

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
November 15, 2011**

The State Commission of Public Records convened at 9:30 a.m. on Tuesday, November 15, 2011 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present

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

Staff Present

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| John Hyrum Martinez | State Records Administrator |
| Linda M. Trujillo | Deputy State Records Administrator |
| Antoinette L. Solano | Administrative Assistant |
| Pete Chacon | Information Technology, Chief Information Officer |
| Jackie Garcia | Records Management Analyst, RMD |
| Rick Hendricks | State Historian |
| Melissa Salazar | Director, Archives and Historical Services Division |
| Lloyd Leyba | Records Management Analyst, RMD |
| Leo Lucero | Chief, Agency Analysis Bureau, RMD |
| Ruben Rivera | Fiscal Officer |
| Tania Maestas | Assistant Attorney General |

Guests Present

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| Steve Williams | Miller Stratvert, P.A. |
| Karen Baltzley | GSD |
| Eva Taylor | GSD (Risk Management) |
| Jane Hamlet | GSD |
| Ed Romero | GSD |
| Adrian Jaramillo | GSD |
| Ida Spencer | GSD |

I. CALL TO ORDER

The Chair called the meeting to order at 9:35 a.m.

II. APPROVAL OF AGENDA

The Chair stated that he had a revision to be made on Roman numeral VII, Executive Session, which should read, "discussion of limited matters dealing with pending litigation pursuant to

paragraph 2 of subsection H of section 10-15-1 NMAC 1978.” Mr. John Martinez advised the Chair that it was in paragraph 7 not 8. The Chair entertained a motion to approve the agenda as amended. Mr. Robert Mead so moved and Secretary Ed Burckle seconded the motion. The motion carried. The agenda was approved as amended.

III. APPROVAL OF MINUTES – November 15, 2011

The Chair entertained a motion for approval of the minutes. Mr. Mark Reynolds so moved and Secretary Burckle seconded the motion. The Chair asked for any other additions or corrections. Mr. John Martinez wanted to add a paragraph in review of the Duran-Matthews collection that it state on the record: “as reviewed by legal counsel and deemed acceptable.” The Chair had another correction on page 10; the Albuquerque Record Center paragraph 1 line 5 should read “5000 feet of available space.” The Chair entertained a vote to approve the minutes as amended. The motion carried. The minutes were approved as amended.

The Chair made a slight change in the order of the agenda in accommodation of one of the Commissioners having to leave earlier than expected. The Commission will skip to Roman numeral VII Executive Session of the agenda for the discussion of matters dealing with pending litigation. The Chair entertained a motion to go into executive session to discuss threatened or pending litigation, Pursuant to Paragraph 7 of Subsection H of Section 10-15-1 NMSA 1978. Mr. Reynolds so moved. Mr. Antonio Corrales seconded the motion.

Ms. Antoinette L. Solano conducted a roll-call vote. Chair Hordes voted yes, Ms. Herrera, yes, Mr. Mead, yes, Mr. Burckle, yes, Mr. Corrales, yes, Mr. Reynolds, yes, Mr. Jaehn, yes. Ms. Tania Maestas said that she would like to state for the record that the body was going into executive session to discuss pending litigation by a former employee in Pursuant to Paragraph 7 of Subsection H of Section 10-15-1 NMAC 1978. The Commission went into executive session at 9:40 am. The Commission re-convened the regular meeting at 9:55 am. The Chair entertained a motion to come out of executive session. Mr. Burckle so moved and Ms. Herrera seconded the motion. The motion carried. Chair Hordes stated that only limited matters connected to threatened or pending litigation of a former employee were discussed. He referred to Mr. Martinez for the next item on the agenda.

