

**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING AND RULE HEARING – February 23, 2016
1205 Camino Carlos Rey, Santa Fe, NM 87507**

Members Present:

Robert J. Tórréz
Edwynn Burckle
Brad Winters
Tania Maestas
Sarita Nair
Lynne S. Rhys
Jeff Pappas

Chair Historian
Cabinet Secretary, General Services Department
Honorable Secretary of State
Representative for the Honorable Attorney General
Representative for the State Auditor
Law Librarian, Supreme Court
Representative for Department of Cultural Affairs

Staff Present:

Linda Trujillo
Melissa Salazar
Carmen Noble
Pete Chacon
Matt Ortiz
Amanda Lopez
Pamela Lujan y Vigil
Leo Lucero
Jackie Garcia
Jennifer Camp
Tanya Vigil
Susan Montoya
Dennis Branch
Felicia Lujan
Rachel Adler
Scott Crego
Sibel Melik
Dr. Rick Hendricks
Robert Martinez
Thomas Shumaker
Ron Spilman
Christopher Escareño-Clark
Christina Espinosa

State Records Administrator
Director, Archives and Historical Services
Administrative Executive Secretary
Information Technology, Chief Information Officer
Administrative Law, Division Director, ALD
Rules Management Analyst, ALD
Rules Management Analyst, ALD
Director Records Management Division, RMD
Agency Analyst Bureau Chief, Records Management Division, RMD
Management Analyst, RMD
Management Analyst, RMD
Management Analyst, RMD
Management Analyst, RMD
Division Director, Archives
Archives Bureau Chief
Archivist
Archivist
State Historian
Assistant State Historian
Grants Administrator
Director of FCD, DFA
Financial Specialist, CRB
Designee for the Honorable Secretary of State

I. OPENING ACTIVITIES:

A. Call to order: Chairman Tórréz called the meeting to order at 9:30 a.m.

B. Approval of agenda

The Chair entertained a **MOTION** to approve the agenda. Ms. Rhys **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Before presentations, Chairman Tórrez welcomed the new member Brad Winter, Honorable Secretary of State.

II. Presentation:

A. Electronic/Digital Signature Committee Demonstration

Presented by Matt Ortiz, Administrative Law, Division Director, ALD and Jennifer Camp, Management Analyst, RMD

Mr. Ortiz explained that the electronic signature committee is a group spearheaded by the department of health with approximately 25-30 members from several other state agencies. The committee has been meeting for approximately 6 months gathering intelligence on different types of electronic signatures and different types of vendors who provide a platform for electronic signatures. The committee has identified 3 basic documents to pilot an electronic signature process: personnel evaluations, professional services contracts and state price agreement contracts. The committee tried a mock contract using Adobe Pro, because it is a service which we all have within the state. Mr. Ortiz passed the presentation to Jennifer Camp and she presented a step by step demonstration on the process of the electronic signature using Adobe Pro. Chairman Torr ez suggested that Commissioners with specific questions about electronic signature to talk with Matt Ortiz and Linda Trujillo after the meeting.

B. ABQ Records Center Lease

Ms. Trujillo explained that they are working with GSD to finalize a lease agreement. The Albuquerque record center lease expired July 1st. GSD issued an RFP and the SRCA Committee choose a finalist. GSD is working to complete the lease agreement. The new facility is off Eubank and will increase our capacity by 10 thousand boxes. The new lease is an extra \$40 thousand dollars per year. This is the best offer, but above the current agency budget. Ms. Trujillo said she would get more into that later when we discuss the FY-2018 budget. At this time we are working with the leasing agency to determine how the move will take place. Chairman Torr ez asked when the move would take place. Ms. Trujillo explained the moving will happen as soon as the lease is signed. Once the lease is signed the leasing agency will have 150 days to complete the move of 26 thousand boxes and the shelving that is at the current Albuquerque records center. This is a significant move and we are working with correction industries to get the boxes moved off the shelf and corrections agency will help us get them back on the shelf. Secretary Burckle asked how much savings we would be saving annually. Ms. Trujillo let him know there is no savings it is an additional \$40 thousand expense but does give us an additional 10 thousand box space. If we consider the janitorial, gas and electrical savings that's approximately a \$10 thousand dollar savings, so we are looking at a \$30 thousand expense. Ms. Rhys asked if there would be conservation issues, she asked if there would there be any accommodations made for humidity. Ms. Trujillo explained that there will be temperature control, it will not be as cold as we wish it could be because of the cost of air conditioning but it will not get too hot nor too cold. Right now there is no temperature control in the current building. In closing Ms. Trujillo thanked Secretary Burckle for the assistance of his staff; they have been very helpful and professional.

