

(R-88-1393)

RESOLUTION NUMBER R- 271847

ADOPTED ON SEP 12 1988

WHEREAS, California Government Code sections 53150 through 53158 authorizes municipalities to bill any person who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage and any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response for the costs of that emergency response; and

WHEREAS, said statutes also authorize municipalities to bill any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response for the costs of that emergency response; and

WHEREAS, that person is liable for the expense of an emergency response by a public agency to the incident; and

WHEREAS, the expense of an emergency response shall be a charge against the person liable for expenses under section 53154 of the California Government Code; and

WHEREAS, the processing of invoices requires the addition of a limited Clerical Assistant II position in the Police Department, Fiscal Management Division, the costs of which shall be covered by the revenue generated; and

WHEREAS, it is recommended by the City Manager that such additional position be added in the Police Department's budget

for fiscal year 1989 with the costs associated therewith to be covered by recovery fees; and

WHEREAS, the City intends to recover its costs, including personnel, overhead, equipment, supplies, vehicles and miscellaneous expenses, of providing police, fire fighting, rescue and emergency medical services at the scene of an incident in the cost recovery program to be known as the Emergency Response Cost Recovery Program; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to establish a fee schedule, a copy of which shall be maintained in the Ratebook of City Fees and Charges in the Office of the City Clerk, for the purpose of recovering the cost of the City's emergency services for responding to an incident which was proximately caused by a person's intentionally wrongful conduct or a person negligently operating a motor vehicle, boat or vessel or civil aircraft under the influence of alcohol and/or drug or both.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to review and adjust said fee schedule annually, a copy of which revised schedule shall be maintained in the Ratebook of City Fees and Charges in the Office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Manager is authorized to add via the budgetary process in the fiscal year 1989 budget one (1.00) limited Clerical Assistant II position to the Police Department to process invoices for cost recovery and is further

one (1.00) limited Clerical Assistant II position to the Police Department to process invoices for cost recovery and is further authorized to expend an amount not to exceed \$24,293 for that purpose, said expenditure to be covered by recovery fees.

BE IT FURTHER RESOLVED, that the City Manager is directed to report back to this Council one year after commencement of the program with an analysis of revenue versus costs of the program.

APPROVED: JOHN W. WITT, City Attorney

By *Nina B. Deane*
Nina B. Deane
Deputy City Attorney

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SEP 12 1988

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June G. Blackwell* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271847* Adopted *SEP 12 1988*

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CITY CLERKS OFFICE
SAN DIEGO, CA