MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING – June 30, 2015

The State Commission of Public Records convened at 9:32 a.m. on Tuesday, June 30, 2015 at 1205 Camino Carlos Rey, Santa Fe, New Mexico 87507.

Members Present:
Robert J. Torrez
Edwynn Burckle
Christina Espinoza
Sally Malave
Sarita Nair
Lynne S. Rhys
Jeff Pappas
Jennifer Salazar

Chair, Historian
Cabinet Secretary, General Services Department
Designee for the 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
General Counsel, Assistant Attorney General

Staff Present:
Linda Trujillo
Pete Chacon
Leo Lucero
Jennifer Camp
Tanya Vigil
Susan Montoya
Melissa Salazar
Felicia Lujan
Dr. Rick Hendricks
Matt Ortiz
Joseph Lovato

State Records Administrator
Information Technology, Chief Information Officer
Director, Records Management Division, RMD
Management Analyst, RMD
Management Analyst, RMD
Management Analyst, RMD
Director, Archives and Historical Services
Archives Bureau Chief
State Historian
Administrative Law, Division Director
Financial Specialist

Guests that signed in:
Melvin Sarracino
Gerrie Becker
Barry Massey
Mariano Romero
Barb Ricci
John Yseger
Rebecca Griego
Joanne Koferl
Henry K. Gabaldon
Carey Long
Michael Anaya
Melanie Sandoval
Karen Payne

Haaku Museum
NMDIOS/WTD
Office of the Courts
Office of Superintendent of Insurance
Los Alamos County
Legislative Council Service
LCS
OSE/WRAB
NMDGF
OSE
CNM
PRC
NNMARMA

Robert J. Torrez
Hon. Gary King
Hon. Hector Balderas
Hon. Dianna Duran
Jeff Pappas
Edwynn Burckle

Historian / Chair
Attorney General
State Auditor
Secretary of State
History Museum
General Services

1205 Camino Carlos Rey
Santa Fe, NM 87507
(505) 476-7902
Linda M. Trujillo, Esq
State Records Administrator
www.nmcorp.state.nm.us
I. OPENING ACTIVITIES:
   A. Call to order
   The Chair called the meeting to order at 9:32 a.m.

   B. Approval of agenda
   The Chair entertained a MOTION to approve the agenda. Secretary Burckle so MOVED and Mr. Pappas SECONDED the motion; the motion PASSED unanimously.

II. Action Items:
   A. NMHRAB Appointment - Melvin Sarracino
   Mr. Hendricks State Historian introduced Mr. Sarracino and recommended that the Commission Members appoint Mr. Sarracino to the NMHRAB. Chairman Torrez asked if there was a vacancy. Mr. Hendricks stated there was and Mr. Sarracino had been recommended by members of the NMHRAB to fill the vacant position. Chairman Torrez asked Mr. Sarracino if he would like to make any comments. Mr. Sarracino stated he was honored to be considered for appointment and looked forward to serving on the NMHRAB.

   Chairman Torrez entertained a motion to appoint Mr. Sarracino to the NMHRAB. Ms. Rhys so MOVED and Ms. Espinoza SECONDED the motion; the MOTION passed unanimously.

   B. NMHRAB Grant Approvals
      1. Taos Pueblo
      2. Historic Santa Fe Foundation
      3. City of Belen, Belen Public Library
      4. County of Rio Arriba
      5. NM Highlands University
      6. The Santa Fe Opera
      7. Acequia Agua Fria
      8. Friend of the Public Library

      Chairman Torrez asked if the minutes in the packet for the NMHRAB grant approvals needed to be approved. Ms. Trujillo stated the minutes were provided for reference for how the grants were approved by the NMHRAB board. Ms. Trujillo explained how the process worked and how the funding would be provided for these grants. Chairman Torrez asked if any Commission members had any questions. Ms. Malave stated she had two questions since she was not familiar with the NMHRAB grants. She asked the criteria used for evaluating the applicants for the grants and also wanted to know about the funding source. Ms. Trujillo explained the funding is granted by the National Historical Publications and Records Commission and the legislature to help the state with preservation of historical preservation. Ms. Trujillo gave examples of the evaluation and criteria the board used to score the applicants. Ms. Malave asked if there was a reporting requirement of spent funds. Ms. Trujillo explained the agency reports federal funding uses to the NHPRC and state funding is reported along with all other state funds.

