

**A RESOLUTION PROVIDING FOR THE ADOPTION OF THE NEVADA PUBLIC RECORDS ACT, THE NEVADA LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES, AND THE NEVADA LOCAL GOVERNMENT RECORDS PROGRAM MANUAL; DEFINING EXTRAORDINARY USE OF PERSONNEL AND TECHNOLOGY; DEFINING CONFIDENTIAL RECORDS; POLICY FOR ESTABLISHING AND WAIVING FEES ASSOCIATED WITH PUBLIC RECORDS REQUESTS; AND PROVIDING FOR MATTERS RELATING THERETO.**

**WHEREAS**, pursuant to the provisions of Ch. 239 of the Nevada Revised Statutes (“NRS”) and Ch. 239 of the Nevada Administrative Code (“NAC”), a local governmental entity shall not dispose of any public record except in accordance with a schedule for the retention of such records approved by the Nevada State Library and Archives Administrator; and

**WHEREAS**, the Nevada State Library and Archives Administrator has adopted the Nevada Public Records Act in accordance with NRS 239.001 and NAC 239.869; and

**WHEREAS**, the Nevada State Library and Archives Administrator has adopted the Nevada Local Government Records Management Program Manual in accordance with NRS 239.125 and NAC 239.161 and

**WHEREAS**, the Nevada State Library and Archives Administrator updates the Nevada Local Government Records Retention Schedule and the Local Government Records Management Program Manual, on a periodic basis; and

**WHEREAS**, NAC 239.155(5) states a local governmental entity may adopt the schedule approved pursuant to this section by ordinance or regulation; and

**WHEREAS**, NRS 239.052(1) states a fee for providing a copy of a public record must not exceed the actual cost to provide the copy unless a specific statute or regulation sets a fee that the City of Sparks must charge for the copy and NRS 239.052(2) allows the City of Sparks to adopt a written policy to waive all or a portion of said fee; and

**WHEREAS** this resolution supersedes Resolutions 1535 and 3163.

**NOW, THEREFORE, BE IT RESOLVED** the City of Sparks defines the term **Confidential Information** as information that is declared confidential by statute, regulation, or court rule, or information in which public policy requires confidentiality because the public or private interests favoring confidentiality outweigh the public interest in open government. Information may not be withheld on the basis that public policy requires confidentiality without written approval of the City Attorney’s Office. The City of Sparks defines the term **Extraordinary Use of Personnel** as two (2) or more hours of personnel time, including time required to compile or assemble a response to a records request, or time spent redacting confidential information but not including time spent locating or retrieving records; **Extraordinary Use of Technology** is the use of any information system or information service acquired, developed, operated, maintained, or otherwise used by the City. Examples of extraordinary use of personnel and technology include, without limitation:

1. The records responsive to the request are voluminous
2. The request requires personnel to review a large number of records to locate the requested records
3. Personnel must redact significant confidential information from the records
4. Locating responsive records requires computer programming.

The City Council of the City of Sparks determines that public records request fees shall be waived if the following criteria are met:

1. The requester is a non-profit organization registered with the State in which it is organized, and
2. Responding to the request does not involve extraordinary use of personnel or technology, or
3. The responsive records are five (5) or fewer standard copy size pages, black and white.

The Sparks City Council does hereby adopt the current and future revisions of the Nevada Public Records Act, the Nevada Local Government Records Management Program Manual, and the Local Government Records Retention Schedules; the definitions of extraordinary use of personnel and technology; the definition of confidential information; and the policy for waiving fees for responding to public records requests as outlined above.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2017 by the following vote of the City Council:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2017, by

\_\_\_\_\_  
Geno R. Martini, Mayor

Attest:

\_\_\_\_\_  
Teresa Gardner, City Clerk

\_\_\_\_\_  
Chet Adams, City Attorney