

RESOLUTION NO. 2012-40

A RESOLUTION ADOPTING THE LINCOLN COUNTY PUBLIC RECORDS POLICY FEE SCHEDULE

WHEREAS, the County of Lincoln has numerous records of public information maintained on computer files; and

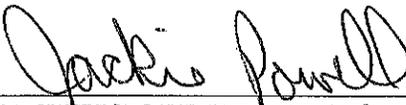
WHEREAS, the County receives numerous requests for such information in various formats; and

WHEREAS, the Resolution adopting the "Lincoln County Public Records Policy and Rates" on June 21, 2011 is in need of revision.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 2010-36 is hereby rescinded and replaced by Resolution No. 2012-40 adopting the A Lincoln County Public Records Policy and Fee Schedule.

APPROVED, PASSED AND ADOPTED this 25th day of June, 2013.

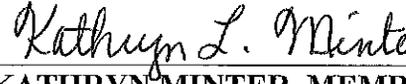
**BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO**



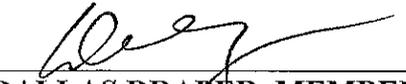
JACKIE POWELL, CHAIRWOMAN



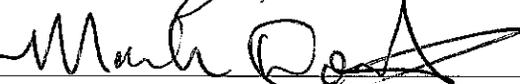
PRESTON STONE, VICE CHAIR



KATHRYN MINTER, MEMBER



DALLAS DRAPER, MEMBER



MARK DOTH, MEMBER



ATTEST:



RHONDA BURROWS, CLERK

REQUEST FOR PUBLIC RECORDS

1. The Manager of the County of Lincoln is designated as the Records Custodian for all records kept by and sought from the County of Lincoln.
2. The Public Records Custodian shall:
 - A. Receive and respond to requests to inspect public records.
 - B. Provide proper and reasonable opportunities to inspect public records.
 - C. Provide reasonable facilities to make or furnish copies of the public records during usual business hours.
 - D. Post in a conspicuous location at the administrative office of each public body a notice describing the following:
 - (1) the right of a person to inspect a public body's records;
 - (2) procedures for requesting inspection of public records;
 - (3) procedures for requesting copies of public records;
 - (4) reasonable fees for copying public records; and
 - (5) the responsibility of a public body to make available public records for inspection.
3. All public records requests shall be made to the County Manager at the following address:
Lincoln County Manager, Post Office Box 711, Carrizozo, New Mexico 88301-0711.
4. Fees for public records requests made to the County of Lincoln will be as attached hereon as ***Exhibit A*** and incorporated by reference herein.

INSPECTION OF PUBLIC RECORD

Every person has a right to inspect any public record of this County with very few exceptions. These ***exceptions*** include medical records; letters of reference concerning employment; licensing or permits; letters or memoranda which are matters of opinion in personnel files; law enforcement records that reveal confidential sources, methods, information, or individuals accused but not charged with a crime. Law enforcement records that include evidence in any form received or compiled in connection with any law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed above; or as provided by the Confidential Materials Act and as otherwise provided by law.

1. The ***PUBLIC INFORMATION REQUEST*** form must be completed by the person requesting the information.
2. The person receiving the request (Records Custodian) shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen (15) days after receiving a written request.
If the inspection is not permitted within three (3) business days, the custodian shall explain in writing when the records will be available

for inspection or when the response can be expected. The three day period begins when the written request is delivered to the office of the Records Custodian.

3. In the event that a written request is made to the Lincoln County Records Custodian and Lincoln County is **NOT** in possession or responsible for the public records requested, the Records Custodian shall promptly forward the request to the proper custodian of the requested public records and notify the requestor. The notification to the requestor shall state the reason for the absence of the records from that person=s custody or control, the records location and the name and address of the custodian. This form is called the **RESPONSE TO PUBLIC INFORMATION REQUEST**.
4. On the **RESPONSE TO PUBLIC INFORMATION REQUEST** form there are reasons for the delay in complying with a request.
 - A. Lincoln County is not the custodian of the requested record.
 - B. Your request was submitted to the wrong department and has been forwarded to:

Custodian's Name _____
Custodian's Address _____
 - C. The person and/or department having custodial responsibility for the type of records needed to comply with your request is not known.
 - D. Additional time is needed to separate classified information from public information for your request.
 - E. Additional time is needed to compile this information for your inspection/review.
 - F. Additional time is needed to reproduce this information for you.
 - G. See other side for further comments.
 - H. Our department will need approximately ____ day(s) ____ week(s) ____ month(s) to compile and/or prepare this information for your request.
 - I. **DENIED** for the following reasons: _____
5. If the information requested is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The custodian shall provide written notification to the requestor within fifteen (15) days of the request that additional time will be needed to respond to the written request.

DEPARTMENT RESPONSIBILITY

Each office and department is responsible for providing any and all requests for public information to the County Manager for response. If there is a question concerning the information requested, the County Clerk, County Manager, and/or County Attorney will determine whether the information can be lawfully provided.

