

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
June 19, 2012**

The State Commission of Public Records convened at 9:22 a.m. on Tuesday, June 19, 2012 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present

Stanley Hordes, Ph.D.	Chair, Historian
Patricia Herrera	Designee for Honorable Dianna J. Duran, Secretary of State
Robert Mead, J.D.	State Law Librarian
Zachary Shandler	Representative for Honorable Attorney General, Gary King
Frances Levine, Ph.D.	Museum of New Mexico
Edwynn Burckle	Cabinet Secretary, General Services Department

Staff Present

John Hyrum Martinez, C.A.	State Records Administrator
Linda M. Trujillo, Esq.	Deputy State Records Administrator
Antoinette L. Solano	Administrative Assistant
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
Ruben Rivera	Fiscal Officer
Lloyd Leyba	Administrative Law Division, Management Analyst
Andrew Mackowski	Human Resource Administrator
Art Bransford	Director, Administrative Law Division

Absent

Antonio Corrales	Chief of Staff for Honorable State Auditor, Hector Balderas
------------------	---

Guests Present

Michael Rodriguez	Property Control, GSD
Leymoyne Blackshear	Property Control Division, GSD
Marlene Montoya	Regulation and Licensing (RLD) Alcohol and Gaming Division
Debra Lopez	RLD, Alcohol and Gaming Division
Devon Skeelee	State Librarian

I. CALL TO ORDER

The Chair called the meeting to order at 9:22 a.m.

II. APPROVAL OF AGENDA

Mr. John Martinez stated he would like to remove *1.18.665 NMAC*, retention schedule for the Department of Health, from the agenda. He stated staff at the Department of Health had some concerns with the schedule, which were not resolved. The Chair accepted.

The chair entertained a **MOTION** to approve the agenda as amended. Dr. Frances Levine so **MOVED** and Mr. Robert Mead **SECONDED** the motion. The motion **PASSED** unanimously. The agenda was approved.

III. APPROVAL OF MINUTES – March 27, 2012

The Chair entertained a **MOTION** to approve the minutes of the March 27, 2012 meeting. The Chair stated that everyone had been given a copy of revised minutes, which he had already reviewed, and there were no substantive changes. The Chair entertained a **MOTION** for approval. Mr. Mead so **MOVED** and Dr. Frances Levine **SECONDED** the motion. The Chair asked if there were any additions or corrections. Dr. Levine asked if the Commission had to indicate on the agenda that it had removed and replaced the minutes from the Commission packet. Ms. Tania Maestas replied that the Commission was considering approval of the revised minutes that were given to them this morning. The Chair clarified that the revised minutes were up for approval as opposed to the minutes that were in the packet. Ms. Maestas said that was correct. The Chair asked if there was any further discussion; hearing none. The Chair called for a vote to approve the minutes as amended. The motion as **PASSED** unanimously. The March 27, 2012 meeting minutes were accepted.

IV. BUILDING EXPANSION

Mr. Martinez introduced Mr. Michael Rodriguez and Ms. Leymoyné Blackshear from the Property Control Division. Mr. Rodriguez explained the proposed plans had been reviewed for the last few years and the intention is to address the needs of expanding both the records center and the archives vault. He said that ARC architects along with the involvement of the former Administrator, Ms. Sandra Jaramillo, had determined there was a need for additional space.

The company of Ellis Brown Architects was hired and developed the proposals for the expansions. Mr. Rodriguez also stated that the records center expansion was straightforward and would extend the current center, however, there were a few different choices for the expansion of the archives which was located in the basement and housed sensitive documents that required a controlled environment. He said that there were a couple of different choices that were proposed to expand within the available building space. Mr. Rodriguez stated after discussions with staff and architects at several meetings within the last year he had reviewed the proposals and recommends moving forward with interior expansion of the archives. Interior expansion would keep the footprint of the building the same as well as be more cost efficient. Mr. Rodriguez had prepared a cost study at the request of Mr. John Martinez that included the Albuquerque Record Center shelving.

Mr. Rodriguez further explained that there were different plans that had been proposed and his main concern was to create the feel of one center that would relate to one another as opposed to adding on to the building. He said interior expansion would involve the relationship between the Southwest room of the library and the existing archives. This would give the possibility of expanding the archives vertically and leaving the Southwest room in its existing space. The other choice was for the Southwest room to be placed in the library area allowing the archives area to expand throughout the first floor. Both of these proposals would remain an interior cost.

