

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 460 ERRDS, STATE FAIR COMMISSION

1.18.460.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.460.1 NMAC - Rp, 1.18.460.1 NMAC, 5/2/2005]

1.18.460.2 SCOPE: state fair commission
[1.18.460.2 NMAC - Rp, 1.18.460.2 NMAC, 5/2/2005]

1.18.460.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.460.3 NMAC - Rp, 1.18.460.3 NMAC, 5/2/2005]

1.18.460.4 DURATION: permanent
[1.18.460.4 NMAC - Rp, 1.18.460.4 NMAC, 5/2/2005]

1.18.460.5 EFFECTIVE DATE: May 2, 2005 unless a later date is cited at the end of a section.
[1.18.460.5 NMAC - Rp, 1.18.460.5 NMAC, 5/2/2005]

1.18.460.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.460.6 NMAC - Rp, 1.18.460.6 NMAC, 5/2/2005]

1.18.460.7 DEFINITIONS:

- A. “Administrator”** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. “Agency”** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. “Archives”** means the state archives of the commission of public records.
- D. “Disposition”** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- E. “Microphotography”** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.
- F. “Non-record”** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- G. “Public record”** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).
- H. “Records custodian”** means the statutory head of the agency using or maintaining the records or the custodian’s designee.
- I. “Records management”** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- J. “Records retention and disposition schedule”** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

K. “**Retention**” means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
[1.18.460.7 NMAC - Rp, 1.18.460.7 NMAC, 5/2/2005]

1.18.460.8 ABBREVIATIONS AND ACRONYMS:

A. “**NMAC**” stands for New Mexico administrative code.

B. “**USC**” stands for United States code.

[1.18.460.8 NMAC - N, 5/2/2005]

1.18.460.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.5 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. Descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and files shall be only by authorization of the records custodian, or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization or court order.

I. Records, papers or documents may be reformatted thorough microphotography. Such reformatted records shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5 and 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.460.9 NMAC - Rp, 1.18.460.9 NMAC, 5/2/2005]

1.18.460.10 [RESERVED]

1.18.460.11 ENTRY FORM:

A. Program: competition

B. Maintenance system: chrono-numerical by fiscal year, then date and competition class number, then alphabetical by exhibitor’s surname

C. Description: forms used to judge and track entries for livestock, horse, agriculture, arts and fine arts competition. Form may contain exhibitor’s name and address, phone number, social security or tax identification number, type of entry, entry description, name of animal, trainer’s name and address, phone number, United States equestrian federation number, Arabian horse association number, registry number, section or lot number, fees, judge's signature, superintendent's signature, competition class placement, etc.

D. Retention:

(1) **Winning entries:** filed in the *award files*

(2) **All others:** one year after close of fiscal year in which created

E. Confidentiality: Portions of these records may be confidential per 5 USC 552a (i.e., social security number).

[1.18.460.11 NMAC - Rp, 1.18.460.112 NMAC, 5/2/2005]
[Rejected entries are returned to applicant]

1.18.460.12 AWARD FILES:

- A. Program:** competition
- B. Maintenance system:** chrono-numerical by fiscal year, then date and competition class number, then alphabetical by exhibitor's surname
- C. Description:** record of state fair winners for livestock, horse, agriculture, arts and fine arts competition plus any amounts of money that are awarded to exhibitors for class placement. File may contain *entry form*, copy of check, voucher, photograph, etc.
- D. Retention:** six years after close of fiscal year in which created, then transfer to archives for review and final disposition
- E. Confidentiality:** Portions of these records may be confidential per 5 USC 552a (i.e., social security number).

[1.18.460.12 NMAC - Rp, 1.18.460.111 NMAC, 5/2/2005]

1.18.460.13 NEW MEXICO STATE FAIR PARADE APPLICATIONS:

- A. Program:** competition
- B. Maintenance system:** chronological by calendar year and date, then alphabetical by competition category
- C. Description:** record of application for state fair parade participation and competition. Application may contain parade theme, entry name, category, category number, number of participants, number of vehicles, number of horses, length of float, type of pulling vehicle, date entered, prior parade participation information, entry description and news release details, entry fees, contact person information (home phone number, business phone number, cellular phone number, fax number, mailing address, signature), etc.

