



RESOLUTION NUMBER: 2017-34

A Resolution Establishing a County Records Management Policy

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on the 20th day of June, 2017 at 9:00 a.m. in the Roosevelt County Commission Room, 109 West First Street, Portales, New Mexico; and,

WHEREAS, §4-38-18, NMSA 1978 vests a county's management in its Board of County Commissioners; and,

WHEREAS, §3-18-1, NMSA 1978 provides that municipalities, and also counties pursuant to §4-37-1, NMSA 1978, have the power to "protect generally the property of its municipality and its inhabitants" and to "preserve peace and order"; and,

WHEREAS, §4-37-1 et. seq., NMSA 1978 provides that counties may adopt Resolution which are not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the County of Roosevelt is desirous of implementing a Records Management Policy; and,

WHEREAS, the purpose of the County's Records Management Policy is to ensure that certain documents are maintained for legal, fiscal, and other purposes and are subject to destruction at set durations; and,

WHEREAS, records disposition is the final action after a record's retention period has ended, which permits the destruction or further retention of such public records; and,

WHEREAS, the New Mexico Commission of Public Records, State Records Center and Archives issues Records Retention and Disposition Schedules some of which are applicable to New Mexico counties; and,

WHEREAS, §14-7-1, NMSA 1978 provides that "[t]he following county records shall be deemed obsolete and may be destroyed: A. purchase vouchers which are six years old; B. chattel mortgages six years after the expiration of their term; C. security agreements filed under the Uniform Commercial Code six years after the expiration of their term; D. copies of state highway project contracts filed by the chief highway engineer three years after the date of filing; E. duplicate information reports filed in the offices of county officials, including but not limited to duplicate reports of the county treasurer, sheriff, county agricultural agents and county health officers, which are two years old; F. chattel mortgage releases six years after the date of filing; and G. termination statements filed under the Uniform Commercial Code six years after the date of filing;" and,



WHEREAS, §14-1-8, NMSA 1978 provides that “[o]bsolete county records; notice of proposed destruction; preservation desired by state records administrator; delivery of documents. An official charged with the custody of any records who intends to destroy those records, shall give notice by registered or certified mail to the state records administrator, state records center, Santa Fe, New Mexico, of the date of the proposed destruction and the type and date of the records he intends to destroy. The notice shall be sent at least sixty days before the date of the proposed destruction. If the state records administrator wishes to preserve any of the records, the official shall allow the state records administrator to have the documents by calling for them at the place of storage;” and,

WHEREAS, §14-3-18, NMSA 1978 provides that recognized counties have a right and duty to formulate programs for the disposition of public records maintained in county offices; and,

WHEREAS, until its repeal on November 30, 2015 the New Mexico Administrative Code (NMAC) provided Record Retention and Disposition Schedules for local governments, however now local governments are required to create their own schedules; and,

WHEREAS, on November 30, 2015 the State Records Administrator issued NMAC Rule 1.21.3 as a guide to local government which this policy is based on; and,


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Roosevelt that the County adopts and follows the following policy and the Retention and Disposition Schedules as set forth in Exhibit “A”.


PASSED, APPROVED, and ADOPTED this 20th day of June, 2017.

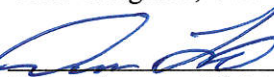
**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**


ATTEST:


DeAun D. Searl, Roosevelt County Clerk


Paul Grider, Chairman – District V


Gene Creighton, Vice Chairman – District IV


Dennis Lopez – District I


Matt Hunton – District II


Lewis (Shane) Lee – District III



TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 21 FUNCTIONAL RECORDS RETENTION AND DISPOSITION SCHEDULES (FRRDS)
PART 3 LOCAL GOVERNMENT RECORDS MANAGEMENT GUIDANCE

1.21.3.1 ISSUING AGENCY: State Records Administrator.
 [1.21.3.1 NMAC - N, 11/30/2015]

1.21.3.2 SCOPE: Local government including counties, municipalities and local public bodies.
 [1.21.3.2 NMAC - N, 11/30/2015]

1.21.3.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-18 NMSA 1978.
 [1.21.3.3 NMAC - N, 11/30/2015]

