

**DEPARTMENTAL FEES & CHARGES**

## 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).

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

##### Existing Fees

In 2015-2016, 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 fee sections are recommended: Duplicating Services (selected fees), Lobbyist Registration, and Special/Research Services.

The largest upward adjustments are in the Lobbyist Registration/Client Fees, which are proposed to increase by 19.8% to \$767. This represents the second year of a three

year strategy to move towards full cost recovery (an increase from 73.6% in 2014-2015 to 85.8% in 2015-2016).

Additionally, fee decreases are recommended in the following fee sections: Duplicating Services (selected fees) and Sale of Publications and Document Copying. These fee decreases reflect a reduction in staffing costs 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 2015-2016 Proposed Operating Budget.

As part of the development of the 2015-2016 Proposed Fees and Charges, standard fees associated with compliance with the Public Records Act (Document Delivery, Document Scanning, Duplication Services, and Electronic Media), which previously appeared in individual department sections, have been consolidated for ease of reference. These charges, discussed in greater detail below, now appear as a subsection in the Office of the City Clerk.

##### New Fees

All City departments are subject to public records requests. Public record request fees are limited by statute and will not vary from one department to another. This document includes a new section entitled "Public Records Act" to address the collection of fees for the processing of public records requests for all departments and consolidate

## OFFICE OF THE CITY CLERK

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

#### New Fees (Cont'd.)

the various fees, which previously appeared in individual departments. This section appears in the Office of the City Clerk for ease of reference. The authority to collect fees for public records requests is found in Government Code 6253(b). The City may only charge fees to cover the direct costs of duplication. “Direct cost of duplication” has been interpreted through case law to include the cost to create copies plus pro-rata costs of duplication equipment and pro-rata costs of the equipment operator, including salary and benefits.

The City is statutorily prohibited from seeking full cost recovery for staff time to research, review, redact, or perform any other work required to process a public records request. Additionally, the City cannot charge to print a paper copy of a record that can be distributed electronically. However, the City can charge for computer programming, if required, to extract the record which is not otherwise already produced (6253.9(b) GC). Computer programming time is unique to each department and will continue to be reflected in the individual departments’ fee schedules. These fees will also be collected, processed and recorded by the departments performing the work.

As outlined in the new Public Records Act – Category I section, five subsections comprise the revised and standardized fees associated with Public Records Act requests: Document Delivery, Document Scanning, Duplication Services, Electronic Media, and Publications. These consolidated fees have been costed per the regulations outlined above and reflect the lowest cost to

complete these activities after a city-wide analysis. Throughout this document, where these fees were previously displayed in separate departments, a reference back to this section is included. No revenues are displayed in this section at this time as they have historically been included in the various departments. As information is 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).

#### ***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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***NOTIFICATION***

The Proposed Fees and Charges Report was released on May 1, 2015, 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 12, 2015, at 1:30 p.m. and Monday, June 8, 2015, at 7:00 p.m. in the Council Chambers.

