



Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS REGULAR MEETING – August 29, 2017 1205 Camino Carlos Rey, Santa Fe, NM 87507

Members Present

Robert Tórréz	Chairman and Historian
Lynne S. Rhys	Supreme Court Law Librarian
Rebecca Albo	Designee, General Services Department (GSD)
Jeff Pappas	Designee, Department of Cultural Affairs (DCA)
Christine Espinoza	Designee, Secretary of State
Sarita Nair	Designee, State Auditor

Members Absent

Hector Balderas	Attorney General
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Staff Present

Melissa Salazar	State Records Administrator
Georgette Chavez	Deputy State Records Administrator
Dylan Lange	Assistant Attorney General, Agency Counsel
Leo Lucero	Director, Records Management Division (RMD)
Peter Chacon	Director, Information Technology Management Division (ITMD)
James Kirby	Information Technology End User Support, ITMD
Rick Hendricks	State Historian, Office of the State Historian (OSH)
Felicia Lujan	Director, State Archives of New Mexico (SANM)
Ruben Rivera	Chief Financial Officer, Administrative Services Division (ASD)
Thomas Shumaker	Grants Administrator, OSH
Emmanuel Rodriguez	Records Center Bureau Chief, RMD
Jennifer Camp	Management Analyst, RMD
Tanya Vigil	Management Analyst, RMD
Susan Montoya	Management Analyst, RMD

Public Present

Yvette Gurule	13 th Judicial District Attorney
Linda Goff	New Mexico Jewish Historical Society
Marcos Roybal	University of New Mexico

I. OPENING ACTIVITIES

A. Call to Order

Chairman Tórréz called the meeting to order at 10:00 a.m.

B. Approval of the Agenda

The chairman entertained a **MOTION** to approve the revised agenda. Ms. Rhys **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

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Robert J. Tórréz
Historian/Chair

Hon. Hector Balderas
Attorney General

Hon. Tim Keller
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Veronica Gonzales
Department of Cultural Affairs

Edwynn Burckle
General Services Department

Lynne S. Rhys
State Law Librarian

C. Approval of May 16, 2017, Regular Commission Meeting Minutes

The chairman made a grammatical correction on page 8 in paragraph 2 of the director's report. The chairman entertained a **MOTION** to approve the meeting minutes as corrected. Ms. Nair **MOVED**, and Ms. Espinoza **SECONDED**; the motion **PASSED UNANIMOUSLY**.

II. ACTION ITEMS

A. Review and Approval of the FY 2019 Budget Appropriation Request

Mr. Rivera presented the FY19 Budget Appropriation Request for the general fund (17900) and the internal services revolving fund (37100). Mr. Rivera explained the request was shifting operating costs from the internal services fund back to the general fund. Mr. Rivera also stated that personal service costs will remain budgeted in fund 17900 and that the agency has requested funding to hire 37 full-time employees. Dr. Pappas asked about the total number of vacancies in the agency. Mr. Rivera clarified that the appropriation request included midpoint funding for six unfunded positions. Chairman Tórréz inquired if there was sufficient funding for current positions. Ms. Salazar indicated that the current funding is adequate for 31 positions; however, there is not enough funding for the remaining 6 positions. In addition, Ms. Salazar indicated that 5 positions were eliminated in FY18. Mr. Rivera continued to outline the details of the appropriation request and addressed specific budgeted amounts in each fund and highlighted fixed costs. Chairman Tórréz asked about the boxes ordered for resale in FY17. Ms. Salazar responded that the original box order arrived wet from the vendor and had to be returned. This affected the agency's ability to generate revenue from sales. She added that a new order had been placed and received by the agency. Dr. Pappas inquired about the FY19 Budget Appropriation Request base increase. Ms. Salazar replied that she and Ms. Chavez met with Drew Roybal-Chavez, the assigned budget analyst with the Department of Finance and Administration. Mr. Roybal-Chavez believed that the agency's request was reasonable and realistic. In further review of the budget, Ms. Salazar noted the federal funding would be more than what was reflected in the documents being presented. The federal funding received for fiscal year 2018 and 2019 was actually \$65,000.00 rather than \$50,000.00. This correction will be made prior to submittal of the request. There was also a discussion relating to the fee schedule change. Ms. Salazar indicated she hoped additional revenue would be of help to cover records center costs.

