoza seconded the motion. The Chair asked if there was any discussion; hearing none the Chair asked for a vote to approve the amendment. The motion passed unanimously, with no abstentions.

1.18.630 NMAC, ERRDS, Human Services Department

Ms. Jaramillo stated that Ms. Garcia would present the next item an amendment to *1.18.630 NMAC, ERRDS, Human Services Department*. Mr. Reynolds informed the Commission that he was General Council for the Human Services Department (HSD) when the schedule was adopted by the Commission and stated he would like to abstain from any discussion or voting. The Chair asked to let the record show that Mr. Reynolds was abstaining from any discussion or vote. Ms. Garcia stated changes were made to *1.18.630.3 NMAC, 1.18.630.8 NMAC* and *1.18.630.9 NMAC, Instructions*, to conform to the current ERRDS style requirements. She added that changes made at the request of HSD included modifications to *1.18.630.89 NMAC, Quality Control Case Files*, and *1.18.630.90 NMAC, Management Evaluation Report Files*, and the addition of a new record series, *1.18.91 NMAC, Civil Rights Complaint Investigation Files*.

The Chair asked if there was anyone in attendance representing HSD. Ms. Garcia replied that HSD had not sent a representative. The Chair entertained motion to accept the amendment. Dr. Levine so moved, and Secretary Burckle seconded the motion. The Chair asked if there was any discussion. Mr. Mead asked if the retention on investigative case files should be longer than ten years. Ms. Garcia replied that the retention requirement was specific to HSD because it was a federal requirement. Ms. Jaramillo explained that records that have met their legal retention period and are required for litigation are placed under a legal hold and are not destroyed until the case is closed. The Chair asked for a vote to accept the amendment. The motion carried with one abstention.

1.18.954 NMAC, ERRDS, Department of Agriculture

Ms. Jaramillo informed the Commission the next item for consideration was an amendment to *1.18.954 NMAC, ERRDS, Department of Agriculture*. She stated that there were a number of changes to the existing schedule. The first is a change to the Part name from New Mexico State University to the Department of Agriculture. The Department of Agriculture is under the direct supervision and control of the Board of Regents of the New Mexico State University (NMSU) but that its only connection to NMSU is through the Regents and it functions as a cabinet-level, executive agency.

She said that other changes included new record series that were added to the schedule as a result of additional programs transferred to the Department of Agriculture from the New Mexico Organic Commodity Commission as a result of the repeal of the Organic Commodities Act in 2011 legislative session.

She said Mr. Lucero would present the schedule. Mr. Lucero informed the Commission that changes were made to the schedule to correspond with current schedule format requirements. Changes were made to the following Sections: *1.18.954.1 NMAC, Issuing Agency*; *1.18.954.2 NMAC, Scope*; *1.18.954.3 NMAC, Statutory Authority*; *1.18.954.6 NMAC, Objective*; and *1.18.954.9 NMAC, Instructions*. New records series added to the schedule include Sections: *1.18.954.201 NMAC, Certified Organic Client Files*; *1.18.954.202 NMAC, Registered Organic Client Files*; *1.18.954.203 NMAC, Certified/Registered Client Database*; and *1.18.954.204 NMAC, Accreditation Files*. Mr. Lucero stated the changes to the schedule had been reviewed by the Department of Agriculture, the outgoing Organic Commodity Commission and the SRCA Internal Review Committee and the legal council assigned to the Department of Agriculture. The Chair entertained a motion to approve the amendment. Mr. Mead so moved and Ms. Christine Espinoza seconded the motion. The Chair asked if there was any federal law that takes precedence for establishing any kind of retention periods that are longer than the recommendations on the table. Mr. Lucero advised the Commission that the scheduled changes met federal requirements. The Chair called for a vote to approve the amendments to *1.18.954 NMAC*. The motion passed unanimously, with no abstentions.

Repeal 1.18.569 NMAC, ERRDS, NM Organic Commodity Commission

Ms. Jaramillo informed the Commission that the next action item was to repeal the schedule for the New Mexico Organic Commodity Commission. She said that on July 1, 2011 the Commission would no longer exist and that functions and programs would be transferred to the

Department of Agriculture. The Chair entertained a motion to repeal *1.18.569 NMAC*. Mr. Mead so moved and Mr. Reynolds seconded the motion. The motion passed unanimously, with no abstentions.

