



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, City Clerk
Richard Doyle, City Attorney

**SUBJECT: DELINQUENT CHARGES FOR
LOBBYIST REPORTS**

DATE: January 25, 2007

RECOMMENDATION

As recommended, by the Elections Commission, adopt a resolution amending the Schedule of Fees and Charges to increase the Lobbyist Delinquent Report Fee.

OUTCOME

The recommended action will increase the amount of the late filing fee for lobbyist reports from \$10.00 per day to \$25.00 per day.

BACKGROUND

At its October 11, 2006 meeting, the Elections Commission discussed a recommendation to increase late filing fees for lobbyist reports. Current delinquency fees include a 5% penalty of the unpaid fee per day; with a maximum of 100% of the unpaid fee. Current Quarterly Report delinquency fees are \$10.00 per day which was established by Resolution amending the Schedule of Fees and Charges.

The City Council requested that the Elections Commission review the \$10.00 per day delinquency fee and consider recommending a higher fine to be imposed for late reports. At its October 11, 2006 meeting, the Commission concluded based on information provided by the City Clerk that the \$10 fee was not meeting cost recovery goals. The State of California imposes a \$10 late filing fee for state lobbyist's reports. The City of San Francisco Ethics Commission imposes a \$50 fine per calendar day for late quarterly lobbyist reports.

The Elections Commission concluded that an increase to \$25 a day for late Quarterly Lobbyist reports is appropriate to cover costs of staff time and resources in addressing late filings of lobbyist reports.

HONORABLE MAYOR AND CITY COUNCIL

January 25, 2007

Subject: Fees for Delinquent Lobbyist Reports

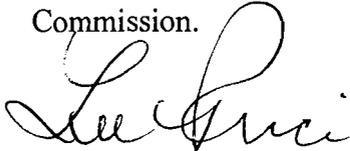
Page #2

PUBLIC OUTREACH

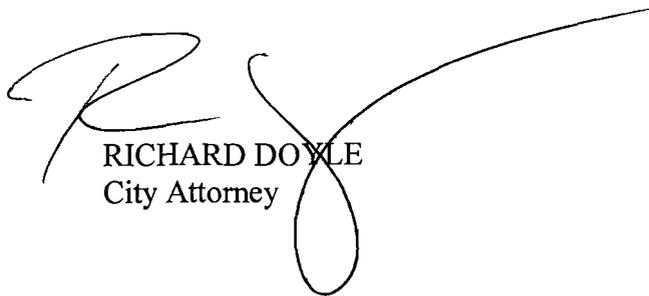
This issue was discussed at the Rules Committee on September 6, 2006, the City Council on September 19, 2006 and the Elections Commission on October 11, 2006. All the meeting agendas were properly noticed and the meetings were open to the public. Additionally, registered lobbyists have been provided information regarding the proposed increase.

COORDINATION

This item was coordinated by the City Clerk and the City Attorney with the Elections Commission.



LEE PRICE, MMC
City Clerk



RICHARD DOYLE
City Attorney

For questions please contact Lee Price, City Clerk at (408) 535-1252.

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN JOSE AMENDING THE SCHEDULE OF
FEES AND CHARGES TO INCREASE THE
LOBBYIST DELINQUENT REPORT FEE**

WHEREAS, on June 14, 2005, the City Council adopted Resolution No. 72737 setting forth the Schedule of Fees and Charges effective July 1, 2005; and

WHEREAS, on June 20, 2006, the City Council adopted Resolution No. 73342 amending various sections of the Schedule of Fees and Charges effective July 1, 2006; and

WHEREAS, the City Council desires to amend the Schedule of Fees and Charges to increase the lobbyist quarterly report delinquency fee;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 9.090 of Resolution No. 72737 is hereby amended to read as follows:

9.090	<u>Lobbyist Fees</u> (SJMC § 12.12.440)	
	Annual registration fee	\$350.00 per registrant plus \$60.00 per client
	Prorated registration fee	\$175.00 per registrant plus \$60.00 per client for ½ year or less
	New client fee	\$60.00 per client
	Delinquent registration fee	5% of the unpaid fee per day
	Quarterly report delinquency fee	\$25.00 per day

ADOPTED this 30th day of January, 2007, by the following vote:

AYES:

NOES:

ABSENT:

VACANT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk