



VILLAGE OF CORRALES

RESOLUTION NO. 16-28

A Resolution Relating to Audio Recordings Made by the Village Clerk for Meetings of the Governing Body; Providing for the Disposal of Such Recordings after Adoption of the Meeting Minutes.

WHEREAS, meetings of the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”) that are held for the purpose of formulating public policy are subject to the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4, NMSA 1978 (the “Open Meetings Act”); and

WHEREAS, the Open Meetings Act at Section 10-15-1(G), NMSA 1978, provides that the Governing Body shall keep written minutes of all its meetings; and

WHEREAS, the Open Meetings Act at Section 10-15-1(G), NMSA 1978, further provides that draft minutes shall be prepared within ten (10) working days after the meeting, but shall not become official until approved by the Governing Body; and

WHEREAS, the Village Clerk may make audio recordings of meetings of the Governing Body using media such as audiotapes, CDs, DVDs, or other analog or digital media, as an aid to be used for the preparation of the meeting minutes; and

WHEREAS, upon their approval by the Governing Body, the approved minutes become the official record of the meeting to which they appertain; and

WHEREAS, there is no legal requirement for the Village to retain any audio recording of a meeting of the Governing Body after the minutes of that meeting have been adopted by the Governing Body, as established in *Village of Angel Fire v. Wheeler*, 2003-NMCA-041, 133 N.M. 421, 63 P.3d 524; and

WHEREAS, as noted in Section 1.21.2.452 of the New Mexico Administrative Code (2015), once the minutes of a meeting are approved, audio recordings of that meeting become non-record material.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, that:

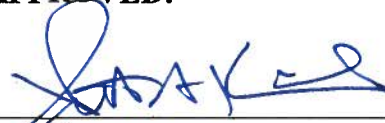
1. Audio recordings made by the Village Clerk for the purpose of preparing draft and final minutes of meetings of the Governing Body shall be physically destroyed, erased, or overwritten on the date that is thirty (30) days after the meeting minutes have been approved by the Governing Body, unless prior to that date a specific demand has been made by request for the

Village Clerk to retain or provide a copy of such audio recording under the Inspection of Public Records Act, Section 14-2-1 *et seq.*, NMSA 1978, by subpoena or order issued by or on behalf of a court of competent jurisdiction, or otherwise in accordance with applicable law.

2. Excepting any audio recordings for which a specific demand has been made by request for the Village Clerk to retain or provide a copy of such audio recording under the Inspection of Public Records Act, Section 14-2-1 *et seq.*, NMSA 1978, by subpoena or order issued by or on behalf of a court of competent jurisdiction, or otherwise in accordance with applicable law, audio recordings of all meetings of the Governing Body for which minutes have been approved by the Governing Body more than thirty (30) days prior to the date of adoption of this Resolution, shall be physically destroyed, erased, or overwritten no later than thirty (30) days after the date of adoption of this Resolution.

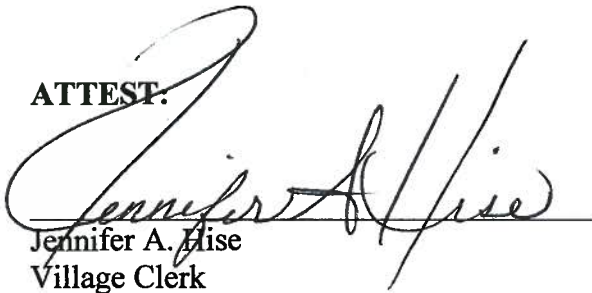
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales this 16th day of August, 2016.

APPROVED:



The Honorable Scott A. Kominiak
Mayor

ATTEST:



Jennifer A. Wise
Village Clerk