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**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS**  
**REGULAR MEETING VIRTUALLY VIA ZOOM – FEBRUARY 22, 2022**  
**1205 Camino Carlos Rey, Santa Fe, NM 87505**

**Members Present**

Brian Colón, Esq.	Chairman and State Auditor
John Garcia	General Services Department
Stephanie Wilson	State Law Librarian, Supreme Court Law Library
Peter Ives, Esq.	Department of Cultural Affairs, Designee
Dylan Lange, Esq.	Secretary of the State, Designee

**Staff Present**

Rick Hendricks, Ph.D.	State Records Administrator
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
Amanda Griego	Executive Secretary
Dennis Branch	NM Register Editor, ALD
Tanya Vigil	Bureau Chief, RMD
Matt Ortiz	Division Director, ALD
Elena Perez-Lizano	Archives Bureau Chief, RMD

**Public Present**

Geoff Mamerow	Auditor, Southwest Accounting Solutions, LLC
Chris Mechels	
Roberta Moreno	
Eilleen Roybal	
Cheri Lujan	

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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**  
*State Law Librarian, Supreme Court Law Library*

**John Garcia**  
*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 with the caveat that he would be open to receiving public comment at the front end and the back end of this meeting. Mr. Garcia **MOVED**. Mr. Ives **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

### **C. Approval of the Minutes of the November 30, 2021, Regular Commission Meeting.**

Chairman Colón entertained a **MOTION** to approve as amended. Mr. Ives **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

Chairman Colón took a moment to disclose a technical error on his part. The chairman stated that at the last meeting in November he indicated that they were very pleased with the audit results and that the team had a clean audit with no findings. However, the audit had not been released by the Office of the State Auditor at that time and should not have been disclosed until the Office of the State Auditor releases it. He apologized and stated that now that it was released, it could be fully discussed.

Dr. Hendricks stated that Chairman Colón is correct and that the official audit report has now been released by the Office of the State Auditor and is also located on the State Auditor's website. Dr. Hendricks commended the Office of the State Auditor's website because it's easy to use and has a great way of finding information. Dr. Hendricks informed the commission that there is an archives section of all the previous audits for SRCA on the website.

## **II. PRESENTATIONS**

### **A. FY21 Audit Report-Southwest Solutions, LLC**

Mr. Geoff Mamerow presented a summary of his audit report to the commission. Mr. Mamerow stated that it was an unmodified opinion and that there were no findings for the Commission of Public Records. As one of the entities in New Mexico with no findings, Mr. Mamerow gave kudos to the management and governance of State Records Center and Archives. A copy was provided to the commission for review.

Chairman Colón asked Mr. Rivera to provide a link to the public so they may review the report. Mr. Mamerow also informed the commission that the audit is public record now and can be reviewed on the website. Chairman Colón reiterated that he would take public comment following the audit report.

Mr. Mamerow reviewed the audit with the commission. He stated that 2021 was an exceptionally unique year due to the pandemic. The commission did an excellent job dealing with the pandemic as a whole; the commissions assets did not drop, and the monies that were supplied by the state were used very effectively, and the revenue and expenses stayed the course. Mr. Mamerow gave kudos to management because they were able to submit money back to the state. Mr. Mamerow reiterated how well management had done in keeping operations running during a unique situation and stated that what he really appreciated about the commission is that it is a well-oiled machine,

and everyone knows their part in making sure things continue to run effectively. He also thanked Mr. Rivera, Dr. Hendricks, and Ms. Chávez specifically for their work.

Chairman Colón called on the commission for comments.

Mr. Garcia suggested that the Audit Report be provided to the commission prior to the meetings so they may have time to review.

Dr. Hendricks assured Mr. Garcia that in the future, once the Audit Report is approved, a link to the report will be provided to the commission.

Mr. Garcia had questions regarding bars and budget adjustment requests and was concerned with operations, particularly if there is enough staff. Mr. Rivera provided clarification as to where the agency does BARs from, which primarily come from the general fund; the 200 category, which is generally our only savings; and through vacancy savings. Mr. Rivera added that they have done a few BARs from categories 300 and 400. The agency does have the revolving fund, but no personnel are paid through it. Dr. Hendricks also provided clarification to Mr. Garcia as to why the agency always runs vacancies: the agency has 5 different divisions, and they are very specialized. Often people within the agency tend to move up, and the vacancies are usually from internal movement rather than staff leaving, but we are always left with a vacancy when that occurs, and of course would love to be fully staffed.

Mr. Mamerow added that the overall expenses with the agency went down in 2021 and that there was nothing in the expenses that would have caused any alarms to go off. Mr. Garcia stated that it is admirable how well the agency is run.

Mr. Ives had a question regarding the 6 vacant positions with the agency and wanted to know the total number of positions at the agency. Mr. Rivera stated that there are 35 positions. Mr. Ives also took the time to congratulate the agency for an audit with no findings.

Ms. Wilson wanted to know why there had been a reduction of 2 positions overall. Dr. Hendricks provided information to the commission on the processes when a position is not filled and stated that when a position goes unfilled for too long, SPO can take the position away. Also, some positions were combined.

Chairman Colón called for comments, questions, or concerns from the commission. Chairman Colón called for comments, questions, or concerns from the public.

Mr. Chris Mechels questioned the commission regarding the hiring of an attorney. Mr. Mechels wanted clarification on what role the attorney has with the agency. Dr. Hendricks provided detailed information to the commission and public on what role and duties the agency attorney is responsible for.

Chairman Colón added that it is not uncommon for an agency to have an attorney position, that it would serve the agency well, and that he supports this approach.

Chairman Colón took a moment to also thank Geoff Mamerow with Southwest Accounting Solutions for all their hard work.

