

VALERIE ESPINOZA
COUNTY CLERK
(505) 986-6280

E-Mail: vespinoza@co.santa-fe.nm.us
County Courthouse
102 Grant Avenue
Santa Fe, New Mexico 87501
P.O. Box 1985
Santa Fe, New Mexico 87504-1985



Denise Lamb
Chief Deputy Clerk
Bureau of Elections
(505) 992-6755
E-Mail: dlamb@co.santa-fe.nm.us

Victoria L. Trujillo
Chief Deputy Clerk
Santa Fe County Clerk's Office
(505) 995-6535
E-Mail: ultrujillo@co.santa-fe.nm.us

MEMORANDUM

TO: Board of County Commissioners

FR: Valerie Espinoza, County Clerk

A handwritten signature in cursive script that reads "Valerie Espinoza".

DT: August 22, 2011

RE: An Ordinance Amending Ordinance No. 2009-6, Which Establishes Fees for Copies of Certain Electronic Data, to Comport with NMSA 1978, Section 14-8-14 (2011) and Repealing Certain Provisions of Ordinance No. 2009-6.

The proposed ordinance amending Ordinance No. 2009-6 complies with a 2011 amendment to a New Mexico statute titled "Searching Records; Reproduction of Records; Fees." The statute, as amended, states that the County Clerk shall establish reasonable fees for conducting searches and for reproducing or copying records maintained at the Office of the County Clerk.

Previously, the County Clerk's fees were incorporated into a Ordinance No. 2009-6, which now conflicts with the statutory authority of the County Clerk to establish reasonable fees.

In order to eliminate this conflict and the potential for confusion between Ordinance No. 2009-6 and the Clerk's fee schedule, and to comply with NMSA 1978, Section 14-8-14 (2011) the Clerk proposes that the Board adopt this ordinance amending Ordinance No. 2009-6.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

ORDINANCE NO. 2011 – 0

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-6, WHICH
ESTABLISHES FEES FOR COPIES OF CERTAIN ELECTRONIC DATA, TO
COMPORT WITH NMSA 1978, SECTION 14-8-14 (2011) AND REPEALING
CERTAIN PROVISIONS OF ORDINANCE NO. 2009-6.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE, NEW MEXICO:**

**Section One. Amendment to except records maintained by the county clerk from
the fees on Exhibit A.**

Section 6 of Ordinance No. 2009-6 shall be and hereby is amended with the
following language:

Section 6. Fees for Printed or Electronic Copies of Data

A. Except for records maintained at the office of the county clerk, fees
for printed or electronic copies of data that has been inserted into a computer Database or
data contained in the County's Geographic Information System are set forth on Exhibit
A. All fees are due and payable prior to the receipt of data or information, and are non-
refundable. The fees are set forth in Exhibit A may only be modified by amendment to
this Ordinance.

B. In accordance with NMSA 1978, Section 14-8-14 (2011), the
county clerk shall establish reasonable fees for conducting searches and for reproducing
or copying records maintained at the office of the county clerk.

Section Two. Partial Repeal of Ordinance No. 2009-6.

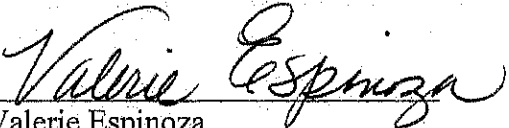
Section 6 of Ordinance No. 2009-6 shall be and hereby is repealed and replaced
with the amendatory language provided in this Ordinance.

PASSED, APPROVED, AND ENACTED this _____ day of _____, 2011, by the
Board of County Commissioners of Santa Fe County.

BOARD OF COUNTY COMMISSIONERS

Chair

ATTEST:



Valerie Espinoza
Santa Fe County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2009- 6

AN ORDINANCE DEFINING TERMS; ESTABLISHING REASONABLE FEES FOR COPIES OF CERTAIN ELECTRONIC DATA CONTAINED IN COUNTY DATABASES; ESTABLISHING REASONABLE FEES FOR COPIES OF DATA, DOCUMENTS OR PRODUCTS GENERATED BY A GEOGRAPHIC INFORMATION SYSTEM; DISCLAIMING WARRANTIES FOR INFORMATION PROVIDED; PROVIDING FOR FEE WAIVERS; PROVIDING FOR SEVERABILITY.

Section 1. Short Title.

This Ordinance may be cited as the "Data Fee Ordinance."

Section 2. Definitions.

A. "Act" or "the Act" means the Public Records Act, NMSA 1978, Sections 14-3-1 et seq. (1959)(as amended).

B. "Custodian of Public Records" means that person designated by the County Manager pursuant to the Inspection of Public Records Act, NMSA 1978, § 14-2-6(E) (1993) who is responsible for the maintenance, care or keeping of the County's Public Records, regardless of whether the records are in that person's actual physical custody and control.

C. "Database" means a collection of electronic data organized for search, retrieval and manipulation.

D. "Inspection" or "Inspected" means the opportunity afforded an individual, following receipt of a request to look at a database or information contained in the County's GIS, when the County provides the data or information in a printed or typed format for review.

E. "Geographic Information System" means a computer-based technology that produces, organizes and analyzes spatial and associated textual, numeric and graphical data.

F. "Public Record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by Santa Fe County in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by Santa Fe County as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the County or because of the informational and historical value of data contained therein.

G. "Subject to Inspection" means a public record that may be inspected pursuant to Section 3 of this Ordinance.

SFC CLERK RECORDED 07/07/2009

Section 3. General Rule.