III. Action Items:

A. Approval of November 17, 2015 Meeting Minutes

The Chair entertained a **MOTION** to approve the meeting minutes. Secretary Burckle **MOVED** and Lynne Rhys **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Election of Commission Secretary

The Chair entertained a **MOTION** to elect a Commission Secretary. The Chair asked Secretary Burckle if he would consider serving as secretary. Secretary Burckle replied that if that's the pleasure of the

Commission he would be willing. The Chair entertained a **MOTION** to elect Secretary Burckle Commission Secretary. Sarita Nair **MOVED** and Lynne Rhys **SECONDED**; the motion **PASSED UNANIMOUSLY**.

C. Consideration of county/Municipality Advisory Board

Ms. Trujillo explained the Commission has authority for the administrator to make a recommendation to the Commission to appoint a committee of experts in records management. After talking with a number of counties and municipalities during the rule process it seemed like it would be helpful to have an advisory group to represent the county and municipalities. Ms. Trujillo placed the item on the agenda to get direction from the commission. However, due to a lack of funding it is not an appropriate time to appoint another committee as we would have to pay per diem and mileage. Ms. Trujillo explained the item was on the agenda before the budget changes were announced. Chairman Torr ez thanked her for looking into it for them and advised they can review when they have more funds.

D. Accept Deeds of Gift:

1. Jeff Vilencia film collection of New Mexico and the Southwest

Presented by Ms. Felicia Lujan, Division Director, Archives and Ms. Sibel Melik, Archivist

Ms. Lujan explained that although our space is at capacity they do reserve small spaces for these types of gifts. Small private collections enhance the scope of NM history, and provide research information for scholars and the general public. This is an 8 piece collection of 16mm motion picture films. Ms. Melik explained that Mr. Vilencia who is a film maker and film preservationist in California gifted these films to us and we are very grateful. We watched a 5 minute film some of which is the first film in black and white Santa Fe Fiesta, Corpus Christi procession 1926 and a promotional film, New, New Mexico from 1948.

The Chair entertained a **MOTION** to accept the deeds of gift from the Jeff Vilencia film collection of New Mexico and the Southwest. Ms. Rhys **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

2. Paul Webber Spain Photographs of Conchas Dam

Presented by Ms. Felicia Lujan, Division Director, Archives

Ms. Lujan explained collection of Paul Webber Spain Photographs of Conchas Dam, was gifted by his two daughters, Patricia Louise Otto and Carol Jean Minster. The collection consists of one scrap book. It is black and white with 8X10 photographs. Paul Spain was an engineer during the construction of the Conchas Dam. Ms. Lujan handed out gloves and gave the book to the chair and the commission for their review. Mr. Pappas asked if this was the official documentation for the Conchas Dam or just Paul Webber Spain's avocation. Ms. Lujan explained it is not clear if this is the original and that they could be federal records, we are a federal affiliate and there should not be an issue accepting the gift. Mr. Pappas suggested they look official with CD numbers. Ms. Lujan suggested she contact federal records first to confirm before they accept this gift. Mr. Pappas advised he would give her a contact to work with. Chairman Torr ez advised it would be a good idea to let them know it was here. There should be no problem making copies available to them if they would like them.

The Chair entertained a **MOTION** to accept the deeds of gift from Paul Webber Spain Photographs of Conchas Dam. Mr. Winters **MOVED** and Ms. Rhys **SECONDED**; the motion **PASSED UNANIMOUSLY**.

3. Amado Chavez on the cover of the Commission book for February 23, 2016

Presented by Ms. Felicia Lujan, Division Director, Archives

Before moving on to the rule hearing Ms. Lujan would like to bring attention to the cover of the commission packet for today's meeting featuring Amado Chavez. Ms. Lujan described the picture of Amado Chavez is well known and widely circulated, however what is unique and special is the digital composite medal placed on him which is a three dimensional object of material culture which we carry in our interior vault. This medal has a solid gold pin of our lady of Guadalupe. Amado Chavez was a prominent NM resident; he passed away in his home in 1930. Ms. Lujan passed out copies of Amado Chavez obituary from the Albuquerque Journal along with an article about Amado Chavez. Chairman Torr ez thanked Ms. Lujan for sharing this information with the commission.

II. Rule Hearing:

A. Repeal

Mr. Hendricks explained that we no longer have the programs or the funds related to the rule considered for repeal. Mr. Hendricks recommendation is to repeal the rules listed on the agenda. Chairman Torr ez asked if these are part of the scholars program. Mr. Hendricks explained that it is a completely separate program. Commissioner Pappas asked when the last time there was a participant in this program. Mr. Hendricks explained since he has been here there hasn't been any participants.

