



TRUCKEE MEADOWS FIRE PROTECTION DISTRICT STAFF REPORT

Board Meeting Date: November 10, 2020

DATE: August 11, 2020
TO: Truckee Meadows Fire Protection District Board of Fire Commissioners
FROM: Charles A. Moore, Fire Chief
Phone: (775) 328-6123 Email: cmoore@tmfpd.us
SUBJECT: Recommendation to approve Public Records policy and Fee Schedule which allows for the recoupment of actual costs as provided in NRS Chapter 239. (All Commission Districts) FOR POSSIBLE ACTION

SUMMARY

TMFPD is committed to providing public records as required by Nevada law. The policy outlines the procedure for filling public records requests and provides a fee schedule which allows for the recoupment of actual costs as provided in NRS Chapter 239.

PREVIOUS ACTION

On August 28, 2012, the Board approved a resolution adopting the Washoe County Public Records policy as approved by the Board of County Commissioners on November 20, 2007, and as amended from time to time.

BACKGROUND

Public records to be made available. Nevada law requires “public books and public records of a governmental entity” to be available unless otherwise declared by law to be confidential. NRS 239.010(1). There is a strong presumption in favor of access to public records. Any limitations or restrictions on access must be narrowly applied. NRS 239.001.

This policy outlines process for responding to public records requests. This public records policy establishes a process for responding to public records requests that are made to Truckee Meadows Fire Protection District (TMFPD). The Chief will appoint a records official to facilitate response to public record request.

Requests to be forwarded to records official. Public records may be in writing or oral. All requests for public records should be immediately forwarded to the records official for processing. The records official shall acknowledge receipt of the request in writing to the requester.

Some action is required within 5 business days. Within 5 business days after TMFPD receives the request, the records official will provide one of the following:

- i. inspection or copies of records;

- ii. written notice of the location of the records if TMFPD does not have legal custody of the record;
- iii. written notice if the record has been destroyed under TMFPD's records retention schedule;
- iv. if TMFPD cannot provide the record by the end of the 5th business day after the request is received, written notice of that fact and a date and time when the record will be available; or
- v. written notice denying the request because the record is confidential. If there is a claim of confidentiality, the notice must include citation to the specific statute or legal authority that makes the book or record, or part thereof, confidential.

Records official may assist requester in focusing records request. A reasonable effort should be made to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible.

TMFPD will charge its actual cost to provide records. In accordance with Nevada law, TMFPD will charge its actual cost for providing a public record, unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy or requires that the copy be provided without charge. TMFPD will post a schedule of fees on its website and in a conspicuous place at its administrative office.

FISCAL IMPACT

The FY20/21 fiscal impact is unknown at this time and is expected to be negligible. All costs to respond to requests are expected to remain within the adopted fiscal year 20/21 budget. Fees collected will be used to offset those costs.

RECOMMENDATION

Staff recommends approval of the public records policy and fee schedule which allows for the recoupment of actual costs as provided in NRS Chapter 239.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a potential motion could read:

"I move to approve Public Records policy and Fee Schedule which allows for the recoupment of actual costs as provided in NRS Chapter 239."