

From: [Toma, Michael](#)
To: [Hughes, Sheila](#)
Cc: [Rosenson, Valerie](#); [Emmett, Kathryn](#); [Isidro, Judith](#)
Subject: Use of Resolutions for Fees
Date: Tuesday, December 18, 2018 6:43:26 PM

Sheila,

As we discussed, please provide a copy of this email to the Chair of the Parks and Recreation Committee in advance of tonight's meeting, as there are fees on the agenda and this email may be useful. Valerie, can you please disseminate to the full Board at your convenience? Thanks.

The Law Department believes that the written opinion of November 30, 2018 concluding that resolutions are appropriate for modifying fees is also applicable to the use of resolutions to create fees for the first time. As referenced in that opinion, the Board of Representatives has been given the authority by C2-10-2(1) of the Charter to "regulate, amplify and define the corporate powers" by ordinance or by resolution. The Charter is controlling, and overrides C.G.S. 7-148 in this instance. Additionally, although fines and penalties are associated with ordinances in C2-10-2(1) of the Charter, fees are not similarly associated with either ordinances or resolutions. After careful consideration, the foregoing provision of the Charter leads to the conclusion that there is no reason to treat the creation of a fee differently from the modification of a fee. Therefore, it is our opinion that the Board of Representatives may utilize either ordinances or resolutions to create fees.

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