

MEMORANDUM

TO: Board of Trustees

FROM: Matthew Dent
Chair

Josh Nelson
General Counsel

SUBJECT: Review, discuss, and potentially adopt Policy and Procedure No. 137/Resolution No. 1905 regarding public records

RELATED STRATEGIC PLAN INITIATIVES: Long Range Principle #7 Governance

RELATED DISTRICT POLICY: Policy and Procedure No. 137/Resolution No. 1801 (Policy for the Provision of Records and Information to the Public)

DATE: August 1, 2023

I. RECOMMENDATION

That the Board of Trustees review, discuss, and potentially adopt Policy and Procedure No. 137/Resolution No. 1905 regarding public records.

II. BACKGROUND

The District previously adopted Policy and Procedure No. 137/Resolution No. 1801 regarding public records and public information (Policy). The Policy was adopted in 2011. In recent time, the Board has discussed revising and updating the Policy, including this as Budgeted Initiative #3 of Long Range Principle #7 Governance in the updated Strategic Plan. At its January 11, 2023 meeting, the Board of Trustees made an initial modification to the public records review process by requiring the Board of Trustees to review all assertions of privilege by staff. At its February 8, 2023 meeting, the Board of Trustees reviewed a draft revised Policy and provided comments. Further comments were received from Trustees after this meeting.

Enclosed is a revised draft of the Policy for Board consideration, discussion and potential adoption. The redlines show changes from the current version of the Policy, and below is a bullet-point summary of the proposed edits:

- Clean-Up Edits: The draft amendments make a number of clean-up edits.
- Changes in Law: The Policy has been updated to reflect changes in the law since its adoption. As an example, prior law explicitly allowed IVGID to different fees for extraordinary records requests. This was removed from the statute, and fees are now based on “actual costs.”
- Adversary Proceedings: The prior Policy provided that the rules of discovery applied in any actual or threatened litigation. This has been deleted to reflect the fact that there may be an obligation to respond to all records requests, even those submitted by a potential or actual litigant.
- Redactions and Exemptions: A section outlining the new Board policy on redactions and exemptions has been added.
- Publication of Requests and Responses: In an effort to increase transparency and potentially reduce duplicative requests, the Policy requires the District to publish requests and responses on the District website or other Board-approved forum.
- Public Information Requests: The Policy deletes prior provisions on public information requests. This Policy should be focused on public records.

One issue not discussed in the Policy is whether the District would like to charge an additional charge for requests that exceed some set amount of staff time. To help the Board’s consideration of this, below is a summary of fees charged by other local agencies based on their websites or publicly accessible fee schedules:

| Jurisdiction | Regular Charges | Additional Charges |
|---------------------|---|--|
| Washoe County | \$.05 / page | If more than 10 hours of staff time, at hourly rate. |
| City of Sparks | \$.05 / page; additional charges for DVDs, flash drives, etc. | |
| City of Las Vegas | \$1.00 / page, additional charges for flash drives, etc. | If more than 10 hours of staff time, at hourly rate. |

| | | |
|-------------------|---|--|
| City of Henderson | \$.10 / page; additional charges for DVDs, flash drives, etc. | If more than 10 hours of staff time, at hourly rate with total fee not to exceed \$.50 per page. |
| City of Reno | \$.05 / page; additional charges for DVDs, etc. | |

Based on the above, many agencies charge fees for records requests that require significant staff time. The Board may wish to have a similar fee added to the Policy.

III. FINANCIAL IMPACT AND BUDGET

No direct impact by amendment of the Policy.

IV. ALTERNATIVES

Below are alternatives to the recommended action:

1. Adopt the proposed Policy.
2. Decline to move forward at this time with this proposed amendment.

V. BUSINESS IMPACT

This item is not a "rule" within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.

VI. ATTACHMENTS

1. Draft Policy and Procedure No. 137/Resolution No. 1905 (clean version)
2. Draft Policy and Procedure No. 137/Resolution No. 1905 (redline version)

Current Policy and Procedure



Policy Resolution No. 137 – Resolution Number 1801

**A POLICY FOR THE PROVISION OF
RECORDS AND INFORMATION TO THE PUBLIC**

WHEREAS, from time to time IVGID receives requests for the provision of records, documents and information contained in its files; and

WHEREAS, NRS 239 of the Nevada Public Records Law, and NRS 241 of the Nevada Open Meeting Law address the subject of provision of documents to the public upon request; and

WHEREAS, NRS 239 further provides guidance on the manner and timing for a response to such requests and for the charge of costs therefor; and

WHEREAS, IVGID also receives requests for information or explanation of information, and wishes to establish a policy for the response to such requests; and

WHEREAS, IVGID now wishes to clarify, amend and establish its Policy for the provision of records, documents and information to the public.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, that it hereby adopts the attached Policy for the provision of public records and information to the public.

