

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
August 28, 2007**

The State Commission of Public Records convened at 9:00 am, August 28, 2007 at 1209 Camino Carlos Rey, Santa Fe New Mexico.

Members Present

Dr. Stanley Hordes	Chair, Historian
Ms. Andrea Buzzard	Representing the Honorable Gary King, Attorney General
Ms. Patricia Herrera	Representing the Honorable Mary Herrera, the Secretary of State
The Honorable Hector Balderas	State Auditor
Frances Levine, Ph.D.	Director, Museum of New Mexico
Mr. Robert Mead	State Law Librarian
Ms. Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department (GSD)

Members Absent

Staff Present

Ms. Sandra Jaramillo	State Records Administrator
Ms. Judi Hazlett	Deputy State Records Administrator
Ms. Antoinette L. Solano	Administrative Assistant
Mr. John Martinez	Director, Administrative Law Division
Ms. Angela Lucero	Director, Records Management Division, RMD
Ms. Melissa Salazar	Acting Director, Archives and Historical Services Division
Ms. Jackie Garcia	Records Management Analyst, RMD
Ms. Valerie Lucero	Records Management Analyst, RMD
Mr. Joseph Valdez, II	Records Management Analyst, RMD
Dr. Estevan Rael-Galvez	State Historian
Mr. Alvin Garcia	Assistant Attorney General

GUEST PRESENT

Ms. Susan Oberlander	State Librarian
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I. CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m.

II. APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda with a change in the order of action items A, B and C. The Chair asked that action item

A (FY 09 Appropriation Request) be considered after B. (Records Retention and Disposition Schedules) and C (Acceptance Deed of Gift). Dr. Levine so moved, Mr. Mead seconded the motion, and the motion passed. The agenda was approved unanimously as amended.

III. APPROVAL OF THE MINUTES – June 19, 2007

Chairman Hordes entertained a motion for the approval of the minutes of June 19, 2007 with the corrections to pages 1 and 2. On page 1 under Members Present the spelling of Frances should be corrected; ("i" changed to "e"). On page 2, Item 2, in the second sentence, the word "and" was inserted so that the sentence read "Ms. Deborah Moll so moved and the Secretary of State Mary Herrera seconded the motion." Item 3 was changed for consistency to Secretary of State Mary Herrera instead of the Honorable Mary Herrera. Dr Frances Levine so moved, Ms Moll seconded the motion. The motion to accept the minutes as corrected passed unanimously.

IV. ACTION ITEMS -

Ms. Jaramillo stated that before proceeding to action item B she wished to introduce the new State Librarian, Ms. Susan Oberlander. The Chair welcomed Ms. Oberlander and stated the Commission and the State Records Center and Archives looked forward to a mutually productive working relationship with the State Library.

B. Records Retention and Disposition Schedules

Amendment to 1.18.630 NMAC, ERRDS, Human Services Department:

Ms. Jaramillo stated that Ms Angela Lucero and Ms Piper Cappuccio would present the amendment to the Executive Records Retention and Disposition Schedule (ERRDS) for the Human Services Department (HSD). Ms. Lucero informed the Commission the amendment to the schedule was requested by HSD and included the addition of Section 1.18.630.338, Child Support Enforcement System. The Chair entertained a motion for approval. Ms. Moll so moved, Mr. Mead seconded the motion. The motion passed unanimously.

Repeal and Replacement of 1.17.205 NMAC, JRRDS, Supreme Court Law Library

Ms Jaramillo introduced Mr. Joseph Valdez who presented the Judicial Records Retention and Disposition Schedules (JRRDS), 1.17.205 NMAC for the Supreme Court Law Library. Dr Levine asked how emails were identified, and dealt with in all the schedules being presented to the Commission for adoption. Ms. Jaramillo replied that e-mail is a mode of transmission and the content determines whether the email message contains a public record. E-mail messages must be retained based on the retention periods established for specific records series described in executive, judicial, legislative and general administrative records retention and disposition schedules. Therefore any e-mail messages containing information related to the record series identified in the schedule for the Supreme Court Law

Library must be maintained for the period of time identified in the schedule. Mr. Mead commended Mr. Valdez for his work on schedule and the guidance provided to the Supreme Court Law Library. The Chair entertained a motion for the repeal and replacement of 1.17.205 NMAC. Ms. Patricia Herrera so moved and Dr Levine seconded the motion. Mr. Mead stated he would abstain from voting since he had worked with Mr. Valdez in preparing the schedule. The motion passed with one abstention.

Repeal and Replacement 1.18.333 NMAC, ERRDS, Taxation and Revenue Department

Ms. Jaramillo introduced Ms. Jackie Garcia who presented 1.18.333 NMAC. Ms. Garcia informed the Commission the new schedule included eight new records series and that the retention period for records in the Tax Fraud Division had been changed from seven to ten years to meet statutory requirements. Ms. Garcia also advised the Commission that retention on DUI records had also been changed as a result of changes to statute. Records pertaining to DUI violations prior to June 17, 2005 have a 25- year retention period and DUI violations after June 17, 2005 have 55 year retention. The Chair entertained a motion for the repeal and replacement of 1.18.333 NMAC. Ms. Moll so moved and Ms. Herrera seconded the motion. The motion passed unanimously.

