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February 18, 2026
Carson City Board of Supervisors
201 N. Carson St., Suite 2
Carson City, NV 89701

Re: Opposition to Carson City Board of Supervisors' Proposed Public Records Fee Increases

Madame Mayor and Members of the Board of Supervisors:

We are writing to register our objections to the proposed fee increases in Agenda Items 14 and 15. As written, these fees and their enactment will violate both the letter and spirit of Nevada's Public Records Act. It will further complicate a process that is already intimidating for citizens who are trying to access records their tax dollars pay for and engage with their local government.

We note these increases come in the wake of the failed Assembly Bill 51 from the 2025 Nevada Legislature, which would have sought to do what Carson City is again proposing with these two agenda items. Indeed, the proper venue for these fee increases is the Legislature.

While both agenda items cite a purported need to increase public records fees, the legal authorities lack accuracy, attention, and rigor. Agenda Item 14 notes "the legislative history for this change (citing NRS 239.005(1)) indicates that run-of-the-mill public records requests should be free, but that municipalities should be able to recover their actual costs for onerous or incredibly large public records requests."

Nothing in the public records law authorizes the Sheriff's Office, Carson City, or any other governmental entity to classify public records requests in this manner, or to impose extraordinary fees for responding to some such requests and not others.

The statute, NRS 239.005(1), is clear: "'Actual cost' means 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."

The legislative intent is also clear that cost recovery for public records production is for materials — not labor. Senate Bill 287 (2019) considered this matter. Before the enactment of SB287, NRS 239.055 authorized a governmental entity to charge an additional fee to respond to any records request that required the entity "to make extraordinary use of its personnel or technological resources."

But section 13 of SB287 **repealed** NRS 239.055 and, in the words of the Legislative Counsel’s digest, “eliminate[d] the authority of a governmental entity to charge an additional fee for providing a copy of a public record when extraordinary use of personnel or resources is required.”

Put simply, **Nevada government agencies have no legal authority to charge citizens for staff time to produce public records.** Charging for staff time violates the Nevada Public Records Act. Passage of these agenda items will generate litigation should these measures pass. A court will not look at the legislative history of a statute unless the statute itself is ambiguous (i.e., is reasonably susceptible to other interpretations). That is not the case with NRS 239.005(1).

We also oppose fees for redactions and for monitoring — by a Carson City Sheriff’s Deputy — a requester’s viewing of records at the Carson City Sheriff’s Office. Such an arrangement could further harm a potential crime victim seeking justice — or dissuade them from even attempting to view records in the first place.

For the same reasons we opposed AB51, we strongly urge you to reject these fee schedules. Requestors of public information already face tremendous hurdles and are frequently at the mercy of governments with little recourse other than costly and lengthy litigation. Passing these agenda items will only create more barriers.

Sincerely,

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The Nevada Open Government Coalition joins.

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Our Nevada Judges joins.

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