

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 356 ERRDS, NM OFFICE OF THE GOVERNOR

1.18.356.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives
[1.18.356.1 NMAC - N, 4/5/2004]

1.18.356.2 SCOPE: New Mexico office of the governor
[1.18.356.2 NMAC - N, 4/5/2004]

1.18.356.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.356.3 NMAC - N, 4/5/2004]

1.18.356.4 DURATION: permanent
[1.18.356.4 NMAC - N, 4/5/2004]

1.18.356.5 EFFECTIVE DATE: April 5, 2004, unless a later date is cited at the end of a section
[1.18.356.5 NMAC - N, 4/5/2004]

1.18.356.6 OBJECTIVE: To establish a records retention schedule for the orderly retirement of records necessary for carrying out the Public Records Act per 14-3-6 NMSA 1978 and to preserve the historical records of the governor's office.
[1.18.356.6 NMAC - N, 4/5/2004]

1.18.356.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
 - B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
 - C. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
 - D. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
 - E. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
 - F. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
 - G. "Records retention schedule"** means a document prepared as part of a records retention program that lists the period of time for retaining records.
 - H. "Retention"** means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
- [1.18.356.7 NMAC - N, 4/5/2004]

1.18.356.8 ABBREVIATIONS AND ACRONYMS:

- A. "DFA"** stands for department of finance and administration.
 - B. "GRRDS"** stands for general records retention and disposition schedule.
 - C. "NM"** stands for New Mexico.
 - D. "NMAC"** stands for New Mexico administrative code.
 - E. "NMSA"** stands for New Mexico statutes annotated.
 - F. "WIPP"** stands for waste isolation pilot plant.
- [1.18.356.8 NMAC - N, 4/5/2004]

1.18.356.9 INSTRUCTIONS:

A. For administrative records created and maintained by the governor's office, other than those listed and described in this records retention and disposition schedule, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For financial records created and maintained by the governor's office, other than those listed and described in this records retention and disposition schedule, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC. Other agencies within the executive branch may be responsible for the financial records of the office of the governor (i.e., DFA).

C. For personnel records created and maintained by the governor's office, other than those listed and described in this records retention and disposition schedule, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

E. The descriptions of files are intended to be suggestive, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

F. Some or all materials in a file may be confidential. Access to confidential documents or information shall be only by authorization of the governor, legal counsel for the office of the governor, or by court order, unless otherwise provided by statute. Release of confidential documents or information to law enforcement and other government agencies, shall only be upon specific statutory authorization or by court order. In this retention schedule, confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note none-the-less may contain confidential or privileged materials, and failure to include an expressed confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Questions concerning the confidentiality or privilege of a file or portions of a file should be directed to the legal counsel for the office of the governor. Confidentiality of records or portions of records does not cease upon transfer of those records to the New Mexico state archives.

G. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes. (Sections 14-1-5 and 14-1-6 NMSA 1978)

H. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said records shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

I. Records management has one main goal, the systematic control of records from creation to ultimate disposition. A key element in achieving this goal is the establishment of efficient and effective procedures for filing and retrieving records. There is no one best filing system for every situation. Each office (each gubernatorial administration) must determine the most appropriate methods of filing paper records and arranging records in other formats such as microfilm, audio-visual material, and electronic media. The selection of an appropriate filing system requires knowledge of the information needs of the office. There are three basic filing systems or schemes: alphabetical, using letters of names, subjects, or geographic locations; numerical, using digits in various combinations, including dates in a chronological system; and alphanumerical, using a combination of letters and numbers. Because each system has distinct advantages and disadvantages, the maintenance systems described in this retention schedule are provided only to suggest a filing system based on how records are used or referenced, how many records are maintained, size of the office, and who uses the records. These suggested filing systems are also based on gubernatorial record collections previously transferred to the New Mexico state records center and archives.

[1.18.356.9 NMAC - N, 4/5/2004]

1.18.356.10 AGENCY FUNCTION: Pursuant to Article V, Section I of the constitution of New Mexico, the powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial. The executive department consists of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and commissioner of public lands. The supreme executive power of the state is vested in the governor. He is commander in chief of the military forces of the state, except when they are called into the service of the United States. He has power to call out the militia to preserve the public peace, execute the laws,

suppress insurrection and repel invasion. Subject to such regulations as may be prescribed by law, the governor has power to grant reprieves and pardons, after conviction for all offenses except treason and in cases of impeachment.
[1.18.356.10 NMAC - N, 4/5/2004]

1.18.356.11 GOVERNOR'S INAUGURATION FILES:

- A. Program:** inaugural matters
- B. Maintenance system:** [chronological by date of event. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** Records concerning the inauguration into office of a new or reelected governor.

