ACTION SHEET
CITY COUNCIL MEETING OF 05/09/12
ITEM FROM FINANCE COMMITTEE MEETING OF 04/30/12

ISSUE:

18. Request for Approval of a Resolution Relating to the Inspection of Public Records Act; and Establishing a Full-Time, Dedicated Position in the City Attorney's Office to be known as the "Custodian" Of Public Records. (Councilors Ives, Bushee and Wurzburger) (Geno Zamora)

Committee Review:
City Council (scheduled) 05/09/12

Fiscal Impact – Yes

FINANCE COMMITTEE ACTION: Approved as Discussion Item

SPECIAL CONDITIONS OR AMENDMENTS:

This position will fill a currently vacant position in the City Attorney's office as the designated IPRA Officer.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	Excused		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

MLM 3-19-12/FCMissue

City of Santa Fe, New Mexico

RESOLUTION NO. 2012-___

IPRA CUSTODIAN

SPONSOR(S): Ives, Bushee and Wurzburger

SUMMARY: In an effort to continue the Governing Body's on-going commitment for the City of Santa Fe to be open, transparent and accessible to the public:

1. The Governing Body hereby establishes a full-time, dedicated position of "custodian" of public records in the City Attorney's Office for prompt and complete disclosure of public records.
2. The "custodian" will be a trained professional who specializes in the disclosure of public records.
3. In accordance with IPRA, the "custodian" of public records will have various duties, as outlined in the resolution.

AMENDMENTS: None

FISCAL IMPACT: Yes

- Position
- Computer
- Construction in City Attorney's Office

PREPARED BY: Melissa D. Byers, Legislative Liaison

DATE: April 26, 2012

ATTACHMENTS: Resolution
FIR

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-____

INTRODUCED BY:

Councilor Peter Ives

Councilor Patti Bushee

Councilor Rebecca Wurzburger

A RESOLUTION

RELATING TO THE INSPECTION OF PUBLIC RECORDS ACT; AND ESTABLISHING A FULL-TIME, DEDICATED POSITION IN THE CITY ATTORNEY'S OFFICE TO BE KNOWN AS THE "CUSTODIAN" OF PUBLIC RECORDS.

WHEREAS, the *Inspection of Public Records Act* ("*IPRA*"), Chapter 14, Article 2 NMSA 1978, provides for public access to information about governmental affairs; and

WHEREAS, IPRA requires public access to all public records, with certain delineated exceptions; and

WHEREAS, NMSA to §14-2-7 provides that every public body shall designate at least one custodian of public records; and

WHEREAS, IPRA defines such a custodian as "any person responsible for the maintenance, care or keeping of a public body's public records, regardless of whether the records are in that person's actual physical custody and control"; and

WHEREAS, currently, the City Clerk acts de facto as the custodians of public records for the City of Santa Fe, receives all IPRA requests and forwards such requests to the department in custody

and control of the records in order to assemble same, and thereafter, the City Attorney reviews the records provided in response to such IPRA requests and determines that the records provided are responsive to such requests and which fall under the delineated exceptions, and in turn directs the City Clerk to release such records; and

WHEREAS, in the interest of streamlining the IPRA process for the public and ensuring the accurate and timely handling of such requests, the Governing Body desires that a "custodian" of public records position be established in the City Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that in an effort to continue the Governing Body's on-going commitment for the City of Santa Fe to be open, transparent and accessible to the public:

1. The Governing Body hereby establishes a full-time, dedicated position of "custodian" of public records in the City Attorney's Office for prompt and complete disclosure of public records.

2. The "custodian" will be a trained professional who specializes in the disclosure of public records.

3. In accordance with IPRA, the "custodian" of public records shall:

A. Act as the City of Santa Fe's custodian of public records for purposes of IPRA and ensure compliance therewith;

B. Coordinate with the various Departments of the City of Santa Fe the identification of public records responsive to requests made under IPRA;

C. Receive and timely respond to requests to inspect public records;

D. Provide proper and reasonable opportunities for the inspection of public records;

E. Provide reasonable facilities to make or furnish copies of

public records during normal business hours; and

F. Post in a conspicuous location in the City Manager's Office a notice describing:

(1) The right of a person to inspect the City of Santa Fe's records;

(2) Procedures for requesting inspection of public records;

(3) Procedures for requesting copies of public records;

(4) Reasonable fees for copying public records; and

(5) The responsibility of the City of Santa Fe to make available public records for inspection.

G. Provide to the City Council a quarterly report of IPRA requests received by the City of Santa Fe and the status of the City's responses thereto.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2012.

_____

DAVID COSS, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelly A. Brennan

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2012/IPRA Custodian

FIR No. 2257

City of Santa Fe
Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. **General Information**

(Check) Bill: _____ Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): Relating To the Inspection of Public Records Act; And Establishing a Full-Time, Dedicated Position in the City Attorney's Office to Be Known As the "Custodian" Of Public Records.

Sponsor(s): Councilors Ives, Bushee, Wurzburger

Reviewing Department(s): City Attorney's Office

Person Completing FIR: Melissa Byers Date: April 26, 2012 Phone: 955-6518

Reviewed by City Attorney: Kathy A. Brennan FOR GENOVEVA ZAMORA (Signature) Date: 4/26/12

Reviewed by Finance Director: M Morgan (Signature) Date: 4/26/12

Section B. **Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the resolution is to establish a full time position in the City Attorney's Office who will be dedicated to IPRA requests.

Section C. **Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

_____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY 12/13	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
Personnel*	$59,116		R	$			
Fringe**	$included in above figure			$			
Capital Outlay	$1,360	N	NR	$			
Construction	$4,000	N	NR	$			
Professional Services	$			$			
All Other Operating Costs	$			$			
Total:	$ 64,476			$			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
	$		$		
	$		$		
	$		$		
Total:	$		$		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The entry-level salary, including benefits, for the IPRA custodian will be $59,116; the cost for a computer is $1360; and the cost for some construction in the IPRA area will be $4,000

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This resolution is drafted in accordance with the New Mexico IPRA law.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The City Clerk will continue to be the custodians of public records for the City of Santa Fe, receives all IPRA requests and forward such requests to the department in custody and control of the records in order to assemble same, and thereafter, have the City Attorney review the records and determine that the records provided are responsive to such requests and which fall under the delineated exceptions.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Establishing the IPRA custodian in the City Attorney's Office will streamline the process for the public to obtain public records.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08