

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
March 19, 2013**

The State Commission of Public Records convened at 9:32 a.m. on Tuesday, March 19, 2013 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present

Stanley Hordes, Ph.D.	Chair, Historian
Edwynn Burckle	Cabinet Secretary, General Services Department
Tracey Littrell	Representative for Honorable Dianna J. Duran, Secretary of State
Robert Mead, J.D.	State Law Librarian
Mark Reynolds	Representative for Honorable Gary King, Attorney General
Antonio Corrales	Representative for Honorable Hector Balderas, State Auditor
Frances Levine, Ph.D.	Director, Museum of New Mexico

Tania Maestas Assistant Attorney General

Guest

Don Wittman Kubiak & Melton, LLC, Certified Public Accountants

Staff Present

John Hyrum Martinez , C.A.	State Records Administrator
Linda M. Trujillo, Esq.	Deputy State Records Administrator
Ruben Rivera	Fiscal Officer
Pete Chacon	Information Technology, Chief Information Officer
Jackie Garcia	Agency Analysis, Bureau Chief, RMD
Rick Hendricks, Ph.D.	State Historian
Melissa Salazar, C.A.	Director, Archives and Historical Services Division
Leo Lucero	Director, Records Management Division, RMD
Art Bransford	Director, Administrative Law Division
Amanda Lopez	Management Analyst, RMD
Mark Gruber	Management Analyst, ALD

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

The chair entertained a **MOTION** to approve the agenda. Ms. Littrell **MOVED** and Dr. Levine **SECONDED** the motion. The motion **PASSED** unanimously.

III. APPROVAL OF MINUTES – March 19, 2013

The Chair entertained a **MOTION** to approve the minutes of the March 19, 2013 meeting. Mr. Mead **MOVED** and Ms. Littrell **SECONDED** the motion. The Chair asked if there were any additions, corrections or further discussion; hearing none, the Chair called for a vote. The motion **PASSED** unanimously.

IV. ACCEPTANCE OF AUDIT REPORT- Fiscal Year 2012

Mr. Martinez introduced Mr. Don Wittman, CPA, to present the agency's FY 2012 report. Mr. Wittman briefly explained how the audit was conducted. He stated that in the opinion of Kubiak & Melton, the basic financial statements present a responsible financial position of the Commission as of June 30, 2012, and is in conformity with accounting principle general accepted in the United States of America.

He summarized the audit and reported that there were no audit findings and it was deemed an unqualified opinion-meaning it was a clean audit. Mr. Wittman thanked the financial team of the agency for their assistance in completing the audit. The Chair thanked the agency staff and management team for their diligence and professional assistance. He asked Mr. Martinez if he would like to include any comments. Mr. Martinez stated that he would like to point out that in the manual there is a letter from the State Auditor, Honorable Hector Balderas, with his acceptance of a no finding audit for the agency. The Chair thanked the management team and staff and said he had the utmost confidence that the unqualified audits will continue. The Chair entertained a **MOTION** to approve the FY 12 Audit report. Mr. Mark Reynolds **MOVED** and Ms. Littrell **SECONDED** the motion. The motion **PASSED** unanimously.

V. ACTION ITEMS

A. Records Retention and Disposition Schedules

1.18.308 NMAC, Executive Records Retention and Disposition (ERRDS) Office of the State Auditor

Mr. Martinez stated that he had excused Mr. Leo Lucero, Records Management Division Director from attending the meeting because he is attending an AIIM conference in New Orleans in relation to the agency's management of electronic records. He then introduced the amendment to *1.18.308 NMAC, ERRDS, for the Office of the State Auditor*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the existing Executive Records Retention and Disposition schedule were to section: *1.18.308.9 NMAC, Instructions* to add a portion describing non scheduled public records. And also being amended is the retention period for section: *1.18.308.103 NMAC, Agency Audit Files*. The Chair entertained a **MOTION** to approve the amendments. Dr. Levine **MOVED** and Secretary Burckle **SECONDED** the motion.

Mr. Mead asked if the amendment pertains only to the Auditors schedule. Ms. Garcia stated that the retention changes would be amended for all the schedules. It is for records series that have not been scheduled in any Executive Records Retention Schedule or any other General schedule. She said if an agency is creating records that have not been scheduled at this time the position the SRCA takes is that the records cannot be destroyed. Mr. Mead asked where it is in the State Auditor rule. Ms. Garcia replied it was placed in instruction and would be consistent in all retention schedules. Mr. Martinez stated that in section 9 this language is in every rule. He said he had been in discussion with Ms. Maestas and the consensus was to remove all confidentiality reference and make a general rule. The Chair wanted clarification as to whether the audit report files are permanent. Ms. Garcia replied, yes. The Chair asked Mr. Corrales if he had any observations on this particular schedule since it affected his agency. Mr. Corrales stated that 6 years was a sufficient retention period. The Chair asked Ms. Garcia how the records would be processed and held for 6 years. Ms. Garcia said that depended on the size of the agency. The

Chair asked if there was any further discussion; hearing none. The Chair called for a vote. The motion **PASSED** unanimously.

