



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0105

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 1, 2022

TITLE: First Reading - Ordinance Amending Subsection 26-8(b) - Impoundment of Vehicles, of the Code of Ordinances of the City of Fort Lauderdale Providing for the Imposition and Collection of a Reasonable Administrative fee to Cover the Cost of Enforcement, Including Parking Enforcement, When a Vehicle is Towed from Public Property, and Authorizing the City Manager to Execute an Amended Agreement with Westway Towing, Inc. to Facilitate the Imposition and Collection of the Administrative Fee- (**Commission Districts 1, 2, 3, and 4**)

Recommendation

Staff recommends the City Commission approve amending Subsection 26-8(b) of the Code of Ordinances of the City of Fort Lauderdale to provide for the imposition and collection of a reasonable administrative fee to cover the cost of enforcement when a vehicle is towed from public property. It is also recommended that the City Commission authorize the City Manager to execute an amended contract with Westway Towing, Inc. to facilitate the imposition and collection of the administrative fee.

Background

The present contract with the City's towing vendor (Westway Towing, Inc.) contains a provision which requires the vendor to remit to the City a \$200,000 yearly Towing Permit Fee. On September 18, 2020, the Governor signed into law HB 133 (Fla. Ch. 2020-174), which, in part, created F.S. 166.04465 (Rules and ordinances relating to towing services) which prohibits a municipality from enacting any ordinance or rule that imposes a fee or charge on a towing business for towing, impounding or storing vehicles. However, the Statute does permit a municipality to "impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of the vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement....." The collection of the fee or charge would be performed by the towing vendor, who would then remit the fee to the City.

Resource Impact

The City would no longer collect an annual Towing Permit Fee from the contracted vendor (\$200,000). However, the City will receive an administrative fee or charge, to be set by the City Commission, not to exceed 25% of the maximum tow rate. A review of the last three calendar years, according to records obtained from the current vendor Westway Towing, Inc., is as follows:

| | TOTAL TOWS | TOWING CHARGES |
|-------------|-------------------|-----------------------|
| 2018 | 6054 | \$492,697.72 |
| 2019 | 6102 | \$774,475.39 |
| 2020 | 4732 | \$667,822.59 |

This action will result in an unbudgeted revenue impact to the City in the amount of \$70,000 given a projection of 2,000 tows within the balance of the fiscal year. Revenue related to this agreement will be included in the FY 2022 operating budget in the accounts listed below contingent upon the approval of the Consolidated Budget Amendment CAM 22-0012.

| Funds available as of January 19, 2022 | | | | | |
|---|---------------------------------|--|---|---|-----------------|
| ACCOUNT NUMBER | INDEX NAME (Program) | CHARACTER CODE/ SUB-OBJECT NAME | AMENDED BUDGET (Character) | ACTUAL COLLECTED (Character) | AMOUNT |
| 001-FIN040301-N907 | Other General Fund Revenue | Miscellaneous Revenues – Towing Fees | \$24,751,482 | \$5,789,045 | \$70,000 |
| APPROPRIATION TOTAL ► | | | | | \$70,000 |

Strategic Connections

This item is a *2022 Commission Priority*, advancing the Community Response and Safety initiative

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Safety Focus Area
- Goal 6: Build a safe and well-prepared community.
- Objective: Prevent and solve crime in all neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachment

Exhibit 1 – Amended Ordinance

Prepared by: Rick J. Maglione, Major

Department Director: Larry R. Sciroto, Chief of Police

03/01/2022
CAM #22-0105