

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 14<sup>th</sup> day January, 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-05**

**NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS**

**WHEREAS**, Luna County Government shall comply with the Inspection of Public Records Act of New Mexico, Section 14-2-1 through 12, NMSA 1978;

**WHEREAS**, any person wishing to inspect public records may submit an oral or written request to the Custodian of Public Records. However, the procedures set forth in the Act shall be in response to a written request. The failure to respond to an oral request shall not subject the custodian to any penalty. If a person requesting inspection would like a copy of a public record, a reasonable fee set by the annual Notice of Fees Resolution will be applicable;

**WHEREAS**, nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record;

**WHEREAS**, a written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records;

**WHEREAS**, the custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen 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 three-day period shall not begin until the written request is delivered to the office of the custodian;

**WHEREAS**, 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 forward the request to the custodian of the requested public records, if known, and notify the requester. The notification to the requester shall state the reason for the absence of records from that person's custody or control, the records' location and the name and address of the custodian;

**WHEREAS**, for the purposes of the Act, "written request" includes an electronic communication, including email or facsimile; and

**WHEREAS**, requests to inspect public records should be submitted to the Custodian of Public Records.

**NOW THEREFORE BE IT RESOLVED**, the Luna County Board of County Commissioners designates the Luna County Manager's Office as the Custodian of Public Records. Contact information is as follows:

Yossie Nieblas, IPRA Coordinator  
700 S. Silver Avenue  
Deming, NM 88030  
Phone: (575) 546-0494  
Fax: (575) 544-4293  
ipra@lunacountynm.us

**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

  
Barbara L. Reedy, Commissioner,  
District 1

  
Berenda McWright, County Clerk

  
Linda M. Smrkovsky, Commissioner,  
District 2

  
John S. Sweetser, Commissioner,  
District 3

