

**MINUTES OF THE
STATE COMMISSION OF PUBLIC RECORDS
REGULAR MEETING
June 19, 2007**

The State Commission of Public Records convened at 9:01 am, Tuesday 19, 2007 at 1209 Camino Carlos Rey, Santa Fe New Mexico.

Members Present

Stan Hordes, Ph D, Chair	Historian
The Honorable Mary Herrera	Secretary of State
Frances Levine, Ph.D.	Director of the Dept of Cultural Affairs
Ms. Alice Robledo	Designee for Robert Mead, State Law Librarian
Ms. Deborah Moll	Designee for Arturo Jaramillo, Secretary, General Services Department (GSD)

Members Absent

The Honorable Hector Balderas	State Auditor
The Honorable Gary King	Attorney General

Staff Present

Ms. Sandra Jaramillo	State Records Administrator
Ms. Antoinette Solano	Administrative Assistant
Ms. Judi Ross Hazlett	Deputy State Records Administrator
Mr. John Martinez	Director, Administrative Law Division
Ms. Angela Lucero	Director Records Management Division, RMD
Ms. Melissa Salazar	Archives and Historical Services Division, Archives Bureau Chief
Estevan Rael-Galvez, Ph.D.	State Historian
Mr. Leo Lucero	Agency Analysis Analyst, RMD
Ms. Lori LeRouge	Chief Information Officer
Ms. Jackie Garcia	Records Management Analyst
Ms. Piper Cappuccio	Records Management Analyst
Ms. Valerie Lucero	Records Management Analyst
Mr. Alvin Garcia	Assistant Attorney General

GUEST PRESENT

Mr. Charles Kitay	Property Control Division, General Services Dept.
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I. CALL TO ORDER

Chairman Hordes called the meeting to order at 9:00 a.m. and welcomed Secretary of State Mary Herrera, Dr. Frances Levine as Director of the Museum of New Mexico and Alice Robledo designee for Robert Mead, Supreme Court Law Librarian. He also expressed his appreciation to outgoing Commissioner

Bergit Salazar who resigned her position Deputy Cabinet Secretary for the Department of Cultural Affairs.

II. APPROVAL OF THE AGENDA

Chairman Hordes entertained a motion for the approval of the agenda but suggested an adjustment to the agenda under Old Business to accommodate Mr. Charles Kitay from the Property Control Division reporting to the Commission on the status of drainage repairs to the West Capitol Complex. Ms. Deborah Moll so moved and Secretary Mary Herrera seconded the motion. The agenda was approved.

III. APPROVAL OF THE MINUTES – April 10, 2007

Chairman Hordes entertained a motion for the approval of the minutes of the meeting of April 10, 2007. Dr. Frances Levine so moved, and Secretary Mary Herrera seconded the motion.

VI. OLD BUSINESS: DRAINAGE STUDY AND BUILDING ISSUES

The Chair moved to **Old Business: Drainage and Repairs West Complex**. Ms. Jaramillo stated that a comprehensive drainage study of the West Capitol complex had been conducted by Bohannon & Houston Inc. and submitted to the Property Control Division (PCD) in June 2006. Bohannon & Houston recommend that several repairs be done to improve drainage of the site. She stated that PCD had received funding from the State Board of Finance in October of 2006 to perform several of the recommend repairs. At the December 5, 2006 Commission Meeting, a report was submitted by PCD outlining the work to be completed along with a timeline. Ms. Jaramillo stated that Mr. Charles Kitay would report on the status of the drainage repairs to the West Capitol complex.

The Chair commented that for the past ten years the Commission had been trying to resolve outstanding building issues, and acknowledged Property Control's due diligence in resolving outstanding issues. The Chair then asked Mr. Kitay whether all items identified in the final survey report submitted to Property Control by Bohannon and Houston, Inc had been resolved. Mr. Kitay responded that all items identified in the report were being addressed. Ms. Jaramillo asked whether the problem with the records center bay doors had been resolved and if saw cuts to the sidewalk leading to the Records Center entrance would be addressed. Mr. Kitay responded that he knew about the problem with the door seal in the loading dock area however he was not aware of the saw cuts to the sidewalk and requested that someone show him where the cuts were needed and he would take care of it. He also stated he would have the door seal replaced to correct the problem with the bay door. Dr. Hordes asked if saw cuts would be made to concrete leading into the main entrance to the Library and Archives, as the drainage issues were the same. Mr. Kitay responded that cuts had been made to the concrete curb and that he believed this would take care of the problem. He also stated that the size of retention ponds would be increased which would help alleviate the problem.

