

City of Las Vegas

**RECORDS MANAGEMENT COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY CLERK'S FIRST FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MAY 6, 2008
4:00 P.M.**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Approval of final minutes by reference of the Records Management Committee meeting of January 2, 2008
4. Discussion and possible action regarding revisions to the Public Records Access Policy and Procedure to be in conformance with Nevada Revised Statutes Chapter 239
5. Discussion and possible action regarding a Fee Schedule Associated with Written Record Requests in Accordance with Nevada Revised Statutes Chapter 239 and the City of Las Vegas Public Records Access Policy and Procedure
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Records Management Committee. No subject may be acted upon by the Records Management Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

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SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE

RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:

BUSINESS ITEMS:

Approval of final minutes by reference of the Records Management Committee meeting of January 2, 2008



AGENDA SUMMARY PAGE
RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:

Discussion and possible action regarding revisions to the Public Records Access Policy and Procedure to be in conformance with Nevada Revised Statutes Chapter 239

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

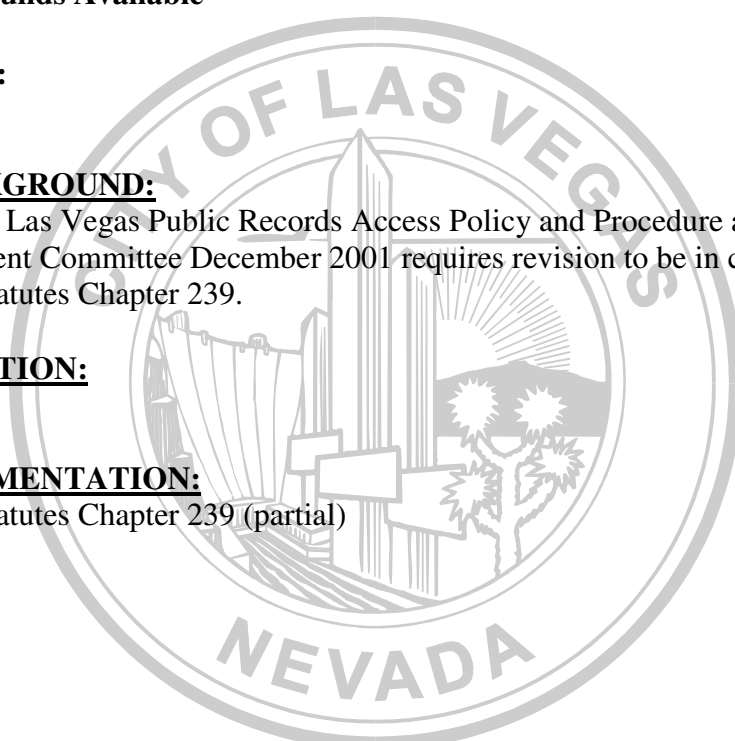
The current City of Las Vegas Public Records Access Policy and Procedure adopted by the Records Management Committee December 2001 requires revision to be in compliance with Nevada Revised Statutes Chapter 239.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Nevada Revised Statutes Chapter 239 (partial)



NRS 239.001 Legislative findings and declaration. The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;
2. The provisions of this chapter must be construed liberally to carry out this important purpose; and
3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly.

(Added to NRS by [2007, 2061](#))

NRS 239.005 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. 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.

2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

3. "Division" means the Division of State Library and Archives of the Department of Cultural Affairs.

4. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;

(c) A university foundation, as defined in [NRS 396.405](#); or

(d) An educational foundation, as defined in [NRS 388.750](#), to the extent that the foundation is dedicated to the assistance of public schools.

(Added to NRS by 1977, 455; A 1979, 179; 1983, 1298; 1985, 126; 1993, 209, 1538; 1995, 511; 1997, 2385; [2001, 936](#))

NRS 239.010 Public books and public records open to inspection; confidential information in public books and records; copyrighted books and records; copies to be provided in medium requested.

1. Except as otherwise provided in subsection 3, all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because he has already prepared or would prefer to provide the copy in a different medium.

[1:149:1911; RL § 3232; NCL § 5620]—(NRS A 1963, 26; 1965, 69; 1993, 1230, 2307, 2623; 1995, 503, 716; 1997, 2386; [1999, 1210](#); [2007, 2062](#))

NRS 239.0105 Confidentiality of certain records of local governmental entities.

1. Records of a local governmental entity are confidential and not public books or records within the meaning of [NRS 239.010](#) if:

(a) The records contain the name, address, telephone number or other identifying information of a natural person; and

(b) The natural person whose name, address, telephone number or other identifying information is contained in the records provided such information to the local governmental entity for the purpose of:

(1) Registering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or

(2) On his own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.

