



RESOLUTION NUMBER: 2016-51

ELECTRONIC EAVESDROPPING/UNLAWFUL RECORDING POLICY

I. POLICY RECITALS

WHEREAS, NMSA 1978, Section 4-37-1 (1995) declares that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and,

WHEREAS, NMSA 1978, Section 3-13-4 allows municipalities and counties to establish a personnel merit system for the hiring, promotion, discharge and general regulation of municipal and county employees; and,

WHEREAS, many communications between county employees and administration are legally confidential and their disclosures through non-official channels may place county property, employees and citizens at risk of harm; and,

WHEREAS, NMSA 1978, Section 30-12-1 (1979) provides in pertinent part that it is a misdemeanor to “read, interrupt, take or copy any message, communication or report intended for another by telegraph or telephone without the consent of a sender or intended recipient thereof.”

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Roosevelt County hereby adopts the following Recording/Eavesdropping Policy:

II. DEFINITIONS

- A. Electronic Eavesdropping: The unauthorized electronic recording by use of an electronic recording, device of any communications made by employees of the County of Roosevelt without the knowledge of the person making such communications.
- B. Communications: Communications include, but are not limited to, statements made during meetings, hearings, conferences, counseling, or conversations between employees or between employees and elected representatives. Communications also means any telephonic communication including cellular or mobile phone communications.
- C. Electronic Recording Devices: Electronic Recording Devices include, but are not limited to, tape recorders, dictaphones, pocket recorders, cassette tape players/recorders, and telephonic tape or digital recording devices.
- D. Employee: The term employee includes regular, full and part-time, probationary, temporary, volunteer, seasonal, casual and contract employees.

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III. POLICY

- A. It shall be a violation of the Roosevelt County Policy for employees to engage in electronic surveillance, eavesdropping, unauthorized or secret tape recording by use of an electronic recording device of any communications between or among employees or elected representatives of the County of Roosevelt.
- B. It shall not be a violation of this policy for employees to electronically record communications with or among employees or citizen contacts as necessary in the course and scope of conducting official business, or as otherwise expressly permitted by the Personnel Policy.
- C. This policy does not preclude the electronic recording of such communication when all parties to the communication are aware of the fact that the communication is being recorded.

IV. POLICY VIOLATION

Violation of this policy is grounds for disciplinary action up to and including termination of employment. The County reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the County.

PASSED, APPROVED, and ADOPTED this 20th day of December, 2016.

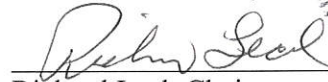
**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST

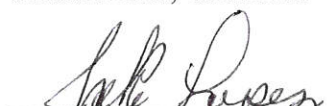


 DeAun D. Searl, Roosevelt County Clerk






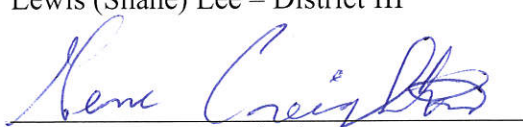
 Richard Leal, Chairman – District II



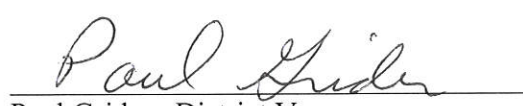
 Jake Lopez, Vice-Chair – District I



 Lewis (Shane) Lee – District III



 Gene Creighton – District IV



 Paul Grider – District V