The Chair asked if he meant moving the Southwest room upstairs which was in plan C. Mr. Rodriguez stated that was correct. The Chair advised that the Commission in the past had

expressed that this was not the best option. Mr. Rodriguez said that there were many different ways to advance the plans and his recommendation is to expand internally. The Chair thanked Mr. Rodriguez for all his input and updates of the expansion plans and expressed that he still had concerns with acquiring additional space within each plan. He asked Mr. Rodriguez, Secretary Burckle and Ms. Leymoyné Blackshear if there was a future date scheduled for a planning study session where the Commission could address these issues. Mr. Rodriguez said that they did not currently have a professional contact to move forward, but if the funds are approved meeting would be scheduled for the Commission to have input.

Ms. Blackshear stated that the next step was to request design funding and that every year a request should be submitted with the current needs of the agency to the infrastructure improvement program. This year the agency had the opportunity to request additional design funds for the warehouse expansion and the interior items. This is up for approval in July. She said that this should be an easier process due to the fact that a submission was in place. The Chair asked if this was a task for the General Services Department or the SRCA. Ms. Blackshear said that SRCA staff would submit the request to DFA and DFA staff is responsible for submitting the request to the legislature. Mr. John Martinez stated that DFA was aware of the concerns dealing with this situation and was prepared to do what was necessary to process the submittal. The Chair inquired if the deadline was July 1. Ms. Blackshear said, yes. He asked Mr. Martinez if the proper paper work would be in order to meet the deadline. He said, yes it would be prepared.

The Chair asked if there was any further discussion; Dr. Levine asked to hear from the State Librarian and Mr. Martinez on their perceptions of the proposed plans. She stated that she thought there were several objections to the library giving up space and she would like to know what changes would affect the State Library and DCA libraries. Mr. Martinez introduced Ms. Devon Skeelee, State Librarian. She stated that she agrees that there is space available in the building that both agencies are not using and if the plans could reconfigure efficient space usage by both agencies, she agreed with Mr. Rodriguez's suggestion of a comprehensive center that would integrate services of both the library and the record center. Ms. Skeelee said that the public, who make use of the facility, does not care whether they are using the library, archives or the record center; they just want to acquire the information that they need. She said that she would support a plan that would integrate the services of both agencies.

Ms. Skeelee also said that the services of both agencies are complementary to each other and the Southwest room depends heavily on the state documents that are housed on the first floor. The current location connects very well with the archives and the genealogy room. She said that she hopes that any plan could have the two areas operating to benefit the public more efficiently. She stated that on the first floor the unused space that was originally for a reception area would bring many different opportunities for both areas. Dr. Levine said she understands that the design studies would look at the building as a whole and integrate the functions of each agency and that this would remain one request. Ms. Skeelee stated that the request should include both agencies needs and services. Dr. Levine asked if the dollar figure anticipated both the library and archives needs. Mr. Rodriguez said the dollar figures come off of the proposed construction costs and would absolutely need to reflect both agencies. He said he would discuss this with Ms. Blackshear and if there were any adjustments to be made it would address the issues of both agencies. He did agree that this was necessary. Mr. Robert Mead reiterated the importance of

the inclusions of both agencies in the request. Ms. Skeelee stated that she would take this opportunity to review at this time the actual needs of the library in terms of service and area space.

The Chair asked if compact shelving would be needed on the second floor. Ms. Skeelee said the federal documents section of the library currently used compact shelving, but she was not clear on what the construction assessments would be if any additional shelving would be needed for the expansion. The Chair reiterated the July deadline and asked if the proper language and figures necessary for the request would be completed in a comprehensive and timely manner. The Chair asked if there were any other questions or observations. Mr. Martinez thanked Ms. Skeelee for being cooperative and said it was wonderful sharing space with a good neighbor. The Chair welcomed the opportunity for both Commissions to work together. Mr. Burckle thanked Ms. Skeelee for giving the archives and record center the flexibility to review the plans with a greater outlook to provide services for both agencies. Mr. Mead asked if there is a ranking of priority for the Albuquerque shelving and the expansions of the archives and records center. Mr. Martinez said it should all be included in the request. Ms. Blackshear stated that the Albuquerque shelving was a different line item on the request but everything was included as one request. The Chair thanked everyone for their input.