2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation;

(c) A request by a reporter or editorial employee for the disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station; or

(d) The provisions of [NRS 239.0115](#).

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise requires, "local governmental entity" has the meaning ascribed to it in [NRS 239.121](#).

(Added to NRS by [2005, 1040](#); A [2007, 2063](#))

NRS 239.0107 Requests for inspection or copying of public books or records: Actions by governmental entities.

1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Allow the person to inspect or copy the public book or record.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:

(1) Notice of that fact; and

(2) A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.

(d) If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. The provisions of this section must not be construed to prohibit an oral request to inspect or copy a public book or record.

(Added to NRS by [2007, 2061](#))

NRS 239.011 Application to court for order allowing inspection or copying of public book or record in legal custody or control of governmental entity for less than 30 years. If a request for inspection or copying of a public book or record open to inspection and copying is denied, the requester

may apply to the district court in the county in which the book or record is located for an order permitting him to inspect or copy it. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, he is entitled to recover his costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record.

(Added to NRS by 1993, 1230; A 1997, 2386)

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue. Except as otherwise provided in [NRS 239.0115](#), if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,

↳ the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

(Added to NRS by [2007, 2062](#))

NRS 239.0115 Application to court for order allowing inspection or copying of public book or record in legal custody or control of governmental entity for at least 30 years; rebuttable presumption; exceptions.

1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that he seeks to inspect or copy.

3. The provisions of subsection 1 do not apply to any book or record:

(a) Declared confidential pursuant to subsection 4 of [NRS 463.120](#).

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

(Added to NRS by [2007, 2062](#))

NRS 239.012 Immunity for good faith disclosure or refusal to disclose information. A public officer or employee who acts in good faith in disclosing or refusing to disclose information and his employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

(Added to NRS by 1993, 1230)

NRS 239.013 Confidentiality of records of library which identify user with property used. Any records of a public library or other library which contain the identity of a user and the books, documents, films, recordings or other property of the library which he used are confidential and not public books or records within the meaning of [NRS 239.010](#). Such records may be disclosed only in response to an order issued by a court upon a finding that the disclosure of such records is necessary to protect the public safety or to prosecute a crime.

(Added to NRS by 1981, 182)

NRS 239.015 Removal, transfer and storage of records authorized if necessary; copies to be provided upon request.

1. A custodian of records may remove books of records, maps, charts, surveys and other papers for storage in an appropriate facility if he believes that the removal of such records is necessary for their protection or permanent preservation, or he may arrange for their transfer to another location for duplication or reproduction.

2. If a county recorder receives a request for a particular item which has been stored pursuant to subsection 1, he shall produce a microfilmed copy of such item or the original within 3 working days.
(Added to NRS by 1975, 748)

NRS 239.030 Furnishing of certified copies of public records. Every officer having custody of public records, the contents of which are not declared by law to be confidential, shall furnish copies certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying.

[1:73:1909; RL § 2045; NCL § 2976]—(NRS A 1973, 353)

REPRODUCTION OF RECORDS

NRS 239.051 Reproduction of public records before destruction: Requirements.

1. Unless destruction of a particular record without reproduction is authorized by a schedule adopted pursuant to [NRS 239.080](#) or [239.125](#), any custodian of public records in this State may destroy documents, instruments, papers, books and any other records or writings in his custody only if those records or writings have been placed on microphotographic film or if the information they contain has been entered into a computer system which permits the retrieval and reproduction of that information. A reproduction of that film or that information shall be deemed to be the original.

2. Microphotographs made pursuant to this section must be made on film which complies with minimum standards of quality approved by the American National Standards Institute.

3. The custodian of the records or writings shall:

(a) Promptly store at least one copy of the microphotographic film or the tape, disc or other medium used for the storage of that information by the computer in such a manner and place as to protect it reasonably from loss or damage; and

(b) Maintain for the use of authorized persons a copy of a reproduction of the film or the information stored by the computer.

(Added to NRS by 1981, 601)

NRS 239.052 Fees: Limitations; waiver; posting of sign or notice.

1. Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record; or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.

(Added to NRS by 1997, 2384)

NRS 239.053 Additional fee for transcript of administrative proceedings; money remitted to court reporter; posting of sign or notice.

1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit

to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.

2. The governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.

(Added to NRS by 1997, 2385)

NRS 239.054 Additional fee for information from geographic information system.

