



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: March 17, 2022

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding a proposed resolution for the adoption of a fee schedule, a waiver of fees or a partial waiver of fees for copies of public records. (Nancy Paulson, npaulson@carson.org)

Staff Summary: NRS 239.052 authorizes a governmental entity to charge a fee for providing a copy of a public record, except that such a fee must not exceed the actual cost of providing the copy. A governmental entity may also waive all or a portion of a charge or fee for a copy of a public record if the governmental entity adopts a written policy to that effect and posts, in a conspicuous place at each office in which the entity provides copies of public records, a sign or notice stating the terms of the policy. If a fee schedule is adopted, a sign or notice stating the fees or stating the location at which the fees may be obtained must be posted at each office in which copies of public records are provided.

Agenda Action: Resolution

Time Requested: 15 minutes

Proposed Motion

I move to approve Resolution No. _____.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

Pursuant to NRS Chapter 239, Carson City must make nonconfidential public records available to members of the public upon request. NRS 239.052 allows a fee to be charged for the actual cost incurred in the provision of a public record. This includes, without limitation, the cost of ink, toner, paper, media and postage. Prior to collecting fees, Carson City must prepare a list of fees to be charged and post the list in a conspicuous place in each office that provides copies of public records. The statute also allows for the waiver of all or a portion of a fee for copies of public records if a written policy is adopted and posts, in a conspicuous place at each office in which Carson City provides copies of public records, a sign or notice stating the terms of the policy.

Carson City does not currently have a schedule of fees for copies of public records and does not have a written policy that waives all or a portion of a fee for copies. Attached to this item for consideration by the Board of Supervisors is a draft proposed resolution and a draft proposed fee schedule. The Board of Supervisors may direct staff to revise the fees proposed in the draft fee schedule or to waive all or a portion of fees.

This action does not require a business impact statement under the provisions of NRS Chapter 239 because it is not an ordinance and not an action to be taken by the Board of Supervisors that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 239

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Fees that are collected by various City departments for providing copies of public records would be deposited into the General Fund, Miscellaneous Revenue 1011080-466050.

Is it currently budgeted? No

Explanation of Fiscal Impact: The fiscal impact would depend on the volume of public records that result in a fee being charged. Most public records are currently provided electronically without a need to print physical copies.

Alternatives

No viable alternative. The Board of Supervisors may elect to revise the proposed fee schedule or waive all or a portion of fees.

Attachments:

[Fee Schedule Resolution.pdf](#)

[Fee Schedule Draft \(002\).pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

RESOLUTION NO. 2022-R-_____

A RESOLUTION ADOPTING A FEE SCHEDULE AND POLICY FOR COPIES OF PUBLIC RECORDS.

WHEREAS, NRS 239.052 authorizes Carson City to charge a fee for providing a copy of a public record; and

WHEREAS, the fee cannot exceed the actual cost of providing the record, including, without limitation, the cost of ink, toner, paper, media and postage; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of Carson City to establish a fee schedule for the purpose of assuring that the fees charged for the provision of copies are uniform and reflect the actual costs of providing those records as prescribed by NRS 239.052;

NOW, THEREFORE, the Carson City Board of Supervisors hereby resolves as follows:

1. That the fee schedule attached hereto is hereby adopted as the “Carson City Fee Schedule for Copies of Public Records” (“Fee Schedule”), with an effective date of _____, 2022.

2. Each Carson City office and department shall collect fees for the provision of copies of public records according to Fee Schedule, unless different fees or no fees are mandated by statute, other applicable law or regulation, or contract.

3. The Fee Schedule does not supersede or replace any other fee set by statute, including those for the Recorder (NRS 247.305), Clerk (NRS 19.013), Justice of the Peace (NRS 4.060) and Sheriff (NRS 248.242, NRS 248.275 and NRS 179A).

4. Each Carson City office and department shall post a copy of the Fee Schedule in a conspicuous place.

5. That the Fee Schedule include the following waivers of fees: [if any, to be determined by the Board of Supervisors]

Upon motion by Supervisor _____, seconded by
Supervisor _____, the foregoing Resolution was passed
and adopted this _____ day of _____ 2022 by the following vote:

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Lori Bagwell, Mayor

ATTEST

Aubrey Rowlett, Clerk-Recorder
Carson City, Nevada

[DRAFT]

CARSON CITY
FEE SCHEDULE FOR COPIES OF PUBLIC RECORDS

Effective Date: TBD by Board of Supervisors

This Fee Schedule applies to all Carson City Departments except for fees or copy charges set by statute, including those for the Recorder (NRS 247.305), Clerk (NRS 19.013), Justice of the Peace (NRS 4.060) and Sheriff (NRS 248.242, NRS 248.275 and NRS 179A).

If the estimated fees exceed \$10, the requestor will be notified and required to remit the full estimated amount before the request is processed.

COPY FEE

<u>Type</u>	<u>Service</u>	<u>Fee (per unit)</u>
Black & White Documents <ul style="list-style-type: none">• 8.5 X 11• 8.5 X 14• 11 X 17• 24 X 36	Copies	<ul style="list-style-type: none">• \$.10• \$.15• \$.20• \$ 2.00
Color Documents <ul style="list-style-type: none">• 8.5 X 11• 8.5 X 14• 11 X 17• 24 X 36	Copies	<ul style="list-style-type: none">• \$.10• \$.15• \$.20• \$ 2.00
Compact disc or DVD	Charge for media device only	<ul style="list-style-type: none">• \$ 5.00
Flash Drive	Charge for media device only	<ul style="list-style-type: none">• \$ 5.00
Minutes/Recordings	Copies of minutes or audio recordings of public meetings	Minutes or audiotape recording of public meetings must be made available for inspection by the public and a copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge. These materials may be obtained at the following Internet website: https://www.carson.org/government/meeting-information/agendas
Certified Copies	Copies	<ul style="list-style-type: none">• \$ 5.00

POSTAGE

- The requestor is responsible for postage costs in addition to fees for copies. All shipping will be made via USPS standard mail unless otherwise requested.

PAYMENT

- Full payment of estimated fees is required to be remitted before any records are provided. If the final cost is less than the estimated amount, the requestor will be issued a refund for the difference. Payment must be made by check or money order payable to Carson City.

FEE WAIVER POLICY

- Paper copies will be provided at the cost per page listed in the Fee Schedule above.
- Electronic copies will be provided without charge, except for cost of storage media, unless an actual cost is incurred as the result of providing the record. For example, an actual cost may be incurred in providing an electronic record if Carson City staff is required to print a hard copy of the record to redact confidential information. In such a case, the paper copy fee will be charged in addition to the cost of the media device.
- [Waiver language, if any, to be added after approval by Board of Supervisors]. For example, the Board may wish to consider a partial waiver by waiving the first \$10 in copy fees, and/or a full waiver by waiving fees for nonprofit organizations and other governmental entities .