

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
March 27, 2012**

The State Commission of Public Records convened at 9:30 a.m. on Tuesday, March 27, 2012 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present

Stanley Hordes, Ph.D.	Chair, Historian
Patricia Herrera	Designee for Honorable Dianna J. Duran, Secretary of State
Robert Mead, J.D.	State Law Librarian
Evan Blackstone, Esq.	Representative for Honorable Hector Balderas, State Auditor
Frances Levine, Ph.D.	Museum of New Mexico
Edwynn Burckle	Cabinet Secretary, General Services Department

Staff Present

John Hyrum Martinez, C.A.	State Records Administrator
Linda M. Trujillo, Esq.	Deputy State Records Administrator
Antoinette L. Solano	Administrative Assistant
Pete Chacon	Information Technology, Chief Information Officer
Jackie Garcia	Records Management Analyst, RMD
Rick Hendricks, Ph.D.	State Historian
Melissa Salazar, C.A.	Director, Archives and Historical Services Division
Lloyd Leyba	Records Management Analyst, RMD
Leo Lucero	Director, Records Management Division, RMD
Ruben Rivera	Fiscal Officer
Robert D. Wise	Network Administrator
Cody J. Misplay	Data Base Administrator

Absent

Tania Maestas, J.D.	Assistant Attorney General
Mark Reynolds, J.D.	Representative for Honorable Attorney General, Gary King

Guests Present

Nick Guillen	Public Regulation Commission (PRC)
Peter Bocherf	Administrative Office of the Courts (AOC)

I. CALL TO ORDER

The Chair called the meeting to order at 9:35 a.m.

II. APPROVAL OF AGENDA

The chair entertained a **MOTION** to approve the agenda. Mr. Robert Mead so **MOVED** and Mr. Evan Blackstone **SECONDED** the motion. The motion **PASSED** unanimously. The agenda was approved as amended.

III. APPROVAL OF MINUTES – March 27, 2012

The Chair entertained a **MOTION** to approve the minutes for the March 27, 2012 meeting. Mr. Mead so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked if there were any additions or changes. The Chair had an **AMENDMENT** on page 6 under V. New Business, paragraph B, to add Ph.D. to the citation of the state historian. The motion as **AMENDED PASSED** unanimously. The March 27, 2012 meeting minutes were accepted.

IV. ACCEPTANCE OF AUDIT REPORT- Fiscal Year 2011

Robert J. Rivera, CPA

Mr. John Martinez introduced Mr. Robert Rivera, CPA, who presented the agency's FY 2011 report. Mr. Rivera briefly reviewed how the audit was conducted. He stated this was his firm's 6th year in preparation of the audit for the SRCA. He further stated that the audit was conducted on November 7, 2011 and an exit interview was held on November 11, 2011. The audit was submitted to the State Auditor prior to the deadline of December 15, 2011. Mr. Rivera summarized the audit, stated there were no audit findings, and that the audit was deemed an unqualified opinion - meaning it was a clean audit. Secretary Burckle asked for clarification that there were no audit findings. Mr. Rivera reiterated his statement of no audit findings. The Chair expressed his gratitude to the former State Records Administrator, Sandra Jaramillo and her staff for their help in preparing the audit.

The Chair thanked the staff and said he had the utmost confidence in them. Dr. Frances Levine asked which staff prepared the audit statements. Mr. Martinez replied that the statements had been prepared by the Financial Specialist, Mr. Ruben Rivera, and the new Deputy State Records Administrator, Ms. Linda Trujillo. Mr. Martinez further stated that both, Mr. Ruben Rivera and Ms. Trujillo would be responsible for the FY12 financial statements. The Chair entertained a **MOTION** to approve the FY 11 financial audit report. Dr. Levine so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked if there was any further discussion, hearing none the Chair called for a vote to accept the FY 11 audit. The motion **PASSED** unanimously.

