

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 19 LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULES (LGRDRS)
PART 11 LGRDRS, SOIL AND WATER CONSERVATION DISTRICTS AND WATERSHED DISTRICTS

1.19.11.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives
[1.19.11.1 NMAC - N, 6/28/2004]

1.19.11.2 SCOPE: soil and water conservation districts and watershed districts
[1.19.11.2 NMAC - N, 6/28/2004]

1.19.11.3 STATUTORY AUTHORITY: Section 14-3-1 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.
[1.19.11.3 NMAC - N, 6/28/2004]

1.19.11.4 DURATION: permanent
[1.19.11.4 NMAC - N, 6/28/2004]

1.19.11.5 EFFECTIVE DATE: June 28, 2004, unless a later date is cited at the end of a section
[1.19.11.5 NMAC - N, 6/28/2004]

1.19.11.6 OBJECTIVE: To establish a records disposal schedules for the orderly management and retirement of records necessary for carrying out the Public Records Act per 14-3-6 NMSA 1978.
[1.19.11.6 NMAC - N, 6/28/2004]

1.19.11.7 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. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- D. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- E. "Record destruction"** means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.
- F. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- G. "Records retention period"** 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.
- H. "Records retention schedule"** means a document prepared as part of a records retention program that lists the period of time for retaining records.
- I. "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).

[1.19.11.7 NMAC - N, 6/28/2004]

1.19.11.8 ABBREVIATIONS AND ACRONYMS:

- A. "GRRDRS"** stands for general records retention and disposition schedule.
- B. "NMAC"** stands for New Mexico administrative code.
- C. "NMSA"** stands for New Mexico statutes annotated.

D. “SWCD” stands for soil and water conservation district.
[1.19.11.8 NMAC - N, 6/28/2004]

1.19.11.9 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 (Interpretive), 1.15.5 NMAC. The SWCD’s and the watershed districts do not voucher through the New Mexico department of finance and administration.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention And Disposition Schedule (Interpretive), 1.15.7 NMAC. Employment with the SWCD’s or the watershed districts is not processed through the New Mexico state personnel office.

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. The 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. Some or all materials in a file may be confidential. 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 confidential files shall be only by authorization of agency, attorney general 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. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs 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. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said records shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

K. Records management has one main goal, the systematic control of records from creation to ultimate disposition. A key element in achieving this goal is the establishment of efficient and effective procedures for filing and retrieving records. There is no one best filing system for every situation. Each district office must determine the most appropriate methods of filing paper records and arranging records in other formats such as microfilm, audio-visual material, and electronic media. The selection of an appropriate filing system requires knowledge of the information needs of the office. There are three basic filing systems or schemes: alphabetical, using letters of names, subjects, or geographic locations; numerical, using digits in various combinations, including dates in a chronological system; and alphanumerical, using a combination of letters and numbers. Because each system has distinct advantages and disadvantages, the maintenance systems described in this retention schedule are provided only to suggest a filing system based on how records are used or referenced, how many records are maintained, size of the office, and who uses the records. These suggested filing systems are also based on similar record series previously surveyed and scheduled by the New Mexico state records center and archives.

[1.19.11.9 NMAC - N, 6/28/2004]

1.19.11.10 AGENCY FUNCTION: The purpose of the soil and water conservation districts is to: control and prevent soil erosion; prevent floodwater and sediment damage; further the conservation, development, beneficial application and proper disposal of water; promote the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for urban and industrial needs; and by the application of these measures, conserve and

develop the natural resources of the state, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico. The soil and water conservation commission creates the soil and water conservation districts. If a petition for a proposed district is found to be necessary and desirable, the soil and water conservation commission can approve its creation. If the commission finds no need for a proposed district, it can deny the petition for its creation. The secretary of state, upon finding the application and its supporting attachments are in substantial compliance with the provisions of this section, shall receive, file and record the application in an appropriate book of record; and he shall make and issue to the applicants, under state seal, a certificate of organization of the district. From the date of issuance of the certificate of organization by the secretary of state, the district shall be an agency and subdivision of the state. The SWCD may also create watershed districts as sub districts of an SWCD as provided in the Watershed District Act (Sections 73-20-1 through 73-20-49 NMSA 1978). Watershed districts are created for the purpose of developing and executing plans and programs relating to any phase of conservation of water, or of water usage, including water-based recreation, flood prevention, flood control, erosion prevention and control of erosion, and floodwater and sediment damages.

