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RESOLUTION NUMBER R- 307652

DATE OF FINAL PASSAGE AUG 15 2012

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING PROCEDURES FOR THE RELEASE OF PROPERLY IMPOUNDED VEHICLES AND FOR THE IMPOSITION OF A CHARGE EQUAL TO ADMINISTRATIVE COSTS RELATING TO THE REMOVAL, IMPOUND, STORAGE, OR RELEASE OF IMPOUNDED VEHICLES.

WHEREAS, California Vehicle Code section 22850.5 authorizes the City to adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles; and

WHEREAS, California Vehicle Code section 22850.5 authorizes the imposition of a charge, equal to the administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles; and

WHEREAS, California Vehicle Code section 22850.5 authorizes the City to waive the charge for administrative costs upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed; and

WHEREAS, California Vehicle Code section 22850.5 authorizes the imposition of the charge in addition to any other charges authorized or imposed pursuant to the California Vehicle Code; and

WHEREAS, in 1990, the Council of the City of San Diego adopted Resolution R-275487, authorizing cost recovery on impounded vehicles whereby a Negligent Impound (NIP) fee would be collected on specifically-identified impounds, based on impound authority as authorized by the California Vehicle Code; and

WHEREAS, in 1991, the Council of the City of San Diego adopted Resolution R-278498, expanding the cost recovery program to include any and all vehicles impounded under authority of the California Vehicle Code or San Diego Municipal Code; and

WHEREAS, Resolution R-278498 also authorized the City Manager to add or delete from authorized impound services listed on a fee schedule and to review and adjust the fee schedule annually; and

WHEREAS, in 1996, the Council of the City of San Diego adopted Resolution R-287838, authorizing collection of an Unlicensed Driver (ULD) fee for vehicles impounded when a driver had a suspended or revoked driver's license, or had no valid license at all; and

WHEREAS, in 2001, the Council of the City of San Diego adopted R-295739, authorizing continued collection of the ULD fee for driver's license related impounds; and

WHEREAS, the City has restructured its towing program and the recovery of costs and fees; and

WHEREAS, under the current program, the City is divided into tow zones, with separate services for the dispatch of calls, the towing of vehicles, and the impound, storage, and release of vehicles; and

WHEREAS, the City developed a new cost recovery fee model to divide the expense of the tow program between the impound service providers and the registered owners/agents of towed vehicles; and

WHEREAS, the new cost recovery fee model renders unnecessary the previously approved fees and fee resolutions; and

WHEREAS, in 2011, the City entered into non-exclusive contracts with multiple tow providers to provide towing services (licensed tow providers) and impound, storage, release and disposal services (licensed impound providers); and

WHEREAS, the City entered into a contract with a provider for dispatch services, and those services began to be provided in 2011; and

WHEREAS, the City wishes to recover its administrative costs pursuant to California Vehicle Code section 22850.5 through a Tow Impound Cost Recovery (TICR) fee; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City may continue to impose a fee, equal to the administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles, through a Tow Impound Cost recovery (TICR) fee.

BE IT FURTHER RESOLVED, that the TICR fee for administrative costs shall only be imposed upon the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale, unless the sale is sufficient in amount to pay the lien holder's total charges and proper administrative costs.

BE IT FURTHER RESOLVED, that the TICR fee for administrative costs shall not be charged to the legal owner who redeems a vehicle unless the legal owner voluntarily requests a post-storage hearing.

BE IT FURTHER RESOLVED, that the City's contracted tow operators are authorized to collect the TICR fee for administrative costs on behalf of the City from owners who redeem their vehicles from impound.

BE IT FURTHER RESOLVED, that the TICR fee for administrative costs shall be in addition to any other charges authorized or imposed pursuant to the California Vehicle Code.

BE IT FURTHER RESOLVED, that procedures for the release of properly impounded vehicles shall include, at a minimum, that a vehicle may be released to a registered or legal owner of record, or their agent, conditioned upon the person having a valid driver's license or being accompanied by a licensed driver; and upon payment of towing and storage fees; and upon payment of the TICR fee for administrative costs, when authorized; and upon proof of current vehicle registration.

BE IT FURTHER RESOLVED, that this Resolution replaces the previous resolutions related to cost recovery of fees and the tow program, specifically San Diego Resolutions R-275487 (Apr. 16, 1990), R-278498 (Aug. 5, 1991), R-287838 (Sept. 16, 1996), and R-295739 (Nov. 19, 2001).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to review the TICR fee for administrative costs annually to ensure that all actual and reasonable costs incurred are being recovered.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to include in the City Ratebook the TICR fee for administrative costs, attached herewith as Attachment 1 and identified as document RR 307652.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Linda L. Peter
Linda L. Peter
Deputy City Attorney

LLP:amt
05/18/2012
08/08/2012 COR.COPY
Or.Dept:Police Dept.
Attachment

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 7/31/2012.

ELIZABETH S. MALAND
City Clerk

By [Signature] for Debbie
Deputy City Clerk

Approved: 8.15.12
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

(R-2012-549)

ATTACHMENT 1

The Tow Impound Cost Recovery (TICR) Fee for police-initiated vehicle impounds \$54.00