



CITY COUNCIL ACTION REPORT

December 1, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Proposal to Require Fees for Preliminary Breath Tests Administered at the Troy Police Walkup Desk

Background

- For several years, the 52-4th District Court has required Preliminary Breath Tests (PBTs) from those who have pled to or have been found guilty of alcohol-related offenses. As of this writing, Troy Police walkup desk officers have administered these tests free of charge.
- The demand for tests has increased and as a result, creates a significant demand on police personnel at the walkup desk, particularly during holiday periods when the number of mandated PBTs rises significantly. At times, a second police officer must be called in from road patrol duties to assist the walkup desk officer.
- A survey of neighboring departments indicates that the average fee assessed for PBT tests is \$7.50, with fees ranging from no charge to \$20.00 per test.
- The Troy Police Department strives to be fiscally conscious and recognizes that it is both reasonable and appropriate to charge a fee to recover the time and the materials involved in the administration of PBTs. A fee in line with fees charged in neighboring communities is proposed: \$5.00 for residents of Troy and \$10.00 for non-residents.
- If the number of PBTs administered remains constant, it is estimated that PBT fees will result in additional annual revenue of approximately \$30,000.00.
- The Troy Police Department accelerated the development of this proposal in response to discussion at a recent City Council meeting regarding potential revenue enhancement/cost recovery items. Based on past experience, there is a high demand for PBT testing during holiday periods. It is likely that the higher demand for PBT administration will commence before December 25, 2008. Therefore, the Police Department recommends the adoption of **Option A**, below, which provides for an emergency revision to Chapter 60 in order to recover the significant costs expected to be incurred as a result of holiday-related administration of PBTs.

Financial Considerations

- A revenue fund will be created and all monies obtained as a result of PBT service will be deposited into the revenue account.

Legal Considerations

- The City Attorney's Office has reviewed and approves this proposal.

Policy Considerations

- The fee assessment for PBT administration is in furtherance of the City of Troy goal to minimize costs and increase the efficiency of City government.
- The fee assessment excludes PBTs issued pursuant to criminal investigations.

Options

- Option A: City management recommends an emergency amendment to Chapter 60 by implementing a fee schedule for Preliminary Breath Tests (PBTs) administered by the Police department effective immediately as indicated below:

\$5.00 – Troy residents
\$10.00 – Non-residents

- Option B: City management recommends amending Chapter 60 by implementing a fee schedule for Preliminary Breath Tests (PBTs) administered by the Police department effective December 25, 2008 as listed below:

\$5.00 – Troy residents
\$10.00 – Non-residents

OPTION A- EMERGENCY ORDINANCE EFFECTIVE IMMEDIATELY

CITY OF TROY
AN EMERGENCY ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Section 60.03, of the Code of the City of Troy.

Section 2. Amendment

Chapter 60, Section 60.03 – Fee Schedule, shall be amended by adding the following items:

Police Services	FEE:
Administration of Preliminary Breath Test to Residents	\$ 5.00
Administration of Preliminary Breath Test to Non-Residents	\$10.00

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

OPTION A- EMERGENCY ORDINANCE EFFECTIVE IMMEDIATELY

This Ordinance shall become effective immediately.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

OPTION B- ORDINANCE AMENDMENT EFFECTIVE IN TEN DAYS

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Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

OPTION B- ORDINANCE AMENDMENT EFFECTIVE IN TEN DAYS

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk