

ATTACHMENT #2

RESOLUTION NO. 2013-54

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ESTABLISHING THE AMOUNT OF THE DUI DRIVER AND VEHICLE IMPOUND COST RECOVERY FEE PURSUANT TO THE CHAPTER 10.25 OF THE INDIAN WELLS MUNICIPAL CODE**

**WHEREAS**, the Riverside County Sheriff's Department, acting as the Indian Wells Police Department, impounds and/or stores numerous and various vehicles from highways, public property, or private property, in the City of Indian Wells during the normal course of duty; and

**WHEREAS**, the Riverside County Sheriff's Department, acting as the Indian Wells Police Department, impounds and/or stores vehicles pursuant to its authority under the California Vehicle Code Sections 22650 through 22669; and Sections 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**, Chapter 10.25 of the Indian Wells 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 Indian Wells established the Vehicle Impound Cost Recovery Fee by adopting Resolution No. 2010-12 on March 18, 2010; and

**WHEREAS**, the City Council now desires and intends to revise the Vehicle Impound Cost Recovery Fee and add the DUI/Traffic Collision Vehicle Impound Cost Recovery Fee; and

**WHEREAS**, the calculations of actual cost to City for processing the DUI/Traffic Collision Vehicle Impound program, the Vehicle Impound program, and the City's Finance Accounting Tech assistance are set forth in Exhibits "A", "B" and "C" attached hereto.


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Indian Wells, California

**SECTION 1.** Resolution No. 2010-12 is hereby rescinded.

**SECTION 2.** Pursuant to Chapter 10.25 of the Indian Wells Municipal Code, the administrative fee for the recovery of impounded and/or stored vehicles shall be one hundred and fifty dollars (\$150.00), and six hundred and seventy dollars (\$670.00) for DUI drivers.

**SECTION 3.** This Resolution shall take effect upon adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on this 7<sup>th</sup> day of November, 2013.

  
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**MARY T. ROCHE**  
**MAYOR**


**CERTIFICATION FOR RESOLUTION NO. 2013-54**

I, Wade McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 21<sup>st</sup> day of November 2013, by the following vote:

AYES: Hanson, Mertens, Mullany, Peabody, Roche  
NOES: None

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**WADE G. MCKINNEY**  
**CITY MANAGER/CITY CLERK**

  
\_\_\_\_\_  
**STEPHEN P. DEITSCH**  
**CITY ATTORNEY**

**Exhibit "A"**

**Calculation of Actual Cost to City for processing a DUI/Vehicle Impound Program and Establishing the Amount of the DUI/Vehicle Impound Cost Recovery Fee**

The City of Indian Wells currently contracts for Police Services with the Riverside County Sheriff's Department. The patrol rate for FY 12-13 established by the Sheriff's Department is \$132.69 per hour. It is estimated that the rate will increase approximately 5% during FY 14/15 to \$139.32. This number includes deputy salary, fringe benefits, Insurance and numerous support systems.

The Indian Wells Police Department estimates that the average time spent by officers and support staff when impounding or storing nuisance vehicles is a minimum of one hour. This undertaking includes the following typical sequence of events:

TASK	POSITION
Conduct Investigation	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 Per Se 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 and Approve Police Report	Sergeant or Corporal
Conduct Tow Hearing	Sergeant or Corporal

The City of Indian Wells finance Department 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 and then forwarded to the City for processing. The City Finance Department will then 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 \$22.29 (1/2 hour of Finance Clerk's time).

Therefore, the Indian Wells Police Department recommends that a VICR fee of \$670.00 per vehicle be established.

Deputy cost	- \$648.80
City Administrative cost	- \$ 22.29 (\$29.72 X (benefits) 1.5 @ 1/2 hour)
Total	\$671.09 ( <b>New DUI/VICR fee = \$670.00</b> )

**EXHIBIT "B"**

**Calculation of Actual Cost to City for processing a Vehicle Impound Program and Establishing the Amount of the Vehicle Impound Cost Recovery Fee**

The City of Indian Wells currently contracts for Police Services with the Riverside County Sheriff's Department. The patrol rate for FY 12-13 established by the Sheriff's Department is \$132.69 per hour. It is estimated that the rate will increase approximately 5% during FY 13/14 to \$139.32. This number includes deputy salary, fringe benefits, Insurance and numerous support systems.

The Indian Wells Police Department estimates that the average time spent by officers and support staff when impounding or storing nuisance vehicles is a minimum of one hour. This undertaking includes the following typical sequence of events:

TASK	POSITION
Vehicle search and Inventory	Deputy or Community Service 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 Indian Wells finance Department 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 and then forwarded to the City for processing. The City Finance Department will then 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 \$22.29 (1/2 hour of Finance Clerk's time).

Therefore, the Indian Wells Police Department recommends that a VICR fee of \$150.00 per vehicle be established.

Deputy cost	- \$132.69
City Administrative cost	- \$ 22.29 (\$29.72 X (benefits) 1.5 @ 1/2 hour)
Total	\$154.98 ( <b>New VICR fee = \$150.00</b> )

**EXHIBIT "C"**

**Sherriff Department Towed Vehicle**  
**City of Indian Wells Finance Accounting Tech Assistance**

Assumption based on 70 towed vehicles annually

Average of 6 per month

Cash Receipts entry 15 minutes per batch

NSF (Not Sufficient Funds) research= 30 minutes each, this will triple if there is more than one person to contact (issuing officer), this will also include filling with the court or uncollectible  
Average 4 NSF's per month

**Breakdown**

Hourly rate \$ 29.72 x (benefits) 1.5 =\$44.58

**Hourly x 15 min Cash Receipts**

$\$44.58 \times .25 = \$11.15 \times 4$  batches per month= \$44.60 Cash receipts monthly

$\$44.58 \times .25 = \$11.15 \times 12 = \$535.20$  Cash receipts annually

**Hourly x 30 min NSF Research & Process**

$\$44.58 \times .50 = \$22.29 \times 4$  per month = \$89.16 NSF monthly

$\$44.58 \times .50 = \$22.29 \times 48$  per year = \$1,069.92 NSF annually

Combined  $\$532.20 + \$1,069.92 = \$1,602.12$