



**RESOLUTION NO. 2020-02
INSPECTION OF PUBLIC RECORDS**

WHEREAS, the Board of Trustees of the Village of Magdalena, met upon notice of a duly published Regular Business meeting on January 13, 2020, at 6:00 P.M. at Village Hall, 108 N. Main Street, Magdalena, New Mexico 87825, 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, 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 Village 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 public and staff would benefit from having all copying fees accessible in one resolution and updated as needed;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Magdalena that the following Inspection of Public Records Procedures is hereby adopted.

Section I. Designation of Custodian of Public Records

The Board of Trustees designates Village Clerk/Treasurer 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 Village public records;
- B. Provide proper and reasonable opportunities to inspect Village public records; and
- C. Provide reasonable facilities to make or furnish copies of Village 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, Village Clerk/Treasurer located at 108 N. Main Street, (575) 854-2261, (575) 854-2273 (facsimile), clerk@villageofmagdalena.com.
- 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 or facsimile.
- 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. Hard Copy Rates

- a. \$0.50 per page (black and white)
- b. \$0.75 (color)
- c. \$0.75 (two sided black and white)
- d. \$1.00 (two sided color)
- e. \$15.00/hr. for research and retrieval of general electronic data

B. Electronic Data (exists in electronic format at time of request)

- a. \$10.00 per CD
- b. No fee to email existing documents

C. Documents Scanned or Faxed

- a. \$2.50 per document scanned to electronic format (for documents that do not exist in electronic format at time of request)
- b. \$2.50 per document faxed (for documents that exist in hard copy format at time of request)
- c. \$2.50 per document faxed plus copy fees (for documents that do not exist in hard-copy format at time of request)

D. Postage Fees

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


Section VI. Application

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

APPROVED, ADOPTED, AND PASSED on this 13th day of January, 2020.


Richard Rumpf
Mayor

Attest:


Carleen Gomez
Deputy Clerk

