

**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING VIRTUALLY VIA ZOOM – JUNE 15, 2021,
1205 Camino Carlos Rey, Santa Fe, NM 87505**

Members Present

Brian Colón, Esq.	Chairman and State Auditor
Kenneth Ortiz	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
Leo Lucero	Director, Records Management Division RMD
Robert Wise	Information Technology Management Division ITMD
James Kirby	Information Technology End User Support, ITMD
Tanya Vigil	Bureau Chief, RMD
Dennis Branch	NM Register Editor, ALD
Elena Perez-Lizano	Archives Bureau Chief, RMD
John Kreienkamp, Esq.	Counsel to Commission, Office of the Attorney General
Amanda Griego	Executive Secretary, ASD
Tanya Vigil,	Records Management Division, RMD
Teddy Lopez	Financial Specialist, ASD
Matt Ortiz	Division Director, ALD

Public Present

Lisa Begay
Robert Moreno
Chris Mechels
Diane M. Montoya
Ragha

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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. Tellez **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

C. Public Comment

Chairman Colón called for public comment.

Mr. Chris Mechels commented on the Open Meeting Act resolution (OMA) that was before the commission and encouraged the commission not to pass it and to rethink it, so that it would reflect the intent of the OMA. He indicated that the OMA resolution was the same as last year and that it had been violated on four different points, which needed to be addressed.

Mr. Mechels stated that item 10 of the resolution would no longer be binding once the state of emergency ends; there are some good things in #10, which should be preserved. He mentioned that the board's [commission's] public presence was sub-par. The meetings were not being advertised in the newspaper, and it was unlikely the public could find them. He suggested that the notices of meetings and rules hearings be published in the newspaper.

Mr. Mechels mentioned that there were ongoing problems in this state with implementation of the State Rules Act and noted that he had warned the commission in December that meetings were taking place in violation of the State Rules Act.

Mr. Mechels cited the failure of the Economic Development Department to post material related to its rulemaking activity on the LEDA Act, a \$200 million program. [The 2021 Legislature created the LEDA Recovery Grants by House Bill 11 to provide \$200 million in grant funding to New Mexico small businesses experiencing financial hardship due to the pandemic]. He stated that problems with the rulemaking could have been detected in five minutes.

Mr. Mechels stated that the board [commission] needed to exercise oversight because agencies make more rules than the legislature. The attorney general, Dr. Hendricks, and the commission should provide rulemaking oversight.

Chairman Colón stated that he had reviewed these concerns and worked with Dr. Hendricks, and the commission is in compliance. He stated that he believed that the commission has embraced best practices and will continue to do so. Chairman Colón reviewed extensively the OMA resolution before the commission and stated that he supported it.

D. Approval of the Minutes of the February 23, 2021, Regular Meeting.

Chairman Colón corrected the minutes and entertained a **MOTION** to approve them as amended. Mr. Lange **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

II. ACTION ITEMS

- A. Adoption of Fiscal Year 2022 Commission of Public Records Reasonable Meeting Notice Resolution pursuant to the Open Meeting Act Section 10-15-1(D) NMSA 1978. Ms. Wilson corrected the date on the document. Chairman Colón entertained a **MOTION** to approve as amended. Ms. Tellez **MOVED**. Mr. Ortiz **SECOND**. The motion **PASSED UNANIMOUSLY** by roll call vote.

Chairman Colón opened the floor for discussion. Chairman Colón led with a small discussion regarding the one substantive adjustment. The main change is to accommodate what we have been doing in terms of public access.

Chairman Colón asked Mr. Kreienkamp to address the adjustments made to the OMA resolution.

Mr. Kreienkamp summarized item 10 in the OMA resolution and stated that it was the same as last year. He stated that it reflects best practices recommended by the attorney general and that it is not mandatory. He indicated that when the commission was having virtual meetings they would be available on the website. This gives the public the opportunity to listen in along with documents available in advance of the meeting. The idea with that is similar to an in-person meeting where documents such as agendas and minutes are provided in the room. Mr. Kreienkamp confirmed that the advice is not mandatory.

Mr. Kreienkamp went on to say that the commission could decide in item 2 to provide notice of regular meetings through posting in the newspaper as another way of providing notice to the public, although it has never been the historical practice of the commission.

III. PRESENTATIONS

- A. New Mexico Historical Records Advisory Board Appointee

1. Jonathan Pringle

Chairman Colón took the opportunity to thank the commission for appointing Mr. Pringle to the advisory board at the last meeting. “Mr. Pringle will do a great job and will be a wonderful addition to the Advisory Board of New Mexico Historical Records.

Mr. Pringle was not in attendance.

IV. DIRECTORS REPORT

Dr. Hendricks reported that the agency had 8 vacancies out of 35 positions, placing our vacancy rate at 22.85 percent. He provided a list of the all the vacant positions and reported information regarding fiscal year 2021 budget.

In addition, Dr. Hendricks reported on the budget balances as of May 1, 2021. The general fund balance in the 200 category was \$612,033; the balance in the 300 category was \$14,798; and the 400 category balance was \$34,404.

On June 1, 2020, Motus Space Solutions installed shelving extensions for the main archives vault in an effort to maximize the space that is currently available. The shelving provided additional space for 4,700 boxes. On May 3, 2021, Motus installed extensions to store an additional 500 boxes.

V. SCHEDULING OF NEXT MEETING

Chairman Colón stated that the next meeting is scheduled for August 31, 2021.

VI. ADJOURNMENT

Chairman Colón entertained a **MOTION** to adjourn. Mr. Lange **Moved**. Secretary Ortiz **Seconded**. The motion **PASSED UNANIMOUSLY** by roll call vote. Meeting was adjourned at 10:39 a.m.

Submitted by:


Rick Hendricks Ph.D.
State Records Administrator

Date

9/1/2021

Attested by:


Brian S. Colón, Esq.
Commission Chair

Date

9/5/2021

Minutes approved on:

8/31/2021