

OFFICE OF THE CITY CLERK

Impact Analysis Report

OVERVIEW

The Office of the City Clerk is responsible for making all official City Council records and documents accessible to the public and conducting elections for the Mayor, City Council, and ballot measures. Copies of the City Charter, Municipal Code, supplements to the Municipal Code, City Council meeting minutes, official documents, forms, and records are available upon request. City Council meeting agendas and synopses are available on an ongoing basis, by subscription. The Office of the City Clerk also provides duplication of taped material and performs special research and notary services on a fee basis. The majority of these documents are available on the City's website at www.sanjoseca.gov.

Public Records Act

In the 2015-2016 Fees and Charges Report, standard fees associated with compliance with the Public Records Act (Document Delivery, Document Scanning, Duplication Services, Electronic Media, and Publications), which previously appeared in individual department sections, were consolidated for ease of reference and presented as a subsection under the Office of the City Clerk. The 2017-2018 Proposed Fees and Charges continues to include these standard fees under the Office of the City Clerk.

No revenues are displayed in this section for these fees, as they have historically been included in the various departments. As fee information continues to be consolidated under this model, revenue figures will be reported and monitored centrally.

Automatic Fee Waiver – Direct cost of duplication under \$5.00

Resolution 77137, adopted August 26, 2014, requires an automatic waiver of the direct cost of duplication if the aggregate cost for the response to a public records request is less than five dollars (\$5.00). The aggregate cost includes materials, such as a CD and/or postage, when required to complete the request.

Other Fee Waivers

San José Municipal Code (SJMC) 1.17.015 states that, upon a determination that the disclosure of a record is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester, the Rules and Open Government Committee may waive all fees and Council Appointees may waive up to \$50.00 for the direct cost of all duplication costs or two hours of computer programming time.

Both the automatic and SJMC authorized waivers are only valid for the request for which the waiver is sought.

OFFICE OF THE CITY CLERK

SUMMARY AND IMPACT OF PROPOSED FEE REVISIONS

Existing Fees

In 2017-2018, several fee changes are proposed to align fees with projected costs. These include both upward and downward revisions based on an analysis of the amount of time necessary to provide the service, and updated costs. In this report, the Clerk’s Office has an estimated \$79,000 in fees for 2017-2018, reflecting a 99.6% cost recovery rate for 2017-2018. To remain near cost recovery, increases in the following sections are recommended: Lobbyist Registration, Sale of Publications and Document Copying Services, and Special Research/Services. Notary Public Services, as set by State law, are proposed to increase from \$10 per acknowledgement to \$15. Duplicating Services for Audio and Video Recordings are proposed to decrease in 2017-2018, reflecting staffing changes.

In the Lobbyist Registration section, upward adjustments are recommended for the Client Fee, Lobbyist Registration, Prorated Registration Fee, and the Quarterly Report Delinquent Fee. The Client Fee is proposed to increase 21.5%, from \$135 to \$164 per client. The Lobbyist Registration Fee will increase by \$140, or 21.6% per registrant, and the Prorated Registration Fee available for ½ year or less will increase by \$70 (21.6%). Additionally, the Quarterly Report Delinquent Fee is proposed to increase 23.3%, from \$106 to \$130.75 per day. These adjustments are proposed to bring the fee program to cost recovery.

To maintain existing cost recovery levels, the Document Certification Fee is recommended to change from \$8.50 to

\$10.55 per certification. Agenda Subscriptions for Planning Director Hearing will increase by 26.9%, from \$24.50 per year to \$31.10 per year. The fee related to the Sale of City Charter Documents is proposed to increase from \$5.75 to \$7.40. These fee changes reflect updated costs of materials and labor associated with the delivery of these services.

The Special Research/Services fee is recommended to increase from \$102.75 per hour, plus duplication services/electronic media costs to \$126.80 per hour, plus duplication services/electronic media costs.

At this time, a \$26,290 increase in estimated revenue is anticipated from these adjustments and has been included as part of the 2017-2018 Proposed Operating Budget.

NOTIFICATION

The Proposed Fees and Charges Report was released on May 5, 2017, allowing for a minimum of 10 days for public review. Public input on fee proposals will be heard by the City Council at public hearings held on Tuesday, May 16, 2017 at 1:30 p.m. and Monday, June 12, 2017 at 7:00 p.m. in the Council Chambers.

DEPARTMENTAL FEES AND CHARGES

CITY CLERK

Service	2016-2017 Adopted Fee	2016-2017 % Cost Recovery	2017-2018 Proposed Fee	2017-2018 Estimated Cost	2017-2018 Estimated Revenue		2017-2018 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee
CITY CLERK FEES - CATEGORY I								
1. Candidate Ballot Statements								
1 Candidate Ballot Statement Fee	Cost reimbursement of fee set by Santa Clara County Registrar of Voters		No Change					
Sub-total Candidate Ballot Statements								
2. Duplicating Services								
1 Audio Recording	\$9.75 each + electronic media cost		\$8.30 each + electronic media cost					
2 Video Recording	\$24.50 each + electronic media cost		\$20.80 each + electronic media cost					
Sub-total Duplicating Services								
3. Lobbyist Registration								
1 Client Fee	\$135.00 per client		\$164.00 per client					
2 Delinquent Registration Fee	5% of unpaid fee per day		No Change					
3 Lobbyist Registration	\$648.00 per registrant		\$788.00 per registrant					
4 Prorated Registration Fee	\$324.00 per 1/2 year or less		\$394.00 per 1/2 year or less					
5 Quarterly Report Delinquent Fee	\$106.00 per day		\$130.75 per day					
Sub-total Lobbyist Registration		99.8%		79,000	52,360	78,650	66.3%	99.6%
4. Sale of Publications and Document Copying								
1 Agenda Subscriptions - City Council	\$70.00 per year + duplication services/electronic media costs		\$89.15 per year + duplication services/electronic media costs					
2 Agenda Subscriptions - Planning Commission	\$21.00 per year + duplication services/electronic media costs		\$26.65 per year + duplication services/electronic media costs					

