

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING THE AMOUNT OF THE DUI DRIVER AND VEHICLE IMPOUND COST RECOVERY FEE PURSUANT TO CHAPTER 10.25 OF THE PALM DESERT MUNICIPAL CODE AND RESCINDING RESOLUTION NO. 2014-95

WHEREAS, the Riverside County Sheriff's Department, acting as the Palm Desert Police Department, impounds and/or stores vehicles from highways, public property, or private property within the City of Palm Desert during the normal course of duty; and

WHEREAS, the Riverside County Sheriff's Department, acting as the Palm Desert Police Department, impounds and/or stores vehicles pursuant to its authority under California Vehicle Code Sections 22650 through 22669 and 23152 through 23273; and

WHEREAS, Vehicle Code Section 22850.5, added by Assembly Bill 481 (Chapter 614, Statutes of 1993), specifically authorizes cities, by ordinance or resolution, to establish an administrative charge related to the removal, impound, storage, or release of vehicles (the "Vehicle Impound Cost Recovery Fee" and the "DUI Driver Vehicle Impound Cost Recovery Fee", and collectively the "Fees"); and

WHEREAS, Chapter 10.25 of the Palm Desert Municipal Code imposes an administrative charge relating to the removal, impound, storage, or release of vehicles, the amount of which fee is to be set; and

WHEREAS, the City Council of the City of Palm Desert established the Vehicle Impound Cost Recovery Fee and DUI Driver Vehicle Impound Cost Recovery Fee by adopting Resolution No. 2014-95 on December 11, 2014; and

WHEREAS, the calculation of the estimated reasonable costs to the City for implementing the Fees are set forth in Exhibit "A" and Exhibit "B" attached hereto and are incorporated herein by this reference; and

WHEREAS, the City has complied with the procedural requirements pursuant to California Government Code, section 66018 which requires the City to hold a noticed public hearing as part of a regularly scheduled meeting, at which oral and written presentations regarding the Fees may be made; and

WHEREAS, notice for the public hearing notified all interested persons the public hearing will take place at 4:00pm on April 10, 2025 at the Civic Center Council Chambers located at 73510 Fred Waring Drive, Palm Desert, CA 92260 and said notice was provided pursuant to Government Code, section 6062a which requires at least ten (10) days' notice prior to the date of the public hearing published twice with at least five (5) days intervening between each publication; and

WHEREAS, the City Council of the City of Palm Desert now desires and intends to update the Fees to ensure full cost recovery, and align with current inflation and operational expenses.

NOW, THEREFORE, BE IT RESOLVED by the City of Palm Desert, California City Council as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council finds the following:

1. Notice of the public hearing was published twice with at least five (5) days intervening between each publication on March 28, 2025, with a second notice published on April 4, 2025, the first date being at least ten (10) days prior to the date of the public hearing.
2. The duly noticed public hearing was held and all oral and written presentations regarding the Fees were heard and considered.
3. The Fees do not exceed the estimated reasonable costs incurred by the City in enforcing the vehicle impound program and DUI-related impounds.
4. Resolution No. 2014-95 is hereby rescinded.

SECTION 3. The City Council adopts the Fees, as identified in the attached Exhibit "A" and Exhibit "B" and the City Council now directs City staff to implement the Fees to be effective April 10, 2025. All previous Fees in effect are to be superseded and replaced as described herein.

SECTION 4. The City Council further authorizes the Fees to be automatically increased beginning July 1, 2026, and each July 1 thereafter, by the lesser of (i) the actual percentage increase imposed upon the City by the Riverside County Sheriff's Department pursuant to the contract rate for services or (ii) five percent (5%), to be imposed and added to the then current Fees, without future action of the City Council or need for future public hearings, until such time as new Fees are adopted, or this authorization is revoked by the City Council.

SECTION 5. Individuals who are acquitted of all charges may request a refund of the assessed Fees by contacting the Palm Desert Sheriff's Station within thirty (30) days of the acquittal date. Requests received after this period may be considered by submitting a request to the City Manager of the City, whose decision will be final.

SECTION 6. This Resolution relates only to the adoption of the Fees and does not affect any other City fee, charge, or rates previously adopted by the City Council.

SECTION 7. The City Council further finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 8. If any provision of this Resolution or the application thereof to any

person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 9. This resolution shall take effect immediately upon its adoption.

