



RESOLUTION NO. 56 20/21

RESOLUTION ADOPTING PROCEDURES FOR REQUESTING INSPECTION OF PUBLIC RECORDS AND FEES

WHEREAS, the City Commission of the City Truth or Consequences, met in a regular meeting on July 14, 2021, at 9:00 am, in the Commission Chambers at 405 West 3rd Street in Truth or Consequences, New Mexico 87901; and

WHEREAS, the City Commission of the City Truth or Consequences is a legally and regularly created, established, organized, and existing city under the general laws of the State of New Mexico and more specifically, Section 3-45-5, NMSA 1978, as amended and supplemented; and

WHEREAS, access to public records is a fundamental right afforded to people in a democracy; and

WHEREAS, citizens have a fundamental right to have access to public records; the citizen's right to know is the rule and secrecy is the exception. Where there is no contrary statute, the right to inspect public records must be allowed; and

WHEREAS, the New Mexico Supreme Court acknowledges writings coming into the hand of public officers in connection with official functions should generally be accessible to members of the public so that there will be an opportunity to determine whether those who have been entrusted with the affairs of government are honestly, faithfully and competently performing their function as public servants; and

WHEREAS, Section 14-2-7 of the Inspection of Public Records Act (NMSA 1978) 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.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Truth or Consequences designates the City Clerk as its custodian of public records and the City Deputy Clerk as an alternate.

The City Clerk shall:

1. Receive and respond to requests to inspect City public records
2. Provide proper and reasonable opportunities to inspect City public records

3. Provide reasonable facilities to make copies of City public records during usual business hours.

NOW THEREFORE, BE IT FURTHER RESOLVED by the governing body of the City of Truth or Consequences establishes a formal procedure for managing requests for inspection of public records, and sets forth a fee schedule for such records.

By law, under the inspection of Public Records Act, every person has a right to inspect public records of the City of Truth or Consequences. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the City of Truth or Consequences.

Procedures for Requesting Inspection

Requests to inspect public records should be submitted to the records custodian, City Clerk, located at 505 Sims Street, Truth or Consequences, New Mexico 87901, phone number (575) 894-6673.

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 may be submitted in person or sent via US mail, email or facsimile. 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 15 calendar days after the records custodian receives the inspection request. 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. If any of the records sought are not available for 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 15 calendar days after the records custodian received the request for inspection.

Procedures for Requesting Copies and Fees

There is no fee to inspect public records. If a person requesting inspection would like a copy of a public record, in addition to the costs of postage, a reasonable fee may be charged, as detailed in the chart below.

Item	One Side Page
Photo Copies	\$1.00 per page
Reader/Printer Copies	\$1.00 per page
Newspaper	\$1.00 per page
Ordinances & Resolutions	\$1.00 per page
18" x 24" Plat/Plan	\$4.00 per page
24" x 36" Plat/Plan	\$6.00 per page
36" plus Plat/Plan	\$6.00 plus \$1.00 for each additional foot per page
Notary Public	\$3.00 per document notarized

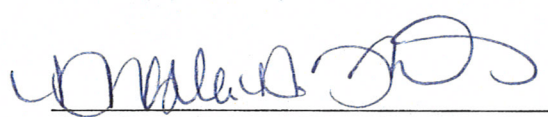
To protect the city's data and infrastructure, personal travel drives, CD's, DVD's, etc. will not be used to store data or information for purposes of IPRA records requests; and personal devices will not be connected to city property to store data or information.

Electronic data is to be provided in the format it exists at the time of the request; therefore, electronic data is not to be converted, nor will a fee be charged for electronic data.

The records custodian may request that applicable fees for copying public records be paid in advance, 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. There shall be no charge assessed to City of Truth or Consequences' Departments.

PASSED, APPROVED AND ADOPTED this 14th day of July, 2021.



Sandra Whitehead, Mayor
ATTESTED

Angela A. Torres, City Clerk