



# TOWN OF TIBURON

## Administrative Policy and Procedure

Number: 2016-01  
Effective: May 13, 2016  
Authority: Director of Community Development

### Refund of Fees Policy

#### **BACKGROUND:**

The Town Council Resolution setting forth fee schedules for processing of applications and for other services, as may be amended from time to time by the Council, contains in its General Fee Provisions that:

*Portions of fees may be refunded upon withdrawal of an application; the amount of the refund shall be determined by the Director based upon the amount of work performed and costs incurred by the Town prior to withdrawal.*

#### **PURPOSE:**

The purpose of this written policy is to clarify and amplify the above general fee provision in order to ensure a fair and consistent refund practice on applications that are withdrawn, cancelled or otherwise potentially eligible for refund.

#### **POLICY:**

##### *A. Fixed Fee Applications*

These applications typically include, but are not limited to RBR's; design review, variance, and other fixed-fee zoning permits; tree permits; and sign permits.

1. If minimal staff time or work has been performed on an application, such as entering it into a tracking system and/or creating a file, a refund of all but \$50 may be issued by the Town. This \$50 sum is intended to recover costs of processing and issuing a refund and staff time spent opening and closing any file or record of the application.
2. If staff has performed substantial work beyond initial intake of the application, but substantial work would remain to complete processing, a refund not to exceed 50% of the application fee (minus \$50 for refund processing) may be issued.

3. If more than half of anticipated processing work has been completed no refund is due or warranted.

*B. Deposit-Based Applications and Building Permit Fees*

1. If minimal staff time or work has been performed on an application, including entering it into a tracking system or opening a file, a refund of all but \$50 may be issued by the Town. This \$50 sum is intended to recover costs of processing and issuing the refund and staff time spent opening and closing any file or record of the application.
2. If staff has begun any actual review or processing of an application beyond that described in section B.1 above, staff shall estimate the time expended by each employee on the application and multiply that figure by the hourly rate established for the employee(s) who performed the processing, and deduct that amount plus \$50 (for the costs of processing and issuing the refund) along with any hard costs incurred by the Town, from the total fee paid and issue a refund for the remainder.
3. If an application has received substantial processing approximating a reasonably-determined half-way point, a refund of 50% of the total fee, minus \$50 to recover the costs of processing and issuing the refund, may be issued in lieu of using the method set forth in paragraph in B.2 above.
4. If all or nearly all processing work has been completed no refund is due or warranted.

It is understood that unusual situations may occur where the above framework is not applicable or would produce a clearly illogical and/or inequitable result. In such instances, the Director or his/her designee shall determine in their reasonable discretion the appropriate amount of refund generally based on staff time and costs incurred by the Town. Hard costs incurred by the Town shall always be deducted when processing a refund. A fee charged in error by the Town is eligible for a full refund in most circumstances.

**APPROVED:**



Scott Anderson  
Director of Community Development

May 13, 2016  
Date