BE IT FURTHER RESOLVED, that the attached Policy and procedures will remain in effect until changed or rescinded by the Board of Trustees.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 1801, Policy Resolution No. 137, as amended and adopted by the Board of Trustees of the Incline Village General Improvement District on the 29th day of June 2011, by the following vote:



Policy Resolution No. 137 – Resolution Number 1801

**A POLICY FOR THE PROVISION OF
RECORDS AND INFORMATION TO THE PUBLIC**

AYES, and in favor thereof, Trustees Bea Epstein, Ted Fuller, Bruce Simonian, Charles Weinberger and Joe Wolfe.

NOES, None

ABSENT, None

/s/ Bruce Simonian

Bruce Simonian

Secretary, IVGID Board of Trustees

This Policy has a separate section for Public Records (I) and Public Information (II). This Policy supersedes prior Policy Resolution No. 131, and Resolution No. 1692.



Policy Resolution No. 137 – Resolution Number 1801

A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

I. PUBLIC RECORDS

A. Purpose

The following Policy and procedure, which shall be known also as the District's "Public Records and Information Policy," ("Policy") is intended to govern the issuance of public records contained in District files, and the inspection, copying and provision thereof. It will apply to all such requests for documents by the general public.

B. Policy Statement

Records and documents ("Record") in the possession of the District that are public records and are not otherwise declared to be confidential by state or federal law, and/or related governing interpretations of the law, will be made available to the public for inspection and copying under Nevada law.

C. Governing Law

This Policy and procedure is made in conformance with the Nevada Open Meeting Law (NRS 241), the Nevada Public Records Law (NRS 239) and District Policy. This Policy and procedure will remain in effect until changed or rescinded by the District's governing Board.

D. Policy Administrator

The General Manager may appoint a District "Public Records Officer(s)", whose duties shall be to oversee the execution and administration of this Policy. In the absence of such designation(s), the General Manager shall hold the title of "Public Records Officer" and shall directly administer this Policy.

The General Manager may name more than one "Public Records Officer" since District records may be maintained at multiple District locations.



Policy Resolution No. 137 – Resolution Number 1801

A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

E. General Provisions

1. Requests in Writing

All requests under NRS 239 and 241 regarding public records shall be governed by this Policy and shall be made in writing and submitted to the District's Public Records Officer at its Administration Building, 893 Southwood Boulevard, Incline Village, Nevada.

The District provides a "Public Records and Information Request" form for this purpose; however a clear written request from the Requester may also suffice. Oral requests may be made only to the Public Records Officer, or a delegated representative thereof; provided such request is thereafter reduced to written form to ensure the accuracy of the request and the ability to properly respond. E-mail requests will be accepted if addressed to: PublicRecordsOfficer@ivgid.org or to the specifically named Public Records Officer if known to the Requestor.

2. Content of Requests for Information or Records

Any request for inspection or copying of public records shall clearly state such a request, and shall clearly identify the Record subject to such request. A general description of a subject matter or topic or a blanket request for all general records shall not be adequate. The Requester is encouraged to provide the District with information about his/her purpose in requesting the Record sought, by title and date, if possible, so that the District may more easily identify and locate in its files the Record sought by the Requester. The District will attempt to identify and locate the specific Record responsive to the request.

3. Determination of Form, and Timing of Response to Request for Information or Records

The Public Records Officer will review all such written Record requests received and will determine whether the request complies with this Policy,



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A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

and whether the requested Record exists. A response will be made within five (5) business days from receipt of the request, not counting that day, and thereafter as appropriate, in compliance with the provisions of NRS 239.0107.