V. ACTION ITEMS

A. Records Retention and Disposition Schedules

NEW RULE

1.18.379 NMAC, Executive Records Retention and Disposition (ERRDS), Public Employee Labor Relations Board

Mr. John Martinez stated that the first scheduled item for the Commission's consideration was a new rule to *1.18.379 NMAC, ERRDS, Public Employee Labor Relations Board*. This would be presented by Mr. Lloyd Leyba. Mr. Leyba informed the Commission that this was a new executive schedule for the Public Employees Labor Relations Board. The last updated schedule dated back to 1997. The Board expired in 1999 and was reinstated in 2003. This schedule was written at the request of the agency. Mr. Leyba stated the Board's mission was to guarantee public employees the right to organize and bargain collectively with their employer, promote harmonious and cooperative relationships between public employers and employees, and to protect the public interest by assuring the orderly operation and functioning of the state and its public subdivisions. The Chair entertained a **MOTION** to approve the new rule. Mr. Robert Mead so **MOVED** and Secretary Ed Burckle **SECONDED** the motion. The Chair asked if there were any questions or comments; hearing none the Chair called for a vote to approve rule *1.18.379 NMAC*. The motion **PASSED** unanimously.

1.15.8 NMAC, General Records Retention and Disposition (GRRDS) General Medical Records

Mr. Martinez stated that the next item for consideration was *1.15.8 NMAC*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the existing General Records Retention and Disposition schedule were to sections: *1.15.8.3 NMAC, Statutory Authority*; *1.15.8.6 NMAC, Objective*; *1.15.7 NMAC, Definitions*; *1.15.8.9 NMAC, Instructions*; and *1.15.8 NMAC, Medical Records*. Ms. Garcia state that these sections were amended to comply with current standards and format styles. Ms. Garcia further stated that *1.15.8.101 NMAC, Medical Records* were amended to properly refer to the maintenance system and to define an age rather than referring to “the age of majority”. Also not included in the packet was the addition of confidentiality citations. New record series: *1.15.8.9 NMAC, Instructions* and *1.15.8.102 NMAC, Notice of Privacy Practices Acknowledgement Form*, was written at the request of the agency.

The Chair entertained a **MOTION** for approval. Mr. Evan Blackstone so **MOVED** and Dr. Levine **SECONDED** the motion. The Chair asked if there were any questions or observations. Mr. Mead wanted to know to what extent HIPAA applied to state records. Ms. Trujillo replied that HIPAA applied to the state agency obtaining medical information and providing medical care. However, she did not believe that HIPPA applied to the state records and archives. Ms. Trujillo further stated that it is important to remember that records stored by the SRCA in the records center are not in the SRCA’s custody. Any request to inspect these records would be referred to the state agency and they would determine their HIPPA responsibility. Dr. Levine asked if HIPPA applied to records created in the state system or donations given to the SRCA by a doctor or pharmacy. Ms. Trujillo replied that her understanding was that records donated to the agency are placed in the archives system as permanent files and it would be highly unlikely a doctor or pharmacy covered under HIPPA would be authorized to donate such records. Ms. Trujillo further stated that donated archive records are typically not under the records retention rules.

The Chair inquired about the record retention period of ten years. Ms. Garcia replied that because the retention period under *1.15.8.101 NMAC* was not being amended, no medical records were actually surveyed in the process. However, Ms. Garcia stated that when updating the retention period the medical records would be surveyed and given the proper retention periods. The Chair asked if the ten year retention period in the schedule was relevant and consistent with similar records. Ms. Garcia replied, yes. The Chair asked if there was further discussion. Hearing none, the Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

1.17.230 NMAC, Judicial Records Retention and Disposition Schedule (JRRDS), New Mexico District Courts

Mr. Martinez stated that the next item for review was the proposed amendment for *1.17.230 NMAC* which is the schedule for the New Mexico District Courts. This would be presented by Ms. Garcia. Ms. Garcia informed the Commission that the amendments to the New Mexico Judicial Records Retention and disposition schedules were to sections: *1.17.230.3 NMAC, Statutory Authority*, *1.17.730.6 NMAC, Objective*, *1.17.230.7 NMAC, Definitions*, *1.17.230.8 NMAC Instructions*. *1.17.230.9 NMAC, Acronyms*, *1.17.230*. Ms. Garcia stated that these

changes were made to comply with current standards and format styles. Ms. Garcia further stated that two new record series were being added; *1.17.230.252 NMAC, Problem Solving Court files, 1.17.230.253 NMAC, Drug Court Database.*