1.18.341 NMAC, ERRDS, Department of Finance and Administration

Mr. Martinez introduced *1.18.341 NMAC Executive Records and Disposition Schedule for the Department of Finance and Administration*. He said that there would be an additional amendment that was not in the packets. He said that the amendment would remove subsection I and re-letter the subsequent series. The Chair inquired why that was being eliminated. Mr. Martinez stated that DFA had brought the issue to the agency's attention that the Attorney General really does not have the authority stated in the schedule. He said in researching the issue it was determined that the confidentiality language had been in the rule for many years. Mr. Martinez said that this would be removed in this schedule and then research will be done on other schedules to see if it should remain or be replaced.

Ms. Maestas stated that it wasn't clear why the Attorney General would determine which documents would be confidential and until further clarification it is in the best interest to delete it. Mr. Mead asked about the process if someone were to request access to review confidential records. Ms. Maestas stated it would have to be through a court order. Mr. Martinez advised the Chair that there was no administrative authority where the Attorney General can tell an agency what is confidential and that to his understanding the laws were set up granting the Custodian of Records authority to determine what is confidential. The Attorney General can advise. Mr. Mead asked if the District courts had authority. Mr. Martinez stated no, since the issue deals more with the Inspection of Public Records Act that is administered by the Attorney General and not the Public Records Act that this Commission administers.

Mr. Mark Reynolds stated that he did not think that the Attorney General's office had ever done anything under this particular section for the 20 years it has been in the schedule. He said he spoke to Ms. Betsy Glenn, who had been in the AG's office for many years, and she did not recall the language being utilized. The Chair asked if there were any further comments, hearing none; the Chair called for a vote to approve the amendment. Ms. Maestas noted that there was no motion. The Chair entertained a **MOTION** for the approval of the amendment. Mr. Mead **MOVED** and Secretary Burckle **SECONDED** the motion. Mr. Reynolds asked if the approval was for the entire amendment.

The Chair replied, yes. Mr. Reynolds said he had an issue on page 5 under *exempt employee personnel files* and under letter *E* the confidentiality provision. He said he could understand the first couple parts but where it states section 14-2-1, which is the Inspection of Public Records Act, the Law Enforcement Records that reveal confidential sources, methods and information for individuals accused but not charged with a crime. He said it just struck him as odd that this was the example for personnel files.

Ms. Garcia stated it applied when an agency does a background check and the information obtained would fall under the confidential provision. Mr. Reynolds stated that he did not believe that would be an exception under the Inspection of Public Records Act. He said if an employer administers a background check and finds information from a law enforcement agency that would not fall under the law enforcement exception in the Inspection of Public Records.

Ms. Maestas stated that under the Inspection of Public Records Act the exemption is specifically cited to Law Enforcement records and doesn't pertain to back ground checks. It is to protect confidential sources.

Mr. Reynolds said that his concern was putting into the regulation an example that he doesn't think applies. The Chair asked Mr. Reynolds if he offered an amendment to strike everything in this particular clause. Mr. Reynolds said no just to strike everything after health information. The Chair asked him for clarification if it was section *14-2-1 NMAC*.

Mr. Reynolds made a **MOTION TO AMEND** that would strike everything after health information. The Chair accepted the **MOTION TO AMEND** the approval of the amendment. Mr. Mead **SECONDED** the **MOTION TO AMEND**. Mr. Martinez stated that these were just examples and is not a definitive list by any means. The Chair asked for a vote on the amended motion. The **AMENDED MOTION PASSED** unanimously.

1.18.420 NMAC, ERRDS, Regulation and Licensing Department

Mr. Martinez informed the Commission that Ms. Jackie Garcia would present the amendment of *1.18.420 NMAC, ERRDS, Regulation and Licensing Department*. However, before she presented he asked her to introduce the new analyst in Records Management. Ms. Garcia stated that the Agency Analysis Bureau had acquired three new analysts to the bureau, Ms. Amanda Lopez and Mr. Pete Gurule who would present the next item for consideration. She also introduced Ms. Jennifer Camp who is an analyst with the bureau. The Chair welcomed the new staff members.

