

MAYOR MARY ANN COURVILLE  
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COUNCILMEMBER LOREN FERRERO  
COUNCILMEMBER MICHAEL C. SMITH  
CITY TREASURER DAVID DINGMAN

April 13, 2005

The Honorable Peter B. Foor  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Ave  
Fairfield, Ca 94533

**Re: Responses to the 2004-2005 Grand Jury Report Entitled:  
Solano County Towing Policies: "To Tow or Not to Tow"  
Report Date: March 1, 2005**

Dear Judge Floor,

On behalf of the City Council of the City of Dixon and with its prior approval, I hereby submit to you the responses of the City Council to the findings and recommendations contained in the above noted report of the 2004-2005 Solano County Grand Jury as set forth below:

**Investigation: Solano County Towing Policies**

"A resident of the county made a formal complaint to the Grand Jury regarding charges incurred when his/her vehicle was towed following a car stop made by a city police agency. The resident questioned why it was necessary to tow the car when another member of the family was available to come to the scene and drive the vehicle to their residence. This complaint resulted in a decision of the Grand Jury to examine all towing policies in the County to determine if residents are being protected from unnecessary towing and storage charges either by officer decisions at the scene or from towing firms."

**Finding 2:**

"The Dixon Police Department's towing policy would seem to be written in such a manner as to protect citizens from unnecessary towing or storage charges and provides for a hearing in the event towing decisions are disputed."

**Response to Finding 2:**

The City agrees with finding 2.

City of Dixon

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**Recommendation 2:**

“None.”

**Response to Recommendation 2:**

None required

**Finding 10:**

“Without exception, hearings on disputed towing and storage charges are conducted by members of the staffs of the various Solano County law enforcement departments.”

**Response to Finding 10:**

The City of Dixon concurs with this finding as it relates to the staff of the City of Dixon Police Department. The City of Dixon has no knowledge as to who handles hearings for other Solano County law enforcement agencies.

**Recommendation 10:**

“The California Vehicle Code Section 40215(4)(A) specifies that hearing officers or examiners in parking enforcement “shall not be employed, managed, or controlled by a person whose primary duties are parking enforcement, parking citation, processing, collection, or issuance. The examiner shall be separate and independent from the citation collection or processing function.” In the spirit of this law, the Grand Jury recommends all agencies appoint independent hearing officers to rule on towing and storage disputes following the excellent model for parking enforcement.”

**Response to Recommendation 10:**

This recommendation will not be implemented because it is neither warranted nor reasonable.

California Vehicle Code Section 40215(4)(A) pertains specifically to the issue of parking violations, or citations, and ensuring hearings are independent, objective, fair, and an impartial review of parking violations. California Vehicle Code Section 40215 does not address tow or storage disputes.

California Vehicle Code 22852 specifically addresses law enforcements requirements when a vehicle has been towed or stored. 22852(c) states; *“The post storage hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.”* In summary, the vehicle code does not require a similar independent hearing officer to rule on towing and storage disputes.

The City of Dixon Police Department Policy on handling tow disputes follows the requirements of the vehicle code. Towing and storage disputes are generally handled by Police Sergeants, not involved with the tow or storage in dispute, who do make clear independent, objective and fair decisions, regarding the validity of a towed or stored vehicle. Currently, while utilizing Police Sergeants in handling the hearings, hearings are generally conducted immediately and disputes are addressed in a timely manner. Adding additional independent arbitrators may cause a delay in handling disputes immediately and would require hearing officers to be on call and available every 48 hours.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Courville".

Mary Ann Courville  
Mayor

Cc: City Council  
Solano County Administrator  
Clerk of the Board, Solano County  
File