The Chair entertained a **MOTION** for approval. Secretary Burckle so **MOVED** and Ms. Patricia Herrera **SECONDED** the motion. The Chair asked if there was any further discussion. Mr. Peter Bocherf who was representing the Administrative Office of the Courts and is a Drug court officer, wished to thank Ms. Garcia and Mr. Mead for their assistance in preparing the schedule. Mr. Bocherf stated that the adoption of the updated sections would help the courts maintain proper record keeping.

The Chair asked Ms. Garcia to clarify page four, *1.17.230.252 NMAC, Section E* regarding confidentiality of Juvenile files. Ms. Garcia informed the Chair and Commission members that the social security numbers of any individuals are confidential. Both Ms. Garcia and Mr. Bocherf further stated that they were not aware of other confidentiality issues with the records. Mr. Bocherf stated that the normal criminal proceedings dealing with child cases are retained permanently and he was confident that the items in the schedule were covered under the proper sections. Mr. Mead said that records in reference to the Juvenile code are confidential, but did inform the Chair that in some neglect cases he wasn't certain if they would be confidential. Mr. Mead further stated that to the extent courts hold juvenile criminal cases confidential the drug court would do the same. The Chair asked for any further discussion; hearing none the Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.308 NMAC, ERRDS, Office of the State Auditor

Mr. Martinez informed the Commission that Mr. Leyba would be presenting the proposed amendment for *1.18.308 NMAC, ERRDS, Office of the State Auditor.* Mr. Martinez asked Mr. Leyba to introduce anyone in attendance for the State Auditor's Office. Mr. Evan Blackstone introduced himself as representing the State Auditor. Mr. Leyba informed the Commission that the amendments made to the existing ERRDS, Office of the State Auditor, sections: *1.18.308.3 NMAC, Statutory Authority, 1.18.308.6 NMAC, Objective, 1.18.308.7 NMAC, Definitions, 1.18.308.8 NMAC, Abbreviations and 1.18.308.9 NMAC, Instructions, 1.18.308.103 NMAC, Agency Audit files,* were made to comply with current formats and standards.

Mr. Leyba further stated that two new sections were added; *1.18.308.106 NMAC, Audit Investigation Case Files and 1.18.308.107 NMAC, Audit Investigation Tracking System.* The Chair entertained a **MOTION** to approve the amendment. Mr. Blackstone so **MOVED** and Mr. Mead **SECONDED** the motion. The Chair asked if there were any further questions or comments. Mr. Blackstone thanked the staff for their assistance with the preparation of the schedule. The Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.333 NMAC, ERRDS, Taxation and Revenue Department

Mr. Martinez stated that the next item for the Commissions consideration was the amendment to *1.18.333 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Taxation and Revenue Department,* which would be presented by Ms. Garcia. Ms. Garcia informed the Commission that the amendments to the existing ERRDS sections: *1.18.333.3 NMAC, Statutory Authority, 1.18.333.6 NMAC, Objective, 1.18.333.7 NMAC, Definitions, 1.18.333.9 NMAC,*

1.18.333.200 NMAC and 1.18.333.205 NMAC, Driver's License Revocation and Suspension and Cancellation Files (Miscellaneous violations) were made to conform with current standards and format style. Ms. Garcia further stated that a new record series was being added: *1.18.333.94 NMAC, Tax Lien file*.

