

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
June 20, 2006**

The State Commission of Public Records convened at 9:02 a.m., Tuesday, June 20, 2006, at 1209 Camino Carlos Rey, Santa Fe, New Mexico.

MEMBERS PRESENT

Stanley Hordes, Ph.D., Chair	Historian
Arturo L. Jaramillo	Secretary, General Services Department
Robert A. Mead	Supreme Court Law Librarian
Bergit Salazar	Representing the Director, Museum of New Mexico, Cultural Affairs Department
Andrea Buzzard	Designee for the Honorable Patricia Madrid, Attorney General
Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department

MEMBERS ABSENT

The Honorable Rebecca Vigil-Giron	Secretary of State
The Honorable Domingo Martinez	State Auditor

STAFF PRESENT

Sandra Jaramillo	State Records Administrator
Judi Hazlett	Deputy State Records Administrator
Darlene A. Torres-Vigil	Administrative Assistant
John Martinez	Director, Administrative Law Division
Angela Lucero	Director, Records Management Division (RMD)
Daphne Arnaiz-DeLeon	Director, Archives and Historical Services
Estevan Rael-Gálvez, Ph.D.	State Historian
Leo Lucero	Agency Analysis Bureau Chief, RMD
Tom Chavarria	Micrographics Bureau Chief, RMD
Jackie Garcia	Agency Analysis Analyst, RMD
Lisa Sandoval	Agency Analysis Analyst, RMD
Joseph V. Valdez, II	Agency Analysis Analyst, RMD
Ruben Rivera	Agency Analysis Analyst, RMD
Alvin R. Garcia	Assistant Attorney General

GUESTS PRESENT

Charles Kitay	Property Control Division, GSD
Bill Taylor	Director, Property Control Division, GSD

CALL TO ORDER

Chairman Hordes called the meeting to order at 9:00 a.m.

APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda. Ms. Deborah Moll so moved. Mr. Robert A. Mead seconded the motion. Chairman Hordes asked if there were any changes to or discussion of the agenda. Hearing none, Chairman Hordes called for the vote. The motion passed unanimously, with no abstentions. Chairman Hordes introduced and welcomed new Commissioner, Mr. Robert A. Mead, Supreme Court Law Librarian.

APPROVAL OF THE MINUTES – March 21, 2006

Chairman Hordes asked for clarification on the date of the minutes. He stated that the date on the minutes indicated March 23 instead of March 21. Ms. Sandra Jaramillo confirmed that the minutes were for March 21, 2006. Chairman Hordes asked that the minutes be corrected to reflect March 21 rather than March 23. Chairman Hordes entertained a motion for the approval of the minutes. Ms. Moll so moved. Ms. Bergit Salazar seconded the motion. The motion passed unanimously, with no abstentions.

ACTION ITEMS

A. Records Retention and Disposition Schedules

1.18.521 NMAC, Energy Minerals and Natural Resources Department

Ms. Jaramillo stated the first item for consideration was the repeal and replacement of the *Executive Records Retention and Disposition Schedule (ERRDS), Energy, Minerals and Natural Resources Department (EMNRD), 1.18.521 NMAC*. Ms. Jaramillo informed the Commission that the replacement schedule for the EMNRD had been sent to the department's legal counsel for review, however, EMNRD had not yet responded. Ms. Jaramillo emphasized how important it was that the attorneys review retention periods established in the schedule to ensure that all legal requirements were met. Ms. Jaramillo requested that the Commission consider approving the schedule pending the endorsement by the EMNRD's legal counsel. Ms. Jaramillo then introduced Mr. Ruben Rivera who presented the schedule. Mr. Rivera provided a brief description of the general functions of the EMNRD. Chairman Hordes entertained a motion for approval of the schedule. Ms. Salazar so moved. Mr. Mead seconded the motion. Ms. Andrea Buzzard asked Ms. Jaramillo whether staff had any concerns about the schedule. Ms. Jaramillo replied that the schedule had been reviewed by the agency's Internal Review Committee and that she felt confident the schedule adequately described the records of the EMNRD. The motion passed unanimously, with no abstentions.

