

RESOLUTION NO. 74304

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING AMENDMENTS TO COUNCIL POLICY NO. 9-08, "RATE REVIEW PROCESS FOR TOW CAR SERVICES"

WHEREAS, on March 25, 2008, the City Council of the City of San José received a report from the administration recommending the approval of a revised City Council Policy No. 9-08 on "Rate Review Process for Tow Car Services"; and

WHEREAS, public comment was received and it was moved and approved that the proposed Policy be adopted by resolution;

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

The attached revised Council Policy No. 9-8, "Rate Review Process for Tow Car Services," is hereby approved.

ADOPTED this 25th day of March, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, REED

NOES: CONSTANT; WILLIAMS.

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

City of San José, California

COUNCIL POLICY

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| TITLE: RATE REVIEW PROCESS FOR TOW CAR SERVICES | PAGE 1 of 2 | POLICY NUMBER 9-8 |
| | EFFECTIVE DATE 10/11/83 | REVISED DATE 03/25/08 |

APPROVED BY COUNCIL ACTION ON

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 Jose. This policy will ensure that the rates charged to the residents of San Jose do not exceed the annually adopted rates of the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region - San Jose 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 9-8 that was adopted on November 23, 1982 and effective on October 11, 1983. This policy required the City of San Jose 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 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 Jose.

Policy

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

1. Ensure that the tow rates are reviewed and adjusted annually to an amount not to exceed the annually approved tow rates allowed by the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region – San Jose Office.
2. Ensure that any rate increase includes a review of and recommendation for changes to contractual compensation payments as required under the City of San Jose’s adopted Tow Services Agreement.

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

State of California Highway Patrol Tow Services Agreement refers to the maximum tow services rate allowed by the San Jose Regional Office for California Highway Patrol tow services agreements.

Contractual Compensation means any required compensation to be paid to the City of San Jose as stipulated in the City of San Jose’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 City’s maximum tow services rates are reviewed annually 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 Jose Office, and that a recommendation for 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.