

**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. Tórréz  
Edwynn Burckle  
Lynne S. Rhys  
Christine Espinoza  
Tania Maestas

Chair and Historian  
Cabinet Secretary, General Services Department  
Supreme Court Law Librarian  
Designee, Secretary of State  
Designee, Office of the Attorney General

**Staff Present**

Linda Trujillo  
Melissa Salazar  
Dylan Lange  
Carmen Noble  
Pete Chacon  
Matt Ortiz  
Dr. Rick Hendricks  
Felicia Lujan  
Leo Lucero  
Amanda Lopez  
Jennifer Camp  
Tanya Vigil  
Emmanuel Rodriguez  
Dennis Branch  
Camille Roybal  
Elena Perez-Lizano  
Britney Macias  
Gail Packard

State Records Administrator  
Deputy State Records Administrator  
Assistant Attorney General  
Administrative Executive Secretary  
Director, Information Technology Management Division  
Director, Administrative Law Division (ALD)  
State Historian, Office of the State Historian  
Director, State Archives of New Mexico (SANM)  
Director, Records Management Division (RMD)  
Rules Management Analyst, ALD  
Management Analyst, RMD  
Management Analyst, RMD  
Bureau Chief, RMD  
Management Analyst, RMD  
Management Analyst, RMD  
Archivist, SANM  
Secretary, SANM  
Business Operations Specialist, SANM

**Guests Present**

E.L. Barnes  
Maria Ortiz y Pino

**I. OPENING ACTIVITIES**

**A. Call to order**

Chairman Tórréz 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**.

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Robert J. Tórréz  
Oliver  
*Historian/Chair*

Hon. Hector Balderas  
*Attorney General*

Hon. Tim Keller  
*State Auditor*

Hon. Maggie Toulouse  
*Secretary of State*

Jeff Pappas  
*Department of Cultural Affairs*

Edwynn Burckle  
*General Services Department*

Lynne S. Rhys  
*State Law Librarian*

## II. ACTION ITEMS

### A. Meeting Minutes

#### 1. Approval of August 30, 2016, Meeting Minutes

Chairman Tórréz 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 Tórréz 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 Tórréz 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 24<sup>th</sup> 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, Concha 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 1<sup>st</sup> 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, Elfego Baca, John Simms, Samuel Ellison, 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 Papan.

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 is 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

2/14/17  
Date

Attested by:   
Robert J. Torrez, Commission Chair

2/14/17  
Date

Minutes approved on: 2/14/17