4. Charges For Providing Documents

For the purpose of determining the cost, if any, for the locating, inspection or reproduction of a public Record, the Public Records Officer will apply the following categories which will govern the charges, if any, which will be assessed and the method in which the request will be handled:

a) Public Meeting Information

Copies of such Records or information, as contained in the District's published public meeting agenda packages, including minutes of District Board meetings and Board of Trustee actions, will be provided to the Requester at no charge, if the date of the involved meeting is provided.

b) Records, Documents or Standard Computer Files

Records which have been specifically identified as being able to be provided by e-mail, i.e. in digital form, will be provided to the Requester at no charge. Records not available in digital form and specifically identified will be provided as follows:

- I. Under five (5) pages, free of charge
- II. Over five (5) pages, a charge of \$1.00 (one dollar) per extra (over 5 pages) page will be charged.
- III. If the Requester, on a single visit, requests multiple documents, the first five (5) pages will be provided free of charge of the multiple documents and each page after that, of the multiple documents, shall be in accordance with II. above.



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A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

c) Extraordinary Charges for Locating or Compiling Documents

If the public records request does not contain information allowing the prompt identification and location of the Record, or if a responsive Record cannot be found, the Public Records Officer shall so advise the Requester, and determine whether the Requester desires and authorizes staff to conduct an extraordinary public records search and/or Record compilation, and shall advise the Requester of the applicable charges. If the Requestor authorizes further action, the Public Records Officer shall undertake such a search and/or compilation, and the charge to the Requestor shall be based on the time spent in such search, at a rate of Thirty Five Dollars (\$35) per hour, or portion thereof. Payment in full shall be required at or prior to the delivery of any results.

The Public Records Officer shall attempt to estimate the time involved in any such search or compilation, and if the estimate exceeds two (2) hours, a deposit of Fifty Dollars (\$50) shall be required by the Requester prior to any further work.

5. Adversary Proceedings

In the event that a Requestor is a party or associated with a party in any pending or threatened litigation or administrative proceeding against or involving the District, the rules of discovery therein shall apply and supersede this Policy, and any request for Record shall be referred to the District's General Counsel, for information only. Requests for Records within Section 4(a) shall not be subject to this Section 5.



Policy Resolution No. 137 – Resolution Number 1801

A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

6. Discretionary Authority

The General Manager shall have the discretion to interpret and to modify this Policy, on a case by case basis, as deemed necessary and appropriate under the circumstances.

II. INFORMATION

A. Purpose

The following Policy and procedure, which shall also be known as the District's "Public Information Policy", is intended to govern the issue of public information pertaining to the District or its operations, and the provision thereof by the District. It will apply to all such inquires or requests for information by the general public to the District which are not requests for public records.

B. Policy Statement

The District will strive to make information regarding the District's business and operations available to the general public, and to assist the general public in understanding matters of general public concern. The District will take reasonable steps to respond to public inquiries and requests for information.

C. General Provisions

1. General Requests

Each Department shall establish an internal procedure for responding to oral or written requests for explanation or information from the public. Each such procedure shall provide for the referral of any extraordinary request to the General Manager for further action or response. Extraordinary requests include those requests requiring a substantial amount of time to respond, those requiring



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A POLICY FOR THE PROVISION OF RECORDS AND INFORMATION TO THE PUBLIC

research or Record searches or interpretation, and others which would affect the normal operations of the Department.

2. Extraordinary Requests

The General Manager shall review and determine the appropriate responses to all extraordinary requests. The General Manager's decision on what is a reasonable response is conclusive. The General Manager shall have the ability and authority to offer special staff services necessary and appropriate to respond to an extraordinary request, with charges for such services to the Requestor on the schedule as set forth in Section I., E, 4. above.

3. Delegation of Authority

The General Manager may delegate the responsibility regarding extraordinary searches to any other staff person, at his or her discretion. The General Manager may appoint a Public Information Officer for the District, whose duties shall include responding to requests for information under this Policy. In the absence of such an appointment, the General Manager shall hold the title of "Public Information Officer".

4. Discretionary Authority

The General Manager shall have the discretion to interpret and to modify this Policy, on a case by case basis, as deemed necessary and appropriate under the circumstances.

5. Adversary Proceedings

In the event that a Requestor is a party or associated with a party in any pending or threatened litigation or administrative proceeding against or involving the District, the rules of discovery therein shall apply and supersede this Policy, and any request for information



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RECORDS AND INFORMATION TO THE PUBLIC**

shall be referred to the District's General Counsel, for information only.