Records may contain documentation on the political and social aspects of the inauguration activities including inaugural address. File may include paper documentation as well as video and audio capture of events.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.11 NMAC - N, 4/5/2004]

1.18.356.12 GOVERNOR'S PRIMARY MISSION FILES:

- A. Program:** administrative matters
- B. Maintenance system:** [alphabetical by document type, then chronological by document issue date. See Subsection I of 1.18.356.9 NMAC]
- C. Description:** records concerning the gubernatorial mission of the administration. Files may include the strategic plan for the governor's office and the state, progress reports, operation summaries, plans for future development, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.12 NMAC - N, 4/5/2004]

1.18.356.13 EXECUTIVE BUDGET FILES:

- A. Program:** budget matters
- B. Maintenance system:** [chronological by fiscal year. See Subsection I of 1.18.356.9 NMAC]
- C. Description:** records concerning the annual executive budget recommendation submitted to the legislature. File may include budget work papers, preliminary and intermediate drafts of recommendation, correspondence, memoranda, final draft submitted to the legislature, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.13 NMAC - N, 4/5/2004]

[Related materials may also be located at DFA.]

1.18.356.14 ORGANIZATIONAL CHART FILES:

- A. Program:** administrative matters
- B. Maintenance system:** [chronological by document issue date. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** records that reflect the organizational structure of state government and its departments including the governor's office. The organizational chart is a diagram that shows a systematic and symbolic arrangement of the state's departments including divisions and program area by name and function. This file may also include the support documentation.

D. Retention:

- (1) **executive working copy:** permanent. Maintain until superseded and until no longer needed for reference, then transfer to the New Mexico state archives at the end of the gubernatorial term.
- (2) **non-executive copies:** until superseded by new organizational chart

[1.18.356.14 NMAC - N, 4/5/2004]

1.18.356.15 GOVERNOR'S SCHEDULE:

- A. Program:** administrative matters
- B. Maintenance system:** [chronological by calendar date. See Subsection I of 1.18.356.9 NMAC]
- C. Description:** record of the governor's scheduled appointments including: appointment books; daily, weekly, and monthly calendars; and back-up materials

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.15 NMAC - N, 4/5/2004]

1.18.356.16 EXECUTIVE ORDERS FILES:

A. Program: executive matters
B. Maintenance system: [chrono-numeric by year issued then by executive order number. See Subsection I of 1.18.356.9 NMAC.]

C. Description: rules or regulations having the force of law and promulgated directly by the governor under his statutory authority as an executive order. File may include all referenced attachments. [Instrument original is filed in the office of the secretary of state.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.16 NMAC - N, 4/5/2004]

1.18.356.17 EXECUTIVE PROCLAMATIONS FILES:

A. Program: executive matters
B. Maintenance system: [chronological by document issue date. See Subsection I of 1.18.356.9 NMAC.]

C. Description: formal public statements issued by the governor under his statutory authority as an executive proclamation. File may include all referenced attachments. [Instrument original is filed in the office of the secretary of state.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.17 NMAC - N, 4/5/2004]

1.18.356.18 NOTARY PUBLIC FILES:

A. Program: executive matters
B. Maintenance system: [alphabetical by notary name. See Subsection I of 1.18.356.9 NMAC.]
C. Description: record of notary public appointments signed by the governor. File may include commission requests, copies of commission, related correspondence and memoranda, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.18 NMAC - N, 4/5/2004]

[Notary publics are public officers commissioned by the governor to perform official acts pursuant to the Notary Public Act (14-12A-1 to 14-12A-26 NMSA 1978). The magisterial function for commissioning a notary public is performed by the office of the secretary of state.]

