



Agenda Report

Fullerton City Council

MEETING DATE: MAY 5, 2020

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: ROBERT DUNN, CHIEF OF POLICE

SUBJECT: FULLERTON MUNICIPAL CODE AMENDMENT
RELATING TO POLICE INITIATED TOW OPERATIONS

SUMMARY

Consideration of amendments to Chapter 3.74 of Title 3 of the Fullerton Municipal Code relating to police initiated tow operations.

RECOMMENDATION

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. XXXX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 3.74 OF THE FULLERTON MUNICIPAL CODE RELATING TO POLICE INITIATED TOW OPERATIONS

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Public Safety.

FISCAL IMPACT

No fiscal impact associated with the Ordinance.

BACKGROUND

Chapter 3.74 of Title 3 of the Fullerton Municipal Code (FMC) outlines requirements and regulations relating to police initiated towing operations in the City. In reviewing the Chapter 3.74, Staff determined certain amendments are needed.

DISCUSSION

Subsection (A)(1) of Section 3.74.030 of the FMC currently provides that the Chief of Police, at the direction of the City Council, may contract with a single tow operator as the City's official police tow operator or may contract with no more than three tow operators, to be used on a rotational basis, for all police-initiated calls for services. Subsection (A)(2) of Section 3.74.030 currently provides that the Chief of Police, at the direction of the City Council, may award up to three franchises for towing services for all police-initiated tows. Subsections (A)(1) and (A)(2) are duplicative and require clarification.

The proposed ordinance revises and clarifies Section 3.74.030 to provide that the City Council may award between one and three franchises for towing services, subject to terms and conditions established by the City Council. If more than one franchise is awarded, services will rotate amongst the franchisees on an equal basis. The proposed revisions to Section 3.74.030 also include clarifying the language relating to the frequency within which the franchise for police tow service operators must be opened to competitive bidding and provides that it shall be opened to competitive bidding at least once every 10 years, instead of the current requirement of at least once every 15 years.

Further, Section 12110 of the California Vehicle Code authorizes a public entity to require a fee in connection with the award of a franchise for towing vehicles on behalf of the public entity, provided that the fee may not exceed the amount necessary to reimburse the public entity for its actual and reasonable costs incurred in connection with the towing program. While the City has historically required its tow service providers to pay a fee, such requirement has not been codified in the FMC. The proposed ordinance adds language to Chapter 3.74 expressly requiring the payment of a franchise fee and also provides that late payments of franchise fees will be subject to a late penalty and interest in amounts established by the City Council.

The proposed ordinance also adds language to Chapter 3.74 to provide that police-initiated tow operations in the City are prohibited unless the company has been granted a franchise by the City and a written franchise agreement has been executed between the City and such company.

Finally, the proposed makes other needed revisions and clarifying changes throughout Chapter 3.74. A redline of the proposed revisions to Chapter 3.74 is included as Attachment 2.

Attachments:

- Attachment 1 – Draft Ordinance XXXX
- Attachment 2 – Redline of Revisions to Chapter 3.74 of the FMC