



AGENDA REPORT

Meeting Date: January 11, 2011

Item Number: D-3

To: Honorable Mayor & City Council

From: Mark A. Brower, Senior Budget & Financial Analyst

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO MODIFY THE FALSE ALARM APPEAL FEE FOR FISCAL YEAR 2010/2011; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$85,000 TO ATB SERVICES, LLC, FOR CONSULTING SERVICES TO MANAGE AND ADMINISTER CITY'S FALSE ALARM ORDINANCE; AND

APPROVAL OF AN APPROPRIATION OF \$2,000 FROM THE FALSE ALARM REDUCTION PROGRAM REVENUE FOR FALSE ALARM ADMINISTRATIVE HEARING APPEAL FEES

Attachments: 1) Resolution

RECOMMENDATION

Approve the resolution entitled "Resolution of the Council of the City of Beverly Hills Amending the Comprehensive Schedule of Taxes, Fees & Charges to Modify the False Alarm Appeal Fee for Fiscal Year 2010/2011"; approve a purchase order in the amount of \$85,000 to ATB Services, LLC; and approve an appropriation of \$2,000 as follows:

FROM	TO
\$2,000 0102301-46031 Patrol Unit – Security Alarm Service	\$2,000 0102301-73122 Patrol Unit – Ongoing Contractual Services

INTRODUCTION

On October 18, 2010, the City Council adopted an ordinance amending the municipal code regarding false alarms. The municipal code now provides a procedure for contesting the imposition of a false alarm service charge. A person contesting the charge must first submit a request for administrative review of the charge. If the contestant is not satisfied with the results of the administrative review, the contestant can request an appeal. The appeal hearing is conducted by an independent hearing examiner in order to ensure that the process is fair and impartial.

In order to open a purchase order with the professional hearing officer, funds must be appropriated from the False Alarm Reduction Program. The appellants will pay the full cost of the appeal. As such, there is no cost to the City for this service and the funds appropriated will be repaid as appeal fees are collected.

In addition, Staff is modifying the way payments to the current false alarm program vendor (ATB Services Inc.) are processed to ensure consistency with other similar programs. The full cost of this service is recovered through the collection of false alarm service fees.

DISCUSSION

An appeal of a false alarm service charge is conducted by an independent hearing examiner. This process is similar to that for parking citations and affords the contestant a fair and impartial review. The hearing examiner is a third party, who charges the City \$45.00 for the administrative hearing. Anticipating this required change to the appeal process, in October 2010 Staff updated the City's Municipal Code to provide for this appeal process. Also at this time, Staff created a False Alarm Appeal Fee, which was set at \$0.00 until the actual cost of providing this service could be determined. Now that the fee for providing this service has been finalized, in order to recover the full cost of the appeal the false alarm appeal fee must be set at \$45.00.

In addition, Staff will begin to pay our current vendor using a purchase order rather than a request for warrant. This administrative change will ensure that the way payments are processed is consistent with other similar programs.

FISCAL IMPACT

\$2,000 will be appropriated from revenues generated from the False Alarm Reduction Program fees. The full amount will be repaid through the collection of appeal fees. There are no additional costs to implement Staff's recommendations.



Dr. Scott G. Miller / CFO
Finance Approval

Attachment 1

RESOLUTION NO. 11-R-_____

RESOLUTION OF COUNCIL OF THE CITY OF BEVERLY
HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF
TAXES, FEES & CHARGES TO MODIFY THE FALSE
ALARM APPEAL FEE FOR FISCAL YEAR 2010/2011

The Council of the City of Beverly Hills does resolve as follows:

Section 1. As set forth in previous Resolutions, the City Council has established, amended, fixed and modified, all fees, permit fees, City series charges, and other fees, charges, extractions, and required payments for municipal services, inspections, enforcement activities or for other indicated purposes (“Comprehensive Schedule Of Taxes, Fees & Charges”). The City Council now desires to amend the Comprehensive Schedule of Taxes, Fees & Charges and update the False Alarm Charge Appeal Fee.

Section 2. The False Alarm Appeal Fee for Fiscal Year 2010/2011 is hereby adjusted as set forth in Exhibit A, attached hereto and incorporated herein and shall be included in the Comprehensive Schedule Of Taxes, Fees & Charges.

Section 3. Notwithstanding Section 2, the City Council is taking action only on the fee that has been modified as set forth in Exhibit A. The remaining taxes, fees, permit fees, City service charges, and other fees, charges, extractions, and required payments for municipal services, inspections, enforcement activities or for other indicated purposes set forth in the Comprehensive Schedule of Taxes, Fees & Charges have not been readopted and remain in place.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE WIENER
City Attorney

APPROVED AS TO CONTENT:



SCOTT G. MILLER
Director of Administrative Services/
Chief Financial Officer

EXHIBIT A

Fiscal Year 2010/2011 False Alarm Appeal Fee

BHMC 4-4-110 False Alarm Appeal Fee: \$45.00