

**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING VIRTUALLY VIA ZOOM – DECEMBER 1, 2020  
1205 Camino Carlos Rey, Santa Fe, NM 87505**

**Members Present**

Brian Colón, Esq.	Chairman and State Auditor
Tania Maestas, Esq.	Attorney General, Designee
Kenneth Ortiz, Esq.	General Services Department
Stephanie Wilson	Interim Director, Supreme Court Law Library
Anita Tellez, Esq.	Department of Cultural Affairs, Designee
Dylan Lange, Esq.	Secretary of the State, Designee

**Staff Present**

Rick Hendricks, Ph. D	State Records Administrator
Georgette L. Chávez	Deputy State Records Administrator
Amanda Griego	Executive Secretary, Administrative Services Division (ASD)
Leo Lucero	Director, Records Management Division (RMD)
Robert Wise	Information Technology Management Division (ITMD)
James Kirby	Information Technology End User Support, ITMD
Felicia Lujan	Director, State Archives of New Mexico (SANM)
Tanya Vigil	Bureau Chief, RMD
Matt Ortiz	Division Director, Administrative Law Division (ALD)
Dennis Branch	NM Register Editor, ALD
Elena Perez-Lizano	Archives Bureau Chief, RMD
John Kreienkamp, Esq.	Counsel to Commission, Office of the Attorney General

**Public Present**

Chris Mechels	
C. Pippes	
Thauge	
Roberta Moreno	
Nikki Lovette	
Chris Vigil	Assistant General Counsel, New Mexico Environment Department
L. Lopez	
Martha Becerra	Analyst, Legislative Finance Council
1-575-885-4740	

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**Hon. Hector Balderas**  
*Attorney General*

**Hon. Brian S. Colón**  
*Chairman/State Auditor*

**Hon. Maggie Toulouse Oliver**  
*Secretary of State*

**Debra Garcia y Griego**  
*Department of Cultural Affairs*

**Stephanie Wilson**  
*Acting Director, Supreme Court Law Library*

**Kenneth Ortiz**  
*General Services Department*

## I. OPENING ACTIVITIES

### A. Call to Order

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

### B. Approval of the Agenda

Chairman Colón entertained a **MOTION** to approve the agenda. Ms. Wilson **MOVED**. Ms. Maestas **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

### C. Public Comment

Chairman Colón called for public comment.

Mr. Chris Mechels, a retired Los Alamos Laboratories employee, commented on the implementation of the State Rules Act, which he described as being the responsibility of Mr. Hendricks and ultimately, the board as his supervisor. Mr. Mechels characterized his interest in this area as not casual because the State Rules Act is one of the most important bits of our government. Specifically the reform that was passed in 2017, House Bill 58, was extremely important.

Mr. Mechels provided some history of his concerns with the Rules Act, which goes back for about seven years when he encountered the act at the Law Enforcement Academy Board in 2013. He referred to what he described as illegal rule hearings that illegally modified the police training curriculum. He maintained that we have still have not recovered from that 2013 incident.

Mr. Mechels indicated that he came to the board a couple of months ago because of concerns over activities of the Department of Health. He subsequently learned that the board is an essential part of the State Rules Act. By its own definition, the state records administrator is responsible as is the Civil Division of the Attorney General's Office, which defined a hearing procedure in 2017. Mr. Mechels provided a history of the passage of House Bill 58. He stated that it is an important bill that has not been implemented. He raised two points: first, state agencies, including those represented on the commission, are not in compliance with the State Rules Act in their hearings. Second, when he began to interface with this commission, Mr. Ortiz, and Mr. Hendricks, he discovered they were having their own illegal rules hearings.

Chairman Colón asked Mr. Mechels to narrow down his comments as he had exceeded his allotted time. Chairman Colón noted the time that his assistant had spent time with Mr. Mechels and added that he would do what was in his authority to address his concerns. Mr. Colón allowed an additional minute and a half.

