

RESOLUTION NO. 18-8628

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
AMENDING THE “CITY OF SANTA CLARA 2018-2019 MUNICIPAL
FEE SCHEDULE” TO ELIMINATE THE ANNUAL FEE FOR TOW
DRIVER RENEWAL AND ADOPTING NEW TOW FEES AND
CHARGES AND AN ANNUAL CPI ESCALATOR.**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, under the provisions of the City of Santa Clara Municipal Code and Government Code, fees and charges assessed by the City of Santa Clara may be amended or modified upon the adoption of a Resolution by the City Council;

WHEREAS, the City Council has determined that the revenue received from tow driver permit renewal fees is minimal;

WHEREAS, the City Council has determined that it is necessary for the City to enter into agreements, effective January 1, 2019, with tow operators in the City of Santa Clara to provide on-demand towing services to the City in situations such as auto accidents and abatement of abandoned vehicles;

WHEREAS, the rates and charges for various on-demand services provided by the tow operators, as set forth in the agreements, are appropriate for the industry and location, and will be charged to the owners of the vehicles towed; and

WHEREAS, the City Council deems it to be in the best interests of the City to eliminate the \$47 Tow Driver Permit Renewal Fee and to adopt new towing fees and charges in its 2019 contracts with towing service operators, which include an annual CPI escalator.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS
FOLLOWS:**

1. That the 2018-19 Municipal Fee Schedule last adopted May 8, 2018, is hereby amended to eliminate the \$47 annual Tow Driver Renewal Fee.

2. That the rates and charges for services performed pursuant to the January 1, 2019, Agreement for Towing Services between the City and each tow operator shall be set forth in Exhibit A.

3. That rates and charges for Rotation Schedule B may be adjusted annually, on January 1, subject to approval by City. Rate increases shall not exceed the annual percentage increase in the Consumer Price Index for All Urban Consumers (Current Series) for the San Francisco-Oakland-Hayward, CA region, no seasonally adjusted.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27th DAY OF NOVEMBER, 2018, BY THE FOLLOWING VOTE:

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|------------|-------------|--|
| AYES: | COUNCILORS: | Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor |
| NOES: | COUNCILORS: | None |
| ABSENT: | COUNCILORS: | None |
| ABSTAINED: | COUNCILORS: | None |

ATTEST: 

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A: Schedule of Fees, Tow Rates and Charges

EXHIBIT A

SCHEDULE OF FEES, TOW RATES AND

CHARGES

ROTATION SCHEDULE A:

For rotation schedule A, City shall reimburse Contractor Fifteen Hundred Dollars and Zero Cents (\$1,500.00) for each Recreational Vehicle, Motor Home (on wheels), and Cab-Over Camper towed. Contractor shall submit to City a properly completed invoice within 30 days after the end of the month in which the tow occurred. The invoice shall itemize each vehicle towed by vehicle type, and include a photograph of the vehicle. Invoices are to be remitted to:

Santa Clara Police
Department, 601 El Camino
Real
Santa Clara, CA 95050
Attention: Field Operations Commander

ROTATION SCHEDULE B:

| | |
|---|---------------------------|
| 1. Basic Tow - For any tow of a disabled vehicle from the scene of an accident; or of an unattended or abandoned vehicle from a public street when authorized by a police officer or other authorized employee of City; or of a driverless vehicle from a public street or private property, when authorized by a police officer, or other authorized employee of City, and when required on account of the disability of the driver. For any tow of a vehicle from a public street or private property when authorized by the person lawfully entitled to the possession of the vehicle; or of a vehicle parked without authorization on private property by the person lawfully entitled to the possession of the real property. For any tow of a vehicle authorized by a Santa Clara Police Officer other authorized City employee from a location on a freeway within the city limits of the City of Santa Clara. | \$225.00 per tow |
| 2. Service call - response by a Tow Truck to a request by or on behalf of the person in lawful possession of a vehicle, or by a police officer, but towing is found not to be necessary, for each period of fifteen (15) minutes, or portion thereof, required to be spent from the time of departure to return to the customary tow car location or to release to another assignment in accordance with, and subject to the limitations of, the provisions of the "No Drop or Release Charge" section of Exhibit A: | |
| Class "A" regular duty tow-trucks: | \$56.25 per quarter hour |
| Class "B" medium duty tow-trucks: | \$107.50 per quarter hour |
| Class "C" heavy duty tow-trucks: | \$137.50 per quarter hour |
| Class "D" heavy duty tow-trucks | \$150.00 per quarter hour |