D. Retention:

- (1) **Winning entries:** filed in the *award files*
- (2) **All others:** one year after close of fiscal year in which parade is held

[1.18.460.13 NMAC - N, 5/2/2005]

1.18.460.14 - 1.18.460.15 [RESERVED]

1.18.460.16 HORSE AND LIVESTOCK ASSOCIATION REPORTS:

- A. Program:** horse and livestock exhibit competition
- B. Maintenance system:** chronological by fiscal year and date, then numerical by competition class number
- C. Description:** reports that are sent to horse and livestock associations on state fair exhibit competitions. Report may contain information on the type of class exhibit, results of exhibitor competition for each class, name of exhibitor, etc.

D. Retention: one year after close of fiscal year in which created

[1.18.460.16 NMAC - Rp, 1.18.460.108 NMAC, 5/2/2005]

1.18.460.17 - 1.18.460.19 [RESERVED]

1.18.460.20 CONCESSION AND ENTERTAINMENT CONTRACT FILES:

- A. Program:** business
- B. Maintenance system:** chronological by fiscal year, then by date contract was entered into
- C. Description:** records concerning revenue and expense agreements that the state fair commission has entered into for the lease of property, exhibits, entertainment, concessions, interim events, etc. File may contain contract (general requirements, subcontractors' names, offeror name and address, terms of contractual conditions, reporting requirements, offeror or concessionaire acceptance of facilities, concessionaire capital improvement agreements, capital improvement alterations and improvements stipulations, utility infrastructure stipulations, movable equipment stipulations, fixture stipulations, non-exclusive right stipulations, etc.), copy of request for proposal, copy of responsive proposal, copies of monthly statements, copies of annual gross receipt reports, schedule of construction payments, as-built drawings, property lien documentation, certificates of insurance (general liability

including automobile, workers compensation, builders risk insurance, self-insurance, contents insurance, etc.), copies of security deposit, copies of licenses, copies of regulations, etc.

D. Retention:

(1) **Contract involving building or property renovations:** ten years after close of fiscal year in which created, then transfer to archives for review and final disposition

(2) **All other contracts:** six years after termination of contract
[1.18.460.20 NMAC - Rp, 1.18.460.102 NMAC, 5/2/2005]

1.18.460.21 BOND FILES:

A. Program: business

B. Maintenance system: chronological by fiscal year, then by date bond was issued

C. Description: records concerning the issuance of negotiable bonds for additions or improvements to buildings, structures, utilities or equipment for operations pertaining to administration, exhibition or recreation. File may contain plans that address the capital program, current and five-year projected ratios on annual debt service requirements, debt structure and terms, sales management, legal documents, refunding documents, a certification of the issuing authority certifying that the issuing authority has complied with all statutory requirements for the issuance of state institution bonds, and any other information that the board of finance needs in order to fulfill its duty to review and approve proposed institutional bonds, renegotiations of bonds, memoranda, correspondence, etc.

D. Retention: six years after close of fiscal year in which debt has been paid
[1.18.460.21 NMAC - N, 5/2/2005]

1.18.460.22 - 1.18.460.25 [RESERVED]

1.18.460.26 PROPERTY FILES:

A. Program: property control

B. Maintenance system: chronological by calendar year, then alphabetical by name of structure

C. Description: records concerning real property owned by the state fair commission. File may contain description and location of the property, maps, sale agreements, land acquisition forms, deeds, contractual surety bond information, correspondence, etc.

D. Retention: permanent. Transfer to archives 10 calendar years after property is sold, disposed of or relinquished
[1.18.460.26 NMAC - N, 5/2/2005]

1.18.460.27 BUILDING FILES:

A. Program: property control

B. Maintenance system: alphabetical by name of structure

C. Description: records concerning remodeling and construction of state fair structures. Files may contain architectural plans or technical drawings of Tingley Coliseum; Albuquerque Downs; Villa Hispana; Manuel Lujan, Jr. exhibit hall; youth hall lounge; commissioners lounge; sponsor's lounge; etc.

D. Retention: permanent. Transfer to archives 10 calendar years after property is sold, disposed of or relinquished
[1.18.460.27 NMAC - N, 5/2/2005]

HISTORY OF 1.18.460 NMAC:

Pre-NMAC Filing History: Material in this part is derived from that previously filed with the Commission of Public Records - State Records Center and Archives under:

SRC Rule 72-19, Records Retention and Disposal Schedule for State Fair Commission, 7-19-72.

SRC Rule 82-9, Records Retention and Disposition Schedule for State Fair Commission, 3-16-82.

History of Repealed Material:

1.18.460 NMAC, ERRDS, State Fair Commission, filed 5/16/2001, repealed 5/2/2005.