MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING VIRTUALLY VIA ZOOM – NOVEMBER 30, 2021
1205 Camino Carlos Rey, Santa Fe, NM 87505

Members Present
Brian Colón, Esq. Chairman and State Auditor
John Garcia General Services Department
Stephanie Wilson Interim Director, Supreme Court Law Library
Peter Ives Department of Cultural Affairs, Designee
Dylan Lange, Esq. Secretary of the State, Designee
Malcaquias (J. R.) Rael Office of the Attorney General, Designee

Staff Present
Rick Hendricks, Ph.D. State Records Administrator
Georgette L. Chávez Deputy State Records Administrator
Leo Lucero Records Management Division
Ruben Rivera Chief Information Officer
Robert Wise Information Technology Management Division
Samantha J. Fenrow, Esq. Legal Counsel
John Kreienkamp, Esq. Counsel to Commission, Office of the Attorney General

Public Present
Martha Huerque
Rose Romero
Diana Sandoval
Alldecy
Sabrina
Julie Filatoff
Cheri Lujan
Cynthia Archuleta
Roberta White
Amanda Frazier
Elias Paredes
Reina Espinosa
Antoinette Cheye
Tori Bergquist
Chris Mechels
5058270447 (CYFD)
Odette DesGeorges
Crystal Lawrence

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Hon. Hector Balderas
Attorney General
Debra Garcia y Griego
Department of Cultural Affairs

Hon. Brian S. Colón
Chairman/State Auditor
Stephanie Wilson
Acting Director, Supreme Court Law Library

Hon. Maggie Toulouse Oliver
Secretary of State
John Garcia
Acting Cabinet Secretary, GSD
I. OPENING ACTIVITIES

A. Call to Order
Chairman Colón called the meeting to order at 10:00 a.m. and conducted a roll call of the commissioners.

B. Approval of the Agenda
Chairman Colón entertained a MOTION to approve the agenda as is and noted that he would be open to receiving public comment at the front end of the agenda. Mr. Ives MOVED. Ms. Wilson SECONDED. The motion PASSED UNANIMOUSLY by roll call vote.

C. Approval of the Minutes of the August 31, 2021, Regular Commission Meeting.
Chairman Colón entertained a MOTION to approve as amended. Ms. Wilson MOVED. Mr. Ives SECONDED. The motion PASSED UNANIMOUSLY by roll call vote with abstentions by Mr. Garcia and Mr. Ives, who were not present at the August 31, 2021, meeting.

Chairman Colón called for public comment and noted that public comment would also be welcome at the end per the agenda.

No comments from the public were received.

Chairman Colón welcomed the Chief Administrative Officer for the State of New Mexico Attorney General Office, Mr. Malaquias (J. R.) Rael and the Honorable Secretary Mr. John Garcia to the commission.

II. ACTION ITEMS

A. Revision of the FY22 Open Meetings Act Resolution

Chairman Colón stated that at the last meeting there was some conversation regarding compliance with the Open Meetings Act. The Chairman asked Mr. Kreienkamp to give an overview.

Mr. Kreienkamp stated that the purpose of this agenda item is for amending the commission’s annual OMA Resolution. He stated that we are recommending a modification to the current resolution with respect to the way the commission holds virtual meetings, by simplifying the relevant language and by providing clarity regarding posting of documents online.
Chairman Colón entertained a **MOTION** to adopt the [revision] the FY22 Open Meetings Act. Mr. Lange **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

### III. DIRECTORS REPORT

Deputy Chávez reported on agency vacancies and on the agency budget. She stated that on October 22, 2021, Southwest Accounting Solutions conducted the agency’s exit conference for the FY21 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 fifth consecutive year.

### IV. PUBLIC COMMENT

Mr. Chris Mechels expressed his disappointment with the revised OMA Resolution, objecting to the removal of Section 10 and stating his concern that documents would no longer be available to the public before commission meetings. He remarked that the Regulation and Licensing Department and the Economic Development Department were not following the State Rules Act with respect to rulemaking and that the State Records Center and Archives (SRCA) should provide more support to agencies and examine filings to ensure compliance with the Act.

Chairman Colón stated that we will continue to provide available documents when we notice a meeting. He explained that it is not our role to provide oversight regarding compliance with the State Rules Act.

Mr. Kreienkamp stated that the Attorney General’s Office has recently issued an opinion that reinforced what the Attorney General’s Office had opined in the 1970s that neither the commission nor SRCA has authority to enforce certain requirements in the State Rules Act, such as publication of rulemaking materials on the Sunshine Portal.

### V. SCHEDULING OF NEXT MEETING

Chairman Colón stated that the next meeting was scheduled for February 22, 2022.

### VI. ADJOURNMENT

Chairman Colón entertained a **MOTION** to adjourn. Mr. Rael **MOVED**
Mr. Ives **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.
Meeting was adjourned at 10:40 a.m.
Submitted by: Rick Hendricks Ph.D. 
State Records Administrator

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Attested by: Brian S. Colón, Esq. 
Commission Chair

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Commission Chair

Minutes approved on: 2/22/2022

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