

A RESOLUTION ADOPTING THE NEVADA LOCAL GOVERNMENT RECORDS MANAGEMENT PROGRAM MANUAL AND THE NEVADA LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES; DEFINING CONFIDENTIAL INFORMATION; ADOPTING A POLICY FOR ESTABLISHING FEES ASSOCIATED WITH PUBLIC RECORDS REQUESTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to the provisions of Chapter 239 of the Nevada Revised Statutes (“NRS”) and Chapter 239 of the Nevada Administrative Code (“NAC”), a local government 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, Archives and Public Records Administrator; and

WHEREAS, the Nevada State Library, Archives and Public Records Administrator has adopted and periodically updates the Nevada *Local Government Records Management Program Manual*, which includes the *Local Government Records Retention Schedules*, in accordance with NRS 239.125 and NAC 239.161; and

WHEREAS, NAC 239.155(6) states a local government entity may adopt the approved *Local Government Records Retention Schedules* 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 the City to provide the copy of the public record unless a specific statute or regulation sets a fee that the City must charge for the copy; and

WHEREAS, NRS 239.005(1) as amended by Senate Bill 287 (2019) defines “actual cost” as “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”; and

WHEREAS, Senate Bill 287 repealed NRS 239.055, which was entitled, “Additional fee when extraordinary use of personnel or resources is required; limitation”; and

WHEREAS, Senate Bill 287 becomes effective on October 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPARKS:

SECTION 1. 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 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.

SECTION 2. The Sparks City Council does hereby adopt the Nevada Public Records Act, *Local Government Records Management Program Manual*, and *Local Government Records Retention Schedules*, as they may be amended from time to time.

SECTION 3. The City Manager is hereby directed and authorized to establish, maintain, and amend from time to time a fee schedule for public records requests that reflects the actual cost to the City of providing public records.

SECTION 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5. This Resolution supersedes and replaces Resolution No. 3324.

SECTION 6. This Resolution shall become effective on October 1, 2019.

PASSED AND ADOPTED this 23rd day of September, 2019 by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Approved this 23rd day of September, 2019, by

Mayor Ronald E Smith

Attest:

Lisa Hunderman, City Clerk

Approved as to Form and Legality:

Chet Adams, City Attorney