

# OFFICE OF THE CITY CLERK

## Impact Analysis Report

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### **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](http://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 2016-2017 Proposed Fees and Charges continues to include these standard fees under the Office of the City Clerk.

However, no revenues are displayed in this section at this time as they have historically been included in the various departments. As information continues to be consolidated under this new model, revenue figures will be reported once activity levels are 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 was sought.

**OFFICE OF THE CITY CLERK**

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***SUMMARY AND IMPACT OF PROPOSED FEE REVISIONS***

Existing Fees

In 2016-2017, a number of 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. To remain near cost recovery, increases in the following sections are recommended: Lobbyist Registration, Document Certification, and Special Research/Services.

In the Lobbyist Registration section, upward adjustments are recommended for the Client Fee and Quarterly Report Delinquent Fee. The Client Fee is proposed to increase 13% from \$119 to \$135 per client, increasing the Lobbyist Registration/Client fee total by \$16 (2.0%) to \$783. Additionally, the Quarterly Report Delinquent Fee is proposed to increase 34% from \$79 to \$106 per day. These adjustments are proposed as the final year adjustment of a three-year strategy to move towards cost recovery.

The Document Certification Fee is recommended to change from \$1.50 per page to \$8.50 per certification. This fee increase reflects a change in methodology to certify a document as a whole, as opposed to certifying each individual page in a document.

The Special Research/Services is recommended to increase from \$96.25 per hour plus materials to \$102.75 per hour plus duplication services/electronic media costs.

Additionally, minor upward and downward adjustments are recommended in the following sections: Duplicating Services, Sale of Publications and Document Copying, Document Scanning, Duplication Services, and Electronic Media. These fee changes reflect updated costs of materials and labor associated with the delivery of these services.

At this time, a small increase in estimated revenue is anticipated from these fee adjustments and has been included as part of the 2016-2017 Proposed Operating Budget.

New Fees

Two new fees (Black & White 11 x 17 and Color 8.5 x 14) are recommended under the Duplication Services section to standardize the options and sizes offered for both black and white and color copies.

***NOTIFICATION***

The Proposed Fees and Charges Report was released on May 6, 2016, 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 17, 2016, at 1:30 p.m. and Monday, June 13, 2016, at 7:00 p.m. in the Council Chambers.

# DEPARTMENTAL FEES AND CHARGES

# CITY CLERK

Service	2015-2016 Adopted Fee	2015-2016 % Cost Recovery	2016-2017 Proposed Fee	2016-2017 Estimated Cost	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee
<b>CITY CLERK FEES - CATEGORY I</b>								
<b>1. Candidate Ballot Statements</b>								
1 Candidate Ballot Statement Fee	Cost reimbursement of fee set by Santa Clara County Registrar of Voters		No Change					
<b>Sub-total Candidate Ballot Statements</b>								
<b>2. Duplicating Services</b>								
1 Audio Recording	\$10.50 each		\$9.75 each + electronic media cost					
2 Materials (if needed)	\$3.25		Delete					
3 Video Recording	\$27.75 each		\$24.50 each + electronic media cost					
<b>Sub-total Duplicating Services</b>								
<b>3. Lobbyist Registration</b>								
1 Client Fee	\$119.00 per client		\$135.00 per client					
2 Delinquent Registration Fee	5% of unpaid fee per day		No Change					
3 Lobbyist Registration	\$648.00 per registrant		No Change					
4 Prorated Registration Fee	\$324.00 per 1/2 year or less		No Change					
5 Quarterly Report Delinquent Fee	\$79.00 per day		\$106.00 per day					
<b>Sub-total Lobbyist Registration</b>		<b>85.8%</b>		<b>55,700</b>	<b>54,000</b>	<b>55,593</b>	<b>96.9%</b>	<b>99.8%</b>
<b>4. Sale of Publications and Document Copying</b>								
1 Agenda Subscriptions - City Council	\$71.75 per year		\$70.00 per year + duplication services/electronic media costs					

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Service	2015-2016 Adopted Fee	2015-2016 % Cost Recovery	2016-2017 Proposed Fee	2016-2017 Estimated Cost	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee
<b>CITY CLERK FEES - CATEGORY I</b>								
<b>4. Sale of Publications and Document Copying</b>								
2 Agenda Subscriptions - Planning Commission	\$24.50 per year		\$21.00 per year + duplication services/electronic media costs					
3 Agenda Subscriptions - Planning Director Hearing	\$27.50 per year		\$24.50 per year + duplication services/electronic media costs					
4 Capital Budget Book	Actual printing cost		No Change					
5 City Charter	\$7.75 per copy		\$5.75 + duplication services/electronic media costs					
6 Code Supplements	Actual printing cost		No Change					
7 Document Certification Note: Formerly titled "Certified Copy"	\$1.50/page for certified copy		\$8.50 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					
<b>Sub-total Sale of Publications and Document Copying</b>								
<b>5. Special Research/Services</b>								
1 Special Research/Services	\$96.25 per hour + materials		\$102.75 per hour + duplication services/electronic media costs					