The Chair entertained a **MOTION** to approve the amendment. Mr. Mead so **MOVED** and Dr. Levine **SECONDED** the motion. The Chair asked if there was any discussion; hearing none he asked for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.430 NMAC, ERRDS, Public Regulation Commission

Mr. Martinez informed the Commission that Ms. Garcia would be presenting the amendment for *1.18.430 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Public Regulation Commission*. Ms. Garcia stated that amended sections *1.18.430.3 NMAC Statutory Authority, 1.18.430.6 NMAC, Objective, 1.18.430.7 NMAC, Definitions, 1.18.430.8 NMAC, Abbreviations and Acronyms, 1.18.430 NMAC, Instructions and 1.18.430.21 NMAC, Investigation files* were made to conform with the current standards and format style. Ms. Garcia further stated that a new section was being added: *1.18.430.77 NMAC, Safety Bonus Program Files*. This section is an enactment of a new record series that was not previously captured in the schedule. Ms. Garcia introduced the PRC representative Mr. Nick Gullien.

The Chair entertained a **MOTION** to approve the amendment. Mr. Blackstone so **MOVED** and Dr. Levine **SECONDED** the motion. The Chair asked if there was any discussion. Mr. Mead asked about the regulations related to Worker's compensation investigations. Mr. Blackstone noted that other retentions refer to five years after close of the investigation. Ms. Garcia replied that investigations can go through many different stages, including district court. Ms. Garcia stated that she could review the retention period. Mr. Blackstone noted that the language is sufficient to ensure some sort of resolution. The Chair asked Mr. Blackstone if he wanted to make a motion to table and review this at the next commission meeting. Mr. Martinez stated that he would rather approve the amendments with the understanding that this would be reviewed at a later date. The Chair asked if there was any further discussion; hearing none he asked for a vote to approve the amendment with stipulation that it would be heard at a later date. The motion **PASSED** unanimously.

1.18.521 NMAC, ERRDS, Energy, Minerals and Natural Resources Department

Mr. Martinez stated that amendments to *1.18.521 NMAC, Energy, Minerals and Natural Resources Department* were removed from consideration by the Commission. Mr. Martinez informed the Commission that some questions had been raised that could not be resolved before this meeting and the amendments would be considered at the next Commission meeting. The Chair accepted the removal.

1.18.667 NMAC, ERRDS, New Mexico Environment Department

Mr. Martinez informed the Commission that Ms. Garcia would be presenting the proposed amendments to *1.18.667 NMAC, New Mexico Environment Department*. Ms. Garcia stated that the amendments to sections *1.18.667.3 NMAC, Statutory Authority, 1.18.667.6 NMAC, Objective, 1.18.667.7 NMAC, Definitions, 1.18.667.8 NMAC, Abbreviations and Acronyms, 1.18.667.9 NMAC, Instructions* were made to conform to current standards and format style. Ms. Garcia further stated that Section *1.18.667.274 NMAC, Drinking Water Program Files* were

amended and a new record series was being added, *1.18.667.275 NMAC, Laboratory Certification Files*. The Chair asked if there was any representation from the Environment Department. Ms. Garcia replied there was no one in attendance.

The Chair entertained a **MOTION** to approve the amendments. Dr. Levine so **MOVED** and Ms. Herrera **SECONDED** the motion. The Chair asked to turn to page five of *1.18.667.275 NMAC, Laboratory Certification Files*, regarding water quality records and stated he would prefer to have longer retention periods for these files. Ms. Garcia stated that the files are certifications of the laboratory and that they meet the EPA criteria, which requires longer retention. Mr. Mead asked about the safety issues whether the 40 years retention should instead be permanent. Ms. Garcia said that the records follow Federal and EPA regulations and that NM Department of Environment had not requested any change to the retention period. Secretary Burckle stated that future generations may change the retention period at a later date. Mr. Blackstone asked what records were exceptions or determinations as it applies to a water system. Ms. Garcia replied that the determination comes out of an unsatisfactory analysis in which the State requires a five year period of compliance and monitoring of the system.

