

**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING AND RULE HEARING - November 17, 2015
1205 Camino Carlos Rey, Santa Fe, NM 87507**

Members Present:

Robert J. Tórréz	Chair Historian
Edwynn Burckle	Cabinet Secretary, General Services Department
Christina Espinoza	Designee for the Honorable Secretary of State
Tania Maestas	Representative for the Honorable Attorney General
Jennifer Salazar	General Counsel, Assistant Attorney General
Sarita Nair	Representative for the State Auditor
Lynne S. Rhys	Law Librarian, Supreme Court
Jeff Pappas	Representative for Department of Cultural Affairs

Staff Present:

Linda Trujillo	State Records Administrator
Melissa Salazar	Director, Archives and Historical Services
Ruben Rivera	Financial Chief Officer
Pete Chacon	Information Technology, Chief Information Officer
Matt Ortiz	Administrative Law, Division Director, ALD
Amanda Lopez	Rules Management Analyst, ALD
Pamela Lujan y Vigil	Rules Management Analyst, ALD
Leo Lucero	Director Records Management Division, RMD
Jackie Garcia	Agency Analyst Bureau Chief, Records Management Division, RMD
Jennifer Camp	Management Analyst, RMD
Tanya Vigil	Management Analyst, RMD
Susan Montoya	Management Analyst, RMD
Emmanuel Rodriguez	Electronics Records Bureau Chief, Records Management Division
Dennis Branch	Management Analyst, RMD
Camille Roybal	Management Analyst, RMD
Felicia Lujan	Division Director, Archives
Rachel Adler	Archives Bureau Chief
Brittany Macias	Secretary, Archives
Scott Crego	Archivist
Dr. Rick Hendricks	State Historian

I. OPENING ACTIVITIES:

A. Call to order: Chairman Tórréz called the meeting to order at 9:30 a.m.

B. Approval of agenda

The Chair entertained a **MOTION** to approve the agenda. Ms. Nair **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

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Robert J. Tórréz
*Historian/Chair
State*

Hon. Hector Balderas
Attorney General

Hon. Tim Keller
State Auditor

Hon. Brad Winter
Secretary of

Jeff Pappas
Department of Cultural Affairs

Edwynn Burckle
General Services Department

Lynne S. Rhys
State Law Librarian

II. Action Items:

A. Approval of August 25, 2015 Meeting Minutes

The Chair stated there was one minor grammatical correction on the fifth (5th) page the second full paragraph of text where it starts with "the Chair" third (3rd) line of wording that reads "*recommendation on all those to be acted on the Commission than could take act*" needs to be corrected to read "*then could take action*". The Chair entertained a **MOTION** to approve the meeting minutes as amended. Ms. Nair **MOVED** and Secretary Burckle **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Amend OMA Resolution FY 2016-1

The Chair asked Ms. Trujillo to explain the proposed changes to the FY 2016-1 OMA Resolution. Ms. Trujillo explained that the proposed resolution included language to identify the secretary would serve as the chair in the chair's absence and requirement to post hearing notices on the front door would be removed as it is unnecessary. Ms. Trujillo explained the language had been accidentally carried from the emergency meeting requirements.

The Chair entertained a **MOTION** to adopt the amendments to Resolution Number FY 2016-1-Open Meetings Act Resolution. Mr. Pappas **MOVED** and Ms. Espinoza **SECONDED**; the motion **PASSED UNANIMOUSLY**.

III. Rule Hearing:

A. Repeal

Ms. Trujillo explained that at the September 22, 2015 meeting the rules for the counties, municipalities and other subdivisions were tabled due to the inability to meet with all the municipalities to get their approval and/or comment on the new FRRDS. Ms. Trujillo stated that Records Management staff has met with municipal and county clerks and there were no request for changes. Ms. Trujillo's recommendation is to repeal the rules listed on the agenda:

1. 1.15.3 NMAC GRRDS, General Administrative Records (for Use by Local Government and Educational Institutions)*
2. 1.15.5 NMAC GRRDS, General Financial Schedule (Interpretive)*
3. 1.15.7 NMAC GRRDS, General Personnel (Interpretive)*
4. 1.19.2 NMAC LGRRDS, Office of the County Assessor
5. 1.19.3 NMAC LGRRDS, Office of the County Clerk
6. 1.19.4 NMAC LGRRDS, Board of County Commissioners County Managers
7. 1.19.5 NMAC LGRRDS, Office of the County Sheriff
8. 1.19.6 NMAC LGRRDS, Office of the County Treasurer
9. 1.19.7 NMAC LGRRDS, Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA)
10. 1.19.8 NMAC LGRRDS, New Mexico Municipalities
11. 1.19.9 NMAC LGRRDS, New Mexico Municipal Courts
12. 1.19.10 NMAC LGRRDS, Middle Rio Grande Conservancy District
13. 1.19.11 NMAC LGRRDS, Soil and Water Conservation Districts and Watershed Districts

Ms. Trujillo further stated that the repeal would be published in the NM Register on November 30, 2015. The Chair entertained a **MOTION** to repeal the rules listed in rule hearing A-1 through 13. Ms. Espinoza **MOVED** and Ms. Rhys **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Repeal and Replace

Ms. Trujillo explained the proposed repeal and replacement of 1.13.30 NMAC, Destruction of Public Records and Non-Records. Ms. Trujillo stated that this would allow destruction on a regular basis, quicker and more efficient and would also free up space at the Records Center. Ms. Trujillo's recommendation is to repeal and replace 1.13.30 NMAC Destruction of Public Records and Non-Records and replace with 1.13.30 NMAC Disposition of Public Records and Non-Records. Ms. Trujillo stated that the Commission meeting packet included the Hearing Officer's Report related to the proposed rule. She pointed out that there were changes to the rule as recommended on page 5 of the Hearing Officer's report that were based on recommendations from staff and the Office of the State Auditor.

