

RESOLUTION NO. 2016-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADDING THE FRANCHISE TOW FEE TO THE CITY OF NEWPORT BEACH'S FEE SCHEDULE

WHEREAS, Newport Beach Municipal Code ("Municipal Code") Chapter 5.15 provides that the City Council may designate two (2) official police tow services;

WHEREAS, Municipal Code Sections 5.15.080 and 5.15.095 have been revised to be consistent with California Vehicle Code Section 12110(b), which states that the City of Newport Beach ("City") may require a fee in connection with the award of a franchise for towing vehicles, so long as the fee does not exceed the actual and reasonable costs incurred in connection with the towing program;

WHEREAS, Municipal Code Section 3.36.030 provides that the cost recovery percentage for most user services shall be one hundred percent (100%);

WHEREAS, MGT of America, Inc. studied the costs associated with the City's franchise tow program and found that the City's cost of service in connection with the towing program is \$92.82 per vehicle release; and

WHEREAS, the City Council desires to incorporate the franchise tow fee into the City's fee schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newport Beach, as follows:

Section 1. The City Council finds that the franchise tow fee recommended by MGT of America, Inc. reimburses the City for its actual and reasonable cost incurred in connection with administering the official police tow service program. The franchise tow fee is hereby added to the City's fee schedule and is rounded down to the nearest dollar, at the rate of ninety-two dollars (\$92.00) per vehicle release.

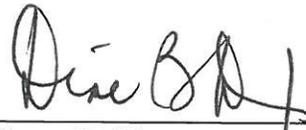
Section 2. The Recitals provided above are true and correct and are incorporated into the substantive portion of this resolution.

Section 3. The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the adoption of this resolution is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 4. If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5. This resolution shall take effect upon the effective date of Ordinance No. 2016-2 and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 26th of January, 2016.



Diane B. Dixon
Mayor

ATTEST:



Leilani I. Brown
City Clerk



STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2016-18 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 26th day of January, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Peotter, Council Member Duffield, Council Member Selich,
 Council Member Curry, Council Member Petros, Mayor Pro Tem Muldoon,
 Mayor Dixon
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of January, 2016.



City Clerk
Newport Beach, California

(Seal)

