



MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING – June 30, 2015

The State Commission of Public Records convened at 9:32 a.m. on Tuesday, June 30, 2015 at 1205 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present:

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

Staff Present:

Linda Trujillo	State Records Administrator
Pete Chacon	Information Technology, Chief Information Officer
Leo Lucero	Director, Records Management Division, RMD
Jennifer Camp	Management Analyst, RMD
Tanya Vigil	Management Analyst, RMD
Susan Montoya	Management Analyst, RMD
Melissa Salazar	Director, Archives and Historical Services
Felicia Lujan	Archives Bureau Chief
Dr. Rick Hendricks	State Historian
Matt Ortiz	Administrative Law, Division Director
Joseph Lovato	Financial Specialist

Guests that signed in:

Melvin Sarracino	Haaku Museum
Gerrie Becker	NMDIOS/WTD
Barry Massey	Office of the Courts
Mariano Romero	Office of Superintendent of Insurance
Barb Ricci	Los Alamos County
John Yaeger	Legislative Council Service
Rebecca Griego	LCS
Joanne Kofel	OSE/WRAB
Henry K. Gabaldon	NMDGF
Carey Long	OSE
Michael Anaya	CNM
Melanie Sandoval	PRC
Karen Payne	NNMARMA

I. OPENING ACTIVITIES:

A. Call to order

The Chair called the meeting to order at 9:32 a.m.

B. Approval of agenda

The Chair entertained a **MOTION** to approve the agenda. Secretary Burckle so **MOVED** and Mr. Pappas **SECONDED** the motion; the motion **PASSED** unanimously.

II. Action Items:

A. NMHRAB Appointment- Melvin Sarracino

Mr. Hendricks State Historian introduced Mr. Sarracino and recommended that the Commission Members appoint Mr. Sarracino to the NMHRAB. Chairman Torrez asked if there was a vacancy. Mr. Hendricks stated there was and Mr. Sarracino had been recommended by members of the NMHRAB to fill the vacant position. Chairman Torrez asked Mr. Sarracino if he would like to make any comments. Mr. Sarracino stated he was honored to be considered for appointment and looked forward to serving on the NMHRAB.

Chairman Torrez entertained a motion to appoint Mr. Sarracino to the NMHRAB. Ms. Rhys so **MOVED** and Ms. Espinoza **SECONDED** the motion; the **MOTION** passed unanimously.

B. NMHRAB Grant Approvals

1. Taos Pueblo
2. Historic Santa Fe Foundation
3. City of Belen, Belen Public Library
4. County of Rio Arriba
5. NM Highlands University
6. The Santa Fe Opera
7. Acequia Agua Fria
8. Friend of the Public Library

Chairman Torrez asked if the minutes in the packet for the NMHRAB grant approvals needed to be approved. Ms. Trujillo stated the minutes were provided for reference for how the grants were approved by the NMHRAB board. Ms. Trujillo explained how the process worked and how the funding would be provided for these grants. Chairman Torrez asked if any Commission members had any questions. Ms. Malave stated she had two questions since she was not familiar with the NMHRAB grants. She asked the criteria used for evaluating the applicants for the grants and also wanted to know about the funding source. Ms. Trujillo explained the funding is granted by the National Historical Publications and Records Commission and the legislature to help the state with preservation of historical preservation. Ms. Trujillo gave examples the evaluation and criteria the board used to score the applicants. Ms. Malave asked if there was a reporting requirement of spent funds. Ms. Trujillo explained the agency reports federal funding uses to the NHPRC and state funding is reported along with all other state funds.

The Chair entertained a **MOTION** to approve the recommendations from the NMHRAB. Ms. Espinoza so **MOVED** and Mr. Pappas **SECONDED** the motion; the motion **PASSED** unanimously.

C. Meeting Minutes: Approval of the March 10, 2015

Chairman Torrez asked if there were any changes or questions on the minutes. Ms. Malave stated she would not be voting on the approval of the minutes due to her filling in for Mr. Woods and not being at

the March 10, 2015 Commission meeting. The Chair entertained a **MOTION** to approve the March 10, 2015 minutes. Secretary Burckle so **MOVED** and Ms. Rhys **SECONDED** the motion; the motion **PASSED** unanimously.

D. Reasonable Notice: Adoption of Fiscal Year 2016 Commission of Public Records OMA, Section 10-15-1(D) NMSA 1978. Adopted resolution shall also apply to NMHRAB.

Chairman Torrez asked if there were any comments from staff. Ms. Trujillo stated there was a minor change from last year's OMA Resolution to bring the Fiscal Year 2016 OMA Resolution in compliance with Section 14-4-7.1 NMSA 1978, State Rules Act, publication requirements. Chairman Torrez asked if there were any comments from the Commission Members. Ms. Malave suggested the resolution state the requirement that emergency meetings must be reported to the Attorney General's office. Ms. Jennifer Salazar pointed out that the resolution needs to state it would be posted on the website. The Chair entertained a **MOTION** to approve the Fiscal Year 2016 Open Meetings Act Reasonable Notice Resolution as amended to state it will be posted at the office as well as on the website. Secretary Burckle so **MOVED** and Ms. Espinoza **SECONDED** the motion; the motion **PASSED** unanimously.

E. Building Expansion: Review and approval of Fiscal Year 2017 ICIP

Ms. Trujillo presented the building expansion report (see ICIP attachment). Secretary Burckle asked if the FY17 request included funding to complete the remaining 40% of the architects design. Ms. Trujillo stated the request was limited to the build out of the Records Center and did not include the Archives expansion or the library relocation, but did include the remaining architectural design for the Records Center. The Chair entertained a **MOTION** to approve the FY17 ICIP Request. Mr. Pappas so **MOVED** and Ms. Malave **SECONDED** the motion; the motion **PASSED** unanimously.

