



December 28, 2023

VIA ELECTRONIC MAIL

Siskiyou County Board of Supervisors
311 Fourth Street, Room 201
Yreka, CA 96097
Email: clerk.registrar@sisqvotes.org

Re: Repeal of Public Records Fee Ordinance

Dear Board Members:

We write on behalf of the First Amendment Coalition, the American Civil Liberties Union of Northern California, and the Redding Record Searchlight to welcome the Board's vote repealing Chapter 39 of Title 2 of the Siskiyou County Code Regarding Copy Fees for Public Records Requests and to explain why the Board's decision upholds the public's right to know.

Our organizations advocate for and depend on access to public records to fulfill our missions. As we [have documented](#), fees for accessing public records can amount to a transparency tax that hinders access to information and threatens to leave communities less informed about what the government is doing in their name.

We commend the Board for voting in favor of repeal at the Dec. 5, 2023, board meeting and scheduling a second reading for the first board meeting of the new year. And we welcomed the report from County Counsel Natalie Reed that the county is apparently not currently assessing fees on requesters to locate, review, or redact public records. As Reed correctly relayed during her presentation proposing the repeal, our organizations have protested similar fees in other counties and also threatened legal action on the issue. To deepen your understanding of California's strong protections ensuring government transparency, we share the basis for our opposition to such fees.

In *National Lawyers Guild v. City of Hayward* ("NLG") (2020) 9 Cal.5th 488, 493-94, the California Supreme Court confirmed that the California Public Records Act ("CPRA") does not authorize fees for locating, reviewing, and redacting records. (See also Gov. Code, §§ 7922.530, 7922.575.) As the court noted, such fees "could well prove prohibitively expensive for some requesters, barring them from accessing records altogether." (*NLG, supra*, 9 Cal. 5th. at p. 507.) We appreciate the county's recognition of this reality and welcome the second reading

of the ordinance to repeal this fee provision at the Jan. 2, 2024 board meeting. Thank you for your attention to this important matter and for respecting the people's right to know.

Very truly yours,

FIRST AMENDMENT COALITION

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