The chairman entertained a **MOTION** to approve the FY19 Budget Appropriation Request with the adjustments. Ms. Rhys **MOVED**, and Ms. Nair **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Approve New Mexico Historical Records Advisory Board Revised Regrant Amounts

The chairman congratulated Dr. Shumaker on receiving his doctorate degree. Dr. Shumaker thanked the chair for the recognition and proceeded to present the revised regrant amounts. According to Dr. Shumaker, the commission had initially approved the board's recommendations on Tuesday, May 16, 2017. Awards were granted to the Institute of American Indian Arts, Doña Ana County, the National Hispanic Cultural Center, the Menaul Historical Library of the Southwest, and the Aztec Museum Association. In the week that followed, a calculation error was discovered in the award spreadsheet. The board had an additional \$3,324.88 to grant. Additionally, the board's recommended funding for the Menaul Historical Library of the Southwest was \$2,292.05 more than what was needed to complete its project after the board's stipulations. Consequently, a total of \$5,616.93 was available to award a sixth grant and to increase the funding amounts for three others. The new recommendation was to fund the National Hispanic Cultural Center and the Aztec Museum Association at 100%; Doña Ana County at 44.56%; and the Menaul Historical Library of the Southwest at 41%. Finally, it was recommended that the New Mexico Jewish Historical Society (NMJHS) be funded as the sixth highest ranked applicant at 73% for \$1,967.96. Dr. Shumaker introduced Dr. Linda

Goff, president of the NMJHS, who discussed plans and answered questions pertinent to their records. Ms. Salazar added that the grant funds would be used only for those records in the possession of the NMJHS and not in the custody of the State Archives of New Mexico.

The chairman entertained a **MOTION** to approve the revised regrant amounts. Ms. Espinoza **MOVED**, and Ms. Nair **SECONDED**; the motion **PASSED UNANIMOUSLY**.

C. Acceptance of Deeds of Gift

1. Mario and Rebecca Rodriguez Family Papers

Ms. Lujan asked the commission to consider the *Mario and Rebecca Rodriguez Family Papers* for inclusion into the permanent archives. The collection is comprised of .25 linear feet of material. According to Ms. Lujan, Mr. Rodriguez, born in 1951, is the youngest son of Jose Rodriguez. Jose was born in 1899 to Felix Rodriguez and Eduvigen Ortiz. He was the third of seven children. Jose was literate even though he only had a second or third grade education. He never learned to drive a vehicle. He understood English but seldom spoke it. He spent his early years herding goats, mining, and later learned the art of weaving. He was professionally employed as a weaver prior to World War II by a well-known company. By 1920, he had married Rosarito Martinez and they had five children together. Rosarito died in the early 1940s. After she passed away, Jose left to work in the shipyards in Oakland, California during World War II. When he returned to Santa Fe, he married Clara Salazar Mirabal. She was a widow with two daughters named Aurelia and Mary. Jose was the mayordomo of the Morada Acequia, which ran near Cerro Gordo. He was also one of the founding members of La Union Protectiva and helped build Cristo Rey Church.

The collection is comprised of the following: deed records; a 1933 assessment record; hand-written birth and death records; photographs; newspaper articles; correspondence; receipts from La Union Protectiva No. 1; religious paper dolls; a rare book on the Brownmoor School of Santa Fe, which was established in 1931 for girls; and a Harrington Junior High School newsletter from 1941.

According to Ms. Lujan, Mr. Rodriguez stated the following when donating the collection: "I hope this gives you a hint of my family history and the parts they may have played in it - it being New Mexico History, of course." She concluded by stating that these types of donations give breath and perspective to the history of our state and emphasized that the collection would be a great addition to our permanent collection. Ms. Lujan thanked the commission and asked for its consideration and acceptance of the deed.

The chairman entertained a **MOTION** to accept the deed of gift for the *Mario and Rebecca Rodriguez Family Papers*. Ms. Rhys **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

2. Records of the Arroyo Chamiso Sol y Lomas Neighborhood Association

Ms. Lujan presented the deed of gift for the records of the *Arroyo Chamiso-Sol y Lomas Neighborhood Association*. The collection is comprised of 1.25 linear feet of material. According to Ms. Lujan, the neighborhood association was established in 1976 as a way for citizens to come together for a common cause. A brochure encouraging residents to join the association states that by joining a member helps protect their neighborhood from "unwarranted commercial development, noise, light pollution, traffic, crime and other elements." The association is actively involved in: land development and zoning issues; traffic, safety, and environmental issues; neighborhood watch; social activities; and political forums. Some land use and planning documents in the collection list goals such as preserving

“Old Pecos Trail as an attractive entrance to the city” and to “preserve the open character and natural landscaping” of the neighborhood.

