

DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor
City Manager

FROM: Timothy J. McGarry, AICP 
Director of Planning and Development

DATE: February 8, 2016

SUBJECT: **First Reading of a Resolution Adopting Fees for Solicitor and Vehicle for Hire Permits**

Overview

The Planning and Development and Police Departments request that the attached draft Resolution be placed on the City Council's February 16, 2016, meeting agenda for First Reading.

Background

It has come to the staff's attention that the City Police Department is no longer able to use the Florida Crime Information Center (FCIC) or National Crime Information Center (NCIC) to conduct criminal background checks on applicants for a solicitor permit or a vehicle for hire permit. The use of these centers for such background checks is not authorized and may subject the City to loss of access to these centers.

The most practical solution is for the City to use an outside private screening service to perform the background checks. The plan is to use the same private screening service used by the City's Human Resources Department.

However, private screening services will not be free and any such costs are not covered by current permit application fees. The current application fee for a solicitor permit is \$25, which is submitted to the Planning and Development Department. The \$25 fee is for processing a single application or a group of applications for a single firm.

No application fee is now required for a vehicle for hire permit, which is submitted directly to the Police Department. The only fee is an inspection fee of \$30 for each vehicle for hire.

The fee for conducting criminal background checks by firm used by the Human Resources Department is \$58. To recoup the costs for the criminal background screening of permit applicants, the Planning and Development Department proposes for the solicitor permit application a fee of \$25 per individual application or group of individual applications from a single firm plus \$58 per individual application. The Police Department proposes a single fee of \$58 per application for a vehicle for hire permit application.

SWOT Analysis

- *Strengths:* The out-of-pocket costs to the City for the criminal background checks will be covered by the proposed fees.
- *Weaknesses:* None.
- *Opportunities:* The inclusion of the out-of-pocket fees provides the opportunity to recoup out-of-pocket costs to the City.
- *Threats:* If the fees are not adopted and the City continues to require criminal background checks for applicants, it will result in increased costs to the City that are not recoverable.

Recommendation

The Police Department and Planning and Development Department recommend approval of the Resolution.

TJM/tf
Attachment

RESOLUTION NO. 16-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ADOPTING PERMIT APPLICATION FEES FOR SOLICITORS AND VEHICLE FOR HIRE DRIVERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, individuals that want to drive a vehicle for hire or conduct door-to-door solicitation within the city limits are required to obtain a permit from the City of Vero Beach; and

WHEREAS, the approval of these type of permits by the Vero Beach Police Department requires a criminal background check to protect the public health and safety; and

WHEREAS, background checks were routinely done without cost to the City through the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC); and

WHEREAS, it has come to the City staff's attention that use of these centers' resources for background checks on individuals requiring a city permit is considered an unauthorized purpose and may subject the City to loss of FCIC/NCIC access; and

WHEREAS, City staff intends to use a private screening service to perform the required background checks on individuals seeking a solicitor or vehicle for hire permit; and

WHEREAS, the costs to the City for these background checks to be conducted by a private firm would not be covered by the current permit fees charged; and

WHEREAS, the City Council finds that the fees adopted by this Resolution are in the public interest and they include in a fair manner the costs to be incurred by the City for the criminal background checks;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1. Adoption of “WHEREAS” clauses.

The foregoing “WHEREAS” clauses are hereby adopted herein.

Section 2. Adoption of Fees

The following fees are adopted for both initial and renewal applications:

- Section 62-81 (Peddler, canvasser, solicitor, transient, vendor, or transient merchant): \$25 per individual application or group of individual applications from a single firm plus \$58.00 individual application.
- Section 82-51 (Vehicle for hire): \$58.00 per application.

All fees are nonrefundable.

Section 3. Conflict and Severability.

The provisions of this Resolution shall control over those provisions of previously adopted resolutions in conflict herewith. If any provision of this Resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions.

Section 4. Effective Date.

This Resolution and fees adopted herein shall become effective upon final adoption by the City Council.

This Resolution was read for the first time on the _____ day of _____ 2016, and was advertised on the _____ day of _____ 2016, for a public hearing to be held on the _____ day of _____ 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____ seconded by Councilmember _____, and adopted by the following vote:

Mayor Jay Kramer _____

Vice Mayor Randolph B. Old _____

Councilmember Pilar E. Turner _____

Councilmember Richard G. Winger _____

Councilmember Harry Howell III _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

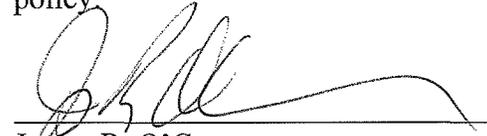
[SEAL]

Approved as to form and legal
sufficiency:

Approved as conforming to municipal
policy:



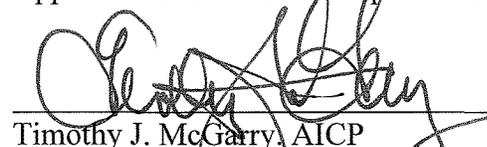
Wayne R. Coment
City Attorney



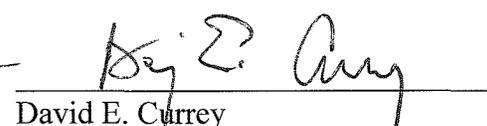
James R. O'Connor
City Manager

Approved as to technical requirements:

Approved as to technical requiremens:



Timothy J. McGarry, AICP
Director, Planning & Development



David E. Currey
Chief, Police Department

