

Findings and Recommendations of the Tulsa City Council Fee Review Task Force

March 8, 2012

Background

On May 5, 2011, the City Council established a Fee Review Task Force, charged with: (1) assembling a comprehensive list of all fees currently mandated by the City, and (2) making recommendations for the modification or repeal of outdated or unnecessary fees and underlying regulations.

The Task Force met bi-weekly, from July through October, with every department or agency that assesses or administers a fee or charge for service.

Findings and Recommendations

The Task Force finds that there are 1,455 distinct fees and charges for service assessed by the City and its agencies, *not including* fees assessed for the use of City facilities by private management entities, such as Tulsa Zoo Management, Inc., the University of Tulsa (for the Gilcrease Museum), SMG (for the BOK and Convention Centers), and Billy Casper Golf.

Department/Agency	Fees
Park & Recreation (including individual classes and programs)	508
Development Services	203
Water & Sewer	147
Streets & Stormwater (and Refuse)	107
Performing Arts Center	96
Administrative and Miscellaneous	82
Planning Commission and Board of Adjustment	75
Fire	61
Airports	61
Working In Neighborhoods	42
Municipal Court	20
Transit	19
Police	13
River Parks	9
EMSA	7
E911	3
Engineering Services	2
Total	1,455

A compilation of the fees reviewed by the Task Force is attached.

1. The City would benefit from integrated oversight and periodic review of all of the fees assessed by the City and its agencies.

The City of Tulsa has the charter authority to “provide, levy, assess, and collect taxes and fees of every kind for the support and operation of the city government and its activities,” but there has been no comprehensive list of fees, and no cohesive or integrated oversight of all of the various fees and charges assessed by the City and its agencies.

Some fees are codified in Title 49 of the Tulsa Revised Ordinances (“Administrative, Permit, and License Fees”), but many are not. Many are scattered throughout the code, and many are not in the code at all, but are kept administratively.

There is not a single ‘steward’ of all of the fees assessed by the City and its trusts. Department and agency staff are often too occupied with day-to-day operations to review the appropriateness of fee schedules relative to the costs of service.

In addition to cohesive oversight, fees should be periodically reviewed by the administration and the responsible agency, to determine whether they are paying for the costs of the services provided, or whether there is a public policy justification for *not* meeting the cost of service. Fees should also be reviewed for continued relevancy.

Some fees have not been updated in many years. For example, the charges for Fire Department responses outside City limits were established by ordinance in 1981. Since then, the inflation index has grown by 149% and the Fire Department’s annual budget has increased by 248%.

Parking meter rates were last updated over two decades ago, in 1991. Since then, the areas where parking meters are located (downtown, Cherry Street, and south of Hillcrest Hospital) have changed considerably, as have the costs of enforcement.

Fees are kept most current when they are regularly reviewed and evaluated by a focused advisory or governing board, and where there is a direct link between the fee assessed and a department’s or agency’s budget. The Park & Recreation Board and the Tulsa Metropolitan Area Utility Authority (TMUA) are good examples of boards that regularly review and update fees.

2. The City’s Open Records Act fee schedule should be updated.

The City’s Open Records Act fee schedule was adopted 17 years ago by Executive Order (No. 95-04), and includes items such as microfilm, magnetic tape, audio cassette tapes, and VCR tapes, but not DVDs, CDs, flash drives, email, social media records, etc. The fee for “Computer Generated Records” is \$0.25 per page plus incurred costs, while photocopies are \$0.20 per page.

State law (Title 51, Sec. 24.A.5) provides as follows:

“3. Any request for a record which contains individual records of persons, and the cost of copying, reproducing or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction. Notwithstanding

any state or local provision to the contrary, in no instance shall the record copying fee exceed twenty-five cents (\$0.25) per page for records having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:

a. is solely for commercial purpose, or

b. would clearly cause excessive disruption of the essential functions of the public body, then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under this act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.”

The Open Records Act fee schedule should be reviewed and updated to account for current forms of document retrieval, and to account for the fact that document retrieval is made easier (and potentially less expensive) by electronic archive search capabilities.

3. The Legal Department recommends repeal or amendment of the \$75 fee for the drafting of a license to use City property (19 TRO § 112).

The Legal Department advised the Task Force regarding the \$75 fee established for the Legal Department to draft license agreements, when an applicant requests permission to install a permanent improvement on City property. (19 TRO §112). Those agreements are typically prepared instead by the Public Works (now Engineering Services) Department, “which has the appropriate personnel to control the process and monitor the projects (e.g., respond to public safety issues, sight-lines, deterioration of materials, etc).” It was further noted that the template for such license agreements is standardized and relatively easy to modify for a specific location.

The Legal Department recommends repealing or amending this ordinance to reflect the role of Engineering Services staff.