



**City of Santa Barbara**  
Santa Barbara Police Department

**Memorandum**

**DATE:** August 24, 2014  
**TO:** Fire & Police Commission  
**FROM:** Captain David Whitham  
**SUBJECT:** Tow Rotation Rates

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At the Regularly scheduled meeting of the Fire & Police Commission, the Commissioners voted unanimously to increase the current tow rates for companies on the City's Tow Rotation List. These rates will take effect 30 days from the date of the meeting, or on August 23, 2014.

**Background**

Per section 5.30.040(c), the Fire and Police Commission ("Commission") is tasked with setting maximum rates and charges for any emergency or involuntary towing assignment for the City (ie, rotation towing for the Santa Barbara Police Department ). When the Commission sets rates, those rates become effective 30 days after final approval unless an appeal is requested under section 5.30.090.

In addition, per section 8 (A) (d) of the Tow Rules and Regulations, the Commission is tasked with reviewing the tow fee schedule at the annual (tow operator) meeting (typically scheduled every January). Due to the implementation of the new tow rotation rules and regulations coupled with several other related agenzized items, a review of the tow rates began as a new agenzized item at the April 24, 2014 meeting.

Following the April meeting, it was determined that I would gather information regarding outside agencies' fee schedules and tow rate structures and report my findings with recommendations to the Commission as an agenzized item at the next regularly held meeting (May 22nd). However, the Commission's meeting in May had to be canceled due to the lack of a quorum. .

**Research**

While the Commission is tasked with the responsibility of reviewing and setting reasonable tow rates for those companies on the city rotation list, a review of the city municipal code, tow rules and regulations, as well as consultation with the City Attorney's office indicates there is no clearly defined process for the Commission to follow in determining how to calculate or decide what those rates are. My research into of the process for other local government agencies (such as the Ventura and San Luis

Police Departments and the Santa Barbara County Sheriff's Office) indicates that they utilize the rates set by their local office of the California Highway Patrol.

### **Recommendation**

My recommendation to the Commission is for the city to utilize a modified version of the tow rates adopted by the Santa Barbara area of the Highway Patrol. The California Highway Patrol sets rates for rotation tow operators on an annual basis based the local commanders' determination of a reasonable rate which calculates the mean average of tow company's submitted actual rates. The local CHP commander is provided discretion as to the reasonable market rate for tow operation and utilizes the mean average as the basis for the reasonable rate determination however, that number is confidential information the CHP does not wish to make public.

The CHP readily shares their tow rate information with allied agencies and the current survey of operators rates based on a mean average computation for those on the CHP rotation for Class A (light duty) varies by only \$20.00 (the highest and lowest rates charged by local tow companies). The police department's recommendation is to adopt as the city's tow rotation rate the CHP accepted high dollar amount submitted rate as the standard rate for city of Santa Barbara rotation towing. While utilizing the mean average rate would seem to be the likely choice for a set rate, that would reveal the confidential rate the CHP utilizes for their determination and in discussions with our local CHP commander, he requested we not disclose the number. Further, since not all of the tow companies on the CHP rotation are on the city of Santa Barbara rotation, having them utilize their (tow company) set CHP rates would not be possible; it is necessary for the city to have a set rate.

The City Attorney's office is in concurrence with the Police Department's ability to recommend that the Commission utilize the CHP tow rates. If the recommendation is approved, the rate for rotation towing for the current period would be:

| <b>Fee Type</b>         | <b>Current Rate</b> | <b>Proposed Rate</b> |
|-------------------------|---------------------|----------------------|
| Class A (Light Duty) \$ | \$198               | \$240                |
| Class B (Medium Duty)   | \$222               | \$275                |
| Class C (Heavy Duty)    | \$246               | \$325                |
| Daily Fee (outside)     | \$44                | \$80                 |
| Daily Fee (inside)      | \$44                | \$90                 |
| Daily Fee (oversized)   | \$60                | \$110                |
| Daily Fee (motorcycle)  | \$39                | \$80                 |

### **5.30.090 Appeal**

Any action taken by the Board pursuant to this chapter is appealable to the City Council. The action of the Board shall be final when any action is taken or if notice is required to be given, at the time such notice is served. Such an appeal must be made pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 4217, 1983; Ord. 3970, 1978.)