ADOPTED ON _____.

JAN C. HARNIK
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2025-__ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK

EXHIBIT A

CALCULATION OF ACTUAL CITY COSTS FOR PROCESSING A DUI/VEHICLE IMPOUND PROGRAM AND UPDATING THE AMOUNT OF THE DUI/VEHICLE IMPOUND COST RECOVERY FEE

The City of Palm Desert contracts with the Riverside County Sheriff's Department for police services. For Fiscal Year 2024-25, the Sheriff's Department has established a patrol rate of \$229.55 per hour. This rate does not solely reflect the compensation of deputies but also encompasses support staff costs and associated operational expenses.

The City estimates that impounding or storing nuisance vehicles requires a minimum of five hours of combined officer and support staff time. This process typically includes the following key steps:

Task	Position
Conduct Investigations	Deputy
Field Sobriety Tests	Deputy
Document Scene/Evidence	Deputy
Prepare Vehicle Storage Reports	Deputy
Vehicle Search/Inspection	Deputy
Okay to book suspect from hospital Transport suspect to jail	Deputy
Admin. Paperwork	Deputy
Search Warrants	Deputy
BAC Evidence Collection, Processing Complete Police Report	Deputy
NCIC Entry	Deputy
Processing/Filing of report (court, OMV, Imaging)	Deputy
Notice of Stored Vehicle Mailing Review & Approve Police Report	Office Assistant Sergeant or Corporal
Conduct Tow Hearing	

As part of the Vehicle Impound Cost Recovery (VICR) Program, all VICR payments will be initially collected by the Police Department and subsequently forwarded to the City for processing.

The Finance Department will manage all financial aspects of the program, including record-keeping, payment processing, cash and check deposits, transaction tracking, and overall accounting of related fees. The estimated administrative cost for program management is \$45, based on one hour of an Accounting Technician's time.

To ensure full cost recovery for the impound process, the DUI/VICR fee of \$1,190 per vehicle, has been calculated as follows:

Deputy Cost: $\$229.55 \times 5 \text{ Hours} = \$1,147.75$

City Administrative Cost: $\$45.00 \times 1 \text{ Hour} = \45.00

Total Cost: $\$1,192.75$ (Rounded DUI/VICR Fee: $\$1,190.00$)

EXHIBIT B**CALCULATION OF ACTUAL CITY COSTS FOR PROCESSING A VEHICLE IMPOUND PROGRAM AND UPDATING THE AMOUNT OF THE VEHICLE IMPOUND COST RECOVERY FEE**

The City of Palm Desert contracts with the Riverside County Sheriff's Department for police services. For Fiscal Year 2024-25, the Sheriff's Department established a patrol rate of \$229.55 per hour. This rate includes deputy salaries, fringe benefits, insurance, and various support systems necessary for operations.

The City estimates that the process of impounding or storing nuisance vehicles requires a minimum of 1.25 hours of combined officer and support staff time. This process typically involves the following sequence of events:

Task	Position
Vehicle search and Inventory.	Deputy or Community Services Officer (CSO)
Completion of Stored Vehicle Report - CHP 180.	Deputy or CSO
Contact dispatch requesting tow service.	Deputy or CSO
Contact tow company requesting service.	Dispatcher
Wait for arrival of tow company.	Deputy or CSO
Contact information Services Bureau (ISB) or station clerical staff and ensure vehicle entered into NCIC as stored/impounded.	Deputy or CSO
Enter vehicle into NCIC as stored.	Office Assistant
Write police report.	Office Assistant
Review and approve police report.	Sergeant or Corporal
Mail Notice of Stored Vehicle.	Office Assistant
Enter data from the report into the Report Management System & process paperwork.	Office Assistant
Conduct Tow Hearing.	Sergeant or Corporal

All Vehicle Impound Cost Recovery (VICR) payments will be initially collected by Police Department staff and subsequently forwarded to the City for processing. The Finance Department will be responsible for maintaining records, processing payments, depositing cash and checks, tracking transactions, and overseeing the general accounting of all associated fees.

The Finance Department estimates that administering this program requires approximately one hour of an Accounting Technician's time, equating to a cost of \$45.

To ensure full cost recovery, the VICR fee has been calculated as follows:

- Deputy Cost: \$229.55

- City Administrative Cost: \$45.00
- Total Cost: \$274.55 (Rounded VICR Fee: \$275.00)