FORMS ATTACHED: Data Processing Price Schedule (Exhibit A)
Notice of Right to Inspect Public Records
Public Information Request
Response to Public Information Request

Lincoln County Fee Schedule

COPIES

Documents

Letter	Blk/Wht	\$0.50
	Color	\$0.75
Legal/Ledger	Blk/Wht	\$0.75
	Color	\$1.00

Plats/Surveys/Maps

Small (12"/18")	Blk/Wht	\$2.00
	Color	\$3.00
Medium (18"x24")	Blk/Wht	\$3.00
	Color	\$4.00
Large (24"x36")	Blk/Wht	\$5.00
	Color	\$7.00
Extra Large (32"x36")	Blk/Wht	\$7.00
	Color	\$10.00

<u>Audio CD/DVD</u>		\$5.00
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Certified Copies

1 page w/certification	\$1.50
each additional page	\$0.50

Misc. Copies

County Road Map	\$4.00
Subdivision Ordinance	\$10.00
Delinquent Tax Sale List	\$5.00
Delinquent Tax Sale Map	\$5.00

FEES

Marriage License		\$25.00
Probate Filing Fee		\$30.00
Returned Check Fee		\$25.00
Delinquent Mobile Home Collection Fee		\$25.00
Moving Permit for Mobile Homes	Per Section	\$10.00
Accident/Incident Sheriff's Report		
Single Page		\$2.00
each additional page		\$0.50
Liquor License		
Club		\$25.00
Restaurant		\$250.00
Dispenser		\$250.00
Special Permit /Daily		\$25.00
Facsimile (FAX) Transmission		
1st page w/cover sheet		\$1.50
each additional page		\$0.50

CLERK'S RECORDING

DOCUMENTS/UCC's

1 to 10 index entries	\$25.00
Each additional 10 entries	\$25.00
In Person Grantor or Grantee (non-commercial <10 entries)	\$10.00

Plats/Surveys (Original Mylar returned)	\$25.00
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VOTER INFORMATION - SOS FEES

CD or Email Set up and \$3.00 per 1000 voters or \$4.00 per 1000 voters w/history	\$15.00
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Printed List Set up and \$5.00 per 1,000 voters and \$.50 per page	\$15.00
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Labels Set up and \$20.00 per 1,000 labels	\$15.00
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DATA BASE INFORMATION*

Copies of Electronic Files

Clerks Land Records	Per Week	\$50.00
	Per Month	\$200.00
	Daily per Month	\$200.00
Assessment and/or Property Tax List	Annual List	\$100.00
Map Shape Files		\$100.00

***Requests for data base information will be subject NMSA 14-2-6, 14-3-15.1 and 14-3-18 which allow a reasonable fee to be charged for personnel time to research and retrieve electronic records; require redaction of protected personal information; and restrict data base access for specific purposes.**

Research and Redaction Fee	Per Hour	\$20.00
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NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

By law, under the Inspection of the Public Records Act, every person has the right to inspect public records of the County of Lincoln.

Requests to inspect public records should be submitted in writing on the County of Lincoln Public Records Request form to the *Records Custodian, c/o County Manager, at Post Office Box 711, Carrizozo, New Mexico 88301-0711.*

A person desiring to inspect public records may submit a request to the Records Custodian orally or in writing. However, the procedures and penalties prescribed by the Act apply only to written requests. A written request must contain the name, address and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the Records Custodian to identify and locate the requested records.

The Records Custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the Records Custodian receives the inspection request. If inspection is not permitted within three (3) 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. 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 (15) calendar days after the Records Custodian received the request for inspection.

If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged. The fee for documents is set forth on "*Exhibit A*" to this Notice. The Records Custodian may request that applicable fees for copying public records be paid in advance, before copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided to the person requesting the copies.

**COUNTY OF LINCOLN
PUBLIC INFORMATION REQUEST
(Please Type or Print)**

Date: _____

Name: _____ Telephone: (____) _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Please check at least one of the following:

- I want to inspect/review this information.
- I would like copies of this information.

Public Information Sought (be as specific as possible):

I understand that I will be required to pay the fees imposed by the County of Lincoln, pursuant to the Inspection of Public Records Act. The County of Lincoln has agreed to provide me with a schedule of its fees for copying public records, and upon request, will provide me with an estimate of the costs for copies of the records I am requesting. I understand this is only an estimate and that I will not receive copies of any public record until I have paid the applicable fees. I also understand some of the materials enclosed may be provided to me as community service, and that the County is not responsible for any error liability contained therein, or any use or misuse of this information.

Signed: _____

**FOR COUNTY USE ONLY
(Please Type or Print)**

Date or Receipt: _____ Time of Receipt: _____

Employee Name: _____ Title: _____

Department: _____

*County of Lincoln
Post Office Box 711
Carrizozo, New Mexico 88301-0711*

**COUNTY OF LINCOLN
RESPONSE TO PUBLIC INFORMATION REQUEST
(Please Type or Print)**

To: _____ Date: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

From: _____ Title: _____

Department: _____ County of Lincoln
P. O. Box 711, Carrizozo, NM 88301

Compliance with your request for public information on _____, 201____, has been:

- DELAYED** for the following reason(s):
 - a) your request was submitted to the wrong department and has been forwarded to:
Custodian's Name: _____
Custodian's Address: _____

 - b) the person and/or department having custodial responsibility for the type of records needed to comply with your request is not known;
 - c) additional time is needed to separate the classified information from the public information for your request;
 - d) additional time is needed to compile this information for your inspection/review;
 - e) and/or more time is needed to reproduce this information for you;
 - f) see other side for further comments.

Our department will need approximately _____ day(s) _____ week(s) _____ month(s) to compile and/or prepare this information for your request.

- DENIED** for the following reason(s):

Staff concurrence of this denial:

Name: _____ Title: _____
Name: _____ Title: _____

If further room for any part of this form is needed, please continue with the reason(s) or the list of our staff on the other side of this form.