



Consideration of Lea County Resolution No. 22-MAY-106R Approving the Equipment Recording Fee in the Lea County Clerk's Department

Section 14-8-12.2 and 14-8-15, New Mexico Statutes Annotated, 1978 as amended, allows the County Clerk to charge an equipment recording fee.

Amounts collected from the equipment recording fee shall be deposited into a County Clerk recording and filing fund which is established by the County for such deposits.

The equipment recording fee and expenditures from the County Clerk recording and filing fund shall be determined annually by the County Clerk and approved by the Board of County Commissioners.

Requesting continued authorization for the County Clerk to charge a seven-dollar (\$7.00) equipment recording fee per each \$25.00 collected.

The equipment recording fee shall be expended only:

- (1) to rent, purchase, lease or lease-purchase recording equipment and for supplies, training and maintenance for such equipment;
- (2) to rent, purchase, lease or lease-purchase equipment associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such equipment;
- (3) to rent, purchase, lease or lease-purchase vehicles associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such vehicles, provided that the county clerk shall report annually to the board of county commissioners the usage, mileage and necessity of all vehicle acquired pursuant to this paragraph; or
- (4) for technical assistance, staff travel and training associated with all regular duties of the county clerk's office; or
- (5) for staff travel associated with all regular duties of the county clerk's office pursuant to the Per Diem and Mileage Act.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the request for the Lea County Clerk to charge a seven-dollar (\$7.00) equipment recording fee per each \$25.00 collected is hereby approved.

PASSED, APPROVED AND ADOPTED on this 12th day of May, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-MAY-106R

A RESOLUTION APPROVING THE EQUIPMENT RECORDING FEE IN THE
LEA COUNTY CLERK'S OFFICE

WHEREAS, at a regular meeting of the Board of County Commissioners of the County of Lea held on May 12, 2022, the following was discussed; and

WHEREAS, Section 14-8-12.2 and 14-8-15, New Mexico Statutes Annotated, 1978 as amended, allows the County Clerk to charge an equipment recording fee; and

WHEREAS, a request to continue to charge an equipment recording fee of seven dollars (\$7.00) per recorded document or filed plat was presented for approval; and

WHEREAS, amounts collected from the equipment recording fee shall be deposited into a County Clerk recording and filing fund which is established by the County for such deposits; and

WHEREAS, the equipment recording fee and expenditures from the County Clerk recording and filing fund shall be determined annually by the County Clerk and approved by the Board of County Commissioners; and

WHEREAS, the equipment recording fee shall be expended only:

- (1) to rent, purchase, lease or lease-purchase recording equipment and for supplies, training and maintenance for such equipment;
- (2) to rent, purchase, lease or lease-purchase equipment associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such equipment;
- (3) to rent, purchase, lease or lease-purchase vehicles associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such vehicles, provided that the county clerk shall report annually to the board of county commissioners the usage, mileage and necessity of all vehicle acquired pursuant to this paragraph; or
- (4) for technical assistance, staff travel and training associated with all regular duties of the county clerk's office; or
- (5) For staff travel associated with all regular duties of the county clerk's office pursuant to the Per Diem and Mileage Act.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, June 10, 2021

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: **Thursday, May 27, 2021**

County Manager Approval mgallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 05/26/2021	SUBMITTED BY Name, Title, Dept: Tryon Hassen, Chief Deputy Clerk, Lea County Clerk
SUBJECT: Equipment Recording fee resolution	ATTACHMENT(S): Section 14-8-12-2 and 14-8-15, NMSA 1978 Compilation, as amended and Resolution
NO. OF ORIGINALS FOR SIGNATURE: 1	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:

STRATEGIC PLAN Implementation of 5 Year Strategic Plan:
Must be renewed annually.

SUMMARY:
Continuation of existing Resolution: Equipment Recording Fee - Sets the fee for each recorded document, a portion of which (\$7.00 for each recorded document) is deposited into the Clerk's Equipment Fund.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked, how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Approval of Equipment Recording Fee Resolution.	Submitter's Signature Department Director, Etc. Tryon Hassen <small>Digitally signed by Tryon Hassen Date: 2021.05.26 16:03:42 -0600</small>
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FINANCE REVIEW Fiscal Impact/Cost: The financial impact to Lea County will be revenue in Fund 405 of \$7.00 for each document filed. Total revenue will be based upon the total number of documents filed.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.05.03 09:53:50 -0600</small>
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LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
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Item No. 0201 RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN		
Approved: _____ Resolution No. <u>22-MAY-106R</u> Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-MAY-106R