# DEPARTMENTAL FEES AND CHARGES

# CITY CLERK

| Service   | 2014-2015<br>Adopted Fee  | 2014-2015<br>% Cost<br>Recovery | 2015-2016<br>Proposed Fee     | 2015-2016<br>Estimated<br>Cost | 2015-2016<br>Estimated Revenue |                 | 2015-2016<br>% Cost Recovery |                 |
|---|---|---------------------------------|-------------------------------|--------------------------------|--------------------------------|-----------------|------------------------------|-----------------|
|   |   |                                 |                               |                                | Current<br>Fee                 | Proposed<br>Fee | Current<br>Fee               | Proposed<br>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                                   | \$11.00 each  |                                 | \$10.50 each                  |                                |                                |                 |                              |                 |
| 2 Materials (if needed)                             | \$3.20  |                                 | \$3.25                        |                                |                                |                 |                              |                 |
| 3 Video Recording                                   | \$27.50 each  |                                 | \$27.75 each                  |                                |                                |                 |                              |                 |
| <b>Sub-total Duplicating Services</b>               |   |                                 |                               |                                |                                |                 |                              |                 |
| <b>3. Lobbyist Registration</b>                     |   |                                 |                               |                                |                                |                 |                              |                 |
| 1 Client Fee  | \$94.00 per client  |                                 | \$119.00 per client           |                                |                                |                 |                              |                 |
| 2 Delinquent Registration Fee                       | 5% of unpaid fee per day  |                                 | No Change                     |                                |                                |                 |                              |                 |
| 3 Lobbyist Registration                             | \$546.50 per registrant   |                                 | \$648.00 per registrant       |                                |                                |                 |                              |                 |
| 4 Prorated Registration Fee                         | \$273.25 per 1/2 year or less   |                                 | \$324.00 per 1/2 year or less |                                |                                |                 |                              |                 |
| 5 Quarterly Report Delinquent Fee                   | \$78.00 per day   |                                 | \$79.00 per day               |                                |                                |                 |                              |                 |
| <b>Sub-total Lobbyist Registration</b>              |   | <b>73.6%</b>                    |                               | <b>61,648</b>                  | <b>45,000</b>                  | <b>52,923</b>   | <b>73.0%</b>                 | <b>85.8%</b>    |
| <b>4. Sale of Publications and Document Copying</b> |   |                                 |                               |                                |                                |                 |                              |                 |
| 1 Agenda Subscriptions - City Council               | \$105.00 per year   |                                 | \$71.75 per year              |                                |                                |                 |                              |                 |
| 2 Agenda Subscriptions - Planning Commission        | \$34.50 per year  |                                 | \$24.50 per year              |                                |                                |                 |                              |                 |

# DEPARTMENTAL FEES AND CHARGES

# CITY CLERK

| Service | 2014-2015<br>Adopted Fee | 2014-2015<br>% Cost<br>Recovery | 2015-2016<br>Proposed Fee | 2015-2016<br>Estimated<br>Cost | 2015-2016<br>Estimated Revenue |                 | 2015-2016<br>% Cost Recovery |                 |
|---------|--------------------------|---------------------------------|---------------------------|--------------------------------|--------------------------------|-----------------|------------------------------|-----------------|
|         |                          |                                 |                           |                                | Current<br>Fee                 | Proposed<br>Fee | Current<br>Fee               | Proposed<br>Fee |

**CITY CLERK FEES - CATEGORY I**

**4. Sale of Publications and Document Copying**

|  |   |  |                             |  |  |  |  |  |
|--|---|--|-----------------------------|--|--|--|--|--|
| 3 Agenda Subscriptions - Planning Director Hearing | \$39.25 per year  |  | \$27.50 per year            |  |  |  |  |  |
| 4 Capital Budget Book                              | Actual printing cost  |  | No Change                   |  |  |  |  |  |
| 5 City Charter                                     | \$11.10 each copy   |  | \$7.75 per copy             |  |  |  |  |  |
| 6 Code Supplements                                 | Actual printing cost  |  | No Change                   |  |  |  |  |  |
| 7 FAX Copies to Public                             | \$1.92 per document   |  | See Public Records Act Fees |  |  |  |  |  |
| 8 Mail Copies to Public                            | Actual cost, minimum \$1  |  | See Public Records Act Fees |  |  |  |  |  |
| 9 Municipal Code                                   | Actual printing cost  |  | No Change                   |  |  |  |  |  |
| 10 Operating Budget Book                           | Actual printing cost  |  | No Change                   |  |  |  |  |  |
| 11 Public Documents                                | \$0.19/page for 8.5x11 (B&W),<br>\$0.20/page for 11x17 (B&W),<br>\$1.50/page for certified copy |  | See Public Records Act Fees |  |  |  |  |  |

**Sub-total Sale of Publications and Document Copying**

**5. Special Research/Services**

|                             |                              |  |                              |  |  |  |  |  |
|-----------------------------|------------------------------|--|------------------------------|--|--|--|--|--|
| 1 Special Research/Services | \$95.00 per hour + materials |  | \$96.25 per hour + materials |  |  |  |  |  |
|-----------------------------|------------------------------|--|------------------------------|--|--|--|--|--|