[1.19.11.10 NMAC - N, 6/28/2004]

1.19.11.11 CERTIFICATE OF ORGANIZATION FILE:

- A. Program:** primary mission
- B. Maintenance system:** [alphabetical by document type. See Subsection K of 1.19.11.9 NMAC.]
- C. Description:** records concerning the issuance of the certificate of organization of a soil and water conservation district by the secretary of state. File may contain certificate of organization, copy of application for organization of soil and water conservation district, legal description of land (boundary descriptions), boundary changes, maps, correspondence, memoranda, etc.
- D. Retention:** permanent. When the SWCD feels that it can no longer care for these records, the SWCD shall transfer the records to the New Mexico state archives.

[1.19.11.11 NMAC - N, 6/28/2004]

1.19.11.12 WATERSHED DISTRICT FORMATION FILE:

- A. Program:** primary mission
- B. Maintenance system:** [alphabetical by sub district name. See Subsection K of 1.19.11.9 NMAC.]
- C. Description:** records concerning the formation of a watershed district as sub districts of an SWCD, as provided in the Watershed District Act [73-20-1 NMSA 1978]. File may contain documentation forming the watershed district by the SWCD, copy of petition for formation of watershed district, legal description of land (boundary descriptions), boundary changes, maps, correspondence, memoranda, etc.
- D. Retention:** permanent. When the SWCD feels that it can no longer care for these records, the SWCD shall transfer the records to the New Mexico state archives.

[1.19.11.12 NMAC - N, 6/28/2004]

1.19.11.13 ELECTION AND REFERENDUM FILES:

- A. Program:** elections
- B. Maintenance system:** [chronological by election date. See Subsection K of 1.19.11.9 NMAC.]
- C. Description:** records concerning the election of SWCD district supervisors, elected SWCD governing board members, watershed district formation, mill levies, boundary modifications, etc. File may contain election proclamation (legal advertisement notifying the public of election), petitions, declarations of candidacy, mill levy resolutions, appointment of polling superintendent and polling officers, ballots, poll books, signature rosters, printed returns, tally sheets, canvass of return sheets, oaths of office, etc.
- D. Retention:**
 - (1) **canvas of return sheets.** permanent. [Canvas of returns are maintained by the soil and water conservation commission.]
 - (2) **ballots.** 45 days after adjournment of canvassing board
 - (3) **oaths of office.** until replaced by successor, then transfer to the New Mexico state archives
 - (4) **all other records.** three years after election to which they apply

[1.19.11.13 NMAC - N, 6/28/2004]

1.19.11.14 SOIL AND WATER CONSERVATION FILES:

- A Program:** conservation
- B. Maintenance system:** [alphabetical by program or project name. See Subsection **K** of 1.19.11.9 NMAC.]
- C. Description:** files concerning the SWCD plans, programs and projects to control and prevent soil erosion; prevent floodwater and sediment damage; further the conservation, development, beneficial application and proper disposal of water; promote the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for urban and industrial needs. Files may contain program or project identification, feasibility studies, program or project plans, correspondence, memoranda, reports and other records documenting assignments, progress and completion of projects, etc.
- D. Retention:** permanent. Files shall be transferred to the New Mexico state archives ten years after termination of program or project.
[1.19.11.14 NMAC - N, 6/28/2004]

