

RESOLUTION #98-03-26A

GRANT COUNTY PUBLIC RECORDS
AND DOCUMENT COPY FEE POLICY

WHEREAS, it is the policy of the Board of Commissioners of Grant County that all persons be afforded the greatest possible information regarding the affairs of government and the official acts of public officers and employees; and

WHEREAS, it is the policy of the Board of Commissioners of Grant County that the public shall be charged a reasonable amount for copies of documents made in the various Grant County offices; and

WHEREAS, it is determined that the current Public Records Policy, Grant County Resolution #93-06-03A, should be revised to further clarify the inspection requirements.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Grant County that the following procedures be instituted regarding the inspection of public records within the custody of any department or office of Grant County, including the offices of the Sheriff, Assessor, Treasurer, Clerk, and the various administrative departments under the Grant County Manager's Office.

A. DEFINITIONS, as used in this resolution:

1. "Custodian" means the department head or elected official in charge of the office or department having custody of the record requested, or his or her designated administrative assistant.

2. "County office" means any department or office of Grant County, including the offices of the Sheriff, Assessor, Treasurer, Clerk, and the various administrative departments under the Grant County Manager's Office.

3. "Public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by the county office or department and which relate to the public business, whether or not the records are required by law to be created or maintained but does not include the following records:

- a. records pertaining to physical or mental examinations;
- b. letters of reference concerning employment, licensing, or permits;
- c. letters or memorandums which are matters of opinion in personnel files; and,
- d. records which are privileged or otherwise protected by law.

B. PROCEDURE FOR REQUESTING RECORDS:

1. The Grant County Request to Inspect Public Records form is hereby adopted as the standardized form for public records request submittals. A copy of this form is attached hereto as "Form GC-PRP-1". A custodian shall require that requests for inspection be made in writing on the standardized Request to Inspect Public Records form to be provided by the custodian. The request must identify the public records sought with reasonable particularity.

2. A custodian receiving a written request 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 business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The Grant County Three-Day Letter form is hereby adopted as the standardized form to be transmitted by the custodian to the requester in this circumstance. A copy of this form is attached hereto as "Form GC-PRP-2".

3. If a request to inspect public records is denied for any reason, the custodian shall explain in writing the reason(s) for denying the request. The Grant County Denial Letter form is hereby adopted as the standardized form to be transmitted to the requester explaining the reason(s) for denial of the request. A copy of this form is attached hereto as "Form GC-PRP-3".

4. In the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly, (but under no circumstances later than three days after the request), forward the request to the custodian of the requested public records, if known, and shall notify the requester. The notification to the requester shall state the reason for the absence of the records from that person's custody or control, the records' locations and the name and address of the custodian. The Grant County Wrong Custodian Letter form is hereby adopted as the standardized form to be transmitted to requester giving the required notification. A copy of this form is attached hereto as "Form GC-PRP-4". The person receiving the request in error shall also provide a copy of this notice to the actual custodian, if known, who shall then permit inspection as required in paragraph B.2. above. The custodian's receipt of the forwarded request shall constitute receipt of the request for purposes of the time limits in paragraph B.2.

5. Public records shall be made available for inspection in County offices between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excepting holidays. The Grant County Road Department office will make its public records available between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, excepting holidays.

C. COPYING

1. A County office may provide copies of documents in its custody, if requested, upon payment of a reasonable copying fee. A County office may require that requests for copying be made in writing on a standardized form to be provided by the custodian of that office or, in his or her discretion, may respond to an oral request for copying.

2. A County office receiving a written request for copying shall provide the copies requested as soon as practicable under the circumstances. However, if the request is made pursuant to a public records request the copies shall be provided no later than fifteen (15) days after receiving a written request for copying as provided in Section B. above.

3. A County office shall charge a reasonable fee for copying public records. The fee charged shall be \$.25 for standard letter size (8½" x 11") and legal size documents (8½" x 14"). The fee for copying documents larger than legal sized documents (8½" x 14") but not larger than 11" x 17" in size shall be \$.50 per page. For any documents larger than 11" x 17" in size, the fee charged shall not exceed the actual cost of copying the oversized document.