IV. ACTION ITEMS

A. Records Retention and Disposition Schedules

1.15.2 NMAC, General Records Retention and Disposition Schedule (GRRD), General Administrative Records

Mr. Martinez stated that the first schedule for the Commissions consideration was the amendment to *1.15.2 NMAC, GRRDS, General Administrative Records*, 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: *1.15.2.3 NMAC, Statutory Authority*, *1.15.2.6 NMAC, Objective*, *1.15.2.NMAC, Definitions*, *1.15.2.8 NMAC, Abbreviations and Acronyms*, and *1.15.2.9 NMAC, Instructions*. These changes were made to comply with current standard and format style. New record series added were *1.15.2.801 NMAC Information Technology Service Requests*. The Chair asked if this was a technical correction. Ms. Garcia stated that no, it was so that the paper copies could be managed more efficiently. The Chair entertained a motion to approve the amendment. Mr. Mark Reynolds so moved and Ms. Patricia Herrera seconded the motion. The Chair asked if there was

any further discussion: hearing none, the Chair called for a vote to approve the amendment to *1.15.2 NMAC*. The motion passed unanimously, with no abstentions.

1.15.3 NMAC, GRRDS, General Administrative Records

Mr. Martinez stated that the next item for consideration was *1.15.3 NMAC* which was also a general administrative records rule used by local government and educational institutions. He said it was very similar to the previous amendment. This amendment would also be presented by Ms. Garcia. She stated that this was an amendment to the *1.15.3 NMAC, General Administrative Records*. This schedule is to be used by local government and educational institutions. The amended sections were as follows: *1.15.3 NMAC, Statutory Authority, 1.15.3.6 NMAC, Objective, 1.15.3.7 NMAC, Definitions, 1.15.3.8 NMAC Abbreviations and Acronyms, and 1.15.3.9 NMAC, Instructions* to conform to the standards of existing schedules.

The change and addition of sections, *1.15.3.801 NMAC Information Technology Services Request* was to benefit local government and educational institutions so that they may manage their records more efficiently. The Chair entertained a motion to approve the amendment. Secretary Burckle so moved and Mr. Corrales seconded the motion. The Chair asked if there was any further discussion; hearing none, the Chair called for a vote to approve the amendment to *1.15.3 NMAC*. The motion passed unanimously, with no abstentions.

1.18.350 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), General Services Department

Mr. Martinez stated that the next item for consideration was an amendment to *1.18.350 NMAC, General Services Department*. He also noted that there were many representatives from the General Services Department in attendance. He said Mr. Leo Lucero would present this amendment. Mr. Lucero introduced staff members from the General Services Department. This included Ms. Karen Baltzley, Mr. Ed Romero, Eva Taylor, Ida Spencer, Adrian Jaramillo and Jane Hamlet. He stated that this amendment was at the request of the General Services Department to comply to current standards and format.

The Chair entertained a motion for the approval of the amendment. Mr. Reynolds so moved and Ms. Herrera seconded the motion. The Chair asked if there were any questions or further discussion, comments or observations. Mr. Mead asked on *Paragraph (2) of Subsection D of 1.18.35.110 NMAC* if the four year period for worker's compensation was an efficient amount of time if there was a denial of an appeal and what was the statute of limitations on these issues. Ms. Ida Spencer replied that the statute of limitations was two years and that the four year retention was sufficient. Secretary Burckle stated that these changes would allow the agencies a sizable net savings. Mr. Adrian Jaramillo reiterated that the savings was acceptable. The Chair called for a vote to approve the amendment of *1.18.35 NMAC*. The motion passed unanimously, with no abstentions.