V. ACTION ITEMS

A. Annual Open Meetings Act Reasonable Notice Review and Determination 1.13.1 NMAC.

Mr. Martinez asked the Commission to consider 1.13.1 NMAC; the Annual Open meetings Act Reasonable Notice Review and Determination. He handed out paper copies for review. The Chair asked him to explain the notice. Mr. Martinez said it is required to review the current notice and accept the rule as adopted or propose changes. He noted that there were no changes that he recommended. Mr. Mead asked if any items had been an issue. Ms. Tania Maestas stated, no that the Opens Meetings Act in question is standard and what was adhered to in the past and if there were no significant changes it could be accepted. The Chair asked if there were any further comments or observations; hearing none. The Chair entertained a **MOTION** to approve. Mr. Robert Mead so **MOVED** and Ms Patricia Herrera **SECONDED** the motion. The motion **PASSED** unanimously.

B. Records Retention and Disposition Schedules

1.15.2 NMAC, General Records Retention and Disposition (GRRDS) General Administrative Records

Mr. Martinez stated that the next item for consideration was *1.15.2 NMAC*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the existing General Records Retention and Disposition schedule were to sections: *1.15.2.7 NMAC, Definitions; 1.15.2.9 NMAC, Instructions*; Ms. Garcia stated that these sections were amended to comply with current standards and format styles. New record series added were: *1.15.2.108 NMAC Electronic Information Security Audit Files*.

The Chair entertained a **MOTION** for approval of the amendment. Secretary Ed Burckle so **MOVED** and Dr. Levine **SECONDED** the motion. The Chair asked if there were any questions

or observations, hearing none. The Chair called for a vote to approve the amendment. The motion PASSED unanimously.

1.1.420 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Regulation and Licensing Department

Mr. Martinez stated that the next item proposed to amend was *1.18.420 NMAC, ERRDS* which is the schedule for the Regulation and Licensing Department. This would be presented by Mr. Lloyd Leyba and Ms. Jackie Garcia. Mr. Leyba introduced Ms. Marlene Montoya and Ms. Debra Lopez from the Alcohol and Gaming Division of the Regulation and Licensing Department. Mr. Leyba informed the Commission that the amendments to the Regulation and Licensing Department Executive Records Retention and disposition schedules were to sections: *1.18.420.3 NMAC, Statutory Authority, 1.18.420.7 NMAC, Definitions; 1.18.420.9 NMAC, Instructions, 1.18.420.321 NMAC, Liquor License and Leasing File, 1.18.420.322 NMAC, License Citation File, 1.18.420.351 NMAC, Winer or Winegrower Public Celebration Permit Application, 1.18.420.352 NMAC, Importation and Exportation Permit for Alcoholic Beverages Form and 1.18.420. 911 NMAC, Physical Therapist and Physical Therapist Assistant Licensing File.* He said that these reflect amendments to the Alcohol Bureau and Physical Therapists Licensing Board.

Mr. Leyba stated the sections for repeal were as follows: *1.18.420.293 NMAC, Server Certificate Application, 1.18.420.323 NMAC, Fingerprint File, 1.18.420.324 NMAC, Liquor License Application, 1.18.420.325 NMAC, Application by Lessee, 1.18.420.326 NMAC, Premises, Location, Ownership and Description of Premises Form, 1.18.420.327 NMAC, Limited Partnership Or General Partnership Information Sheet, 1.18.420.328 NMAC, Corporation Information Sheet, 1.18.420.329 NMAC, Corporate Designation or Resident Agent Form, 1.18.420.340 NMAC, Personal Data Information And Affidavit Form, 1.18.420.341 NMAC, Statement of Debt Clearance and Certification By Wholesalers, 1.18.420.342 NMAC, Application for Sunday Sales, 1.18.420.343 NMAC, Expansion Form, 1.18.420.344 NMAC, Restaurant Application, 1.18.420.345 NMAC, Club Application, 1.18.420.346 NMAC, Settlement Hearing Order, 1.18.420.347 NMAC, Posting Certificate, 1.18.420.348 NMAC, Notice of Deficient Documents, 1.18.340.349 NMAC, Findings of Fact Decision and Order, 1.18.420.350 NMAC, Transfer of Stockholders or Corporation, 1.18.420.353 NMAC, Application for Change of Officers Clubs (Non-Profit), 1.18.420.367 NMAC, Special Dispenser Permits Printout, 1.18.420.368 NMAC, Liquor License Applications (Only Beer and Wine) Processed Printout, 1.18.420.369 NMAC, Liquor License applications (Only Dispenser Type) Processed Printout, 1.18.420.370 NMAC, Liquor License Involuntary Suspension Printout, 1.18.420.371 NMAC, All Leased Licenses In New Mexico Listed by Local Option District Printout, 1.18.420.372 NMAC, All Liquor Licenses In New Mexico Listed By Owner's Name Printout, 1.18.420.373 NMAC, All Liquor Licenses In New Mexico Listed by Local Option District Printout, 1.18.420.34 NMAC, Liquor Licenses in the local Option District Of Albuquerque, 1.18.420.913 NMAC, Physical Therapist Licensee Log, 1.18.420.914 NMAC, Physical Therapist Assistant Licensee Log, 1.18.40.915 NMAC, Physical Therapist Licensing Certificate, 1.18.420.916 NMAC, Physical Therapist Assistant Licensing Certificate, 1.18.420.917 NMAC, Licensure Application, 1.18.420.918 NMAC, List of Licensed Physical Therapists and Physical Therapist Assistant, and 1.18.420.919 NMAC, Licensed Physical Therapists and Physical Therapist Assistants Mailing List, 1.18.420.920 NMAC, License Renewal.*

