

**LOCAL GOVERNMENT  
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 10, 2017

Agency Submitting: Local Government

<b>Items of Revenue or Expense, or Both</b>	<b>Fiscal Year 2016-17</b>	<b>Fiscal Year 2017-18</b>	<b>Fiscal Year 2018-19</b>	<b>Effect on Future Biennia</b>
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

See attached.

Name Michael Nakamoto

Title Deputy Fiscal Analyst

The following responses from local governments were compiled by the Fiscal Analysis Division. The Fiscal Analysis Division can neither verify nor comment on the figures provided by the individual local governments.

Local Government Responses  
**S.B. 170 / BDR 19 - 560**

City/County: **City of Henderson**

Approved by: Mike Cathcart, Business Operations Manager

Comment: The \$144,000 in this fiscal note is an estimated cost for a new digital system that would be dedicated to public records request tracking, which includes both the one-time purchase and the annual operating costs.

Based on the exemptions in this bill for “non-commercial” requests, reduced extraordinary resource use fees for non-commercial requests and a prohibition on charging fees for records provided in electronic formats that do not require the use of extraordinary resources, this bill will have a negative financial impact on the City. The compliance cost associated with this legislation, however, cannot be readily determined as numerous factors would influence the amount of the fiscal impact in any given year should this proposed change be enacted. It is also likely that the proposed changes would increase the overall number of public records requests, requiring additional labor hours to meet this demand and diminishing the ability for existing staff members to complete other work assignments not related to fulfilling public records requests.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$0	\$144,000	\$2,000	\$2,000

City/County: **City of Las Vegas**

Approved by: Michelle Thackston, Administrative Assistant

Comment: The City of Las Vegas cannot currently estimate the fiscal impact from this bill. Presently, fees are collected by the City for researching, reviewing, and compiling public records requests. This bill, however, seemingly prohibits that type of fee and only allows per-page fees. Therefore, it is likely that this bill will have a net negative fiscal impact.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

City/County: **City of Sparks**

Approved by: Jeff Cronk, Financial Services Director

Comment: No Impact

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

City/County: **City of Reno**

Approved by: Tillery Williams , Management Analyst

Comment: Compliance with the legislation would result in the City of Reno needing additional staffing resources due to the shorter turnaround times for the larger public records requests that the city receives, which are still terribly burdensome to staff based on our available technology and resources. Currently, although the City Clerk's office is the keeper of the records per our Charter, there is no dedicated staff to handle public records requests. Therefore, to comply with the bill's response deadlines, it is estimated the Clerk's office would need a full time employee dedicated to record request responses. This employee with salary and benefits is estimated at \$70,000 per year.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$70,000	\$70,000	\$70,000	\$140,000

City/County: **Carson City**

Approved by: Nancy Paulson, CFO

Comment: No significant fiscal impact to Carson City.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

City/County: **Churchill County**

Approved by: Eleanor Lockwood, County Manager

Comment: BDR 19-560 does not appear to have a significant fiscal impact to Churchill County.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

City/County: **Clark County**

Approved by: David Dobrzynski, Asst Director of Finance

Comment: Bill will require copies of certain public book and records to be provided electronically when available. Section 8 of the Bill revises fees the governmental entities can charge for providing copies of a public book and or record. Depending on the scope of the public book or records request, the fiscal impact of the personnel or technological resources encumbered by the governmental entity could be greater than the revenue generated by charging \$.50 a page for commercial and \$.10 a page for non-commercial requests. The potential costs of this bill are undeterminable.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

City/County: **Douglas County**

Approved by: Douglas V. Ritchie, Chief Civil Deputy D.A.

Comment: The fiscal impact of any Public Records request is driven by the scope of the request. Therefore, the fiscal impact of the proposed changes cannot easily be determined. However, the proposed deadlines will likely require the reallocation of resources to comply with the amendments to the law. This will require either the expenditure of limited funds for updated database management software, additional employees, or the use of temporary contract employees. In rural counties or those public agencies with limited resources and data management capabilities, inordinate staff time is often required to locate the requested public records. Often the current 50 cents per page fee for "extraordinary" records requests does not cover the staff time it takes to locate and gather the requested information. Reducing the fee to ten cents per page for non-commercial requests will have a significant fiscal impact on public agencies and will decrease the incentive for citizens to carefully narrow the scope of their public records requests to just those records they are interested in. Instead, organizations or individuals with an agenda to disrupt government operations will be able to make public records requests that will require extraordinary effort but that will only cost a fraction of the resources used to generate a response. As an example, a recent public records request received by Douglas County required approximately 60 days to complete and the reproduction of emails and hard copies of documents that had to be reviewed by attorneys. A simple request for all correspondence related to a particular topic can lead to the manual review of thousands of distinct records to find the hundred or so that are responsive to the request. Further restrictions on a public entity's ability to recoup the true cost to respond to a public records request may incentivize a public agency to not err on the side of production. This does not serve the public or the cause of transparent government.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$0	\$0	\$0	\$0

