

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 19, 2008 [] Consent [X] Regular [] Ordinance [] Public Hearing
Department: Public Safety
Submitted By: Public Safety Department
Submitted For: Consumer Affairs Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: Adopt a resolution of the Board of County Commissioners, Palm Beach County, Florida amending Resolution R-2005-1023 to increase the annual operating permit fee for non-consent towing companies operating in Palm Beach County pursuant to Towtruck Ordinance 2005-009.

Summary: The proposed amendment increases the annual operating permit fee charged to Palm Beach County non-consent towing companies from \$400 to \$900. No other fee changes are requested. The proposed fee increase is needed to assure that sufficient revenue is generated to meet annual projected staff costs to oversee and enforce the Towtruck Ordinance. The Towing Advisory Committee has reviewed and approved the proposed fee increase. No ad valorem funds are allocated to support this program. All funding comes from industry licensing fees. COUNTY-WIDE (DW)

Background and Policy Issues: The Board of County Commissioners has regulated towing companies in some form since 1991. The Board approved a revised Towtruck Ordinance in 2005 that licenses and regulates non-consent towing companies in Palm Beach County. The understanding is that license fees (proposed to be \$900), vehicle decal fees (\$150) and other fees must pay for the cost to enforce the Ordinance. The proposed fee increase should provide sufficient income to assure that revenue generated will cover operational expenses. The Towing Advisory Committee is composed of towing company owners who represent: a) various areas of the county (north, south, central, west), b) small/medium/large companies and c) the Professional Wreckers of Florida. The Advisory Committee voted 7-1 to recommend that the Board approve this fee increase (The one negative vote wanted a higher fee). The Advisory Committee believes it is in the best interest of the industry and consumers to keep the current towing regulations in place. A total of 57 companies are now licensed to perform non-consent towing services in Palm Beach County. The industry receives proportionate value for these license fees through the maximum rates they are permitted to charge owners whose vehicles are towed after parking illegally or involvement in an accident (non-consent towing). The industry has been informed of this proposed fee increase.

Attachment: Amending Resolution

Recommended by: [Signature] Department Director Date
Approved By: [Signature] Assistant County Administrator Date 7/30/08

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	<29,000>	<29,000>	<29,000>	<29,000>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	<29,000>	<29,000>	<29,000>	<29,000>
# ADDITIONAL FTE	_____	0	0	0	0
POSITIONS (Cumulative)	_____	0	0	0	0
Is Item Included In Current Budget?	Yes _____	No <input checked="" type="checkbox"/>			

Budget Account No.: Fund 1429 Agency 660 Org. 6240 Object var. Reporting Category
 Revenue Account No.: Fund 1429 Agency 660 Org. 6240 Rev Src 2900

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The fee increase will enable the program to operate with no deficit. The county is restricted to only regulating non-consent towing companies (only about 1/3 of the entire towing industry), thus the operational costs are distributed among 57 companies.

C. Departmental Fiscal Review:

Eugene Zubanov

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

The Balance Brought Forward has been covering the shortfall in prior years. The revised fee will now cover the towing regulation program.

Atwillhite 8/5/08 *vo 8/11/08* *Contract Dev. and Control* *8/14/08*

B. Legal Sufficiency:

DS 8/7/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2008-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING RESOLUTION NO. R-2005-1023 TO APPROVE REVISED OPERATING PERMIT FEES APPLICABLE TO TOWTRUCK ORDINANCE NO. 2005-009 AND ANY SUCCESSIVE TOWTRUCK ORDINANCE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

WHEREAS, SECTION 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents; and

WHEREAS, Ordinance No. 2005-009, which is known as the Palm Beach County Towtruck Ordinance, requires certain fees to be established by Resolution of the Board of County Commissioners; and

WHEREAS, Section 2. A. Operating Permit Annual Fee needs to be revised and amended; and

WHEREAS, this resolution shall be applicable to successive amendments to the Palm Beach County Towtruck Ordinance No. 2005-009.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- A) Section 2. A. "Operating Permit Annual Fee" shall be amended to reflect a fee of \$900.
- B) The effective date for this Operating Permit Annual Fee shall be applicable for the license year which begins January 1, 2009 and shall apply to any amendment to the Palm Beach County Towtruck Ordinance 2005-009.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

COMMISSIONER ADDIE L. GREENE, CHAIR	_____
COMMISSIONER JOHN F. KOONS, VICE CHAIRPERSON	_____
COMMISSIONER KAREN T. MARCUS	_____
COMMISSIONER ROBERT J. KANJIAN	_____
COMMISSIONER MARY McCARTY	_____
COMMISSIONER BURT AARONSON	_____
COMMISSIONER JESS R. SANTAMARIA	_____

The Chair thereupon declared the resolution duly passed and adopted this _____ day of August, 2008.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock
Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney