

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2011 - 12

AN ORDINANCE AMENDING ORDINANCE NO. 2009-06 TO REMOVE FEES FOR DATA AND DOCUMENTS PROVIDED BY THE COUNTY CLERK, TO COMPORT WITH NMSA 1978, SECTION 14-8-14 (2011), WHICH DELEGATES AUTHORITY TO ESTABLISH REASONABLE FEES TO THE COUNTY CLERK; AMENDING EXHIBIT A OF ORDINANCE NO. 2009-06.

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

Section One. Fees for Printed or Electronic Data. Section 6 of Ordinance No. 2009-06 shall be and hereby is amended with the following language (changes shown):

"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 may charge a reasonable fee for conducting searches and for reproducing or permitting reproduction of records as well as for certifying documents. The County Clerk shall not charge a fee in excess of one dollar (\$1.00) per page for documents eleven inches by seventeen inches in size or smaller. The County Clerk may require advance payment of fees before making copies of public records. The County Clerk shall not charge a fee for the cost of determining whether any public record is subject to disclosure, and shall provide a receipt, upon request."

Section Two. Amendment of Exhibit A. Exhibit A of Ordinance No. 2009-06 shall be and hereby is replaced with the amended Exhibit A attached hereto.

PASSED, APPROVED, AND ENACTED this 13th day of Dec, 2011.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 3


I Hereby Certify That This Instrument Was Filed for Record On The 14TH Day Of December, 2011 at 04:11:09 PM And Was Duly Recorded as Instrument # 1654304 Of The Records Of Santa Fe County

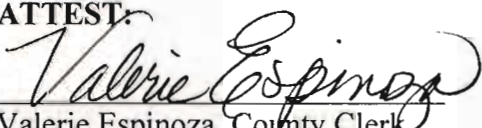



Deputy Marcella Galzari)
Valerie Espinoza)
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 12/14/2011

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

By: 
Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney



SFC CLERK RECORDED 12/14/2011

**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

DT: November 9, 2011

RE: An Ordinance Amending Ordinance No. 2009-6, to Remove Fees for Data and Documents Provided by the County Clerk, to Comport with NMSA 1978, Section 14-8-14 (2011), which Delegates Authority to Establish Reasonable Fees to the County Clerk; Amending Exhibit A of Ordinance No. 2009-06.

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 "County clerks: may charge reasonable fees for conducting searches and for reproducing or permitting reproduction of their records as well as for certifying documents; shall not charge fees in excess of one dollar (\$1.00) per page for documents eleven inches by seventeen inches in size or smaller; may require advance payment of fees before making copies of public records; shall not charge a fee for the cost of determining whether any public record is subject to disclosure; and shall provide a receipt, upon request. County clerks 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 an 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.