During a race between Santa Fe City Council candidates in 1978, David Tiano, a ward four candidate in the election who was born and raised in Santa Fe, told a reporter with the *Santa Fe New Mexican* that his neighborhood was “key to his involvement in local politics.” According to Ms. Lujan, the issues addressed by his neighborhood association were clearly important to him. Tiano was a local who considered himself a leader in the Arroyo Chamiso-Sol y Lomas Neighborhood Association. This neighborhood in Santa Fe is sometimes referred to as Arroyo Chamiso and is considered a “well-rounded neighborhood in southeastern Santa Fe.”

The collection includes Santa Fe land use and planning documents; by-laws; correspondence; promotional material; resolutions; newsletters; and early membership records. Ms. Lujan thanked the commission and asked for its consideration and acceptance of the deed.

Dr. Pappas offered that the Historic Preservation Division is working with neighborhood associations and is now considering and designating historic districts. He added that these associations have documents dating back 40 or 50 years. He offered to assist Ms. Lujan in making contact if she wished to pursue additional materials.

The chairman entertained a **MOTION** to accept the deed of gift for the *Records of the Arroyo Chamiso Sol y Lomas Neighborhood Association*. Ms. Espinoza **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

3. State Personnel Office (SPO) Consolidation

Ms. Salazar informed the commission of SPO's interest and request for the agency to participate in its personnel consolidation project. According to Ms. Salazar, SPO Director Justin Najaka and Deputy Director Nivia Thames first provided information about the consolidation and later asked for the commission's participation. Ms. Salazar recommended to the commission that it respectfully decline the invitation to participation. It was also her recommendation that the commission keep all human resource (HR) responsibilities in-house. This would provide the agency an opportunity to observe how the new initiative was working for participating agencies. She emphasized her primary concern was for the agency's employees, who currently get answers and help immediately from Andy Mackowski, the ASD bureau chief. Mr. Mackowski is responsible for all HR needs and has a personal knowledge of staff and the agency. Ms. Salazar went on to provide examples of his skills and added he could serve as the agency's liaison with SPO. She expressed concern over the self-service telephone application that employees would use to get assistance at SPO.

Ms. Salazar explained that the question comes before the commission because it is not under the chief executive and is considered an adjunct agency under 9-1-6 NMSA 1978. Adjunct agencies are those agencies, boards, commissions, offices or other instrumentalities of the executive branch, not assigned to the elected constitutional officer, which are excluded from any direct or administrative attachment to a department, which retain policymaking and administrative autonomy separate from any other instrumentality of state government. Ms. Salazar offered that Ms. Thames confirmed that the offices of elected officials were not planning to participate. The Educational Retirement Board and the Public Employees Retirement Board had also declined. Other boards, commissions, and offices had not yet responded. Ms. Salazar also described a process in which SPO would expect in-kind benefits such as providing a desk or paper. Dr. Pappas asked if the commission then had the option to

opt out of the consolidation process. Ms. Salazar responded it did. Ms. Nair added that the Office of the State Auditor was not going to participate in the consolidation due to similar concerns. Additionally, they had concerns about the costs associated with participation and the possibility of those costs increasing each year. Ms. Nair stated with this agency's tight budget was a concern to consider. Chairman Tórréz stated his impression was that the executive order was directed at executive agencies. Ms. Albo affirmed that executive agencies did not have a choice. She added that GSD human resource staff, budget, and equipment would be transferred to SPO in FY19. Chairman Tórréz expressed it was useful and comforting to have someone who knows you and who could take care of your human resource needs in-house. Dr. Pappas agreed with the importance of having in-house HR as those responsibilities will have to be transferred to someone else in the division. He stated this was another reason not to participate in the consolidation. Chairman Tórréz recommended the commission vote on whether to participate and asked if SPO should be notified via letter of the decision. Ms. Salazar suggested notification be sent as they have contacted her several times.