Ms. Amanda Lopez informed the Commission that the amendments to the existing Executive Records Retention and Disposition Schedule were to sections: *1.18.420.8 NMAC Abbreviations and Acronyms; 1.18.420.471 NMAC, Acupuncturist Licensing File, 1.18.420.174 NMAC, Institution Licensing File; 1.18.420.511 NMAC, Athletic Trainer Licensing File; 1.18.420.531 NMAC, Counseling and Therapy Board Licensing Files*. Ms Lopez noted that the changes proposed also included the repeal of certain sections. She reported that the sections being repealed were; *1.18.420.172 NMAC, Instructor Licensing File; 1.18.420.473 NMAC, Tutor Licensing File; 1.18.420.476 NMAC, Acupuncture Board Licensee Log; 1.18.420.477 NMAC, Acupuncture Licensing Certificate; 1.18.420.478 NMAC, Acupuncturist Tutor Licensing Certificate; 1.18.420.479 NMAC, Acupuncture Institute Licensing Certificate; 1.18.420.480 NMAC, acupuncture Instructor; 1.18.420.181 NMAC, Application for Licensure as Acupuncturist; 1.18.420.182 NMAC, application for Licensure As Tutor; 1.18.420.183 NMAC, Instructor Application; 1.18.420.184 NMAC, License Renewal; 1.18.420.185 NMAC, acupuncture Board Licensee List; 1.18.420.513 NMAC, Athletic Trainer Licensee Log; 1.18.420.514 NMAC, Licensing Certificate; 1.18.420.515 NMAC, Application for Licensure; 1.18.420.516 NMAC, License Renewal Application; 1.18.420.517 NMAC, License Renewal; 1.18.420.518 NMAC, Athletic Trainer Licensee Listing; 1.18.420.519 NMAC, Licensee Mailing List; 1.18.420.532 NMAC, Counseling and Therapy Licensee Log; 1.18.420.533 NMAC, counseling and Therapy Licensee Instate Licensee Log; 1.18.420.534 NMAC, Complaint File; 1.18.420.535 NMAC, Licensing Certificate; 1.18.420.536 NMAC, Temporary License; 1.18.420.537 NMAC, Application for License to Practice Counseling and Therapy; 1.18.420.538 NMAC; Renewal Application; 1.18.42.539 NMAC, License Renewal; 1.18.420.540 NMAC, Counseling*

and Therapy Board Licensee List; New Sections added were: 1.18.475 NMAC, Examination Files; 1.18.420.541 NMAC, Continuing Education Unit Provider Certification Files.

The Chair entertained a **MOTION** for approval of the amendments Mr. Mark Reynolds **MOVED** and Mr. Corrales **SECONDED** the motion. The Chair asked if there was any further discussion. Secretary Burckle asked if this process was to get Regulation and Licensing up to speed in terms of changes and licensing requirements. Ms. Lopez stated that it was an attempt to assist them in the management of their records. Mr. Martinez stated that there was information in many of the databases that were kept as separate pages and these pages will no longer exist with the new process so this reflects how the records are being stored and maintained. The Chair asked if there were any more comments or questions; hearing none, the Chair called for a vote. The Motion **PASSED** unanimously.

1.18.464 NMAC, ERRDS, Board of Licensure for Professional Engineers and Surveyors

Mr. Martinez introduced Mr. Pete Gurule. Mr. Gurule stated the current retention and disposition schedule for the Board of Licensure for Professional Engineers and Surveyors was being repealed and a replacement is presented for review and consideration. The Chair entertained a **MOTION** for approval of the repeal and replacement of *1.18.464 NMAC, ERRDS, Board of Licensure for Professional Engineers and Surveyors*. Ms. Litterell **MOVED** and Dr. Levine **SECONDED** the motion. The Chair asked for any further discussion; Mr. Reynolds said he had not had a chance to review what was being repealed. He asked for clarification if the schedule in the packet was the replacement schedule. Mr. Gurule replied that he was correct. Mr. Reynolds was not clear on what was being repealed. He asked for a summary of the changes that were being proposed.

Mr. Martinez stated that this particular agency had been brought under the Regulation and Licensing Department so there will be changes as to how their records are stored and maintained. Ms. Garcia said that the replacement consolidates the forms created for licensure and revocation and cleaned up the procedures for maintaining records. She stated there had been some problems with the agency pulling boxes from the records center and the replacement would deter that behavior. She then advised the Commission that three pages were missing from the packet and Mr. Gurule was going to make copies. The Chair entertained a **MOTION** to **TABLE** the amendment until the rest of the materials for the schedule are available. Mr. Reynolds **MOVED TO TABLE** and Mr. Corrales **SECONDED** the motion. The Motion **PASSED** unanimously.

B. Acceptance of Deed of Gifts

1. Willie-Velarde Ortiz Papers

Mr. Martinez stated that Ms. Melissa Salazar, Archives and Historical Division Director, would be presenting the deed of gift. Ms. Salazar stated that Ms. Joy Ortiz-Zimmer wishes to donate the papers of her father Willie Velarde Ortiz. His papers include correspondence, telegrams, programs, publications, and newspaper clippings relating to his work for the State of New Mexico and other national organizations.

