

RESOLUTION NO. 2023-21

**RESOLUTION TO ESTABLISH A FEE SCHEDULE FOR PUBLIC RECORDS
REQUESTS MADE PURSUANT TO THE WYOMING PUBLIC RECORDS ACT**

WHEREAS, the Board of County Commissioners of Fremont County, Wyoming, pursuant to W.S. § 16-4-204, desires to establish a fee schedule setting forth the reasonable costs to be paid by an applicant desiring a copy, printout or photograph of public records, and for the services to any County employees provided in conjunction with reviewing, copying, printing, photographing or otherwise providing public records.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County, Wyoming, that the fee schedule contained in Exhibit A and attached hereto, shall apply to all requests for public records in the Custody of Fremont County.

DATED THIS this ____ day of _____, 2024.

Board of County Commissioners, Fremont County, Wyoming:

Larry Allen, Chairman

ATTEST:

Julie Freese, Fremont County Clerk

EXHIBIT A

FREMONT COUNTY PUBLIC RECORDS FEE SCHEDULE

1. DEFINITIONS:

- a. "Applicant" is the person that is making the public records request.
- b. "Clerical/support staff" are county employees who generally perform office or administrative support duties. Clerical/support staff employees included secretaries and administrative assistants.
- c. "Electronic public record" is a public record that is primarily or solely stored in an electronic format. Typically, the County will be able to produce a copy of the original data or electronic record.
- d. "Information technology staff" are county employees who perform duties relating to retrieving, compiling, generating, formatting or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.
- e. "Professional staff" are county employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.
- f. "Supervise copying" as stated in section 3(b)(viii) occurs if someone other than the County is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the County is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the County makes the copies, printouts, or photographs. The supervision fee shall be the hourly rates stated in section 2(c) (i) through (iii).

2. ELECTRONIC PUBLIC RECORDS:

- a. Production and Generation Charge. Under W.S. 16-4-202(d)(i), the County shall charge an applicant the reasonable costs of producing and generating a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or generate a new electronic public record from existing data sources and all associated programming and computer services.
- b. Production and Generation Costs. Production and generation costs for electronic public records shall be as follows:
 - i. \$25.00/hour for clerical staff time.
 - ii. \$40.00/hour for information technology staff time.
 - iii. \$70.00/hour for professional staff time.
 - iv. Actual cost of programming and computer services.

- c. Payment. The County must provide the applicant with an estimate of the reasonable costs of production and generation of the electronic public records. The applicant must pre-pay the estimated costs before the County produces or generates the electronic records or provides any copies. Payment shall be made payable to the Fremont County Treasurer. If the costs reach the limit of the pre-payment by the applicant, the County will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing to satisfy the request.
- d. Refund. If the County receives pre-payment exceeding the actual time required to produce and generate the electronic public records, the County shall refund the excess payment received at the same time it delivers copies of said records or allows the applicant to inspect said records.
- e. Inspection. If inspection is requested and the County grants inspection, the County shall notify the applicant in writing when the electronic public records are produced and available for inspection. The applicant shall have one month from the time the County provides notification to come to the County's designated location to inspect the records. After the one-month time period, the request shall be officially closed.
- f. Costs for Producing Copies. The fee schedules described in Section 3(b), (c), and (d) apply to electronic public records and such fee, if any, shall be paid to the Fremont County Treasurer prior to transmitting copies to the applicant.

3. NON-ELECTRONIC PUBLIC RECORDS

- a. Inspection. If inspection is requested and the County grants inspection, the County shall notify the applicant by phone, electronically, or in writing when public records are produced and available for inspection. The applicant shall have one month from the time the County provides notification to come to the County's designated location to inspect the records. After the one-month time period, the request shall be officially closed.
- b. Fees for Copying non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:
 - i. Standard (8.5 x11) — Black and White Copy \$1.00/page
 - ii. Standard (8.5 x11) — Colored Copy \$2.00/page
 - iii. Legal (8.5 x 14) — Black and White Copy \$1.00/page
 - iv. Legal (8.5 x 14) — Colored Copy \$2.00/page
 - v. Other sheet size. Actual Cost
 - vi. Photograph Actual Cost

- vii. Utilization of an outside vendor/copying Actual Cost
 - viii. County's fee to supervise copying. See section 2(c)(i) through (iii)
 - ix. Special instances, i.e., film. Actual Cost
- c. Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:
- i. Scanning non-electronic public records. \$0.10/page
 - ii. Electronic Media (disk, USB drive, thumb drive). Actual Cost
- d. Fees for Transmitting Public Records. The County may charge the following fees for transmitting non-electronic public records:
- i. Mailing, including cost of shipping container Actual Cost
 - ii. Facsimile, send or receive \$2.00/page
- e. Payment. The applicant shall pre-pay the fees in sections 3 (b), (c), and (d) before the County provides copies, produces electronic copies or transmits the records. Payment shall be made payable to the Fremont County Treasurer.

4. FEE WAIVER

- a. Waiver for Fremont County Residents. The first \$50.00 of production, generation and copy costs are waived for applicants who are Fremont County residents. If the costs exceed \$50.00, the initial \$50.00 will be a credit and not charged to the applicant. Applicants may not use multiple record requests to evade the \$50.00 threshold. The County has discretion to consolidate public records requests that it reasonably believes have been drafted and submitted to evade this \$50.00 threshold.