1.18.356.19 EXTRADITION AND RENDITION FILES:

A. Program: executive matters
B. Maintenance system: [alphabetical by criminal name. See Subsection I of 1.18.356.9 NMAC.]
C. Description: official actions of a governor used when the custody of accused or convicted criminals is transferred between states. File may include extradition requests, extradition waivers, copy of extradition certificate, rendition (surrender), related correspondence and memoranda, etc. [Instrument originals (request, rendition) are filed in the office of the secretary of state.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

E. Confidentiality: [See Subsection F of 1.18.356.9 NMAC.]
[1.18.356.19 NMAC - N, 4/5/2004]

1.18.356.20 PARDON AND REPRIEVE FILES:

A. Program: executive matters
B. Maintenance system: [alphabetical by criminal name. See Subsection I of 1.18.356.9 NMAC.]
C. Description: records concerning pardon and reprieve requests. File may include request for pardon, request for reprieve, documentation describing case, reasons for pardon or reprieve request, copy of pardon

certificate, copy of reprieve order, related correspondence and memoranda, etc. [Instrument originals (pardon certificate) are filed in the office of the secretary of state.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

E. Confidentiality: Portions of this file may be confidential per Section 14-2-1 Inspection of Public Records Act (letters of reference, matters of opinion). [See Subsection F of 1.18.356.9 NMAC.] [1.18.356.20 NMAC - N, 4/5/2004]

1.18.356.21 GUBERNATORIAL APPOINTMENTS AND REMOVALS FILES:

A. Program: executive matters

B. Maintenance system: [alphabetical by appointed office name. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records concerning the exempt position appointments and removals made by the governor. These include executive agency heads (cabinet secretaries); members of boards, commissions, task forces and councils; positions authorized by the legislature for specific reasons; and persons to fill vacancies in certain federal, state, legislative and judicial offices. Files may contain applications, resumes, references, related correspondence, copy of appointment certificate, copy of notification of removal from position, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

E. Confidentiality: Portions of this file may be confidential per Section 14-2-1 Inspection of Public Records Act. [See Subsection F of 1.18.356.9 NMAC.]

[1.18.356.21 NMAC - N, 4/5/2004]

[Related materials may also be located at DFA.]

1.18.356.22 CODE OF CONDUCT FILES:

A. Program: administrative matters

B. Maintenance system: agency preference

C. Description: record of prescribed standards peculiar and appropriate to the function and purpose for which the governor's office was created and exists.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.22 NMAC - N, 4/5/2004]

1.18.356.23 CODES OF CONDUCT REVIEW FILES:

A. Program: administrative matters

B. Maintenance system: agency preference

C. Description: records concerning the review and approval of *codes of conduct* of state agencies.

[All codes approved by the governor shall be filed with the secretary of state and shall be open to public inspection. Section 10-16-11-NMSA 1978]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.23 NMAC - N, 4/5/2004]

1.18.356.24 ADMINISTRATIVE FILES (EXECUTIVE LEVELS):

A. Program: administrative matters

B. Maintenance system: [alphabetical by subject, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records documenting actions of the governor and any policy advisory staff. Files may include memoranda and reports concerning policies or directives of the state or the governor; organization and program development; and other related topics and non-routine fiscal data and personnel information. These records reflect administration of policy, coordination of state functions and management of program activity.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.24 NMAC - N, 4/5/2004]

1.18.356.25 ADMINISTRATIVE REFERENCE FILES (NON-EXECUTIVE LEVELS):

A. Program: administrative matters

B. Maintenance system: [alphabetical by subject, then chronological by date created or received.

See Subsection I of 1.18.356.9 NMAC.]

C. Description: routine office management files retained below the governor or any policy advisory staff. Included are convenience copies of memoranda, reports, printed matter and other reference materials. Topics include such subjects as: job activities, program material, general office information, parking for staff, etc.

D. Retention: until no longer needed for reference
[1.18.356.25 NMAC - N, 4/5/2004]

1.18.356.26 ADMINISTRATIVE CORRESPONDENCE FILES (EXECUTIVE LEVELS):

A. Program: administrative

B. Maintenance system: [alphabetical by subject, then chronological by date created or received.

See Subsection I of 1.18.356.9 NMAC.]

C. Description: correspondence related to the administration of the governor's office. Communications concern coordination of programs, governor's policy and responsibilities of a non-routine nature that impact on the state, its departments, or the governor's office. These letters are usually found at the level of any policy advisory staff. This record group includes the correspondence files of the governor.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.
[1.18.356.26 NMAC - N, 4/5/2004]

1.18.356.27 E-MAIL CORRESPONDENCE:

A. Program: administrative

B. Maintenance system: [alphabetical by record series, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: Electronic communiqués sent to and from the governor's office and related to the administration of the governor's office. Communications concern coordination of programs, governor's policy and responsibilities of a non-routine nature that impact on the state, its departments, or the governor's office. These communiqués are usually found at the governor or any policy advisory staff levels.