The collection comprises approximately .5 linear feet of materials. Included in the collection are letters received from Vice President Richard Nixon, Governor Nelson Rockefeller of New York, Governor Edwin Mechem, and other government officials. Also included are a proclamation

from President Nixon, a Governor's Inaugural Program, and a drawing of the New Mexico State Penitentiary.

Willie (Guillermo) Velarde Ortiz (1921-2001)

Mr. Ortiz was born on October 2, 1921, in Chimayo, New Mexico. His parents were Ursulo Ortiz of Chimayo and Ana Velarde of Velarde, New Mexico. According to the Santa Cruz de la Canada Church records, he was baptized Guillermo Ortiz on October 13, 1921. Mr. Ortiz enlisted in the arm on June 8, 1942. As a Corporal, he served as an intelligence specialist during World War II. He served in Panama and the Galapagos Islands. He received the American Theatre Medal and the Good Conduct Medal. He was honorably discharged in October 1945. After the war, he worked as a U.S. Counter Intelligence Officer; security for the Atomic Energy Commission and security for the Los Alamos National Laboratory. He returned to school and graduated from St. Michael's college in 1958, and later from the college of Santa Fe. Mr. Ortiz married June Ellis on July 3, 1947, in Santa Fe. They were the owners of La Tertulia restaurant in Santa Fe, which they opened on December 15, 1972, and closed in 1999. Ms. Ortiz passed away on October 7, 1990, and Mr. Ortiz passed away on December 15, 2001. They are buried at the Santa Fe National Cemetery.

Mr. Ortiz was a member and Chairman of the Republican Party in Santa Fe County and then Vice Chairman of the state party. He served on the State Personnel Board, the State Highway Commission, and was appointed to various positions by several New Mexico Governors. The State Personnel Building was dedicated and named after Mr. Ortiz. Ms. Ortiz-Zimmer hopes that you will accept the documents and thanks you for your consideration of her father's papers.

The Chair asked Ms. Salazar what she thought was the major contribution of this particular collection. Ms. Salazar stated that it would be the information about the Republican parties involved in NM Politics as well as the letters and documents from Vice President Nixon and the fascination that NM politics was involved in this National dialogue. Dr. Levine asked if there was any discussion with the family about some of the broader documents having to do with local dealings and having to do with other materials she said these were mostly famous proclamations but other things involving the restaurant, personal correspondence. Ms. Salazar said she would review further. The Chair entertained a **MOTION** to accept the deed of gift. Dr. Levine **MOVED** and Mr. Mark Reynolds **SECONDED** the motion. The Chair asked if there was any further discussion; hearing none, the Chair called for a vote to accept the deed of gift. The motion **PASSED** unanimously.

VI. OLD BUSINESS

A. 2013 Legislative Update

Mr. Martinez informed the Commission that it was a very interesting Legislative session and there were a number of legislative actions that were passed. Mr. Martinez stated that he would only highlight the legislative actions that would impact the Commission.

Senate Bill #38: The transfer of the community land grant registry, which had an emergency clause and was in effect as of March 8. He said the law moves the registry from the Office of the Secretary of State to a Land Grant Council which is part of the Department of Finance and Administration.

He stated that he had been in contact with Ms. Patricia Herrera of the Secretary of State's office and with the Department of Finance and Administration who are both working on the paper work necessary to move the records from one agency to another. There was also a clause in this particular bill to require the Historical records of the Land Grant Registry to be stored at the State Archives. The initial concern is that the Archives is at capacity. When he discussed this with the Secretary of State they assured him that it was just one file box and nine framed documents. He advised them that in the future it would be a case by case basis because of the space issues.

Senate Bill #307: Legislation related to public records that is pending signature by the Governor. If signed, this law would affect multiple Acts that deal with different kinds of public records; most of them are and will be at the county level.

The effect to the Commission and the Records Administrator is an amendment to the Uniform Electronic Transactions Act, 14-16-18 NMSA 1978 (UETA) to require the state records administrator to issue model rules that would apply to all governmental agencies for the implementation of the UETA. It also authorizes a governmental agency to issue its own rules. More notable, it eliminates language that authorizes agencies to determine the extent they will permit the use of electronic records or electronic signatures, which would require agencies to either adhere to the rules issued by the state records administrator or issue their own agency specific rules that adhere to the requirements of UEDA.

Mr. Martinez, advised the Commission that electronic signature standards is not a new requirement; it is also in another statute that gives authority to the Chief Information Officer. While that position no longer exists, rulemaking authority is now with the Secretary of the Department of Information and Technology. He stated that he was in contact with Secretary Ackley to update the existing rules and in the near future he would be jointly promulgating a rule with DoIT on digital electronic signatures and transferring of digital material.