Mr. Blackstone stated that there are different retention periods for certain files and asked if they would be included in the determination. Ms. Garcia said the retention would be different because of the items that come into factor to close these particular files and that being in compliance by no means is the closing of any file. Ms. Garcia reiterated that the 12 year retention of these files is based on federal laws and regulations. She advised that the Commission could make a longer retention for these records. The Chair asked if Ms. Garcia would be comfortable with any changes; Ms. Garcia stated she would. The Chair entertained a **MOTION TO APPROVE AS AMENDED**. Dr. Levine so **MOVED** and Ms. Herrera **SECONDED** the motion. The Chair asked if there was any further discussion. Ms. Garcia asked for clarification that the amendment would be for permanent transfer to archives 10 years after close of the calendar year in which the decision is made. Mr. Blackstone asked if the Environment Department should be aware of the changes and if not he would like to have more time to further review. The Chair asked him if he would like to **WITHDRAW THE MOTION TO APPROVE AND TABLE**. Mr. Blackstone stated, yes. The Chair entertained a **MOTION** to table. Dr. Levine so **MOVED** and Ms. Herrera **SECONDED** the motion. The motion was **PASSED** unanimously.

1.19.4 NMAC, LRRDS, Board of County Commissioners, County Managers

Mr. Martinez stated the next item for consideration is the proposed amendments to *1.19.4 NMAC, LRRDS, Board of County Commissioners, County Managers*, which would be presented by Ms. Garcia. Ms. Garcia introduced Mr. Emmanuel Rodriguez from the Bernalillo County Commissioner's Office. Ms. Garcia stated that the amendments to the current County Commissioners and County Managers retention and disposition schedule were to sections: *1.19.4.3 NMAC, Statutory Authority and 1.19.4.6 NMAC, Objective* and new sections added: were *1.19.4.7 NMAC Definitions, 1.19.4.8 NMAC, Abbreviations and Acronyms, 1.19.4.9 NMAC, Instructions, 1.19.4.209 NMAC, ACA Accreditation Files, and 1.19.4.300 NMAC, After School and Summer Youth Program Registration Files*.

The Chair entertained a **MOTION** to approve the amendment. Secretary Burckle so **MOVED** and Ms. Herrera **SECONDED** the motion. The Chair asked if there were any questions,

discussion, comments or observations. Mr. Blackstone stated he had a question on the type of retention. Mr. Rodriguez explained the differences. The Chair whether the retention period on page 3, *1.19.4.210 NMAC, Juvenile Facility Unit file* was captured in any other series in the schedule and if there were any longer retention periods. Mr. Rodriguez replied that if an incident would occur with an institutionalized minor it would be filed in the minors report file. The Chair asked if there was any further comments, or questions; hearing none the Chair asked for a vote to approve the amendment. The motion **PASSED** unanimously.

1.18.670 NMAC, ERRDS, Veteran's Service Commission

Mr. Martinez stated that the next item for the Commissions consideration was a repeal and replacement of *1.18.670, NMAC Executive Records Retention and Disposition Schedule (ERRDS), Veteran's Services Department* and would be presented by Mr. Lloyd Leyba. Mr. Leyba stated that this was a replacement for *1.18.670 NMAC ERRDS, Veterans Services Department* and the last updated schedule was in 2002. The Chair entertained a **MOTION** to approve the repeal and replacement. Dr. Levine so **MOVED** and Mr. Blackstone **SECONDED** the motion. The Chair asked if there was any further discussion. Mr. Mead asked if the retention period in *1.18.60.27 NMAC* was sufficient. Ms. Garcia replied yes, and further stated that an individual applying for conservator is required to go through the court process to be assigned as conservatorship. Ms. Garcia stated the court record would be the permanent record for the conservatorship. The Chair asked if there was further discussion; hearing none the Chair asked for a vote to approve the repeal and replacement. The motion **PASSED** unanimously.

The Chair, on behalf of the Commission, thanked the staff of the Records Management Division of the State Records Center and Archives for their diligence in working on the preparation of the schedules with such shortage of staff and stated that the Commission appreciated the dedication of all the staff.