D. PROCEDURE FOR EXCESSIVELY BURDENOME OR BROAD REQUESTS:

If a custodian determines that a written request for inspection or copying 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 requester within fifteen (15) days of receipt of the request that the request will need to be clarified and/or that additional time will be needed to respond to the written request. The Grant County Excessively Burdensome Letter form is hereby adopted as the standardized form giving the required notification. A copy of this form is attached hereto as "Form GC-PRP-5".

PASSED, APPROVED AND ADOPTED by the Board of Commissioners of Grant County, New Mexico, this 26 day of March, 1998.

GRANT COUNTY BOARD OF COMMISSIONERS

Manny T. Serna
Manny T. Serna, Chairman

Zeke Santa-Maria
Zeke Santa-Maria, Member

Carl W. Scholl
Carl W. Scholl, Member

ATTEST
EXCO
Gabriel Ramos
Gabriel Ramos, Grant County Clerk

GRANT COUNTY
REQUEST TO INSPECT PUBLIC RECORDS

DATE: _____

TO: _____
Records Custodian

Agency Name _____

Address _____

FROM: _____
Name of Requester

Address _____

Telephone Number _____

I would like to inspect and copy the following documents:

[LIST RECORDS WITH REASONABLE PARTICULARITY]

If your agency does not maintain these public records, please let me know who does, and include the proper custodian's name and address.

I promise to pay copying charges as required in Grant County Resolution 98- - , Section C. If the copying charges will exceed \$_____, please call me to discuss. I understand that I may be asked to pay the fee for copies in advance before you make any copies.

Please provide a receipt indicating the copying charges for each document.

Thank you for your prompt attention to this matter.

Signed:

Name of Requester Signature

Name of Requester Printed

**GRANT COUNTY
THREE-DAY LETTER**

(Used if the public body cannot permit inspection within three business days after receiving a written request to inspect.)

Date

Requester's Name

Address

Re: Request to Inspect Public Records

Dear _____:

On _____, we received your request to inspect certain records. We need additional time to respond, until _____ (date).

Sincerely,

Records Custodian

GRANT COUNTY
WRONG CUSTODIAN LETTER

(Used when a request is not made to the custodian with possession of or responsibility for the records requested).

Date

Requester's Name

Address

Dear _____:

On _____, we received your request to inspect certain records. We do not have custody or control of the records you request because this agency is not responsible for maintaining those records.

The records may be maintained by _____ (name of agency and address, if known). We are forwarding your request to that agency's records custodian for response. To expedite your request, it would be advisable for you to write an additional letter requesting the records to the proper custodian at your earliest convenience.

Sincerely,

Records Custodian

GRANT COUNTY
EXCESSIVELY BURDENSOME LETTER

(Used for excessively burdensome or broad requests and sent within fifteen calendar days of receipt of an inspection request.)

Date

Requester's Name

Address

Re: Request to Inspect Public Records

Dear _____:

On _____, we received your request to inspect certain records. We believe that your request is excessively burdensome or broad and we request that you provide this office with more information to assist in locating these documents.

Without more information we may not be able to fulfill your request.

Due to the broad nature of your request we will need additional time in which to respond until _____.

Sincerely,

Records Custodian

**GRANT COUNTY
DENIAL LETTER**

Date

Requester's Name and Address

Re: Request to Inspect Public Records

On _____ (date), we received your request to review the following records:
(Description of records sought)

We cannot permit inspection of these records because they are protected from disclosure for the reason(s) checked below.

- The records requested pertain to medical records.
- The records requested pertain to letters to reference concerning employment, licensing or permits.
- The records requested pertain to letters or memoranda which are matters of opinion in personnel files or students' files.
- The records requested are deemed confidential under the Confidential Materials Act.
- The records requested include confidential law enforcement records.
- Other:

Sincerely,

Records Custodian

Additional person(s) responsible for this denial:

Name and Title

Name and Title