1.19.3 NMAC, Office of the County Clerk

Ms. Jaramillo stated that the next item, the repeal and replacement of the *Local Government Records Retention and Disposition Schedule (LGRRDS), Office of the County Clerk, 1.19.3 NMAC*, had been withdrawn. Ms. Jaramillo informed the Commission that staff had been unable to secure the necessary information to finalize the schedule. The County Clerks were occupied with the primary election; therefore, the schedule would be deferred to the next meeting.

1.19.6 NMAC, Office of the County Treasurer

Ms. Jaramillo introduced Ms. Lisa Sandoval who presented the repeal and replacement of the *LGDDS, Office of the County Treasurer, 1.19.6 NMAC*. Ms. Sandoval provided a brief description of the general functions of the Office of the County Treasurer. Before proceeding, Chairman Hordes introduced and welcomed Secretary Arturo L. Jaramillo, of the General Services Department, who had just arrived. Chairman Hordes asked that the minutes reflect Secretary

Jaramillo was present and would be voting on behalf of the General Services Department. Ms. Sandoval then concluded her remarks about the County Treasurer's schedule. Chairman Hordes asked if there were any comments or questions. Hearing none, he entertained a motion for approval. Ms. Salazar so moved. Mr. Mead and Secretary Jaramillo seconded the motion. The motion passed unanimously, with no abstentions.

1.18.333 NMAC, Taxation and Revenue Department

Ms. Jaramillo introduced Ms. Jackie Garcia who presented an amendment to the existing *ERRDS, Taxation and Revenue Department, 1.18.333 NMAC*. Ms. Garcia provided a description of the general functions of and services provided by the Taxation and Revenue Department and stated that the amendment was to Motor Vehicle Division sections of the schedule. Ms. Jaramillo drew the Commission's attention to *1.18.333.600 NMAC, TRD-MVD System*. She stated that the amendment to the schedule had come before the Commission previously and that the Commission had expressed concern over the description of the record series because it included several records, *mobile home registrations, titles, and vehicle and vessel registrations* with only one retention period. Staff had been instructed by the Commission to clarify the need for separate retentions. Chairman Hordes then asked if the retention of 50 years for the *Vehicle, Mobile Homes and Vessel Title Transaction Files, 1.18.333.634 NMAC* was adequate. Chairman Hordes stated that he was concerned if the retention for mobile homes was 50 years from the date of ownership, and if the mobile home was considered real property perhaps the retention should be permanent. Ms. Angela Lucero responded that motor vehicle homes are only considered real property when they are no longer mobile. The retention for real property records is covered by the County Assessor's Schedule. Chairman Hordes asked if there were any other comments or questions. Hearing none, the Chair entertained a motion for approval of the schedule. Secretary Jaramillo so moved. Ms. Buzzard seconded the motion. The motion passed unanimously, with no abstentions.

1.18.667 NMAC, Environment Department

Ms. Jaramillo indicated the next item was an amendment to the existing *ERRDS, New Mexico Environment Department, 1.18.667 NMAC*. The amendment to Sections *1.18.667 NMAC and 1.18.273 through 1.18.276 NMAC* were requested by the Environment Department. Ms. Jaramillo stated the amendments to the schedule would be presented by Mr. Rivera. Mr. Rivera stated that the Environment Department was responsible for administering state and federal laws including regulations related to air quality, ground and surface water quality, solid waste disposal, underground storage tanks, radioactive materials, radiological technology, occupational safety, and food safety. Chairman Hordes asked if there were any comments or questions. Hearing none, Chairman Hordes entertained a motion for approval of the schedule. Mr. Mead so moved. Ms. Salazar seconded the motion. The motion passed unanimously, with no abstentions.

1.18.790 NMAC, Department of Public Safety

Ms. Jaramillo stated the next item, an amendment to *ERRDS, Department of Public Safety, 1.18.790 NMAC*, was requested by the Department of Public Safety (DPS). She introduced Ms. Lucero who presented the amendment. Ms. Lucero stated that she had some concerns regarding the Department's record-keeping practices and added that the DPS did not have a true records management program in place. Chairman Hordes asked if there were other agencies with similar problems, Ms. Lucero replied in the affirmative. Ms. Moll questioned why the DPS required a longer retention period for their records. Ms. Lucero replied that the legal counsel for the Department had made the recommendation to make the retention schedule longer due to the potential historical and informational value of the records. Chairman Hordes asked if there were any other comments or questions. Hearing none, the Chair entertained a motion for approval. Ms.

