



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2024-~~58~~**

**INSPECTION OF PUBLIC RECORDS
(REVISED)**

WHEREAS, the Valencia County Board of Commissioners met upon notice of regular meeting, duly published, at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 on Wednesday, September 18, 2024, at 5:00 PM as required by law; 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; and,

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 (2013) makes very plain that the County is indeed permitted to "charge reasonable fees for copying the public records, unless a different fee is otherwise prescribed by law[.]" to "charge the actual costs associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device[.]" and to "charge actual costs associated with transmitting copies of public records by mail, electronic mail, or facsimile[.]"; and,

WHEREAS, in accord with the Inspection of Public Records Act, the former Attorney General Open Meetings Act Compliance Guidance made plain that "[a] records custodian may charge reasonable fees for copying public records." "Downloaded copies. A custodian may charge the actual costs of downloading copies of public records to a computer disk or other storage device,

including the actual cost of the storage device. Transmitting copies. A custodian may charge the actual costs of transmitting copies of public records by mail, e-mail, or facsimile. Unless otherwise allowed by law, any fee charged by a public body may reflect only the actual cost of copying. This may include the actual costs to the public body for making and transmitting copies, *including any personnel time involved*," (Emphasis added); and,

WHEREAS, despite there no intervening change in the law, the Attorney General's Office has changed its guidance regarding permissible charges for copying public records; and,

WHEREAS, the Attorney General now suggests that "....costs cannot include staff time associated with receiving requests, conducting searches, or reviewing records prior to providing the electronic records[.]" despite that the law expressly permits for the imposition of reasonable fees, to charge the actual cost associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device, and to charge the actual costs associated with transmitting copies of public records by mail electronic mail, or facsimile; and,

WHEREAS, the Attorney General has issued this guidance, without a change in the law, and despite that Article IX, Section 14 of the New Mexico Constitution prohibits the State and its political subdivisions from directly or indirectly making any donation to or aid of any person, association or public or private corporation or in aid of any private enterprise, except as expressly set forth therein; and,

WHEREAS, this electronic data is utilized for commercial purposes, and produced at the expense of New Mexico taxpayers, and,

WHEREAS, the Board takes its fiduciary responsibility to the taxpayers very seriously, and opts to preclude the expenditure of additional public resources litigating this matter with well-funded special interest groups and commercial enterprises about the costs attendant to the production of electronic data, particularly in light of the change in the guidance from the Attorney General's Office by adopting this revised Inspection of Public Records Act Resolution.

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.
- C. 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.
- D. A written request must contain the name, address and telephone number of the person making the request.
- E. 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>.
- F. 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. \$1.00 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. No fee to email documents existing in electronic format at the time of request
- b. Conversion to Electronic Format - Cost of CD plus applicable scanning fees per subsection D.

D. Documents Scanned

- a. \$0.25 per page scanned to electronic format (for documents that 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"	\$1.00	\$1.50
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. Actual Cost of postage and material for general electronic data
- e. \$350.00 for GIS data disk (includes postage and material) Per NMSA 1978 § 14-3-15.1 (F) (1995)

G. Treasurer's Office Copies and Electronic Data

- a. \$1.00 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, Electronic Data and Research Fees

- a. \$1.00 per one-sided page for copies made by customers
- b. \$1.00 per one-sided page for copies made by staff
- c. \$2.00 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. \$25.00 per hour for clerk staff research per NMSA 1978, §14-8-14 (B)(1) & (C) (2011) (The Clerk's Office will only research name records eg. Grantor/Grantee Index)
- l. Pursuant to NMSA 1978, § 14-8-14 (A) (2011), records maintained in the office of the county clerk are available to be searched without charge during regular business hours

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	actual cost
USB	actual cost
Google link	No Charge

Section VI. Application

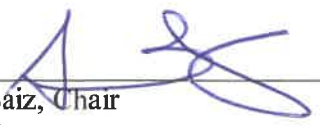
This Resolution applies to all records in the County's for which fees and/or procedures have not been set by statute.

Section VII. Repeal of Prior Resolutions

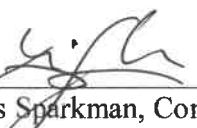
Resolution 2024-09 and all other resolutions inconsistent with this Resolution are hereby repealed with its adoption.

APPROVED, ADOPTED, AND RESOLVED on this 18th day of September 2024.

BOARD OF COUNTY COMMISSIONERS


Gerard Saiz, Chair
District I


Troy Richardson, Vice Chair
District II


Morris Sparkman, Commissioner
District III


Joseph Bizzell, Commissioner
District IV


Christian Garcia, Commissioner
District V

ATTEST BY:

Attest:


Mike Milam, County Clerk