Data that has been inserted into a computer database maintained by the County, and information contained in a Geographic Information System maintained by the County, is a public record. Data inserted into a computer database maintained by the County or information contained in a Geographic Information System, shall be available to the public under the Act, unless the data or information is not subject to Inspection pursuant to NMSA 1978, § 14-2-1(A) or § 14-3-7.1 (2005).

Section 4. Inspection of Information Contained in a Computer Database Maintained by the County.

- A. Data may be Inspected by contacting the County's Custodian of Public Records.
- B. Such data may be Inspected in printed or typed format.
- C. Upon request, the County shall provide printed copies of the data or an electronic copy.

Section 5. Inspection of Information Contained in a Geographic Information System.

A. Information that is Subject to Inspection, and contained in the County's Geographic Information System shall be available for Inspection by contacting either the Custodian of Public Records or the County's Geographic Information System Office.

B. Such information may be Inspected in printed or typed format. Upon request, the County shall provide printed copies of the information or electronic copies.

Section 6. Fees for Printed or Electronic Copies of Data

Fees for printed or electronic copies of data that has been inserted into a computer Database or data contained in the County's Geographic Information System are set forth on Exhibit A. All fees are due and payable prior to the receipt of data or information, and are non-refundable. The fees set forth in Exhibit A may only be modified by amendment to this Ordinance.

Section 7. Internet Access to Portions of the AS400 Database and Recently Recorded Documents.

A. Upon written request, and so long as current in payment of the applicable fees set forth on Exhibit A, those data fields contained on the County's AS400 computer system which are subject to Inspection shall be made available through the Internet or any replacement computer system. Access via the internet shall be limited to viewing and printing the accessible data fields.

B. Upon written request, and so long as current in payment of the applicable fees set forth in Exhibit A, documents recorded by the County Clerk and available electronically shall be made available through the Internet using a password protected system.

Section 8 No Warranty.

A. All information and data contained in the County's Databases and information contained in the County's Geographical Information System, were compiled for use by the Board of County Commissioners, its Elected Officials, employees, agents, and contractors. While Santa Fe County strives to continually improve the quality and accuracy of its digital data, errors and or missing data or information may be present. The Board of County Commissioners, its Elected Officials, employees, agents, and contractors do not warrant the accuracy of any data or documents provided pursuant to a request herein. Likewise, data and documents provided hereunder may not meet National Map Accuracy Standards or other accuracy standards, and in fact may be inaccurate.

B. The County does not guarantee the reliability of its computer systems, and the mechanical or technical failure of the County's computer system shall not give rise to a cause of action by a requesting person or entity, nor shall it result in a decrease in the fees charged to the requesting person or entity for data or documents.

Section 9. Severability.

If any section, subsection, sentence or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Waiver of Fees Charged to Public Agencies and The Indigent.

When, in accordance with this Ordinance, data or documents in a printed or electronic format are provided to the federal government, the State of New Mexico, an agency of the State of New Mexico, a local public body, or an individual the County Manager deems indigent, the County Manager or a designee of the County Manager may waive applicable fees.

PASSED, APPROVED, and ADOPTED this 30 day of JUNE, 2009.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: [Signature]
Michael D. Anaya, Chair

ATTEST:
[Signature]
Valerie Espinoza, County Clerk



APPROVED AS TO FORM:

[Signature]
Stephen C. Ross, County Attorney

EXHIBIT A

Databases: Price:

TR Master Database	\$43.64 if sent electronically \$47.64 if placed on disk
Other County Databases	Price for electronic copy will be calculated by the finance department using the hourly compensation paid to the employee responsible for copying the database for their time in researching and retrieving the electronic records, and shall be calculated in fifteen minute increments, in addition to relevant software and storage costs and the actual cost of materials.

The cost of each page printed from an electronic database not otherwise set forth below shall be fifty cents (\$0.50).

Internet Access: Price:

Internet Access to Accessible Fields of the AS400	\$25.00 per month
Internet Access to Certain Documents Recorded by the County Clerk	\$25.00 per month

Standard Hardcopy Maps: Price:

36" X 48" standard product map	\$ 26.50
36" X 36" Maps	\$ 20.00
7' X 3' Maps	\$ 46.00
Reduced Copies of maps	\$ 2.25 per square foot
Reduced Copies of maps on photo paper	\$2.50 per square foot
11 X 17 Maps	\$ 2.00
8.5 X 11 Maps	\$ 2.00
Orthophoto imagery 36" X 36" on plain paper	\$ 20.00
Orthophoto imagery 36" X 36" on photo paper	\$ 22.50
1:100,000 (3' X 4') imagery on plain paper	\$ 26.50
1:100,000 (3' X 4') imagery on photo paper	\$ 30.00
Santa Fe County Road Book (28 pages – 24" X 36")	\$ 370.00
Individual sheet of Road Book	\$ 13.25

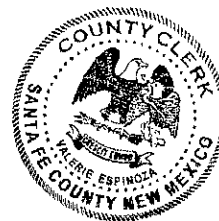
Slope Analysis: Price:

Hourly Fee	\$ 33.00
Setup Fee	\$25.00

GIS Data:

Price:

Hourly Fee	\$ 33.00
Setup Fee	\$ 25.00
CD Rom	\$0.50
DVD Rom	\$4.00



COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 7TH Day Of July, 2009 at 12:53:23 PM
And Was Duly Recorded as Instrument # 1569550
Of The Records Of Santa Fe County

Deputy Valerie Espinoza Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

**NO PACKET MATERIAL
FOR THIS ITEM**

EXECUTIVE SESSION