**Sub-total Special Research/Services**

|   |  |              |  |               |               |               |              |              |
|---|--|--------------|--|---------------|---------------|---------------|--------------|--------------|
| <b>SUB-TOTAL CITY CLERK FEES - CATEGORY I</b> |  | <b>73.6%</b> |  | <b>61,648</b> | <b>45,000</b> | <b>52,923</b> | <b>73.0%</b> | <b>85.8%</b> |
|---|--|--------------|--|---------------|---------------|---------------|--------------|--------------|

**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**

# DEPARTMENTAL FEES AND CHARGES

# CITY CLERK

| Service | 2014-2015<br>Adopted Fee | 2014-2015<br>% Cost<br>Recovery | 2015-2016<br>Proposed Fee | 2015-2016<br>Estimated<br>Cost | 2015-2016<br>Estimated Revenue |                 | 2015-2016<br>% Cost Recovery |                 |
|---------|--------------------------|---------------------------------|---------------------------|--------------------------------|--------------------------------|-----------------|------------------------------|-----------------|
|         |                          |                                 |                           |                                | Current<br>Fee                 | Proposed<br>Fee | Current<br>Fee               | Proposed<br>Fee |

## CITY CLERK FEES - CATEGORY II

### 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 |  | No Change |  |  |  |  |  |
|---|---------------------------|--|-----------|--|--|--|--|--|

#### Sub-total Notary Public Services

### 4. Political Reform Act

|   |                         |  |           |  |  |  |  |  |
|---|-------------------------|--|-----------|--|--|--|--|--|
| 1 Document Copying - Old PRA Forms (set by State law) | \$5 + \$0.10 each image |  | No Change |  |  |  |  |  |
|---|-------------------------|--|-----------|--|--|--|--|--|

|   |                   |  |           |  |  |  |  |  |
|---|-------------------|--|-----------|--|--|--|--|--|
| 2 Document Copying - PRA Forms (set by State law) | \$0.10 each image |  | No Change |  |  |  |  |  |
|---|-------------------|--|-----------|--|--|--|--|--|

|   |              |  |           |  |  |  |  |  |
|---|--------------|--|-----------|--|--|--|--|--|
| 3 Late Fee for PRA Filings (set by State law) | \$10 per day |  | No Change |  |  |  |  |  |
|---|--------------|--|-----------|--|--|--|--|--|

#### Sub-total Political Reform Act

## SUB-TOTAL CITY CLERK FEES - CATEGORY II

## PUBLIC RECORDS ACT - CATEGORY I

### 1. Document Delivery

|          |  |  |   |  |  |  |  |  |
|----------|--|--|---|--|--|--|--|--|
| 1 Faxing |  |  | \$1.64 for first page, \$0.06 per additional page |  |  |  |  |  |
|----------|--|--|---|--|--|--|--|--|

|           |  |  |                               |  |  |  |  |  |
|-----------|--|--|-------------------------------|--|--|--|--|--|
| 2 Mailing |  |  | Actual Costs (\$1.00 Minimum) |  |  |  |  |  |
|-----------|--|--|-------------------------------|--|--|--|--|--|

### 2. Document Scanning

|                                      |  |  |                 |  |  |  |  |  |
|--------------------------------------|--|--|-----------------|--|--|--|--|--|
| 1 All sizes, color and black & white |  |  | \$0.21 per page |  |  |  |  |  |
|--------------------------------------|--|--|-----------------|--|--|--|--|--|

