

FEE Issues as Discussed in RMC minutes

December 18, 2000

Other agencies or other government entities having a reciprocal process whereby the City does not charge them and they do not charge the City.

Directors who routinely provide free copies to somebody might want to request a deviation for approval by the Records Management Committee.

Assistant City Attorney Redlein suggested that it would be up to the Records Management Committee to remind Directors that persons who routinely provide them with free records is somebody the Director might want to request a deviation for so it can be approved, because unless they submit it to the Records Management Committee and they approve it, the Director is not going to be able to do it.

Mr. Marcella noted that he has contractual agreements with some entities to provide copies.

Mr. Vincent had recommended that for an administrative retrieval process, just to pull a file, the average labor rate is about \$30.00 per hour across the city. If the average is \$30.00 per hour, that comes out to \$2.50 for 5 minutes.

January 12, 2001

A consensus was reached that alternative forms as well as alternative fee schedules should be brought before the Committee for review and approval.

Mr. Vincent indicated that he agreed with leaving Directors with some discretion, But could not provide the wording necessary for posting of that authority.

Detention & Enforcement provide the first five pages free and then charge \$1.00 thereafter.

February 2, 2001

The RMC should meet with all Directors who can present their list of when they give away documentation and if the RMC approves the list, that creates the alternate.

Ms. Kuhns asked for specific language regarding discretionary waiver. The NRS permits the waiver subject to a written policy which would be met by the proposed resolution. Secondly, posting of the terms of the policy must be included. Any notation that Directors have the authority to waive fees, everyone will ask to speak to the Director.

Informally, directors may be informed that deviation from the schedule outside that one exception might have to be defended to the City Manager.

February 23, 2001

By deviating from set fee schedules, they assume the risks associated with that decision. The City Manager holds directors accountable, but its not something you would want written as a procedure.

Upon arriving for the meeting Assistant City Attorney Redlein was asked by Mr. Vincent to reaffirm the discussion regarding directors being able to use their discretion and the City Manager holding them accountable for exercising that discretion, as well as not having to post this as a directive. Assistant City Attorney agreed.

Chair Ronemus explained that the line item says the directors must present their fee structure for duplication if it is an alternate change from the published schedule contained in the Resolution. Therefore any deviation for the standard \$1.00 charged per page must come before the Records Management Committee. Chair Ronemus further affirmed that a motion to accept the final draft procedures was made and carried during the previous RMC meeting of February 2, 2001.

Goeke Motion to APPROVE Department Directors submission of their departmental fee structure for duplication of public records before the Records Management Committee SELBY seconded the motion UNANIMOUS with Snelding excused.

Chair Ronemus mentioned that determinations by the directors regarding an alternate fee schedule departure from the Resolution must come before the Records Management Committee. Having a letter from each department director would confirm the intent to follow the Resolution. Deputy City Manager Selby stated that the directors will need adequate time to read the procedure.

March 16, 2001

In conclusion because no distinction was made in the fees schedule to include the cost of audio tapes, video tapes, or CDs, it was agreed that **all such requests be submitted, along with supporting documentation to the Records Management Committee for discussion and resolution.**

REDLEIN Motion to APPROVE incorporating all additions or appropriate changes - MARCELLA second motion UNANIMOUS with Vincent excused.

April 6, 2001

Assistant City Attorney Redlein read into the record possible verbiage for signs to be posted in offices such as Planning & Development and Building And Safety Department: **Plans and drawings on file in this office may be protected by federal copyright laws. Access to such documents, which is provided by Nevadas Public Records Law is not a defense to a claim of copyright infringement by the author.** He opined that this language might be written into the policy, but it may be appropriate to make it clear to the requestors.