1.21.3.4 DURATION: Permanent.
 [1.21.3.4 NMAC - N, 11/30/2015]

1.21.3.5 EFFECTIVE DATE: November 30, 2015, unless a later date is cited at the end of a section.
 [1.21.3.5 NMAC - N, 11/30/2015]

1.21.3.6 OBJECTIVE: The administrator may advise and assist county and municipal officials in the formulation of programs for the disposition of public records maintained in county and municipal offices.
 [1.21.3.6 NMAC - N, 11/30/2015]

1.21.3.7 DEFINITIONS: The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the Public Records Act, Section 14-3-1 et seq. NMSA 1978 shall have the respective meanings accorded such terms in the act.

A. "Agency" means the administrative subdivision of a county or municipal government.

B. "Archives" means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico.

C. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

D. "Executive level" means elected and appointed officials, statutory agency heads and management personnel with decision making authority granted by the agency head.

E. "File closed" means the date the trigger event occurred, or, for electronic records, equivalent to the date last modified unless otherwise stated in retention.

F. "Historical" means records deemed to have archival value by the commission.

G. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

H. "Retention" means the period of time during which records should be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

I. "Transitory" means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

J. "Trigger event" means the closing event of a record which begins the retention period.
 [1.21.3.7 NMAC - N, 11/30/2015]

1.21.3.8 ABBREVIATIONS AND ACRONYMS:

A. "NMAC" stands for New Mexico administrative code.

B. "NMSA" stands for New Mexico statutes annotated.

[1.21.3.8 NMAC - N, 11/30/2015]

1.21.3.9 INSTRUCTIONS:

A. This guide identifies the types of records maintained by county and municipal governments and specifies a recommended period of time which records should be retained. A retention period may be stated in terms of months or years and is

contingent upon the occurrence of a trigger event. Each record classification will be itemized by section number and title in the format listed below.

- (1) **Category** - describes the hierarchy of the function
- (2) **Description** - describes the function of the record series
- (3) **Retention** - defines the length of time records should be kept before they are eligible for destruction or archival preservation

B. Record classification descriptions are not intended to be exhaustive. Descriptions may include records that do not appear in the files, and conversely, files may include records not listed in the description.

C. Refer questions concerning the confidentiality of a record to legal counsel for the county or municipality. For the destruction of confidential records, please refer to 1.13.30.11 NMAC.

D. Public records should be maintained in their native format (paper/digital). Records may be microfilmed or digitized provided a microphotography plan has been approved by the state records administrator. Refer to Section 14-3-17 NMSA 1978 and 1.14.2 NMAC. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies. Refer to Section 14-1-6 NMSA 1978.

E. Public records should be classified according to content and retained at a minimum for the length of time specified in this guide.

F. For guidance on electronic messaging refer to 1.13.4 NMAC.

G. For guidance on the destruction of non-record material refer to 1.13.30.14 NMAC.

H. Counties must provide the state records administrator a minimum of 60 days' notice of intent to destroy public records per Section 14-1-8 NMSA 1978.

[1.21.3.9 NMAC - N, 11/30/2015]

1.21.3.10 RECORDS CLASSIFICATION: For guidance on record classifications created solely by local government refer to the *records retention and disposition guide*. For guidance on all other record classifications, refer to 1.21.2 NMAC.

[1.21.3.10 NMAC - N, 11/30/2015]

HISTORY OF 1.21.3 NMAC: [RESERVED]

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DeAnn D Searl, Roosevelt Co. Clk., Roosevelt, NM



TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 21 FUNCTIONAL RECORDS RETENTION AND DISPOSITION SCHEDULES (FRRDS)
PART 2 RETENTION AND DISPOSITION OF PUBLIC RECORDS

1.21.2.1 ISSUING AGENCY: State Commission of Public Records
[1.21.2.1 NMAC - N, 10/01/2015]

1.21.2.2 SCOPE: All agencies as defined in the Public Records Act, Section 14-3-1 et seq. NMSA 1978.
[1.21.2.2 NMAC - N, 10/01/2015]