Redline



**Policy and Procedure Resolution No. 137 –
Resolution Number
A POLICY FOR THE PROVISION OF PUBLIC RECORDS ~~AND INFORMATION~~ TO THE**

I. PUBLIC RECORDS

A. Purpose

The following Policy and Procedure, which shall be known also as the District’s “Public Records ~~and Information~~ Policy,” (“Policy”) is intended to govern the issuance of public records contained in District files, and the inspection, copying, and provision thereof. It will apply to all such requests for ~~documents~~ public records by the general public.

B. Policy Statement

~~Records and documents (“Records”)~~ Public records in the possession of the District that are ~~public records and are~~ not otherwise declared to be confidential by State or federal law, and/or related governing interpretations of the law, will be made available to the general public for inspection and copying under Nevada law.

C. Governing Law

This Policy is made in conformance with the Nevada Open Meeting Law (NRS 241), the Nevada Public Records Law (NRS 239) and District Policy. This Policy will remain in effect until changed or rescinded by the District’s Board of Trustees.

D. Policy Administrator

The General Manager ~~may~~ shall appoint a District “Public Records Officer(s)”, ~~whose duties who~~ shall ~~be to~~ oversee the execution and administration of this Policy. In the absence of such designation(s), the General Manager shall hold the title of “Public Records Officer” and shall directly administer this Policy.

The General Manager may name more than one “Public Records Officer” ~~since~~ because District records may be maintained at multiple District locations or to ensure uninterrupted staff coverage during vacations and other absences.



**Policy and Procedure Resolution No. 143 –
Resolution Number 1899
A POLICY FOR THE PROVISION OF PUBLIC RECORDS ~~AND INFORMATION~~ TO THE**

E. General Provisions

1. Requests in Writing~~Form~~

~~All requests under NRS 239 and 241 regarding public records shall be governed by this Policy and shall be made in writing and submitted to the District's Public Records Officer at its Administration Building, 893 Southwood Boulevard, Incline Village, Nevada.~~

The District will prepare and provide a "Public Records Request" form to be used by the general public for all requests for public records.

~~The District will prepare and provide a "Public Records and Information Request" form for this purpose; however, a clear written request from the person making the request (the "Requester"), submitted in any manner other than through the form provided by the District, may also suffice as long as it provides the District with sufficient clear direction as to what the Requester is seeking, and in what format. Oral requests may be made only to the Public Records Officer, or a delegated representative thereof; provided such request is thereafter reduced to written form to ensure the accuracy of the request and the ability to properly respond. E-mail requests will be accepted if addressed to: PublicRecordsOfficer@ivgid.org or to the specifically named Public Records Officer if known to the Requester.~~

2. Content of Requests for Information or Records~~Submission~~

~~Any request for inspection or copying of public records shall clearly state that it is a request for public records, and shall clearly identify the Record that is sought by such request. Any Requesters are advised that a general description of a subject matter or topic or a blanket request for all general records may not be adequate for staff to provide responsive records. The Requester is also encouraged to provide the District with information about his/her purpose in requesting the Record sought, by title and date, if possible, so that the District may more easily identify and locate in its files the Record sought by the Requester. The District will make a reasonable attempt to identify and locate the specific Record responsive to the request.~~
All hard copy Public Records Request forms shall be mailed or hand-delivered to:

Attn: Public Records Officer



**Policy and Procedure Resolution No. 143 –
Resolution Number 1899**

**A POLICY FOR THE PROVISION OF PUBLIC RECORDS AND INFORMATION TO THE
IVGID Administration Building
893 Southwood Boulevard
Incline Village, Nevada, 89451**

All electronic Public Records Request forms shall be e-mailed to:

PublicRecordsOfficer@ivgid.org.

Any verbal request for public records will be submitted by the receiving staff member through the form for tracking and processing.

3. Determination of Form, and Timing of Response to Request for Information or Responses to Public Records Requests

The Public Records Officer will review all ~~such written Record requests~~ Public Records Request forms received and will determine whether the ~~request complies with this Policy, and whether the~~ requested ~~Record exists~~ records exist. A response (with copies of the requested ~~documents,~~ or public records, indicating the anticipated date on which ~~documents~~ the public records will be provided, or informing the Requester that the District does not have the ~~documents~~ public records or will not be producing them for a lawful reason) will be made within five (5) business days from receipt of the ~~request~~ form, not counting that day, and thereafter as appropriate, in compliance with the provisions of NRS 239.0107.