The new record series being added; *1.18.420.330 NMAC, Special Dispenser Permit File, 1.18.420.331 NMAC, Alcohol Server Permit Files, 1.18.420.332 NMAC, Alcohol Server Citation Files, 1.18.420.333 NMAC, Provider, Instructor and Program Certification Files and 1.18.420.334 NMAC, Provider, Instructor and Program Violation Files, 1.18.440.912 NMAC, Temporary Licensure For Foreign Physical Therapists and Physical Therapist Assistants Instructor Files.*

The Chair entertained a **MOTION** for approval. Mr. Mead so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked for any further discussion; Dr. Levine asked for a definition of transitory email. Mr. John Martinez stated that the Public Records Act stated that a public record is one made or received during the course of business and a non record is not related to that. He said transitory emails are the ones that are in process and the final email is the one that is considered the record for retention. He stated that the "Inspection of Public Records Act" defines records is much wider and that transitory emails can be open to inspection in some circumstances. In procedures for processing retention schedules the final email is the one which the retention is set upon.

Dr. Levine asked if any records retention statutes have "transitory" being defined. Ms. Tania Maestas replied that it was not defined. Dr. Levine asked if it needed to be defined. Ms. Maestas said no, that under the Public Records Act, as Mr. Martinez had stated, the final email was the one that would be deemed pertinent. She said that at this point it would not have to be defined specifically and that it would be revisited at a later time. Mr. Mead had a question on *1.18.420.911 NMAC* and its retention of 80 years being changed. Ms. Garcia stated that the reason for the change was that the agency had a question of how long the retention should be on these files and that the retention had been set at 80 years upon being created and that the files were not being renewed but were being kept in-house as active files. She said that it was necessary to change the retention periods to close those records. The longer the records remained active it allows the files to lapse and they would not be renewed and the process would have to start from the beginning. The Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.521 NMAC, Executive Records Retention and Disposition (ERRDS), Energy, Mineral and Natural Resource Department (EMNRD)

Mr. Martinez informed the Commission that Mr. Leyba and Ms. Jackie Garcia would be presenting the proposed amendment. Mr. Leyba stated that the amendments were to the existing ERRDS, Energy, Mineral and Natural Resource Department. The amended sections were as follows: *1.18.521.3 NMAC, Statutory Authority, 1.18.521.6 NMAC, Objective, 1.18.521.7 NMAC, Definitions, 1.18.521.8 NMAC, Abbreviations and Acronyms, 1.18.521.9 NMAC, Instructions and 1.18.521.52 NMAC, Law Enforcement Files.* These sections were made to comply with current formats and standards. He said that *1.18.521.52 NMAC* was made to include preliminary investigations of misconduct by law enforcement and park rangers.

