

City of Henderson Records Retention Schedule

City Attorney

Record Series

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Disposition Information:

- Unscheduled records can NOT be destroyed. A local governmental entity shall not dispose of any public record except in accordance with a schedule for the retention of such records approved by the State Library and Archives Administrator pursuant to - NAC 239.155 Disposal of public record restricted; procedures for proposal and adoption of schedules for retention of public records.
- Unless otherwise specified, a Certificate of Destruction is required to be completed prior to destroying any records regardless of media. See City of Henderson ROP-004 Destruction of Public Records for more information.
- In the event there is any pending litigation, suspend any destruction of records including deletion, overwriting, or any other destruction of alteration of electronic and/or hardcopy information relevant to the dispute until the case is closed and the City Attorney's Office has given approval to proceed.
- Unless otherwise specified, permanent records should be transferred to the City Archives as soon as possible.
- Convenience copies and duplicates must NOT be retained longer than the Record Copy.

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- To protect the confidentiality of records of local governments that are declared by law to be confidential, such records must be destroyed in accordance with the applicable schedule by shredding in a manner that ensures the information cannot be reconstructed, by burning if allowed by federal, state and local regulations, or as required by the laws, regulations, established standards, policies and procedures of the State or Federal Government. An electronic record must be destroyed in accordance with the applicable schedule in a manner that ensures the information cannot be retrieved or reconstructed, including, without limitation, overwriting, degaussing, and the physical destruction of the storage media – NAC 239.165 (1) (2) Destruction of confidential records, electronic records and copies of records. Also see, City of Henderson Records Directive No. 9 Confidentiality of Personal Information/Social Security Numbers.

Definitions:

Business Essential (BE) Record - A record or record series that are critical to continuing or reestablishing operations during an emergency or after a disaster, or that are necessary to protect rights and interests.

Convenience Copy – A copy of a record or series that consists of reference, informational, or copies of other records and are usually kept to be made available for distribution to individuals, departments, boards, commissions, committees, remote locations, etc.

LRDA – Local Government Records Disposition Authority control number assigned to a record series by the Nevada State Library and Archives. The Local Government Records Retention Schedules can be found here: <http://nsla.libguides.com/local-governments/retention-schedules>

Record - Information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, unpublished books, maps, charts, blueprints, drawings, photographs, films, computer printouts, newspapers received pursuant to NRS 247.070, artifacts entered as exhibits in any proceeding in any court, information stored on a magnetic tape, computer, laser disc or optical disc, or on material which is capable of being read by a machine, including microforms and audio and visual materials, and any other evidence, including all copies thereof. NAC 239.101 “Record of a local government” defined.

Approved by Records Committee: 11/7/18

Approved by State Archivist: NA

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General		
Record Series/ Description	Filing Method	Retention/Disposition
Civil Case Files Files contain non-court related legal reviews such as contract reviews or research projects.	Open: By category by file number Closed: By file number	Seven (7)* calendar years after disposition of the case. LRDA: 20070155 Civil Cases *State recommended retention requirement is six (6) years.
Civil Litigation Files Documents civil actions against the local government which are usually defended by the local government's legal counsel. May contain, but is not limited to, notice of suit, names of plaintiff, defendant, date, case information, affidavits, motions, transcripts, court documents, attorneys notes, judgment, appeals, correspondence, and related documents.	By category by date	Seven (7)* calendar years after final disposition of the case. LRDA: 20070155 Civil Cases *State minimum retention is six (6) years.
Ethics Committee Records May include, but not limited to, agendas, minutes, backup documentation, opinions, interpretations, and related documents.	By meeting date	Permanent – Transfer to City Archives for permanent retention after three (3) years, or when no longer needed for business purposes. LRDA: 20141902 Specialized or Local Ethics Committee
Opinions Formal opinions rendered by the attorney's office for various departments or the governing body. Documents the rationale for policy and maintains consistency in related issues. Information usually includes date, department requesting opinion, and the text of the opinion.		Permanent – Transfer to City Archives for permanent retention as soon as practical. LRDA: 20070163 Opinions
Requests for Opinions Documents requests for legal opinions from agency legal counsel, city or district attorney, or other legal authorities.	By category by date	Two (2) calendar years from the answer of the request. LRDA: 20070167 Requests for Opinions
Writs Issued from a court or other legally authorized agency or individual; may contain, but is not limited to, writs, notices, orders, and similar documents, proof of service, proof of publication, proof of execution, date received, date served, by whom served, how served, date returned, title and number of case, recipient information, correspondence, and related documents.	Filed with related case	Three (3) calendar years after writ is no longer in effect. LRDA: 20070169 Writs

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Criminal Division		
Record Series/ Description	Filing Method	Retention/Disposition
Calendar of Cases The daily schedule of cases that are to be heard before the court. This series may include, but is not limited to, defendants' names, plaintiffs' names, case number, date of appearance, and related information.	By date	Thirty (30) days from the date of the schedule. LRDA: 20070153 Calendar of Cases
Case Files: Appealed Cases May contain, but is not limited to, notice of appeal, applicable case file, copies of pertinent court case papers, transcript of court case proceedings, attorney's notes, orders of cases on appeal, memos, related correspondence and similar documents.	By category by file number	Three (3) calendar years after all appeals are exhausted. LRDA: 20071391 Case Files: Appealed Cases
Case Files: Misdemeanor May contain, but is not limited to, case number, defendant's name, social security number, date of birth, charge, dates of indictment and arraignment, plea, bond amount, trial date, verdict, and sentence, copies of police reports, complaints, investigation records, offense reports, witness lists, subpoenas, photographs, attorneys' notes, correspondence, and related documents.	By category by file number	Three (3)* calendar years after disposition of the case. LRDA: 20071387 Case Files: Misdemeanor *State minimum retention is thirty (30) days after the appeals time frame has expired and all appeals have been exhausted.
Denied Prosecution Files Correspondence between the attorney's office and an outside investigative agency (usually police departments) concerning the inability to prosecute cases based on a lack of evidence. These documents are usually generated in response to police investigations and consist mainly of correspondence and case descriptions.	By category by file number	As long as is administratively useful to the attorney's office. LRDA: 20071389 Denied Prosecution Files

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Victim/Witness Program		
Record Series/ Description	Filing Method	Retention/Disposition
Victim-Witness Advocate Files Includes case files and copies incident reports.	By year and name	Three (3) calendar years after the final disposition of the case. LRDA: 20071403 Victim Assistance Case Files