

EXHIBIT NO. 1

17
6-14-08


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~~6-10-08~~

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 4, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF FEES NOT OTHERWISE PROVIDED FOR IN THE CITY CODE, AND FOR THE PUBLICATION OF A COMPENDIUM OF FEES

ISSUE: How fees are reviewed, set and information provided to the public.

RECOMMENDATION: That City Council approve this proposed ordinance (Attachment) on first reading on Tuesday, June 10, and set it for public hearing, second reading, and final passage on Saturday, June 14, 2008.

DISCUSSION: The FY 2009 budget adopted May 5, 2008, includes fee increases for several fees and service charges. Changes in those fees and service charges sometimes require a change in the City Code by ordinance to change the City Code or zoning ordinance, sometimes require a change by City Council resolution and some require only administrative approval by the City Manager or his designee. This ordinance provides a mechanism whereby all those fees and service charges that are not expressly set by ordinance shall be established by resolution, unless Council, by resolution, delegates that authority to the City Manager or his designee, subject to whatever requirements and restrictions City Council may require. For instance, Council has before it on this docket an ordinance that amends the City Code so that the excavation permit fee can also be established by resolution. Under existing law, the permit fee for excavation work within the public right-of-way is established in the City Code, and any increase would require an ordinance to amend the Code. Under the new procedure, the right-of-way permit fees can be set by Council resolution.

This ordinance also requires the Director of the Office of Management and Budget to make available to the public or to publish on the City's website, and from time-to-time update, a compendium of all fees and charges collected or imposed by the City pursuant to the Code or the Zoning ordinance. The Director of the Office of Management and Budget and the head of every responsible City department or agency is directed to periodically review such fees and charges and report to City Council as part of the annual budget process which existing fees and charges should be revised or additional fees and charges established, in order reasonably to recover or offset the cost of operations. The review schedule would be set by the City Manager with some fees (such as the residential solid waste fee) reviewed annually, and some fees (usually small fees) reviewed once every two years or once every three years.

Again, as an example, the permit fee of excavation work within the public right-of-way would be reviewed periodically by the Director of the Department of Transportation and Environmental Services and the Director of the Office of Management and Budget. Any recommendations to change that rate would be made as part of the annual budget process and the City Manager's budget would contain those recommendations. Council would adopt those recommendations by resolution as necessary when the budget was adopted and not have to consider a post budget adoption fee ordinance.

FISCAL IMPACT: While there is no fiscal impact associated with this ordinance, making fees more transparent and making their review routine, the City should be more current in its fee changes, and therefore provide additional revenues to the General Fund.

ATTACHMENT: Ordinance

STAFF:

Bruce Johnson, Director, OMB

Introduction and first reading: 06/10/08
Public hearing: 06/14/08
Second reading and enactment: 06/14/08

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 3-1-8 (PERMIT AND PROGRAM FEES; COMPENDIUM OF FEES).

Summary

The proposed ordinance provides a uniform procedure for setting fees and charges for City permits, programs and activities, unless there is a specific fee established in the City Code or Zoning Ordinance; requires that a compendium of all City fees be published on the City’s web site, and requires that all fees be re-examined on a schedule established by the city manager, and any proposed adjustments be considered as part of the annual budget process.

Sponsor

Staff

Mark Jinks, Deputy City Manager
Bruce Johnson, Director, OMB
Ignacio Pessoa, City Attorney

Authority

§2.07, Alexandria City Charter

Estimated Costs of Implementation

See Memorandum from the City Manager

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 3-1-8 (PERMIT AND PROGRAM FEES; COMPENDIUM OF FEES).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1 of Title 3 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained by adding thereto a new Section 3-1-8 to read as follows:

[THE FOLLOWING IS ALL NEW LANGUAGE]

Sec. 3-1-8 Permit and program fees; compendium of fees.

- a) Except as otherwise expressly provided in this code or in the zoning ordinance, all fees and charges for applications submitted to; for permits and approvals issued by, and for activities, programs and services provided by, the City of Alexandria shall be established by resolution of the city council.
- b) The council by resolution may delegate to the city manager or his designee the authority to establish or adjust specific fees and charges, subject to such requirements and restrictions as the council may provide.
- c) The director of the office of management and budget shall make available to the public in print, and/or publish on the city's web site, and from time to time update, a compendium of all fees and charges collected or imposed by the city pursuant to this code or the zoning ordinance.
- d) It shall be the duty of the director of the office of management and budget, and of the head of every responsible city department or agency, to periodically review such fees and charges on a schedule established by the city manager, and recommend to city council as part of the annual budget process whether any existing fees and charges should be revised, or additional fees and charges established, in order reasonably to recover or offset the associated cost of operations.

Section 2. That this ordinance shall become effective July 1, 2008.

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Section 3. That from and after July 1, 2008, the fees and charges established pursuant to this ordinance shall control and preempt any conflicting fees and charges previously in force and effect.

William D. Euille
Mayor

Introduction: 6/10/08
First Reading: 6/10/08
Publication:
Public Hearing:
Second Reading:
Final Passage:

ORDINANCE NO. 4545

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 3-1-8 (PERMIT AND PROGRAM FEES; COMPENDIUM OF FEES).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1 of Title 3 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained by adding thereto a new Section 3-1-8 to read as follows:

Sec. 3-1-8 Permit and program fees; compendium of fees.

- a) Except as otherwise expressly provided in this code or in the zoning ordinance, all fees and charges for applications submitted to; for permits and approvals issued by, and for activities, programs and services provided by, the City of Alexandria shall be established by resolution of the city council.
- b) The council by resolution may delegate to the city manager or his designee the authority to establish or adjust specific fees and charges, subject to such requirements and restrictions as the council may provide.
- c) The director of the office of management and budget shall make available to the public in print, and/or publish on the city's web site, and from time to time update, a compendium of all fees and charges collected or imposed by the city pursuant to this code or the zoning ordinance.
- d) It shall be the duty of the director of the office of management and budget, and of the head of every responsible city department or agency, to periodically review such fees and charges on a schedule established by the city manager, and recommend to city council as part of the annual budget process whether any existing fees and charges should be revised, or additional fees and charges established, in order reasonably to recover or offset the associated cost of operations.

Section 2. That this ordinance shall become effective July 1, 2008.

Section 3. That from and after July 1, 2008, the fees and charges established pursuant to this ordinance shall control and preempt any conflicting fees and charges previously in force and effect.

William D. Euille
Mayor

Final Passage: June 14, 2008