IV- C. Acceptance Deed of Gift:

Ms Jaramillo introduced Ms. Melissa Salazar, the acting Archives and Historical Division Director who presented the Deed of Gift for the Albert Steg Motion Picture Film Collection. Ms. Salazar stated the collection contained eight reels of 16mm film footage taken in Gallup and the Navajo Reservation circa 1950. The film was purchased by Mr. Steg. Ms. Jaramillo stated she wanted to make the Commission aware of possible copyright issues should a researcher wish to obtain copies of the donated film. Since the film had been purchased by Mr. Steg, the copyright to the film did not reside with him; therefore, it could not be conveyed to the Commission through the Deed of Gift. She stated that, although there may be duplication restrictions on the film the collection can still be used for research. Ms. Jaramillo stated that the footage of ceremonial dances would also be reviewed for any culturally sensitive footage. The Chair entertained a motion to accept the collection. Ms. Moll so moved and Ms. Herrera seconded. The motion passed unanimously with no abstentions.

IV-A. FY 09 Appropriation Request

Ms. Jaramillo stated that the next item for the Commission's consideration was the FY09 Appropriation Request. She introduced, Deputy State Records Administrator and Chief Financial Officer, Ms Judi Hazlett, who explained the request. Ms. Hazlett began by reviewing the agency's budget structure, focusing on the two budgeted funds - the operating fund and the internal service fund. She then walked through the organization of the appropriation request, directing the Commission's attention to the pertinent forms. Ms. Hazlett noted that the request did not include the required IT plan or Strategic plans. She indicated the

documents were still being worked on. Dr Levine asked whether the IT plan included funding for the Office of the State Historians digital history project. Ms Hazlett advised that the money would be requested through a special appropriation. Mr. Garcia asked if there was anything that could be done to help the Office of the Historian with funding for his division. Ms Hazlett advised that the appropriations are not for certain areas but for the agency as a whole. Ms. Jaramillo stated that under the Chair's direction a Legislative sub-committee would be convened to prepare for the 2008 and 2009 legislatures. Ms Hazlett stated the appropriation request contained one expansion item for the conversion of a half-time FTE position in the State Historian's office to full-time. Ms. Hazlett concluded her presentation. Ms. Jaramillo complimented Ms. Hazlett and Mr. Ruben Rivera, the agency's new fiscal officer, for their hard work in preparing the appropriation document. The Chair commended the staff for doing their jobs and being so involved. State Auditor, Balderas stated that he was very impressed with the Commission and staff and that the agency seemed to be proactive in all the issues and although this was the first meeting he had attended, he promised to stay engaged with the work of the Commission. The Chair entertained a motion for approval of the FY09 Appropriation Request. Mr. Mead so moved; and Ms Moll seconded the motion. The motion passed with no abstentions.

V. OLD BUSINESS

A. Building Issues

Ms Jaramillo informed the Commission that Mr. Charles Kitay from the Property Control Division of the General Services Department was not able to attend the Commission meeting. However he had provided her with a status report on the drainage repairs for the West Capital complex. Ms. Jaramillo reported that a change order had been approved to address changes to the initial contract with Leeder Construction Company. The changes include widening of the drainage ponds and lowering an existing drain culvert so that water in the pond can drain into the main city culvert. This will allow the ponds to handle excessive rains more adequately. The east courtyard will receive an additional drop inlet basin adjacent to the sidewalk culvert so that runoff from the roof drains directly into the inlet basin. The records center southwest exit door will also receive a new sidewalk culvert to accommodate the overflow from the downspout and reduce ice build-up in the winter months. Property Control has selected a vendor who will provide recommendations for a replacement security system.

B. Uniform Real Property Recording Act

Ms. Jaramillo reported that Real Property working group had been established and that a meeting was scheduled for mid- September. The working group is to provide input to the Commission of Public Records and the Department of Information Technology (DoIT) on the establishment of standards required to implement the Real Property Electronic Recording Act. The Act provides legal authority for the optional acceptance and recording of real estate documents by county clerks in electronic format based on standards established by DoIT and the

Commission of Public Records in consultation with the county clerks. The Chair commended Ms. Jaramillo for her work and stated he would attend the meeting. The Chair called on Ms. Herrera who spoke on behalf of the Secretary of State and commended Ms. Jaramillo and staff for all the help provided to her office in addressing records management issues. She stated a letter would be forthcoming from the Secretary of State commending the SRCA staff for their support in their endeavors.

VI. DIRECTOR'S REPORT

Ms. Jaramillo advised that a copy of her report was included in their meeting packets. She stated the report included information on the number of public records destroyed and the records transferred to the State Archives in FY 2007. Ms. Jaramillo invited the Commission to the Office of the State Historian's opening reception for the Internship Program in partnership with the College of Santa Fe. Ms. Jaramillo reported that a guide to help implement the e-mail rule (1.13.4 NMAC) had been developed for use by state agencies; the guide also includes tips for handling e-mail. Ms. Jaramillo further reported that the SRCA in collaboration with the Department of Homeland Security's Office of Emergency Management was working to address the identification of vital records within the Continuity of Operations Plan (COOP)

VII. SCHEDULING OF NEXT MEETING

The next meeting of the Commission of Public Records was scheduled for 9 a.m. on December 4, 2007. The Chairman thanked all the staff for their efforts and hard work.

VIII. AJOURNMENT

Chairman Hordes entertained a motion for adjournment. Mr. Mead so moved and Ms. Herrera seconded the motion. The motion passed unanimously with no abstentions. The meeting was adjourned at 11:10 a.m.