## **B. FY21 Annual Report Presentation**

Dr. Hendricks presented the Annual Report to the commission, which he stated has been emailed to the commission members and will also be sent by mail. A version of the report has been posted to the website, but we have been made aware of some corrections needed. Dr. Hendricks assured the commission that it will be pulled down, those correction will be made, and the report will be reposted.

Dr. Hendricks took this opportunity to thank the people who do the good work to pull this together: the division directors: Felicia Lujan, Matt Ortiz, Robert Wise, Robert Martínez, and Leo Lucero.

The theme of the report is a celebration of the film industry in New Mexico. Dr. Hendricks reminded the commission of a previous presentation given by Archives Director Felicia Lujan. Ms. Lujan made a film on Historic Films in New Mexico. Dr. Hendricks gave special thanks to Felicia Lujan, for her research for that project and for the work that went into it. Dr. Hendricks also took time to thank Dennis Branch, editor for of the *New Mexico Register*. Mr. Branch spent many hours of creative and hard work preparing for its publication.

Chairman Colón also thanked the team and was pleased with the cover and choice of photo. The Chairman described the annual report as well put together, pleasing to the eyes, and an easy read. The Chairman thanked everyone and asked that a copy be sent to Secretary Keyes.

Mr. Lange asked for clarification regarding the regrant program and the jump in applications and awards. Dr. Hendricks informed the commission that when Dr. Thomas Shumaker, was the Grants Administrator, he and Deputy Chávez took a visit to St. Michael's, and this was responsible for getting a number of applicants. He noted that Nicolasa Chávez is the new Grants Administrator. However, at this time we do not anticipate having a high number of applicants for a while due to the pandemic, but he expects that they will get to those high numbers of applicants again in the future.

The Chairman stated that he is honored to be only the second statewide elected official in New Mexico's history who is Jewish and that the last one was over one hundred years ago. The Chairman was very happy to hear that a grant was made to the Jewish Historical Society. The Chairman also said that the commission wants to learn more about the grants so they can be ambassadors for the programs. Dr. Hendricks thanked him and noted that the agency has a new traveling archivist program as well.

Ms. Wilson noted her approval of the report and commended its quality.

Mr. Ives wanted to know what the purposes of the regrant program are. Dr. Hendricks provided clarification stating that the regrant program is under the National Historical Publications and Records Commission, a part of the National Archives, which provides funding to this agency for regranting and that there is a board of experts, archivists and records management folks who evaluate proposals from non-profit entities, and he gave examples of the types of projects funded

## **III. DIRECTORS REPORT**

Dr. Hendricks presented the Director's Report.

Dr. Hendricks reported that the agency has 6 vacancies out of 35 positions, placing our vacancy rate at 17.14 percent, and that 3 of the 6 vacancies are in process. He provided a list of the all the vacant positions and reported information regarding fiscal year 2022 budget.

Dr. Hendricks reported on the budget balances as of February 1, 2022. The general fund balance in the 200 category was \$1,138,884; the balance in the 300 category was \$1,515; and the 400 category balance was \$55,300.

#### **IV. PUBLIC COMMENT**

Mr. Chris Mechels expressed his appreciation for having the records available to the public. Regarding the Annual Report, he expressed that would like to see a different metric on training for rule making. He feels that measuring the number of trainings doesn't measure the effect of trainings.

Mr. Mechels stated his concerns about the Cannabis Control Division and the implementation of the Cannabis Act. He stated they have an unfortunate pattern of announcing rulemaking, for example, 4 different rulemakings and 4 different sections involved.

Mr. Mechels stated that the Public Education Commission made a rule for the first time. He questioned whether they could make a rule and felt they should have been questioned. He and another party believe they do not even have the authority to make a rule.

Mr. Mechels stated also questioned whether the rulemaking of the Secretary of State was legal. They submitted a campaign finance rule, which by law, they cannot do. They need to go through the Administrative Procedures Act by statute. Mr. Mechels expressed his disappointment with the Economic Development and Regulations Licensing Departments because they are involved in rulemaking that have a huge financial impact. He stated that the Commission should be looking into these issues.

Chairman Colón took a moment to thank Mr. Mechels for his engagement and feedback. The Chairman said he will take this information into consideration but noted that he sees the Commission's scope of mission slightly differently from how Mr. Mechels sees it but that he appreciates his perspective.

Chairman Colón opened the floor one last time to the public for any questions, comments or concerns. None where received. The Chairman also asked the commission if they had any questions, comments or concerns.

Mr. Garcia stated that it was great to see an agency that is run so well.

Mr. Ives requested a copy of GASB 87 and the Chairman said he would provide it.

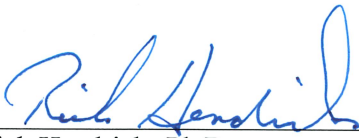
Chairman Colón stated that he would like to discuss the strategic plan at a subsequent meeting and offered to help with that. Dr. Hendricks stated that the strategic plan is already being worked on and that input from the commission would be appreciated.

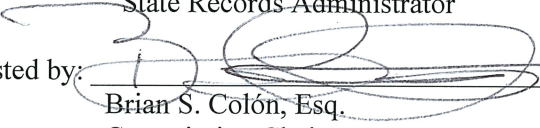
#### **V. SCHEDULING OF NEXT MEETING**

Chairman Colón stated that the next meeting was scheduled for May 24, 2022.

## VI. ADJOURNMENT

Chairman Colón entertained a **MOTION** to adjourn. Ms. Wilson **MOVED** Mr. Lange **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote. Meeting was adjourned at 10:57 a.m.

Submitted by:  24 May 2022  
Rick Hendricks Ph.D.  
State Records Administrator  
Date

Attested by:  21 June 2022  
Brian S. Colón, Esq.  
Commission Chair  
Date

Minutes approved on: 5/24/2022