

RESOLUTION NUMBER R- 287838

ADOPTED ON SEP 16 1996

WHEREAS, the City of San Diego desires to implement a program called San Diego Traffic Offenders Program (STOP), to be funded in part by a grant from the California Office of Traffic Safety (OTS), a copy of which is on file in the Office of the City Clerk as Document No. *RR-287838* 287838, and by a Seventy-Two Dollar (\$72.00) Unlicensed Driver Vehicle Impound Fee; and

WHEREAS, the purpose of the STOP program is to identify, cite, and impound the vehicles of, drivers who are unlicensed and/or whose licenses have been suspended and/or revoked pursuant to authority granted by California Vehicle Code sections 14602.6; 14607.6; 22651(p); 22651(h); 22651(h)(2), for offenses committed while driving with no license, or on a suspended or revoked license, or any offense when the person is arrested and taken into custody; and

WHEREAS, California Department of Motor Vehicles data indicates that there are approximately 45,450 drivers in the City of San Diego whose licenses have been suspended or revoked; the number who have never been licensed, or who continue to drive on an expired license, is unknown; and approximately thirty-nine percent of all fatal and/or felony collisions investigated by the San Diego Police Department involve drivers who are unlicensed, or who are driving with suspended or revoked licenses; and

WHEREAS, California Vehicle Code Section 22850.5 authorizes city governments to collect fees that are reasonable and directly related to services provided; and

WHEREAS, a detailed study indicates that an Unlicensed Driver Vehicle Impound Fee of

Seventy-Two Dollars (\$72.00) is a current, conservative and reasonable estimate of Police Department and City Attorney costs for documenting, researching, prosecuting, tracking and releasing the subject impounded vehicles; and

WHEREAS, OTS funding of the STOP grant is contingent upon City's good-faith effort to implement a cost-recovery Unlicensed Driver Vehicle Impound fee on targeted drivers; NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and is hereby authorized and empowered, for and on behalf of the City of San Diego, to apply for, accept and expend the San Diego Traffic Offenders Program (STOP) grant from the California Office of Traffic Safety, as described in the finalized Award Document approved by OTS.

BE IT FURTHER RESOLVED, that this authorization shall include all aspects of program operation including any amendments, matching resources, extensions, renewals, or future funding for this program for a period of up to five years, provided funding is made available by the California Office of Traffic Safety, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program.

BE IT FURTHER RESOLVED, that any resources received from this grant shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED, that an Unlicensed Driver Vehicle Impound Fee in the amount of Seventy-Two Dollars (\$72.00) per impound be adopted by the City for the purpose of recovering costs of Police Department vehicle impound expenses, and that this fee shall be over and above any current or future administrative impound fee(s) levied by the City pursuant to

vehicle impounds, and over and above any other fees or costs associated with towing, storage and other incidental costs related to vehicle impounds.

BE IT FURTHER RESOLVED, that the effective date of the Unlicensed Driver Vehicle Impound Fee shall be thirty (30) days after the passage of this Resolution.

BE IT FURTHER RESOLVED, that the Unlicensed Vehicle Impound Fee shall be levied upon each vehicle impound, where the vehicle is impounded for the reasons stated above, where the driver is unlicensed or whose license is under suspension or revocation, except in the following circumstances:

- Impounded vehicles which at the time of impound were reasonable claimed or believed to have been stolen from the legal owner shall be exempt from the Unlicensed Driver Vehicle Impound Fee; and
- 1. Police Department officials shall have the authority to waive, forego or excuse the Unlicensed Driver Vehicle Impound Fee on a case-by-case basis in situations which may arise that warrant the exercise of prudent discretion in levying this fee.

BE IT FURTHER RESOLVED, that all Unlicensed Driver Vehicle Impound Fee funds collected under the authority of this Resolution shall be used for STOP and related programs.

BE IT FURTHER RESOLVED, that the Council hereby authorizes the City Manager, by and through the Chief of Police, to execute all aspects of the Unlicensed Driver Vehicle Impound Fee collection and program operation, including any amendments thereof, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program.

BE IT FURTHER RESOLVED, that the City Clerk be authorized to include the
Unlicensed Driver Vehicle Impound Fee in the Ratebook of City Fees and Charges.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglino
Joseph M. Battaglino
Deputy City Attorney

JMB:DJW:cdk
08/29/96
Or.Dept:Police
R-97-252
Form=r-t.res