

## COUNCIL WORKSHOP ITEM

**ITEM:** Discussion – Policy on Fee Waivers  
**DATE:** June 28,2002

**PREPARED BY:** David P. Van Vooren, Deputy Village Manager, Administration  
Enza Petrarca, Village Attorney

**PURPOSE:** Resolution establishing guidelines for administration of Fee Waivers

### DISCUSSION:

As you are all aware, for some time the Village of Downers Grove has had a policy in place that established the criteria and guidelines that were to be used by staff in processing requests for waiver of building related fees. Said policy was recently amended by the Council and required that all of the Village's "hard costs" (outside consultant fees) were not eligible for waiver by the Council/staff.

Over the past several months, staff has received several fee waiver requests that have again prompted further the discussion on the established Council policy. Said issue has been forwarded to the Finance and Administration Committee of the Council in an effort to attempt to stake out some common ground on waiving said fees. The F & A Committee at their June 25<sup>th</sup> meeting did review a proposed ordinance that would have established categories for the types of entities and percentages of fees to be eligible to be waived.

I would be remised if I didn't mention that as a result of a recent fee structure analysis completed by the Code Services Department the Village's fees have substantially increased to cover the costs of providing the service and is one factor leading to this further review. Said fees however, are still competitively positioned as to our neighboring communities. Further, that the Committee looked at the Villages past practice of waiving all fees as an indication of the intent to support a strong diverse community but also realized that the scope of work and the liability issues arising from building related activities merit consideration.

At the Committee meeting the discussion centered on the following items:

- All hard costs can not be waived by staff
- All bonds can not be waived by staff
- Raise the Village manager authority to waive fees to \$5,000
- Committee did discuss raising Village Managers authority to \$15,000 (similar to the purchasing policy limit).

Fees to be eligible for waiver were split into three categories

- a. Governmental entities with substantially coterminous boundaries (DG Park District, DG Sanitary District and District 58)
  - Initially the amount of fees to be waived were 50% and a maximum of \$20,000

- Committee discussed lowering maximum waiver
  - Committee discussed maintaining full waiver in that this is same tax payers
  - Committee discussed added all public school districts to this category
  - Committee discussed waiving fees if the entity receives reimbursement from their insurance carrier
  - **Committee agreed to suggest 100% fee waiver, include all public school districts (elementary/secondary and Junior College) and eliminate waiver if insurance reimburses**
- b. Governmental entities with boundaries that are not coterminous (DuPage County, DG Township and District 99)
- Initially the amount of fees to be waived were not to exceed 30% with a limit of \$10,000
  - Committee discussed both raising and lowering waiver amounts
  - Committee discussed reason to grant full waiver if there exist reciprocal arrangement by affected District
  - **Committee agreed to suggest no waiver of fees in this category and to move school district 99 to category a.**
- c. Not-For-Profit, charitable, religious, private educational or public service organizations
- Initially the amount of fees to be waived were not to exceed 20% with a limit of \$5,000
  - Committee discussed both raising and lowering waiver amounts
  - Committee discussed that it was this type of entity that creates a strong diverse community
  - Committee discussed removing private public education entities
  - Committee discussed separation of church and state, membership percentage of DG residents and non- residents and the ability to pay
  - **Committee agreed to suggest to waive all fees, to remove private educational entities (requiring them to pay fees) this category was split at Committee level but was moved forward for Council consideration**

Staff has revised the initial Resolution to incorporate the comments of the Finance and Administration Committee. Resolution as contains language that allows for the Council at its discretion to waive up to the entire amount of the fee wavier request if it so chooses.

**ATTACHMENT:**

January 28, 2002 Council Workshop Item  
Revised Resolution Amending Policy on Fee Waivers

**RECOMMENDATION:**

Staff recognizes that this policy by its nature stirs up a healthy debate within the Council but a resolution is needed in order to provide a direction to the many entities within Downers Grove.

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION ESTABLISHING AN AMENDED POLICY OF  
THE VILLAGE COUNCIL WITH REGARD TO FEE WAIVERS**

WHEREAS, the Council of the Village of Downers Grove has heretofore adopted an ordinance entitled "An Ordinance Amending Chapter 1 of the Downers Grove Municipal Code", being Ordinance Number 2048, commonly referred to as the "Fee Waiver Ordinance"; and

WHEREAS, the Village Council finds it necessary and desirable to establish certain policy guidelines regarding fees which may be waived; and

WHEREAS, the Village Council has previously adopted Resolution \_\_\_\_\_ establishing a policy related to fee waivers, and the Village Council has determined that it is necessary and desirable to amend this policy as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

I. That it is the policy of the Village Council that fees related to licenses, permits or plan reviews or fees related to the filing of a petition for a public hearing before any board or commission of the Village or before the Village Council for the benefit of governmental entities or not-for-profit, charitable, religious, educational or public service organizations may be waived by the Village Council (or the Village Manger for requests under \$5000.00) in its/his discretion. Under no circumstances may the fees for outside consultants or experts or out-of-pocket expenses incurred by the Village be waived. Such out-of-pocket expenses include but are not limited to: public hearing notice, publication fees, postage, court reporter fees and contractual secretarial services.

- A. All or any portion of the following fees may be waived:
1. Building Permit fees as required by Section 7-11 of the Municipal Code.
  2. Plan Examination fees as required by Section 7-11.2 of the Municipal Code.
  3. Plumbing permit fees as required by Section 16-7 of the Municipal Code.
  4. Electrical permit fees as required by Section 10-21 of the Municipal Code.
  5. Occupancy permit fees as required by Section 7-11.2.1.
  6. Water Service Inspection fees as required by Section 25-40(a)(2).
  7. Basic Storm Water Management permit fees as required by Section 26-76(1-7) of the Municipal Code.
  8. Storm Water Plan Review fees as required by Section 26-76(8) of the

Municipal Code.

9. Public Right of Way Improvement permits as required by Section 19-28 of the Municipal Code.

B. The following fees/expenses shall not be waived:

1. Building Bonds as required by Section 7.11.1 of the Municipal Code.
2. Public Right of Way Improvement bonds as required by Section 19-28 of the Municipal Code.
3. Water System Capacity charge as required by Section 25-40(c)(1) of the Municipal Code.
4. Water Connection Fee as required by Section 25-40(e) of the Municipal Code.
5. Water Meter charge as required by Section 25-40(b) of the Municipal Code.
6. Any fee related to outside consultants or experts retained by or on behalf of the Village to review any plans or projects.
7. Out of pocket expenses associated with public hearing notices.

C. The fees/expenses outlined in subsection A shall be waived according to the following guidelines:

1. Governmental entities with taxing boundaries that are substantially coterminous with the Village (i.e. Downers Grove Park District, Downers Grove Sanitary District), including all school districts:
  - a. An amount not to exceed one hundred percent (100%) of the total amount of the fee waiver request .
  - b. The Village shall not waive any fees if the applicant has received reimbursement for the fees from a third party.
2. Governmental entities with taxing boundaries that are not coterminous with the Village (i.e. DuPage County, Townships):
  - a. No fees shall be waived.
  - b. Under extraordinary circumstances, the Village Council may in its discretion waive up to the entire amount of the fee waiver request.
3. Not-for-profit, charitable, religious, or public service organizations:
  - a. An amount not to exceed one hundred percent (100%) of the fee waiver request.
  - b. The Village shall not waive any fees if the applicant has received reimbursement for the fees from a third party.

II. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

III. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Attest:

Passed: