



Access to Confidential and Non-Public Information Policy 23.1.0

0.1 PURPOSE. The Incline Village General Improvement District is governed by a five-member Board of Trustees. The Board of Trustees has elected to manage IVGID under the “Board-manager” form of government. Under this form of government, the Board hires a General Manager who hires, disciplines, and otherwise manages IVGID personnel subject to Board oversight and District policies. The only other staff member that reports directly to the Board of Trustees is the General Counsel.

Board of Trustees deliberations and the maintenance of IVGID records are subject to the general rule that they are “the public’s business” and subject to a general obligation of transparency. However, the Board and IVGID staff also have a superior duty not to disclose some information, including, but not limited to attorney-client confidences and work product, matters of employment, and other recognized exceptions as set forth in this Policy. To ensure Trustees are informed and can effectively govern the District, they may receive Confidential and Non-Public Information that members of the public would not receive in response to a request for public records. This Policy outlines the terms and conditions applicable to Trustee and employee access of Confidential and Non-Public Information.

0.2 CONFIDENTIAL AND NON-PUBLIC INFORMATION. The following terms shall have the definitions below in this Policy:

- a. Confidential Information. Information and documents that are related to IVGID that are not disclosable publicly without the concurrence of a majority of the Board of Directors. This is information protected by the attorney-client communication or work product privileges, pending labor negotiations, matters discussed in a closed session, draft documents, and other legally recognized protected or privileged information.

- b. Non-Public Information. Documents that are related to IVGID that are not Confidential Information and are not a public record under NRS 239. The facts and circumstances underlying Non-Public Information may not be made public in any way.

0.3 INFORMATION TO BOARD. Confidential and Non-Public Information shall be provided by staff or legal counsel as necessary to inform the Board’s discussion, deliberation, or general oversight of IVGID matters. Staff shall ensure the Board understands the Confidential or Non-Public status of the information.



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0.4 INFORMATION UPON REQUEST. Trustees may request access to Confidential or Non-Public Information by contacting the General Manager with a copy to General Counsel. Requests shall be based on a legitimate IVGID-related purpose and not for political, financial, or other personal reasons. Requests will be received and reviewed by the General Manager and General Counsel. The Director of Human Resources will be consulted regarding any requests for documents that are maintained by the Department of Human Resources. If the requested document is available for review, it may be viewed electronic format or in hard copy. Appropriate staff or legal counsel will be present for document viewing, and no photos of documents or screenshots are allowed. After viewing a hard copy, staff is responsible for shredding of the materials reviewed. Staff shall ensure that Trustees understand if a document is Confidential or Non-Public Information. The entire Board of Trustees will be promptly notified of any request under this subsection and provided an opportunity to review the provided document.

0.5 DUTY NOT TO DISCLOSE.

Trustees must not disclose any Confidential or Non-Public Information or documents unless permitted to do so by a majority of the Board as declared in a public meeting. Trustees may not disclose photos, copies or excerpts of any Confidential or Non-Public Information.

0.6 EMPLOYEE ACCESS TO INFORMATION

The General Manager shall adopt and implement personnel policies and procedures to ensure Confidential and Non-Public Documents and Information are protected and handled appropriately by staff and the Trustees.

0.7 PERSONNEL FILES

Notwithstanding anything in this Policy, individual Trustees may not access documents held in employment or personnel files for staff reporting to the General Manager.

0.8 RIGHT TO DISCLOSE UNDER APPLICABLE LAW

This Policy shall not be interpreted or applied in a manner that prevents a Trustee from complying with or exercising his or her rights under applicable law to disclose information, including, but not limited to, whistleblower laws and policies.



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Disclosures shall be as limited as possible to ensure the compliance with or exercise of such legal rights.

0.9 REMEDIES FOR VIOLATIONS

Violations of this Policy by Trustees shall be subject to discipline as set forth in the Code of Conduct. The Board may also enforce this Policy through other legally available remedies.