LINCOLN COUNTY RESOLUTION NO. 2017- 30
A RESOLUTION ADOPTING THE LINCOLN COUNTY, NEW MEXICO
PUBLIC RECORDS POLICY (INSPECTION OF PUBLIC RECORDS)

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

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

WHEREAS, the Resolution adopting the “Lincoln County Public Records Policy and
Rates” on January 9, 2018 is in need of further revision to reflect electronic receipt of Public
Records requests and to remove the Fees section to a separate Resolution.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 2017-22 is hereby
rescinded and replaced by Resolution No. 2017-30 adopting the “Lincoln County Public Records
Policy.

APPROVED, PASSED AND ADOPTED this 20th day of March, 2018.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

PRESTON STONE, CHAIR

DALLAS DRAPER, VICE CHAIR

ELAINE ALLEN, MEMBER

THOMAS F. STEWART, MEMBER

DR. LYNN WILLARD, MEMBER

ATTEST:

RHONDA BURROWS, CLERK
REQUEST FOR PUBLIC RECORDS

1. The Manager of the County of Lincoln is designated as the Public 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 (Public Records Custodian) at the following address: Lincoln County Manager, Post Office Box 711, Carrizozo, New Mexico 88301-0711. Electronically mailed ("email") public records requests shall be submitted to the Public Records Custodian at the following email address: publicrecordsrequest@lincolncountynm.gov.

4. Fees for public records requests made to the County of Lincoln are set forth in the Resolution adopting the Lincoln County Fees Schedule.

INSPECTION OF PUBLIC RECORDS

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;

Public Records Policy Resolution
Law enforcement records which pertain to an ongoing or active investigation;
Attorney-Client privileged information.

1. The PUBLIC INFORMATION REQUEST form attached as Exhibit A and incorporated
by reference herein should be completed by the person requesting the information and must
be submitted either by United States Postal Service mail via the above referenced address
or by electronic mail ("email") via the above referenced email address. Oral requests for
public records may be made; however, as set forth in Section 14-2-8(A) NMSA 1978, oral
requests shall not subject the Public Records Custodian to any penalty.

2. An individual requesting public records shall be permitted the inspection of requested
records immediately or as soon as is practicable under the circumstances, but not later than
fifteen (15) days after receiving a written request as set forth in Section 14-2-8(D) NMSA
1978.

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 received by the Public
Records Custodian.

3. In the event that a written request is made to the Lincoln County Public Records Custodian
and Lincoln County is not in possession or responsible for the public records requested,
the Public Records Custodian shall promptly forward the request to the proper custodian
of the requested public records and shall notify the requestor, as set forth in Section 14-2-8(E).
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 and is attached to this Resolution as Exhibit B.

4. On the RESPONSE TO PUBLIC INFORMATION REQUEST form, reasons for the
delay in complying with a request may include one or any of the following:

A. Lincoln County is not the custodian of the requested records.
B. The request was not submitted to the custodian of the requested records 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 the request is not known.
D. Additional time is needed to separate classified information from public
   information for the requested records to be provided.
E. Additional time is needed to compile the information for inspection/review of the
   requested records.
F. Additional time is needed to reproduce the requested records.
G. The records custodian will need approximately ____ day(s) ____ week(s) 
____ month(s) to compile and/or prepare the requested records for review.

H. **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 (Public Records Custodian) 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:**
- Notice of Right to Inspect Public Records
- Public Information Request (Exhibit A)
- Response to Public Information Request (Exhibit B)
NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

By law, under the Inspection of the Public Records Act, Section 14-2-1, et. al. NMSA 1978 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 Public Records Custodian, c/o County Manager, at Post Office Box 711, Carrizozo, New Mexico 88301-0711 or via email at: publicrecordsrequest@lincolncountynm.gov.

A person desiring to inspect public records may submit a request to the Public 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 Public Records Custodian to identify and locate the requested records.