D. Retention: permanent. Retain in office through end of term then transfer to the New Mexico state archives at the end of the gubernatorial term. Transfer system application along with e-mail data (communiqués).
[1.18.356.27 NMAC - N, 4/5/2004]

1.18.356.28 GENERAL CORRESPONDENCE FILES (NON-EXECUTIVE LEVELS):

A. Program: administrative matters

B. Maintenance system: [alphabetical by subject, then chronological by date created or received.

See Subsection I of 1.18.356.9 NMAC.]

C. Description: routine correspondence created or retained below the levels of the governor or any policy advisory staff. Letters and memoranda reflect communication regarding program procedures, general work activities, and responses to information requests.

D. Retention: one year after close of fiscal year in which created
[1.18.356.28 NMAC - N, 4/5/2004]

1.18.356.29 EXECUTIVE AGENCY FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by agency name or numerical by DFA code, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: working files concerning state agencies of the executive branch of state government. File may include reports submitted by the agencies, reports on or about the agencies, correspondence between the governor's office and the agencies, related correspondence and memoranda, copies of minutes, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.29 NMAC - N, 4/5/2004]

1.18.356.30 LEGISLATIVE ENTITY FILES:

- A. **Program:** administrative matters
- B. **Maintenance system:** [alphabetical by agency name or numerical by DFA code, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** working files concerning state agencies of the legislative branch of state government. File may include reports submitted by the agencies, reports on or about the agencies, correspondence between the governor's office and the agencies, related correspondence and memoranda, copies of minutes, etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.30 NMAC - N, 4/5/2004]

1.18.356.31 JUDICIAL ENTITY FILES:

- A. **Program:** administrative matters
- B. **Maintenance system:** [alphabetical by agency name or numerical by DFA code, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** working files concerning state agencies of the judicial branch of state government. File may include reports submitted by the agencies, reports on or about the agencies, correspondence between the governor's office and the agencies, related correspondence and memoranda, copies of minutes, etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.31 NMAC - N, 4/5/2004]

1.18.356.32 EDUCATIONAL INSTITUTION FILES:

- A. **Program:** administrative matters
- B. **Maintenance system:** [alphabetical by agency name or numerical by DFA code, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** working files concerning state educational institutions of the state. File may include reports submitted by the institutions, reports on or about the institution, correspondence between the governor's office and the institutions, related correspondence and memoranda, copies of minutes, etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.32 NMAC - N, 4/5/2004]
[The governor is an ex officio advisory member of the board of regents of each state university.]

1.18.356.33 BOARDS AND COMMISSIONS FILES:

- A. **Program:** administrative matters
- B. **Maintenance system:** [alphabetical by agency name or numerical by DFA code, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** working files concerning the boards and commissions throughout New Mexico state government. File may include reports submitted by the boards or commissions, reports on or about the boards or commissions, correspondence between the governor's office and the boards or commissions, related correspondence and memoranda, copies of board or commission minutes, etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.33 NMAC - N, 4/5/2004]
The governor serves as president of the state board of finance and is a member of both the state investment council and the land commission.]

1.18.356.34 STATE MILITARY FORCES FILES:

- A. **Program:** administrative matters
- B. **Maintenance system:** [chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** records concerning the governor as commander in chief of the state's military forces. File may include reports submitted by the military entities, reports on or about the military forces, correspondence between the governor's office and the military forces, related correspondence and memoranda, copies of military governing body minutes, etc. File may also contain information concerning the declaration of emergencies through executive order.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.34 NMAC - N, 4/5/2004]

[The governor is the commander in chief of the state military forces.]

1.18.356.35 FEDERAL AGENCY FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by agency name, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: These files deal with issues relating to the state of New Mexico and the various departments of the federal government. Files may contain reports, correspondence between the governor's office and the federal agency, memoranda, copies of federal agency minutes, etc. Files may also contain information concerning the governor's federal liaison duties. [Examples of files include highway construction projects, bureau of Indian affairs, WIPP isolation project, etc.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.35 NMAC - N, 4/5/2004]

1.18.356.36 INTERNATIONAL FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by name of country, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: These files deal with issues relating to the state of New Mexico and the international government community. Files may contain reports, correspondence between the governor's office and the foreign entity, memoranda, copies of minutes of recorded meetings, etc. [Examples of files include cultural, economical, social and political negotiations with foreign governments of the departments of foreign governments.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.36 NMAC - N, 4/5/2004]