The Chair entertained a **MOTION** to repeal 1.13.30 NMAC Destruction of Public Records and Non-Records and replace it with 1.13.30 NMAC Disposition of Public Records and Non-Records as recommended by the Hearing Officer. Ms. Nair **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

C. Amend

Ms. Trujillo explained the proposed amendments to 1.21.2 NMAC Retention and Disposition of Public Records. She stated there are corrections to NMAC reference; publications are clarified as permanent; student transcripts are changed from 99 years to permanent; adverse action language is corrected as recommended by SPO; contribution is changed to 65 years, member files for benefits are reduced to 5 years and other member files are increased to 65 years as recommended by PERA; and the remaining amendments are corrected to reflect current laws. Ms. Trujillo recommended that the Commission accept the amendments to 1.21.2 NMAC Retention and Disposition of Public Records. The Chair entertained a **MOTION** to adopt amendment 1.21.2 NMAC, Retention and Disposition of Public Records. Ms. Nair **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Ms. Trujillo explained the proposed amendments to 1.13.4 NMAC Records Management Requirements for Electronic Messaging and recommended that the Commission adopt 1.13.4 NMAC amendment with the understanding that she would bring back an amendment to 1.13.4 NMAC at the next scheduled Commission meeting to clarify the reference to Meta Data in the rule. The Chair entertained a **MOTION** to adopt amendment 1.13.4 NMAC, Records Management Requirement for Electronic Messaging. Ms. Maestas **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED** unanimously.

D. New

Ms. Trujillo discussed the proposed new rule 1.13.12 NMAC, Designation of Records Management Personnel. She explained the proposed rule would clarify the responsibility of an agency to appoint records managers to assist the State Records Administrator in managing public records of agencies under the Public Records Act. Ms. Trujillo recommended the Commission adopt the rule as proposed. The Chair entertained a **MOTION** to adopt 1.13.12 NMAC Designation of Records Management Personnel. Ms. Rhys **MOVED** and Mr. Burckle **SECONDED**; the motion **PASSED UNANIMOUSLY**.

IV. DIRECTOR'S REPORT

Ms. Trujillo provided the Commission a copy of the Director's report and gave a brief breakdown of each Division. Ms. Trujillo stated that the Office of the State Historian is not listed on the report due to the State Historian's trip to Mexico and Mr. Hendricks will give a more comprehensive report at the next Commission meeting. Ms. Trujillo introduced new hires, Scott Crego, Archivist, two Management Analysts Dennis Branch and Camille Roybal who will be assisting with the CERR (Central Electronic Records Repository). Ms. Trujillo also discussed the Performance Measures report submitted by the Deputy State Records Administrator.

V. EXECUTIVE SESSION:

The Chair **MOVED** that the Commission enter into Executive Session pursuant to Paragraph (2) of Subsection H of Section 10-15-1 NMSA 1978 - to discuss a limited personnel matter; specifically to consider a salary increase for the State Records Administrator, continued employment and to discuss performance measures for future evaluation; and for the purpose of an Audit Exit Interview pursuant to the Office of the Attorney General Open Meetings Act Compliance Guide on page 19 that states there are some circumstances where authority for closure of a public meeting that is subject to the Open Meetings Act may be implied from or required by other laws and Section 12-6-5 of the Audit Act, which provides that an audit report does not become a public record subject to inspection until ten days after the auditor release the audit to the audited agency. Mr. Burckle **SECONDED** the motion; the Chair called for a **ROLL CALL** vote:

Robert J. Tórréz	yes
Edwynn Burckle	yes
Christina Espinoza	yes
Sarita Nair	yes
Lynne S. Rhys	yes
Jeff Pappas	yes
Tania Maestas	yes

The motion **PASSED UNANIMOUSLY**. The Commission entered into Executive Session. All non-Commission members left the meeting room and the recorder was turned off.

The Chair called the Commission back into regular session. The Chair stated the only matters discussed were the matters listed on the agenda. The Chair entertained a **MOTION** to approve a raise for the State Records Administrator from eighty-five thousand to ninety thousand effective the first pay period in 2016. Ms. Rhys **MOVED** and Mr. Burckle **SECONDED**; the motion **PASSED UNANIMOUSLY**.

VI. SCHEDULING OF NEXT MEETING: Tuesday the 23rd day of February 2016.

VII. ADJOURNMENT

The Chair entertained a **MOTION** to adjourn. Ms. Nair **MOVED** and Ms. Maestas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Submitted by: 
Linda M. Trujillo, State Records Administrator

2/23/2016
Date

Attested by: 
Robert J. Tórréz, Commission Chair

2/23/16
Date

Minutes approved on: 2/23/16