CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

May 15, 2012

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

Dear Judge O'Neill:

The City of Simi Valley has received the 2011-2012 Grand Jury report, "Vehicle Impound Fees in Ventura County" and in accordance with Penal Code Section 933.05, we submit this response to the Grand Jury findings.

The City Council appreciates the efforts of the Grand Jury in examining governmental duties and operations so we may continue to deliver services to the communities we serve in a cost effective and appropriate manner.

The Grand Jury requires a response to findings FI-04, FI-05, and FI-06 and recommendations R-02 and R-03.

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 to FI-04: The City of Simi Valley concurs with this finding. The City's Vehicle Release Fee is $77.70 and is the second lowest 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 impoundments. This transfers extra costs from the DUI violator to the general public.

Response to FI-05: The City of Simi Valley does not concur with this finding. Existing law already holds the violator liable for the costs incurred by public agencies when an emergency response is required due to his/her impairment from the consumption of an alcoholic beverage or any drug while driving a vehicle. Other procedures currently followed by the City of Simi Valley, are in place to recover these costs. These procedures are separate and apart from the administrative fees authorized by California Vehicle Code 22850.5. Therefore, there are no additional costs associated with a DUI violator to transfer to the general public.

FI-06. There is no standardized list of allowable categories of impound costs used to calculate the 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 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.

Response to FI-06: The City of Simi Valley concurs with this finding. The City's Vehicle Release Fee is based on recovering the staff and materials costs associated with processing the vehicle release.

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 to R-02: On April 20, 2012, all Ventura County law enforcement agencies were invited by the Oxnard Police Department to participate in a study session within the next 30 days to identify a standard set of tasks, labor hours, and overhead items to cover the full spectrum of administrative costs when towing a vehicle for violations of Vehicle Code sections 12500, 14601, and 23152. A date for the proposed study session has not been set at this time.

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 to R-03: After the above scheduled study session with all Ventura County law enforcement agencies, City staff will review the City's current schedule of vehicle release fees, revise them as appropriate, and present them to the City Council for approval if changes are warranted.

The City Council considered the Grand Jury report at its May 14, 2012 meeting and authorized this response. We appreciate the efforts of the Grand Jury in looking at this matter and this opportunity to comment.

Sincerely,

Robert O. Huber
Mayor

cc: Foreman, Ventura Grand Jury
City Council
City Manager
Interim City Attorney
Interim Chief of Police
Assistant City Manager, Government Affairs

Response to Grand Jury Report Form

Report Title: Vehicle Impound Fees in Ventura County

Report Date: March 16, 2012

Response by: Robert O. Huber **Title:** Mayor, City of Sim. Valley

FINDINGS

- I (we) agree with the findings numbered: FI-04, FI-06
- I (we) disagree wholly or partially with the findings numbered: FI-05
  (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
  (Attach a summary describing the implemented actions.)
- Recommendations numbered R-02 have not yet been implemented, but will be implemented in the future.
  (Attach a timeframe for the implementation.)
- Recommendations numbered R-03 require further analysis.
  (Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
  (Attach an explanation.)

Date: 5/17/12 Signed: [signature]

Number of pages attached 8