

MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING – November 27, 2018
1205 Camino Carlos Rey, Santa Fe, NM 87505

Members Present

Robert J. Tórrrez	Chairman and Historian
Enrique Knell	Designee, Office of State Auditor
Rebecca Abbo	Designee, General Services Department
Stephanie Wilson	Interim Supreme Court Law Librarian
Christine Espinoza	Designee, Secretary of the State
Jeff Pappas	Designee, Department of Cultural Affairs
Tania Maestas	Designee, Office of the State Attorney

Staff Present

Georgette L. Chavez	Deputy State Records Administrator/Interim State Records Administrator
Justin Herrera	Financial Specialist, ASD
Leo Lucero	Director, Records Management Division (RMD)
Crystal Wooldridge	Records Center Bureau Chief, RMD
Peter Chacon	Director, Information Technology Management Division (ITMD)
James Kirby	Information Technology End User Support, ITMD
Rick Hendricks	State Historian, Office of the State Historian (OSH)
Thomas Shumaker	Grants Administrator, OSH
Pamela Lujan y Vigil	Management Analyst, Administrative Law Division
Elena Perez-Lizano	Archivist, State Archives of New Mexico

I. OPENING ACTIVITIES

A. Call to Order

Chairman Tórrrez called the meeting to order at 10:03 a.m.

B. Approval of the Agenda

Chairman Tórrrez entertained a **MOTION** to approve the agenda. Ms. Wilson **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

C. Approval of the Minutes of the August 28, 2018, Regular Meeting

Chairman Torrez noted there were items that required minor edits and would provide Mr. Herrera his copy of the minutes that reflect the small changes that need to be made.

Chairman Tórrrez entertained a **MOTION** to approve the corrected minutes. Ms. Wilson **MOVED**, and Ms. Maestas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

D. Approval of the Minutes of the November 16, 2018 Special Commission Meeting

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Robert J. Tórrrez
Historian/Chair

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Ken Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library

Mr. Pappas stated that his name in the minutes was misspelled in numerous areas within the minutes and required correction.

Chairman Tórréz entertained a **MOTION** to approve the corrected minutes. Dr. Pappas **MOVED**, and Ms. Espinoza **SECONDED**; the motion **PASSED UNANIMOUSLY**.

II. Action Items

A. New Mexico Historical Records Advisory Board Regrant Recommendation

Dr. Shumaker introduced himself to the chairman and the commissioners and gave his presentation as follows;

“The New Mexico Historical Records Advisory Board met on Friday, November 9, 2018, to review, score, and rank three regrant proposals for fiscal year 2019 mini grant cycle funding. Because of state budget cuts, only the National Historical Publications and Records Commission is providing the funding. The agency was awarded a state board programming grant for \$65,000, to be split between FY18 and FY19. Of this amount, \$25,000 is allocated for regrants in each year. For the mini cycle meeting, a total of \$9,709.00 was available to the board to grant out.”

He also presented the grantees name along with their ranking, the requested amount, their funding percentage and the amount awarded, if any. Dr. Shumaker clarified the Pueblo of Sandia submitted their application, but due to circumstances, they did not qualify for any amount awarded. Chairman Torrez asked if the monies left over from last year, which is \$9,709.00 is the amount left over from the previous year. Dr. Shumaker answered that yes, it was monies left over from the previous year and those funds could be granted out this year. Dr. Shumaker stated that Regents of the University of New Mexico has not been able to be reached to be notified about the amount they’ve been awarded. The commissions’ approval would be pending per their decision to accept of the amount awarded. Dr. Shumaker went on to say if Regents of the University of New Mexico does not accept the awarded amount, monies can be reverted back to the NMHRAB or the funds can be appropriated to any of the current grants that are open, which has been done in past similar situations. If it does revert back to be used for the current grant, the funds must be used in the 2 year grant cycle, which goes by the State of New Mexico fiscal year cycle. The chairman asked if applicants are granted 100% of their request. Dr. Shumaker answered that the grantees have never received 100% of the amount requested. Ms. Wilson asked if the commission would have to approve any re-appropriated funds that UNM does not accept. Ms. Chavez answered that the commission would have to vote again, unless a new rule in May indicates otherwise. Dr. Pappas asked for clarification regarding the application for the Pueblo of Sandia. Dr. Shumaker indicated that an application was submitted, however, they were not recommended for any funding.

Below are the board’s rankings and recommendations for FY19 mini cycle funding.

