

**Towing Board of Review  
Minutes  
January 16, 2013**

1. **Call to Order:** The meeting was called to order at 1:35 PM by Chairwoman, Kathleen Butler.

2. **Roll Call:**

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

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

<u>Name</u>	<u>Company</u>
Don Beatty	Gerlock Towing
Tyrone Nacoste	Sergeants Towing
Stacy Pickerel	Tow Desk
Dave Reichert	Speed's Towing
Dan Smith	City of Portland Fleet
Shawn Stanford	Sergeants Towing
Bob Wilson	Newhouse & Hutchins Towing

4. **Approval of the Agenda** - Item C "Review of Contract Changes" under Old Business was moved to the end of the meeting. Debbie Haugen moved and Dick Griffin seconded. **Motion passed, unanimously.**

5. **Approval of Previous Month's Minutes** - Helen La Fong said she was marked absent by mistake. Dick Griffin moved and Debbie Haugen seconded approval of the November 2012 minutes. **Motion passed, unanimously.**

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

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

B. **Status of Monthly Report Submissions:** All monthly reports were received on time.

C. **Bonding and Insurance Status:** All bond and insurance certificates are current.

D. **Tow log for previous month:** Gerlock was over the pass percentage in November. They had nine requests and passed one. No one was over the pass percentage in December.

The Towing Coordinator and staff reports were accepted without objection.

7. **Old Business**

**60 day review of fuel surcharge** - Ms. Gaylord reported that gas and diesel prices have remained unstable. She

recommended the fuel surcharge be continued, which is currently at \$4. The surcharge has been in place since 03/14/11. Debbie Haugen moved and Don Hunter seconded. **Motion passed, unanimously.**

- A. **Report on research of spill clean up needs, response from BES** - After the last meeting, Ms. Gaylord said she met with representatives from ReAct to determine the specific steps that needed to be taken in order to implement their service. Ms. Gaylord said she also made repeated attempts to get feedback from the Bureau of Environmental Services (BES); however, they have not responded. Ms. Gaylord said without participation from BES, she doesn't see the clean up as an issue for the tow contract. She said the towers are currently meeting the letter of the law, which is vague. Furthermore, she said she hasn't received any complaints. ReAct was encouraged to pursue direct contact with either BES or ODOT.

8. **New Business**

- A. **Six-month adjustment of Abandoned Vehicle fee** - A fee is set every six months that the tower pays Parking Enforcement for every abandoned vehicle towed. The price of scrap metal has decreased, making the current fee at \$63. Ed Ferrero moved and Dick Griffin seconded. **Motion passed, unanimously.**
- B. **Introduction of first changes proposed for 2013-2018 Tow Contract** - Some materials with suggested changes to the contract were distributed to Board members for their review. Ms. Gaylord said a vote wasn't necessary at this time. She added that each agency should have already received a copy of the exhibit in the contract that specifically applies to their agency. They should inform Ms. Gaylord of any changes that need to be made at their earliest convenience.

Ms. Gaylord briefly discussed the proposed changes to the contract. Please see attachment.

Discussion followed. There was concern about the longer contract and a question as to how flexible it would be in dealing with changes such as contractors leaving, districts changing, and adding new contractors in the middle of the contract term. Ms. Gaylord said the Board would have to make provisions for such occurrences. Ms. Butler recommended consulting with City Attorney Glenn Fullilove to address issues with flexibility.

There was concern with the wording in item 3, specifically, "The Board is notified prior to the action taking place and agrees..." There was concern with the Board agreeing to something without first meeting formally to vote.

Regarding the dry run fee, Ms. Gaylord said the change would take effect next fiscal year, to give the agencies a chance to address it in their budget.

With regard to item 12, Ms. Gaylord said she is trying to find a balance between the need for expertise and the cost of training. It was brought to the attention of the Board that there are several commercial training programs, most of them are expensive and the cost would be absorbed by the tower. It was pointed out that the training doesn't give a driver the skills and expertise to start towing vehicles. It is still up to the tow company to train their drivers.

There was also some disagreement about who has actual liability when an inexperienced driver makes a mistake - the tower or the City. There was some agreement that it would be prudent to have measurable standards of performance for tow drivers.

- C. **First review of 2013-2018 applications materials** - A timeline of the application and approval process was distributed to Board members. Ms. Gaylord said the application materials should look familiar to those who are already on the contract. She mentioned some changes in dates as well as a substantive change regarding the question of experience, which has to be addressed.

Ms. Gaylord added that the minimum equipment and storage requirements were based on boom times, so this issue may have to be revisited to determine if they are reasonable.

9. **Old Business - Appeals of Intent to Deny**

**Shawn Stanford** - Mr. Stanford received an Intent to Deny letter because his driving record contained more than the maximum number of traffic violations/accidents within five years, that are allowed in the contract. Mr. Stanford's response to the letter was distributed to the Board. Mr. Sanford's supervisor also pointed out that two of the violations happened outside the five-year period because they happened in July 2012. There was some discussion as to whether the month should be included in the five-year period or just the year. It was recommended that a standard should be set.

Following further discussion, Ed Ferrero moved to approve Mr. Stanford, provided his driving record is re-checked after six months. Debbie Haugen seconded. Two opposed the motion. **Motion carries.**

**Tyrone Nacoste** - At the last meeting, Mr. Nacoste was requested to bring additional information regarding his conviction. He brought the requested documents; however, Mr. Fullilove cautioned

against accepting confidential documents that will be in the minutes and made available to the public.

Mr. Nacoste explained that he has complied with the terms of his probation, and that he would be off probation in 1.5 years. He also said there isn't a police report available regarding his arrest. The documents he brought don't mention him and only mention the victim.

After discussion, it was determined that there wouldn't be helpful information in the documents if Mr. Nacoste isn't mentioned.

Mr. Nacoste explained that his probation doesn't limit him from contact with other people. He also said that he had never been in trouble prior to his conviction.

Ed Ferrero moved to accept Mr. Nacoste on probation for the remainder of the contract, and that he be required to comply with all terms of his probation. Any violation of his probation or violation of the contract will result in termination from the contract. Debbie Haugen seconded. Jason Wallis, Port of Portland, opposed the motion. **Motion carries.**

#### 10. **Adjourn**

Ms. Butler asked for a motion to adjourn. Debbie Haugen moved that the meeting be adjourned, and Rebecca Child seconded. The **motion passed, unanimously.** Meeting adjourned at 3:40 PM.

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