



# Resolution to Establish a List of Fees for Public Records Copies

## RESOLUTION TO ESTABLISH A LIST OF FEES

### TO BE CHARGED TO COVER THE ACTUAL COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

WHEREAS, NRS Chapter 239 allows a governmental entity to charge actual costs incurred by a governmental entity in the provision of a public record;

WHEREAS, Washoe County adopted a Public Records Request Policy on July 21, 2020, allowing its agencies to charge a fee to cover the actual costs of providing a copy of a public record; and

WHEREAS, Washoe County seeks to establish a list of fees that can be charged to cover the actual costs of providing copies of public records.

WHEREAS, actual costs are defined in NRS 293.005 to mean the direct cost incurred by a governmental entity in the provision of a public record, including, without limitation, the cost of ink, toner, paper, media and postage. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

WHEREAS, actual costs therefore include costs that a governmental entity incurs because of a public records request, as opposed to regardless of the request.

WHEREAS, long before the Nevada legislature adopted the actual costs framework for charging fees in connection with public records requests, Washoe County adopted a policy differentiating between usual and unusual amounts of staff time necessary to compile information in response to requests from individual county commissioners. *See Article 5 §5.6, Washoe County Board of Commissioners Rules of Procedure Handbook* (adopted Dec. 18, 2018).

WHEREAS, the county's policy requires an individual county commissioner to seek special approval from a majority of the board of county commissioners at a duly agendized meeting of any request of that commissioner that requires more than 2 hours of staff time to complete.

WHEREAS, the county therefore has already determined that 2 hours is the appropriate cutoff between usual and unusual staff time necessary to compile information in response to a request.

WHEREAS, it stands to reason that public records requests, which also involve the compilation of information by county staff in response to requests, should be treated in a similar manner.

WHEREAS, 2 hours is therefore the cutoff beyond which staff time to fill a public records request represents a cost to the county incurred because of a public records request, as opposed to regardless of the request.

WHEREAS, the actual costs for which the county could charge a fee for filling a public records request include, but are not limited to, personnel time expended to fill a request that exceeds 2 hours in time.



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WHEREAS, to maintain consistency throughout the State of Nevada and promote general access to public records, it is appropriate to waive on a standing basis all fees for staff time where requests require less than 10 hours.

WHEREAS, to maintain consistency throughout the State of Nevada and promote general access to public records will only charge for staff time in excess of 10 hours.

WHEREAS, to maintain consistency throughout the county departments, it is appropriate to charge staff time at the rate of an Office Assistant I and to waive actual costs for all staff hourly rates that exceed that of an Office Assistant I.

WHEREAS, in circumstances of public records requests requiring more than 10 hours of staff time to fulfill, it may be appropriate for personnel costs to be waived even if they exceed 10 hours in time.

WHEREAS, it is therefore necessary for staff to be given limited discretion to waive fees in appropriate cases.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, as follows:

## 1. Fees

As provided in Section 5 of the Washoe County Public Records Request policy, a fee may be charged for providing a copy of a public record. However, the fee is limited as described herein and must not exceed the actual cost to the agency to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy.

Actual cost to fulfill the public records requests shall be charged to the requestor of public records as follows:

- a. PAPER COPIES shall be provided at \$0.05 per page. Any records that require redaction shall be provided by paper copy.
- b. ELECTRONIC STORAGE (thumb drives, CDs) shall be provided at the actual cost of the device.
- c. POSTAGE shall be charged to the requester at actual cost.
- d. PERSONNEL COSTS shall be charged at the minimum hourly rate of an Office Assistant I for staff time that exceeds 10 hours.
  - i. The current hourly rate for an Office Assistant I is \$18.71 per hour. Hourly rates can be found on the Washoe County website, [www.washoecounty.gov](http://www.washoecounty.gov), and are updated each year. Hourly rates are currently available at the following website:

<https://www.washoecounty.gov/humanresources/files/hrfiles/Washoe%20County%20Salary%20Schedule.pdf>



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- ii. All County departments shall not charge any fees for the first 10 hours of personnel time necessary to fill a public records request.
- iii. The County hereby grants a standing waiver of actual costs for up to 10 hours of staff time and hourly rates in excess of an Office Assistant I hourly rate.
- e. Any other actual costs that may be incurred in the filling of the request.

In each office in which the county provides copies of public records, a legible sign or notice shall be posted which states:

- i. The fee that the county charges to provide a copy of a public record; or
- ii. The location at which a list of each fee that the county charges to provide a copy of a public record may be obtained.

## 2. Payment of Actual Costs Required

In conjunction with Section 5 of the Washoe County Public Records Request policy:

- a. The Records Official shall notify the requestor of the estimated cost to fulfill the records request. Unless otherwise required by the circumstances, time to review documents is estimated on the basis of 30 seconds per page or email. Payment of at least half of the estimated amount must be paid prior to work beginning on the request. Payment of the remaining amount must be made before the records are released. The requester is responsible for any costs incurred that exceed the original estimation. If the request ends up being filled in less time than originally estimated such that a refund is due for the amount that was paid prior to work beginning on the request, then the refund shall be made at the time the records are released.
- b. Payment must be provided by money order and made payable to "Washoe County."
- c. The remainder of the amount shall be due prior to the release of records.
- d. Upon request, all or a portion of the costs of fulfilling a public records request may be waived upon the approval of the applicable Department Director. Waiver is never required.

## 3. Related Request

Related requests may be aggregated for purposes of determining the number of hours spent fulfilling them. Related requests may include, but are not limited to, requests from the same person on the same or similar subject matter and/or requests made close in time to one another.

## 4. Applicability

The list of fees set forth above applies to all public records requests unless otherwise set forth in the Public Records Request Policy, Washoe County Code, or the Nevada Revised Statutes.

*Approved by Board of Commissioners on 12/14/2021*



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