

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING AMENDMENTS TO COUNCIL POLICY 9-8, "RATE REVIEW PROCESS FOR TOW CAR SERVICES"

WHEREAS, the City Council initially adopted City Council Policy 9-8, titled "Rate Review Process for Tow Car Services" on October 11, 1983, which policy has since been amended by the City Council on March 25, 2008 ("Policy"); and

WHEREAS, the City Council desires to amend the Policy to set City-wide tow rates at the maximum rates allowed under State of California Highway Patrol for the Golden Gate Region-San Jose Office, as may be amended; and

WHEREAS, this Policy supersedes the policy approved on March 25, 2008, under Resolution No. 74304 of the Council of the City of San Jose;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised City Council Policy No. 9-8, entitled "Rate Review Process for Tow Car Services," which revised Policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, replace City Council Policy No. 9-8, initially approved by the City Council on October 11, 1983 and revised on March 25, 2008.

RD:DEY
06/11/2019

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI TABER
City Clerk

City of San José, California

COUNCIL POLICY

TITLE RATE REVIEW PROCESS FOR TOW CAR SERVICES	PAGE 1 of 2	POLICY NUMBER 9-8
EFFECTIVE DATE October 11, 1983	REVISED DATE June 25, 2019	
APPROVED BY COUNCIL ACTION 10/11/83, Item 10A; 02/23/88, Item 10a, Res. No. 60382; 3/25/08, Item 4.4(b), Res. No. 74304		

PURPOSE

The purpose of this policy is to establish the methodology for the maximum rates for City generated tow services and to ensure a consistency of rates charged to residents within the City of San José. This policy will ensure that the rates charged to the residents of San José do not exceed the annually adopted rates of the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region - San José Office.

BACKGROUND

On March 25, 2008, the City Council adopted a schedule of rates recommended on the basis of the maximum rates allowed under the State of California Highway Patrol Tow Services Agreement. It further authorized the revision of Council Policy 9-08 that was adopted on November 23, 1982 and effective on October 11, 1983. This policy required the City of San José to conduct a rate review annually based on various criteria including the Consumer Price Index, survey of comparable cities and evaluation of fuel and operational costs.

The State of California Highway Patrol reviews its rates annually to ensure they consider both regional cost equity and are adjusted for inflation to create customer predictability and fairness for rates charged.

By the Council setting ~~rates in accord with the~~ maximum tow rates allowed at the CHP rates, as adjusted, under State of California Highway Patrol agreements, there will be a greater consistency of tow rates charged within the jurisdiction for tow services on the state highways, expressways or local roadways within the City of San José.

POLICY

It is the Policy of the City of San José to:

1. Set the maximum tow services rate for City-wide tows at an amount not to exceed the State of California Highway Patrol Tow Services Agreement Rates, as amended, without annual Council approval.
- ~~1.2. Ensure that the tow rates are reviewed and adjusted annually to determine if the State of California Highway Patrol Tow Services Agreement Rates, as may be amended, are balancing the needs of the community, to an amount not to exceed the less than or equal to the annually approved tow rates for each tow business allowed by the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region - San José Office.~~
- ~~2.3. Ensure that any rate increase includes there is an annual a review of and recommendation for changes to contractual compensation payments as required under the City of San José's adopted Tow Services Agreements.~~

DEFINITIONS

The following terms shall have the assigned definitions for all purposes under this policy:

City of San José means the City of San José elected and appointed officials and staff.

City of San José Generated Tows refers to all towing services requested by the City of San José to remove vehicles from the public right of way for any lawful purpose.

State of California Highway Patrol Tow Services Agreement Rates refers to the maximum tow services rate allowed by the San José Regional Office for California Highway Patrol tow services agreements for the Golden Gate Region, as may be amended.

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Contractual Compensation means any required compensation to be paid to the City of San José as stipulated in the City of San José's tow services agreements.

IMPLEMENTATION GUIDELINES

The City Manager shall carry out this policy in an efficient and accountable manner. Specifically, the City Manager shall:

1. Ensure that the State of California Highway Patrol Tow Services Agreement Rates and City's maximum tow services rates are reviewed annually and the maximum allowed rate is serving and balancing the needs of the community. ~~following staff's review of the approved tow rates allowed by the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region San José Office, and that a recommendation for staff confirm the tow rates charged by the tow operators are less than or equal to the CHP approved rates for their business, rate changes is presented to the City Council for approval.~~
2. Every five years, or as required, review this policy and recommend changes, if warranted, to Council.