1.18.356.37 PRIVATE ORGANIZATIONS FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by name of organization, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: These files deal with issues relating to the state of New Mexico and private organizations (religious, fraternal, professional, benevolent). File may include reports submitted by the entities, reports on or about the particular entities, correspondence between the governor's office and the entities, related correspondence and memoranda, copies of minutes of recorded meetings, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.37 NMAC - N, 4/5/2004]

1.18.356.38 ISSUES FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by issue, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]

C. Description: Records concerning issues (political, social, economical, environmental) which originate in the governor's office, the various departments or outside state government and which the governor's office has an interest to track, monitor, or pursue. These files are kept by the various department liaisons within the governor's office. Files may include issues such as: health care; gay rights; legalization of marijuana; workers compensation; NM cattle industry; driving while under the influence of liquor or drugs; etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.38 NMAC - N, 4/5/2004]

1.18.356.39 CONSTITUENCY FILES:

- A. **Program:** constituency matters
- B. **Maintenance system:** [alphabetical by constituent name, then chronological by date created or received. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** records related to various issues and concerns (political, social, economical, environmental) communicated by the constituency to the governor as comment or for relief. File may consist of constituency correspondence, transcribed constituency messages, copy of acknowledgement of receipt by the governor's office, copies of response, etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
- E. **Confidentiality:** [See Subsection F of 1.18.356.9 NMAC.]
[1.18.356.39 NMAC - N, 4/5/2004]

1.18.356.40 MINUTES OF MEETINGS:

- A. **Program:** administrative matters
 - B. **Maintenance system:** [alphabetical by governing body name, then chronological by meeting date. See Subsection I of 1.18.356.9 NMAC.]
 - C. **Description:** records of official proceedings of governing bodies created by the governor's office. These include but are not limited to governor's regular cabinet meetings, task forces, special committees, etc. Information includes agenda, date, place, list of attendees and a summary of discussion and decisions. Official minutes may also include all informational attachments such as reports, surveys, proposal, studies and charts distributed to members for discussion and for use in making decisions on agency policy, planning and administrative matters. Official minutes shall include only those documents and attachments that have been formally introduced as part of the records.
 - D. **Retention:**
 - (1) **minutes of meetings plus all other documentation including agenda, agenda package, etc:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
 - (2) **tapes or recordings of meeting:** Retain until minutes have been transcribed and accepted at next meeting but no longer than two years after meeting date.
- [1.18.356.40 NMAC - N, 4/5/2004]

1.18.356.41 REPORTS:

- A. **Program:** administrative matters
- B. **Maintenance system:** [alphabetical by body name, then chronological by report date. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** All reports created by the governor's office or those reports submitted to the governor pursuant to Article V, Section 9 NM constitution or by specific statute. [Reports may also be filed in other files such as *executive agency files, board's and commissions' files*, etc.]
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.41 NMAC - N, 4/5/2004]

1.18.356.42 LEGISLATION FILES:

- A. **Program:** legislative matters
- B. **Maintenance system:** [chronological by legislative session year, then numerical by bill number. See Subsection I of 1.18.356.9 NMAC.]
- C. **Description:** documents pertaining to legislation proposed on behalf of the governor's office or of interest to the governor's office. Files may contain copies of bills and proposed (drafted) legislation, supporting material relating to legislation (newspaper clippings, reports, correspondence, memoranda), etc.
- D. **Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for review and final disposal.
[1.18.356.42 NMAC - N, 4/5/2004]

1.18.356.43 LEGISLATION BEFORE THE GOVERNOR FILES:

- A. **Program:** legislative matters
- B. **Maintenance system:** [chronological by legislative session year, then numerical by bill number. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records concerning the signing, veto, or partial veto of legislation brought before the governor. Files may contain copies of bills and proposed (drafted) legislation, supporting material relating to legislation (newspaper clippings, reports, correspondence, memoranda), copy of signed, vetoed, or partially vetoed legislation, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for review and final disposal.
[1.18.356.43 NMAC - N, 4/5/2004]

1.18.356.44 POCKET VETO FILES:

A. Program: legislative matters

B. Maintenance system: [chronological by legislative session year, then numerical by bill number. See Subsection I of 1.18.356.9 NMAC.]