DoIT has already been researching and has involved their attorneys and experts. Secretary Burckle asked if they should wait to deal with electronic signatures till after the rule is in place. Mr. Martinez replied technically agencies should. But that a lot of agencies are already using electronic documents and signatures. Secretary Burckle stated that they were using them with the current system and have been working with Secretary Ackley on electronic signatures to approve contracts. He said he was of the impression, according to Secretary Ackley, that everything was in place on the usage of electronic signatures. Mr. Mead asked if the old rule was still in place. Mr. Martinez stated that the old rule was still in place but was very general.

House Bill #108: Mr. Martinez informed the Commission that he had worked on this bill in the past. Specifically, it was heard in 2010, 2011, 2012 and then again in 2013 and had followed the same course where it received a pass through every Committee in the House and every member of the house voted for the Bill. It also passed out of the first Committee on the Senate side and got a unanimous do pass. However, it never got heard from the last Senate Committee. He said that there was one member of this Committee who would have voted against the bill. Mr. Martinez said that he has discussed the issues with this Committee member to no avail. The bill sets up more uniformed rule making procedures for state agencies along with amending the State Rules Act. It also defines how agencies do rule making.

Dr. Levine said that this is something that the Members of this Committee should speak with the Legislator for the next session. Mr. Martinez said that would be a good idea and that he would be meeting with the Legislative Council. He said that every time this has come up it has been an endorsed bill by one of the interim committees, usually the Economic and Rural Development Committee. He said that he will be in contact with the Chair of this Committee to see if she wants to go forward.

The Chair asked if he knew what the certain objection was from this particular member. Mr. Martinez replied that the first year it was because he said that it was poorly drafted and that no amendment would help. This year the member said it was too long and that he had concerns with the definition for providing to the public. Mr. Martinez said he advised him that this could be corrected, but the member insisted that there were too many problems. The Chair advised that maybe we should sit down with this member outside of the Legislative session and see if we can come to a conclusion on how to correct this issue. Mr. Martinez informed the Chair that in 2010 when the Task Force drafted the rule, the member had been invited and did not participate. Mr. Martinez said he would be happy to revisit the rule and perhaps review the legislation and he also noted that Mr. Mark Reynolds and Ms. Linda Trujillo, who was working at Regulation and Licensing at the time, were on the Task Force and spent many hours drafting the rule. The Chair asked Mr. Reynolds if he had any further comments.

Mr. Reynolds stated that it was very time consuming and many people had worked hard and that it has been very cumbersome. He said he had some new ideas; one of them was to make some changes in the Administrative Procedures Act instead of the State Rules Act and that this might make more sense. He said he would be willing to take another look at reviewing the issues. He said it was a good bill and that it would give more responsibility and challenges to agencies. He said right now every agency had a different way of promulgating rules and the idea behind this was to have a good uniformed system in which all state agencies promulgate their rules so the public would better understand how to participate.

Mr. Mead asked if the agency could go directly to the Governor and see if we can receive help from her. Mr. Martinez informed the Chair and Mr. Mead that in 2011 the bill was mentioned in the State of the State. Also in 2011, 2012, 2013 it was in the Governors key bills and that he was involved in Special meetings with many of the Cabinet Secretaries as to the necessity of the bill and how it should be implemented. He said that it actually had the force of the fourth floor behind it and was bipartisan sponsored and endorsed by an interim committee. Mr. Martinez advised the Chair that it will be reviewed once again.

He did want to note that a lot of the text comes from the Model State Administrative Procedure Act which was revised in 2010. He said that he had worked with the Uniformed Law Commission from 2004 through 2010 as an observer going to most of its drafting committees and working on this issue specifically for New Mexico. Secretary Burckle stated that he would try to meet with the Senator to work out the issues. Dr. Levine as well said she would be in contact with him. The Chair stated that he would use his authority to put together a Task Force to review this rule and pursue the passing of this bill. Mr. Martinez thanked the Commission for its assistance with this issue. Dr. Levine asked if Mr. Martinez could acquire copies of the bill for

the Commission; he replied, yes. The Chair asked Mr. Martinez to give him an update at the next Commission Meeting.

House Bill #2 General Appropriation Act of 2013: The State Records Center and Archives received the Legislative Finance Committees budget recommendation. He said the budget could fund three more positions within the agency. The Chair asked if filling these positions would put the agency back to the FTEs in 2007 before the major budgetary cuts. Mr. Martinez stated that we have a compliment of 42 and the agency has never had the 42 filled. The most the agency has filled in the past is 40 FTE's. These three positions would bring the agency back up to 39.

Mr. Martinez reported that House Bill #2 included additional funding for the Central Electronics Records Repository Project. He said the agency currently has 1/3 of the original requested amount and are using that amount at this time. The next 2/3 would be funded the next fiscal year which would be an additional \$825,000 dollars, which is to expand the CERR project.

