

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING 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. 09-67.

WHEREAS, the Riverside County Sheriff's Department, acting as the Palm Desert Police Department, impounds and/or stores numerous and various vehicles from highways, public property, or private property, in 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 the California Vehicle Code Sections 22650 through 22669; and Section 23152 through 23273 and

WHEREAS, Vehicle Code Section 22850.5 added by Assembly Bill 481, Chapter 614 Statutes of 1993, became effective January 1, 1994, specifically authorizing cities by ordinance or resolution to establish an administrative charge relating to the removal, impound, storage, or release of vehicles; and

WHEREAS, Vehicle Code Section 53150 specifies that any person who is under the influence of an alcoholic beverage or any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, to be liable for the expense of an emergency response by a public agency to the incident.

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 by resolution;

WHEREAS, the City Council of the City of Palm Desert established the Vehicle Impound Cost Recovery Fee by adopting Resolution No. 09-67 on September 10, 2009; and

WHEREAS, the City Council of the City of Palm Desert now desires and intends to revise the Vehicle Impound Cost Recovery Fee and also include the DUI/Traffic Collision Vehicle Impound Cost Recovery Fee

WHEREAS, the calculation of actual cost to the City for processing the DUI/Traffic Collision Vehicle Impound Program and the Vehicle Impound Program are set forth in "Exhibit A" and "Exhibit B" attached hereto.

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

SECTION 1: Resolution No. 09-67 is hereby rescinded.

SECTION 2: Pursuant to Chapter 10.25 of the Palm Desert Municipal Code, the administrative fee for the recovery of impounded and/or stored vehicles shall be one hundred and sixty-five dollars (\$165.00) if a DUI traffic collision is not involved and seven hundred and five dollars (\$705.00) if a DUI traffic collision is involved.

SECTION 3: Individuals that are acquitted of all crimes that they are charged with may request a refund of the assessed Vehicle Impound Cost Recovery (VICR) fee, by contacting the Palm Desert Sheriff's Station no later than thirty days after the acquittal date. Reimbursement requests that are greater than thirty days may be considered by obtaining City Manager approval.

SECTION 4: The Resolution shall take effect upon adoption.

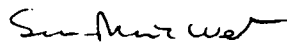
PASSED, APPROVED, AND ADOPTED this 11th day of December, 2014, by the City Council of the City of Palm Desert, California, by the following vote, to wit:

AYES: HARNIK, JONATHAN, SPIEGEL, TANNER, and WEBER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



SUSAN MARIE WEBER, MAYOR

ATTEST:



RACHELLE D. KLASSEN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA

EXHIBIT A

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

The City of Palm Desert currently contracts for Police Services with the Riverside County Sheriff’s Department. The patrol rate for FY 13-14 established by the Sheriff’s Department is \$139.29 hour. This number includes deputy salary, fringe benefits, insurance and numerous support systems.

The City of Palm Desert estimates that the average time spent by officers and support staff when impounding or storing nuisance vehicles is a minimum of five hours. This undertaking involves the following typical sequence of events:

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	Deputy
Transport suspect to jail	Deputy
Admin. Paperwork	Deputy
Search Warrants	Deputy
BAC Evidence Collection, Processing	Deputy
Complete Police Report	Deputy
NCIC Entry	Office Assistant
Processing/Filing of report (court, DMV, Imaging)	Office Assistant
Notice of Stored Vehicle Mailing	Office Assistant
Review & Approve Police Report	Sergeant or Corporal
Conduct Tow Hearing	Sergeant or Corporal

The City of Palm Desert Finance Department has determined that there will be additional costs to administer this program. All Vehicle Impound Cost Recovery (VICR) payments will be initially collected by Police Department staff then forwarded to the City for processing.

The Finance Department will be responsible for record keeping, processing, depositing cash and checks, tracking payments and general accounting of all fees. The Finance Department estimates the cost to administer this program to be approximately \$29 (.25 hour of Accounting Technician's time).

Therefore the City of Palm Desert Police Department recommends that a DUI/VICR fee of \$705 per vehicle be established.

Deputy cost:	\$679.81
City Admin. Cost:	<u>\$29.00 (.25 hour-including benefits)</u>
TOTAL:	\$708.81 (DUI/VICR FEE=\$705.00)

EXHIBIT B

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

The City of Palm Desert currently contracts for Police Services with the Riverside County Sheriff's Department. The patrol rate for FY 13-14 established by the Sheriff's Department is \$139.29 hour. This number includes deputy salary, fringe benefits, insurance and numerous support systems.

The City of Palm Desert estimates that the average time spent by officers and support staff when impounding or storing nuisance vehicles is a minimum of 1.25 hours. This undertaking involves the following typical 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 report into Report Management System & process paperwork	Office Assistant
Conduct Tow Hearing	Sergeant or Corporal

The City of Palm Desert Finance Department has determined that there will be additional costs to administer this program. All Vehicle Impound Cost Recovery (VICR) payments will be initially collected by Police Department staff then forwarded to the City for processing. The Finance Department will be responsible for record keeping, processing, depositing cash and checks, tracking payments and general accounting of all fees.

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The Finance Department estimates the cost to administer this program to be approximately \$29 (.25 hr. of Accounting Technician's time).

Therefore the City of Palm Desert Police Department recommends that a DUI/VICR fee of \$165 per vehicle be established.

Deputy cost:	\$139.29
City Admin. Cost:	<u>\$29.00 (.25 hour-including benefits)</u>
TOTAL:	\$168.29 (REVISED VICR FEE=\$165.00)