



Las Vegas

Agenda Item No.: 4.

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:

1. Nevada Revised Statutes Chapter 239 (partial)
2. Backup Received After Final Agenda (Green Sheets)

Minutes:

No action required.

SHARON KUHNS, Records Administrator, City Clerks Office, provided a brief overview of proposed revisions to the Public Records Access Policy and Procedure. She noted that procedures for media requests and the process for handling those were re-examined. MS. KUHNS stated that the City Clerks Office would continue to process extraordinary requests that require multi-departmental access to records. She indicated that the Appendix lists sample documents and forms to enable departments to comply with the five-day response ruling.

MEMBER REDLEIN asked whether the proposed revisions were ready for adoption. MS. KUHNS replied that additional purview would be appropriate.

MEMBER BRIDGES stated that there is an urgency to approve the revisions in order to provide guidance for departments that have already received document requests but are uncertain as to

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how to proceed. She described a recent situation where the department was unable to fulfill the request and the requestor was eventually redirected to the City Clerks Office.

MEMBER REDLEIN surmised that with the exception of very specific-type confidential documents, the majority of other documents are public record.

MEMBER VINCENT speculated that often individuals will go to great lengths to retrieve records yet they may not be in compliance with the requirements of NRS because they are not aware of the policies and procedures that have been established. MEMBER BRIDGES added that there are times when the request is handled by someone unfamiliar with the records requirements.

MEMBER KAJKOWSKI mentioned that his department does not provide soil reports in contract documents to encourage contractors to conduct their own tests and visits. Because the reports are used for in-house purposes, it was decided the reports would be omitted from the contract documents. Considering the prior comments, MEMBER REDLEIN replied that it is a departments prerogative to decide whether to include or omit certain documents, but that differs from public records. His main concern focused on determining whether a document is confidential by law and cannot be given out versus refusal to give out a document which could possibly result in criminal ramifications for concealing a public record.

MEMBER VINCENT stated that when requested documentation is not available because that particular department is not the primary record holder, the information may not be relayed to the requestor. Often futile attempts are made to locate the information which then jeopardizes the mandatory response time.

CHAIRMAN SANCHEZ remarked that in the spirit of cooperation custodians may inadvertently violate the law by not giving the proper answer. MEMBER REDLEIN replied that with the new statute, if a request is submitted to the wrong department, the custodian would now be obligated to respond in writing within five days that they are not the Custodian of Record and direct the requestor to the appropriate office.

CHAIRMAN SANCHEZ agreed that the revisions must be completed as soon as possible to be disseminated to the directors and to those who handle the records. MEMBER BRIDGES concurred and emphasized that Item 5 relating to the Fee Schedule is equally important and needs to be addressed.

CHAIRMAN SANCHEZ asked for clarification of the language regarding multiple departments as it appears that revisions have been made. MEMBER REDLEIN replied that the suggested language has yet to be reviewed by the Committee; however, in his opinion, the old language is more practical.

Responding to CHAIRMAN SANCHEZ, MEMBER BRIDGES stated that all record requests are handled by designated Records Division staff. In the event a request is deemed high priority,

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sensitive or specific to the Mayors Office, the City Attorneys Office or the City Managers Office, it would be brought to her attention..

MEMBER MARCELLA concurred with MEMBER REDLEIN regarding a clear and concise mechanism for handling record requests. He proposed that a single authority needs to be identified who would be responsible for tracking and disseminating requests and ensuring the response time is adhered to.

MEMBER VINCENT stated that a media research request differs from a media request for a public record and he believed that the media normally will request information that can only be filled through research. He noted that the media rarely will request a record. MEMBER KAJKOWSKI commented that it might be more feasible to release the information to the requestors and let them do the research themselves.

CHAIRMAN SANCHEZ asked MEMBER REDLEIN to review and make any revisions to the language of the policy and to incorporate MEMBER VINCENTS comments and suggestions as far as differentiating between media research requests and media records requests. Additionally, he asked MEMBER MARCELLA to do a cost analysis on records that might be requested as far as labor, materials, and copy costs. With regards to handling media requests, CHAIRMAN SANCHEZ requested DAVID RIGGLEMAN, Director of the Office of Communications, be invited to the next meeting.

MEMBER REDLEIN assured he would meet with MEMBER BRIDGES and MS. KUHNS to thoroughly review the language to be ready for the next Records Management Meeting and be presented for approval.