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1 opportunities to inspect public records and reasonable facilities to make or
2 furnish copies of the public records during usual city business hours.

3 A. For purposes of this ordinance, the definition of “public record” shall
4 be the definition in of “public record” found in section § 2-6-4-3 ROA 1994.

5 B. All City employees, elected officials and any person who is a party
6 under a contract with the city or a subcontractor under a subcontract with a
7 party under a contract with the city shall provide public records to the agency
8 records custodian and the City Clerk in response to any request to inspect
9 public records.

10 Section 3. Section 2-7-6-4 ROA 1994 is amended to read:

11 **§ 2-7-6-4 AGENCY RECORDS CUSTODIAN AND PROCEDURES.**

12 Each department of the city, the City Council, and each board,
13 commission, committee subject to the Public Boards, Commissions and
14 Committees Ordinance (the “Agencies”) shall designate at least one person to
15 be the Agency Records Custodian for said Agency who shall cooperate and
16 coordinate with the City Clerk to respond to requests to inspect public
17 records. Each agency shall provide the City Clerk with the names, telephone,
18 e-mail and mailing addresses for the agency records custodian or custodians.
19 Boards, commissions and committees may designate city staff assigned to
20 the board, commission or committee as their agency records custodian. The
21 City Clerk shall post the information about each agency record custodian on
22 the City Clerk’s web site to assure accessibility to the agency records
23 custodian by the public and the press.

24 A. If an agency does not have possession of the records requested, or
25 cannot respond to the written request without consultation with another
26 agency, the agency records custodian shall promptly forward the request to
27 the appropriate agency and notify the City Clerk that the agency does not have
28 all or part of the requested records and whether or not it has located the
29 records at another agency. Agencies receiving request to inspect records for
30 records for which the agency is not the custodian shall not require the
31 requesting party to write a new request to another agency of the City. Rather,
32 that request shall be forwarded to any known custodian and the City Clerk,
33 and the time to respond shall begin to run upon receipt of such request by

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1 such other agency. Upon forwarding the request to another agency, the
2 agency records custodian shall so notify the requestor in writing and state the
3 reason for the absence of the records sought and the location where the
4 custodian believes the records may be found.

5 B. The City Clerk or agency records custodian shall respond to oral
6 requests for non-exempt City records immediately, if such records are
7 determined to be public records and are readily available, or as soon as
8 practicable under the circumstances, provided that if the City Clerk or agency
9 records custodian is uncertain of the nature or scope of the request, he/she
10 may require that the requesting party reduce the request to writing. The City
11 Clerk and/or agency records custodian may ask the requesting party to clarify
12 any oral or written request.

13 C. If a written request seeks an unusually voluminous amount of public
14 records, is excessively burdensome or broad, or where other unusual
15 circumstances exist, the records custodian shall notify the requestor in
16 writing within fifteen days of receipt of a request that additional time will be
17 necessary to respond. The custodian shall then respond to the request within
18 a reasonable period of time under the circumstances and may schedule
19 multiple inspection sessions, when appropriate. When possible, the agency
20 records custodian shall obtain a written agreement from the requesting party
21 as to the schedule for inspection.

22 D. After a review of a public records inspection request, should the
23 agency records custodian find that disclosure of the City records should be
24 denied in whole or part, the records custodian shall submit that finding to the
25 City Attorney, who will make an independent determination whether the
26 disclosure of the City records should be denied in whole or in part. If the City
27 Attorney determines that the City records sought are exempt from disclosure,
28 the City Attorney shall notify the agency records custodian of the
29 determination and the records custodian shall provide the requestor with a
30 written explanation of the denial. The written denial shall: (a) describe the
31 records sought; (b) set forth the names and titles or positions of each person
32 responsible for the denial; and (c) be delivered or mailed to the person
33 requesting the records within fifteen (15) days after the request for inspection

1 was received. In the instance of requests for voluminous records resulting in
2 multiple inspections, the denial may be as to each increment of records being
3 produced for inspection.

4 E. No inspection of records shall be allowed that, if disclosed, would
5 facilitate unauthorized access to an agency's electronic information systems
6 or clearly jeopardize or compromise information security. Record inspection
7 and copying shall be accomplished in a manner that does not allow the
8 requesting party to access the computer system where the integrity of the
9 information of the computer would be jeopardized.

10 Section 4. Section 2-7-6-5 ROA 1994 is amended to read:

11 § 2-7-6-5 PROCESS.

12 The City Clerk shall establish a procedure for responding to requests to
13 inspect public records which complies with the requirements of state law as
14 set forth in the Inspection of Public Records Act, Section 14-2-1 et seq. NMSA
15 1978 as currently enacted or hereinafter amended.

16 The social security numbers, home addresses and home telephone
17 numbers of City employees are not public records within the meaning of the
18 New Mexico Inspection of Public Records Act, and shall not be disclosed to
19 any person, except with the express, written consent of the employee or
20 official. The social security numbers of City department heads and officials
21 are not public record and shall not be disclosed to any person except with the
22 express written consent of that person. Home addresses and home telephone
23 numbers of City officials and department heads are public record.

24 Section 5. Section 2-7-6-6 ROA 1994 is amended to read:

25 § 2-7-6-6 ARCHIVES.

26 There shall be established an archiving system which shall be
27 accessible to the public through requests to the City Clerk who shall be
28 responsible for the office of the archives.

29 Section 6. The following New Section is added to Chapter 2, Article 7,
30 Part 6 ROA 1994.

31 § 2-7-6-7 ENSURING RESPONSIVE OPEN GOVERNMENT

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1 A. The City shall establish, through the office of the City Clerk, a
2 procedure to allow prompt telephone and direct access between City
3 employees and the public including members of the media.

4 B. City employees shall be made available by telephone and direct
5 access to provide information to City Councilors and City Council staff.
6 There shall be no requirement that employees receive prior approval from
7 any supervisor prior to being made available. City Councilors and City
8 Council staff shall not be required to provide prior justification for any
9 request for information.

10 Section 7. Section 2-6-4-3 ROA 1994 is amended to read:

11 § 2-6-4-3 DEFINITION.

12 For the purpose of §§ 2-6-4-1 et seq. the following definition shall apply
13 unless the context clearly indicates or requires a different meaning.

14 PUBLIC RECORDS means all documents, papers, letters, books, maps,
15 tapes, photographs, recordings and other materials, regardless of physical
16 form or characteristics, that are used, created, received, maintained or held by
17 or on behalf of the City and relate to public business, whether or not the
18 records are required by law to be created or maintained. Library or museum
19 material made or acquired solely for reference, circulation or exhibition
20 purposes, extra copies of documents preserved only for convenience of
21 reference, and stocks of publications and of processed documents are not
22 included.

23 Section 8. SEVERABILITY CLAUSE. If any section, paragraph, word or
24 phrase of this Ordinance is for any reason held to be invalid or unenforceable
25 by any court of competent jurisdiction, such decision shall not affect the
26 validity of the remaining provisions of this Ordinance. The Council hereby
27 declares that it would have passed this Ordinance and each section,
28 paragraph, sentence, clause, word or phrase thereof irrespective of any
29 provision being declared unconstitutional or otherwise invalid.

30 Section 9. COMPILATION. Sections 1 through 6 of this Ordinance shall
31 be incorporated in and made part of the Revised Ordinances of Albuquerque,
32 New Mexico.

1 Section 10. EFFECTIVE DATE. This Ordinance shall take effect five days
2 after publication by title and general summary.

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