The Chair entertained a **MOTION** to approve the amendment. Mr. Mead so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked if there were any further questions or comments. Mr. Zachary Shandler asked why an L had been added to what seemed to be a template in a previous rule. He said that in the Environment Department rule, which is the next

item the Chairman will call upon, the L had not been changed and all the agenda items should all consistent. Ms. Garcia stated that it would be corrected, and that the schedule for the Department of Health had been tabled. Mr. John Martinez stated that the schedule had been withdrawn not tabled. Mr. Shandler advised the Chair that in future schedules he recommended that the template paragraph be included. The Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.667 NMAC, ERRDS, New Mexico Environment Department

Mr. Martinez informed the Commission that Ms. Garcia would be presenting the proposed amendments to *1.18.667 NMAC, New Mexico Environment Department*. Ms. Garcia stated that amendments were to sections: *1.18.667.3 NMAC, Statutory, 1.18.667.6 NMAC, Objective, 1.18.667.7 NMAC, Definitions, 1.18.667.8 NMAC, Abbreviations and Acronyms, 1.18.667.9 NMAC, Instruction and 1.18.667.274 NMAC, Drinking Water Program Files*. These sections were made for purposes to comply with current standards and format styles. Also amending section *1.18.667.274 NMAC Drinking Water Program File* that had been addressed at the last Commission meeting and the proposed changes to *1.18.667.274 NMAC, Drinking Water Program Files* retention section two, three and four. She said there was no representation from the department in attendance. However, the language has been approval for transfer to archives and final disposition. Also being added are new record series: *1.18.667.275 NMAC, Laboratory Certification Files*. Ms. Garcia reiterated that the changes were to *1.18.667.274 NMAC* Sections two, three and four.

The Chair entertained a **MOTION** to approve the amendment. Dr. Levine so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked if there was any discussion; The Chair noted that the change had been made in *1.18.667.274 NMAC*, which would require that after the 12 year retention period the records would be transferred to the archives for review and final disposition. This was a concern addressed by the Commission to protect documents that relate to water safety. Ms. Garcia stated that the 12 years was adherent to Federal regulations and that the records would be transferred to archives after the required retention period had been met. The Chair asked why *18.667.275 NMAC* did not have the same provision. Ms. Garcia said that the laboratory files were not changed due to federal regulations and record retention would over lap the dates given to the decertified files. Mr. Robert Mead replied that the *1.18.667.275 NMAC* files were certification files of the laboratories rather than the water. Ms. Garcia confirmed. The Chair asked for a vote to approve the amendment. The motion **PASSED** unanimously.

The Chair stated that Ms. Gonzalez had not arrived and as a courtesy he would like to have the discussion regarding the acceptance of the deed of gift for the Gerald T.E. Gonzalez Research Collection upon her arrival. He moved to Roman Numeral Six on the agenda.

VI. NEW BUSINESS

A. Agency Identity and web presence

Mr. Martinez gave a brief presentation of the new agency identity and web site that staff has been working on. He explained the website was in the beginning stages of being implemented with the assistance of a website design company Xynergy. He said that the websites will be linked to the New Mexico Register and to the Administrative Code Section and the design had been based upon commonly asked for information. It would also be linked to the different

divisions and to the Commission. He said that it would likely not be ready until the end of July. Dr. Levine said that the State Record Center and Archives should be more prominent on the website than the Commission. Mr. Martinez said that this would be reviewed. He stated that in statute the agency is the Commission of Public Records and that the building was the State Records Center and Archives.

Mr. Shandler asked if the links to the administrative code would still be easily available. Mr. Martinez said yes, those two sites will remain the same. Mr. Mead said he would like to see an application for the links on the website. Mr. Martinez stated that would be reviewed. He said it will also be linked to newmexicohistory.org and there would be an application for android and I-phones. He noted that the content management systems would not be static and in using this particular system it was more manageable. The Chair in reference to the presentation asked Mr. Martinez to research the Winston Churchill notation to check to see if he actually said "A Nation that forgets it's past has no future."

Dr. Levine asked if this website was different from the State Historian's site. Mr. Martinez stated that it was but it would be linked and have the catalogs available on line so that patrons can use the website anytime and do research and acquire information they need before coming into the Archives. Mr. Mead asked what percentage of the collections will be online. Ms. Melissa Salazar stated that she would have to research that information. Mr. Martinez explained the graphics, backgrounds and colors that were used on the design and how the programs, events, text could be made and if changes were necessary they were done by or before the site will be launched.

Dr. Rick Hendricks, State Historian, said he was working on 90 second clips that are managed by IPods and were commonly used by individuals. The most important initiative was to have the public acquire their content at a faster pace. He also said that the search engines would be defined more prominently there would be a link to the New Mexico Museum. The Chair asked if there will be more options on the page. Mr. Martinez said yes there will be a module for questions. Dr. Levine said that Dr. Hendricks may want to look at limiting the amount of questions for this particular link. He said he would review this and reiterated that it was a living and changeable site.

