

**MCKINLEY COUNTY ELECTRIC GENERATING
FACILITY ECONOMIC DISTRICT**

**INSPECTION OF PUBLIC RECORDS ACT
RESOLUTION NO. 2020-DEC-003**

WHEREAS, the McKinley County Electric Generating Facility Economic District Authority (the "Authority"), the governing body of the McKinley County Electric Generating Facility Economic District (the "District"), an electric generating facility economic district established and existing pursuant to the Electric Generating Facility Economic District Act, NMSA 1978, Sections 71-10-1 to -11 (2020), met in [regular] session at the [via Zoom] on December 28, 2020, at 1:00 pm; and

WHEREAS, NMSA 1978, Section 14-2-1 (2019) of the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019) (the "Act"), states that, except for certain types of records enumerated therein or where otherwise provided by law, every person has a right to inspect public records of the State of New Mexico (the "State"); and

WHEREAS, the Act, recognizing that a representative government is dependent upon an informed electorate, provides that the intent of the legislature in enacting the Act is to ensure, and it is declared to be the public policy of the State, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees, and the Act further provides that it is the further intent of the legislature, and it is declared to be the public policy of the State, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees; and

WHEREAS, NMSA 1978, Section 14-2-6(G) (2018) of the Act defines "public records" to include "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained; and

WHEREAS, Section 14-2-6(F) (2018) of the Act defines "public body" to include the "executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education; and

WHEREAS, Section 14-2-7 of the Act requires the District to designate at least one custodian of public records who shall: (A) receive requests, including electronic mail or facsimile, to inspect public records; (B) respond to requests in the same medium, electronic or paper, in which the request was made in addition to any other medium that the custodian deems appropriate; (C) provide proper and reasonable opportunities to inspect public records; (D) provide reasonable facilities to make or furnish copies of the public records during usual business hours, and; (E) post in a conspicuous location at the administrative office and on the

publicly accessible website, if any, of the District a notice describing (1) the right of a person to inspect the Authority's and District's records; (2) procedures for requesting inspection of public records, including the contact information for the custodian of public records; (3) procedures for requesting copies of public records; (4) reasonable fees for copying public records, and; (5) the responsibility of the Authority and District to make available public records for inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE MCKINLEY COUNTY ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT AUTHORITY, THE GOVERNING BODY OF THE MCKINLEY COUNTY ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT:

1. [INSERT NAME OF CUSTODIAN] is hereby designated to be the custodian of public records of the District and is authorized to perform all duties and fulfill all responsibilities specified by the Act on behalf of the District.

2. In accordance with the provisions of Section 14-2-7, the custodian of public records is hereby directed to post in a conspicuous location at the administrative office and on the publicly accessible web site, if any, of the District the notice attached hereto as Exhibit A, which is hereby incorporated by reference and made a part of this resolution.

[Remainder of page intentionally left blank.]

Passed by the McKinley County Electric Generating Facility Economic District Authority
this 28 day of December, 2020.

MCKINLEY COUNTY ELECTRIC
GENERATING FACILITY ECONOMIC
DISTRICT AUTHORITY


Chairperson

ATTEST:


Secretary

CERTIFICATE

I hereby certify that the above and foregoing Resolution was duly passed by the McKinley County Electric Generating Facility Economic District Authority, the governing body of the McKinley County Electric Generating Facility Economic District at its [regular] meeting held on December 28, 2020, and that a quorum was present and that the vote was four (4) ayes and Zero (0) nays; one (1) member(s) did not vote or were absent.

By: *L. Y. A. Dimas Jr.*
Secretary

EXHIBIT A

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

Under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019) (the "Act"), every person has the right to inspect public records of the McKinley County Electric Generating Facility Economic District (the "District"). Compliance with requests to inspect public records is an integral part of the routine duties of the officers and employees of the District.

Procedures for Requesting Inspection. Requests to inspect public records should be submitted to the records custodian, [INSERT NAME OF CUSTODIAN], located at [INSERT LOCATION AND ADDRESS] or by e-mail at [INSERT E-MAIL ADDRESS OF CUSTODIAN].

A person desiring to inspect public records may submit a request to the records custodian orally or in writing. However, the procedures and penalties prescribed by the Act apply only to written requests. A written request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via U.S. Mail, email or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian must permit inspection immediately or as soon as is practicable, but no later than 15 calendar days after the records custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the District will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within 15 calendar days after the records custodian receives the request for inspection.

Procedures for Requesting Copies and Fees. If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged. The fee for printed documents 11 inches by 17 inches or smaller is \$[INSERT COPY FEE NOT TO EXCEED \$1.00 PER PAGE BUT WHICH REFLECTS THE DISTRICT'S ACTUAL COSTS FOR MAKING COPIES AVAILABLE] per page. The fee for larger documents is \$[INSERT COPY FEE] per page. The fee for downloading copies of public records to a computer disk or storage device is \$[INSERT ACTUAL COST TO DISTRICT (MIGHT BE \$0.00)]. If a person requests that a copy of a public record be transmitted, a fee of \$[INSERT ACTUAL COST TO DISTRICT] may be charged for transmission by mail, \$[INSERT ACTUAL COST TO DISTRICT] for transmission by e-mail and \$[INSERT ACTUAL COST TO DISTRICT] for transmission by facsimile. The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid will be provided upon request to the person requesting the copies.