      The Chair entertained a MOTION to approve the recommendations from the NMHRAB. Ms. Espinoza so MOVED and Mr. Pappas SECONDED the motion; the motion PASSED unanimously.

   C. Meeting Minutes: Approval of the March 10, 2015
   Chairman Torrez asked if there were any changes or questions on the minutes. Ms. Malave stated she would not be voting on the approval of the minutes due to her filling in for Mr. Woods and not being at
the March 10, 2015 Commission meeting. The Chair entertained a MOTION to approve the March 10, 2015 minutes. Secretary Burckle so MOVED and Ms. Rhys SECONDED the motion; the motion PASSED unanimously.

D. Reasonable Notice: Adoption of Fiscal Year 2016 Commission of Public Records OMA, Section 10-15-1(D) NMSA 1978. Adopted resolution shall also apply to NMRHAB. Chairman Torrez asked if there were any comments from staff. Ms. Trujillo stated there was a minor change from last year’s OMA Resolution to bring the Fiscal Year 2016 OMA Resolution in compliance with Section 14-4-7.1 NMSA 1978, State Rules Act, publication requirements. Chairman Torrez asked if there were any comments from the Commission Members. Ms. Malave suggested the resolution state the requirement that emergency meetings must be reported to the Attorney General’s office. Ms. Jennifer Salazar pointed out that the resolution needs to state it would be posted on the website. The Chair entertained a MOTION to approve the Fiscal Year 2016 Open Meetings Act Reasonable Notice Resolution as amended to state it will be posted at the office as well as on the website. Secretary Burckle so MOVED and Mr. Espinoza SECONDED the motion; the motion PASSED unanimously.

E. Building Expansion: Review and approval of Fiscal Year 2017 ICIP Ms. Trujillo presented the building expansion report (see ICIP attachment). Secretary Burckle asked if the FY17 request included funding to complete the remaining 40% of the architects design. Ms. Trujillo stated the request was limited to the build out of the Records Center and did not include the Archives expansion or the library relocation, but did include the remaining architectural design for the Records Center. The Chair entertained a MOTION to approve the FY17 ICIP Request Mr. Pappas so MOVED and Ms. Malave SECONDED the motion; the motion PASSED unanimously.

III. Rule Hearing:

A. Hearing Officer Report: Repeal and Replace 1.13.5 NMAC New Mexico Historical Records Grant Program Guidelines. Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.13.5 NMAC). Mr. Ortiz recommended the repeal and replace of 1.13.5 NMAC. Chairman Torrez asked if there were any questions from the Commission Members. Ms. Malave asked for confirmation that the purpose of the Repeal and Replace of 1.13.5 NMAC was to bring the grant program in compliance with Federal regulations. Mr. Ortiz stated that was correct. The Chair entertained a MOTION to approve the Repeal and Replace of 1.13.5 NMAC as well as the recommendations from Mr. Ortiz (Hearing Officer). Ms. Nair so MOVED and Ms. Malave SECONDED the motion; the motion PASSED unanimously.

B. Hearing Officer Report: Repeal and Replace 1.12.7 NMAC Digital/Electronic Signature Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.12.7 NMAC). Mr. Ortiz recommended the repeal and replace of 1.12.7 NMAC with the following language added at the end of 1.12.7.14: “The Department of Information Technology has statutory responsibility for all state-wide, executive agency information and computer systems. Given the specific and particular expertise of the Department, any state agency may defer to any determination made by the Secretary of the Department of Information and Technology as to ‘business analysis’, ‘risk assessment’, or constructing a ‘risk matrix’.”

