

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

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 previously consolidated for ease of reference, and presented as a subsection 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 2019-2020, several fee changes are proposed to align fees with projected costs. These include 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 \$25,000 in fees for 2019-2020, reflecting a 100% cost recovery rate.

To remain cost recovery, increases are recommended for the following categories: Duplicating Services, Sale of Publications and Document Copying, and Public Records Act.

In the Duplicating Services section, the Audio Recording Fee and the Video Recording Fee are recommended to increase. These fee changes reflect updated costs of materials and labor associated with the delivery of these services.

In the Sale of Publications and Document Copying section several adjustments are recommended to maintain cost recovery. Agenda Subscriptions for City Council, the Agenda Subscriptions for Planning Commission, Agenda Subscriptions for Planning Director Hearing, and the fee related to the sale of City Charter documents are proposed to increase.

In the Public Records Act category minimal increases are recommended for the following fees: Document Delivery, Document Scanning, Duplication Services, and Electronic Media. These fee changes reflect updated costs of materials and labor associated with the delivery of these services.

Fee reductions are recommended for the following categories: Sale of Publications and Document Copying, Special Research/Services and Lobbyist Registration section. Notary Public Services, as set by State law, will remain at \$15 per acknowledgement.

In the Sale of Publications and Document Copying section, the Document Certification Fee is recommended to decrease.

The Special Research/Services fee is recommended to decrease from \$146.75 per hour to \$144.65 per hour.

In the Lobbyist Registration section, minimal downward adjustments are recommended for the Client Fee, Lobbyist Registration, and Prorated Registration Fee. The Client Fee is proposed to decrease from \$83.65 to \$81.75 per client; the Lobbyist Registration Fee will decrease from \$245.25 to \$241.50 per registrant; and the Prorated Registration Fee available for ½ year or less will decrease from \$122.63 to \$120.75. These adjustments are proposed to bring the fee program to cost recovery.

NOTIFICATION

The Proposed Fees and Charges Report was released on May 3, 2019, 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 14, 2019 at 1:30 p.m. and Monday, June 10, 2019 at 6:00 p.m. in the Council Chambers.

DEPARTMENTAL FEES AND CHARGES

CITY CLERK

Service	2018-2019 Adopted Fee	2018-2019 % Cost Recovery	2019-2020 Proposed Fee	2019-2020 Estimated Cost	2019-2020 Estimated Revenue		2019-2020 % 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	\$9.00 each + electronic media cost		\$10.80 each + electronic media cost						
2 Video Recording	\$22.50 each + electronic media cost		\$27.00 each + electronic media cost						
Sub-total Duplicating Services									
3. Lobbyist Registration									
1 Client Fee	\$83.65 per client		\$81.75 per client						
2 Delinquent Registration Fee	5% of unpaid fee per day		No Change						
3 Lobbyist Registration	\$245.25 per registrant		\$241.50 per registrant						
4 Prorated Registration Fee	\$122.63 per 1/2 year or less		\$120.75 per 1/2 year or less						
5 Weekly Report Delinquent Fee Note: Changed from Quarterly Report Delinquent Fee	\$10.00 per business day until report is filed, up to 60 business days, + 1.5% monthly interest from the 61st day until fine is paid		No Change						
Sub-total Lobbyist Registration		100.0%		25,000	25,000	25,000	100.0%	100.0%	
4. Sale of Publications and Document Copying									
1 Agenda Subscriptions - City Council	\$94.40 per year + duplication services/electronic media costs		\$108.80 per year + duplication services/electronic media costs						

DEPARTMENTAL FEES AND CHARGES

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Service	2018-2019 Adopted Fee	2018-2019 % Cost Recovery	2019-2020 Proposed Fee	2019-2020 Estimated Cost	2019-2020 Estimated Revenue		2019-2020 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee

CITY CLERK FEES - CATEGORY I

4. Sale of Publications and Document Copying

2 Agenda Subscriptions - Planning Commission	\$28.30 per year + duplication services/electronic media costs		\$32.65 per year + duplication services/electronic media costs					
3 Agenda Subscriptions - Planning Director Hearing	\$33.00 per year + duplication services/electronic media costs		\$38.05 per year + duplication services/electronic media costs					
4 Capital Budget Book	Actual printing cost		No Change					
5 City Charter	\$7.85 + duplication services/electronic media costs		\$9.05 + 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.	\$12.20 per certification + duplication services		\$12.05 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

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					Current Fee	Proposed Fee	Current Fee	Proposed Fee	
CITY CLERK FEES - CATEGORY I									
5. Special Research/Services									
1 Special Research/Services	\$146.75 per hour + duplication services/electronic media costs		\$144.65 per hour + duplication services/electronic media costs						
Sub-total Special Research/Services									
SUB-TOTAL CITY CLERK FEES - CATEGORY I		100.0%		25,000	25,000	25,000	100.0%	100.0%	
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)	\$15 each acknowledgement		No Change						
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									

DEPARTMENTAL FEES AND CHARGES

CITY CLERK

Service	2018-2019 Adopted Fee	2018-2019 % Cost Recovery	2019-2020 Proposed Fee	2019-2020 Estimated Cost	2019-2020 Estimated Revenue		2019-2020 % 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		\$1.88 for first page, \$0.08 per additional page					
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		\$0.32 for first page, \$0.06 per additional page + electronic media cost					
3. Duplication Services								
1 Black & White 11 x 17	\$0.07 per page		\$0.09 per page					
2 Black & White 8.5 x 11	\$0.06 per page		\$0.08 per page					
3 Black & White 8.5 x 14	\$0.06 per page		\$0.11 per page					
4 Color 11 x 17	\$0.13 per page		\$0.15 per page					
5 Color 8.5 x 11	\$0.12 per page		\$0.14 per page					
6 Color 8.5 x 14	\$0.12 per page		\$0.17 per page					
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					

DEPARTMENTAL FEES AND CHARGES

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					Current Fee	Proposed Fee	Current Fee	Proposed Fee

PUBLIC RECORDS ACT - CATEGORY I

3. Duplication Services

9	Optical Imaging 8.5 x 11/11 x 17	\$0.20 per page		No Change				
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		\$9.71 + per page Document Scanning Fee				
2	32 GB Thumb Drive	\$16.05		\$16.05 + per page Document Scanning Fee				
3	8 GB Thumb Drive	\$6.78		\$6.78 + per page Document Scanning Fee				
4	CD/DVD	\$0.50		\$0.50 + per page Document Scanning Fee				

5. Publications

1	Miscellaneous Publications	Actual Printing Costs		No Change				
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SUB-TOTAL PUBLIC RECORDS ACT - CATEGORY I

TOTAL DEPARTMENT - GENERAL FUND				25,000	25,000	25,000	100.0%	100.0%
TOTAL DEPARTMENT - Category I				25,000	25,000	25,000	100.0%	100.0%
TOTAL DEPARTMENT - Category II								
TOTAL DEPARTMENT				25,000	25,000	25,000	100.0%	100.0%

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