

ARTICLE 15: PUBLIC RECORDS POLICY

15.1. PURPOSE AND SCOPE

This article sets forth the procedures for public records requests. The purpose of this article is to provide a formal policy regarding public records requests so the public has clear expectations regarding the accessibility of TRPA records and TRPA has a defined protocol for responding to public records requests. This chapter applies to all records requests received by TRPA.

15.2. DEFINITIONS

As used in these rules, the following terms have the following meanings.

Public Record

The product(s) of data compilation, such as all books, papers, maps, and photographs, machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by TRPA in connection with the transaction of public business and in TRPA's possession and control at the time a public records request is made.

Actual Cost

The direct cost related to the assembly, preparation, and reproduction of public records. The term does not include costs that TRPA incurs regardless of whether or not a person requests a copy of a particular public record.

15.3. PUBLIC RECORDS POLICY

- 15.3.1. In responding to public records requests, TRPA shall adhere to the policies outlined in the Federal Freedom of Information Act (FOIA) (5 U.S.C. § 552), including exemptions and judicial interpretations, with the following exceptions:
- A. TRPA shall respond to public record requests according to the schedule outlined in Section 15.4 of the Rules; and
 - B. The fees set forth in Section 15.6 of the Rules shall apply to all public record requests.
- 15.3.2. In accordance with FOIA, TRPA is not required to answer questions, render opinions, or provide subjective evaluations related to public record requests. Requesters must ask for existing public records.

15.4. PUBLIC RECORDS REQUEST PROCESS AND SCHEDULE

- 15.4.1. Upon receipt of a formal written request for public record(s) TRPA shall issue a Notice of Receipt of Records Request (Notice) to the requestor within ten business days. The Notice shall outline the following:
- A. Status of Incomplete Request - In the event that more information is deemed necessary to respond to the request, TRPA shall alert the requester that additional information is necessary to process the request and that the request will be held until sufficient information to process the request is received.
 - B. Status of Complete Request - If the information received with the request is complete, TRPA shall send notice that the Agency has received the Public Records Request and has begun processing the request.
 - C. The estimated date for assembly and reproduction of the requested public records in accordance with subsection 15.4.2 of the Rules. In the event that a request will require significant time and effort, as described in subsection 15.4.2 of the Rules, the Agency will alert the requestor that additional time and effort will be necessary for processing the request and, in accordance with subsection 15.4.2, outline a timeline for the preparation of the records request.
 - D. The estimated actual cost associated with the assembly, preparation, and reproduction of the requested records in accordance with Section 15.6 of the Rules.
 - E. Notice that the requested records will not be prepared until a deposit covering the estimated cost is submitted to TRPA and that the records will not be released until payment in full of the associated actual cost is received.
- 15.4.2. When a complete request is received by the Agency, the Agency will ordinarily have 21 calendar days from the date posted on TRPA's notice of receipt of records request to prepare requested public records. However, if a public records request will require more than four hours of staff time to assemble, prepare, and reproduce, it is deemed to require significant time and effort, and an extended timeline, up to an additional 60 calendar days, is appropriate for the production of the records.

15.5. REPRODUCTION OF PUBLIC RECORDS

A copy of public records may be requested in any form. However, TRPA reserves the right to charge a fee for the actual cost to the Agency of the reproduction of the requested public records in accordance with Section 15.6 of the Rules.

15.6. FEES FOR PUBLIC RECORDS REQUESTS

Fees for processing public records requests shall be based on the actual cost associated with the assembly, preparation, and reproduction of records, as set forth

in a fee schedule approved by the Executive Director of TRPA. The schedule shall be included in the Agency Fee Schedule for Documents, Publications, and General Services, and shall be posted at the TRPA front counter and available upon request.

- 15.6.1. A deposit covering the estimated actual cost, noted in the Notice of Receipt of Records Request, shall be submitted to the agency no later than ten business days from the date posted on the Notice.
- 15.6.2. TRPA staff shall not begin to assemble a records request until the deposit covering the estimated cost is received.
- 15.6.3. Upon completion of the records request, TRPA shall produce the records and return any remainder of the deposit to the requestor.
- 15.6.4. In the event that additional monies are required to cover the actual cost for production of the records, notice of the additional balance shall be provided to the requestor.
- 15.6.5. No records shall be released until the balance associated with the actual cost of production is paid in full.

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, Nevada 89449

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

Public Records Request Fee Schedule / Cost Sheet

Fee Schedule / Cost Sheet subject to annual review by the TRPA Executive Director

Staff Time: (Includes the cost of locating the files, inspecting the files for confidential materials, as well as the time associated with duplicating requested documents. Staff time will be charged at the specified rate, to be billed in increments of 15 minutes.)

Assistant _____ @ \$45.00/hour _____
Planner/Other _____ @ \$60.00/hour* _____
Paralegal _____ @ \$60.00/hour _____
Attorney _____ @ \$70.00 or \$113.00/hour* _____

*Fees may vary

Black and White 8 ½ "x 11" Copies _____ @ 25¢/page _____
Color 8 ½ "x 11" Copies _____ @ \$1.00/page _____
Black and White 24" x 36" Copies _____ @ \$3.25/page _____
Color 24" x 36" Copies _____ @ \$10.00/page _____
Compact disc of electronic records _____ @ \$10.00/disc _____

Cost of Postage _____

Total _____

Date _____

Receipt # _____

TRPA Staff _____