

**Towing Board of Review
Minutes
January 19, 2011**

1. **Call to Order:** 1:45 PM by Chairwoman, Kathleen Butler.
2. **Approval of the agenda** - Ed Ferrero moved and Bob Baxter seconded approval of the agenda, as proposed. **Motion passed, unanimously.**

3. **Roll Call:**

Baxter	P	Gaylord	P	Tenney	P
Butler	P	Griffin	A	Walker-Norton	P
Farres	P	Hunter	P	Wilson	P
Ferrero	P	La Fong	A	Osoinach	P

4. **Recognition of Towers/Others in Audience**

<u>Name</u>	<u>Company</u>
Amber Atkins	Sam's Towing
Don Beatty	Gerlock Towing
Gary Coe	Retriever Towing
Jesse Copeland	Sergeants Towing
Kim Karnes	Gerlock Towing
James Newton	21 st Century Towing
Steven Preston	Sergeants Towing
Dave Reichert	Speed's Towing
Patrick Sanford	Safeguard Towing
Tom Steigleder	ODOT
Dean Thompson	Sam's Towing
Dan Uhl	City of Portland

5. **Approval of Previous Month's Minutes** - Ed Ferrero moved and Bob Baxter seconded approval of the November 2010 minutes, as submitted. **Motion passed, unanimously.**
6. **Report from the Towing Coordinator and staff**
 - A. **Status of Service Fee Payments:** Fees from Crown Towing are overdue. They will be notified and assessed a penalty. Payment was eventually received with a postmark date of January 21.
 - B. **Status of Monthly Report Submissions:** All monthly reports were timely.
 - C. **Bonding and Insurance Status:** A notice of cancellation was received from the bond insurance company of Sam's Towing. Michelle Peterson, owner, explained that their agent is working on finding a new bond insurance company. The cancellation will be effective March 2011.
 - D. **Tow Log for Previous Month:** The current month's tow summary was distributed to everyone. No one was over the allowable pass percentage. The annual, year long summary

was also distributed, as well as a graph showing tows for the years 2008 and 2009 in comparison to 2010, which experienced a decrease.

The Towing Coordinator's report was accepted without objection.

7. **Report on ODOT Project Phase II** - Ms. Gaylord reported that the decision has been made to continue with the dry-run portion of the pilot project as long as funding from the grant is available. As yet, no study has been made of the statistics gathered.
8. **Old Business**
 - A. **Oregon Towing** - Ms. Gaylord reported that she made brief contact with Mark O'Reilly and that he is doing well. He does have to undergo another major surgery on his neck.
 - B. **Training update** - Ms. Gaylord provided the Board with a list of possible curriculum items that she and the industry representatives have developed. The curriculum has been forwarded to Al Elkins, Oregon Tow Truck Association representative, for further review with his training staff. Details will follow with regards to the cost of the training, how often it should be held, etc.
 - C. **Further discussion of extension of current tow contracts** - Because of legal and procurement issues involved, no decision has been made on the proposal not to accept additional applicants for the 2011-2012 contract year.

Ms. Gaylord has given City Attorney, Ellen Osoinach a contact at Washington County, to get an idea of what basis they used to implement a freeze they have on accepting new applications. Ms. Gaylord further explained that Washington County has developed a waiting list of companies interested in applying. More information will be gathered on how other agencies have addressed this issue. Ms. Gaylord added that she received a statement from the Bureau of Purchases that they see no obvious problem with a freeze. However, the matter was referred back to the City Attorney.

9. **New business**

- A. **Request for Cost of Living towing rate increase** - Ms. Gaylord reported that the official Consumer Price Index (CPI) for the City of Portland increased to 1.1% this year. This translates to an increase of \$1.13 for Class A tows, \$1.62 for Class B tows, and \$2.59 for Class C tows.

Mr. Wilson requested an increase of more than one dollar, citing a significant decrease in business. He also requested an increase of the storage fee from \$21 to \$25. Ms. Gaylord explained that the Tow Contract specifically states the increase cannot be more than the CPI.

Ms. Butler acknowledged that the Board is empowered to make significant changes, including towing rates. She suggested that some figures be produced at the next meeting to show how much the volume of tows has decreased, and what steps can be taken to mitigate it. In addition, Ms. Gaylord offered to meet with the industry representatives to develop strategies to offset the decrease in income.

Ed Ferrero moved and Kimberly Walker-Norton seconded approval of the CPI increase, effective immediately.

Motion passed, unanimously.