In regards to other building issues Mr. Kitay informed the Commission that replacement of the security system was being addressed separately and that he would meet with Ms. Jaramillo to discuss how Property Control intended to proceed. Ms. Jaramillo reported the upper level entrance had been restricted to employees only and that particular action along with the additional security had seemed to curtail the vandalism that was occurring.

Ms. Moll asked if construction work to the employee entrance undertaken by the Department of Cultural Affairs would have an impact on drainage to the site. Mr. Kitay responded that it would not have a negative affect. The Chair thanked Mr. Kitay and stated that the Commission appreciated all the work that had been done and that he looked forward to the next meeting when Mr. Kitay would report that all the work had been completed.

The Chair then stated that the order of business would be resumed and proceeded to next item on the agenda.

IV. ACTION ITEMS Records Retention and Disposition Schedules

Ms. Jaramillo began by introducing her new administrative assistant Ms. Antoinette Solano. The Chair welcomed Ms. Solano.

Amendment to 1.15.2 NMAC, GRRDS, *General Administrative Records*: Ms. Jaramillo stated Mr. Leo Lucero would present the amendment to 1.15.2 NMAC. Mr. Lucero informed the Commission that the amendment repealed 1.15.2.203 NMAC electronic mail which was no longer required since the new rule 1.13.4 NMAC *Records Management Requirements for Electronic Messaging* would become effective June 29, 2007 and would provide direction on managing email. The Chair entertained a motion for approval. Ms. Moll so moved, Dr. Levine seconded the motion. The motion passed unanimously.

Amendment to 1.15.3 NMAC, GRRDS, *General Administrative Records*: (for use by local governments). Mr. Lucero informed the Commission that the amendment to 1.15.3 NMAC was similar to 1.15.2 NMAC, the difference was that 1.15.3 NMAC was the schedule used by local governments. The Chair entertained a motion for approval. Secretary Herrera so moved. Ms. Robledo seconded the motion. The motion passed unanimously.

Amendment to 1.18.667 NMAC, ERRDS, *New Mexico Department of Environment*: Ms. Jaramillo stated the amendment to 1.18.667 NMAC would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that sections 1.18.667.10 through 1.18.667.13 and sections 1.18.667.120 through 1.18.667.125 were being amended to satisfactorily describe the records being created by the agency. The Chair entertained a motion for approval. Secretary Herrera so moved. Ms. Moll seconded the motion. The motion passed unanimously.

Amendment to 1.18.790 NMAC. ERRDS *Department of Public Safety*: Ms. Garcia also presented the amendment to 1.18.790 NMAC indicating that the amendment was a result of the creation of the Department of Homeland Security and Emergency Management Department. The Office of Homeland Security and the Emergency Management Division were previously part of the Department of Public Safety (DPS) consequently the records retention and disposition schedule for the DPS had to be modified. The amendment to the schedule removes sections 1.18.790.141 through 1.18.790.144 describing records series maintained by the Office of Emergency Management from the DPS schedule. The Chair entertained a motion for approval. Secretary Herrera moved for approval. Dr. Levine seconded the motion. Dr. Levine asked if the records for Homeland Security would be scheduled elsewhere. Ms. Garcia replied that the records incorporated into a new schedule 1.18.795, the next action item to be considered by the Commission. After no further discussion, a vote was taken and the motion passed unanimously.

New Schedule, 1.18.795 NMAC, *Homeland Security and Emergency Management Department*: Ms. Garcia presented the new executive records retention and disposition schedule for the Homeland Security and Emergency Management Department. Ms. Garcia explained that the new department had been created through the *Homeland Security and Emergency Management Act* by the 48th Legislature during the First Regular Session of 2007. Ms. Jaramillo informed the Commission that the retention period for Section 1.18.795.129 *Release Report Files*, had being amended to read "30 years after date report issued transfer to Archives for review and final disposition." The Chair entertained a motion for approval. Secretary Herrera so moved. Ms. Moll seconded the motion. The Commission discussed the importance of the records and the need for archival review of records of significant informational and historical value. After no further discussion, a vote was taken and the motion passed unanimously.

B. Acceptance Deed of Gift:

Ms Jaramillo introduced Ms. Melissa Salazar, Archives Bureau Chief who presented the deed of gift for the James P McNulty Papers for the Commission's approval. Ms. Salazar stated that James P. McNulty served as the superintendent of the Tiffany Company turquoise mine at Turquoise Hills New Mexico and that the collection contained business correspondence and documented 20th century mining regulations and procedures consisting of approximately 4.5 linear feet, dating from 1898 to around 1933. The Chair entertained a motion for approval. Ms. Moll so moved. Secretary Herrera seconded the motion. Dr. Levine informed the Commission the artifacts from the Tiffany Mine were donated to the Palace of the Governors by Mr. McNulty and asked if in the Archives description of the collection a note could be included informing the public that the artifacts from the Tiffany mine were held by the Museum of New Mexico. Ms. Jaramillo agreed to include the information in the collection description. After no further discussion, a vote was taken and the motion passed unanimously

V. NEW BUSINESS

Ms Jaramillo stated that in an effort to keep the Commission apprised of the various agency programs, Division Directors would be making brief presentations to the Commission explaining Division programs and functions. She then introduced Dr. Estevan Rael-Galvez, the State Historian.