C. Description: segregated file created for enactment from the legislature, which become “pocket vetoes” when they were not signed or vetoed at the end of the sessions.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.44 NMAC - N, 4/5/2004]

1.18.356.45 PROJECT CONTROL FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by project name, then chronological by report date. See Subsection I of 1.18.356.9 NMAC.]

C. Description: Records concerning regular or routine projects of the governor's office. File may contain correspondence, memoranda, reports and other records documenting assignments, progress and completion of projects. [Records series does not include construction project files.]

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.45 NMAC - N, 4/5/2004]

1.18.356.46 SPECIAL PROJECTS FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by project name, then chronological by report date. See Subsection I of 1.18.356.9 NMAC.]

C. Description: Records concerning miscellaneous projects of the governor's office or other projects that do not fall within normal office operations of the office. File may contain correspondence, memoranda, reports and other records documenting assignments, progress and completion of special projects.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.46 NMAC - N, 4/5/2004]

1.18.356.47 FEASIBILITY STUDIES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by study name, then chronological by report date. See Subsection I of 1.18.356.9 NMAC.]

C. Description: studies requested and conducted prior to the acquisition, installation, implementation or purchase of new technologies, equipment, properties, projects, etc. File series also includes social, economical, or environmental studies requested and conducted prior the implementation of or continuation of existing programs.

D. Retention:

(1) studies requested by the governor's office: Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

(2) courtesy copies received by the governor's office: Retain until informational value to the governor's office ends then transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.47 NMAC - N, 4/5/2004]

[Studies may be incorporated into other files (i.e., project files)]

1.18.356.48 PUBLIC RELATIONS FILES:

- A. Program:** public relations matters
- B. Maintenance system:** [alphabetical by subject name, then chronological by element date. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** information concerning governor's office publicity. File may include press releases, biographies, newspaper clippings, promotional and materials, bulleting, broadcast scripts, photographs, visual documentation and other related items.
- D. Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.48 NMAC - N, 4/5/2004]

1.18.356.49 PRESS RELEASES [NEWSPAPER RELEASES]:

- A. Program:** administrative matters
- B. Maintenance system:** [chronological by release date. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** Copies of public statements released to the media by the governor's press secretary or public relations officer.
- D. Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.49 NMAC - N, 4/5/2004]

1.18.356.50 PHOTOGRAPHS:

- A. Program:** public relations matters
- B. Maintenance system:** agency preference
- C. Description:** photographic images of agency activities. Photographs may include identification according to time, place and agency activity.
- D. Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.50 NMAC - N, 4/5/2004]

1.18.356.51 GOVERNOR'S SPEECHES:

- A. Program:** public relations matters
- B. Maintenance system:** [chronological by date delivered or alphabetical by subject matter. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** Speeches made by the governor to various groups, organizations, the legislature, etc. Speeches may include but are not limited to the inaugural address, the state of the state address, legislative addresses, etc.
- D. Retention:** permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.
[1.18.356.51 NMAC - N, 4/5/2004]

1.18.356.52 CONFERENCES OR WORKSHOPS CONDUCTED FILES:

- A. Program:** administrative matters
- B. Maintenance system:** [chronological by date event conducted or alphabetical by event title. See Subsection I of 1.18.356.9 NMAC.]
- C. Description:** records of conferences or workshop conducted by the governor's office. File may contain agendas, programs, handouts, reports, training material, critiques, questionnaires, correspondence, memoranda, related documentation, etc.
- D. Retention:** Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal
[1.18.356.52 NMAC - N, 4/5/2004]

1.18.356.53 LEGAL CASE FILES:

- A. Program:** legal matters
- B. Maintenance system:** [alphabetical by opposing legal party name. See Subsection I of 1.18.356.9 NMAC.]

C. Description: litigation records involving the office of the governor. Records may contain complaints, court order, motion, pleadings, notes, briefs, releases, investigative reports, investigative activity logs, transcripts, closing sheets, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

E. Confidentiality: per Sections 14-2-1 NMSA 1978, 32A-2-32 NMSA 1978, 32A-3B-22 NMSA 1978, 32A-4-33 NMSA 1978, 32A-5-8 NMSA 1978, and 32A-6-15 NMSA 1978. [See Subsection F of 1.18.356.9 NMAC.]