# DEPARTMENTAL FEES AND CHARGES

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Service	2015-2016 Adopted Fee	2015-2016 % Cost Recovery	2016-2017 Proposed Fee	2016-2017 Estimated Cost	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee

**CITY CLERK FEES - CATEGORY I**

**5. Special Research/Services**  
Sub-total Special Research/Services

<b>SUB-TOTAL CITY CLERK FEES - CATEGORY I</b>		<b>85.8%</b>		<b>55,700</b>	<b>54,000</b>	<b>55,593</b>	<b>96.9%</b>	<b>99.8%</b>
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**CITY CLERK FEES - CATEGORY II**

**1. Initiative Petition Filing**

1 Initiative Petition Filing (set by State law)	\$200 per petition		No Change
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**Sub-total Initiative Petition Filing**

**2. Local Candidate Election Filing**

1 Local Candidate Election Filing (set by State law)	\$25.00		No Change
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**Sub-total Local Candidate Election Filing**

**3. Notary Public Services**

1 Notary Public Services (set by State law)	\$10 each acknowledgement		No Change
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**Sub-total Notary Public Services**

**4. Political Reform Act**

1 Document Copying - PRA Forms (set by State law)	\$0.10 each image		No Change
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2 Late Fee for PRA Filings (set by State law)	\$10 per day		No Change
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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
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**Sub-total Political Reform Act**

<b>SUB-TOTAL CITY CLERK FEES - CATEGORY II</b>								
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Service	2015-2016 Adopted Fee	2015-2016 % Cost Recovery	2016-2017 Proposed Fee	2016-2017 Estimated Cost	2016-2017 Estimated Revenue		2016-2017 % Cost Recovery	
					Current Fee	Proposed Fee	Current Fee	Proposed Fee
<b>PUBLIC RECORDS ACT - CATEGORY I</b>								
<b>1. Document Delivery</b>								
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					
<b>2. Document Scanning</b>								
1 All sizes, color and black & white	\$0.21 per page		\$0.23 for first page, \$0.05 per additional page + electronic media cost					
<b>3. Duplication Services</b>								
1 Black & White 11 x 17			\$0.07 per page					
2 Black & White 8.5 x 11	\$0.05 per page		\$0.06 per page					
3 Black & White 8.5 x 14 Note: Formerly titled "Black & White 11 x 14"	\$0.05 per page		\$0.06 per page					
4 Color 11 x 17	\$0.06 per page		\$0.13 per page					
5 Color 8.5 x 11	\$0.06 per page		\$0.12 per page					
6 Color 8.5 x 14			\$0.12 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					
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
<b>PUBLIC RECORDS ACT - CATEGORY I</b>								
<b>3. Duplication Services</b>								
10 Optical Imaging Reproduction Plans	\$4.50 per page		No Change					
<b>4. Electronic Media</b>								
Note: These fees are only for the cost of the storage medium. Cost of document duplication are listed separately.								
1 16 GB Thumb Drive	\$8.12 + per page scan fee		\$9.71					
2 32 GB Thumb Drive	\$16.05 + per page scan fee		\$16.05					
3 8 GB Thumb Drive	\$5.55 + per page scan fee		\$6.78					
4 CD/DVD	\$0.50 + per page scan fee		\$0.50					
<b>5. Publications</b>								
1 Miscellaneous Publications	Actual Printing Costs		No Change					
<b>SUB-TOTAL PUBLIC RECORDS ACT - CATEGORY I</b>								
<b>TOTAL DEPARTMENT - GENERAL FUND</b>				<b>55,700</b>	<b>54,000</b>	<b>55,593</b>	<b>96.9%</b>	<b>99.8%</b>
<b>TOTAL DEPARTMENT - Category I</b>				<b>55,700</b>	<b>54,000</b>	<b>55,593</b>	<b>96.9%</b>	<b>99.8%</b>
<b>TOTAL DEPARTMENT - Category II</b>								
<b>TOTAL DEPARTMENT</b>				<b>55,700</b>	<b>54,000</b>	<b>55,593</b>	<b>96.9%</b>	<b>99.8%</b>