Dr. Rael-Galvez thanked the Commission for the opportunity to address them. He provided background information on the Office of the State Historian (OSH) and spoke about the vision and mission of the OSH. Dr. Rael-Galvez spoke about the Scholars and Internship Programs and how the programs contributed to the mission of the OSH. He demonstrated on the Digital History Website explaining the various themes and content accessible through the website. Dr. Rael-Galvez explained his future goals for the project. The Commission thanked Dr. Rael-Galvez for the presentation and discussed various ways in which the Digital History website could be promoted.

VI. OLD BUSINESS.

1.13.4 NMAC, Records Management Requirements for Electronic Messaging. Ms Jaramillo reported that the 1.13.4 NMAC would go into effect June 29, 2007. She explained that the State Records Center and Archives had worked closely with the Office of the Chief Information Officer, the General Services Department and the Office of the Governor to develop the rule. She also stated that guidelines for implementing the rule would be developed and distributed to agencies. The Chair commended Ms. Jaramillo and her staff for the work done on the rule and the process employed to solicit participation from state agencies.

Real Property Electronic Recording Act: Ms. Jaramillo reported that she and the Chair had met with the State CIO, Roy Soto in May, 2007 to discuss the best approach for developing standards to implement the Real Property Electronic Recording Act. A consensus was reached to establish a working group to provide recommendations to the Commission of Public Records and the new Department of Information Technology (DoIT). The work group is to include, County Clerks, the Secretary of State's office, Commission of Public Records and DoIT staff, and representatives from NM Land Title association. A letter will go out sometime in July inviting representatives from the organizations to participate in the work group. The group will be charged with researching standards that are already in place in other states and making recommendations to both the Commission and the DoIT. The standards will then be reviewed by the Commission and the Sec. of DoIT and promulgated as a joint rule.

VII. EXECUTIVE SESSION

Chairman Hordes entertained a motion to go into the executive session to discuss limited personnel matters pursuant to Paragraph (2) of Subsection H of the Open Meeting Act. Ms. Moll so moved and Ms. Robledo seconded the motion. Ms. Solano took a roll call vote: Commissioners Hordes, Herrera, Levine, Robledo, and Moll voted to convene in executive session. The Commission went into executive session at 10.48 a.m. and came out of executive session at 10:58 a.m.

Chairman Hordes reaffirmed that only those matters for which the Commission went into closed session were discussed during the closed session.

VIII. DIRECTORS REPORT

Ms. Jaramillo referred Commissioner to the Director's Report included in their packets for details on records destruction and performance measures. She informed the Commission that Ms. Daphne Arnaiz-DeLeon had resigned her position as Division Director effective June 29, 2007 to take a position as Director of the Nevada State Library and Archives. She invited the Commission to a reception in honor of Ms. DeLeon at the State Archives on Monday June 25 from 3 to 4 pm. Ms. Jaramillo announced that Felicia Lujan and Sibel Melik from Archives Division had received IMLS scholarships to participate in the online *Certificate Program in Digital Information Management* offered by the University of Arizona. Each scholarship (\$20,000) includes all course registration fees through the summer of 2008. Ms. Jaramillo also announced that she had been asked to participate in regional FEMA meeting in San Antonio Texas the following week to discuss the importance of vital records in Continuity of Operation Plans.

Dr. Hordes noted that the agency had been well represented at the National Council on Public History conference that took place in April. He stated that the Archives presented papers and the State Historian gave the key note address.

IX. NEXT MEETING

Ms Jaramillo proposed the Commission meet August 28, 2007, the last Tuesday of the month because the Commission would be reviewing and adopting the FY 09 appropriation request due September 1, 2007. Ms. Hazlett announced that if any of the Commissioners wished to review the appropriation before August 28th that they could contact her.

Mr. Garcia asked if the Chair was going to appoint a legislative sub-committee to discuss the agency's legislative priorities. The Chair asked Commissioners if they wished to serve on the sub-committee, he then appointed Dr. Levine and Ms Moll and Mr. Garcia.

X. Adjournment

The Chair called for a motion to adjourn, Secretary Herrera so moved, Ms. Moll seconded the motion. The Commission adjourned at 11:10am