



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2020-59:AMENDING RESOLUTION 2020-03**

**INSPECTION OF PUBLIC RECORDS**

**WHEREAS**, the Board of County Commissioners of Valencia County, met upon notice of a duly published Re-Organizational Business meeting on January 8, 2020, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, Section 14-2-7 of the Inspection of Public Records Act (NMSA 1978, Section 14-2-1 to -12) states that each public body shall designate at least one custodian of public records who shall: Receive and respond to requests to inspect public records, provide proper and reasonable opportunities to inspect public records, and provide reasonable facilities to make or furnish copies of the Public Records during usual business hours; and,

**WHEREAS**, NMSA 1978, Section 14-8-14 (C)(2011) provides that "county clerks shall establish reasonable fees for conducting searches and for reproducing or copying records maintained at the office of the county clerk.

**WHEREAS**, Article 9 Section 14 of the Constitution of the State of New Mexico holds in part that, "the state nor any county, school district or municipality" shall, "make any donation to or in aid of any person, association or public or private corporation..."; and,

**WHEREAS**, the reproduction of public records by electronic or traditional means is an expense to the taxpayers of the County both financially and through the use of staff time; and,

**WHEREAS**, NMSA 1978, Section 14-2-9 (1993) provides that a Custodian of Public records of the State or one of its political subdivisions, "(1) may charge reasonable fees for copying the public records, unless a different fee is otherwise prescribed by law; (2) shall not charge fees in excess of one dollar (\$1.00) per page for documents eleven inches by seventeen inches in size or smaller; (3) may require advance payment of the fees before making copies of public records; (4) shall not charge a fee for the cost of determining whether any public record is subject to disclosure; and (5) shall provide a receipt, upon request"; and,

**WHEREAS**, the Board of County Commissioners of Valencia County adopted Resolution 2008-52: Implementing a Uniform Fee Schedule for Reproducing Public Records in the Custody of the County of Valencia Assessor's Office, which details copy fees for various sized GIS maps; and,

**WHEREAS**, the Board of County Commissioners of Valencia County adopted Resolution 2010-45: Implementing a Uniform Fee Schedule for Reproducing Public Records in the Custody of the County of Valencia, which details copy fees for administrative offices of the County and elected offices not otherwise set by statute; and,

**WHEREAS**, the actual cost of copying documents requested has increased since 2010. Material costs, postage costs, equipment costs and salaries have all increased; and,

**WHEREAS**, the public and staff would benefit from having all copying fees accessible in one resolution and updated as needed yearly in January during the Re-Organizational Business Meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the Valencia County Commission that the following Inspection of Public Records Procedures is hereby adopted.

**Section I. Designation of Custodian of Public Records**

The Valencia County Commission designates the Valencia County Manager as its custodian of public records.

**Section II. Duties of the Public Records Custodian.**

The Custodian of Public Records shall:

- A. Receive and respond to requests to inspect County Commission public records;
- B. Provide proper and reasonable opportunities to inspect County Commission public records; and
- C. Provide reasonable facilities to make or furnish copies of County Commission public records during usual business hours.

**Section III. Submission of Public Records Requests**

- A. Requests to inspect public records should be submitted to the records custodian, Danny Monette, located at 444 Luna Avenue, Los Lunas, NM 87031, (505) 866-2014, (505) 866-3355 (facsimile), [danny.monette@co.valencia.nm.us](mailto:danny.monette@co.valencia.nm.us).
- B. In accordance with the Inspection of Public Records Act, a person desiring to inspect public records may submit a request to the records custodian orally or in writing, though the procedures and penalties prescribed by the Act apply only to written requests.
- C. A written request must contain the name, address and telephone number of the person making the request.

- D. Written requests may be submitted in person or sent via US mail, email, facsimile or via the portal: <https://www.co.valencia.nm.us/FormCenter/Contact-4/Contact-IPRA-79>.
- E. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

#### **Section IV. Procedures for Inspection**

- A. The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen calendar days after the records custodian receives the inspection request.
- B. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request.
- C. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen calendar days after the records custodian received the request for inspection.

