

**LINCOLN COUNTY RESOLUTION NO. 2019-49
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" on March 20, 2018 is in need of further revision to reflect an additional Records Custodian for the County.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 2017-30 is hereby rescinded and replaced by Resolution No. 2019-49 adopting the "Lincoln County Public Records Policy."

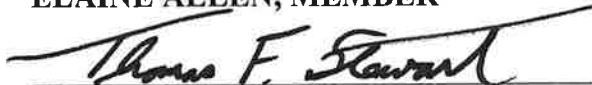
APPROVED, PASSED AND ADOPTED this 16th day of June, 2020.

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

Approved Telephonically
DALLAS DRAPER, CHAIR

Approved Telephonically
DR. LYNN WILLARD VICE CHAIR


ELAINE ALLEN, MEMBER


THOMAS F. STEWART, MEMBER

Approved Telephonically
PRESTON STONE, MEMBER



ATTEST:


WHITNEY WHITTAKER,
CLERK

REQUEST FOR PUBLIC RECORDS

1. The Manager and Administrative Assistant of the County of Lincoln are designated as Public Records Custodians (hereinafter: 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 or Administrative Assistant (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;
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 or Administrative Assistant (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 following:

***Public Records Custodian, c/o County Manager
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 a 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 responding 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 responding 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 responding 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:

- DELAYED** for the following reason(s):
 - a) the request was not submitted to the custodian of the requested records 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 the request is not known;
 - c) additional time is needed to separate the classified information from public information for the requested records to be provided;
 - d) additional time is needed to compile this information for inspection/review of the requested records;
 - e) and/or more time is needed to reproduce the requested information;
 - 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.

- 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.