EXECUTIVE SESSION

The Chair entertained a motion for a roll call vote to go in to Executive Session to discuss the retirement of the State Records Administrator pursuant to Paragraph (2) of Subsection H of the Open Meetings Act. Dr. Levine so moved. Secretary Burckle seconded the motion. Ms. Antoinette L. Solano gave the roll call. Chairman Hordes voted yes, Ms. Espinoza voted yes, Secretary Burckle voted yes, Mr. Blackstone voted yes, Mr. Reynolds voted yes, Mr. Mead voted yes and Dr. Levine voted yes. The Commission went into executive session at 10:59 am and came out of Executive Session at 11:16 am. The Chair entertained a motion to come out of the Executive Session. It was so moved by Dr. Levine and seconded by Secretary Burckle. The motion passed.

The Chair stated that only personnel matters pertaining to the retirement of the State Records Administrator and no other business was discussed during the closed session. The Chair informed those in attendance that a national search would take place to solicit applications for the position of State Records Administrator and that the intent of the Commission was to have a replacement by August 11, 2011. The Chair stated it was the consensus of the Commission that the subcommittee meet on August 2, 2011 to review applications.

DIRECTOR'S REPORT

Ms. Jaramillo referred Commissioners to the Director's Report included in the meeting packets. She said that the agency had received approval to hire a management analyst and an information records clerk and interviews for the positions were in progress; the agency expects to have the positions filled by the end of June. She reported that the performance measures for the third quarter were off target due to agency vacancies. She stated that her report included statistical information on the number of Inspection of Public Records Act (IPRA) requests related to Governor Richardson's records. She thanked Ms. Maestas and Ms. Salazar for their assistance and diligence in reviewing records responsive to the requests. The Chair asked if additional time was required to provide access to the records. Ms. Jaramillo replied that responding to the IPRA requests was more time consuming than initially thought due to the redaction process that had to be done manually and that she had notified several of the requestors that the agency required more time to review the records before releasing them.

Ms. Salazar reiterated that the requests were taking longer than she expected. Mr. Blackstone asked in what format the information was being provided and how much the agency was charging for its service. Ms. Jaramillo replied the information was being provided in paper and electronically in PDF formats; however, the majority of the requests, which were for email records were being printed because they required manual redaction. She stated the agency charges \$0.25 per page and \$0.50 if certification is required.

Dr. Levine asked Ms. Jaramillo if the agency could charge for the time required to review and provide access to the records. Ms. Jaramillo replied that the agency is only allowed to recover costs for supplies and equipment such as paper and printer toner.

Ms. Maestas informed the Commission that the agency is bound by the Inspection of Public Records Act that places restrictions on what an agency is allowed to charge. Secretary Burckle stated that Governor Martinez now requires all executive agencies to charge \$0.25 per page for copies in order to establish consistency in fee schedules throughout state executive agencies.

The Chair asked if there was any further discussion. Ms. Jaramillo stated that the agency had been contacted by the Commission on the Status of Women (CSW). The CSW asked for assistance with processing their records for storage and disposition since the agency would be closing on June 30 as a result of losing its state appropriation for FY 13. The SRCA provided assistance by hiring a temporary management analyst to assist the CSW with indexing, boxing and labeling the records. The records will be stored in the Records Center until they meet their legal retention periods. She said that Mr. Leo Lucero and Mr. Pete Chacon, the agency's CIO, had also reviewed the electronic records maintained by CSW and had made arrangements to move one personal computer storing the Executive Directors records and a server to the SRCA. The Chair asked how much volume the agency was taking in. Mr. Chacon estimated 1 gigabyte of electronic records, and Mr. Lucero said that there were 20 to 30 cubic feet of paper records. The Chair thanked Ms. Jaramillo for her report.

SCHEDULING OF NEXT MEETING

The Chair asked the Commission members if Tuesday August 23, 2011 at 9:30 a.m. would be an acceptable time for the next meeting. There were no conflicts with the date; the Chair scheduled the meeting for August 23, 2011 at 9:30 a.m.

ADJOURNMENT

The Chair entertained a motion for adjournment. Dr. Levine so moved and Ms. Espinoza seconded the motion. The motion passed; the meeting adjourned at 11:46 a.m.