Another issue the study showed was that many individuals were looking for different biography collections so this may be integrated into the management of the site. Mr. Mead asked if printable text would be available. Mr. Martinez said that there should be and that he will research this further but it was in the initial discussion of being one of the main factors for the site. Mr. Pete Chacon stated that he would like to thank Secretary Burckle for his assistance in the Strategic Planning sessions of the agency and his service in acquiring the much needed funding to establish this website.

B. Presentation by the Administrative Services Division

Mr. Martinez introduced Ms. Linda Trujillo, Deputy State Administrator who would be giving the presentation of the operations of the Administrative Services Division. Ms. Trujillo gave a brief overview of the division's responsibilities and introduced her staff which consisted of Mr. Andy Mackowski, Mr. Ruben Rivera and Mr. Scott Sheldon. She explained the many functions that her division is responsible for from payroll management, audit of employee leave, strategic

planning, invoicing, Department of Finance and Administration management, policy and procedure management and assistance to the State Records Administrator. She said one of the division's goals was to make the process of contracting and purchasing more transparent. She said the division strives to be clear in the support and assistance it gives the agency's staff. Her staff is working on a customer survey that will be implemented this year. The division will be tracking performance guidelines starting July 1 and are currently working on end of the year projects and goals.

The Chair advised that he would go back to Roman numeral V of letter C, Action item Acceptance of the Deed of Gift for the Gerald T.E. Gonzalez Research Collection.

C. Acceptance of the Deed of Gift-Gerald T.E. Gonzalez Research Collection

Mr. Martinez stated that Ms. Melissa Salazar, Archives and Historical Division Director, would be presenting the deed of gift. Ms. Salazar introduced Ms. Carey Gonzalez, the donor of the gift. Ms. Salazar stated that Ms. Gonzalez wished to donate the research collection of her late husband Gerald T.E. Gonzalez. The collection is comprised of his research materials relating to the history of New Mexico and the southwest and also included his genealogical research. The collection is approximately 16 linear feet.

Mr. Gonzalez was born in Las Vegas, New Mexico, and grew up in Santa Rosa, New Mexico. He graduated with a Bachelor of Science in mathematics from Highlands University at the age of 19. He joined the United States Air Force, flying 100 combat missions over North Vietnam and 26 missions over South Vietnam. He received the Air Medal and 13 Oak Clusters for his Vietnam service. Later, he attended Harvard Law School, earning his Juris Doctorate in 1976.

Mr. Gonzalez had a long and distinguished career in New Mexico government and law. He was the Director of the Civil Division of the New Mexico Attorney General's Office, Chief Counsel for the Public Service Commission, General Counsel of the Department of Finance and Administration, General Counsel of the Public Employee Retirement Association, and Santa Fe City Attorney. He also served as Chief of Staff for Representative Tom Udall; he was the Santa Fe County Manager and the director of the State Bureau of Elections. Just a year before his passing, Gerald and Carey had begun volunteering at the State Archives. Gerald was re-housing the Dona Ana County District Court Criminal Cases and Carey was re-housing the Doña Ana County District Court Civil Cases. As one of our regular researchers, Ms. Salazar said she had the pleasure of talking to Mr. Gonzales when he was volunteering and she said we were blessed to get to know Gerald and Carey. She also said that she could not personally thank them enough for the work they had done to help preserve New Mexico's history. The donation of his life's work and passion is a generous gift and will be a significant resource for researchers.

The Chair stated that Mr. Gonzalez also served on the Commission of Public Records for many years in the 1980's and 1990's until the early years of the 21st century. He made tremendous contributions representing the Attorney General's Office. He was one of the most devoted researchers that the State Archives has ever had. He was a devoted individual to New Mexico's History and culture and his collection that is being donated by Ms. Gonzalez will be used by many historians and researchers over the next decades. He said on behalf of everyone he is deeply grateful for his family's generosity and that Mr. Gonzalez's collection had found a home. Ms. Carey Gonzalez thanked the Commission for accepting the collection and she said that it

was a wonderful way of remembering Gerald. Mr. Zachary Shandler stated, on behalf of the Attorney General's office, that Mr. Gonzalez was a legendary attorney. He asked the Chair if he would give him, as a representative of the Attorney General's office, the honor of making the motion to accept the deed of gift.

The Chair entertained a **MOTION** to accept the deed of gift. Mr. Shandler so **MOVED** and Dr. Levine **SECONDED** the motion. Dr. Levine thanked Ms. Gonzalez for the collection. 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.