Ranking	Grantee Name	Requested	Fund %	Award Amount
1	Santa Fe Indian School	\$3,793.00	100%	\$3,793.00
2	Regents of the University of New Mexico	\$8,165.00	72%	\$5,916.00

3	Pueblo of Sandia	\$8,500.00	0%	\$00.00
4				
5				
6				
7				
8				
Total Requested				
\$20,458.00				\$9,709.00

Chairman Tórréz entertained a **MOTION** to approve the regrant recommendation made by the NMHRAB. Ms. Wilson **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

B. Letter of Support for GSD Board of Finance Funding Request

Ms. Chavez introduced herself and gave her presentation as follows;

“Mr. Chair and Members of the Commission, the GSD Facilities Management Division has been conducting an energy efficiency audit on several state owned buildings, including the Carruthers Building. Based on the results of this audit, GSD will request funding from the State Board of Finance to make upgrades for all areas that affect the cost of utilities. Included in their request, will be funding for two new Pamona units that are the heart of our HVAC system. These will service the entire Carruther’s building, including the archives vaults and microfilm vault. As you know, we have had difficulty in the past maintaining a consistent environment for our records, so it is extremely important that they receive this funding. The General Services Department has requested the commission’s support in regards to this matter. “

Ms. Wilson asked if she and the commission could review a draft of the letter. Ms. Chavez provided the letter at that time, with no revisions suggested by the commission. Ms. Chavez stated that she would email a copy to Anna Silva. Ms. Wilson asked if Ms. Chavez would be present during GSD’s presentation. Ms. Chavez stated that Ms. Silva only requested the letter, however, she would attend if it was needed or requested.

Chairman Tórréz entertained a **MOTION** to approve the issuing of the letter of support for GSD Board of finance funding request. Ms. Maestas **MOVED**, and Ms. Espinoza **SECONDED**; the motion **PASSED UNANIMOUSLY**.

C. Elect A New Commission Secretary

Chairman Tórréz announced that he has submitted his resignation as chairman, effective February 19, 2019, unless the governor elect appoints a new chairman prior to that point. He stated that he would like to have a commission secretary in place before he leaves the position. Chairman Tórréz requested a nominee to serve as secretary for the Commission of Public Records, effective immediately. Tania Maestas volunteered Mr. Balderas. Mr. Knell nominated Mr. Balderas with Tania Maestas as his designee.

Chairman Tórréz entertained a **MOTION** to elect Tania Maestas as designee for Mr. Balderas by acclamation to the office of secretary to the Commission of Public Records. Ms. Espinoza **MOVED**, and Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Chairman Tórréz clarified that if he is not available for the next meeting, then two members of the commission would have to request a meeting in writing.

III. Directors Report

Ms. Chavez reported that the agency had 11 vacancies of 37 positions, placing the vacancy rate at 29` percent. She provided a list of all the vacant positions.

Ms. Chavez went on to state that the Bureau Chief/Staff Manager for State Archives of New Mexico and the Bureau Chief/Staff Manager for Agency Analysis are in the process of being filled and should be within the next two pay periods.

BUDGET

FY 2019 Budget

As of November 1, 2018, our general fund balance in the 200 category was \$1,779,286; the balance in the 300 category was \$14,004; and the 400 category balance was \$25,163.

FY 2020 ICIP Request Presentation

On October 5, 2018, SRCA presented its FY20 ICIP request to the committee. The initial request was submitted for \$11,271,370, to be appropriated over a span of three years. The committee provided verbal support and suggested that we amend our submittal to include the entire amount in FY20, while prioritizing our request. The amended version was submitted to the Capital Outlay Bureau of DFA on October 9th.

FY 2020 Appropriation Request Presentation

On October 24, 2018, SRCA presented its FY20 appropriation request to the Legislative Finance Committee. Our FY20 general fund request was presented at \$2,910,200, which included a net base budget increase of \$483,700 to fill vacancies and shift our fixed cost budget back to the general fund.

Our FY20 revolving fund request was presented at \$198,000, which was a total decrease of \$188,000 from our FY19 budget. Again, this is because we wish to transfer those fixed costs back to the general fund.

FY 2020 Special Appropriation Request

In October, 2018, the agency submitted a FY20 special appropriation request in the amount of \$59,000. These funds will pay for a contractor to conduct a needs assessment to create a Computer Microfilm Output Bureau for the State Records Center and Archives. The new bureau would provide services to all three branches of government to convert digital records into computer microfilm as the official copy of record for retention and preservation. The needs assessment will analyze the amount of funding needed for equipment, staffing, training, materials, and facilities.

Confidential Judicial Records

Before concluding her tenure with the State Records Center and Archives, Melissa Salazar wrote a letter to Chief Justice Nakamura regarding her discussion about deaccessioning certain judicial district court records back in to the custody of the judiciary. The case files classifications include adoption case files, incompetency and mental health case files, children's case files, and guardianship and conservatorship case files. These classifications are confidential and restricted under law. In addition, requests for any portion of these materials must be submitted to the court clerks for fulfillment. At present, the archival staff is acting as intermediary between the requester and the clerk. This process is cumbersome for everyone involved. If deaccessioned back to the courts, the records would remain physically in the records center, but custody would be transferred back to the individual courts. Several attempts have been made to follow-up with the courts regarding this issue, however, as of today's date, SRCA has not received a reply. The agency will continue in its efforts to make contact with the courts and will provide an update at the February, 2019, commission meeting.