Salazar so moved. Secretary Jaramillo seconded the motion. The motion passed unanimously, with no abstentions.

Chairman Hordes stated that if there were no objections, the Chair would move on to Item V on the agenda, **Old Business: West Capitol Complex Drainage Study** to accommodate Mr. Bill Taylor, Property Control Division (PCD) Director and Mr. Charles Kitay, PCD Architect who were prepared to provide the Commission with a report.

OLD BUSINESS

Ms. Jaramillo referred Commissioners to a draft copy of the West Capitol Complex Drainage Study report submitted to the PCD on June 19, 2006 by Bohannon & Houston Incorporated. Mr. Charles Kitay and Mr. Bill Taylor from Property Control were then introduced by Chairman Hordes. Chairman Hordes also provided Commissioners with background information on the drainage problems encountered at the West Capitol Complex since 1997, prior to the State Records Center and Archives occupying the facility. He commended the current PCD administration for its responsiveness to the Commission's concerns. Mr. Taylor stated that a comprehensive drainage evaluation was conducted through the firm of Bohannon and Houston and that, while the evaluation was of the entire campus, it focused heavily on the State Library, Archives and Records Center facility. Mr. Kitay referred the Commission to the report and stated that Bohannon and Houston had conducted a drainage analysis in order to compute the runoff at select points of discharge within and adjacent to the West Capitol Complex and to investigate drainage concerns. Several problems were identified. (1) First was inadequate drainage from the roof on the north side of the building. It was recommended that adequate conveyance structures be implemented to convey the flow away from the building. (2) Runoff originating from the landscaping on the east side of the Toney Anaya Building was traveling down the sloped area and dumping sediment on the sidewalk next to the east-side door of the building. The recommendation was that the area be re-graded to drain to the closest available inlet. (3) The storm drain line on the east side of the building was not draining adequately due to improper grading of the areas directly adjacent to the catch basins. The areas directly surrounding the inlets will need to be re-graded to allow adequate drainage. Mr. Kitay stated that the storm drain had been videotaped to visually inspect the pipe network to ensure the drain system was not blocked with sediment or other debris. Sediment was noticed in Drainage Area 3a, and it was recommended that the inlet be cleaned immediately as well as receive periodic maintenance. Drainage Area 3b was also of concern because the storm drain line should terminate in the detention pond located at the southwest corner of the building parking lot. It was discovered that the line contained a pair of 45 degree bends turning the pipe to the west. The video camera also indicated that the catch basin located in courtyard directly west of Area 3b was completely filled with debris. This indicated that the inlet was not adequately conveying flow. The debris was removed, but only one connecting pipe was found in the catch basin instead of the two shown in construction plans. (4) The southeastern parking lot was not draining adequately. A slotted pipe system will need to be installed to adequately drain the area. (5) The landscaped area in the front entry was not fully draining southwest towards the detention pond. The water was ponding, and, were a large rain storm to occur, the ponding has the potential to reach the building. It was recommended that a series of slots or curb cuts be applied to the southwest face of the curb to allow drainage out of the landscaped areas. (6) The pond located in drainage basin GC7 will need to be resized to increase storage capacity. (7) The parking lot on east side of the Human Services Department building drains directly toward the entrance of the Library, Archives and Records Center. The recommendation was that the parking lot be re-graded to allow adequate flow around the building entrance.

