

**Towing Board of Review  
Minutes  
January 25, 2012 (Rescheduled)**

1. **Call to Order:** Glenn Fullilove was introduced as the new City attorney assigned to the Board. The meeting was called to order at 1:39 PM by Debra Haugen, acting Chairwoman in Kathleen Butler's absence.

2. **Roll Call:**

Butler	A	Fullilove	P	La Fong	P
Child	P	Gaylord	P	Tenney	P
Copeland	P	Griffin	A	Wallis	A
Farres	P	Haugen	P		
Ferrero	P	Hunter	P		

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

<u>Name</u>	<u>Company</u>
Devin Edwards	Speed's Towing
Byron Gross	Buck's Towing
Christine Hylton	Abby's Collision
Dave Reichert	Speed's Towing
Dan Smith	City Fleet
Tom Steigleder	ODOT
Abbas Nikzad	Abby's Collision

4. **Approval of the Agenda** - Ed Ferrero moved and Donald Hunter seconded approval of the agenda. **Motion passed, unanimously.**

5. **Approval of Previous Month's Minutes** - Ed Ferrero moved and Rebecca Child seconded approval of the November 2011 minutes, as submitted. **Motion passed, unanimously.**

6. **Report from the Towing Coordinator and staff**

A. **Status of Service Fee Payments:** All contract service fee payments were received timely.

B. **Status of Monthly Report Submissions:** All monthly reports for were received timely.

C. **Bonding and Insurance Status:** All insurance and bond certificates are current; however, when the contract was extended the City Attorney's office requested to see the original payment and performance bond documents. Newhouse & Hutchins Towing and Handy Andy's Towing have yet to provide these, as records show only the amending riders are on file. Ms. Gaylord apologized for the inconvenience to the towers and explained that the documents may have been misplaced when they were transferred from the City Auditor's office.

D. **Tow log for previous month:** Ms. Gaylord reported 12.5% passes for Gerlock Towing; however, they only had a total of eight tows, which makes it within the 15% allowance.

- E. **Report on Abandoned Vehicle fee adjustment:** Ms. Gaylord reminded the Board that every 6 months, an adjustment is made to the rate the towers pay to the Bureau of Transportation for each tow they do. A memo from the bureau was distributed to the Board reporting that the price for the next six month period will be \$81.80 as of December 22.

Ed Ferrero moved to accept the report and Helen La Fong seconded. **Motion passed, unanimously.**

The Towing Coordinator and staff reports were accepted without objection.

#### 7. Old Business

- A. **60 day review of fuel surcharge** - Some information was distributed to the Board regarding gasoline and diesel prices. Ms. Gaylord reported that the price of gasoline on the west coast, excluding California, dropped 6.7% since November. The price of diesel has dropped only 3.6%. Ms. Gaylord recommended a continuation of the fuel surcharge.

Ed Ferrero approved the recommendation and Donald Hunter seconded. **Motion passed, unanimously.**

- B. **Report on Class C procedures** - Ms. Gaylord reminded the Board that a change was made in how the fees for Class C tows are calculated as well as some adjustments made to response times. She explained that agency Class C tows are typically not emergencies, allowing the towers to arrange their schedules more easily when picking up a vehicle.

Ms. Gaylord also referred to an e-mail correction pointing out that a mileage rate is not applicable as Class C tows are calculated port to port. This correction was previously e-mailed to Board members as well as a copy of the e-mail distributed at the meeting. Ms. Gaylord said that the mileage assessment has been removed from the final contract information.

- C. **Request by Buck's/9T9 Towing for reconsideration of penalties assessed at the last meeting** - Byron Gross, manager at Buck's Towing, appealed for a reconsideration of the \$500 penalty the Board imposed at the last meeting for their storage lot being unattended. Mr. Gross explained that when he received notice of the complaint, he responded to Ms. Gaylord that he would investigate the matter. He said it was not his intention to seem dismissive and that he understood the Board would be notified of the complaint but he didn't realize a decision would also be made at that time. He said he didn't attend the meeting because the

complaint wasn't on the agenda. It was pointed out that an amended agenda was later distributed at the meeting.

Mr. Gross said he wasn't aware of the first time their lot was found unattended. He said he later found out that his employee felt ill and walked to a store a block away to buy medicine. He said the employee no longer works for the company. The second time was because employees were splitting shifts and the employee leaving believed the one arriving was just five minutes away. Mr. Gross said the company has since remedied the situation. He said employees are no longer allowed to split shifts and also, he has moved his office from Sherwood to the lot location. Mr. Gross asked the Board to reconsider the penalty, saying it seemed harsh for a first offense.

The Board was reminded that Mr. Gross wasn't given notice the first time the lot was found unattended. For this reason the Towing Coordinator had recommended that the second incident be treated as a first offense. Ms. Gaylord said that she found the lot unattended the first time during a surprise inspection for the extension audit. The Board was also reminded that one of the reasons the maximum penalty was imposed was because Mr. Gross's response to the complaint was brief and appeared to lack follow through.

Ms. Gaylord explained that although Mr. Gross sent a check for the penalty, it wasn't processed until he had a chance to address the Board. She reminded the Board that at the last meeting, they had also voted to suspend Buck's Towing from the contract pending an explanation from the company.

In light of the additional information received from Mr. Gross, Ed Ferrero moved to impose no suspension on Buck's Towing. Donald Hunter seconded. **Motion passed, unanimously.**

Additionally, Ed Ferrero moved to reduce the fine to \$200. Rebecca Child seconded. **Motion passed, unanimously.** Ms. Gaylord informed Mr. Gross that she will send him a notice giving him 10 days to pay the fine.

## 8. New Business

- A. **Application for assignment of Handy Andy's tow contract to Abbas Nikzad** - Ms. Gaylord reported that Mr. Nikzad has applied to purchase Handy Andy's Towing. She said they first requested an application in May 2011 and she received the completed application on November 7, just days before the November meeting. Ms. Gaylord reminded the Board that when a contract is being considered for re-assignment, the application must be received at least 30 days prior to the Board meeting at which they wish to be heard.

Ms. Gaylord presented to the Board several items of incomplete or missing information. She further reported that none of the three trucks passed inspection and there were some concerns with the facility as well. (see attached report for details). Ms. Gaylord also said that Mr. Nikzad doesn't have towing experience, which is a requirement of the contract. There was a question as to whether or not the current owner of the company, Andy Anderregg would remain as an employee to fulfill the requirement. It was Ms. Gaylord's recommendation to deny the application at this time.

Mr. Nikzad was given the opportunity to address the Board before a motion was called. He explained that he had delegated the completion of the application to his assistant, Christine Hylton. Ms. Hylton said that she had difficulty obtaining information from Mr. Anderregg. She also admitted that there were things about the application process she didn't understand.

Ed Ferrero moved to deny the application and Donald Hunter seconded. **Motion passed, unanimously.** Ms. Gaylord stated that Handy Andy's Towing would remain on the contract, pending correction of identified deficiencies. She also reminded the Board that they are one of the companies slated for an upcoming re-evaluation.

9. **Adjourn**

Ms. Haugen asked for a motion to adjourn. Ed Ferrero moved that the meeting be adjourned, and Donald Hunter seconded. **Motion passed, unanimously.** Meeting adjourned at 2:45 PM.

**Minutes submitted by Jenny Farres: Regulatory Program Specialist**