# DEPARTMENTAL FEES AND CHARGES

CITY CLERK

| Service  | 2014-2015<br>Adopted Fee | 2014-2015<br>% Cost<br>Recovery | 2015-2016<br>Proposed Fee                     | 2015-2016<br>Estimated<br>Cost | 2015-2016<br>Estimated Revenue |                 | 2015-2016<br>% Cost Recovery |                 |
|--|--------------------------|---------------------------------|---|--------------------------------|--------------------------------|-----------------|------------------------------|-----------------|
|  |                          |                                 |   |                                | Current<br>Fee                 | Proposed<br>Fee | Current<br>Fee               | Proposed<br>Fee |
| <b>PUBLIC RECORDS ACT - CATEGORY I</b>           |                          |                                 |   |                                |                                |                 |                              |                 |
| <b>3. Duplication Services</b>                   |                          |                                 |   |                                |                                |                 |                              |                 |
| 1 Black & White 11 x 14                          |                          |                                 | \$0.05 per page                               |                                |                                |                 |                              |                 |
| 2 Black & White 8.5 x 11                         |                          |                                 | \$0.05 per page                               |                                |                                |                 |                              |                 |
| 3 Color 11 x 17                                  |                          |                                 | \$0.06 per page                               |                                |                                |                 |                              |                 |
| 4 Color 8.5 x 11                                 |                          |                                 | \$0.06 per page                               |                                |                                |                 |                              |                 |
| 5 Microfiche                                     |                          |                                 | \$2.50 first page, \$0.26 per additional page |                                |                                |                 |                              |                 |
| 6 Microfilm                                      |                          |                                 | \$4.50 first page, \$0.26 per additional page |                                |                                |                 |                              |                 |
| 7 Optical Imaging 8.5 x 11/11 x 17               |                          |                                 | \$0.20 per page                               |                                |                                |                 |                              |                 |
| 8 Optical Imaging Reproduction Plans             |                          |                                 | \$4.50 per page                               |                                |                                |                 |                              |                 |
| <b>4. Electronic Media</b>                       |                          |                                 |   |                                |                                |                 |                              |                 |
| 1 16 GB Thumb Drive                              |                          |                                 | \$8.12 + per page scan fee                    |                                |                                |                 |                              |                 |
| 2 32 GB Thumb Drive                              |                          |                                 | \$16.05 + per page scan fee                   |                                |                                |                 |                              |                 |
| 3 8 GB Thumb Drive                               |                          |                                 | \$5.55 + per page scan fee                    |                                |                                |                 |                              |                 |
| 4 CD/DVD   |                          |                                 | \$0.50 + per page scan fee                    |                                |                                |                 |                              |                 |
| <b>5. Publications</b>                           |                          |                                 |   |                                |                                |                 |                              |                 |
| 1 Miscellaneous Publications                     |                          |                                 | Actual Printing Costs                         |                                |                                |                 |                              |                 |
| <b>SUB-TOTAL PUBLIC RECORDS ACT - CATEGORY I</b> |                          |                                 |   |                                |                                |                 |                              |                 |



# DEPARTMENTAL FEES AND CHARGES

CITY CLERK

| Service                         | 2014-2015<br>Adopted Fee | 2014-2015<br>% Cost<br>Recovery | 2015-2016<br>Proposed Fee | 2015-2016<br>Estimated<br>Cost | 2015-2016<br>Estimated Revenue |                 | 2015-2016<br>% Cost Recovery |                 |
|---------------------------------|--------------------------|---------------------------------|---------------------------|--------------------------------|--------------------------------|-----------------|------------------------------|-----------------|
|                                 |                          |                                 |                           |                                | Current<br>Fee                 | Proposed<br>Fee | Current<br>Fee               | Proposed<br>Fee |
| TOTAL DEPARTMENT - GENERAL FUND |                          |                                 |                           | 61,648                         | 45,000                         | 52,923          | 73.0%                        | 85.8%           |
| TOTAL DEPARTMENT - Category I   |                          |                                 |                           | 61,648                         | 45,000                         | 52,923          | 73.0%                        | 85.8%           |
| TOTAL DEPARTMENT - Category II  |                          |                                 |                           |                                |                                |                 |                              |                 |
| TOTAL DEPARTMENT                |                          |                                 |                           | 61,648                         | 45,000                         | 52,923          | 73.0%                        | 85.8%           |