

1 Introduced by Council Member Cumber:
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4 **ORDINANCE 2022-97**

5 AN ORDINANCE AMENDING CHAPTER 106 (BUDGET AND
6 ACCOUNTING CODE), PART 1 (GENERAL PROVISIONS),
7 SECTION 106.112 (ANNUAL REVIEW OF FEES) TO
8 EXCLUDE FEES ESTABLISHED PURSUANT TO A COURT
9 ORDER OR OTHER LEGAL AGREEMENT FROM THE ANNUAL
10 REVIEW OF FEES; PROVIDING AN EFFECTIVE DATE.

11
12 **WHEREAS**, from time to time the basis for the amount of the City's
13 fees may be challenged in judicial proceedings, resulting in a legal
14 determination or other legal agreement regarding the amount the City
15 may charge for such fees; and

16 **WHEREAS**, the determination of those fees and amounts regarding
17 increases in those fees may be legally different than the general
18 rules concerning the annual review of fees established in section
19 106.112, *Ordinance Code*; and

20 **WHEREAS**, this legislation is intended to exempt those fees from
21 the annual fee review process in order to avoid improper fee
22 calculations that may be in contravention to a separate fee
23 calculation requirement; now, therefore,

24 **BE IT ORDAINED** by the Council of the City of Jacksonville:

25 **Section 1. Amending Chapter 106 (Budget and Accounting**
26 **Code), Part 1 (General Provisions), Section 106.112, Ordinance Code.**
27 **Chapter 106 (Budget and Accounting Code), Part 1 (General Provisions),**
28 **Section 106.112, Ordinance Code is hereby amended to read as follows:**

29 **Chapter 106. Budget and Accounting Code.**

30 **Part 1. General Provisions.**

31 * * *

1 **Sec. 106.112. Annual review of fees.**

2 The Chief Financial Officer of the City shall conduct a review of
3 the fees imposed by the various departments of the City annually, and
4 submit a report of ~~his~~the findings to the Council. Any fee or fee
5 adjustment that has been established pursuant to a legal agreement
6 or court order is exempt from the annual review of fees established
7 in this section. Such fee amount calculations shall be as dictated
8 by the respective agreement or order. All legal agreements or court
9 orders establishing a fee determination or calculation as
10 contemplated in this section shall be forwarded by the Office of
11 General Counsel to the Chief Financial Officer, who shall ensure the
12 requirements of such fee restrictions are enforced.

13
14 Upon the completion of each annual review of fees, the Chief
15 Financial Officer shall, for each existing fee found to be less than
16 85 percent of the actual cost to the City of providing the service
17 relating to such fee, increase the fee by the greater amount of one-
18 third of the difference between the existing fee and actual cost to
19 the City of providing the service or the amount of the increase from
20 the previous year resulting from the preceding calculation, but in
21 no event shall the increase result in a fee greater than the actual
22 cost to the City of providing the service relating to such fee.

23 Upon completion of each annual review of fees, the Chief Financial
24 Officer is authorized, for each existing fee found to be equal to or
25 more than 85 percent of the actual cost to the City of providing the
26 service relating to said fee, increase the fee amount by up to the
27 annual percentage change in the Consumer Price Index. The Consumer
28 Price Index shall mean the Consumer Price Index for all Urban
29 Consumers (CPI-U), U.S. City Average, all items 1982-1984 = 100, or
30 successor reports for the preceding calendar year as initially
31 reported by the United States Department of Labor, Bureau of Labor

1 Statistics. Any fee changes as noted herein will be accomplished
2 through legislation.

3 **Section 2. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ Jason R. Teal

10 Office of General Counsel

11 Legislation prepared by: Jason R. Teal

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