Documents may be withheld pursuant to NRS 239.010 and all statutes cited therein; Nevada regulations; federal laws and regulations; state and federal case law; and the *Bradshaw* balancing test (the government's interest in withholding a record clearly outweighs the public interest in disclosure).

~~If a document is withheld or~~ The Public Records Officer, based on the advice of the District's General Counsel, may assert confidentiality in redacting or withholding certain records. If a record is redacted or withheld, the legal basis for such withholding or redaction or withholding will be stated in the District's response to the Requester.

All decisions to redact or withhold a record will be reviewed by the Board of Trustees. All decisions by the Board of Trustees are final.

4. Charges For Providing Documents Public Records



**Policy and Procedure Resolution No. 143 –
Resolution Number 1899**

A POLICY FOR THE PROVISION OF PUBLIC RECORDS AND INFORMATION TO THE

Pursuant to NRS 239.052, the District may charge a fee for providing a copy of a ~~Record. Such a~~ public record. ~~The~~ fee must not exceed the actual cost to the District to provide the copy of the ~~Record~~ public record unless a specific statute or regulation sets a fee that the District must charge for the copy. “Actual cost” means 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. 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. Further, the District shall not charge a fee for providing a copy of a ~~Record~~ public record if a specific statute or regulation requires the District to provide the copy without charge.

In compliance with NRS 239.052, the following categories will govern the charges, if any, which will be assessed and the method in which the request will be ~~handled~~ provided:

a) ~~Public Meeting Information~~ Records Provided by E-Mail

~~Copies of such Records or information, as contained in the District’s published public meeting agenda packages, including minutes of District Board meetings and Board of Trustee actions, will be provided to the Requester at no charge, if the date of the involved meeting is provided.~~

~~b) Records or Documents In Digital Form.~~

~~Records~~ Public records which have been specifically identified as being able to be provided by e-mail, ~~i.e. in digital form,~~ will be provided to the Requester at no charge.

~~b) c) Non-Digital~~ Public Records and Documents Not Provided by E-Mail

~~Records not available in digital form and specifically identified will be provided in accordance with the following Fee Schedule:~~

Public records that cannot be provided by e-mail or that the Requester requests in some other form will be provided in accordance with the following fee schedule:

- ~~I. Under five (5) pages, free of charge.~~ \$.05 for each printed page.
- ~~II. Actual cost for each storage device (DVD, CD, thumb drive, etc.).~~
- ~~II. Over five (5) pages, a charge of \$.10 per each page over 5 pages~~



**Policy and Procedure Resolution No. 143 –
Resolution Number 1899**

A POLICY FOR THE PROVISION OF PUBLIC RECORDS AND INFORMATION TO THE

~~will be charged (both black/white and color copies).~~

~~III. If the Requester, on a single visit, requests multiple documents, the first five (5) pages (of the total package of requested documents) will be provided free of charge. Each page after that shall be charged in accordance with section c) II. above.~~

~~IV. Digital Storage (DVDs, CDs, thumbdrives) will be charged at actual cost.~~

~~III. V. Postage will be charged at actual Actual cost for postage.~~

~~VI. Payment Fee payment is due prior to the release of the requested Record(s) public records.~~

Fees for all or a portion of the costs incurred by a ~~Requestor~~ Requester pursuant to this Policy may be waived by staff upon the approval of the General Manager. Waivers are not required.

5. Redactions and Exemptions

~~The Pubic Records Officer based on the advice of the General Counsel may assert attorney-client privilege or other legally permitted exemptions and redactions when responding to public records requests. All redactions and decision to withhold documents will be reviewed by the Board of Trustees. All decisions by the Board of Trustees are final.~~

5. 6. Publication of Public Records Requests and Responses

The ~~Pubic~~ Public Records Officer shall publish on the ~~District~~ District's website or other forum approved by the Board of Trustees ~~a record of the~~ current and recent public records requests and the District's ~~response~~ responses.