1.21.2.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-1 et seq. NMSA 1978.
[1.21.2.3 NMAC - N, 10/01/2015]

1.21.2.4 DURATION: Permanent.
[1.21.2.4 NMAC - N, 10/01/2015]

1.21.2.5 EFFECTIVE DATE: October 1, 2015, unless a later date is cited at the end of a section.
[1.21.2.5 NMAC - N, 10/01/2015]

1.21.2.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act, Section 14-3-1 et seq. NMSA 1978, and to provide recommendations for the retention and preservation of records of state governmental entities not subject to the act.
[1.21.2.6 NMAC - N, 10/01/2015]

1.21.2.7 DEFINITIONS: The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the Public Records Act, Section 14-3-1 et seq. NMSA 1978 shall have the respective meanings accorded such terms in the act.

A. "Archives" means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico.

B. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

C. "Executive level" means elected and appointed officials, statutory agency heads and management personnel with decision making authority granted by the agency head.

D. "File closed" means the date the trigger event occurred, or, for electronic records, equivalent to the date last modified unless otherwise stated in retention.

E. "Historical" means records deemed to have archival value by the commission.

F. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of official records, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters, and reading files or informational files.

G. "Official copy of record" the single record determined to be the official copy for the purposes of fulfilling the retention requirements.

H. "Retention" means the period of time during which the official copy of record shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

I. "Transitory" means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

J. "Trigger event" means the closing event of a record which begins the retention period.
[1.21.2.7 NMAC - N, 10/01/2015; A, 11/30/2016]

- 1.21.2.8 ABBREVIATIONS AND ACRONYMS:**
- A. "ADA"** stands for Americans with Disabilities Act.
 - B. "CDC"** stands for center for disease control.
 - C. "DUI"** stands for driving under the influence.
 - D. "EEOC"** stands for equal employment opportunity commission.
 - E. "NMAC"** stands for New Mexico administrative code.

F. "NMSA" stands for New Mexico statutes annotated.

G. "WCA" stands for workers' compensation administration.

[1.21.2.8 NMAC - N, 10/01/2015]

1.21.2.9 INSTRUCTIONS:

A. The records retention and disposition schedule identifies the types of records maintained by all agencies and specifies a period of time for which the official copy of record must be retained. A retention period may be stated in terms of months or years and is contingent upon the occurrence of a trigger event. Each record classification will be itemized by NMAC section number and title in the format listed below.

(1) **Category** - describes the hierarchy of the function

(2) **Description** - describes the function of the record classification

(3) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation

B. Record classification descriptions are not intended to be exhaustive. Descriptions may include records that do not appear in the files, and conversely, files may include records not listed in the description.

C. Refer questions concerning the confidentiality of a record to legal counsel for the agency. For the destruction of confidential records, please refer to 1.13.30 NMAC.

D. Public records should be maintained in their native format (paper/digital). Records may be microfilmed or digitized provided a microphotography plan has been approved by the state records administrator. Refer to Section 14-3-17 NMSA 1978 and 1.14.2 NMAC. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes.

E. Agencies are encouraged to create secondary and tertiary descriptors for each classification (e.g., account receivable - invoices - acme inc., goods and services - IT consulting - data hub LLC., infrastructure project files - railroad project - Lamy station upgrade, etc.). These additional descriptors will assist with the accessibility of the records.

F. Upon storage or disposition, public records shall be classified according to content and retained at a minimum for the length of time specified in the records retention and disposition schedule.

G. For guidance on electronic messaging, refer to 1.13.4 NMAC.

H. For guidance on the destruction of non-record material, refer to 1.13.30 NMAC.

I. Records classifications related to the legislative and judicial branches of government provided herein are applicable for legislative and judicial agencies that utilize the records center services and permanent archival repository.

J. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

K. For guidance on classifying county and municipal records, refer to the records retention and disposition guidance for counties and municipalities.

L. For guidance on destruction of county records, refer to Section 14-1-8 NMSA 1978.

M. Classifications that have a disposition of transfer to archives may be submitted for direct transfer before the allotted time period specified in the retention with the approval of the custodial agency and state records administrator.