Mr. Kitay stated that the Building Services Division of the General Services Department (GSD) could take care of some of grading issues, and, if additional funding were needed to address problems, that the PCD would address the issue. He also stated that when the final report was completed he would make copies available to the Commission. Secretary Jaramillo asked if there was funding to take care of the repairs. Mr. Taylor replied that the GSD could schedule the repairs by using the repair fund available through the Board of Finance. Chairman Hordes noted the statement on page eight, second full paragraph, "*upon opening the inlet grate it is recommended that it can be cleaned immediately,*" and asked if this were something that could be done immediately as stated. Mr. Kitay replied yes; however, it would be done through the Building Services Division. Chairman Hordes then noted the language on the bottom of page eight, "*the storm drain line should terminate in the detention pond located at the southwest corner of the State Library Building parking lot. The camera was inserted into the grate, and it was discovered that the line contained a pair of 45 degree bends turning the pipe to the west. These bends are not shown on the construction plans.*" He asked for an explanation. Mr. Taylor stated that the PCD tried to reach the original contractor and that he was out of business. Mr. Taylor did not know if the State had any legal rights to pursue the issue; however, it was possible that a complaint could be filed with the Construction Industries against the contractor. Chairman Hordes thanked Mr. Taylor and Mr. Kitay for keeping the Commission and the State Records Center and Archives informed of the progress and asked that the PCD provide Ms. Jaramillo with a schedule on when the repairs were to be made.

B. Deeds of Gift Acceptance

Ms. Jaramillo introduced Ms. Daphne Arnaiz-DeLeon who presented for approval the Deed of Gift for the Michael Miller Papers. Ms. Arnaiz-DeLeon stated that Mr. Miller had held several key positions within New Mexico State Government: as Director of the State Records Center and Archives, as Director of the Center for Southwest Research at the University of New Mexico, and as the first director of Research and Literary Arts at the National Hispanic Cultural Center. She stated that a small percentage of the records donated reflected his tenure in those positions. The majority of the collection, however, documented his research on various published manuscripts and articles. These included a *New Mexico Scrapbook* published in 1991 and *Monuments of Adobe* published in 1992. Ms. Arnaiz-DeLeon circulated a sample of the material from the collection. Chairman Hordes added that Mr. Miller had worked his way up from Archivist to Chief of the Archival Services and has become an old and dear friend to the agency. Chairman Hordes asked if there were any questions for Ms. Arnaiz-DeLeon. Hearing none, the Chair entertained a motion for approval of the Deed of Gift. Secretary Jaramillo so moved. Ms. Buzzard seconded the motion. The motion passed unanimously, with no abstentions.

Ms. Arnaiz-DeLeon presented a second Deed of Gift for the Commission's approval, the Pickens Family Motion Picture Film Collection. Ms. Arnaiz-DeLeon stated that Mr. Homer Pickens Jr. had donated his father's film collection. Homer Pickens Sr. was the Assistant Director of the Game and Fish Department during the years the films were taken. She reported that the film collection included footage of Smokey Bear taken near Capitan, New Mexico. Chairman Hordes asked if there were any questions or comments for Ms. Arnaiz-DeLeon. Mr. Garcia asked Ms. Arnaiz-DeLeon if she had been in contact with the Game and Fish Department. Ms. Arnaiz-DeLeon replied that her staff was currently working the Game and Fish Department on another project and that the Department had been made aware of the donation. Chairman Hordes asked if there were any further questions for Ms. Arnaiz-DeLeon. Hearing none, the Chair entertained a motion for approval of the Deed of Gift for the Pickens Family Motion Picture Film Collection. Ms. Salazar so moved. Secretary Jaramillo seconded the motion. The motion passed unanimously, with no abstentions.

NEW BUSINESS

A. Report from the Archives and Historical Services Division

Ms. Jaramillo stated that in an effort to keep the Commission apprised of SRCA programs each Division Director would be presenting a report on his or her program at various Commission meetings. Ms. Arnaiz-DeLeon was scheduled to provide her report on Archives and Historical Services at this Commission Meeting. Ms. Jaramillo added that Archives and Historical Services refers to the Historical Records Advisory Board and not to the Office of the State Historian, which is a separate program.

Ms. Arnaiz-DeLeon reported that Archives and Historical Services Division's mission is to preserve and provide access to permanent public records. The majority of the records maintained by the Division are received directly from the Records Center. These record series are identified during the creation of records retention and disposition schedules and given a retention period of permanent. Private records are accepted if they fit the private collection development policy.

