

**RESOLUTION NO. 2009-11**  
**A RESOLUTION ADOPTING PROCEDURES FOR**  
**REQUESTING INSPECTION OF PUBLIC RECORDS**

**WHEREAS** the right of a person to inspect public records; procedures for requesting inspection of public records; procedures for copies of public records; setting a reasonable fee and the responsibility of the public body are required by state law; and

**WHEREAS** the City of Ruidoso Downs finds that it is necessary to establish a records policy and fee schedule pursuant to The Inspection of Public Records Act NMSA 1978, Chapter 14, Article 2; and

**WHEREAS** changes in technology require a review of categories and fees.

**NOW, THEREFORE, BE IT RESOLVED** by the City Ruidoso Downs:

**1)** The office of the City Clerk, the Main Bulletin Board of City Hall, Ruidoso Downs Police Department and the Planning and Zoning Departments shall have a notice posted to describe (1) the right of a person to inspection public 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 the City of Ruidoso Downs to make public records available for inspection as in Exhibit "A".

**2)** City staff is authorized to perform all the acts necessary in the accomplishment of the above.

**3)** This resolution supersedes action taken on February 12, 2001 by Village Trustees as in Exhibit "B".

**PASSED, ADOPTED AND APPROVED** this 13<sup>th</sup> Day of July, 2009

Tom Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk

*EXHIBIT 'A'*

**INSPECTION OF PUBLIC RECORDS POLICY**

EVERYONE HAS A RIGHT TO INSPECT ANY PUBLIC RECORD OF THE CITY OF RUIDOSO DOWNS, EXCEPT:

1. Records concerning physical or mental examinations.
2. Letters of reference concerning employment, licensing or permits.
3. Letters, which are matters of opinion in personnel files.
4. Law enforcement records revealing confidential sources.
5. As provided by the Confidential Materials Act.
6. As otherwise provided by law.

PROCEDURES FOR REQUESTING RECORDS:

1. An oral or written request is made to the custodian of record. The City Clerk is the custodian of record for the City of Ruidoso Downs. If a record is readily available where it is created, stored, or maintained, the request may be made in that office. For example: Police incident records are in the Ruidoso Downs Police Department and requests shall be made to the Records Section.
2. A written request shall provide the name, signature, address and telephone number of the person requesting review of records. Records shall be identified as accurately as possible. A form is available in any city office or can be downloaded from the City's website: [www.ruidosodowns.us](http://www.ruidosodowns.us)
3. Inspection will be granted immediately, or as soon as practicable under circumstances, but no later than 15 days.
4. If the inspection is not granted within three (3) business days, the requester will receive a letter from the custodian of record identifying when the records will be available.
5. Confidential information in a specific record will be removed.
6. The City of Ruidoso Downs is not required to create a record that does not exist.
7. Very difficult or large requests may take longer than fifteen (15) days. If time extends past fifteen (15) days, the requester will receive a letter from the custodian of record identifying when the records will be available.
8. If a request to inspect records is denied, the custodian of record will explain the denial.
9. If the custodian of record does not deliver the records requested, or denied the inspection of the records incorrectly, a penalty may be imposed on the city.
10. Actions to enforce the Inspection of Public Records Act are taken by the Attorney General, or the District Attorney.

**FEES FOR REPRODUCTION OF PUBLIC RECORD:**

Service	Description Fee	
Routine Copies of Documents	Up to 11 x 17. May be charged in advance. If mailing is expected, actual costs for postage will also be charged.	\$0.25 per page
Xerox Copies	Engineering Maps	\$1.00 per square foot
Ink Jet Plotter	Engineering design documents	\$3.00 per square foot
All Police/Accident Reports	Victim/Complainant  All Others	\$2.00 First page, \$1.00 per page thereafter  \$1.00 per page
Photographs	Duplication	\$3.00 for 1-5 duplicates \$0.35 each thereafter
Video Tape Copy	VHS Format	\$10.00 per each tape transfer
Audio Tape Copy	Cassette Format	\$7.50 per each tape copy
Digital/ Electronic Records	CD/DVD's \$5.00	\$2.50 each additional document/file transferred.
Criminal/Arrest History	No Record Found  Record(s) Found	\$1.00 per page (not to exceed \$5.00)  \$5.00 first page, \$1.00 per page thereafter (not to exceed \$10.00)
Fingerprinting	Job Related, non USINS	\$ 5.00 per card

		\$10.00 per set
Maps	City Infrastructure and Property Maps	\$3.00 per sq.ft. for first map, thereafter \$5.00 per sq. ft. not to exceed 36 sq.ft. (Limited to 2 copies)