The Chair turned the gavel over to Dr. Levine the Vice Chair of the Commission.

VII. OLD BUSINESS

Contract with Ancestry.com

Mr. Martinez stated the next item was a report from Ms. Linda Trujillo regarding the contract with Ancestry.com. Ms. Trujillo stated that the preliminary items were addressed and the contract had been reviewed by Ms. Tania Maestas. She said that there were some anti-donation concerns that they had discussed and cleared. The contract was sent to Ancestry who took about two months to review. Upon receiving the contract Ms. Trujillo observed that Ancestry had changed their own language to the point that there were other concerns.

She stated that Ms. Maestas was reviewing the information and that the recommendation may be to start the procedure from the beginning or revisit a different way of completing the contract. Secretary Burckle stated that his office would be willing to assist in any way possible. Ms. Maestas thanked him for the assistance.

VIII. EXECUTIVE SESSION

The Chair entertained a **MOTION** to go into executive session to discuss threaten or pending litigation, Pursuant to Paragraph 7 of Subsection H of Section 10-15-1 NMSA 1978. Mr. Shandler so **MOVED** and Dr. Levine **SECONDED** the motion. Ms. Antoinette L. Solano conducted a roll-call vote. Chair Hordes voted yes, Ms. Herrera, yes, Mr. Mead yes, Secretary Burckle yes, Mr. Shandler yes, Dr. Levine yes. The motion **PASSED** unanimously. The Commission went into executive session at 11:00 am. The Commission re-convened the regular meeting at 11:20 am. The Chair entertained a **MOTION** to come out of executive session. Mr. Shandler so **MOVED** and Ms. Herrera **SECONDED** the motion. The Chair stated that discussion during the closed session was limited to threaten or pending litigation and no other issues or business was discussed. The motion **PASSED** unanimously.

IX. DIRECTORS REPORT

Mr. Martinez began his report on the agency's personnel issues. He stated that since the last meeting the agency has hired five positions with most of the positions being filled with current SRCA staff as they were the most qualified applicants pursuant to the State Personnel process.

The positions filled are Ms. Emily Brock who was hired in the Archives, Ms. Felicia Lujan who was promoted to Archives Bureau Chief, Ms. Jackie Garcia who was promoted to the Agency Analysis Bureau Chief, Mr. Lloyd Leyba who was moved to the Analyst position in the

Administrative Law division and Mr. Emmanuel Rodriguez, who is the new Records Center Bureau Chief.

Mr. Martinez stated that the agency had four other positions that were posted and are now closed. An Archives-A that closed on the 12th of June, Electronic Records Management Bureau Chief that closed today. He also said the agency had just received the list of five applicants for the Electronic Records Bureau, and the other two are the records management analyst's positions that closed on June 17.

He noted that the agency had nine positions currently open and that the budget for the last fiscal year had ended. The next fiscal year will allow two of the positions to be filled. The Chair asked if these positions were in any priority status of being filled. Mr. Martinez said at this time they were not. The Chair advised him that he was aware of the difficulty in establishing communications with State Personnel. Mr. Martinez stated that many larger state agencies have made arrangements to be involved in creating the list of 15 applicants and that the SRCA would be sending a request to State Personnel for a similar opportunity. He said that currently he had not heard of any smaller agencies being given that opportunity. The Chair stated that he would be willing to speak with the State Personnel Office and solving this problem. Mr. Mead said he would be willing to assist as well.

Mr. Martinez stated that the Centennial celebration was held on May 2nd and that there were many people who attended with Chief Justice Charles Daniels and Rick Hendricks the State Historian speaking at the event. He said the State Historian had a photo exhibit in his office and the Land of Enchantment Van was on display for everyone's enjoyment and the event had produced newspaper coverage with two different local papers. He said that Finding Your Roots TV episode aired on television and that it had conducted interviews with the State Historian and Dr. Stan Hordes. He stated that there were a few issues but overall it was a good segment. Dr. Hendricks stated that he had received positive feedback.

Mr. Martinez informed the Commission that he had reported to the Economic and Rural Development Interim Committee of the State Legislature. They inquired about the proposed amendment to the State Rules Act which was the same one that has been considered during the last two sessions, but was being drafted once again and hopefully will be endorsed by the Committee. The Committee wanted more information on the model State Procedure Act and how it currently functioned on creating rules. He said that he will be reporting on the status of these items on November 1.

