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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: February 29, 2024

RE: **MEMO ON THE UNILATERAL INCREASE OF SERVICE FEES BY CITY COUNCIL**

Council Scott Benson requested that the Legislative Policy Division (LPD) respond to an inquiry regarding whether City Council possesses the authority to unilaterally increase service fees without the request coming from the Administration.

Section 4-401 of the Charter states that City Council's powers and duties are limited to those provided by law or the Charter. The authority to impose service fees originates from the Detroit City Charter. Section 9-507 of the Charter provides:

Any agency of the City may, with the approval of the City Council, charge an admission or service fee to any facility operated, or for any service provided, by an agency.

The approval of the City Council shall also be required for any change in any such admission or service fee.

As used in the Charter, "agency" is defined as "one or all of the following: any department, office, multi-member body, subdivision of the Legislative branch of City government or other organization of city government and includes any elective officer, appointee, employee, or person acting or purporting to act in the exercise of official duties."

Section 9-507 establishes that the implementation or alteration of a service fee must originate from the agency that wishes to impose the fee, after which it is subject to City Council approval. Any proposed service fee for an agency that falls under the executive branch of city government must originate from the executive agency, not from City Council. City Council may approve service fees for agencies that are part of the legislative branch, such as the City Planning Commission and the Board of Zoning Appeals, without input from the administration.

Please contact our office if we can be of any further assistance.