- B. **Proposal for City service fee increase** - Ms. Butler reported that the decrease in tow volume is not generating enough revenue to cover the costs of the program. Ms. Butler added that the fee has not been raised since 2000 and proposed raising the fee from \$10 to \$20 effective July 1, 2011.

Ms. Gaylord reminded the Board that the fee is paid by the citizen when a vehicle is released to the owner, released at the scene, or towed to formal police hold.

Mr. Hunter asked how raising the City service fee affects the Parking Enforcement fee. Ms. Gaylord explained that an increase in the City service fee has no effect on the Parking Enforcement fee. Any adjustment of the Parking Enforcement fee must be supported by a cost-recovery analysis.

Mr. Ferrero asked what factors were considered in deciding to raise the fee to \$20. Ms. Butler explained that the calculations were based on the gap in revenue and the significant decrease in tows over the past eight years.

Ed Ferrero moved and Kimberly Walker-Norton seconded approval of raising the City service fee to \$20 effective July 1, 2011. **Motion passed, unanimously.**

- C. **Appeal of Intent to Deny - James Newton, 21st Century Towing** - Mr. Newton's driving history in the last five years contains more than the allowable number of violations, which prompted an issuance of an "Intent to Deny" letter. The Board was provided copies of the letter, a written statement from the employer, and Mr. Newton's driving abstract from Oregon DMV.

Clark Tenney, owner of 21st Century Towing, addressed the Board and explained that Mr. Newton's driving violations were the result of Mr. Newton's holding two jobs at the time, and hurrying to get from one place to another. Mr. Newton currently has a more manageable schedule with only one job.

Mr. Newton addressed the Board and assured members that he realizes the importance of having a clean driving record because he represents the company and the City.

Mr. Ferrero asked Mr. Newton to explain an accident in which he was involved on June 22, 2006. Mr. Newton said he was at an intersection that did not have a left turn light. He waited for traffic to clear and was making his turn, at which time, a TriMet bus was also making a turn across the intersection. According to Mr. Newton, the light turned red as he was completing his turn when a vehicle came from behind the bus, ran the red light, and crashed into his passenger side. Mr. Newton said he had no corroborating witness. Also, the vehicle he was driving belonged to a friend and was uninsured, unbeknown to him. According to Mr. Newton, no one was injured.

Ms. Gaylord recommended the Board approve Mr. Newton but place him on DMV probation for one year, with periodic checks of his DMV record. She asserted that the violations have not been significant or ongoing, and reiterated that Mr. Newton has the support of his employer.

Ed Ferrero moved and Bob Baxter seconded approval of Ms. Gaylord's recommendation. **Motion passed, unanimously.**

- D. **Appeal of Intent to Deny - Delono (Dean) Thompson, Sam's Towing** - Mr. Thompson's criminal history contains felony convictions, which prompted the issuance of an "Intent to Deny" letter. Copies of the letter and written statements from Mr. Thompson, his sister, and his employer were provided to the Board for review.

Michelle Peterson, co-owner of Sam's Towing, wrote a letter of support for Mr. Thompson, explaining that his convictions are from 21 years ago and he has not been in trouble since. A letter of support from Bambi Thompson, Mr. Thompson's sister, explained that Mr. Thompson has turned his life around. Mr. Thompson also addressed the Board and explained that he has made mistakes in the past but he is on the right track. He said he served time from 1989 - 1991.

Ms. Gaylord reiterated that the convictions are remote in time and that several statements point toward a dramatic improvement in Mr. Thompson's life. She recommended the Board approve Mr. Thompson and that a follow-up criminal history check be performed at six months and at one year.

Ed Ferrero moved and Donald Hunter seconded approval of Ms. Gaylord's recommendation. **Motion passed, unanimously.**

- E. **Proposal for purchase of Handy Andy's Towing - Dave Reichert** - This agenda item will be postponed indefinitely because negotiations are still in progress.

- F. **Approve process for extension evaluations** - A packet of information was distributed to the Board that explains the process used for awarding an extension of the contract, which ends September 2011. A maximum of 10 points can be achieved for each criterion, for a total of 100 points.

Ms. Gaylord explained that the point thresholds indicating approval are recommendations and the Board still makes the final decision on whether an extension is awarded. It was noted that Oregon Towing has only 16 months of record and will, therefore, not be evaluated.

Ed Ferrero moved and Donald Hunter seconded approval of the recommended extension criteria. **Motion passed, unanimously.**

10. Adjourn

Ms. Butler asked for a motion to adjourn. Ed Ferrero moved and Bob Baxter seconded, that the meeting be adjourned. **The motion passed unanimously.** Meeting adjourned at 2:44 PM.

Minutes submitted by Jenny Farres: Regulatory Program Specialist