#### **Section V. Inspection Fees**

If a person requesting inspection would like a copy (paper or electronic) of a public record, a reasonable fee may be charged, as detailed in the list below, which the records custodian may request be paid before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

- A. Photo Copies up to 11"x17" (excluding Assessor's GIS copies)**
  - a. \$0.50 per one-sided page
  - b. \$0.75 per two-sided page
  
- B. Large Documents/plots (excluding Assessor's Office GIS copies)**
  - c. \$3.00 per copy larger than 11 x 17 up to 18 x 23
  - d. \$5.00 per copy size 18 x 24
  - e. \$8.00 per copy size larger than 18 x 24 (fulfilled with County Clerk equipment)
  
- C. Electronic Data**
  - a. \$10.00 per CD plus applicable scanning fees per D. below
  - b. No fee to email documents existing in electronic format at the time of request
  
- D. Documents Scanned or Faxed**
  - a. \$0.25 per page scanned to electronic format (for documents that exist in hard-copy format at time of request)
  - b. \$2.50 per document faxed plus copy fees per A. above (for documents that do not exist in hard-copy format at time of request)

**E. Postage Fees**

Actual fees associated with mailing request via USPS certified, return receipt

**F. Assessor's Office Copies and Electronic Data**

- a. \$0.50 per one-sided page in excess of 3 pages for Property Records cards
- b. Hard Copy Rates

Page Size	Black & White	Aerial/Color
A- 8 ½" x 11"	\$0.50	\$1.00
8 ½" x 14"	\$1.75	\$3.50
B- 11" x 17"	\$2.25	\$4.25
C- 17" x 22"	\$3.50	\$6.75
D- 22" x 34"	\$4.25	\$8.50
E- 28" x 40"	\$5.50	\$11.00
36" x 36"	\$7.00	\$14.00
F- 34" x 44"	\$8.50	\$17.00
36" plus-per ft.	\$2.50	\$5.00

- c. \$15.00/ hr. for custom mapping plus material rates per chart above
- d. \$15.00/hr. for research and retrieval of general electronic data
- e. \$10.00 for postage and material for general electronic data
- f. \$350.00 for GIS data disk (includes postage and material)

**G. Treasurer's Office Copies and Electronic Data**

- a. \$0.50 per one-sided page in excess of 3 pages for Summary of Tax statements
- b. \$300.00 per first request of full-file mortgage listings –electronic data
- c. \$200.00 per subsequent requests of full-file mortgage listings – electronic data
- d. \$400.00 per tax rolls with extra data (breakdown by year) – electronic data
- e. \$10.00 per digital delinquent file in PDF format
- f. \$50.00 per digital delinquent file in Excel format
- g. \$75.00-\$500.00 per custom database listings (dependent on request) – electronic data

**H. Clerk's Office Copies and Electronic Data**

- a. \$0.50 per one-sided page for copies made by customers
- b. \$1.00 per one-sided page for copies made by staff
- c. \$1.00 per page for copies of surveys and plats 11"x17" and smaller
- d. \$3.00 per page for copies of surveys and plats larger than 11"x17" and smaller than 18"x23"
- e. \$5.00 per page for copies of surveys and plats measuring 18"x24"
- f. \$8.00 per page for copies of surveys and plats larger than 18"x24"
- g. \$1.00 per image emailed
- h. \$1.00 per image emailed with conversion and/or redaction
- i. \$1.00 per page faxed local or long distance
- j. \$10.00 per CD plus applicable imaging fees

- k. Pursuant to NMSA 1978, Section 14-8-14 (2011), records maintained in the office of the county clerk are available to be searched without charge during regular business hours. Searches & services that require the devoted attention of an employee (i.e.: Companies scanning documents using their own equipment and/or redacting for a private vendor) shall be at a rate of \$20 per hour.

**I. Sheriff's Office Copies and Electronic Data**

- a. \$1.00/ one-sided page for copies of incident reports requested and received at the Sheriff's Office
- b. \$0.50 per CD, actual cost to the County for USB, or free Google link

**Body Worn Camera Video:**

DVD or USB (Waived for Google link)	\$0.50 or *
\$0.0001 per Kb x _____ Kb =	\$_____ for the video
Total cost with DVD/USB =	DVD/USB + Video
Total Cost with Google link =	Video only

**\*USB cost will be at the actual cost to the County, but may vary based on size requirements and availability**

**Section VI. Application**

This Resolution applies to all records in the County's for which fees and/or procedures have not been set by statute.

**Section VII. Repeal of Prior Resolutions**

Resolution 2020-03 and all other resolutions inconsistent with this Resolution are hereby repealed with its adoption.

APPROVED, ADOPTED, AND PASSED on this 7<sup>th</sup> day of October, 2020

**BOARD OF COUNTY COMMISSIONERS**

*Jhonathan Aragon*

Jhonathan Aragon  
Chairman, District V

*Gerard Saiz*

Gerard Saiz  
Vice-Chair, District I

*Tom Mraz*

Tom Mraz  
Commissioner, District II

*David A. Hyder*

David A. Hyder  
Commissioner, District III

*Charles D. Eaton*

Charles D. Eaton  
Commissioner, District IV

Attest:

*Peggy Carabajal*

Peggy Carabajal, County Clerk