City/County: **Esmeralda County**

Approved by: Angela Jewell, Chief Deputy Clerk

Comment: No Impact

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

City/County: **Humboldt County**

Approved by: Gina Rackley, Comptroller

Comment: If this bill intends to amend NRS 19.013 it will have fiscal impact on the Clerk's Office. As one of the main keepers of records we produce copies constantly for the public. Rarely are copies for "commercial use". They tend to be copies of court records and/or other miscellaneous records maintained by the Office. In the year 2016 the Clerk's Office took in \$2,346.50 related to copying services. That factors out to just short of 5000 copies that were actually charged for. There are copies that we do not charge for so many more were actually provided. \$2,346.50 is not a huge amount in the overall budget but it is sufficient to cover the costs of the maintenance and lease costs for our copy machine. This is an amount that would need to be fully funded by the General Fund if those funds are not collected. Whether the copy is being provided in a hard copy form or electronically there is still a cost for the effort to pull the necessary records and do the scanning etc. I do not believe 50-cents per page is an unreasonable cost for the service being provided. The statute was amended a few years ago to allow for waiver of fees by the clerk if they determine that the individual requesting said copies does not have the ability to pay. Additionally this minimal fee of 50-cents does help to control nuisance requests by individuals who make requests over and over to create issues for governmental entities.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$2,400	\$2,400	\$2,400	\$0

City/County: **Lincoln County**

Approved by: Denice Brown, Administrative Assistant

Comment: No known impact to the County

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

City/County: **Washoe County**

Approved by: Jamie Rodriguez , Management Analyst

Comment: The BDR has the potential to impact current revenues if copies that are currently charged a fee are now required to be provided free of charge or for a lesser amount. There could also be some impacts related to proposed timeline changes to when information is provided.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Cannot Be Determined	\$0	\$0	\$0	\$0

City/County: **White Pine County**

Approved by: Elizabeth Frances, Finance Director

Comment: The time extension will be helpful in this matter as there is not always adequate staff to provide for a public request in a timely manner during busier times for the County offices. This could result in a decrease in revenues related to copy fees but an exact amount cannot be determined.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$0	\$0	\$0	\$0

School District : **Carson City School District**

Approved by: Andrew J Feuling, Director of Fiscal Services

Comment: No Impact

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: **Clark County School District**

Approved by: Dillon Kay, Assistant Budget Director

Comment: Does not appear to have a material impact on the District.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: **Douglas County School District**

Approved by: Twhite, Superintendent

Comment: No Impact

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: **Lincoln County School District**

Approved by: Pam Teel, Superintendent

Comment: expense for timing coping and the copy expense.

<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
Has Impact	\$0	\$0	\$0	\$0

School District: <b>Lyon County School District</b> Approved by: Shawn Heusser, Director of Finance Comment: No Impact				
<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: <b>Nye County School District</b> Approved by: Kelly Wood, Executive Secretary Comment: No fiscal impact for Nye County School District.				
<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: <b>Pershing County School District</b> Approved by: Russell D. Fecht, Superintendent Comment: No Impact				
<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: <b>Washoe County School District</b> Approved by: Lindsay E. Anderson, Director of Government Affairs Comment: No Impact				
<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

School District: <b>White Pine School District</b> Approved by: Paul Johnson, CFO Comment: The District has had a practice of being as transparent as possible and provides material in digital format whenever possible and has never charged for digital files.				
<b>Impact</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Future Biennia</b>
No Impact	\$0	\$0	\$0	\$0

**The following cities/counties/school districts did not provide a response:** Boulder City, City of Elko, City of Mesquite, City of North Las Vegas, Elko County, Eureka County, Lander County, Lyon County, Mineral County, Pershing County, Nye County, Storey County, Churchill County School District, Elko County School District, Esmeralda County School District, Humboldt County School District, Eureka County School District, Lander County School District, Mineral County School District, and Storey County School District.