Senate Bill #60: The Tax Bond Project is awaiting the Governor's signature. This Bill has \$600,000 dollars for architectural and engineering plans for the expansion of the Archives vault, and the Santa Fe Record Center. He said he was very pleased due to the space issues in the Archives and the Record Center. He said that if all the Bills are signed, the agency will have acquired everything they had requested financially. The Chair stated the next step of the process is to take steps to make sure the Governor does not veto it.

Secretary Burckle asked Mr. Martinez if the recommendation forms from the Governor goes to him or how the procedure works. Mr. Martinez said that he was not clear on how it works since the agency is not directly under the Governor. Secretary Burckle he said he would be willing to ask the Governor's office to send any recommendation requests to Mr. Martinez and him. The Chair asked Secretary Burckle if he had time to meet after the meeting.

The Chair then asked Mr. Martinez to summarize the next steps to be taken once the money is funded. Mr. Martinez stated that once the funding is allocated the architects and engineers would draft the expansion. He said this is done through the Property Control Department that will work with the agency. Once the plans are drafted and the cost amounts are set the agency would go back to the Legislature and request funding for the construction. Once the funding is received, construction can begin. Mr. Martinez stated that this could take 1 to 3 years before we see any construction. The Chair asked if the request will be going in the FY 14 budget. Mr. Martinez replied, yes.

The Chair asked Secretary Burckle if that was his understanding of the expansion. Secretary Burckle advised the Chair that if funding is allocated it has to go through to the proper accounts. Once this is done Property Control Division and the General Services Department will be advised to begin the process.

Mr. Mead asked how the process would work in regards to the Library. Mr. Martinez stated that the State Library would be involved in every aspect of the expansion. He said he has kept Ms. Devon Skeele the State Librarian updated on all the pertinent issues regarding the expansion. She has made many suggestions and has advised him on what would work for her part of the building. Mr. Martinez said it has been a cooperative effort for both agencies.

The Chair asked what the steps were once the funding becomes available through the proper channels. Mr. Martinez stated that the construction would begin but to his knowledge he didn't know how long this would take. Mr. Martinez presumed a couple of months to one year depending on how the stages of construction would be done and whether they do the Archives first or the Records Center. The Chair asked Secretary Burckle if he thought that was feasible. The Secretary replied, he thought it was. Mr. Mead said the courts could tally what the courts cost are for holding closed case files if it would be helpful. He said it is a staggering amount. Mr. Martinez reiterated the space issues of the Record Center.

Tabled Amendment and Approval of the Repeal and Replacement of 1.18.464 NMAC, ERRDS, Board of Licensure for Professional Engineers and Surveyors

The Chair stated that the documents being handed out were the repeal and replacement of 1.15.464 NMAC. The Chair advised that he was taking the **TABLED AMENDMENT** off the table and the original **MOTION** of the repeal and replacement of *1.18.464 NMAC, ERRDS, Board of Licensures for Professional Engineers and Surveyors* by Ms. Litterell and **SECOND** Dr. Levine by reinstated. The Commission agreed. Mr. Pete Gurule handed out the correct repealed schedule and the Chair asked Mr. Gurule to proceed. Mr. Gurule stated that the repeal and replace of this particular schedule was done to consolidate and maintain the records to conform to standard schedule procedures. The Chair asked Mr. Reynolds if this clarified his concerns. Mr. Reynolds replied, yes. He did have one question for Mr. Gurule; he asked him who he worked with at the Boards. Mr. Gurule stated that he was in contact with Acting Director Baca and Licensing Specialist Mr. Harry Valdez. The Chair asked if there was any further discussion. Hearing none, the Chair called for a vote to approve the repeal and replacement of *1.18.464 NMAC, ERRDS for Board of Licensure for Professional engineers and Surveyors*. The motion to approve the amendment **PASSED** unanimously.

B. Presentation by the Historic Records Advisory Board

Mr. Martinez stated that he was the sitting Chair and would be presenting the Historic Records Advisory Board presentation. The mission of the New Mexico Historical Records Advisory board is to advocate for the preservation of historical state records and to stimulate public access. The Board was created in 1975, as is required before a state can receive grants from the National Historical Publications and Records Commission (NHPRC). He said traditionally appointments to the Board have been made by the Governor except for the State Records Administrator who serves as the Chair. He then listed the current Board members. He stated that the Archives and Historical Services division, Grants Administrator, AHSD Division Director, Administrative Assistant, others in AHSD and Administrative Services Division staff provide support.