Ms. Arnaiz-DeLeon explained how the Division fulfills both its mandates for preservation and access. She stated that as of May, 2006 the Division had received 1,885 linear feet of records, both from the Records Center and directly from State agencies. The annual vault inventory was conducted in May, and no major discrepancies were unsolved. There were approximately 20,334 linear feet of materials in the archival vault. A comprehensive analysis of the vault temperature and relative humidity will be created by the end of summer. The Division received a second Preservation Assistance Grant in the amount of \$3,088 to purchase a frost-free freezer and image freezer kits. The Division received its fifth National Film Preservation Foundation Grant for approximately \$10,100 to preserve six films from the Department of Game and Fish. As of March 31, 2006, 4,961 requests for information had been fulfilled by staff. Preliminary analysis of the annual customer survey demonstrated the Division's continued success in providing effective reference assistance to researchers. Ms. Arnaiz-DeLeon reported that access continued to be enhanced via the on-line catalog, and that there were approximately 4,000 images from the Department of Tourism and information on 58 percent of collections available on-line. The Division continued to participate in the Online Archives of New Mexico and will, by default, be a participant in the Rocky Mountain Online Archives. Chairman Hordes thanked Ms. Arnaiz-DeLeon for a wonderful report on the Archives and Historical Services Division.

B. Report on EDMS Project

Ms. Jaramillo provided a report on the Electronic Document Management System (EDMS) Project that was first funded in the year 2004. This was a multi-agency project including the State Records Center and Archives, the Human Services Department (HSD) and the Taxation and Revenue Department (TRD). Ms. Jaramillo stated that functional and technical requirements for an EDMS had been established and that HSD and TRD were getting ready to implement their portions. She stated that the funds appropriated in 2004 did not include money for the Electronic Records Management System (ERMS) component of the EDMS. Ms. Jaramillo stated the SRCA was building a case for the implementation of an ERMS that would serve as Centralized Electronic Records Repository (CERR). She stated that the implementation of the CERR would require collaboration with the Office of the Chief Information Officer and that standards would need to be developed and put in place before implementation. Chairman Hordes asked Ms. Jaramillo if she could speak on the FY 08 appropriation priorities for the agency. Ms. Jaramillo stated that the

CERR was the number one expansion priority followed by web-base training, and then additional FTE's for the Administrative Law Division and the Office of the State Historian.

DIRECTOR'S REPORT

Ms. Jaramillo reported that research for the Land Grant Project funded for FY 2006 was near completion. The research for the project was conducted by former State Historian Robert J. Torrez. She stated that the Land Grant Committee was interested in grants that were subject to the general provisions of Chapter 49 and registered with Secretary of State.

The vacant positions held open for much of FY 2006 were filled; Ms. Piper Cappuccio was hired as the records clerk in the Micrographics Bureau, and Mr. Peter Chacon was hired as the systems analyst for IT. Ms. Helen Robertson was hired as the secretary for Archives and Historical Services.

An accounting firm was selected to conduct the FY06 Financial Audit. Four proposals were received and, based on the State Auditor's evaluation criteria, the firm of Mr. Robert Rivera, CPA was selected.

Ms. Jaramillo also stated that Ms. Hazlett was working with the Risk Management Division at GSD to resolve the exorbitant price increase in the fine arts insurance premium by the SRCA. She stated the premium had increased from \$35.9 in FY 2006 to \$124.9 for FY 2007.

Ms. Jaramillo then invited Commissioners to attend the Scholars Lecture series, sponsored by the Office of the State Historian, on June 23, 2006. In conclusion, Ms. Jaramillo introduced her staff to the new Commissioners.

SCHEDULING OF NEXT MEETING

Chairman Hordes scheduled the next Commission meeting for Thursday, August 24, 2006, at 9:00 a.m., at the State Records Center and Archives facility in Santa Fe, New Mexico.

ADJOURNMENT

Chairman Hordes entertained a motion for adjournment. Secretary Jaramillo so moved. Ms. Salazar seconded the motion. The motion passed unanimously, with no abstentions. The meeting was adjourned at 10:50 a.m.