MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING AND RULE HEARING – November 15, 2016
1205 Camino Carlos Rey, Santa Fe, NM 87507

Members Present
Robert J. Tórrez          Chair and Historian
Edwynn Burckle          Cabinet Secretary, General Services Department
Lynne S. Rhys            Supreme Court Law Librarian
Christine Espinoza       Designee, Secretary of State
Tania Maestas            Designee, Office of the Attorney General

Staff Present
Linda Trujillo           State Records Administrator
Melissa Salazar          Deputy State Records Administrator
Dylan Lange              Assistant Attorney General
Carmen Noble             Administrative Executive Secretary
Pete Chacon              Director, Information Technology Management Division
Matt Ortiz               Director, Administrative Law Division (ALD)
Dr. Rick Hendricks       State Historian, Office of the State Historian
Felicia Lujan            Director, State Archives of New Mexico (SANM)
Leo Lucero                Director, Records Management Division (RMD)
Amanda Lopez             Rules Management Analyst, ALD
Jennifer Camp            Management Analyst, RMD
Tanya Vigil               Management Analyst, RMD
Emmanuel Rodriguez       Bureau Chief, RMD
Dennis Branch            Management Analyst, RMD
Camille Roybal           Management Analyst, RMD
Elena Perez-Lizano       Archivist, SANM
Britney Macias           Secretary, SANM
Gail Packard             Business Operations Specialist, SANM

Guests Present
E.L. Barnes
Maria Ortiz y Pino

I. OPENING ACTIVITIES
   A. Call to order
      Chairman Tórrez called the meeting to order at 9:04 a.m.

   B. Approval of agenda
      The Chair entertained a MOTION to approve the agenda. Secretary Burckle MOVED, and Ms.
      Rhys SECONDED; the motion PASSED UNANIMOUSLY.
II. ACTION ITEMS
   A. Meeting Minutes
      1. Approval of August 30, 2016, Meeting Minutes
         Chairman Tórrez asked for corrections or comments relating to the minutes of the August 30, 2016, regular meeting. Ms. Rhys corrected the spelling of Ms. Anne Hanika-Ortiz's name on page 2. There is only one "n" rather than two. The Chair asked for any additional corrections. Ms. Trujillo stated the correct date on the agenda should be August 30, 2016, rather than August 25, 2016. With no other corrections or comments, the Chair entertained a MOTION to approve the meeting minutes as amended. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY.

      2. Approval of October 18, 2016, Special Meeting Minutes
         Chairman Tórrez asked for corrections or comments relating to the minutes of the October 18, 2016, special meeting. There were none. The Chair entertained a MOTION to approve the special meeting minutes. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY.

   B. Reappointment of New Mexico Historical Records Advisory Board (HRAB) members
      1. Dr. Willow Powers
      2. Martha Shipman-Andrews
      3. Lisa Johnston
         The Chair asked if any of the Historical Records Advisory Board (HRAB) members were present. None were present. Ms. Trujillo stated the proposed members were the foundation of the board. Chairman Tórrez acknowledged all the nominations were qualified and appreciated. The Chair entertained a MOTION to approve the appointment of the nominees. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY.

   C. Deeds of gifts
      1. New Mexico Railroad Authority Records
         Ms. Lujan presented the deed of gift for the New Mexico Railroad Authority Records by William T. Ross. Ms. Lujan explained Mr. Ross was vice chairman and secretary of the New Mexico Railroad Authority from 1969 to 1974. Mr. Ross asked to have 6.25 cubic feet of New Mexico Railroad Authority records included in the permanent collection.

         In 2007, Mr. Ross had an entry in Who's Who in the World, America's leading biographical publisher. Mr. Ross was entered into the 24th Edition in 2007 as an architect born in Saginaw, Michigan on September 27, 1935. He graduated from the University of Michigan in 1958 and then worked as a draftsman, designer, and finished his career as an architect. In addition to his work with the Railroad Authority, Mr. Ross has been chairman of the Colorado and New Mexico Joint Executive Committee and vice president of the El Dorado Western Narrow Gauge Railway Foundation and received a New Mexico Historic Preservation Award in 1971.

         According to Ms. Lujan, the collection includes: correspondence, reports, deeds, compacts, leases, minutes of meetings, Attorney General opinions, laws affecting the railroads, scenic railway and federal railroad administration records, preservation and national register information, Interstate Commerce Commission hearings of the Denver and Rio Grande Western Railroad, newspaper articles and other records.
Ms. Lujan thanked the commission and asked its consideration with regard to its acceptance of the collection and deed. The Chair entertained a MOTION to accept the deed of gift for the New Mexico Railroad Authority Records. Ms. Rhys MOVED, and Mr. Pappas SECONDED; the motion PASSED UNANIMOUSLY.

2. Jose Ortiz y Pino Family Papers
Ms. Lujan presented the deed of gift for the Jose Ortiz y Pino III Family Papers of Maria and Yolanda Ortiz y Pino. Ms. Lujan introduced Tina Ortiz y Pino and her husband, Eugene Barnes, who helped process the collection on behalf of Maria and Yolanda. They have asked on behalf of the Ortiz y Pino family to have 1 cubic foot of that family's papers included in the permanent collection.