1. 1.13.6 NMAC NM Historical Records Scholarship Program Guidelines
2. 1.13.8 NMAC NM Office of the State Historian Service Learning Student

Ms. Trujillo further stated that the repeal would be published in the NM Register on March 15, 2016. The Chair asked the public if there were any questions or concerns; there was no response. The Chair entertained a **MOTION** to repeal the rules listed in rule hearing A-1 through 2. Mr. Winters **MOVED** and Ms. Nair **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Amend

1. Ms. Montoya explained that the proposed amendments to 1.21.2 NMAC Retention and Disposition of Public Records sections 165 (waivers and releases – risk management), 201 (claims – benefits management), 261 (claims – workers' compensation and unemployment), 444 (water facilities – environment management), 482 (water facilities – inspections and monitoring), 642 (waivers and releases – legal matter management), 706 (disease management – animal and livestock), and 827 (disease management – hospital and medical) are being amended to clarify the title. (The subcategory has been added to distinguish the sections from others with similar titles). Sections 171-176 were amended to broaden the subcategory (changed from archives, library and museum management to historical and cultural resource management). Section 341 (investments) was amended to add "debt issuance" to clarify the description. The retention was increased to six years from date file closed per language in §37-1-3 NMSA, 1978. Section 438 (cultural resources) was repealed and the classification moved to the administration – historical and cultural resources category (became section 177). This amendment has been reviewed by the State Records Administrator and the State Records Center and Archives Internal Review Committee. Mr. Pappas asked who initiated the relocation of the cultural resources classification, Susan advised that the placement of the classification in the schedule came up during a roundtable with the Department of Cultural Affairs. Chairman Torr ez asked if there were any other questions or comments from the commission, there were none. Chairman Torr ez asked if there were any questions or comments from the public, there were none.

The Chair entertained a **MOTION** to adopt amendment 1.21.2 NMAC, Retention and Disposition of Public Records. Secretary Burckle **MOVED** and Mr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Ms. Lopez, Administrative Law Division, addressed the commission and would like the record to reflect that the amendments to repel were published with no effective date. However, according to section 14.4.5 of the state rule guide, the effective date shall be the date of the publication with the NM register on March 15, 2016.

2. Ms. Lujan explained the proposed amendments to rule 1.13.4, NMAC, Records Management Requirements for Electronic Messaging. The proposed amendment is limited to section 13, "filing electronic messages." This amendment is up for your review and consideration and would be effective March 15, 2016 if approved. The amendment is intended to address the management of electronic messages and calls for managing the messages in their native format so that both messages and attachment can be accessed, retrieved, and read. The deputy state records administrator and records management division director recommend moving towards the eventual elimination of subsection E of section 13 which allows printing electronic messages by using a manual filing system. Printing messages instead of keeping them in their native format can result in the loss of descriptive, structural, administrative, and technical metadata that can be critical to the management and preservation of these records. Ms. Lujan gave several examples of why it is sometimes difficult to keep a manual filing system for example an oversized map, moving images, or audio files. Keeping it in the native format will keep it preserved with the metadata in the file. Ms. Rhys asked if native format is a term of art or if there is a definition for native format. Ms. Lujan explained native format is used in records management and in archives management however it could be defined. Jeff Pappas suggested it be placed in the definitions page as it could be misleading. Chairman Tórréz asked if we could move forward or if we would table it for now. Ms. Trujillo advised we could not come up with a definition right now and would need the time to prepare one. Ms. Trujillo asked that the commission consider eliminating E. Ms. Trujillo requested guidance from the commission. Since this rule will be reviewed again at a later date we can add this to the agenda for the next meeting if the commission is interested in entertaining this as a possibility. Chairman Torres urged Ms. Trujillo to pursue this.

There was no action taken on the amendment of rule 1.13.4, NMAC, Records Management Requirements for Electronic Messaging.

IV. DIRECTOR'S REPORT

Ms. Trujillo provided the Commission a copy of the Director's report and gave a brief breakdown of each Division. Ms. Trujillo introduced new hires, Rachael Black, Archivist O, Scott Crago, Archivist A, and Carmen Noble, Executive Secretary. Ms. Trujillo announced Thomas Shumaker has been promoted to grants administrator. Mr. Rick Hendricks made a presentation about the trip to Mexico that he and Rob Martinez took to gather archival material.

VI. SCHEDULING OF NEXT MEETING: Tuesday, June 14, 2016.

VII. ADJOURNMENT

The Chair entertained a **MOTION** to adjourn. Ms. Nair **MOVED** and Ms. Maestas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Submitted by: _____
Linda M. Trujillo, State Records Administrator

Date

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

6/21/16
Date

Minutes approved on: 4/21/16