- D. Mr. Mechels wrapped by saying that the commission had recent illegal rules hearings and that they have been remiss in following the strategic plan, which includes some goals concerning rules hearings. He noted that the last three strategic plans, from '19 through '21, which ought to be posted on the commission website, are not posted. He encouraged the commission to investigate these two areas. **Approval of the Minutes of the August 25, 2020, Regular Meeting.** Chairman Colón entertained a **MOTION** to approve the minutes as amended. Secretary Ortiz. **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

## **II. DIRECTORS REPORT**

Deputy Chávez reported that the agency had 9 vacancies out of 37 positions placing our vacancy rate at 24.3 percent. She provided a list of the all the vacant positions and reported information regarding fiscal year 2021 budget.

In addition, Deputy Chávez reported on the budget balances as of November 1, 2020. The general fund balance in the 200 category was \$1,837,951; the balance in the 300 category was \$967; and the 400 category balance was \$60,098.

Deputy Chávez presented the following.

### **FY 2020 Audit**

On October 14, 2020, Southwest Accounting Solutions conducted its exit conference for the FY20 audit. In attendance was Brian Colón, Chairman of the Commission of Public Records, Dr. Rick Hendricks, State Records Administrator, Georgette L. Chávez, Deputy State Records Administrator, and Ruben Rivera, Chief Financial Officer. The audit was completed and was submitted to the Office of the State Auditor without any findings for the fourth consecutive year.

### **State Records Center and Archives Operations during the COVID-19 Pandemic**

Effective March 16, 2020, the majority of SRCA staff began teleworking and was provided remote access to email, agency files, and the Central Electronic Records Repository via TeamViewer. This allowed SRCA to continue to provide robust services to state agencies and the public without interruption.

While many of our staff continue to effectively and efficiently from home, several of our divisions began a staggered on-site work schedule on August 3, 2020, to provide better service, while continuing to follow social distancing guidelines. Since the safety of staff and patrons continues to be management's first priority, we have obtained masks, gloves, hand sanitizer, cleanser, and plexiglass partitions for the health and safety of all. Since the completion of the report, SRCA returned to teleworking operations on November 16, 2020.

Chairman Colón cited the activity of RMD staff as one example from this agency of state employees providing service to the public of New Mexico in the midst of the COVID-19 pandemic. Deputy Chávez noted that in addition to RMD, the entire staff has gone above and beyond to continue to serve the public. We continue to fulfill IPRA's in a timely manner. RMD staff continues to pull boxes. ALD staff is creating and publishing an annual report; they continue to publish the *New Mexico Register* before our performance deadline. OSH is continuing to provide educational activities through YouTube history lectures. The IT staff continues to provide us with excellent service so that we can continue to telework. She expressed her gratitude to all the staff who have faced their fears to provide the highest level of service to the public.

## **III. SCHEDULING OF NEXT MEETING**

Chairman Colón called on the commission to add any additional comments. The commission expressed their appreciation to the State Records Center and Archives staff for their hard work. Mr.

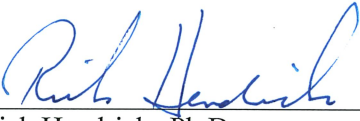
Lange recognized RMD and ALD for working with the Secretary of State and all agencies to pass rules and promote transparency. Secretary Ortiz thanked Mr. Ortiz, who is currently working with all state agencies to implement electronic signature across the state government. He also thanked Leo Lucero who is working with GSD on developing an electronic records retention plan.


Dr. Hendricks thanked the Archives staff and State Historian for continuing to providing incredible services to the public. He stated that the SANM receives requests about access daily. Since we cannot permit that now, the archives staff is doing all it can to assist the public. He also thanked Elena Perez-Lizano from the Archives for the beautiful mask.

Chairman Colón stated that the next meeting is scheduled for February 23, 2021.

#### IV. ADJOURNMENT

Chairman Colón entertained a **MOTION** to adjourn. Mr. Lange **Moved**. Secretary Ortiz **Seconded**. The motion **PASSED UNANIMOUSLY** by roll call vote.

Submitted by:  2/23/2021  
Rick Hendricks Ph.D. Date  
State Records Administrator

Attested by:  2/26/2021  
Brian S. Colon, Esq. Date  
Commission Chair

Minutes Approved on: 2/23/2021