Mr. Martinez said he was a speaker at the Genealogical Society of Hispanic America and that the agency had a display table that represented the SRCA. He explained that Dr. Hendricks participated in a panel discussion following the premiere of the film "Canes of Power" at the American Indian Art Institute and that he also lectured at the SDS chapter of the Old Spanish Trail Association and the New Mexico History Museum. He said that the State Historian's division had many more scholar lectures around the State with six other lectures being held at UNM and at the Cultural Center in Las Cruces, New Mexico. He also said that Ms. Melissa Salazar, Director of the Archives and Historical Services had training at Los Ranchos de Los Golidrinas on archives and preservation.

The staff of the Agency Analysis Bureau provided in house training in Records Management with the next scheduled training lesson being conducted on June 26. He stated that the Historical Records Advisory Board (HRAB) had met last Thursday and it was able to fund eight of eleven grant proposals with a combined fifty-thousand dollars (\$50,000). The Chair asked if there was any progress in acquiring new appointees for the HRAB Committee. Mr. Martinez stated that there was not any progress and that the Governor's office was not going to approve any more in the near future. He said that he is reviewing other options with a possibility of the State Records Administrator making the appointments. Mr. Martinez reported that he is inquiring with the National Archives and Records Administration on the process used in other communities.

The Chair asked Secretary Burckle if he had any comments. Secretary Burckle stated the Governor's office was behind on announcing appointees. Mr. Martinez thanked Secretary Burckle for his assistance in dealing with this particular issue. The Chair asked if the regular appointees were interested in staying on board. Mr. Martinez replied that it had kept five appointees which was the quorum minimum.

Mr. Martinez further reported that staff would be involved in a number of conferences. He is attending the National Association of Secretaries of State, which he is currently the National President of the Administrative Codes and Register Section with his term ending in July. The SRCA is also hosting the Counsel of State Archivists (COSA) and National Association of Government Archives and Record Administrators (NAGARA) in Santa Fe with the opening events starting at the New Mexico History Museum and the sessions presented at the Inn at Loretto.

Mr. Martinez said he would like to give credit to Ms. Linda Trujillo who was accepted to the Archives Leadership Institute in Wisconsin, which she received a scholarship to attend the week long training. He also wanted to congratulate Ms. Sibel Melik of the Archives division for receiving a grant from a film preservation group to preserve some of the agency's endangered films. He said that he was very pleased. He stated that on July 3rd a rule hearing will be conducted in reference to updating the agency's fee schedule.

The Chair inquired as to what date the Archives would be expanding its research hours. Mr. Martinez stated that this will be determined when the positions are filled in the Archives along with the others that were needed throughout the agency. He said that it is dependent upon receiving the lists and how long the process will take to fill them, being that proper coverage is needed for extending the hours of operation. Ms. Melissa Salazar stated that it would be possible to resume regular business at opening at 8:00 am with added staffing. Mr. Martinez ended his report.

The Chair asked if there were any further comments or observations. Secretary Burckle stated that regarding Mr. Martinez's situation with staff positions being vacant. He said he had heard that the Administration was going to ask for the abolishment of all positions that were open for two years or more. He said that Mr. Martinez may want to think about reclassifying these positions so that they will remain hireable. The Chair thanked Secretary Burckle for his observation.

Mr. Martinez noted that he had received word from the State Library that starting on July 2nd the upstairs reading room will be closed to the public. The traffic will be rerouted to the Southwest room. The other materials will be available by appointment and the public computers will no longer be available. He said this will have an effect on the SRCA but not to the extent where it will be a burden.

He stated that the Library will be holding a hearing that will be open to public comment which will be conducted on June 27 to address these issues. Secretary Burckle asked what percentage was the cost of the fees and what do they cover. Mr. Martinez said that most of the fees are for reproduction and photocopies. He stated that the Public Records Act stated that the agency can charge cost plus five percent which was different than most state agencies. This revenue is deposited into the SRCA revolving fund.

IX. SCHEDULING OF NEXT MEETING

The Chair asked the Commission members if Tuesday, August 21, 2012 at 9:30 am would be an acceptable time for the next meeting. There were no conflicts with the date; the Chair scheduled the meeting for August 21, 2012.

X. ADJOURNMENT

The Chair entertained a **MOTION** to adjourn. Mr. Mead so **MOVED** and Ms. Herrera **SECONDED** the motion. The motion **PASSED** unanimously. The meeting adjourned at 11:41 a.m.

