



# MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

## OFFICE OF THE MAYOR

June 20, 2012

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

RECEIVED  
JUN 26 2012  
VENTURA COUNTY  
GRAND JURY

Subject: Grand Jury Report, "Graffiti in Ventura County Cities"

Dear Judge O'Neill:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the recent report on graffiti in Ventura County Cities.

### FINDINGS

#### Finding FI-02:

*With the exception of Ojai, graffiti represents a significant financial impact in all the other Cities. (FA-10)*

#### Response:

We concur with this finding.

#### Finding FI-06:

*There is no "one size fits all" graffiti abatement program for the Cities. The Cities' abatement plans vary. (FA-16)*

#### Response:

We concur with this finding.

#### Finding FI-07:

*Only the city ordinances for the cities of Port Hueneme and Santa Paula contain provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FA-17) (Ref-04) (Ref-07)*

#### Response:

We concur with this finding.

### RECOMMENDATIONS

#### Recommendation R-01:

*The Cities should aggressively pursue the recovery costs from the individual(s) convicted of graffiti vandalism. (FI-02, FI-03)*

**Response:**

We agree with the recommendation, and want to make you aware that the City of Moorpark aggressively pursues the recovery of costs associated with both the cleanup and the investigation of graffiti related crimes. The City amended its Municipal Code on April 1, 2011 (8.14.040 MMC – Exhibit), which now states that those who violate any provision related to the Code's chapter on graffiti shall be responsible for payment of the costs of investigation, removal of graffiti, the amount of any reward paid, and all attorneys' fees and legal costs incurred in any civil proceeding in a court of law.

**Recommendation R-04:**

*The Cities should enlist the assistance of volunteer groups within the County for graffiti abatement. Such groups might include: Sheriff's and Youth Graffiti Removal Incident Team; Keep America Beautiful; and various civic groups. (FI-07)*

**Response:**

We agree with the recommendation. There are currently two volunteer groups that are active in their efforts of graffiti abatement in the City of Moorpark. These include Boy Scout Troup 605, and a group known as "SAYGRIT" made up of sheriff's deputies and high school students. Both groups concentrate their efforts on graffiti in the problematic areas of the various flood control channels that run throughout the city.

**Recommendation R-05:**

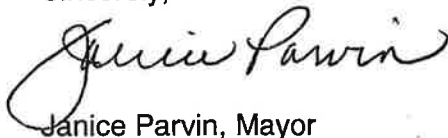
*The Cities, with the exception of Port Hueneme and Santa Paula, should amend their city codes regarding graffiti vandalism to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FI-08) (Ref-07)*

**Response:**

We disagree with this recommendation. The State Vehicle Code section cited, 13202.6 CVC, provides mandatory instructions for the court to suspend or delay driving privileges upon a defendant's conviction for 594, 594.3, or 594.4 of the California Penal Code. The driver's license suspension or delay is carried out as a mandatory action of the court and no petition by a local political subdivision is necessary.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact City Manager Steve Kueny at 517-6212

Sincerely,



Janice Parvin, Mayor

Jc: Foreman, Ventura County Grand Jury  
800 S. Victoria Avenue  
Ventura, CA 93009

Honorable City Council  
Steve Kueny, City Manager  
Captain Ron Nelson



# MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

May 31, 2012

RECEIVED

JUN 6 2012

VENTURA COUNTY  
GRAND JURY

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

Subject: Grand Jury Report, "Vehicle Impound Fees in Ventura County"

Dear Judge O'Neill:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the fees collected by local municipalities for the release of impounded vehicles.

## FINDINGS

### Finding 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. (FA-03-FA-14)*

### Response:

We concur with this finding.

### Finding 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 impoundments. This transfers extra costs from the DUI violator to the general public. (FA-03-FA-06, FA-09, FA-10)*

### Response:

We concur with the first sentence of this finding, however we do not concur with the second sentence. A thorough analysis of the time and tasks associated with various reasons for impounding vehicles shows that there is no difference between a vehicle impounded for a DUI arrest and vehicles impounded for other reasons. Therefore we believe there are no additional costs associated with a DUI violator to transfer to the general public.

The Honorable Vincent J. O'Neill, Jr.  
Presiding Judge, Superior Court of California  
Re: Grand Jury Report, "Vehicle Impound Fees in Ventura County"  
Page 2  
May 31, 2012

**Finding 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 the Sheriff collect fees based only on the cost of the paperwork generated at the end of the impound process. This disparity in the services included in the fee allocations for violations of Vehicle Code sections 12500, 14601, and 23152 is a major factor in the fee variations. (FA-03-FA-14)*

**Response:**

We concur with this finding.

**RECOMMENDATIONS**

**Recommendation 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. (FI-06)*

**Response:**

We agree with the recommendation; however, we believe that each city and county law enforcement agency is unique in how it staffs and handles the processing of paperwork, including impounded vehicle reports. The methods unique to each agency could result in differing amounts charged by each agency for a vehicle release fee. Additionally, each of the five cities that contract with the Ventura County Sheriff's Office for law enforcement services are charged contract rates that reflect the unique frontline and overhead services each city receives, resulting in slightly different contract rates for a given resource. These differences could also result in differing amounts charged by each city for vehicle release fees.

The Ventura County Law Enforcement Coordinating Committee (made up of the various Chiefs of Police, the Sheriff, and other law enforcement executives) has discussed the issue and has planned to form a committee to work out a possible standardized methodology for charging towed vehicle release fees, to the extent possible.

At the time of the last fee revision through Resolution in 2004, the City of Moorpark did a comprehensive study to capture as much of the costs associated with impounded vehicles as possible. In reviewing the analysis that supported the \$110 vehicle release fee charged by the City of Moorpark, it is our belief that

The Honorable Vincent J. O'Neill, Jr.  
Presiding Judge, Superior Court of California  
Re: Grand Jury Report, "Vehicle Impound Fees in Ventura County"  
Page 3  
May 31, 2012

the fee could be updated to reflect current rates, but that the tasks associated with impounding and releasing a vehicle would remain the same.

**Recommendation R-03**

*All Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for 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. (FI-04-FI-06)*

**Response**

We agree with the recommendation that all Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees, however we reiterate our response to Recommendation R-02 regarding the uniqueness of each law enforcement agency's costs and staffing, which would result in differing vehicle release fees for each agency.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact my office at 517-6212.

Sincerely,



Steven Kueny  
City Manager

cc: Moorpark City Council

Foreman, Ventura County Grand Jury  
800 S. Victoria Avenue  
Ventura, CA 93009