1. A fee for the provision of information from a geographic information system may include, in addition to the actual cost of the medium in which the information is provided, the reasonable costs related to:

- (a) The gathering and entry of data into the system;
- (b) Maintenance and updating of the database of the system;
- (c) Hardware;
- (d) Software;
- (e) Quality control; and
- (f) Consultation with personnel of the governmental entity.

2. As used in this section, "geographic information system" means a system of hardware, software and data files on which spatially oriented geographical information is digitally collected, stored, managed, manipulated, analyzed and displayed.

(Added to NRS by 1997, 2385)

NRS 239.055 Additional fee when extraordinary use of personnel or resources is required.

1. Except as otherwise provided in [NRS 239.054](#) regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee for such extraordinary use. Upon receiving such a request, the governmental entity shall inform the requester of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

(Added to NRS by 1997, 2384)

NRS 239.121 Local governmental records: Definitions. As used in [NRS 239.121](#) to [239.125](#), inclusive:

1. "Custodian of records" means any person authorized to have the care, custody and control of any documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity.

2. "Governing body" means the governing body of a local governmental entity.

3. "Local governmental entity" means a county, an incorporated city, an unincorporated town, a township, a school district or any other public district or agency designed to perform local governmental functions.

4. "Old records" means documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity which are retained for any purpose by the local governmental entity beyond the minimum period for retention established by the Division or for 5 years or more, whichever is earlier.

(Added to NRS by 1973, 322; A 1975, 80; 1977, 456; 1983, 1300)

NRS 239.123 Local governmental records: Submission to Division; accounting; return or reclamation.

1. As an alternative to the destruction of old records, the records, with the consent of the governing body and the State Library and Archives Administrator, may be submitted to the Division.

2. The custodian of records shall maintain an accounting of all old records disposed of pursuant to subsection 1, indicating the nature or identity of the records as well as the date of submission to the Division.

3. The Division may return the records so submitted, or any part thereof, if they have no historical or permanent value.

4. Records so submitted may be reclaimed, in whole or in part, by the local government if:

(a) The Division did not acquire title to them in an agreement between the State Library and Archives Administrator and the local government; and

(b) The local government serves written notice upon the Division of its intention to reclaim the records and pays the cost of transportation for the return.

(Added to NRS by 1973, 322; A 1973, 347; 1977, 457; 1979, 180; 1981, 602; 1983, 1300; 1997, 3155)

NRS 239.124 Local governmental records: Exclusive procedures for destruction. The procedures set forth in [NRS 239.051](#), [239.110](#) and [239.123](#), and any procedure specifically authorized by the special charter of an incorporated city, constitute the procedures for disposition by a local governmental entity of any old records which have been retained by the entity for any purpose. The disposition thereof must not occur except in compliance with one of those procedures.

(Added to NRS by 1973, 323; A 1981, 602; 1983, 1300)

NRS 239.125 Local governmental records: Program for management; regulations of State Library and Archives Administrator.

1. A local governmental entity may establish a program for the management of records, including the adoption of schedules for the retention of records and procedures for microfilming, which must be approved by the governing body and comply with the applicable provisions of this chapter and any regulations adopted pursuant thereto.

2. The State Library and Archives Administrator shall adopt regulations to carry out a program to establish and approve minimum periods of retention for records of local governments. The proposed regulations or any amendment thereto must be submitted to the local government advisory committee, established pursuant to [NRS 354.594](#), for its advice and recommendations.

(Added to NRS by 1973, 323; A 1977, 457; 1979, 180; 1993, 170; 1997, 3156)

PENALTIES

NRS 239.300 Stealing, altering or defacing records, documents or instruments. A person who:

1. Steals, embezzles, corrupts, alters, withdraws, falsifies or avoids any record, process, charter, gift, grant, conveyance, bond or contract;

2. Knowingly or willfully, takes off, discharges or conceals any issue, forfeited recognizance or other forfeiture;

3. Forges, defaces or falsifies any document or instrument recorded or filed in any court, or any registered acknowledgment or certificate; or

4. Steals, alters, defaces or falsifies any minute, document, book or any proceedings of or belonging to any public office within this state,

is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[Part 61:108:1866; B § 2659; BH § 1696; C § 1842; RL § 2817; NCL § 4817]—(NRS A 1967, 533; 1979, 1463; 1983, 266; 1995, 1263)

