

## **ORDINANCE NO. 4121**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING CHAPTER 14 OF THE POMONA CITY CODE TO REFLECT THE MAXIMUM AMOUNT OF COST REIMBURSEMENT FOR EMERGENCY RESPONSE TO INCIDENTS INVOLVING DRIVERS UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL, AS PERMITTED UNDER STATE LAW**

**WHEREAS**, on February 4, 2002, the City of Pomona (the “City”) adopted Ordinance No. 3943, to allow the Pomona Police Department to recover costs associated with emergency police responses to incidents involving the negligent or intentionally wrongful operation of a motor vehicle caused by any person who is under the influence of alcohol, drugs, or both, as authorized by California Government Code Sections 53150 through 53158;

**WHEREAS**, Section 14-203 of the Pomona City Code states that the amount of reimbursement shall not exceed \$1,000 as authorized by Government Code Section 53155;

**WHEREAS**, since the City Council adopted the ordinance in 2002, the California Legislature increased the maximum amount that local police agencies may recover, from \$1,000 to \$12,000, per incident; and

**WHEREAS**, by amending the Code to reference the “maximum amount” allowable under state law, the City will be able to recover *up to* the current maximum amount of reimbursement and, in the event the Legislature increases the amount in the future, *up to* the future maximum amounts.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** Chapter 14, Article IV, Division 4 “Driving Under the Influence (DUI) Emergency Response Cost Recovery,” Section 14-203 of the Pomona City Code is hereby amended as follows:

**Sec. 14-203. Reimbursement of costs incurred.**

Any person who is found to be driving under the influence or whose negligent or intentionally wrongful operation of a motor vehicle results in emergency police response shall be liable for the reimbursement of the expenses or costs incurred by the police department or other city agency as a result of the emergency response. The amount of reimbursement shall not exceed the maximum amount authorized under Government Code § 53155.

**SECTION 2.** If any part of this Ordinance, or its application to any individual, entity, or circumstance, is held to be invalid, the remainder of the Ordinance, including the application or provision to other persons or circumstances, shall be not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

**SECTION 3.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**PASSED, APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF JUNE, 2009.**

**ATTEST:**

**CITY OF POMONA:**

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Marie Michel Macias, City Clerk

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Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

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Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on May 4, 2009, and adopted at second reading at a regular meeting of the City Council of the City of Pomona held on the 18th day of May, 2009 by the following vote:

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Lantz, Saunders, Rothman  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Atchley  
ABSTAIN: COUNCILMEMBERS: None

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Marie Michel Macias, City Clerk