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City of Santa Paula

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January 22, 2013

Ronald L. Cameron
Chair, Grand Jury Review Committee
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

The Honorable Vincent J. O'Neill, Jr.
Presiding Judge of the Superior Court
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Re: Final Report – Vehicle Impound Fees in Ventura County

Dear Mr. Cameron,

On March 16, 2012, the Ventura County Grand Jury issues its report titled entitled "Final Report Vehicle Impound Fees in Ventura County." The Report focuses on the reimbursement of administrative costs associated with the removal, impound, storage and release of vehicles impounded as a result of Vehicle Code §§12500, 14601 and 23152 violations. As the report notes, on August 11, 2012, the Santa Paula City Council reviewed and updated its fee schedule relative to vehicle storage, impounding and release.

At the conclusion of the Report, the Grand Jury requested a response from the City to Findings FI-04, FI-05 and FI-06 and Recommendations R-02 and R-03. We provide the following responses to these Findings and Recommendations.

Findings:

FI-04 *Vehicle release fees across the County for violations of Vehicle Code sections 12500 and 14601 vary from \$11 in unincorporated areas to \$300 in Thousand Oaks. The average (mean) vehicle release fee for the County is \$137.79.*

Response: The City of Santa Paula Vehicle Release Fee is \$121.00. The City's Vehicle Release Fee is the third lowest fee in the County.

FI-05 *Six cities (Camarillo, Fillmore, Moorpark, Ojai, Santa Paula and Simi Valley) and the Sheriff (unincorporated County areas) do not identify any additional tasks or any extra hours required to process the impoundment of a DUI vehicle versus the cost of other types of impounds. This transfers extra costs from the DUI violator to the general public.*

Response: In our experience, impounds for DUI violations take no longer than any other impound. Our current Vehicle Release Fee reflects this fact. Typically, the request for impound is not made until we have completed the initial investigation (which in the case of the DUI includes the Field Sobriety Tests). Consequently, the relevant paperwork and tow response time is very similar if not identical.

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VENTURA COUNTY
GRAND JURY

The Vehicle Release Fees currently set by Resolution No. 6757 are authorized by Vehicle Code §22850.5. As stated in the Grand Jury findings F-09, the City of Santa Paula Resolution No. 6757 explain the rationale for and calculation of such fees. However, the current resolution does not address other associated factors as considered by the cities of Oxnard, Port Hueneme and Ventura. The implementation of these factors could raise the current fees. The Vehicle Fee schedule will be studied by City Staff to include all relevant factors similar to the cities named in Finding F-09. If the analysis shows that the current Vehicle Fees need to be adjusted to avoid any fees transferred to the general public, this new information should be presented to the City Council to adopt such changes.

FI-06 *There is no standardized list of allowable categories of impound costs used to calculate vehicle release fees across the County. Some cities base fees on costs that occur after a traffic stop transitions to the impound process. This cost basis also includes the vehicle release paperwork. Other cities and Sheriff collect fees based only on the cost of paperwork generated at the end of the impound process. This disparity in the services included in the fee allocations for violations for Vehicle Code sections 12500, 14601, and 23152 is a major factor in the fee variations.*

Response: As noted in the Report, the City of Santa Paula imposes fees once it is clear to the responding officer that the contact will result in the impoundment of a vehicle. These fees include the officers' investigation time relating to the impoundment, completing the necessary paperwork, the maintenance of the impound file, and the processing of communications to owner of the vehicle, among others.

Recommendations:

R-02 *Representatives of all law enforcement agencies within the County should meet and identify a standard set of tasks, labor hours and overhead items to cover the full spectrum of administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152.*

Response: On April 12, 2012, Oxnard Police Commander Andrew Salinas invited all of Ventura County Law Enforcement Agencies to participate in a roundtable discussion about the vehicle impound fee issue. A representative of the City of Santa Paula Police Department attended the meeting and gave information relating to our Vehicle Release Fees. Further meetings are proposed. Commander Salinas is in the process of preparing a unified policy that contains a standard set of tasks, labor hours, and overhead costs necessary to recover the administrative costs associated with the impoundment.

R-03 *All Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual release fees using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis from approved fees represent costs to be borne by the general public and not the violator at a time of reduced public safety budgets. As necessary, new resolutions authorizing any revised vehicle release fees should be passed and the basis for the fees should be available to the public.*

Response: The City of Santa Paula staff will review all information obtained from the meeting with all Ventura County Law Enforcement Agencies. It is our understanding that Commander

Mr. Ronald L. Cameron Chair

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Salinas' proposed policy will be presented for review, consideration and approval. The City's current Vehicle Release Fee schedule will also be independently reviewed and will be revised if necessary. The findings will then be presented to the City of Santa Paula City Council for any necessary changes.

We thank you for the opportunity to respond to the Report. Should you have any further questions or desire any further information, please contact me or City Manager Jaime Fontes.

Sincerely,



Ralph Fernandez, Mayor