**A RESOLUTION APPROVING THE EQUIPMENT RECORDING FEE IN THE
LEA COUNTY CLERK'S OFFICE**

WHEREAS, at a regular meeting of the Board of County Commissioners of the County of Lea held on May 12, 2022, the following was discussed; *and*

WHEREAS, Section 14-8-12.2 and 14-8-15, New Mexico Statutes Annotated, 1978 as amended, allows the County Clerk to charge an equipment recording fee; *and*

WHEREAS, a request to continue to charge an equipment recording fee of seven dollars (\$7.00) per recorded document or filed plat was presented for approval; *and*

WHEREAS, amounts collected from the equipment recording fee shall be deposited into a County Clerk recording and filing fund which is established by the County for such deposits; *and*

WHEREAS, the equipment recording fee and expenditures from the County Clerk recording and filing fund shall be determined annually by the County Clerk and approved by the Board of County Commissioners; *and*

WHEREAS, the equipment recording fee shall be expended only:

- (1) to rent, purchase, lease or lease-purchase recording equipment and for supplies, training and maintenance for such equipment;
- (2) to rent, purchase, lease or lease-purchase equipment associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such equipment;
- (3) to rent, purchase, lease or lease-purchase vehicles associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such vehicles, provided that the county clerk shall report annually to the board of county commissioners the usage, mileage and necessity of all vehicle acquired pursuant to this paragraph; *or*
- (4) for technical assistance, staff travel and training associated with all regular duties of the county clerk's office; *or*
- (5) For staff travel associated with all regular duties of the county clerk's office pursuant to the Per Diem and Mileage Act.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the request for the Lea County Clerk to charge a seven-dollar (\$7.00) equipment recording fee per each \$25.00 collected is hereby approved.

PASSED, APPROVED AND ADOPTED on this 12th day of May, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: _____
Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney



14-8-12.2. County clerk recording and filing fund; uses.

- A. A "county clerk recording and filing fund" is established in each county.
- B. Expenditures from the county clerk recording and filing fund shall be determined annually by the county clerk and approved by the board of county commissioners.
- C. Expenditures from the county clerk recording and filing fund may be expended only:
 - (1) to rent, purchase, lease or lease-purchase recording equipment and for supplies, training and maintenance for such equipment;
 - (2) to rent, purchase, lease or lease-purchase equipment associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such equipment;
 - (3) to rent, purchase, lease or lease-purchase vehicles associated with all regular duties in the county clerk's office and for supplies, training and maintenance for such vehicles, provided that the county clerk shall report annually to the board of county commissioners the usage, mileage and necessity of any vehicle acquired pursuant to this paragraph;
 - (4) for technical assistance or for training associated with all regular duties of the county clerk's office; or
 - (5) for staff travel associated with all regular duties of the county clerk's office pursuant to the Per Diem and Mileage Act [[10-8-1](#) through [10-8-8](#) NMSA 1978].

History: 1978 Comp., § 14-8-12.2, enacted by Laws 1985, ch. 122, § 2; 1987, ch. 288, § 1; 1994, ch. 28, § 1; 1995, ch. 26, § 1; 2002, ch. 97, § 1; 2008, ch. 66, § 1; 2011, ch. 134, § 12.

14-8-15. Payment of fees; disposition.

- A. No county clerk shall receive any instrument of writing for filing or record unless the fees for such filing and recording have first been paid.
- B. Unless otherwise specified by law, the county clerk shall collect a recording fee of twenty-five dollars (\$25.00) for each document filed or recorded by the county clerk.
- C. If a document being filed or recorded contains more than ten entries to the county recording index, the county clerk shall collect an additional fee of twenty-five dollars (\$25.00) for each additional block of ten or fewer entries to the county recording index from the document.
- D. To the extent documents described in Section [14-8-13](#) NMSA 1978 are filed or recorded in the office of the county clerk, the documents shall be received pursuant to the fees described in this section.
- E. For each fee of twenty-five dollars (\$25.00) collected by the county clerk pursuant to this section, eighteen dollars (\$18.00) shall be deposited in the county general fund and seven dollars (\$7.00) shall be deposited in the county clerk recording and filing fund.

History: Laws 1901, ch. 62, § 19; 1909, ch. 49, § 1; Code 1915, § 4797; C.S. 1929, § 118-121; 1941 Comp., § 13-113; 1953 Comp., § 71-1-13; 2011, ch. 134, § 14.