The Public Records Custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the Public Records Custodian receives the Public Records 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 Public Records Custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the Public 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 fees for duplication or production of documents are set forth in the Resolution adopting the Lincoln County Fees Schedule. The Public 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.
Exhibit A
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
publicrecordsrequest@lincolncountynm.gov
Exhibit B: 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 ________________, 20____, has been:
  o DELAYED for the following reason(s):
    o a) the request was not submitted to the custodian of the requested records
        and has been forwarded to:
          Custodian's Name: ______________________
          Custodian's Address: ______________________
        ______________________________________
    o b) the person and/or department having custodial responsibility for the
        type of records needed to comply with the request is not known;
    o c) additional time is needed to separate the classified information from
        public information for the requested records to be provided;
    o d) additional time is needed to compile this information for
        inspection/ review of the requested records;
    o e) and/or more time is needed to reproduce the requested information;
    o f) see other side for further comments.

Our department will need approximately _____ day(s) _____ week(s) _____ month(s) to
compile and/or prepare the requested records for review.

  o 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 utilize the other side of this form.
LINCOLN COUNTY RESOLUTION 2017-31
A RESOLUTION ADOPTING THE LINCOLN COUNTY FEES SCHEDULE

WHEREAS, the County of Lincoln may charge reasonable fees for the production of records as set forth in 14-2-9 NMSA 1978; and,

WHEREAS, the County of Lincoln has created a Fee Schedule to regulate and publish its set fees for copying documents, licensing and permitting fees, clerk recording fees, and other fees; and,

WHEREAS, 14-2-6, 14-3-15.1 and 14-3-18 NMSA 1978 set forth provisions that a fee may be charged for personnel time to allow for research or to redact protected information.

NOW, THEREFORE, BE IT RESOLVED that Resolution 2017-31 sets forth the Lincoln County Fees Schedule.

APPROVED, PASSED AND ADOPTED this 20th day of March, 2018.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

PRESTON STONE, CHAIR

DALLAS DRAPER, VICE CHAIR

ELAINE ALLEN, MEMBER

THOMAS F. STEWART, MEMBER

DR. LYNN WILLARD, MEMBER

ATTEST:

RHONDA BURROWS, CLERK
## Lincoln County Fee Schedule

### Copies

#### Documents

| Document       | Format          | Price  
|----------------|-----------------|--------|
| Letter         | Blk/Wht         | $0.50  
|                | Color           | $0.75  
| Legal/Ledger   | Blk/Wht         | $0.75  
|                | Color           | $1.00  

#### Plats/Surveys/Maps

| Size            | Format          | Price  
|-----------------|-----------------|--------|
| 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 

#### Audio CD/DVD

| Type            | Price  
|-----------------|--------|
| Audio CD/DVD    | $5.00  

#### Certified Copies

| Quantity       | Price  
|----------------|--------|
| 1 page w/certification | $1.50  
| each additional page   | $0.50  

### Misc. Copies

| Document                      | Price  
|-------------------------------|--------|
| County Road Map              | $4.00  
| Subdivision Ordinance        | $10.00 
| Delinquent Tax Sale List     | $5.00  
| Delinquent Tax Sale Map      | $5.00  

## FEES

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<th>Fee</th>
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<tbody>
<tr>
<td>Marriage License</td>
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<tr>
<td>Probate Filing Fee</td>
<td>$30.00</td>
</tr>
<tr>
<td>Returned Check Fee</td>
<td>$25.00</td>
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<tr>
<td>Delinquent Mobile Home Collection Fee</td>
<td>$25.00</td>
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<tr>
<td>Moving Permit for Mobile Homes</td>
<td>Per Section $10.00</td>
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<tr>
<td>Accident/Incident Sheriff's Report</td>
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<tr>
<td>Liquor License</td>
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<tr>
<td>Club</td>
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<tr>
<td>Special Permit/Daily</td>
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</tbody>
</table>
**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** $25.00  
(Original Mylar returned)

**VOTER INFORMATION - SOS FEES**

**CD or Email**
Set up $15.00  
and $3.00 per 1000 voters or $4.00 per 1000 voters w/history

**Printed List**
Set up $15.00  
and $5.00 per 1,000 voters and $.50 per page

**Labels**
Set up $15.00  
and $20.00 per 1,000 labels
DATA BASE INFORMATION*

Copies of Electronic Files

Clerks Land Records Per Image $0.10

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

ALL PAYMENTS DUE BEFORE SERVICE, PRODUCTION, or DELIVERY