VI. NEW BUSINESS

A. Legislative Update

Mr. Martinez informed the Commission that the legislature approved and the Governor signed an agency budget with a substantial increase. Mr. Martinez explained the budget had gone through both the Legislative Finance Committee (LFC) and the Department of Finance (DFA). Both LFC and DFA had recommended an increase which was smaller than requested by the SRCA, but the DFA recommendation was less. The Legislature ultimately chose the DFA recommendation. Mr. Martinez stated that the increase would provide funding for two SRCA vacant positions to be filled.

The SRCA also requested 500,000.00 dollars for shelving for the Albuquerque Record Center which has no available space. However, this request was removed from consideration during the final days of the legislative session. Additionally, the SRCA has gone through the ICIP plan for engineering and architectural plans to expand the Santa Fe Record Center, which also is on the verge of full capacity. The ICIP request was well received, however; it was not included in the capitol improvement bill during the session. These requests will be included in next year's budget request. Mr. Martinez stated that the SRCA had asked for 1.4 million to fund the Centralized Electronic Records Repository (CERR) and had been allotted 1/3 of the request; \$450,000 for the initial stages of the project.

Mr. Martinez further stated there was a proposed amendment to the state rules act that was based on a task force that met two years ago, which Ms. Linda Trujillo and he had served on. The amendments would have made rule making more uniform throughout the State. Mr. Martinez stated the bill had been well received on the House side where it originated and made it through the first Senate committee meeting and then died in the last committee. The Chair asked if the bill will be amended to satisfy the concerns of the committee. Mr. Martinez replied that there were many issues involved in task force agreements and he was not sure whether amendments would be acceptable to all interested parties. Secretary Burckle asked what the issue against the proposal was. Mr. Martinez advised him that one of the Senators had said that it might be too burdensome for some agencies. Mr. Martinez also stated that he believed it would increase the work for some agencies, but not to the extent of over burdening an agency.

B. Contract with Ancestry.com

Mr. Martinez introduced Ms. Linda Trujillo to discuss a potential contract with Ancestry.com. Ms. Trujillo informed the Commission that she was working with Ancestry.com to approve a proposal with the agency in which Ancestry.com would make copies of some of the agency's records and create an index. Ms. Trujillo stated that Ancestry.com is proposing to accomplish a project that the SRCA will not be capable of completing due to reduced agency staffing. Ms. Trujillo stated she believed the project would be a tremendous bonus for the citizens of New Mexico and the public in general.

Ms. Trujillo stated that the anti-donation clause needed to be addressed along with two more clauses that she is negotiating with Ancestry.com to find a solution. Ms. Trujillo stated her concern was that Ancestry.com is creating something from state records and then making a profit. Ms. Trujillo further stated that Tania Maestas, the agency's general counsel, had reviewed the proposal and given preliminary approval. Ms. Maestas advised that she did not see a conflict with the anti-donation clause. Ms. Trujillo stated the agency is not paying Ancestry.com for any work and if they use the agency's resources the company would pay the established fees. Mr. Martinez indicated that it would be a good idea to keep the Commission apprised of the project. Dr. Levine asked if the user fees generated will be used by the Archives and if there are any copyright restrictions. Ms. Trujillo replied that Ancestry.com would not be authorized to copy any copyright material and the SRCA does not charge other entities a fee to use material copied. Ms. Trujillo stated that for three years the records would only be accessible to the public at the State Record Center and Archives on internal public use computers. At the end of the three years the SRCA would be authorized to display the records on its website. The company is willing to give the agency up to twenty five memberships for New Mexico residents. Other states that have agreements have established residency this through their MVD records.

Dr. Levine asked if Ms. Trujillo has had the opportunities to learn how Archivists and records professionals in other states have partnered with Ancestry.com. Ms. Trujillo said yes and that 13 other states have entered into agreements with Ancestry.com. Mr. Martinez stated that they had spoken with many of the Council of State Archivists who had been contemplating agreements. Mr. Martinez also stated that another item that was being negotiated was to acquire microfilm master copies of the records so that the Archives would be able to include them in its collections.

