

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2010 - 81

3 INTRODUCED BY:

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10 A RESOLUTION

11 REPEALING RESOLUTION NO. 2003-33 REGARDING RECORDS RETENTION AND
12 DISPOSITION SCHEDULES; ADOPTING THE MOST CURRENT APPROVED RECORDS
13 RETENTION AND DISPOSITION SCHEDULES ON FILE WITH THE NEW MEXICO
14 STATE RECORDS CENTER AND ARCHIVES FOR LOCAL GOVERNMENT USE; AND
15 AMENDING THOSE SPECIFICALLY RELATED TO THE MUNICIPAL COURT.
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17 WHEREAS, the New Mexico Records Center and Archives has developed and approved
18 records retention and disposition schedules for municipal records; and

19 WHEREAS, the Governing Body approved Resolution No. 2003-33 wherein the city
20 adopted as official policy the most current records retention and disposition schedules and
21 microphotography standards developed by the New Mexico State Records Center and Archives
22 for the retention, destruction and microphotography of city records; and

23 WHEREAS, the Governing Body desires to continue to use the most current records
24 retention and disposition schedules and microphotography standards developed by the New
25 Mexico State Records Center and Archives for the retention, destruction and microphotography

1 of city records except for those related to municipal court records.

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that the city adopts as official policy the most current approved records
4 retention and disposition schedules and microphotography standards on file with the New Mexico
5 State Records Center and Archives for the retention, destruction and microphotography of city
6 records except for the following municipal court records:

7 1. Section 1.19.9.103 shall be amended to read:

8 **1.19.9.103 NON-DUI AND NON-DOMESTIC VIOLENCE CRIMINAL CASE FILE**
9 **(DOCKET FILE):**

10 **A. Program:** criminal matters, including, but not limited to, traffic violations and
11 animal control violations (with bench warrants)

12 **B. Maintenance system:** numerical by docket number

13 **C. Description:** record of proceedings in municipal court (excluding DUI and DV
14 cases). File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal
15 complaint, summons, *probable cause form*, bail bond forms, *condition of release* forms, *notice of*
16 *appeal*, *warrants*, *failure to appear notices*, *entry of appearance* form, *remand order*, *waiver of*
17 *counsel* forms, *no contest* forms, transportation documentation, *judgment and sentence* forms, etc.

18 [Documents may be original or output from an automated system.]

19 **D. Retention:** three years from offense date

20 **E. Note bene:**

21 (1) Issuance of a *search warrant* requires the creation of a case file and docket.

22 (2) When citations are filed, a docket number shall be issued and a case file created.

23 (3) Treatment and psychological evaluations, supervision histories (i.e. probation,
24 mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall
25 be returned to generating entity or destroyed.

1 [1.19.9.103 NMAC - Rp 1 NMAC 3.2.94.950.103, 4/4/2003]

2 2. Section 1.19.9.104 shall be amended to read:

3 **1.19.9.104 DUI AND DOMESTIC VIOLENCE CRIMINAL CASE FILE (DOCKET**
4 **FILE):**

5 **A. Program:** criminal matters

6 **B. Maintenance system:** numerical by docket number

7 **C. Description:** record of DUI and domestic violence proceedings in municipal
8 court. File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal
9 complaint, summons, *probable cause form*, bail bond forms, *condition of release forms*, *notice of*
10 *appeal*, *warrants*, *failure to appear notices*, *entry of appearance form*, *remand order*, *waiver of*
11 *counsel forms*, *no contest forms*, transportation documentation, *judgment and sentence forms*,
12 etc.). [Record may be original or output from an automated system.]

13 **D. Retention:** twenty-five years from offense date provided that a conviction report
14 has been filed when required.

15 **E. Note bene:**

16 (1) Issuance of a *search warrant* requires the creation of a case file and docket.

17 (2) When citations are filed, a docket number shall be issued and a case file created.

18 (3) Treatment psychological evaluations, supervision histories (i.e. probation,
19 mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall
20 be returned to generating entity or destroyed.

21 (4) Cases involving driving under the influence where there has been a conviction,
22 shall not be destroyed until *DWI conviction report* has been prepared and forwarded to the
23 administrative office of the courts.

24 (5) Cases involving domestic violence where there has been a conviction shall not be
25 destroyed until *domestic violence conviction report* has been prepared and forwarded to the

1 administrative office of the courts.

2 [1.19.9.104 NMAC - Rp I NMAC 3.2.94.950.104,4/4/2003]

3 3. A new Section 1.19.9.109 shall read:

4 **1.19.9.109 PARKING VIOLATIONS**


5 **A. Program:** parking tickets

6 **B. Description:** municipal court copies of the city's parking division's parking
7 tickets or printout of the ticket's history

8 **C. Retention:** no retention required on this item.

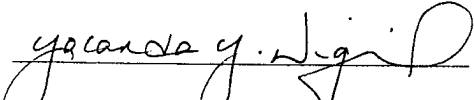
9 **AND BE IT FURTHER RESOLVED** that the city clerk is authorized and directed to
10 maintain the records management program for the city and to apply the retention periods assigned
11 to municipal records by the New Mexico State Records Center and Archives except as set forth
12 above for municipal court records.

13 PASSED, APPROVED, and ADOPTED this 13th day of October, 2010.

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16 DAVID COSS, MAYOR

17 ATTEST:

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20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

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23 _____

24 GENO ZAMORA, CITY ATTORNEY

25 Jp/ca/jpmb/2010 res/records retention court