1.18.420 NMAC, ERRDS, Regulation and Licensing Department

Mr. Martinez stated that the next item for consideration was an amendment to *1.18.420 NMAC, ERRDS, Records Retention and Disposition Schedule, for Regulation and Licensing Department*. This would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that this was an amendment to *1.18.420 NMAC Regulation and Licensing Department, ERRDS, schedule*. Ms. Garcia reported that the sections being repealed were; *1.18.420.305 NMAC, Bingo and*

Raffle Licensing File, 1.18.420.306 NMAC, Complaint File (Pending Citation Files), and 1.18.420.307 NMAC, Bingo and Raffle License Application. The repealed sections will be placed in the New Mexico Gaming Board Schedule. Ms. Garcia noted that four new record series will also be added for the Animal Licensing Board; *1.18.420.1200 NMAC, Euthanasia Agency Licensure files, 1.18.420.1201 NMAC, Euthanasia Instructor Certification files, 1.18.420.1202 NMAC, Euthanasia Technician Licensure Files, and 1.18.420.1203 NMAC Euthanasia Agency Investigation Files.*

The Chair entertained a motion for approval of *1.18.420 NMAC*. Mr. Reynolds so moved and Mr. Mead seconded the motion. The Chair asked if there was any further discussion. Mr. Reynolds asked if he understood correctly that the repealed sections were going to be moved to the Gaming Board without any lapse. Ms. Garcia indicated that it was the intent of repealing those particular sections in accordance to being placed in the schedule for the gaming board. The Chair called for a vote to approve the amendment to *1.18.420 NMAC*. The motion passed unanimously, with no abstentions.

1.18.465 NMAC, ERRDS, Gaming Control Board

Mr. Martinez informed the Commission that Ms. Garcia would be presenting the amendment for *1.18.465 NMAC, ERRDS, Gaming Control Board*. Ms. Garcia informed the Commission that the amendments were to the existing ERRDS, for the Gaming Control Board. The amendments included sections: *1.18.465.3 NMAC, Statutory Authority, 1.18.465.7 NMAC, Definitions, 1.18.46.8 Abbreviations and Acronyms, 1.18.465.9 NMAC, Instructions.* These changes were made to conform to the current scheduling format. New sections being added: *1.18.465. 70 NMAC, Bingo, Raffle and Pull Tab Licensure Files, 1.18.465.71 NMAC, Manufacturer and Distributor Licensure files 1.18.465.72 NMAC, Bingo Staff Permit Files and 1.18.465.73 NMAC, Bingo, Raffle and Pull Tab Quarterly Report Files* to the existing files.

This was due to the revision *1.18.420 NMAC, ERRDS, Regulation and Licensing Board* schedule with these series being placed into the Gaming Control Board schedule, so that the agency may efficiently manage their records. The Chair entertained a motion to approve the amendment. Mr. Reynolds so moved and Ms. Herrera seconded the motion. The Chair asked for any questions or comments; hearing none. The Chair called for a vote to approve the amendment to *1.18.465 NMAC*. The motion passed unanimously, with no abstentions.

1.18.624 NMAC, ERRDS, Aging and Long Term Services Department

Mr. Martinez stated the next item for consideration was an amendment to *1.18.624 NMAC, ERRDS, Aging and Long Term Services Department*, which Ms. Garcia would present. Ms. Garcia informed the Commission that this amendment was to *1.18.62 NMAC, Aging and Long Term Services* existing executive records retention schedule. She reported that the sections being repealed were; *1.18.624.40 NMAC, Provider Files, 1.18.624.41 NMAC, Provider and Client Dispute Resolution Files, 1.18.624.42 NMAC, Client Service Coordination Files, 1.18.624.49 NMAC, Personal Care Option Consumer Liaison Files and 1.18.624.50 NMAC, Center for Medicaid and Medicare Accountability Report.* She said that the changes had taken effect on July 2011 per House Bill 2, which had taken the Elderly and Disability Services Division from the Aging and Long Term Services schedule and placed it into the Human Services Department schedule. She said that the process of moving and placing these particular records series would

assist these agencies in managing their records properly. The Chair entertained a motion to approve the amendment. Mr. Reynolds so moved and Ms. Herrera seconded the motion. The Chair asked if there was any further discussion; hearing none. The Chair called for a vote to approve the amendment to *1.18.624 NMAC*. The motion passed unanimously, with no abstentions.