The Chair asked if there were any further comments. Secretary Burckle asked if the memberships would be for a lifetime use. Ms. Trujillo said yes. Mr. Blackstone asked how the

memberships were going to be distributed among the patrons. Mr. Martinez replied that the process was still being reviewed and that his thought was to keep the memberships institutional. The Chair asked when the agreement would be put in place. Ms. Trujillo told him in the next few weeks.

C. Presentation by the Information Technology Division

Mr. Martinez informed the Commission that Mr. Pete Chacon, Director of the Information Technology Division would be giving a brief presentation of his staffs' role and of the operation of his division. Mr. Chacon began by introducing his staff, Mr. Robert Wise, Network Administrator for the agency and Mr. Cody Misplay. Mr. Chacon discussed the action plans his division had established and how it affected the day to day operations. Mr. Chacon further stated that the division acts as the technical service support for all the divisions of the State Record Center and Archives. Mr. Chacon then presented a slide show consisting of time frames, areas; help desk advice and the procedures that set up the buddy meeting chat site that allows both record centers to have general staff meetings on-line. Dr. Levine stated that in his presentation Mr. Chacon said he assisted the State Historian in funding for upgrading. She asked if there was someone processing grant writing. Mr. Martinez responded that there was funding from the budget that may be moved by a budget adjustment request to be used for that purpose.

The Chair asked if there were any further questions. He asked Mr. Chacon how long his staff took to address internal help desk issues. Mr. Chacon replied that the division prioritizes help issues. However, if it is an extreme computer issue, Mr. Wise is on it within the same day.

Mr. Martinez added that the on-line buddy meeting chat was also used by Ms. Jackie Garcia to provide records management training to the Zuni pueblo. The Chair thanked Mr. Chacon for his presentation. The Chair asked Mr. Martinez if he had also participated in an on-line chat from Brussels. Mr. Martinez replied he had engaged in the meeting from Luxemburg. The Chair thanked Mr. Chacon for his informative presentation.

VII. OLD BUSINESS

Building Expansion Plans

Mr. Martinez noted that the Chair, Secretary Burckle, and members of the General Services staff met to discuss the important building issues that were going to be addressed in the future. Specifically, they discussed the issues related to running out of space, which are not going to diminish, the importance of receiving funding for an expansion of the Records and Archives facilities and shelving for the Albuquerque Record Center. The Chair thanked Secretary Burckle for his participation and time to participate at the agency's strategic planning meetings. Secretary Burckle replied that it was going to be a difficult budget year for state government agencies.

The Chair asked how the Legislature's decisions will impact the agency's mission. Mr. Martinez stated that it will have significant impact because the Albuquerque Records Center is already full. Staff cannot bring in new records other than when the facility conducts destruction twice a year. For some weeks or months throughout the year the records center has space available. Dr. Levine asked when the space is available, how does it set up its priority to accept the records. Mr. Martinez said his understanding is that it is first come, first served for agencies that are prepared and have the paper work and the boxes ready. He said that this would instill the vital

importance to these agencies to complete all the paperwork and have their records properly managed.

Dr. Levine asked if the agency had the funding from the Legislature that allowed it to hire from the approved positions included in the ten vacant positions. Mr. Martinez replied that currently there were nine positions with this year's fiscal budget that had not been filled. The agency is hoping to fill two of these positions so that only seven are vacant. Mr. Mead stated that his agency was anticipating that its vacant positions would be terminated and asked him if State Personnel had given him any indication that the vacant positions might be taken. Mr. Martinez replied, no and that all 42 positions would be kept in place.

VIII. EXECUTIVE SESSION

The Chair entertained a **MOTION** to go into executive session to discuss limited personnel matters, Pursuant to Paragraph 7 of Subsection H of Section 10-15-1 NMSA 1978. Mr. Mead so **MOVED** and Dr. Levine **SECONDED** the motion. Ms. Antoinette L. Solano conducted a roll-call vote. Chair Hordes voted yes, Mr. Herrera, yes, Mr. Mead yes, Secretary Burckle yes, Mr. Blackstone yes, Dr. Levine yes. The motion **PASSED** unanimously. The Commission went into executive session at 11:15 am. The Commission re-convened the regular meeting at 11:29 am. The Chair entertained a **MOTION** to come out of executive session. Mr. Mead so **MOVED** and Ms. Herrera **SECONDED** the motion. The Chair stated that discussion during the closed session was limited to threatened or pending litigation. The motion **PASSED** unanimously.

