



**BOARD ACTION REQUEST FORM**

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**SECTION 1: PURPOSE**

The BOARD ACTION REQUEST FORM is designed to 1) enhance the orderly and efficient conduct of Committee and Board meetings; 2) serve as prior notice to all interested parties; 3) aid the Committee Chairs in meeting preparation; 4) provide the Departments with a mechanism for formal communication with the Board; and 5) aid in the creation of the official record of the meeting.

To request an item be added to a committee agenda, submit the completed FORM and all supporting documentation to the applicable Committee Chair for consideration at least 5 days prior to the meeting date/time.

**SECTION 2: OVERVIEW**

**Subject:** Raising of Administrative Impound Fee **Requested by:** Sheriff Clay Whelan

**To Committee(s):** Public Safety, Finance, and Executive **Meeting Date(s)** 2/13/24 and 2/15/24

**Action Requested (Select One):**  Motion  Resolution  Ordinance  Contract Approval

**Executive Session**  YES  NO **5 ILCS 120/2(c) Exception:** \_\_\_\_\_

**Requestor's Recommended Action:**

Request to raise the Administrative Impound Fee pursuant to 5-3-6 of the Lee County Code from \$250.00 to \$350.00.

**SECTION 3: PROPOSAL**

*Describe the action requested, including relevant background information, applicable statutory references, potential impact to the County and/or any other departments, and the proposed implementation timeline. Attach additional pages if needed.*

On any arrest of an individual that is driving a vehicle used in connection with the offenses enumerated under 5-3-5 of the Lee County Code, the vehicle is subject to seizure and impoundment. The current administrative impound fee for Lee County is \$250.00. In comparison, the administrative impound fee for Ogle County is \$500.00 and the City of Dixon fee is \$300.00. With the expansive area of Lee County as well as the number and locations of the various tow agencies, it is the belief that an increase is justified. The current fee of \$250.00 was enacted in March of 2015.



**SECTION 4: FINANCIAL IMPACT**

*Provide specific financial details including revenue or expenses associated with the request and if this is a one-time or recurring expense. If this is an unanticipated (unbudgeted) expense, explain the catalyst for the request. Attach relevant documents such as revenue/expense projections or vendor bids/quotes.*

**Budgetary Status (check all that apply):** **Cost of Proposed Action:** \_\_\_\_\_

- This action has no budgetary implications.
- Funds are available in this FY budget. Line-item Description/Number \_\_\_\_\_
- Funds are not budgeted in this FY. Proposed funding source: \_\_\_\_\_
- If approved, funds will be requested for this action in next year's budget.
- This action will bring in additional revenue of \$ \_\_\_\_\_ Line-item 092-004-440010
- This action will reduce expenditures and/or be budget neutral.

The number of impoundments in 2023 and 2022 were 105 and 67 respectively. Those numbers would increase the revenue generated from the tow fund by \$10,500 in 2023 and \$6700 in 2022.

**5-3-5: VEHICLES TO BE SEIZED AND IMPOUNDED:**

Any motor vehicle, regardless of whether the registered owner or lessee is operating said vehicle, within the County of Lee, State of Illinois, shall be subject to seizure and impoundment under this section, anytime said vehicle is used in connection with one or more of the following offenses <sup>1</sup> :

- A. Operation or use of a motor vehicle in connection with the commission of any felony offense.
- B. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to section 36-1 of the Criminal Code of 1961, as now enacted and as amended from time to time; or
- C. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 Illinois Compiled Statutes 5/11-501, as now enacted and as amended from time to time (unless the law enforcement officer, in his discretion, determines that said vehicle may be released to a sober passenger or co-owner).
- D. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act, 720 Illinois Compiled Statutes 550 et seq., as now enacted and as amended from time to time; or
- E. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570 et seq., as now enacted and as amended from time to time; or
- F. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961, as now enacted and as amended from time to time; or
- G. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 Illinois Compiled Statutes 5/6-303, as now enacted and as amended from time to time; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving); or
- H. Operation or use of a motor vehicle in connection with soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act, as now enacted and as amended from time to time; or
- I. Operation or use of a motor vehicle by a person against whom a valid warrant is outstanding for which Lee County is within geographical limits.
- J. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of article 16 or 16A of the Criminal Code of 1961, as now enacted and as amended from time to time; or
- K. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, the offense of fleeing to elude a police officer, in violation of 625 Illinois Compiled Statutes 5/11-204.1, as now enacted and as amended from time to time; or
- L. Any other offense now codified or subsequently enacted, that directs or authorizes a law enforcement officer to seize, impound, or tow the motor vehicle in question. (Ord. 02-15-003, 2-17-2015, eff. 3-1-2015)

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**Notes**

- <sup>1</sup> 1. As enumerated in 625 ILCS 5/11-208.7.

**5-3-6: ADMINISTRATIVE FEE:**

An administrative fee in the amount of two hundred fifty dollars (\$250.00) shall be imposed on the registered owner or lessee of any motor vehicle impounded under this chapter. (Ord. 02-15-003, 2-17-2015, eff. 3-1-2015; amd. Res. 09-17-019, 9-19-2017)

A. Said fee is to serve as a proxy for the actual administrative costs incurred by the County and County agencies as the result of towing and impounding of vehicles, and the preparing, prosecuting, hearing, and disposing of criminal or traffic cases involving the use of motor vehicles.

B. The administrative fee shall be in addition to: 1) any other penalties that may be assessed by a court of law for the underlying violations; 2) any towing or storage fees, or both, charged by the towing company; and 3) any Hearing Officer fee imposed under section 5-3-13 of this chapter.

C. If there exists more than one registered owner or lessee of the vehicle in question, each registered owner or lessee shall be jointly and severally liable to the county for the administrative fee.

D. Any funds collected under this chapter as an administrative fee shall be used for law enforcement related activities including the purchase or maintenance of police vehicles, equipment, or training at the discretion of the sheriff. In addition, should a petitioner successfully challenge the administration of the towing fee, the administrative hearing officer's fee of one hundred fifty dollars (\$150.00) shall be paid from the administrative fee. (Ord. 02-15-003, 2-17-2015, eff. 3-1-2015)

**5-3-7: COMMENCEMENT OF IMPOUNDMENT:**

Whenever a law enforcement officer has probable cause to believe that a motor vehicle is subject to impoundment, under section 5-3-5 of this chapter, the officer shall provide for the towing of the vehicle to a facility authorized by the county. Said vehicle shall be impounded and held until such time the administrative fee is paid or the vehicle is subject to release under the provisions of this chapter. (Ord. 02-15-003, 2-17-2015, eff. 3-1-2015)