Dr. Levine asked if there would be support staff to the Grants Administrator. Mr. Martinez said that the Grants Administrator is actually part of the Archives Division and the main support for the Board comes from the Archives. The Chair asked if the Grants Administrators pay was funded by the State. Mr. Martinez said that it was being transferred to 100% state funds but in the past was paid 80% by state funds and 20% by federal funds. Dr. Levine asked if the Grants Administrator was available to write grants, as well as to administer grants that the agency receives. Mr. Martinez stated that the agency had never done that but he would look into it. He said that the administrator worked closely with reviewing the grants for the Board. Mr. Mead asked if that position worked with the State Historian. Mr. Martinez said basically they can work

with the Historian but they do exist in different divisions in the agency. Mr. Martinez called upon Dr. Rick Hendricks the State Historian for any comments he may have. Dr. Hendricks indicated that they were in the same area, but worked on different things but maybe in the future they could work together.

Mr. Martinez said that the Board acts as the central advisory body for reviewing grant proposals submitted to the NHPRC by state and local governmental entities; or private record repositories. The Board provides periodic training on records-related issues. He said the next training would be on April 4th and 5th, 2013. This workshop will address preservation issues with oversize formats such as maps, architectural and engineering drawings, reproductions, ledgers, plats and panoramic photos, etc.

The Board also receives funding from the New Mexico Legislature and the NHPRC to fund grants for improving preservation of and access to New Mexico's historical records. These grants are awarded annually (July-June). He said Governmental entities and non-profit organizations may apply, but the grants are contingent upon available federal funds or appropriated state funds.

Mr. Martinez stated that the current recipients were from many different entities. He said that the next grant cycle deadline was February 11, 2013 and the agency had received 9 applications. Technical reviews were complete and the Board would be meeting on April 4, 2013 to receive the grant applications and the meeting to award grants would be held on May 17, 2013. The Board's Strategic plan follows a five-year strategic plan and the current plan runs from FY 2009-FY 2014. A new plan will be reviewed next year.

VII. Old Business

A. Building Update

Mr. Martinez reiterated that the \$600,000 dollars requested will become very important in the next coming months for the expansion of the building as well as working with the State Library. He said that the General Services Department had been very generous with a security camera update. There are currently 32 cameras around the inside and outside of the building. The update is to replace the outside cameras with higher definition wide angle lenses. He said the cameras will have no movement and the new ones will take a wide picture of everything and be a high definition caliber, it will be a clearer and defined area picture.

He said another camera will be added to the Archives Reading room to make sure the room has greater view of all the public area and equipment. A camera will also be added to the genealogy room and the Southwest room of the Library. The DVR system that records these items will make it possible to access the material and pictures on desktop computers, which will make it convenient if something happens in the building, specifically over the weekend.

Mr. Martinez said the security panels in the building will also be upgraded. This will reduce card reader malfunctions. He said he was very grateful for GSD coming to the agency and asking if we needed this for security of the building and thanked Secretary Burckle and his staff. Secretary Burckle said that under a government agreement they have the ability to assist in equipment for Security and Surveillance cameras. GSD is placing cameras in state buildings across the state. The Chair asked if there was a time of completion. Mr. Martinez said there was

a timeframe of three months. Secretary Burckle added that if something were to happen on the weekend the system would allow staff to fast forward to any given time. Staff will also be able to pin point, with clarity, exactly what was stolen or what happened. Secretary Burckle said that one of the reasons for the new updated equipment is his department was having break-ins at GSD's surplus property and their motor pool division.

The Chair asked if the system was going to be monitoring the activity in real time. Mr. Martinez said not at this time but in the future that there will be. Secretary Burckle said that with this system they are hoping that all the monitoring could be consolidated and all the camera shots be in one place so the Security Contractor would easily have access to the recordings. The Chair asked if there would be down time in switching to the new system. Mr. Martinez advised him that he was assured there would not be.

Mr. Martinez informed the Commission that the Records Management would be moving into the Micrographics area. This move had been in the working stages but had not occurred. He said that there was not a set time to have this established but it is in the initial stages and is a big process to move staff, phone lines and networks. He said it would probably be by the end of the fiscal year. This will give the Administrative Law Division more space.

B. Ancestry.com

Mr. Martinez informed the Commission that Ancestry visited at the beginning of February to review logistics and process. They will be hiring an individual to do scanning. The agency will receive the digital copy and will be able to use them internally for three years. He said that after the three years the scanning will be posted on the agency's website and be available to the public. The Chair asked how long the process will take. Mr. Martinez said that they are in the initial stages of hiring an individual and Ancestry advised him that they will not put anything online until the collection is complete. The Chair asked for clarification as to when the clock starts for the beginning of the three years. Mr. Martinez replied after the information goes online. He said there will also be licenses to use Ancestry in the research room. Dr. Levine asked what priority was given to the documents that will be scanned. Mr. Martinez said that it would be mostly for genealogy type information that the state owns. He said that would be SANM II because I is owned by the Federal government, but Ancestry is working with NARA. Also the Mexican Archives, Territorial, Military records will be reviewed.