NRS 239.310 Removing, injuring or concealing public records and documents. A person who willfully and unlawfully removes, alters, mutilates, destroys, conceals or obliterates a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[1911 C&P § 79; RL § 6344; NCL § 10028]—(NRS A 1967, 533; 1979, 1463; 1995, 1263)

NRS 239.320 Injury to, concealment or falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[Part 1911 C&P § 80; RL § 6345; NCL § 10029]—(NRS A 1979, 1463; 1995, 1264)

NRS 239.330 Offering false instrument for filing or record. A person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[1911 C&P § 83; RL § 6348; NCL § 10032]—(NRS A 1967, 533; 1995, 1264)

AGENDA SUMMARY PAGE

RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:

Discussion and possible action regarding a Fee Schedule Associated with Written Record Requests in Accordance with Nevada Revised Statutes Chapter 239 and the City of Las Vegas Public Records Access Policy and Procedure

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

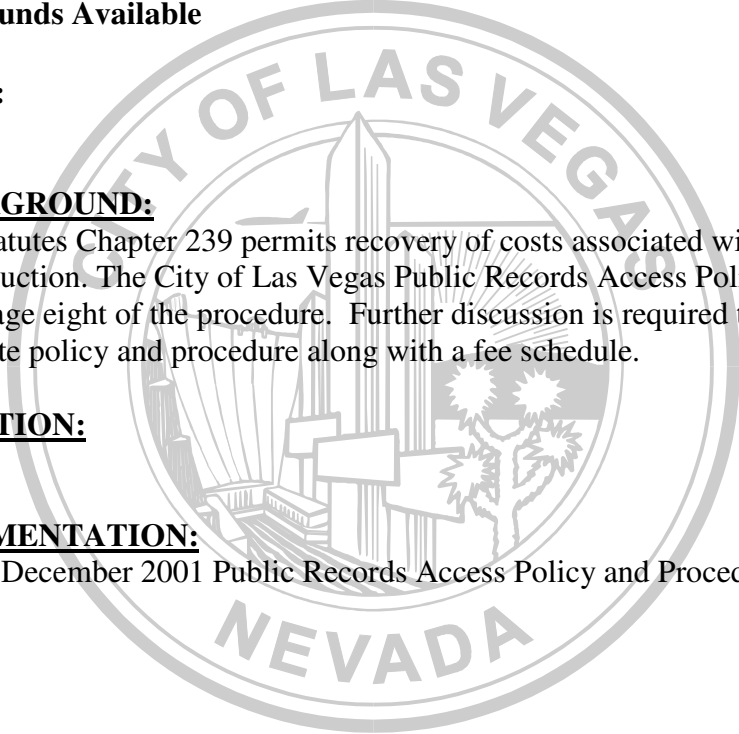
Nevada Revised Statutes Chapter 239 permits recovery of costs associated with public records requests and reproduction. The City of Las Vegas Public Records Access Policy and Procedures addresses this on page eight of the procedure. Further discussion is required to update the policy or develop a separate policy and procedure along with a fee schedule.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Page 8 from the December 2001 Public Records Access Policy and Procedure
2. Fee Issues
3. Fee Scenario



Fees

General Information

Public records will be provided in accordance with the fee schedule adopted in Resolution No. R-103-2001 (Attachment B); the schedule sets a copying fee of \$1.00 per page for a standard 8 ½ X 11 or 8 ½ X 14 documents which are readily recoverable and a certification fee of \$2.00 per document.

Records Management Committee

In accordance with Resolution No. R-103-2001, the City has established a Records Management Committee who has the authority to consider and set departures from standard copying and certification fees, and shall offer its services on a consultation basis for all other charges. As evidenced by Resolution No. R-103-2001, the Las Vegas City Council recognizes that certain public record reproduction requests involve variable costs for compilation or reproduction expenses for the City. When alternate, additional fees have been developed in advance because such requests are anticipated, it would be prudent for the Department to publish and post such fees after consultation with the Records Management Committee.

Other Costs

Materials produced in advance for the promotion of City activities may be available for reduced fees. Additionally, the City may publish material because regular requests are anticipated and, for such items, special fees may be set. If a published supply of documents has been exhausted and republication is not warranted, the standard fee schedule adopted by the City Council will apply. Public record copying costs are waived for government requestors who waive their copying costs for the City. When recovery or reproduction of records involves unusual material or labor expenses, the requestor will be responsible for the additional expenses. Requestors should be notified of these costs before recovery or reproduction begins.

Departmental Fee Schedule for Alternate Medium

City departments may provide services and materials for which fees may be assessed. The Department Director shall establish these fees. The Records Management Committee encourages the use of actual cost and consistency with fees used by other City Departments when establishing their fees.