N. Upon adoption of this rule, records retained at the records center shall be reclassified according to the new records classifications for retention and disposition.

O. The official copy of a record may contain duplicates of other records. If your program requires the submission of documentation, and your agency is not required to submit this documentation to another agency for additional or final processing, your agency is the keeper of the official copy of record.

[1.21.2.9 NMAC - N, 10/01/2015; A, 11/30/2015; A, 11/30/2016]

1.21.2.10 - 1.21.2.100 [RESERVED]

1.21.2.101 AUTHORIZATION:

A. **Category:** Administration - general management

B. **Description:** Records related to authorization of personnel or entities to perform specific duties and not identified in other classifications.

C. **Retention:** destroy 10 years from date file closed
[1.21.2.101 NMAC - N, 10/01/2015]

1.21.2.102 CALENDARS AND SCHEDULES:

A. **Category:** Administration - general management

B. **Description:** Appointments and schedules and related records.

C. **Retention:** destroy one year from close of calendar year in which created
[1.21.2.102 NMAC - N, 10/01/2015]

1.21.2.103 CALENDARS AND SCHEDULES - GOVERNOR:

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- A. **Category:** Administration - general management
- B. **Description:** Governor's appointments and schedules and related records.
- C. **Retention:** permanent, transfer to archives when no longer needed for reference

[1.21.2.103 NMAC - N, 10/01/2015]

1.21.2.104 CORRESPONDENCE - EXECUTIVE LEVEL:

- A. **Category:** Administration - general management
- B. **Description:** Internal and external communications and related records to or from executive level personnel including, but not limited to, directives and not identified in other classifications.
- C. **Retention:** permanent, transfer to archives when no longer needed for reference

[1.21.2.104 NMAC - N, 10/01/2015]

1.21.2.105 CORRESPONDENCE - GENERAL:

- A. **Category:** Administration - general management
- B. **Description:** Routine correspondence and related records of day-to-day office administration and not identified in other classifications.

- C. **Retention:** destroy one year from close of calendar year in which created

[1.21.2.105 NMAC - N, 10/01/2015]

1.21.2.106 [RESERVED]

1.21.2.107 DENIED, REJECTED OR WITHDRAWN RECORDS:

- A. **Category:** Administration - general management
- B. **Description:** Records including, but not limited to, applications, complaints or requests which are incomplete, have no merit or have been denied, rejected or withdrawn.

- C. **Retention:** destroy two years from date file closed

[1.21.2.107 NMAC - N, 10/01/2015]

1.21.2.108 DISTRIBUTION, MAILING AND CONTACT LISTS:

- A. **Category:** Administration - general management
- B. **Description:** Lists of individuals and organizations for mailing, contact or distribution.
- C. **Retention:** destroy when superseded or obsolete

[1.21.2.108 NMAC - N, 10/01/2015]

1.21.2.109 INDEXES AND FINDING AIDS:

- A. **Category:** Administration - general management
- B. **Description:** Indexes, lists and finding aids used to provide access to records or information.
- C. **Retention:** retain until disposition of corresponding record

[1.21.2.109 NMAC - N, 10/01/2015]

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1.21.2.110 LOGS:

- A. **Category:** Administration - general management
- B. **Description:** Logs used to monitor or control.
- C. **Retention:** retain until no longer needed for reference

[1.21.2.110 NMAC - N, 10/01/2015]

1.21.2.111 PLANNING AND DEVELOPMENT:

- A. **Category:** Administration - general management
- B. **Description:** Records related to planning and development.
- C. **Retention:** permanent, transfer to archives five years from date file closed

[1.21.2.111 NMAC - N, 10/01/2015]

1.21.2.112 PROGRAM AND PROJECT FILES:

- A. **Category:** Administration - general management
- B. **Description:** Records related to administrative programs and projects not identified in other classifications.
- C. **Retention:** destroy five years from date file closed

[1.21.2.112 NMAC - N, 10/01/2015]

1.21.2.113 PROGRAM AND PROJECT FILES - GOVERNOR'S:

- A. **Category:** Administration - general management