The Chair inquired if the agency had asked for permission for the NARA collections to be scanned. Mr. Martinez stated that the agency had not asked permission, but he would look into where Ancestry was in the process.

VIII. Directors Report

Mr. Martinez reported that the agency has a new Assistant State Historian, Mr. Robert Martinez who is doing lectures and research and has been a wonderful help to the State Historian. He said there is a new secretary in the Archives, Ms. Britney Macias who started in June and a State Rules Analyst has been hired, Mr. Mark Gruber, who will be assisting in the Administrative Law Division. In the Agency Analysis Bureau, Ms. Jennifer Camp, Mr. Pete Gurule, and Ms. Amanda Lopez. Mr. Martinez said that was a total of 11 new staff members in the agency. The Chair said he was very appreciative of all the new hires.

Mr. Martinez stated that 5 positions have gone through the process and are approved to hire. They are as follows: one (1) staff position for records management, (1) Analyst for Administrative Law, (1) Financial Specialist for Mr. Scott Sheldon's who retired and the position is in the Administrative Services area. He said the agency was in different parts of the process of hiring for these positions. This will leave five positions vacant that are not funded. Mr. Martinez introduced Mr. Robert Martinez the new Assistant Historian. The Chair welcomed him.

Dr. Levine noted that she wanted to thank Ruben, Jackie, Pete, and Melissa for shouldering much of the work load of their particular division. She said she and the Board are proud of all the staff for working so hard even while short staffed. The Chair and the Board concurred. Mr. Martinez stated that hopefully with filling new positions they will not have so much pressure. Secretary Burckle asked if Mr. Martinez had the positions in priority of hiring. Mr. Martinez replied that he was waiting the final budget.

Mr. Mark Reynolds asked if how many can be hired would be affected by the hires already made as opposed to what is left vacant. Mr. Martinez said, yes that was correct. Mr. Mead asked if more funding could be placed in the 200 category for filling the vacant positions. Mr. Martinez said that was not planned in this year's budget. Secretary Burckle asked if there was a vacancy savings. Ms. Linda Trujillo stated that it would not be in the initial budget for next year. Secretary Burckle advised Mr. Martinez and Ms. Trujillo that the vacancy savings will be done away with in the next few years. Mr. Martinez said that he did not know this, but reiterated how glad he was to have more staff coming into the agency. Mr. Martinez reported on the performance measures of the agency. He said that the agency was meeting more of the specs due to the additional staffing.

Mr. Martinez then reported on the destruction of records and what has been place in the Archives. Mr. Mead asked if the number figure under his agency was non record material. Mr. Martinez said that the figure number is just the number of boxes brought into the record center. Secretary Burckle asked if a notice was sent to agencies when their records have met retention. Mr. Martinez said yes. The intent is to let them know that the record center is going to destroy the boxes unless they tell us otherwise.

He said in some cases, retention issues come up when the staff go out and complete surveys. But he said with more staff, more surveys will take place to combat the issues that arise. The Chair stated that there are many agencies that do not know the record center actually existed to assist them in creating a retention schedule. He said hopefully this will improve. Mr. Martinez stated that he has had discussions with records management to do more surveys in the future.

Mr. Martinez noted that some of the Archivist participated as judges in State History Day. He added that he will not be holding a strategic planning meeting this year, due to the fact that we have the agencies 5 year strategic plan in place and all that needs to be completed is updating the annual performance measures. He said both Ms. Trujillo and he will be meeting individually with division directors to review the information. He asked the Commission if they had any questions or comments to let him know. The Chair said that the last strategic planning meeting discussions were at length and seemed to be very specific and he thought it was not the intention to meet again. Mr. Martinez said he was correct. He said the main issues will be the building

expansion, CERR Project, updating the website and fulfilling statutory requirements. Mr. Martinez said it was with great pleasure he could announce that the Archives reading room would be opening at 9:00 am everyday Monday through Friday beginning April 1. He thanked the Archives staff for their assistance in making this happen. The Chair said he was very pleased to hear this news. He thanked all the staff of the Record Center and Archives. He asked if there was a campaign to get the word out regarding the expanded hours. Mr. Martinez stated that was in the process.

IX. SCHEDULING OF NEXT MEETING

The Chair asked if the June 25, 2013 date would be an acceptable time for the next meeting for Commission members. There were no conflicts with the date; The Chair scheduled the next meeting for June 25, 2013.

X. ADJOURNMENT

The Chair entertained a **MOTION** to adjourn. Mr. Mead **MOVED** and Secretary Burckle **SECONDED** the motion. The motion **PASSED** unanimously. The meeting adjourned at 11:14 a.m.