II. INFORMATION

A. Purpose

~~The following Policy and Procedure, which shall also be known as the District's "Public Information Policy", is intended to govern the issue of public information pertaining to the District or its operations, and the provision thereof by the District. It will apply to all such inquires or requests for information by the general public to the District which are not requests for~~



**Policy and Procedure Resolution No. 143 –
Resolution Number 1899**

A POLICY FOR THE PROVISION OF PUBLIC RECORDS AND INFORMATION TO THE

~~public records.~~

B. Policy Statement

~~The District will strive to make information regarding the District’s business and operations available to the general public, and to assist the general public in understanding matters of general public concern. The District will take reasonable steps to respond to public inquiries and requests for information.~~

C. General Provisions

1. General Requests

~~Each Department shall establish an internal procedure for responding to oral or written requests for explanation or information from the public. Each such procedure shall provide for the referral of any extraordinary request to the General Manager for further action or response. Extraordinary requests include those requests requiring a substantial amount of time to respond, those requiring research or Record searches or interpretation, and others which would affect the normal operations of the Department.~~

2. Extraordinary Requests

~~The General Manager shall review and determine the appropriate responses to all extraordinary requests. The General Manager shall have the ability and authority to offer special staff services necessary and appropriate to respond to an extraordinary request.~~

3. Delegation of Authority

~~The General Manager may delegate the responsibility regarding extraordinary searches to any other staff person, at his or her discretion. The General Manager may appoint a Public Information Officer for the District, whose duties shall include responding to requests for information under this Policy. In the absence of such an appointment, the General Manager shall hold the title of “Public Information Officer”.~~

| Summary report: | |
|--|------------|
| Litera Compare for Word 11.3.0.46 Document comparison done on 7/31/2023 2:57:48 PM | |
| Style name: Default Style | |
| Intelligent Table Comparison: Active | |
| Original filename: Policy Resolution No. 137 (Public Records) [redlines 1.31.23]-c1.docx | |
| Modified DMS: iw://bbklaw-mobility.imanage.work/IMANAGE/41519406/1 | |
| Changes: | |
| <u>Add</u> | 72 |
| Delete | 94 |
| Move From | 0 |
| <u>Move To</u> | 0 |
| <u>Table Insert</u> | 0 |
| Table Delete | 0 |
| <u>Table moves to</u> | 0 |
| Table moves from | 0 |
| Embedded Graphics (Visio, ChemDraw, Images etc.) | 0 |
| Embedded Excel | 0 |
| Format changes | 0 |
| Total Changes: | 166 |

All Changes
Accepted



**Policy and Procedure Resolution No. 137 –
Resolution Number 1905
A POLICY FOR THE PROVISION OF
PUBLIC RECORDS TO THE GENERAL PUBLIC**

WHEREAS, from time to time, IVGID receives requests for the provision of public records contained in its files; and

WHEREAS, NRS Chapter 239 of the Nevada Public Records Law and NRS Chapter 241 of the Nevada Open Meeting Law address the provision of public records to the public upon request; and

WHEREAS, NRS Chapter 239 further provides guidance on the manner and timing for a response to such requests and for the charge of costs therefor; and

WHEREAS, NRS Chapter 239 specifically provides that a governmental entity may charge actual costs, as defined, incurred in the provision of a public record; and

WHEREAS, on or about June 29, 2011, IVGID adopted a policy to establish procedures for handling requests for public records (“Policy”); and

WHEREAS, IVGID now wishes to revise its adopted Policy for the provision of records in order to maintain consistency with State law; and

WHEREAS, the IVGID fee schedule for public records contained herein shall be posted on the IVGID website and in all other locations required by NRS Chapter 239.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, that it hereby adopts the attached Policy for the provision of public records.

BE IT FURTHER RESOLVED, that the attached Policy and procedures will remain in effect until changed or rescinded by the Board of Trustees and supersedes Resolution No. 1905/Policy and Procedure Resolution No. 137.

* * * * *



**Policy and Procedure Resolution No. 137 –
Resolution Number 1905
A POLICY FOR THE PROVISION OF
PUBLIC RECORDS TO THE GENERAL PUBLIC**

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 1905, Policy and Procedure Resolution No. 137, as amended and adopted by the Board of Trustees of the Incline Village General Improvement District on the 30th day of August, 2023, by the following vote:

AYES, and in favor thereof,
NOES,
ABSENT,

Heidi H. White
District Clerk



**Policy and Procedure Resolution No. 137 –
Resolution Number 1905
A POLICY FOR THE PROVISION OF
PUBLIC RECORDS TO THE GENERAL PUBLIC**

I. PUBLIC RECORDS

A. Purpose

The following Policy and Procedure, which shall be known also as the District’s “Public Records Policy” (“Policy”) is intended to govern the issuance of public records contained in District files, and the inspection, copying, and provision thereof. It will apply to all such requests for public records by the general public.

