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M E M O R A N D U M

DATE: July 1, 2022

TO: City Council

FROM: Kelly M. Fernandez, City Attorney

SUBJECT: Tolling Agreement - Neal Communities' building permit fee claim

Last year, with City Council's consent, a tolling agreement was put in place to prevent any claims by Neal Communities relating to alleged building permit fee overpayments that accrued on or after March 24, 2017 from expiring due to the statute of limitations during settlement negotiations. The tolling agreement further provided that it would stay in place until either party declared an impasse in settlement negotiations.

On June 16, 2022, a mediation was held between representatives of the City and Neal Communities. No proposed settlement was reached. Consequently, I am recommending that the City declare an impasse in negotiations and terminate the tolling agreement effective July 13, 2022.

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