

CITY OF TRUTH OR CONSEQUENCES
COUNTY OF SIERRA

RESOLUTION # 07-10/11

A RESOLUTION ADOPTING PROCEDURES FOR REQUESTING
INSPECTION OF PUBLIC RECORDS

WHEREAS the right of a person to inspect public records; procedures for requesting inspection of public records; procedures for copies of public records, setting a reasonable fee and the responsibility of the public body are required by state law; and

WHEREAS the City of Truth or Consequences finds that it is necessary to establish a records policy and fee schedule pursuant to The Inspection of Public Records Act NMSA 1978, Chapter 14, Article 2; Arrest Record Information Act Section 29-10; Victims of Crimes Act Section 31-26-1; Sealing of Records Section 31A-2-26; Rules of Court Procedures Sections 2-112, 6-114 and 8-112; and

WHEREAS changes in technology require a review of categories and fees;

NOW, THEREFORE, BE IT RESOLVED by the City of Truth or Consequences:

1. The office of the City Clerk shall have a notice posted to describe **a)** the right of a person to inspect public records, **b)** procedures for requesting inspection of public records, **c)** procedures for requesting copies of public records, **d)** reasonable fees for copying public records as in Exhibit B; and **e)** the responsibility of the City of Truth or Consequences to make public records available for inspection as in Exhibit "A".
2. City staff is authorized to perform all the acts necessary in the accomplishment of the above.

PASSED, ADOPTED AND APPROVED this 14th Day of September, 2010.



Mary B. Penner
Mary B. Penner, City Clerk

Lori S. Montgomery
Lori S. Montgomery, Mayor

EXHIBIT "A"

INSPECTION OF PUBLIC RECORDS POLICY

PURSUANT TO THE INSPECTION OF PUBLIC RECORDS ACT NMSA 1978, CHAPTER 14, ARTICLE 2, EVERYONE HAS A RIGHT TO INSPECT ANY PUBLIC RECORDS OF THE CITY OF TRUTH OR CONSEQUENCES EXCEPT:

1. Records concerning physical or mental examinations.
2. Letters of reference concerning employment, licensing or permits.
3. Letters which are matters of opinion in personnel files.
4. Law enforcement records revealing confidential sources.
5. As provided by the Confidential Materials Act.
6. As otherwise provided by law.

PROCEDURES FOR REQUESTING RECORDS:

1. A written request is made of the custodian of record. The Records Custodian is defined by Section 2-126 of the City Code of Ordinances.
2. A written or email request shall provide the name, signature, address and telephone number of the person requesting review of records. Records shall be identified as accurately as possible. A form is available in the City Clerk's office or can be downloaded from the City's website: www.torcnm.org
3. Inspection will be granted as soon as practicable under circumstances but no later than 15 days. Requested records may be picked up in person or sent via US Mail or email. Records sent via US Mail or email require pre-payment.
4. If the inspection is not granted within three (3) business days, the requester will receive a letter from the custodian of record identifying when the records will be available.
5. Confidential information in a specific record will be removed.
6. The City of Truth or Consequences is not required to create/produce a record that does not exist.
7. Excessively burdensome or broad requests may take longer than fifteen (15) days. If time extends past fifteen (15) days, the requester will receive a letter from the custodian of record identifying when the records will be available.
8. Fees shall be charged in accordance with Exhibit B.
9. If a request to inspect records is denied, the custodian of record will explain the denial.

Exhibit "B"

FEEES FOR REPRODUCTION OF PUBLIC RECORD:

Service	Description	Fee
Photographs	Duplication	\$1.00 per page
Audio Tape Copy	Cassette Format	\$3.00 per tape copy provided by requester. \$5.00 per tape copy provided by City.
Routine Copies of Documents	Up to 11 x 17. <i>May be paid in advance. If mailing is expected, actual costs for postage will also be charged.</i>	\$0.25 per page sent via US Mail or email.
Digital/Electronic Records	CD/DVD's/USB Drive/Email <i>Cost for digital/electronic records are due prior to file transfer and can be paid in person or by US Mail.</i>	\$0.25 per page
All Police/ Accident Reports	Victim/Complainant All Others	\$1.00 First page, \$0.50 per page thereafter \$1.00 per page
Criminal/Arrest History	No Record Found Record(s) Found	\$1.00 per page (not to exceed (\$5.00)) \$1.00 per page (not to exceed \$10.00)
Fingerprinting	Job Related, Non USINS	\$5.00 per card \$10.00 per set