FEE Issues as Discussed in RMC minutes

December 18, 2000

Other agencies or other government entities having a reciprocal process whereby the City does not charge them and they do not charge the City.

Directors who routinely provide free copies to somebody might want to request a deviation for approval by the Records Management Committee.

Assistant City Attorney Redlein suggested that it would be up to the Records Management Committee to remind Directors that persons who routinely provide them with free records is somebody the Director might want to request a deviation for so it can be approved, because unless they submit it to the Records Management Committee and they approve it, the Director is not going to be able to do it.

Mr. Marcella noted that he has contractual agreements with some entities to provide copies.

Mr. Vincent had recommended that for an administrative retrieval process, just to pull a file, the average labor rate is about \$30.00 per hour across the city. If the average is \$30.00 per hour, that comes out to \$2.50 for 5 minutes.

January 12, 2001

A consensus was reached that alternative forms as well as alternative fee schedules should be brought before the Committee for review and approval.

Mr. Vincent indicated that he agreed with leaving Directors with some discretion, But could not provide the wording necessary for posting of that authority.

Detention & Enforcement provide the first five pages free and then charge \$1.00 thereafter.

February 2, 2001

The RMC should meet with all Directors who can present their list of when they give away documentation and if the RMC approves the list, that creates the alternate.

Ms. Kuhns asked for specific language regarding discretionary waiver. The NRS permits the waiver subject to a written policy which would be met by the proposed resolution. Secondly, posting of the terms of the policy must be included. Any notation that Directors have the authority to waive fees, everyone will ask to speak to the Director.

Informally, directors may be informed that deviation from the schedule outside that one exception might have to be defended to the City Manager.

February 23, 2001

By deviating from set fee schedules, they assume the risks associated with that decision. The City Manager holds directors accountable, but its not something you would want written as a procedure.

Upon arriving for the meeting Assistant City Attorney Redlein was asked by Mr. Vincent to reaffirm the discussion regarding directors being able to use their discretion and the City Manager holding them accountable for exercising that discretion, as well as not having to post this as a directive. Assistant City Attorney agreed.

Chair Ronemus explained that the line item says the directors must present their fee structure for duplication if it is an alternate change from the published schedule contained in the Resolution. Therefore any deviation for the standard \$1.00 charged per page must come before the Records Management Committee. Chair Ronemus further affirmed that a motion to accept the final draft procedures was made and carried during the previous RMC meeting of February 2, 2001.

Goeke – Motion to APPROVE Department Directors’ submission of their departmental fee structure for duplication of public records before the Records Management Committee – SELBY – seconded the motion – UNANIMOUS with Snelding excused.

Chair Ronemus mentioned that determinations by the directors regarding an alternate fee schedule departure from the Resolution must come before the Records Management Committee. Having a letter from each department director would confirm the intent to follow the Resolution. Deputy City Manager Selby stated that the directors will need adequate time to read the procedure.

March 16, 2001

In conclusion because no distinction was made in the fees schedule to include the cost of audio tapes, video tapes, or CDs, it was agreed that **all such requests be submitted, along with supporting documentation to the Records Management Committee for discussion and resolution.**

REDLEIN – Motion to APPROVE incorporating all additions or appropriate changes- MARCELLA – second motion – UNANIMOUS with Vincent excused.

April 6, 2001

Assistant City Attorney Redlein read into the record possible verbiage for signs to be posted in offices such as Planning & Development and Building And Safety Department: **Plans and drawings on file in this office may be protected by federal copyright laws. Access to such documents, which is provided by Nevada’s Public Records Law is not a defense to a claim of copyright infringement by the author.** He opined that this language might be written into the policy, but it may be appropriate to make it clear to the requestors.

FEE Scenario

The City Clerk's Office recently had a public records requests for all the Cliff's Edge documents that we had and the requestor wanted them emailed to her. We pulled 36 City Council and Planning Commission Minute Binders (paper records), We then went to the Toshiba multi-functional device to scan the documents to email per the requestor's request. Question is can there be any compensation for converting paper to electronic to provide via email? There is the Toshiba monthly maintenance cost and manpower time to stand at the copier/scanner to do the conversion for emailing.

AGENDA SUMMARY PAGE
RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Records Management Committee. No subject may be acted upon by the Records Management Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



AGENDA SUMMARY PAGE
RECORDS MANAGEMENT COMMITTEE MEETING OF: MAY 6, 2008

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