Chairman Torrez asked if the Department of Information Technology (DoIT) had been consulted about the responsibility of this repeal and replace for Electronic Signature. Mr. Ortiz stated that the General
Council for DoIT and the CIO of DoIT have been a part of the working group that were brought in by the Chief Information Officer (CIO) of the General Services Department (GSD) and have received every generation of the draft version that went into the rule that is before the Commission today. Mr. Ortiz also stated the only comments the Commission of Public Records and State Records Administrator had received were from the Department of Health, the General Services Department, State Personnel office and the Department of Finance. Ms. Trujillo gave a brief explanation of why it was so difficult to come up with the matrix for digital signature without someone who has expertise in this field to determine what the levels of risk for each State agency and individual documents. Ms. Espinoza stated the rule would help the Secretary of State’s office move some statutory responsibilities into the twentieth century and has the potential to be used for state contracts. Secretary Burckle suggested Mr. Ortiz recommended language be added and commended Ms. Trujillo and her staff for the hard work of getting the Electronic Signature rule to where it is. Secretary Burckle also stated it would ultimately be helpful for all State agencies that are moving toward paperless transactions. The Chair entertained a MOTION to approve the Repeal and Replace of 1.12.7 NMAC as amended as well as the recommendations from Mr. Ortiz (Hearing Officer). Secretary Burckle so MOVED and Ms. Espinoza SECONDED the motion; the motion PASSED unanimously.

C. Hearing Officer Report: Repeal 1.21.2 NMAC- FRRDS-Public Records (Chapters 15,16,17,18,19 and 20)

Mr. Ortiz reported to the Commission Members his hearing findings and recommendations (see attached Hearing Officer Report for 1.21.2 NMAC). The report included a recommendation to table the repeal and replace of 1.21.2 NMAC. Chairmen Torrez asked if the recommendation to tabling the repeal of NMAC 1.21.2 was than to be heard at the next scheduled Commission Meeting. Ms. Trujillo stated the RMD staff would be meeting with all agencies that participated and wanted to have more input on this repeal or more of an understanding as well as any other agency wanting input between this day and the next Commission Meeting so staff could try and improve the repeal. Ms. Trujillo also stated that the Commission of Public Records would be giving Counties and Municipalities with a guidance document due to the State Records Administrator not having statutory authority of those two entities only statutory option. Ms. Rhys made comment that she was one of the public commentators at the hearing and also agreed that other agencies wanted more time for this repeal. Mr. Chacon and Ms. Trujillo also stated to the Commission how important that this item is needed to be moved forward sooner than later due to the CERR project moving forward. The Chair entertained a MOTION to adopt the recommendations from Mr. Ortiz (Hearing Officer) and table the repeal and replace of 1.21.2 NMAC until the August meeting or possibly a special meeting in September depending on how successful the staff is in meeting with agencies who expressed concern. Ms. Rhys so MOVED and Ms. Espinoza SECONDED the motion; the motion PASSED unanimously.

New
• 1.21.2 NMAC FRRDS, Public Records

1.21.2 NMAC was tabled in the motion above.

IV. Director’s Report

Ms. Trujillo asked Mr. Hendricks to give a brief presentation on a trip Mr. Hendricks and Mr. Martinez would be taking to the Mexican Archives. Mr. Hendricks gave a brief presentation explaining the benefit of traveling to the Mexican Archives to find and review documents of people and events related to New Mexico’s history. The trip is planned for October 17-31, 2015 and both Mr. Hendricks and Martinez are very grateful for the opportunity. Ms. Trujillo gave a report on records destruction and archives
accession/accretion and a personnel update (see Director’s Report attachment). Ms. Trujillo finished by presenting Jackie Garcia, Susan Montoya, Tanya Vigil, Joseph Lovato and Ruben Rivera the Public Records Achievement Award.

VI. Scheduling of Next Commission Meeting:

Chairmen Torrez set the next Commission meeting for August 25, 2015.

VII. Adjournment

The Chair entertained a MOTION to ADJOURN. Ms. Nair so MOVED and Mr. Pappas SECONDED the motion; the motion PASSED unanimously. The meeting adjourned at 12:16 p.m.

Submitted by: Linda M. Trujillo, State Records Administrator

Attested by: Robert J. Torrez, Commission Chair

Minutes approved on: 8/25/15