

RESOLUTION NO. 2008-2120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SANFORD, FLORIDA, ESTABLISHING ADMINISTRATIVE STANDARDS AND PRACTICES FOR THE IMPOSITION OF ALL FEES AND CHARGES ASSESSED BY THE CITY; IMPLEMENTATION OF PROCEDURES AND TIME FOR THE COLLECTION AND REDUCTION OR WAIVER OF SUCH FEES AND CHARGES; GRANTING AUTHORITY FOR NON-WAIVER OR WAIVER WITHIN SPECIFIC FUNDS OF THE CITY; GRANTING AUTHORITY FOR NON-WAIVER, REDUCTION, OR WAIVER BY SPECIFIC DELEGATED AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sanford, Florida, desires to establish fees and charges which defray the expenses of administrative City services to meet the needs of its citizenry; and

WHEREAS, the City repeatedly receives requests for the waiver of fees and charges assessed by the City to defray the expenses of administrative City services to meet the needs of its citizenry; and

WHEREAS, the City desires to respond to requests for reduction or waiver of established fees and charges in a consistent and equitable manner; and

WHEREAS, it is necessary to identify the specific funds within the City that are subject to the implementation of policy and delegate authority for non-waiver or waiver to the specific authority responsible for the management of each specific fund as identify herein; and

WHEREAS, the City desires to quickly respond to inquiries as to fees and charges and advance non-waiver and reduction or waiver decisions without delay.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SANFORD that this pronouncement of requirements for the imposition, non-waiver, waiver, or reduction of fees and charges is adopted as follows:

SECTION 1. RECITALS. The foregoing recitals (whereas clauses) are incorporated herein by reference and adopted as legislative and administrative findings in support of the matters set forth in this Resolution and made a part hereof.

SECTION 2. ESTABLISHMENT OF FEES AND CHARGES. The City is authorized to establish and collect fees and charges which defray the reasonable expenses incurred by the City in administering the expenses of furnishing services to its citizenry.

SECTION 3. APPLICABILITY OF POLICY. The policy for the collection, non-waiver, reduction, or waiver of fees and charges established hereby shall apply to all fees and charges imposed and collected by the City of Sanford.

SECTION 4. TIME FOR DECISION. Decisions germane to the non-waiver, reduction, or waiver of fees and charges shall be considered and implemented by the specified authority charged with such responsibility in advance of time when such fees and charges become due and payable unto the City. Upon acknowledgement of payment, non-waiver, reduction, or waiver, the procedure for payment of fees and charges shall be completed and not subject to appeal.

SECTION 5. SPECIFIC FUNDS AND DELEGATED AUTHORITY. The below listed funds within the City shall be subject to non-waiver, reduction, or waiver by the specific authority as mandated therein:

- 5.1 Enterprise Funds. No fees or charges due and payable for services germane to a City Enterprise Department will be waived or reduced.
- 5.2 Economic Development Fund. The City Commission reserves the exclusive right to reduce or waive fees and charges due and payable as economic incentive to new or expanding business endeavors within the City subject however, to all current incentive policies in place at the time of request for reduction or waiver.
- 5.3 Recreation Programs Fund. The Leisure Service Director may reduce or waive fees and charges payable for recreation programs participation within the City. The policy objective is to ensure that low-income City residents shall have access to City recreation programs, classes, and services which they could not otherwise participate in by reason of economic constraints. The Leisure Services Department shall annually budget for fee reductions and waivers and report quarterly to the City Manager the following:
 - (a) number of reductions;
 - (b) number of waivers;
 - (c) the amounts of reductions and waivers granted; and
 - (d) budgetary updates.
- 5.4 Public Records Requests. The City Clerk may reduce or waiver charges related to public records requests

presented to the City for response, in the event that the fee reduction or waiver does not exceed the sum of \$5.00.

- 5.5 Intergovernmental Cooperation. The City Manager may reduce or waive fees for events or specific approved uses within the City when the applicant is another lawfully authorized governmental agency. Such reduction or waiver shall relate to the performance of usual functions by such agency or in the event that the City will directly receive a benefit from the reduction or waiver. Caveat: fees and charges related to development or permitting by another agency will not be subject to reduction or waiver unless required by law.
- 5.6 Special Events. City costs and expenses germane to supporting or staffing special events will not be reduced or waived.
- 5.7 Parking Fines. Fine assessed for parking violations within the City will not be subject to revocation, reduction, or waiver.

SECTION 6. HARDSHIP WAIVERS. Permitting fees directly related to the lawful repair or reconstruction of property or structures within the City which have been damaged or destroyed by an Act of God may be subject to reduction or waiver by the City Commission where it is shown to the satisfaction of the Commission that all applicable available insurance proceeds are inadequate to defray the repair or reconstruction costs of the citizen.

SECTION 7. APPEAL. Denials of reduction or waiver of fees and charges by any designee other than the City Commission may be appealed to the City Commission for consideration *de novo* at the next regular meeting of the Commission following denial.

Appeals of the denial of any reduction, waiver or other decision hereunder by the City Commission may be presented to the Seminole County Circuit Court Appellate Division in accordance with the applicable rules of Appellate Procedure.

SECTION 8. SEVERABILITY. If any Section or portions of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

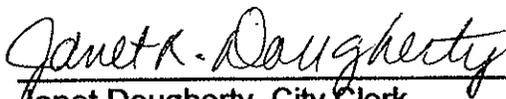
SECTION 9. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 10. NON-CODIFICATION. This Resolution shall be not be codified in the *City Code of the City of Sanford*.

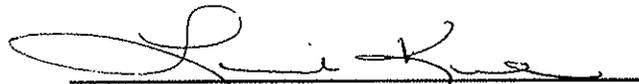
SECTION 11. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 13th day of October, 2008.

ATTEST:



Janet Dougherty, City Clerk



Linda Kuhn, Mayor

APPROVED AS TO FORM AND LEGALITY:



Kenneth W. McIntosh, Assistant City Attorney