B. Policy Statement

Public records in the possession of the District that are not otherwise declared to be confidential by State or federal law, and/or related governing interpretations of the law, will be made available to the general public for inspection and copying under Nevada law.

C. Governing Law

This Policy is made in conformance with the Nevada Open Meeting Law (NRS 241), the Nevada Public Records Law (NRS 239) and District Policy. This Policy will remain in effect until changed or rescinded by the District’s Board of Trustees.

D. Policy Administrator

The General Manager shall appoint a District “Public Records Officer” who shall oversee the execution and administration of this Policy. In the absence of such designation, the General Manager shall hold the title of “Public Records Officer” and shall directly administer this Policy.

The General Manager may name more than one “Public Records Officer” because District records may be maintained at multiple District locations or to ensure uninterrupted staff coverage during vacations and other absences.



**Policy and Procedure Resolution No. 137 –
Resolution Number 1905
A POLICY FOR THE PROVISION OF
PUBLIC RECORDS TO THE GENERAL PUBLIC**

E. General Provisions

1. Form

The District will prepare and provide a “Public Records Request” form to be used by the general public for all requests for public records.

2. Submission

All hard copy Public Records Request forms shall be mailed or hand-delivered to:

Attn: Public Records Officer
IVGID Administration Building
893 Southwood Boulevard
Incline Village, Nevada, 89451

All electronic Public Records Request forms shall be e-mailed to:

PublicRecordsOfficer@ivgid.org.

Any verbal request for public records will be submitted by the receiving staff member through the form for tracking and processing.

3. Responses to Public Records Requests

The Public Records Officer will review all Public Records Request forms received and will determine whether the requested records exist. A response (with copies of the requested public records, indicating the anticipated date on which the public records will be provided, or informing the Requester that the District does not have the public records or will not be producing them for a lawful reason) will be made within five (5) business days from receipt of the form, not counting that day, and thereafter as appropriate, in compliance with the provisions of NRS 239.0107.

Documents may be withheld pursuant to NRS 239.010 and all statutes cited therein; Nevada regulations; federal laws and regulations; state and federal case law; and the *Bradshaw* balancing test (the government’s interest in withholding a record clearly outweighs the public interest in disclosure).



**Policy and Procedure Resolution No. 137 –
Resolution Number 1905
A POLICY FOR THE PROVISION OF
PUBLIC RECORDS TO THE GENERAL PUBLIC**

The Public Records Officer, based on the advice of the District’s General Counsel, may assert confidentiality in redacting or withholding certain records. If a record is redacted or withheld, the legal basis for such redaction or withholding will be stated in the District’s response to the Requester.

All decisions to redact or withhold a record will be reviewed by the Board of Trustees. All decisions by the Board of Trustees are final.

4. Charges For Providing Public Records

Pursuant to NRS 239.052, the District may charge a fee for providing a copy of a public record. The fee must not exceed the actual cost to the District to provide the copy of the public record unless a specific statute or regulation sets a fee that the District must charge for the copy. “Actual cost” means 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. 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. Further, the District shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the District to provide the copy without charge.

In compliance with NRS 239.052, the following categories will govern the charges, if any, which will be assessed and the method in which the request will be provided:

a) Public Records Provided by E-Mail

Public records which have been specifically identified as being able to be provided by e-mail will be provided to the Requester at no charge.

b) Public Records Not Provided by E-Mail

Public records that cannot be provided by e-mail or that the Requester requests in some other form will be provided in accordance with the following fee schedule:

- I. \$.05 for each printed page.
- II. Actual cost for each storage device (DVD, CD, thumb drive,



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etc.).**

- III. Actual cost for postage.

Fee payment is due prior to the release of the requested public records.

Fees for all or a portion of the costs incurred by a Requester pursuant to this Policy may be waived by staff upon the approval of the General Manager. Waivers are not required.

5. Publication of Public Records Requests and Responses

The Public Records Officer shall publish on the District's website or other forum approved by the Board of Trustees the current and recent public records requests and the District's responses.