Ms. Lujan explained that these papers have been in the possession of the Ortiz y Pino family for many generations. The majority of the documents are related to land acquisitions of the Ortiz, Pino, Davis and Ortiz y Pino families. This family is a prominent New Mexico family having roots that can be traced back to Spain and Italy. Their ancestors participated in the early explorations of New Mexico with DeVargas and actively participated in the early establishment and settlement of New Mexico. The Ortiz y Pino family has a legacy of public service that has touched many generations. Both the Ortiz and the Pino families have served in the territorial, state, and county government over the last 150 years. Among those who served in elected and appointed offices were Don Nicolas Pino, Don Jose Ortiz y Pino, Frank Ortiz y Davis, Conchita Ortiz y Pino, Jose Ortiz y Pino III, and Senator Jerry Ortiz y Pino.

According to Ms. Lujan, the collection spans from at least 1820 to 2015 and includes the following: land patents, deeds, wills, correspondence, financial records, reports, Elks Club and Knights of Columbus membership cards, poems, postcards, notebooks, sympathy letters, thank you notes, and wedding invitations. These records capture place names from Kansas City to Mexico and interesting historical relationships with people like Colonel Nicolas Pino, commander of the 1st New Mexico Volunteers at the Battle of Valverde, the Pino family (Nicolas, Ambrocio and Facundo), Juan Ortiz, Thomas B. Catron, E.W. Eaton and the Santa Fe Ring, Eliego Baca, John Simms, Samuel Ellisson, Sylvester Davis, and Lawrence Murphy. According to Mr. Barnes, the land records in this collection document close to 20,000 acres in New Mexico.

Ms. Lujan thanked the commission and asked its consideration with regard to its acceptance of the collection and deed. The Chair entertained a MOTION to accept the deed of gift for the Jose Ortiz y Pino III Family Papers. Secretary Burckle MOVED, and Ms. Rhys SECONDED; the motion PASSED UNANIMOUSLY.

3. Erlinda Campbell-Lopez Photographs of New Mexico Legislators and Public Figures
Ms. Lujan presented a deed of gift for the Erlinda Campbell-Lopez Photographs of New Mexico Legislators and Public Figures. Ms. Lujan offered that Ms. Campbell-Lopez took many photographs throughout her career and has asked to have 1.5 cubic feet totaling 9 photograph albums included in the permanent collection.

Ms. Lujan explained that Ms. Campbell-Lopez started working for the New Mexico State Legislature in 1999. She worked for the Senate Finance Committee and remained there until Senator Ben Altamirano, chairman of the committee, was voted in as Senate President Pro Tempore. She also worked for Governor Bruce King, but served longest as a leadership analyst for three Senate President Pro Tems, working three years for Senator Altamirano, five years for Senator Tim Jennings, and two years for Senator Mary Kay Papen.
Ms. Lujan explained that Ms. Campbell-Lopez, in her words, “loved taking pictures” and would do so “to thank the Senate Finance Committee” by providing copies to legislators and creating photo albums for Senator Altamarino. Ms. Campbell-Lopez retired in May of 2015, but said she “often wished she would have written a book to record the kindnesses extended by these wonderful politicians who were her bosses and dearest friends.” She said “They gave beyond what anyone gave; they cared more than I could ever explain and they led exemplary lives of generosity and love.” According to Ms. Lujan, she wishes to encourage Ms. Campbell-Lopez to write a book as it is never too late.

The photograph collection spans from 2002 to 2010 and contains images of several New Mexico legislators and public figures. There are photographs of Fabian Chavez, John Paul Taylor, Eric Griego, David Abbey, Gerald Ortiz y Pino, John Arthur Smith, Kiki Saavedra, Linda Lopez, Ben Lujan Sr., Barbara Richardson, Lieutenant Governor Diane Denish, Governor Bill Richardson, Governor Gary Johnson, Brian Urlacher, Darren Cordova, Shirley MacLaine, and Val Kilmer among many others.

Ms. Lujan thanked the commission and asked its consideration with regard to its acceptance of the collection and deed. The Chair entertained a MOTION to accept the deed of gift for the Erlinda Campbell-Lopez Photographs of New Mexico Legislators and Public Figures. Secretary Burckle MOVED, and Ms. Rhys SECONDED; the motion PASSED UNANIMOUSLY.

III. RULE HEARING
Chairman Tórrez announced the rule hearing was going to begin and took roll call. Three rules were brought before the commission.

