

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Office of Hearing Examiner	Sue Tanner 684-0703	Linda Taylor-Manning 684-8376

**Legislation Title:**

AN ORDINANCE relating to Hearing Examiner filing fees, amending Section 3.02.125 to increase the fees required for certain cases before the City Hearing Examiner, and amending Sections 7.20.080 and 22.220.140 to make those sections consistent with Section 3.02.125.

**Summary of the Legislation:**

This legislation would raise Hearing Examiner filing fees from \$50.00 to \$85.00 to cover filing costs and account for inflation in the cost of living, as measured by the consumer price index, since the fees were last increased in 1992. The bill would also remove inconsistencies between the appeal fees for two types of cases, as established in two different sections of the Code, and update formatting.

**Background:**

Hearing Examiner filing fees have not changed since 1992, when they were raised from \$25.00 to \$50.00. The Office of Hearing Examiner (OHE) reviewed filing fees to determine whether they were covering the true costs associated with the filing of each case. OHE has calculated the salary, benefits and overhead costs incurred for the steps involved in setting up a new case at between \$80.00 and \$85.00. OHE also determined that a \$50.00 filing fee in 1992 would be an \$81.00 fee in today's dollars. In contacting other larger jurisdictions in the Puget Sound region, OHE found that some have no fees, some have fees intended to cover part of the direct examiner costs associated with processing a case to completion, and others have fees that are intended to cover most or all those costs. None have a fee that recovers the actual costs incurred by the examiner's office in setting up a new case. Based on the need to cover OHE costs, the rate of inflation, and the need to maintain access to the appeal process for all segments of the public, OHE is proposing that the filing fee be raised to \$85.00.

Please check one of the following:

**This legislation does not have any financial implications.**

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

**This legislation has financial implications.**

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2012 Revenue</b>	<b>2013 Revenue</b>
General Fund 00100	HXM	Filing Fees	\$1,400 - \$2,485	\$1,400 - \$2,485
<b>TOTAL</b>			\$1,400 - \$2,485	\$1,400 - \$2,485

Revenue/Reimbursement Notes: Not applicable

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
If the legislation were not implemented, the City would not recover the full costs associated with the filing of a case with OHE. Since it is impossible to accurately project what the case load will be in 2012 and 2013, OHE derived the range of revenue reflected above by: 1) determining the approximate number of \$50.00 filing fees paid during both the lowest and the highest earning years during the last ten-year period; and 2) multiplying those numbers by \$35.00, the additional amount that would be collected in each filing fee under the proposed ordinance.
- c) **Does this legislation affect any departments besides the originating department?**  
Although the legislation would not directly affect other departments, it would raise the cost for someone to appeal many departments' decisions. Those departments were provided with a copy of the legislation and given 14 days in which to comment on it. Just five responses were received; none expressed an opinion on the legislation.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** Not applicable.
- e) **Is a public hearing required for this legislation?**  
A public hearing is not required but may be held.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- g) **Does this legislation affect a piece of property?**  
No.
- h) **Other Issues:**  
Not applicable.