



*City of Arts & Innovation*

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 25, 2021

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: MEASURE Z - ORDINANCE AMENDING CHAPTER 5.15 OF THE RIVERSIDE MUNICIPAL CODE – REGULATION OF RIVERSIDE POLICE OFFICIAL POLICE TOW TRUCK SERVICE INCLUDING AMENDMENTS TO SECTIONS 5.15.080, 5.15.110, AND 5.15.140 – ESTABLISH A MEASURE Z EXPENDITURE ITEM FOR REMOVAL AND DISPOSAL OF JUNK MOTORHOMES IN THE ANNUAL AMOUNT OF \$45,000 BEGINNING IN FISCAL YEAR 2020/2021 – SUPPLEMENTAL APPROPRIATION

## **ISSUES:**

Introduce and subsequently adopt an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled Regulations of Riverside Police Official Police Tow Truck Services including amendments to Sections 5.15.080, 5.15.110, and 5.15.140 and establish a Measure Z expenditure item for the removal and disposal of junk motorhomes in the annual amount of \$45,000 beginning Fiscal Year 2020/21 – supplemental appropriation.

## **RECOMMENDATIONS:**

That the City Council:

1. Introduce and subsequently adopt an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled Regulations of Riverside Police Official Police Tow Truck Services including amendments to Sections 5.15.080, 5.15.110, and 5.15.140; and
2. With at least five affirmative votes, authorize the Chief Financial Officer, or his designee, to establish a Measure Z expenditure item and appropriate expenditures in the amount of \$45,000 from the unallocated Measure Z Fund balance for the removal and disposal of junk motorhomes beginning Fiscal Year 2020/21.

## **BUDGET ENGAGEMENT COMMISSION RECOMMENDATIONS:**

On September 10, 2020, following discussion, the Budget Engagement Commission, with nine in favor, four against and two abstaining, approved a motion to recommend that the City Council approve a supplemental appropriation from the unallocated Measure Z Fund balance in the annual amount of \$45,000 to establish an account for the reimbursement of towing companies for the removal and disposal of junk motorhomes beginning Fiscal Year 2020/21.

## **BACKGROUND:**

Riverside Municipal Code (RMC) Chapter 5.15 regarding Regulations of Riverside Police Official Police Tow Truck Services is the basis for the Official Police Tow Truck Service Agreement by and between the City of Riverside and an Official Police Tow Service (Agreement). An Official Police Tow Service is a towing company with a contractual relationship with the City of Riverside to provide towing services to the Police Department. There are currently Agreements with nine towing companies.

On October 6, 2020, City Council adopted an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled regulation of Riverside Police Official Police Tow Truck Service regarding agreements with tow truck companies providing services to Riverside Police Department; whereupon, the title having been read and further reading waived, Ordinance No. 7536 of the City of Riverside, California, Amending Chapter 5.15 of the Riverside Municipal Code Entitled Regulation of Riverside Police Official Police Tow Truck Service, was presented and adopted.

Chapter 5.15 of the Riverside Municipal Code now requires the City, subject to the availability of budgeted funds, to reimburse towing companies with a contractual relationship with the City of Riverside for the removal and disposal of junk motorhomes at a cost of up to \$1,500 per occurrence upon proof of disposal.

The removal and disposal of large oversized motorhomes can be costly for the towing companies but is a required service per the Official Police Tow Truck Service Agreements. Currently, towing companies are expected to remove and dispose of junk motorhomes without additional compensation from the owner of the vehicle or the City of Riverside. It is an unreasonable expectation for the towing companies to continue to provide this service at a financial loss to the company; however, it is also a valuable service needed by the Riverside Police Department (RPD).

## **DISCUSSION:**

The term “junk motorhome” refers to abandoned and/or illegally parked motorhomes in the City of Riverside requiring removal and/or disposal. These junk motorhomes are a quality of life issue for residents. There are generally two ways in which the junk motorhomes become an issue for residents:

1. The owner of the motorhome no longer wants to or is unable to maintain the motorhome and therefore removes the VIN numbers and license plates from the motorhomes and abandons the motorhome on a city street.
2. A person may be using the motorhome as their means of residence, but will abandon the location because they have moved on, were arrested and remained in prison for an extended period of time, or are no longer able to maintain the motorhome, but do not have the resources to have it removed and it is left abandoned on a city street.

In either scenario, the abandoned motorhomes become an eyesore and a potential safety concern for residents.

The Riverside Police Department and the City Manager’s Office have conducted extensive negotiations with the towing companies regarding RMC Chapter 5.15 and the Official Police Tow Truck Service Agreements. The removal and disposal of junk motorhomes has been a major

concern for all parties. The towing companies have agreed that a reimbursable amount of up to \$1,500 per occurrence is adequate compensation for the removal and disposal of junk motorhomes. Staff considered the number of junk motorhomes removed and disposed of over recent years and determined that the establishment of an account in the annual amount of \$45,000 is sufficient for the reimbursement of towing contractors for the removal and disposal of junk motorhomes.

On October 6, 2020, City Council adopted an Ordinance amending Chapter 5.15 of the Riverside Municipal Code entitled regulation of the Riverside Police Official Tow Truck Service. The Amendments included a requirement that the City, subject to the availability of budgeted funds, reimburse towing companies with a contractual relationship with the City of Riverside for the removal and disposal of junk motorhomes at a cost of up to \$1,500 per occurrence upon proof of disposal. Therefore, the Police Department is requesting a supplemental appropriation from the unallocated Measure Z fund balance in the annual amount of \$45,000 beginning in Fiscal Year 2020/21 in order to establish an account for the reimbursement to towing companies with a contractual relationship with the City for the removal and disposal of junk motorhomes once proof of disposal with disposal costs is provided.

The adopted Ordinance also revised Section 5.15.100(A) to allow an Official Police Tow Service to act both as a prime and sub-prime contractor, which is in conflict with state law concerning fair business practices. The new proposed Ordinance amends Section 5.15.100(A) to prohibit this action and instead requires an Official Police Tow Service to utilize assets, via a City approved subcontracting agreement, for services they are not capable of providing. This amendment was necessary in order to provide all companies bidding to provide tow services to the City a fair and equal opportunity for selection.

In addition to the above proposed change to Section 5.15.100(A), various sections of the code have been modified to provide better clarity and language use consistency.

### **FISCAL IMPACT:**

The total fiscal impact for fiscal year 2020/21 is up to \$45,000. Towing contractors will be eligible to receive up to \$1,500 for each time they are required to remove and dispose of a junk motorhome once proof of disposal with disposal costs is provided. The cumulative fiscal impact of the ongoing amount in the Measure Z five-year spending plan (2021-2025) is \$225,000. There are sufficient projected unallocated reserves in the Measure Z fund to accommodate the annual cost of \$45,000.

Prepared by: Larry V. Gonzalez, Chief of Police  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer  
Approved by: Lea Deesing, Assistant City Manager  
Approved as to form: Kristi J. Smith, Interim City Attorney

### **Attachments:**

1. Ordinance Amending Chapter 5.15 of the Riverside Municipal Code
2. Riverside Municipal Code Chapter 5.15
3. September 10, 2020 BEC Meeting Minutes

#### 4. Measure Z 5-year Spending Plan