1.19.11.15 WATERSHED DISTRICT FILES:

- A Program:** conservation
- B. Maintenance system:** [alphabetical by program or project name. See Subsection **K** of 1.19.11.9 NMAC.]
- C. Description:** working files concerning watershed districts (SWCD sub districts). Files concern the development and execution of plans, projects and programs related to the conservation of water, water usage, water-based recreation, flood prevention, flood control, prevention and control of erosion, floodwater and sediment damages, etc. The SWCD files may contain reports submitted by the sub districts, correspondence and memoranda, copies of sub district minutes, etc. The watershed district (SWCD sub district) files may contain feasibility studies, correspondence, memoranda, reports and other records documenting assignments, progress and completion of projects, etc.
- D. Retention:**
 - (1) **SWCD file.** permanent. Files shall be transferred to the New Mexico state archives ten years after termination of program or project.
 - (2) **Watershed district file.** permanent. Files shall be transferred to the New Mexico state archives ten years after termination of program or project.
[1.19.11.15 NMAC - N, 6/28/2004]

1.19.11.16 SUBDIVISION REGULATIONS FILES:

- A Program:** conservation
- B. Maintenance system:** [numerical by subdivision regulation number or alphabetical by subdivision regulation title. See Subsection **K** of 1.19.11.9 NMAC.]
- C. Description:** records concerning the SWCD participation in the promulgation process of county subdivision regulations by the board of county commissioners. Files may contain copy of written guidelines to the board of county commissioners for its consideration in formulating regulations, copy of notice of hearing, copy of written statement submitted to board of county commissioners setting forth any comments that SWCD may have about the proposed regulation, copy of proceedings transcript, copy of related subdivision regulation, copy of written request to the board for notice of its decision, notice of decision, copy of decision appeal, etc.
- D. Retention:**
 - (1) **subdivision regulation.** until repealed or superseded by new regulation
 - (2) **all other documentation.** until no longer needed for reference [record permanent within the minutes of the board of county commissioners]
[1.19.11.16 NMAC - N, 6/28/2004]

[Prior to adopting, amending or repealing any regulation, the board of county commissioners shall consult with representatives of the state engineer's office, the department of environment, the office of cultural affairs, all soil and water conservation districts within the county, the state highway and transportation department and the attorney general about the subjects within their respective expertise for which the board of county commissioners is considering promulgating a regulation. In the process of the consultation, the representatives of each of the state agencies shall give consideration to the conditions peculiar to the county and shall submit written guidelines to the board of county commissioners for its consideration in formulating regulations.]

1.19.11.17 PRELIMINARY PLAT APPROVAL FILES:

- A. Program:** conservation

B. Maintenance system: [numerical by plat number. See Subsection **K** of 1.19.11.9 NMAC.]

C. Description: records concerning the approval of preliminary plats by board of county commissioners. File may contain copies of documentation submitted by the SWCD to the board of county commissioners used to determine whether the sub divider can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion and whether the sub divider can fulfill the proposals contained in his disclosure statement concerning terrain management. File may also contain preliminary plats, related correspondence and memoranda, etc.

D. Retention:

(1) **approved plats.** permanent

(2) **all other documentation.** until no longer needed for reference [record permanent within the minutes of the board of county commissioners]

[1.19.11.17 NMAC - N, 6/28/2004]

1.19.11.18 TREE PLANTINGS PROMOTIONAL FILES:

A. Program: conservation

B. Maintenance system: [alphabetical by subject. See Subsection **K** of 1.19.11.9 NMAC.]

C. Description: records pertaining to the promotion of the importance of planting trees for soil, energy and water conservation; to enhance the state's beauty; and to protect and improve the quality of the environment per the New Mexico Forest Re-Leaf Act [68-2-29 to 68-2-33 NMSA 1978]. File may contain documentation on tree plantings promotions and programs, tree planting campaigns, public education, etc.

D. Retention: until no longer needed for reference

[1.19.11.18 NMAC - N, 6/28/2004]

1.19.11.19 TREE PLANTINGS APPLICATION FILES:

A. Program: conservation

B. Maintenance system: [chronological by calendar year, then alphabetical by applicant name. See Subsection **K** of 1.19.11.9 NMAC.]

C. Description: applications from schools, universities, environmental education programs, civic organizations, and communities to receive and plant trees. File may contain application to receive and plant trees, application review by SWCD, application approval (or denial), related correspondence and memoranda, etc.

D. Retention: 5 years after application approved or denied

[1.19.11.19 NMAC - N, 6/28/2004]

HISTORY OF 1.19.11 NMAC: [RESERVED]