A. Amend 1.13.2 NMAC Fees and Amend 1.24.15 NMAC New Mexico Register Fees
Mr. Ortiz asked the commission to consider an amendment to 1.13.2 NMAC Fees and to 1.24.15 NMAC New Mexico Register Fees. Mr. Ortiz explained that as per the State Rules Act, all state agencies must publish amendments in the New Mexico Register. Since 2014 the cost has been $2.50 per columnar inch. Mr. Ortiz asked that the fee be changed to $3.00 per columnar inch. The fees are consistent with the cost of producing the Register. Mr. Ortiz explained that this cost is still lower when compared to the cost of publication in other sources available in Santa Fe, New Mexico. Mr. Ortiz requested consideration for this fee change to take place January 1, 2017. The Chair asked if there were any questions or comments concerning the rule change. Ms. Trujillo added that the increase it still only covers 1/3 of the cost; however, it brings our agency closer to not having to depend upon general funds to subsidize the publishing of the Register. Secretary Burckle asked for some clarification regarding the cost. Ms. Trujillo answered it was the labor of the staff that made up most of the cost. Mr. Ortiz reported 24 issues are published per year. As there was no public comment, they moved onto the request to amend 1.21.2 NMAC Retention and Disposition of Public Records.

B. Amend 1.21.2 NMAC Retention and Disposition of Public Records
Ms. Vigil asked the commission to consider amendments to 1.21.2 NMAC Retention and Disposition of Public Records. According to Ms. Vigil the proposed amendments have been reviewed by the state records administrator and the agency’s internal review committee. She described the changes to the following sections:

Section 7, Definitions was amended to clarify the definition of non-record (subsection F) and to add the definition of “official copy of record” (subsection G).
Section 9. Instructions was amended to clarify that retention applies to the official copy of record (subsection A) and expands on how to properly identify the official copy of record (subsection O).

Section 115. Reference material was repealed as only the official copy should be retained, and duplicate copies are non-record material.

Section 119. Speeches and presentations was amended removing “executive level” from the title to broaden the category to include presentations given by non-executive level personnel, and the description modified to clarify that training materials are captured in another section.

Section 338. Grants administration being repealed, and the classification relocated from the financial and accounting – grant, financial aid and loan management subcategory to the administration – general management subcategory to allow for the use of this classification for both program side and financial side records. Ms. Vigil pointed out some minor grammatical changes as well.

The Chair asked for clarification regarding the definition of retention. Mr. Lange and Ms. Lopez provided clarification. The Chair asked if there were any further questions or comments concerning this rule changes. Upon hearing none, he closed the rule hearing.

The Chair entertained a MOTION to amend 1.13.2 NMAC Fees. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY.

The Chair entertained a MOTION to amend 1.21.2 NMAC Retention and Disposition of Public Records. Secretary Burckle MOVED, and Ms. Rhys SECONDED; the motion PASSED UNANIMOUSLY.

The Chair entertained a MOTION to amend 1.24.15 NMAC New Mexico Register Fees. Secretary Burckle MOVED, and Ms. Rhys SECONDED; the motion PASSED UNANIMOUSLY.

IV. DIRECTOR’S REPORT
Ms. Trujillo provided a copy of the director’s report to the commission and gave a brief breakdown of each division. Ms. Trujillo stated that Rachel Adler resigned her position as archives bureau chief and has returned to work with the federal government. Under the budget section, Mr. Trujillo stated she carried through the commission’s request to reduce the agency’s operating fund, 17900, by $60,000 in personnel services and benefits and by $84,100 from the other category. All of the documentation was submitted relating to the 5.5 percent reduction. She reported the New Mexico Register had already made $24,352 in revenue, which goes into the revolving fund. Ms. Trujillo thanked Ms. Salazar for presenting the budget to the Legislative Finance Committee (LFC) in her absence. Ms. Salazar received a compliment that she had been very thorough. Ms. Trujillo stated there was an understanding between the agency, and both the LFC and DFA analysts that our FY18 appropriation request is in line with the FY17 appropriation prior to the 5.5 percent budget reduction. This is being requested because of the increase in the lease and an increase in our operating expenses. Ms. Trujillo stated the rest of her report was related to record center activity. The Chair asked for clarification relating to the number of boxes destroyed. Ms. Trujillo explained the 5,641 boxes listed on the report were for boxes approved for destruction at each agency’s site. The Chair asked if there were any additional questions or comments.
V. EXECUTIVE SESSION
The Chair entertained a MOTION to go into executive session for discussion of limited personnel matters pursuant to Paragraph (2) of Subsection H of Section 10-15-1 NMSA 1978 to discuss the state records administrator's evaluation. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY. The commission went into executive session.

The Chair stated let the record show the recorder is back and called the commission meeting back into an open session at 10:45 a.m. The Chair stated for the record that the only matter discussed in executive session was the state records administrator's evaluation.

Mr. Lange offered that based on deliberations held during executive session that the commission should move to authorize the administrative leave, a maximum of up to 15 days to the state records administrator as authorized by law. The Chair entertained a MOTION to grant the 15 days of administrative leave. Ms. Rhys MOVED, and Ms. Espinoza SECONDED; the motion PASSED UNANIMOUSLY.

VI. SCHEDULING OF NEXT MEETING
Tuesday, February 14, 2017, at 9:00am

VII. ADJOURNMENT
The Chair entertained a MOTION to adjourn. Ms. Rhys MOVED, and Secretary Burckle SECONDED; the motion PASSED UNANIMOUSLY.

Submitted by: Melissa T. Salazar, Interim State Records Administrator

Attested by: Robert J. Tórrez, Commission Chair

Minutes approved on: 2/14/17