1.18.630 NMAC, ERRDS, Human Services Department

The Chair asked Ms. Garcia to start the next item on the agenda. Ms. Garcia informed the Commission that the next item was the amendment to *1.18.630 NMAC, ERRDS, Human Services Departments Schedule*. This amendment is the transferring of the records series that had just been repealed from the Aging and Long Term Services Department and placing them in the Human Services Department's schedule. She noted that there were no content changes, just a transfer placement to the Human Services Department Schedule. The Chair entertained a motion to approve *1.18.630 NMAC*. Mr. Reynolds so moved and Mr. Corrales seconded the motion. The Chair asked if there was any further discussion; hearing none. The Chair called for a vote to approve the amendment to *1.18.630 NMAC*. The motion passed unanimously, with no abstentions.

The Chair welcomed the New State Records Administrator, Mr. John Martinez in his first meeting in his official capacity. He also noted that a former friend and Commissioner, Mr. Gerald Gonzales, had passed away. He also mentioned the passing of a giant in the field of New Mexico History and Latin American History, Mr. Richard Greenly. He expressed how both men have left behind a tremendous legacy, and that they both will be greatly missed. Mr. Martinez introduced the new Deputy State Records Administrator, Ms. Linda Trujillo. The Chair, on behalf of the Commission, welcomed her.

B. Acceptance Deed of Gift Lorraine Kahn

Mr. Martinez introduced Ms. Melissa Salazar, Director, Archives and Historical Division. Ms. Salazar stated that Ms. Lorraine Kahn wished to donate motion picture films, photographs, and an audio tape taken by or relating to her late husband Walter Kahn and the Kahn family. It is her wish that the materials be incorporated into the New Mexico Jewish Historical Society collection. That stipulation is included as a condition in the gift agreement.

The films include footage of New Mexico, Colorado, Arizona, Texas, California and Hawaii dating from approximately 1957 to 1983. Many of the films focus on automotive shows in and around these locations. The audio cassette includes two oral histories. Side one contains Gussy Kahn's 88th birthday, and side 2 contains an interview with Mr. Arnold. There are 12 photographs of three unidentified women, a classic car, and the family dog.

The Chair noted that this collection would complement the materials that Mr. Kahn had donated when he was alive. He was also a shoe salesman, and had various store fronts on the plaza many years ago. The Chair entertained a motion to accept the Lorraine Kahn deed of gift. Mr. Reynolds so moved and Mr. Tomas Jaehne seconded the motion. The Chair asked if there was any further discussion. Mr. Burckle asked if the donations were of significance to California or New Mexico, and does the agency humbly accept them. Ms. Salazar replied that the agency

would prefer not to split the collections. However, the division has documented the family history. Mr. Reynolds indicated that the deed of gift does give the agency the direction to dispose of any information it deemed necessary.

Mr. Mead asked if this collection is going to be burdensome to stabilize. Ms. Salazar said no, that the division had been doing a lot of film preservation over the last decade, and a sizable amount of it has been 8 millimeter film. She said the agency has use of a projector to accommodate the film. She said that since the agency had been doing film preservation the staff was familiar with it. Mr. Mead asked if the information was being digitized or if the original was being preserved. Ms. Salazar said that both procedures could or were being done and explained both processes. The Chair asked for a vote to accept the deed of gift. The motion passed unanimously, with no abstentions.

The Chair asked Ms. Salazar if she would like to introduce the new hires in her division. Ms. Salazar replied that the Archives had acquired two senior archivists. One of the positions was a promotion filled by Ms. Sibel Melik, who was an archivist and is now a Senior Archivist. She said that the other Senior Archivist position was filled by Mr. Arnold Vigil and that she was very pleased to have the additional help in the Archives.