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					Current Fee	Proposed Fee	Current Fee	Proposed Fee
CITY CLERK FEES - CATEGORY I								
4. Sale of Publications and Document Copying								
3 Agenda Subscriptions - Planning Director Hearing	\$24.50 per year + duplication services/electronic media costs		\$31.10 per year + duplication services/electronic media costs					
4 Capital Budget Book	Actual printing cost		No Change					
5 City Charter	\$5.75 + duplication services/electronic media costs		\$7.40 + duplication services/electronic media costs					
6 Code Supplements	Actual printing cost		No Change					
7 Document Certification Note: Certification Fee does not include duplication fees that may apply.	\$8.50 per certification + duplication services		\$10.55 per certification + duplication services					
8 FAX Copies to Public	See Public Records Act Fees		No Change					
9 Mail Copies to Public	See Public Records Act Fees		No Change					
10 Municipal Code	Actual printing cost		No Change					
11 Operating Budget Book	Actual printing cost		No Change					
12 Public Documents	See Public Records Act Fees		No Change					
Sub-total Sale of Publications and Document Copying								
5. Special Research/Services								
1 Special Research/Services	\$102.75 per hour + duplication services/electronic media costs		\$126.80 per hour + duplication services/electronic media costs					
Sub-total Special Research/Services								

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					Current Fee	Proposed Fee	Current Fee	Proposed Fee
CITY CLERK FEES - CATEGORY I								
SUB-TOTAL CITY CLERK FEES - CATEGORY I		99.8%		79,000	52,360	78,650	66.3%	99.6%
CITY CLERK FEES - CATEGORY II								
1. Initiative Petition Filing								
1 Initiative Petition Filing (set by State law)	\$200 per petition		No Change					
Sub-total Initiative Petition Filing								
2. Local Candidate Election Filing								
1 Local Candidate Election Filing (set by State law)	\$25.00		No Change					
Sub-total Local Candidate Election Filing								
3. Notary Public Services								
1 Notary Public Services (set by State law)	\$10 each acknowledgement		\$15 each acknowledgement					
Sub-total Notary Public Services								
4. Political Reform Act								
1 Document Copying - PRA Forms (set by State law)	\$0.10 each image		No Change					
2 Late Fee for PRA Filings (set by State law)	\$10 per day		No Change					
3 Retrieval of PRA Forms (5 years or older, as set by State law) Note: Formerly titled "Document Copying - Old PRA Forms (Set by State law)"	\$5 + \$0.10 each image		No Change					
Sub-total Political Reform Act								
SUB-TOTAL CITY CLERK FEES - CATEGORY II								

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Service	2016-2017 Adopted Fee	2016-2017 % Cost Recovery	2017-2018 Proposed Fee	2017-2018 Estimated Cost	2017-2018 Estimated Revenue		2017-2018 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee
PUBLIC RECORDS ACT - CATEGORY I								
1. Document Delivery								
1 Faxing Note: Refer to Duplication fees if printing or copying of document is needed prior to faxing.	\$1.64 for first page, \$0.06 per additional page		No Change					
2 Mailing	Actual Costs (\$1.00 Minimum)		No Change					
2. Document Scanning								
1 All sizes, color, and black & white	\$0.23 for first page, \$0.05 per additional page + electronic media cost		No Change					
3. Duplication Services								
1 Black & White 11 x 17	\$0.07 per page		No Change					
2 Black & White 8.5 x 11	\$0.06 per page		No Change					
3 Black & White 8.5 x 14 Note: Formerly titled "Black & White 11 x 14"	\$0.06 per page		No Change					
4 Color 11 x 17	\$0.13 per page		No Change					
5 Color 8.5 x 11	\$0.12 per page		No Change					
6 Color 8.5 x 14	\$0.12 per page		No Change					
7 Microfiche	\$2.50 first page, \$0.26 per additional page		No Change					
8 Microfilm	\$4.50 first page, \$0.26 per additional page		No Change					
9 Optical Imaging 8.5 x 11/11 x 17	\$0.20 per page		No Change					

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					Current Fee	Proposed Fee	Current Fee	Proposed Fee	
PUBLIC RECORDS ACT - CATEGORY I									
3. Duplication Services									
10 Optical Imaging Reproduction Plans	\$4.50 per page		No Change						
4. Electronic Media									
Note: These fees are only for the cost of the storage medium Cost of document duplication are listed separately.									
1 16 GB Thumb Drive	\$9.71		No Change						
2 32 GB Thumb Drive	\$16.05		No Change						
3 8 GB Thumb Drive	\$6.78		No Change						
4 CD/DVD	\$0.50		No Change						
5. Publications									
1 Miscellaneous Publications	Actual Printing Costs		No Change						
SUB-TOTAL PUBLIC RECORDS ACT - CATEGORY I									
TOTAL DEPARTMENT - GENERAL FUND				79,000	52,360	78,650	66.3%	99.6%	
TOTAL DEPARTMENT - Category I				79,000	52,360	78,650	66.3%	99.6%	
TOTAL DEPARTMENT - Category II									
TOTAL DEPARTMENT				79,000	52,360	78,650	66.3%	99.6%	