



City Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Susan Dueñas, Public Safety Manager

Approved by: Reva Feldman, City Manager

Date prepared: March 1, 2021 Meeting date: April 12, 2021

Subject: Vehicle Impound Fees

RECOMMENDED ACTION: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 21-15 superseding and rescinding Resolution Nos. 92-125 and 93-146 and establishing updated procedures and the fee for the release of impounded vehicles.

FISCAL IMPACT: Based on the number of vehicles that were towed in 2020 (147), the City could potentially receive approximately \$22,000 in additional revenue each year if the new impound fees are approved.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: In August 1992, the City Council adopted Resolution No. 92-125 establishing a \$30 fee for the release of impounded vehicles and the process for collecting that fee. The fee of \$30 was based on the hourly rate of a Parking Control Officer (\$25), the City's overhead rate (15% or \$3.75), and then rounded up to cover the cost of a deputy who occasionally needed to assist.

In 1993, the City Council amended Resolution No.92-125 with Resolution No. 93-146 which provided additional clarity in how the impound fees should be applied. Since 1993, the procedures for impounding vehicles have changed. The City no longer has Parking Control Officers, and Sheriff's deputies have now assumed the responsibility for impounding vehicles.

Although Volunteers on Patrol (VOP) frequently initiate the process through "Red Tagging," VOPs do not have the legal authority to impound a vehicle. When a VOP or

deputy leave a red tag on the windshield of a vehicle, it serves as a warning to the owner that a vehicle cannot be left on a street for more than 72 consecutive hours in the same spot, otherwise it is presumed to be abandoned. If a red tagged vehicle is not moved within the 72 hours, it is subject to being towed.

The current cost of a Sheriff's Deputy to impound a vehicle is approximately \$95 and the City's overhead rate is 47% or \$44.65. Therefore, the current cost of impounding a vehicle is approximately \$139.65.

In addition to changes in costs, how the impound fee should be implemented has also changed. Resolution No. 93-146 includes the name of a specific tow company that is no longer in use, and it is unclear whether the fee can be applied to cars stored outside of the City. The proposed resolution removes the name of any specific tow company and clarifies that the fee would apply to all cars impounded in the City regardless of where the cars are stored.

On January 6, 2021, the Public Safety Commission reviewed the impound fee and recommended that the City Council increase the fee to \$150, which will cover the direct costs as well as any miscellaneous costs associated with collecting the fee.

It is recommended that the old resolutions be rescinded, and Resolution No. 21-15 be adopted in order to accurately reflect the full cost of impounding a vehicle and to clarify how the fee is applied.

ATTACHMENTS:

1. Resolution No. 21-15
2. Notice of Public Hearing

RESOLUTION NO. 21-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
SUPERSEDING AND RESCINDING RESOLUTION NOS. 92-125 AND 93-146
AND ESTABLISHING UPDATED PROCEDURES AND THE FEE FOR THE
RELEASE OF IMPOUND VEHICLES

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. Vehicle Code Section 22850.5 specifically authorizing cities by ordinance or resolution to establish an administrative charge relating to the removal, impound, storage, or release of vehicles; and

B. Resolution 92-125 regarding a fee for the release of impound vehicles was adopted in 1992 and amended in 1993 by Resolution 93-146 which further clarified how Resolution 92-125 would be implemented; and

C. Since 1993, much has changed in the City of Malibu with respect to impounding vehicles requiring the repealing of Resolution 92-125 (as amended by resolution 93-146) and the passage of a new impound fee resolution; and

D. The City no longer has internal Parking Control Officers, and Los Angeles County Sheriff's Department impounds or stores vehicles pursuant to its authority under pertinent California Vehicle Code Sections during the normal course of duty. In addition, a specific tow company was listed in Resolution 92-125 that no longer serves the City and due to the fluctuation of tow company availability and use, naming a specific tow company is not advisable; and

E. The impound fee of \$30.00 that was included in Resolution 92-125 was based on the hourly cost of a Parking Control Officer, plus the City's overhead rate, and other miscellaneous costs. The current cost to the City to impound a vehicle is one hundred and fifty dollars (\$150.00); and

F. Stolen and embezzled vehicle victims should be exempt from the administrative fee for the impoundment and release of stolen vehicles; and

G. Some situations may arise that warrant the exercise of prudent discretion to forego or excuse the proposed administrative fee such as vehicle impounds that are of no fault of the driver or owner and that the charging of the administrative fee would be unjust.

SECTION 2. The City Council hereby approves and authorizes the following:

1. Pursuant to Vehicle Code Section 22850.5, the administrative fee for the recovery of impounded vehicles shall be one hundred and fifty dollars (\$150.00) and shall be effective upon adoption of this Resolution.

2. The victims of stolen or embezzled vehicles shall be exempt from this administrative fee.
3. The Los Angeles County Sheriff may reduce or excuse this administrative fee when deemed appropriate or upon a showing of good cause.
4. The administrative fee shall be collected by the tow company at the time of release of the vehicle or vessel. The towing company shall remit monthly to the City Clerk of the City of Malibu the entire sum of \$150.00 per vehicle or vessel, less only any credit card or bank charges. The monthly remittances shall be accompanied by an accounting for the accrued fees.

SECTION 3. This resolution shall become effective immediately upon its passage and adoption.

SECTION 4. The City Council finds that in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, the adoption of this Resolution is exempt from CEQA pursuant to Public Resources Code section 21080 (b)(8) and Sections 15061(b)(3) and 15273(a)(1) of Title 14 of the California Code of Regulations because CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, this Resolution does not undertake any project that has the potential for causing a significant effect on the environment as the Resolution simply authorizes an administrative fee for cost-recovery fee for the removal, impoundment, and storage of vehicles for specified Vehicle Code violations.

SECTION 5. The City Clerk shall certify adoption of this resolution and shall cause the same to be processed in the manner provided by law.

PASSED, APPROVED, and ADOPTED this 12th day of April 2021.

MIKKE PIERSON, Mayor

ATTEST:

(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE
JOHN COTTI, Interim City Attorney

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on Monday, April 12, 2021 at 6:30 p.m. regarding increasing the fees for the release of impounded vehicles and clarifying when those fees would be applied. The Public hearing will be held via the Zoom application only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised February 18, 2021). Consistent with the requirement of Government Code section 66016, data on costs and revenue sources relating to the fee will be available on the City's website 10 days prior to the meeting.

HOW TO VIEW THE MEETING: No physical location from which member of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMaeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICPATE DURING THE MEETING: Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

If there are any questions regarding this notice, please contact Susan Dueñas, Public Safety Manager, at (310) 456-2489, ext. 313.


LISA SOGHOR, Assistant City Manager

Publish Date: April 1 and 8, 2021