

RESOLUTION NO. 2451-09

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ESTABLISHING PROCEDURES, FEES AND CHARGES FOR THE RECOVERY OF
PUBLIC SAFETY SERVICE COSTS FOR EMERGENCY RESPONSES**

WHEREAS, intentional wrongful conduct by persons operating motor vehicles while under the influence imposes a burden upon Town services above and beyond regular service required for law enforcement and emergency response, and those persons should bear a share of that extra burden; and

WHEREAS, the Town Council has adopted Ordinance No. 95-67 requiring the ascertainment and recovery of costs reasonably related to fees and charges for providing public safety services for emergency response to incidents involving persons under the influence of drugs or alcohol; and

WHEREAS, Ordinance No. 95-67 authorizes the establishment by resolution of procedures to be followed for emergency response cost recovery in these situations.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor, does RESOLVE as follows:

Section 1 – Procedures

The Town Council adopts the following procedures to amend the emergency response recovery program as follows:

1. A motorist arrested for driving under the influence of alcohol and/or drugs (DUI) pursuant to California Vehicle Code Sections 23152-23153, as amended, will be billed for emergency response if all of the following criteria are met:
 - a. Driving under the influence of alcohol and/or drugs is evidenced by objective symptoms observed by the arresting officer, or a blood, breath, or urine test above the legally proscribed limit; and
 - b. Negligent operation of a motor vehicle is evidenced by either an accident or the commission of a moving violation including, but not limited to, those moving violations set forth in Division 11 of the California Vehicle Code; and
 - c. The incident evidenced by either an accident or the commission of a moving violation was proximately caused by driving under the influence of an alcoholic beverage and/or drug; and
 - d. The incident necessitated an emergency response by peace officers and/or paramedics.

2. The Town will bill motorist only for the direct costs to the Town of an emergency response, upon the filing of appropriate charges by the District Attorney.
3. The Town will treat the emergency response costs as a civil debt of the motorist which is collectible by the Town in the same manner as a contractual obligation.
4. If the emergency response cost bill is not paid within thirty (30) days after the initial bill is mailed by the Town, or no other arrangements are made for partial payment during the thirty (30) day period, the bill will be considered delinquent and a small claims court proceeding may be initiated. If a judgment is rendered against the motorist, the judgment may be referred to a collection agency, or may be referred to the California Department of Motor Vehicles requesting suspension of the motorist's driving privileges until the judgment is satisfied.
5. As an alternative, the Town may seek to have payment of the bill imposed as a condition of sentence or probation.

Section 2 – Fees and Charges

Fees and charges for the provision of public safety emergency response services shall be as set forth on Exhibit A attached hereto. The hourly rates on Exhibit A are charged at the rates approved by Town Council, Resolution No. 2347-08, August 20, 2008.

PASSED, APPROVED, AND ADOPTED this 15th day of April 2009, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND
MAYOR GOBLE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit A

DUI Non Injury Accident

This fee applies to a situation where a non-injury accident is the reason for a response and there is a subsequent DUI arrest. This fee is based on a single deputy response. Back-up units which are common in these situations are included in the fee calculation.

DEPUTY TIME Varied (actual hours X 135.00 per hour)

Average time in handling this type of investigation is: The initial on scene investigation and towing of the vehicle (45 minutes), transport to the jail (15 minutes), chemical test (30 minutes), booking time (30 minutes) and report writing/booking evidence (180 minutes).

SERGEANT REVIEW 20 Minutes x (135.00 per hour)

This reflects the Sergeant time (20 minutes X 2.25 per minute) for review for this report supporting paper work and post storage hearings.

CHEMICAL TEST FEE (fee recovery for blood draw) \$100.00

This is a cost recovery fee only.

This fee applies to a situation where an injury accident is the reason for a response and there is a subsequent DUI arrest. This fee is based on a single deputy response. Back-up units which are common in these situations are included in the fee calculation.

DEPUTY TIME Varied (actual hours X 135.00 per hour)

Average time in handling this type of investigation is: The initial on scene investigation and towing of the vehicle (45 minutes), transport to the jail (15 minutes), chemical test (30 minutes), booking time (30 minutes) and report writing/booking evidence (180 minutes to 240 minutes).

SERGEANT REVIEW 30 Minutes x (135.00 per hour)

This reflects the Sergeant time (30 minutes X 2.25 per minute) for review for this report supporting paper work and post storage hearings.

CHEMICAL TEST FEE (fee recovery for blood draw) \$100.00

This is a cost recovery fee only.

Exhibit A
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DUI Fatal Accident

This fee applies to a situation where there is an accident involving a fatality and there is a subsequent DUI arrest. This fee is based on a single deputy response. Back-up units which are common in these situations are included in the fee calculation.

DEPUTY TIME Varied (actual hours X 135.00 per hour)

This would include the initial on scene investigation and towing of the vehicle, transport to the jail, chemical test, booking time and report writing/booking evidence. Extensive investigation is required in fatal accidents.

SERGEANT REVIEW Varied x (135.00 per hour)

This reflects the Sergeant time at a varied rate for review of this type of report, supporting paper work, and post storage hearings.

CHEMICAL TEST FEE (fee recovery for blood draw) \$100.00

This is a cost recovery fee only.

EQUIPMENT FEE

An equipment fee would be charged in this case. Due to the in-depth investigation needed in this type of incident an itemized list of equipment will be made and billed for.

Exhibit A
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