

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2022-97

Introducer/Sponsor(s): Council Member Cumber

Date of Introduction: February 8, 2022

Committee(s) of Reference: NCSPHS, F

Date of Analysis: February 10, 2022

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 106 – Budget and Accounting Code – to add language to Section 106.112 – Annual review of fees - providing that any fee or fee adjustment established pursuant to a legal agreement or court order is exempt from the annual fee review mandated by the section, and that such fee amount calculation shall be as dictated by the legal agreement or court order. It adds a requirement that all legal agreements and court orders that establish such a fee determination or calculation shall be forwarded by the Office of General Counsel to the Chief Financial Officer so that the requirements of the agreement or order can be properly enforced.

Background Information: The Budget Code requires that the Chief Financial Officer conduct an annual review of all City fees to determine if they are covering the cost of the service for which they are levied. Any fee determined not to be recovering at least 85% of the actual cost of the service is required to be increased by the greater amount of one-third of the difference between the existing fee and actual cost to the City of providing the service or the amount of the increase from the previous year resulting from the preceding calculation. The City has on occasion entered into settlement agreements or has been the subject of court orders that limited certain fees. The intent of this amendment is to exempt such legally mandated fees from the automatic fee review provision and to inform the Finance and Administration Department of the mandated fee level so that there is not an inadvertent violation of a legal order or settlement agreement by the raising of such fee in the future.

Policy Impact Area: Annual fee review requirement

Fiscal Impact: Expected to be minor resulting from the exemption of certain fees from the automatic review and increase process.

Analyst: Clements