



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
[www. CityofSacramento.org](http://www.CityofSacramento.org)

Public Hearing
June 16, 2009

**Honorable Mayor and
 Members of the City Council**

Title: Towing and Impound of Vessels at the Sacramento Marina

Location/Council District: District 4

Recommendation: Conduct a Public Hearing and, upon conclusion of the hearing, adopt a **Resolution** approving fees for the towing and impounding of vessels.

Contact: Clair Camper, Marina Manager, 808-5712, Mike Bray, Lieutenant, 808-4504

Presenters: Clair Camper, Marina Manager, 808-5712, Mike Bray, Lieutenant, 808-4504

Department: Convention, Culture and Leisure and Police

Division: Sacramento Marina and the Office of Operations, Marine Unit

Organization No: 17001411 (Convention, Culture and Leisure) 11001111 (Police)

Description/Analysis

Issue: The Sacramento Police Department has a zero tolerance policy in regards to boating under the influence (BUI) on the American and Sacramento Rivers. When the operator of a boat or personal watercraft is stopped and arrested for BUI, their vessel must be either released to a responsible and sober party, or taken to a secure facility much like a car being towed when someone is arrested for DUI. The Police Department's Marine Unit has historically released the arrestees' boats as stated above, or docked them at the owner's request. The latter option increases the cities exposure to liability as the watercraft are typically left in an unsecured area.

The Sacramento Marina, with the approval of the Risk Management Department, has agreed to work in partnership with the Police Department to store/impound vessels associated with BUI arrests and boats which present a hazard on the water until the registered owners are able to recover them. The new towing and impound procedure will give the Police Department a place to store vessels when operators are arrested, when vessels are abandoned and present a hazard to public safety. The new procedure will also allow the marina to recover the costs of impounding vessels.

In order to ensure that the costs associated with the towing and storage of

Charges and Fees Associated with the Towing and Impound of Vessels at the Sacramento Marina June 16, 2009

vessels at the Marina are recovered, the fee schedules for Convention, Culture and Leisure and the Police Department need to be amended to add these fees.

Due to additional administrative, security, vessel monitoring and handling costs, the Sacramento Marina would like to charge \$2.00 per foot/per night for boats that are impounded at the Marina. The Risk Management Department has also requested that the revised charges and fees for the Convention, Culture and Leisure Department include a Risk Administration Fee of \$50 per vessel to cover insurance costs. The Sacramento Police Department would like to amend its fee schedule to include a flat towing fee of \$50 as a means of recovering the cost of the Marine Unit officer's time that is required to arrest the violator, the time required to tow the boat to the Marina and the fuel cost for the police department boat.

Policy Considerations: The proposed amendments to the birth fee schedule and towing fee schedule offsets operational costs associated with the towing and storage of vessels while allowing the Police Department and the Sacramento Marina to provide a much needed solution to the problem of how to manage vessels that would otherwise be left unsecured. The recommendation to charge a birthing fee for the impoundment of vessels at the Marina is also consistent with the City policy directing enterprise funds to be self-supporting.

Environmental Considerations:

California Environmental Quality Act (CEQA): The approval of fees does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b) of the CEQA guidelines.

Sustainability: Not applicable

Other: Not applicable

Commission/Committee Action: Not applicable

Rationale for Recommendation: The proposed revision to the Sacramento Marina berth fee schedule and the Police Department's towing fee schedule are designed to offset the costs of towing and storing vessels at the Marina.

Financial Considerations: The Sacramento Marina is an enterprise fund in which revenues must offset expenses. By taking on additional responsibility for the impoundment of vessels associated with boating, the Marina will be assuming additional insurance, administrative and handling and monitoring costs.

Emerging Small Business Development (ESBD): There are no ESBD considerations with this report.

June 16, 2009

Respectfully Submitted by: _____



Mike Bray, Lieutenant

Approved by: _____



Rick Braziel, Chief of Police

Recommendation Approved:



Ray Kerridge
City Manager

Table of Contents:

| | |
|--------------------|-------|
| Report | pg. 1 |
| Attachments | |
| 1 Background | pg. 3 |
| 2 Resolution | pg. 4 |
| 3 Exhibit A | pg. 5 |

Attachment 1

Background

The Sacramento Police Department's Marine Unit enforces certain laws, including those involving driving while under the influence. In the interest of public safety, the Marine Unit officers cannot dock the arrestee's vessels in an unsecured area for extended periods of time.

The Police Department has agreed to work in partnership with the Sacramento Marina whereby the Police Department will tow vessels to the Marina. The Marina will then store and impound those vessels until the vessel owners can recover them.

RESOLUTION NO.

Adopted by the Sacramento City Council

**Charges and Fees Associated with the Towing and Impound of Vessels at the
Sacramento Marina**

BACKGROUND

- A. The Sacramento Police Department's Marine Unit enforces laws prohibiting boating under the influence and other laws. In the interest of public safety, the Marine Unit officers cannot leave vessels abandoned by boaters arrested for boating under the influence or points which present a hazard on the water to drift or sit on the bank for extended periods of time. After receiving approval from the Risk Management Department, the Sacramento Marina has agreed to work in partnership with the Police Department to store/impound the vessels until the owners are able to recover them.
- B. In order to ensure that the costs associated with the towing and storage of vessels at the Marina are recovered, the fee schedules for Convention, Culture and Leisure and the Police Department need to be amended to add these fees.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The proposed new fees for boat towing and impound fees, as set forth in Exhibit A, are hereby approved.
- Section 2. Exhibit A is part of this Resolution.

EXHIBIT A

FEE AND CHARGE ADDITIONS

CONVENTION, CULTURE & LEISURE

Fee Name: Boat Storage/Impound Fee Associated with Boating Under the Influence Arrests

Current Fee: None

Proposed Fee: \$2.00 per foot, per night

Justification: Fee will be applied to vessels that are stored at the marina due to the arrest of the vessel owner for boating under the influence or to vessels which were brought to the Marina because they presented a hazard on the water. The purpose of the fee is to recover security, administrative and boat monitoring costs associated with the boat storage and impound procedure.

Fee Name: Risk Administration Fee:

Current Fee: None

Proposed Fee: \$50 per vessel

Justification: Fee will be applied to vessels that are docked at the Marina due to the arrest of the vessel owner for boating under the influence or to vessels which were brought to the Marina because they presented a hazard on the water.

POLICE

Fee Name: Towing Fee

Current Fee: None

Proposed Fee: \$50.00

Justification: Fee will be applied to vessels that are docked at the Marina due to the arrest of the vessel owner for boating under the influence or to vessels which were brought to the marina because they presented a hazard on the water. The purpose of the fee is to recover the cost for fuel associated with towing boats to the Marina.