[1.18.356.53 NMAC - N, 4/5/2004]

1.18.356.54 LEGAL OPINIONS AND REQUESTS FOR OPINION FILES:

A. Program: legal matters

B. Maintenance system: [alphabetical by subject of opinion sought or chronological by date opinion request. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records requesting legal office [or the attorney general] to render or issue an opinion. File may include requests made by the governor's office or requests made by other government entities. File may contain request for opinion, legal opinion or response, related documentation, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term.

[1.18.356.54 NMAC - N, 4/5/2004]

1.18.356.55 JOINT POWERS AGREEMENTS FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by agreement subject name or numerical by agreement number. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records concerning written contractual agreement entered into between the state (including the governor's office) and other public agencies subject to any constitutional or legislative restrictions imposed upon any of the contracting public agencies (Joint Powers Agreement Act, Section 11-1-1 to Section 11-1-7 NMSA). File may contain agreement (original, copy), background research materials, notes, correspondence, memoranda, etc.

D. Retention: Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.55 NMAC - N, 4/5/2004]

1.18.356.56 INTERSTATE COMPACTS FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by compact subject name or numerical by compact number. See Subsection I of 1.18.356.9 NMAC.]

C. Description: records concerning interstate compact or other intergovernmental agreements as defined in the Public Records Act (Section 14-3-20 NMSA 1978). File may contain interstate compact (original, copy), background research materials, notes, correspondence, memoranda, etc. [Interstate compacts and intergovernmental agreements shall be filed with state records center, administrative law division per Section 14-3-20 NMSA 1978.]

D. Retention: Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.56 NMAC - N, 4/5/2004]

1.18.356.57 BUSINESS CONTINUITY FILES:

A. Program: emergency preparedness

B. Maintenance system: agency preference

C. Description: records concerning the preparation of a business continuity, emergency preparedness, or disaster recovery plan and the organization of salvage procedures for the state of New Mexico including the governor's office. Records include plan, salvage procedures, information on training in emergency or disaster recovery techniques, etc.

D. Retention: Retain until superseded by new plan or information. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.57 NMAC - N, 4/5/2004]

[Copies of this file should be stored off-site in a number of selected locations. In the event of a disaster, all copies of this file shall be retained until any or all investigations have been concluded.]

1.18.356.58 BUILDING EMERGENCY EVACUATION FILES:

A. Program: emergency preparedness

B. Maintenance system: agency preference

C. Description: records concerning the safe and orderly evacuation of all buildings occupied by the governor and staff. Records include evacuation plan, list of designated fire captains or coordination leaders, training information, etc.

D. Retention: Retain until superseded by new plan or information. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.58 NMAC - N, 4/5/2004]

1.18.356.59 VISITOR CONTROL FILES:

A. Program: security matters

B. Maintenance system: [chronological by entry date. See Subsection I of 1.18.356.9 NMAC.]

C. Description: registers or logs used to record names of outside contractors, service personnel, visitors, admitted to areas of the governor's office.

D. Retention: Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.59 NMAC - N, 4/5/2004]

1.18.356.60 SIGNATURE AUTHORIZATION FILES:

A. Program: administrative matters

B. Maintenance system: [alphabetical by authorization type then alphabetical by authorized person. See Subsection I of 1.18.356.9 NMAC.]

C. Description: record authorizing a person to sign fiscal documents, personnel documents, etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.60 NMAC - N, 4/5/2004]

1.18.356.61 FINDING AIDS (INDEXES):

A. Program: administrative matters

B. Maintenance system: [alphabetical by records series. See Subsection I of 1.18.356.9 NMAC.]

C. Description: indexes, lists, registers and other finding aids used to provide access to records.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.61 NMAC - N, 4/5/2004]

1.18.356.62 GOVERNOR'S SPOUSE RECORDS [aka RECORDS OF THE FIRST LADY]:

A. Program: administrative matters

B. Maintenance system: [alphabetical by records series. See Subsection I of 1.18.356.9 NMAC.]

C. Description: Records concerning issues (political, social, economical, environmental) which the governor's spouse has an interest to track, monitor, or pursue. Records may also include projects, organizations, or task forces that the governor's spouse either participates in or heads. Files may contain: correspondence; memoranda; reports; records documenting assignments, progress and completion of projects; etc.

D. Retention: permanent. Transfer to the New Mexico state archives at the end of the gubernatorial term for appraisal and final disposal.

[1.18.356.62 NMAC - N, 4/5/2004]

HISTORY OF 1.18.356 NMAC: [RESERVED]