III. Rule Hearing:

A. Hearing Officer Report: Repeal and Replace 1.13.5 NMAC New Mexico Historical Records Grant Program Guidelines.

Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.13.5 NMAC). Mr. Ortiz recommended the repeal and replace of 1.13.5 NMAC. Chairman Torrez asked if there were any questions from the Commission Members. Ms. Malave asked for confirmation that the purpose of the Repeal and Replace of 1.13.5 NMAC was to bring the grant program in compliance with Federal regulations. Mr. Ortiz stated that was correct. The Chair entertained a **MOTION** to approve the Repeal and Replace of 1.13.5 NMAC as well as the recommendations from Mr. Ortiz (Hearing Officer). Ms. Nair so **MOVED** and Ms. Malave **SECONDED** the motion; the motion **PASSED** unanimously.

B. Hearing Officer Report: Repeal and Replace 1.12.7 NMAC Digital/Electronic Signature

Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.12.7 NMAC). Mr. Ortiz recommended the repeal and replace of 1.12.7 NMAC with the following language added at the end of 1.12.7.14: "The Department of Information Technology has statutory responsibility for all state-wide, executive agency information and computer systems. Given the specific and particular expertise of the Department, any state agency may defer to any determination made by the Secretary of the Department of Information and Technology as to 'business analysis', 'risk assessment', or constructing a 'risk matrix'."

Chairman Torrez asked if the Department of Information Technology (DoIT) had been consulted about the responsibility of this repeal and replace for Electronic Signature. Mr. Ortiz stated that the General

Council for DoIT and the CIO of DoIT have been a part of the working group that were brought in by the Chief Information Officer (CIO) of the General Services Department (GSD) and have received every generation of the draft version that went into the rule that is before the Commission today. Mr. Ortiz also stated the only comments the Commission of Public Records and State Records Administrator had received were from the Department of Health, the General Services Department, State Personnel office and the Department of Finance. Ms. Trujillo gave a brief explanation of why it was so difficult to come up with the matrix for digital signature without someone who has expertise in this field to determine what the levels of risk for each State agency and individual documents. Ms. Espinoza stated the rule would help the Secretary of State's office move some statutory responsibilities into the twentieth century and has the potential to be used for state contracts. Secretary Burckle suggested Mr. Ortiz recommended language be added and commended Ms. Trujillo and her staff for the hard work of getting the Electronic Signature rule to where it is. Secretary Burckle also stated it would ultimately be helpful for all State agencies that are moving toward paperless transactions. The Chair entertained a **MOTION** to approve the Repeal and Replace of 1.12.7 NMAC as amended as well as the recommendations from Mr. Ortiz (Hearing Officer). Secretary Burckle so **MOVED** and Ms. Espinoza **SECONDED** the motion; the motion **PASSED** unanimously.

C. Hearing Officer Report: Repeal 1.21.2 NMAC- FRRDS-Public Records (Chapters 15,16,17,18,19 and 20)

Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.21.2 NMAC). The report included a recommendation to table the repeal and replace of 1.21.2 NMAC. Chairmen Torrez asked if the recommendation to tabling the repeal of NMAC 1.21.2 was than to be heard at the next scheduled Commission Meeting. Ms. Trujillo stated the RMD staff would be meeting with all agencies that participated and wanted to have more input on this repeal or more of an understanding as well as any other agency wanting input between this day and the next Commission Meeting so staff could try and improve the repeal. Ms. Trujillo also stated that the Commission of Public Records would be giving Counties and Municipalities with a guidance document due to the State Records Administrator not having statutory authority of those two entities only statutory option. Ms. Rhys made comment that she was one of the public commentators at the hearing and also agreed that other agencies wanted more time for this repeal. Mr. Chacon and Ms. Trujillo also stated to the Commission how important that this item is needed to be moved forward sooner than later due to the CERR project moving forward. The Chair entertained a **MOTION** to adopt the recommendations from Mr. Ortiz (Hearing Officer) and table the repeal and replace of 1.21.2 NMAC until the August meeting or possibly a special meeting in September depending on how successful the staff is in meeting with agencies who expressed concern. Ms. Rhys so **MOVED** and Ms. Espinoza **SECONDED** the motion; the motion **PASSED** unanimously.

New

- **1.21.2 NMAC FRRDS, Public Records**

1.21.2 NMAC was tabled in the motion above.

IV. Director's Report

Ms. Trujillo asked Mr. Hendricks to give a brief presentation on a trip Mr. Hendricks and Mr. Martinez would be taking to the Mexican Archives. Mr. Hendricks gave a brief presentation explaining the benefit of traveling to the Mexican Archives to find and review documents of people and events related to New Mexico's history. The trip is planned for October 17-31, 2015 and both Mr. Hendricks and Martinez are very grateful for the opportunity. Ms. Trujillo gave a report on records destruction and archives

accession/accretion and a personnel update (see Director's Report attachment). Ms. Trujillo finished by presenting Jackie Garcia, Susan Montoya, Tanya Vigil, Joseph Lovato and Ruben Rivera the Public Records Achievement Award.

VI. Scheduling of Next Commission Meeting:

Chairmen Torrez set the next Commission meeting for August 25, 2015.

VII. Adjournment

The Chair entertained a **MOTION** to **ADJOURN**. Ms. Nair so **MOVED** and Mr. Pappas **SECONDED** the motion; the motion **PASSED** unanimously. The meeting adjourned at 12:16 p.m.

Submitted by: 
Linda M. Trujillo, State Records Administrator

8/25/15
Date

Attested by: 
Robert J. Torrez, Commission Chair

8/25/15
Date

Minutes approved on: 8/25/15