Radon

In June, 2018, GSD worked with a contractor to conduct a radon test in the Carruthers Building. The results indicated elevated radon levels in several areas which prompted the agency to meet with the General Services Department (GSD), New Mexico State Library, New Mexico Environment Department and Environmental Building Sciences. Discussions included a review of the current levels of radon, unsafe levels of radon, and methods of remediation. GSD has begun addressing our concerns with adjustments to airflow and continued monitoring of the Pamona units and air handlers. They have also provided assurance that the HVAC system is not being turned off during work hours in the office areas and are remaining on in the vaults at all times. In addition, GSD is has requested the assistance of Jay Stimmel ,of the Occupational Health and Safety Bureau, who will be providing a written report of issues that can be addressed immediately at minimal cost to GSD. The report will also include long term solutions and will be completed prior to the end of the calendar year. At this time, I would like to request recommendations from the commission on how best to proceed regarding this matter.

The chairman stated that there are concerns from some staff regarding the high levels of radon. The chairman suggested we contact the Occupational Health and Safety Bureau to obtain recommendations on how we can more frequently monitor the areas that had elevated radon levels. Ms. Chavez stated that she was informed by GSD, that due to budget constraints, radon testing can only be conducted once a year. Any testing done internally would not be considered valid since testing requires a licensed contractor. Ms. Chavez also explained that Mr. Stimmel made suggestions on the items that can be addressed now to improve the levels at minimal cost to GSD; one suggestion was to seal in the cracks in the archives vault. Ms. Maestas stated the Attorney General's office also had high levels of radon in their building and the department independently paid for remediation. Ms. Maestas said she would ask her facilities director to reach out to Ms. Chavez and provide an

assessment of what was done. Dr. Pappas inquired about past radon reports. Ms. Chavez explained that some reports demonstrated elevated levels, however, the levels have fluctuated over the years. Ms. Chavez provided information on the optimal levels of radon and ramifications of it increasing. Dr. Pappas asked if there is anything within policy that would authorize GSD to request that a building to be vacated as the result of high radon levels. Ms. Abbo answered in the negative and indicated that the elevated levels in the vaults should not be an issue since employees do not work in the vaults and have limited exposure. Dr. Pappas indicated that we should wait for the report from Jay Stimmel because the agency has done everything it can to this point. Ms. Abbo stated that Mr. Stimmel's recommendations would require funding from CBRF or capital outlay. She also indicated that we cannot eliminate radon altogether, however, a 4 level would be considered safe. Chairman Tórréz confirmed that if funding is received, the new Pamona units would be a step in the right direction and we should wait for Mr. Stimmel's report.

Ms. Chavez then explained that she would allow the commission to review the division highlights and statistics during their own time.

DIVISION HIGHLIGHTS

ALD

During the first quarter of FY19, all rule updates to the *New Mexico Administrative Code* were published well within 30 days. The average number of days between the rule effective date and its online availability was nine days. In addition, 127 rulemaking actions and 49 notices of rulemaking were filed and published by the established deadlines.

RMD

During the first quarter of FY19, the Records Management Division provided 13 records management and information trainings. The division also pulled and processed 305 boxes within 24 business hours. In addition, 143 boxes were validated and processed for their legal retention.

The CERR team conducted several deployment trainings on the CERR system with the Economic Development Department.

ITMD

During the first quarter, the Information Technology Management Division has responded to 51 agency website updates within one day. In addition, the division provided server storage for a total 1,259,094 files, resulting in 61.44TB of data.

In support of the CERR, IT provided a nightly backup of the HPE RM production server. IT staff attended CERR meetings and participated in the DoIT project closeout presentation on September 26, 2018.

In addition, IT staff made the requested modifications to the agency website for meeting notifications, rule hearing notices, agenda postings, and other announcements.

SANM

During the first quarter of FY19, the State Archives of New Mexico entered 1,997 descriptive records into HERITAGE. There were 799 DACS entries tied to the DWI and domestic violence case files in the Bernalillo Metropolitan Court Records (Collection No. 1999-029).

SANM registered 174 new patrons, recorded 522 on-site visits, and provided assistance on 123 remote requests. The division also received a proclamation from Governor Martinez for Archives Month, 2018.

OSH

In support of the Cultural Properties Review Committee, the state historian participated in a site visit of Belen on July 26, 2018, and chaired meetings on August 8, 2018. The Office of State Historian received 281 research inquires and responded to all within two business days.

The OSH staff also provided 54 educational activities which included a lecture on “Masons, Odd Fellows, and Knights of Columbus: Fraternal Organizations in New Mexico” at the Hispanic Cultural Center on August 4, 2018; “ New Mexico and World War I on August 15, 2018 ; and “Brujeria – A History of Witchcraft in New Mexico”, on September 10, 2018.

The grants administrator released the NMHRAB re-grant program application in September, 2018. Dr. Shumaker also sent out reminders regarding the inception of upcoming grant cycle.

IV. Scheduling of Next Meeting

Chairman Tórréz stated the next meeting is scheduled for February 19, 2019.

V. Adjournment

Chairman Tórréz entertained a **MOTION** to adjourn. Ms. Wilson **MOVED**; Dr. Pappas **SECONDED**; the motion **PASSED UNANIMOUSLY**.

Submitted by: _____ Date _____
Georgette L. Chavez, Deputy State Records Administrator

Attested by: _____ Date _____
Robert J. Torrez

Minutes approved on: _____