IX. DIRECTORS REPORT

Mr. Martinez directed the Commissioners to the packet of the agency's Strategic Plan. He said that he was advised that there were errors and that they would be corrected. He asked them to turn to the Directors tab of the Commission packet. He mentioned that there were six new hires that included Ms. Linda Trujillo, Deputy State Records Administrator, new Archivist, Mr. Arnold Vigil, and Ms. Sibel Melik in the Archives. The internal promotions also included Mr. Leo Lucero, Records Management Division Director and Mr. Art Bransford, Administrative Law Division Director. Mr. Martinez noted that even though these agency hires were internal, the State Personnel hiring process was followed. Mr. Martinez also reported that the agency had two new hires: Ms. Crystal Wooldridge, Manager of the Albuquerque warehouse and Ms. Emily Brock in the Archives.

Mr. Martinez further reported that the agency still had four positions that were initiated in January and posted in February. The last listing for one of the positions, had only one individual who turned out to be very capable, the interviews were conducted and the decision will be made in the near future. All other listings has been received and are in the first stages of processing. The agency will have another position or two that will be posted by the end of the fiscal year. The next fiscal year will be reviewed and hiring will be determined based on the additional budget. He noted that the agency is extremely low staffed with 15 positions unstaffed out of 42.

Mr. Martinez also stated that on March 15th and 16th the strategic planning for the agency was conducted. He made note of the last plan and that the current plan was much shorter and pared down. He stated that he would like the agency to reach a new normal. He said that part of the process was to review the statutes and prioritize. He reiterated that it was a very rough draft on future goals of the agency.

Mr. Martinez said that there would be a film crew from WNET an affiliate of PBS from New York City; they would be filming two different episodes of a new series called finding your roots at the facility. They have been working with the Archives, The Chair and Vice Chair of the Commission. Mr. Martinez reminded the Commission that he was still the National President for the Administrative Codes and Registers Section and had hosted an on line conference for International Codes. He had recently tried to step down from this position however; there were no bylaws on how to do this. The Vice president of the organization said he would cover for him but he acquired some health issues so he will be out of service for the next four months. Mr. Martinez reported that Ms. Linda Trujillo was accepted into the Archives Leadership Institute and will be attending a week-long training for new leaders in Archives. He said she had acquired a scholarship on her own to attend the training with only 25 people across the country that had been accepted.

Mr. Martinez then spoke about the Constitutional website which had scanned copies of the Constitution, biographies of the delegates who participated and articles that were written by the State Historian. He said that on May 2, 2012 a public display of the Constitution will be available to the public at the Record Center in Santa Fe. He invited all the Commissioners to attend. He said that the May date was still in the planning stages but was set to be a great event.

The last item he wanted to review was defining the image and identity of the agency, which would include branding and a new logo. He noted the Commission was the first to officially see the new logo. He said that an in-house suggestion time had been available and the selected design was from Mr. Ruben Rivera. Mr. Martinez concluded his report.

IX. SCHEDULING OF NEXT MEETING

The Chair asked the Commission members if a Tuesday June 19, 2012 at 9:30 am would be an acceptable time for the next meeting. There were no conflicts with the date; the Chair scheduled the meeting for June 19, 2012. Secretary Burckle said that the strategic planning for the agency went excellent. The Chair thanked him and the staff for its participation in the planning, and that he was pleased with what was forthcoming.

X. ADJOURNMENT

The Chair entertained a **MOTION** to adjourn. Mr. Blackstone so **MOVED** and Ms. Herrera **SECONDED** the motion. The motion **PASSED** unanimously. The meeting adjourned at 11:41 a.m.