

Legislation Text

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Authorizing the Committee on Finance to hold hearings to examine the City's Annual Reports requirement as it relates to every City office, department, board and commission that issues any permit, licenses or other document for which a fee is charged in order to ascertain and discuss with the Administration the current availability of these reports and going forward, a schedule which sets out when these reports can be made available to Council for this fiscal year and every fiscal year thereafter.

WHEREAS, Pursuant to Chapter 19-3000 of The Philadelphia Code, entitled "Annual Reports Relating to Fees," every City office, department, board and commission that issues any permit, licenses or other document for which a fee is charged in accordance with a City ordinance shall file a report with the Chief Clerk of City Council by January 31 of each fiscal year; and

WHEREAS, Each report filed pursuant to subsection 19-3001(1) shall contain, as to each such permit, license or other document, the following information:

- (a) The number issued during the preceding fiscal year;
- (b) The estimated costs incurred during the preceding fiscal year in issuing each permit, license, or other document;
- (c) The estimated costs incurred during the preceding fiscal year in inspection and other enforcement activities directly attributable to the issuance of such permit, license or other document;
- (d) A projection for the current fiscal year of each of the amounts specified in subsections 19-3001(2) (a), (b) and (c);
- (e) Any other information the office, department, board or commission believes to be relevant to the setting of an appropriate fee for the issuance of such permit, license or other document; and
- (f) A recommendation as to whether the current fee should be revised, and if so, a recommended new fee; and

WHEREAS, As explicitly stated by the Ordinance, enacted in 1994, these reports are to be considered by City Council in determining whether to revise fees that are set by ordinance; and

WHEREAS, As stated in City Solicitor Opinion No. 02-28, whether fee increases by any City office, department, board and commission that issues any permit, license or other document for which a fee is charged in accordance with a City ordinance can be legally justified is a question of cost accounting; this means that the fees must support actual costs of the City relating to the license for which the fee is charged and the regulatory enforcement structure relating to that license; and

WHEREAS, These annual reports are critical in order to properly assess any fee increases because if challenged

in court the City would need to produce a true cost accounting analysis justifying the full amount of the fee as commensurate with real expenditures relating to the particular license, permit or other document associated with a fee; and

WHEREAS, Additionally, given the fact that the City is currently undergoing its long and extensive budget hearing process, these reports, if available, would have provided vital information and recommendations as they every City office, department, board and commission that issues any permit, license or other document for which a fee is charged, especially as they present their budget testimony and funding requests to City Council; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby authorizes the Committee on Finance to hold hearings to examine the City's Annual Reports requirement as it relates to every City office, department, board and commission that issues any permit, licenses or other department for which a fee is charged in order to ascertain and discuss with the Administration the current status of these reports and going forward, a schedule which sets out when these reports can be made available to Council for this fiscal year and every fiscal year thereafter.