Chairman Tórréz recommended that prior to voting, Ms. Salazar inform the commission of the plans by GSD, SPO, and DCA to move SPO personnel into the Southwest room as part of the consolidation. Ms. Salazar then asked to go into old business to discuss the Infrastructure Capital Improvement Plan (ICIP) request, which included a briefing on the proposed move.

III. OLD BUSINESS

A. Infrastructure Capital Improvement Plan Request

According to Ms. Salazar, she received an e-mail on May 23, 2017, from Secretary Burckle asking that she work with GSD staff on developing the agency's FY19 ICIP request. Ms. Salazar detailed the process of creating the ICIP request, which included consultation with numerous GSD staff members to include Pam Nicosin and Michael Rodriguez; State Library leadership to include Kathleen Peiffer and Joy Poole; and architects, Julia Bowden and Julia Wrick. She also noted a letter provided by the GSD Life/Fire Safety specialist relating to fire code violations in state-owned buildings due to improper storage of boxes in places of egress. She reported the ICIP request was submitted to the Department of Finance and Administration on July 3, 2017. Ms. Salazar noted that the ICIP process and request had been ongoing since Sandra Jaramillo's tenure as state records administrator, when studies and drawings were initially proposed and later the project was awarded \$600,000.00 during the 2014 legislative session. Those funds were used to develop 60% of the design phase with architects, Hoopes and Bowden. She also offered that agency staff had participated in numerous planning meetings and provided numerous tours. Ms. Salazar continued to explain the priorities of a three-year plan, which included repairing the current HVAC system, correcting the landscape to prevent flooding, moving the Southwest Room upstairs, and converting the area into a vault for the State Archives.

Ms. Salazar went on to provide details of an August 22, 2017, meeting with Secretary Burckle, Mr. Najaka, DCA Secretary Gonzales, DCA Deputy Secretary Mike Delello, Ms. Peiffer, Mr. Rodriguez, Ms. Nicosin, and other GSD staff. She reported GSD's intention to move the Southwest Room upstairs and to convert the area into SPO office space, which would house 50-80 individuals as part of the SPO consolidation. She expressed her concern that instead of the State Archives gaining this needed space it would become one of SPO's Center for Excellence. She also reported that although the decision had been made, GSD reported there were no funds to execute the project at this time. It was also voiced that there would be no support for our ICIP request at this time and records management should move forward with electronic storage as a solution to the growing space issue.

Chairman Tórréz offered that our building had originally been approved and constructed with a 20-year plan in mind, which had now expired. He stated that the meeting included discussion about keeping the genealogy room and middle section as part of the State Archives, where its microfilm is maintained. Ms. Salazar also provided a brief history of the building. Dr. Pappas stated that he was concerned about SPO taking over space that was specifically purposed for records collection and libraries. He asked whether GSD could take space that was built for a specific activity and still needed for that activity. Chairman Tórréz responded that GSD had conducted space studies finding that the State Library space was underutilized. He also noted that the Southwest Room was now open only for one half day a week. Chairman Tórréz stated that may have gone into the decision. He added that DCA was part of the executive branch and is essentially following the directives of the executive. Dr. Pappas pointed out that the ongoing ICIP request demonstrates that the space for the Archives is needed. Chairman Tórréz added that while the space is needed by the Archives, it is not the agency's space but that of DCA. Chairman Tórréz also mentioned there were concerns about the load capacity of moving the Southwest Room upstairs.

Ms. Nair emphasized the importance of advocating for additional security when SPO employees move into the building as these individuals can be a target. Ms. Salazar described several accounts of criminal activity in the bathrooms and near the lockers. She also described instances where the personal safety of building employees was at risk. She informed the commission of GSD's interest to move the front entrance of the building and its wish to close off the first floor from patrons, which would restrict access to the State Archives.

Chairman Tórréz asked if there were any more questions or concerns. Hearing none, he suggested moving back to the issue of participating in the SPO consolidation.

The chairman entertained a **MOTION** to decline participation in the SPO consolidation. Ms. Rhys **MOVED**; and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Chairman Tórréz asked Ms. Salazar to draft a letter to SPO informing of the commission's decision to decline participation.

