



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2022-06**

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 5, 2022, 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 or via Valencia County website at <https://www.co.valencia.nm.us/FormCenter/Contact-4/Contact-IPRA-79>
- 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.