

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. _____

1 GEOGRAPHIC INFORMATION SYSTEM (“GIS”) DATA FEE ORDINANCE

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3 Sec. 4-420. Short Title

4 This ordinance may be cited as the “GIS Data Fee Ordinance.”

5 Sec. 4-421. Definitions

6 A. “Act” means the Public Records Act, NMSA 1978, §§ 14-3-1 *et seq.*(1959)(as
7 amended).

8 B. “Custodian of Public Records” means that person designated by the County
9 Manager, pursuant to the Inspection of Public Records Act, NMSA 1978, § 14-2-6 (A) (2013),
10 who is responsible for the maintenance, care or keeping of the County’ public records, regardless
11 of whether the records are in that person’s actual physical custody or control.

12 C. “Database” means a collection of electronic data organized for search, retrieval,
13 and manipulation.

14 D. “Inspection” or “Inspected” means the opportunity afforded an individual,
15 following receipt of a request to look at a database or information contained in the County’ GIS
16 when the County provides data or information in a printed or typed format for review.

17 E. “Geographic Information Service” means a computer-based technology that
18 produces, organizes, and analyzes spatial and associated textual, numeric, and geographic data.

19 F. “Public Record” means books, papers, maps, photographs or other documentary
20 materials regardless of physical form or characteristics, made or received by the County in

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1 pursuance of law or in connection with the transaction of public business and preserved, or
2 appropriate for preservation, by the County as evidence of the organization, functions, policies,
3 decisions, procedures, operations or other activities of the County or because of the
4 informational and historical value of the data contained therein.

5 G. “Subject to Inspection” means a public record that may be inspected pursuant that
6 may be inspected pursuant to Sec. 14-422 of this article.

7 Sec. 4-422. General Rule

8 Data that has been inserted into a computer database maintained by the County, and
9 information contained in a GIS maintained by the County, is a public record. Data inserted into
10 a computer database maintained by the County or information contained in a GIS shall be
11 available to the public under the Act, unless the data or information is not subject to inspection
12 pursuant to NMSA 1978, §§ 14-2-1 (A) (2011) & 14-3-7.1 (2005), as well as any other
13 applicable law.

14 Sec. 4-423. Inspection of Information Contained in a Computer Database Maintained by the
15 County

16 A. Data may be inspected by contacting the County’s custodian of public records.

17 B. Such data may be inspected in printed or electronic form.

18 C. Upon request, the County shall provide printed copies of the data or an electronic
19 copy.

20 Sec. 4-424. Inspection of Information Contained in a GIS

21 A. Information that is subject to inspection, and contained in the County’s GIS, shall
22 be available for inspection by contacting the Custodian of Public Records.

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1 B. Such information may be inspected in printed or electronic format. Upon request
2 the County shall provide printed copies of the information or electronic copies for the
3 appropriate fee.

4 Sec. 4-425. Fees for Printed or Electronic Copies of Data

5 Fees for printed or electronic copies of data that has been inserted into a computer
6 database or data contained in the County's GIS are set forth in Exhibit A. All fees are due and
7 payable prior to the receipt of data or information and are non-refundable. The fees set forth in
8 Exhibit A may only be modified by amendment of this ordinance.

9 Sec. 4-426. No Warranty

10 A. All information and data contained in the County's databases and information
11 contained in its GIS were compiled for use by the Board of County Commissioners, its elected
12 officials, employees, agents, and contractors. While the County continually works to improve
13 the quality and accuracy of its digital data, errors and missing information are possible. The
14 Board of County Commissioners, its elected officials, employees, agents, and contractors do not
15 warrant the accuracy of any data or documents provided pursuant to a request herein. Likewise,
16 data and documents provided under this article may not meet National Map Accuracy Standards
17 or other accuracy standards and in fact may be inaccurate.

18 B. The County does not guarantee the reliability of its computer systems: the
19 mechanical or technical failure of the County's computer system or database shall not create a
20 cause of action by a requesting person or entity, nor shall said failure result in a decrease in the
21 fees charged to the requesting person for data or documents.

22 Sec. 4-427. Severability

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1 The sections, paragraphs, sentences, clauses and phrases of this article are
2 severable, and if any phrase, clause, sentence, paragraph or section of this article shall be
3 declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of
4 competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect
5 any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.

6 **Sec. 4-428. Waiver of Fee Charged to Public Agencies and the Indigent**

7 When, in accordance with the provisions of this article, data or documents in a printed or
8 electronic form are provided to the United States Government or the State of New Mexico,
9 including any of its political subdivisions, or an individual the county manager or designee
10 deems indigent, the county manager or designee may waive applicable fees.

11 **APPROVED AS TO FORM**

BOARD OF COUNTY COMMISSIONERS

12 _____
13 W. Ken Martinez, County Attorney

Art De La Cruz, Chair

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Wayne A. Johnson, Vice Chair

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Debbie O'Malley, Member

18 **ATTEST:**

19 _____
20 _____
21 Maggie Toulouse Oliver, County Clerk
22 _____

Maggie Hart Stebbins, Member

Lonnie Talbert, Member