Dr. Pappas suggested that the commission draft a letter to GSD addressing staff safety and security relating to SPO's proposed move and the implications of moving 50-80 people into the building. Chairman Tórréz offered that the meeting held with GSD and DCA included conversation about security. Ms. Salazar offered that the initial security concerns brought by CPR and the State Library were related to the bathrooms. She stated the initial request was to place locking doors on the bathrooms as drug deals and possibly prostitution were taking place. She also mentioned that a suggestion to remove the lockers was made to GSD early on. Ms. Salazar stated that placing locks on those doors may have resolved some of those problems. Dr. Pappas expressed his concern about curtailing public access to the State Archives. Chairman Tórréz directed that Ms. Salazar meet with staff to create a list of their primary concerns relating to security and access. The list would be used as a basis to construct the letter. Ms. Rhys suggested that the letter go beyond security and access and also address the need for space. Ms. Nair offered that if access is curtailed to the State Archives and as a result is used less, then someone will make the argument that it is underutilized. Dr. Hendricks agreed stating that cutting access to the facility is a slippery slope. He noted that it could lead to staffing cuts and asking the public to make appointments. He added this would eliminate those members of the public who come in to research. Dr. Hendricks also added that doing research in the genealogy room takes great concentration and having 50-80 individuals speaking next door would be distracting. Chairman Tórréz stated that the architects would close off the space. Dr. Pappas

stated that once you add 50-80 SPO employees in the building, it becomes their building. Ms. Rhys agreed. It is an issue, Dr. Pappas added, because all concerns will then be filtered through their operation rather than through the State Records Center and Archives and the State Library. They co-opt the intent of the building.

At that time, Chairman Tórréz asked Ms. Salazar to brief the commission on the tenancy of the Department of Veterans' Services (DVS) in the building. Ms. Salazar responded that a DVS staff member had moved in, but that the tenancy was not a good fit. As a result, DVS was moving the office to another location.

B. State Records Act Review Subcommittee Report

Ms. Salazar reported that the subcommittee formed at the last commission meeting to review the definitions and language of the Public Records Act, met on August 3, 2017. The subcommittee was comprised of Ms. Rhys, Dr. Pappas, Mr. Lange, Ms. Lujan, Mr. Lucero, Dr. Hendricks, Ms. Chavez, and herself. She stated the initial focus was related to the definition of agency and how that could be further clarified and standardized throughout the Act. The definition was compared to that in the Inspection of Public Records Act, which is far broader in scope. Ms. Salazar reported that the subcommittee also looked at the definition of personal identification information, which seems to cause more confusion when reading through section 7.1 Access to confidential records. The general consensus was that the definition could be struck as 7.1 could stand alone as written and gives specific instruction. According to Ms. Salazar, the subcommittee briefly reviewed other sections of the Act. The subcommittee members suggested that Ms. Salazar come up with a list of amendments to pursue. Ms. Salazar reported that she and her staff met two additional times and believes additional time is needed to consider what areas of the Act require clean-up. She also added that during the full subcommittee meeting, it was suggested that Ms. Rhys contact former state records administrator and current state representative Linda Trujillo and ask if she would carry the proposed amendments. Chairman Tórréz asked if there were any questions. There were none.

IV. DIRECTOR'S REPORT

Ms. Salazar provided a brief summary of posted/pending vacant positions, new hires, and current vacant positions. She also reported on the FY17 general fund reversion amounts and the current category balances for FY18. In addition, she stated that \$7,845.00 of revenue has been reported to date for FY18. The majority of this revenue was generated by the *New Mexico Register* in the amount of \$5,112.00. Dr. Pappas inquired about the budget available to fill the vacant positions. Ms. Salazar replied that there was enough projected budget to fill the financial specialist position. Ms. Salazar proceeded to read the division highlights that were detailed in the packet.

Ms. Salazar answered questions from Chairman Tórréz pertaining to the division report. She also addressed the terminated rule hearing and the legal notice posted on the Sunshine Portal.

V. SCHEDULING OF NEXT MEETING

The chairman stated the next meeting is scheduled for Tuesday, November 14, 2017, at 10:00 a.m.

VI. ADJOURNMENT

The chairman entertained a **MOTION** to adjourn. Ms. Rhys **MOVED**; and Ms. Espinoza **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Submitted by: Melissa T. Salazar
Melissa T. Salazar, Interim State Records Administrator

11-14-17
Date

Attested by: Robert J. Tórréz
Robert J. Tórréz, Commission Chair

11/14/17
Date

Minutes approved on: 11-14-17