

(R-90-1657)

RESOLUTION NUMBER R- 275487

ADOPTED ON APR 16 1990

WHEREAS, the San Diego Police Department impounds or stores numerous and various vehicles removed from highways, public property, or private property, in The City of San Diego during the normal course of duty; and

WHEREAS, The San Diego Police Department impounds or stores vehicles pursuant to its authority under California Vehicle Code sections 22650 through 22669 and San Diego Municipal Code section 81.09 for many reasons, including but not limited to:

- Hazard to the flow of traffic;
- Blocking a driveway;
- Unpaid parking citations;
- Illegally parked and no evidence of registration displayed;
- Parking over seventy-two (72) hours;
- Temporary tow away signs for street repairs posted;
- No parking tow away signs posted;
- Registration expired in excess of one year;
- Suspended or revoked license and unlicensed driver violations;
- Abandoned or hazard to public welfare;
- Vehicles left unattended or unsecured when the drive is taken into custody.

WHEREAS, forty dollars (\$40.00) is a conservative and reasonable estimate of the City's cost for documenting, reporting, tracking and releasing impounded vehicles.

WHEREAS, stolen vehicle victims should be exempt from service fees for impoundment and release of stolen vehicles.

WHEREAS, situations may arise that warrant the exercise of prudent discretion to forego or excuse the proposed service fee,  
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

1. That the following fee schedule, a copy of which shall be maintained on file in the Office of the City Clerk, as Document No. R-275487 is hereby adopted for the purpose of recovering the cost of the City's vehicle impound services.

2. That the fee for this service charge shall be forty dollars, (\$40.00), and the effective date shall be thirty days from and after the passage of this resolution.

3. That victims of stolen vehicles shall be exempt from paying said service fees when their vehicles are released from impound.

4. That the San Diego Police Department may in the exercise of its discretion forego or excuse the service fee when deemed appropriate.

5. That the City Manager is hereby authorized to review and adjust said fee annually or as costs of services increase.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglin  
Joseph M. Battaglin  
Deputy City Attorney

JMB:mk  
03/20/90  
04/02/90 COR. COPY  
Or. Dept: Pol.  
R-90-1657  
Form=r.none

DATE ISSUED:

REPORT NO.

ATTENTION: Public Services and Safety Committee, Agenda of

SUBJECT: Negligence Impound Fee Cost Recovery Program

REFERENCE:

**SUMMARY**

Issue - Should the City Manager be authorized to implement a full cost recovery fee for vehicles impounded due to owner negligence?

Manager's Recommendation - Authorize the City Manager to implement a full cost recovery for impounded vehicles due to owner negligence.

Other Recommendations - None

Fiscal Impact - It is expected that the City will recover through fees, costs totalling approximately \$1,592,000.

**BACKGROUND**

The Police Department impounds approximately 40,000 vehicles a year due to owner negligence. The majority of these vehicles are impounded for unpaid parking citations, driving on a suspended or revoked driver's license and expired registration in excess of one year. The Police Department is spending in excess of \$1,500,000 annually to process and release these impounded vehicles.

The California Government Code authorizes City Government to collect fees that are reasonable and directly related to services provided. This resolution would implement a full cost recovery program. Currently, there is no program in place to recover these costs.

It is proposed the San Diego Police Department charge a \$40 administrative fee prior to the release of each impounded vehicle. This fee would cover the administrative costs of impounding and processing each vehicle. The fee would only be assessed on those vehicles where the owner had some degree of negligence. The San Diego Police Department would reserve the right to waive the administrative fee under certain circumstances. This waiver would be at the discretion of the Department with specific guidelines and proof of extenuating circumstances. Administrative appeals of Police Department decisions would be heard by the City Manager or his designee.

DOCUMENT NO. RR- 275487  
FILED APR 16 1990  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

R- 275487

Impounding of vehicles for the following California Vehicle Code and Municipal Code violations will be included in this cost recovery program:

Hazard to the flow of traffic;

Blocking a driveway;

Unpaid parking citations;

Illegally parked and no evidence of registration displayed;

Parking over 72 hours, SDMC 81.09(a)(2);

Violation of temporary tow away signs for street repairs, SDMC 81.09(a)(3);

Violation of no parking-tow away signs posted, SDMC 81.09(a)(2);

Registration expired in excess of one year;

Suspended or revoked license and unlicensed drivers;

Vehicle abandoned/hazard to public welfare;

Vehicles when the owner/operator is taken into custody and it is not practical to legally park or lock the vehicle.

**ALTERNATIVE**

1. Do not approve the proposed cost recovery fee.
2. Approve the resolution establishing the fee at a different level from that recommended.

Respectfully submitted,

  
Jack McGrory  
Assistant City Manager

STAMPER:CB:LR  
lr:323

Attachment

COST RECOVERY WORKSHEET FOR RECOVERING ADMINISTRATIVE COSTS FOR IMPOUNDED VEHICLES.

| CLASSIFICATION                 | HRLY RATE   | PROG LOAD<br>15.9% | FRINGE LOAD<br>25.5% | CITY & DEPT<br>OVERHEAD<br>33.5% | TOTAL<br>HOURLY<br>RATE | HOURS<br>PER<br>TOW | NO. OF<br>TOWS<br>PER YEAR | TOTAL<br>COST<br>PER YEAR |
|--------------------------------|-------------|--------------------|----------------------|----------------------------------|-------------------------|---------------------|----------------------------|---------------------------|
| PARKING ENFORCEMENT OFF        | \$11.69     | \$1.86             | \$3.46               | \$4.54                           | \$21.55                 | 1                   | 7,915                      | \$170,568                 |
| POLICE OFFICER II              | \$19.20     | \$3.05             | \$5.67               | \$7.45                           | \$35.37                 | 1                   | 32,224                     | \$1,139,763               |
| POLICE RECORDS CLK             | \$11.79     | \$1.87             | \$3.48               | \$4.58                           | \$21.72                 | 0.08                | 40,359                     | \$70,128                  |
| PUBLIC INFO. OFFICER           | \$10.79     | \$1.72             | \$3.19               | \$4.19                           | \$19.89                 | 0.08                | 744                        | \$1,184                   |
| POLICE SERGEANT                | \$22.34     | \$3.55             | \$6.60               | \$8.67                           | \$41.16                 | 0.08                | 40,359                     | \$132,894                 |
| FULL TIME POSITIONS:           |             |                    |                      |                                  |                         | TIME<br>SPENT       |                            |                           |
|                                | YRLY RATE   |                    |                      |                                  |                         |                     |                            |                           |
| CODE COMPLIANCE OFFICER        | \$32,023.00 | N/A                | N/A                  | \$10,727.71                      | \$42,750.71             | 100%                |                            | \$42,751                  |
| PARKING ENFORCEMENT OFF        | \$29,893.00 | N/A                | N/A                  | \$10,014.16                      | \$39,907.16             | 86.4%               |                            | \$34,480                  |
| TOTAL YEARLY COST OF IMPOUNDS: |             | \$1,591,767        |                      |                                  |                         |                     |                            | \$1,591,767               |
| TOTAL NUMBER OF IMPOUNDS       |             | 40,359             |                      |                                  |                         |                     |                            |                           |
| COST PER IMPOUND               |             | \$40.00            |                      |                                  |                         |                     |                            |                           |

R.  
275487



RECEIVED  
90 APR -5 PM 4:43  
CITY CLERKS OFFICE  
SAN DIEGO, CA