V. New Business

A. Election Of Officers

The Chair opened up nominations for officers. Mr. Reynolds nominated Stan Hordes for Chair, Mr. Mead seconded the motion. The Chair asked if there was any further discussion; hearing none. The motion passed. Ms. Herrera nominated Dr. Frances Levine for vice chair, and Mr. Corrales seconded the motion. The motion passed. Ms. Herrera nominated Mr. Mead for Secretary. Mr. Reynolds seconded the motion. The motion passed. The Chair asked for any other nominations; hearing none. He called for a vote to approve the nominations. The motions passed unanimously, with no abstentions.

B. Presentation by the State Historian

Mr. Martinez introduced Mr. Rick Hendricks, State Historian, who gave a presentation explaining his office's day to day operations. Mr. Hendricks presented a slide show of the many different facets that the State Historian's office is involved in. From the agency's mission statement to assisting in the many educational entities that his office, as well as the staff of the State Records Center and Archives, guide in the preservation of the history of the State of New Mexico. The Chair thanked Mr. Hendricks.

VI Old Business

A. Infrastructure Capital Improvement Plans (ICIP)

Mr. Martinez stated that he would be giving a brief update on the ICIP improvement plans. He explained the two plans: (1) High density shelving for the Albuquerque Records Center. (2) Architectural and Engineering Study for the expansion of the Santa Fe Records Center. He said that he had presented the plans within the last two weeks to the ICIP Committee at the Round House and it was very well received. It was also made known by one of the members of the committee that the plans were adhering to the Master Plan that had been considered for many years. He said many have worked hard on these plans to get to this point. He said that he is

hoping the funds will become available for these to be considered. Mr. Burckle stated that he had been following the ICIP process very closely and is hopeful that it will be heard and makes its way to legislative passage in the next session. The Chair stated that he would be willing to assist the agency's needs in any capacity that he could.

VII Director's Report

Mr. Martinez reported on the status of the agency. He reiterated the personnel changes already mentioned that included the new hires of the Deputy State Records Administrator, two Archivists, one of the positions being an internal promotion, leaving an additional position open in the Archives. The Chair asked if the agency had permission to hire for the internal position that was vacated. Mr. Martinez replied that the steps were being taken with the Department of Finance and Administration to show that the agency had the funding for additional personnel. The agency is having issues with the new system that is being implemented by the State Personnel Office (SPO).

Specifically, one of the positions had not been posted correctly was the Albuquerque Line Managers position. This position had been submitted to SPO on the same day as the two division directors that were posted and closed. It was never posted and no reason was given. He said that the position was submitted on October 5, 2011 and in November the position had not been posted. He added that the staff at SPO has advised him that the agency would have to go through the new system for posting of all positions. He stated that Mr. Andy Mackowski the agency's Human resource person has been in daily contact with SPO to check on the status of these positions. However, Mr. Martinez indicated that he has left numerous messages for the Director of SPO of the agency's displeasure of the new process.

Mr. Martinez explained that he advised SPO that the position of the Line Manager at the Albuquerque Records Center (ARC) has to be high priority given the fact that there is only one staff member daily and for safety measures it is critical that he should not be staffed alone. Due to the low staffing at the ARC staff members from the Santa Fe Records Center (SRCA) have been traveling to Albuquerque in weekly rotated schedules to assist in the day to day operations of the record center. However, if this process continues he was not sure how much longer he would be willing to put the staff through this hardship. The Chair thanked all the staff for its diligence in this stressful time. He asked that Mr. Martinez keep the Commission posted on the status of these issues.

IX SCHEDULING OF NEXT MEETING

The Chair asked the Commission members if the March 27, 2012 at 9:30 am would be acceptable time for the next meeting. There were no conflicts with the date; the Chair scheduled the meeting for Tuesday March 27, 2012.

X ADJOURNMENT

The Chair entertained a motion for adjournment. Mr. Mead so moved and Mr. Corrales seconded the motion. The motion carried. The meeting adjourned at 11:05 a.m.