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|--|-----------|--|
| <p>3. Extraordinary Services Tows</p> <p>Where one or more of the following conditions is met:</p> <p>a. Tow services authorized in writing by the City as requiring more than the use of one Class A Tow Truck for more than one hour from the time of dispatch to the time of departing the scene</p> <p>b. Vehicles that have been driven off of embankments;</p> <p>c. Accidents where a vehicle is overturned, burned, or imbedded in a structure or another vehicle</p> <p>d. Vehicles which must be recovered over six feet from the roadway</p> <p>e. Heavy Vehicle Tows (Special Tows):</p> <p>Class B - for towing vehicles which are under 6,000 pounds (empty) which require Class B truck recovery, (e.g. fifth wheel trailers, small motor homes, horse trailers and heavily loaded one-ton trucks); and for towing vehicles which exceed 6,000 pounds (empty) (e.g. medium to large motor homes, commercial trucks and trailers, and trailers less than 26,000 pounds (empty));</p> <p>Class C & D - for towing vehicles where weight or complex recovery requires the use of a Class C or D Tow Trucks (e.g. vehicles with a weight exceeding 26,000 pounds (empty), such as a very as a very large motor home bus or semi-truck and trailer rig).</p> <p>f. Vehicles which are in more than one piece as a result of a collision and it has been documented by requiring the written authorization of the impounding officer on the CHP Form 180 (impounds only) or Tow Services Audit Form when the CHP Form 180 is not required, then the following rates are applicable as authorized.</p> | | |
| Class "A" regular duty tow-trucks: | \$225/hr. | |
| Class "B" medium duty tow-trucks: | \$430/hr. | |
| Class "C" heavy duty tow-trucks: | \$550/hr. | |
| Class "D" heavy duty tow-trucks: | \$550/hr. | |
| The foregoing rates shall be charged as a one-hour minimum charge plus a pro rata charge for each quarter hour as authorized | | |
| 4. Storage fee: | | |
| Passenger vehicles, motorcycles, vans and light trucks (per day). | | |
| Per Space, Outside | \$90.00 | |
| Per Space, Indoors | \$95.00 | |
| 5. After Hours Gate Fee - for the release of a vehicle one hour after SCPD desk closes until the desk reopens. | \$85.00 | |

ADDITIONAL TOW RATE AND CHARGE REQUIREMENTS:

- A. "Rates and Charges for Rotation Schedule B only may be adjusted annually, on January 1, subject to approval by City. Rate increases shall not exceed the annual percentage increase in the Consumer Price Index for All Urban Consumers (Current Series) for the San Francisco-Oakland-Hayward, CA region, not seasonally adjusted. The annual percentage increase shall be calculated from the month of June of the current year, to June of the previous year.
- B. Consumers (Current Series) for the San Francisco-Oakland-Hayward, CA region, not seasonally adjusted. The annual percentage increase shall be calculated from the month of June of the current year, to June of the previous year.
- C. Storage and gate fees (if applicable) will be in addition to the basic tow fees listed above.
- D. The labor rate is to be applied in quarter (1/4) hour increments and shall be logged accurately on the receipt. Extra labor fees are subject to approval by S.C.P.D.
- E. Debris Removal Service will be charged at a flat fee of one-half the tow fee per call. In addition, assigned contractor will be placed on top of the rotation list for each request for this service.
- F. Vehicles towed to the S.C.P.D impound facility and subsequently towed to Contractor's storage lot may be subject to an additional fee of one-half the tow fee over and above the original tow rate.
- G. The towing and servicing of City vehicles as described in Exhibit A will be charged at one-half the tow and related fees for Rotation B, Rates and Charges. Extra labor fees are subject to approval by S.C.P.D.
- H. Separate Hazardous Materials Disposal Fee shall not be charged. Fees for such disposal are included in the fees established for tows under the Agreement.