

**Towing Board of Review
Minutes
September 16, 2015**

1. **Call to Order:** The meeting was called to order at 1:35 PM by the Towing Coordinator and Chair, Patrick Kramer.

Roll Call:

Present: Debbie Haugen, Donald Hunter, Scott Bradley, Mike Bouyear, Sally Seeger, Patrick Kramer,

Absent: Clark Tenney, Edward Ferrero, Glenn Fullilove, Francis Cop, Michael Huggins, Eric Benson

Kramer introduced Scott Bradley to the Tow Board as a new Board Member as a representative of the public. This is Scott's first official Tow Board meeting.

Recognition of Towers/Other in Audience

<u>Name</u>	<u>Company</u>
Michael Coe	Retriever Towing
Teresa Leatham	Retriever Towing
Fred Sanders	Retriever Towing
Steve Preston	Sergeants Towing
Dave Reichert	Speed's Towing
Gary Coe	Speed's Towing
Mark Williams	PBOT
Rob Riscoe	ODOT - Incident Response

2. Approval of Agenda
Motion to Approve: Haugen
Second motion to Approve: Hunter
All motion to Approve Agenda unanimously.
3. Approval of Previous Minutes - July 15, 2015
Motion to Approve: Haugen
Second motion to Approve: Cop
Passed unanimously.
4. Public Comment
No public comment

5. New Business

a. Report to Board: Traffic Incident Management (TIM) Team
Kramer stated that there are several Traffic Incident Management teams across the nation, in an effort to coordinate different jurisdictions responding to an accident scene. These teams are work together to promote safety of responders and the public and to get traffic moving as quickly as possible. Oregon is now stepping up to form a TIM Team. At the direction of John Kitzhaber, who was Governor at the time, a group was tasked to get an Oregon TIM Team started. Oregon Solutions facilitated the meetings with co-conveners Commissioner Novick and Washington County chair, Andy Duyck. Donny Callahan from Gerlock was assigned as a towing industry representative. This program started June 2015. Kramer will keep the Tow Board up to date with any best practices learned from the TIM Team and relay any training programs and related news.

Michael Coe asked if there is any way to allow the tow trucks to expedite emergency responses. He stated that one of the major complaints about accidents is the amount of time it takes for tow trucks to arrive at the scene of an emergency. Kramer stated that this subject will likely come up in a future TIM Team meeting.

b. Board Action: Approve Sergeant's Towing to enter into a 4th Towing Contract (Contract Section 6.4.5) Kramer read the Contract for Vehicle Towing and Storage:

It is in the public interest to foster competition and to allow for the development of diverse, independent businesses to better serve the public. Accordingly, no person will have a "substantial financial interest" in more than one municipal tow contract in any given Tow District. In addition, no person will have a "substantial financial interest" in more than three (3) municipal tow contracts (including towing, dispatching and abandoned vehicle towing) without Tow Board approval. A "substantial financial interest" in a municipal tow contract occurs when a person owns more than 33% of the tow company that is a party to that municipal tow contract.

Kramer stated that this matter has been considered by the Board when Sergeant's Towing bought Security Towing. At the time, Sergeant's had three contracts and Security Towing would be a fourth. The decision at the time, the Board approved the fourth contract. The performance records for both companies were excellent. The Abandoned Contract is different because it doesn't effect the business given to municipal tow contractors.

Also, the Board didn't want to lose a tower in district 2. This is just for a historical perspective and not meant to set a precedence.

Dave Reichert, from Speed's Towing, believes that Sergeants should have applied to the Tow Board for approval to bid on a fourth towing contract. They already have three contracts. This discussion should have been done prior to this decision.

Michael Coe, from Retriever Towing, said that the response times are basically the same now between abandoned contract tows and municipal contract tows.

Gary Coe, from Speed's Towing, feels that they don't have enough employees and equipment to support a fourth contract.

Michael Coe stated that considering a limit of 10 hours that a driver can work a day, he doesn't think that Sergeants Towing has the number of trucks or employees needed to effectively service four contracts.

Steve Preston stated that Sergeants has had four towing contracts in the past from 2006-2010 without a problem. If there were problems their contract would not have been renewed. They had the Abandoned Vehicle Contract from 1995-2010. They have been awarded the contract through the RFP bid process and the issue is the Board needs to vote to allow a fourth contract.

Michael Coe says that they feel the bid may be overstretching. There is support for a fair bidding process. He questions Sergeant's qualifications to bid based on Sergeants not having the needed number of trucks required by the RFP. IF they listed Security Towing's trucks, that would be invalid because their Secretary of State business registry is inactive.

Kramer stated that the Abandoned Contract is still is just one contractor as it was in 2006. As far as being able to effectively service the contract, that is their business decision. They will be held accountable to the contract requirements. Sergeant's RFP response was scored on the same criteria as the other proposers and had the highest score. Kramer stated that he would have preferred to have the Board

consider approving a fourth contract for Sergeants Towing prior to the RFP. However, the contract 6.4.5 doesn't say when the fourth contract needs approved, just that it does. Everyone was given the same opportunity to give their best shot at submitting a proposal for the Abandoned Contract. This time Sergeants Towing had the highest score. Kramer then went over pass percentages of Sergeant's and Security Towing from January 1, 2014 to today. For all districts, they are well below the maximum 10% pass percentage.

Reichert stated that there was only 3 points different between the high score and the low score and there are two other contractors that could do the work.

Kramer stated that there was a much larger difference in scoring that that.

Michael Coe stated the difference in 2006 is that they were buying a company.

Steve Preston read off the scoring of the Abandoned Contract proposals: Speed's Towing had 436.25, Retriever Towing had 473.40, and Sergeants Towing had 529.75.

**Motion to make the exception and allow Sergeants to be awarded a 4th towing contract: Haugen
Second by: Bradley.**

Roll Call:

Haugen: Aye

Cop: Aye

Bouyear: Aye

Hunter: Abstain

Bradley: Aye

Kramer: Aye

Motion passed

Kramer - will go to City Council and ask for Approval. Upon approval, we plan on the contract starting October 1, 2015.

c. Board Discussion: Invoices

Kramer wants all contact information updated. For the Tow Contractors it is crucial to have the correct information. Not

having the correct invoice information can result in a tow being overturned. Current information for contacting the Towing Coordinator must be used. Marian's name should not be on the invoice. Covering up incorrect information is acceptable, as long as the correct information is on the invoice. The critical part is the vehicle owner is very clear on who to call for issues with the tow. Kramer will bring in a sample to our next meeting. Any input would be appreciated; please email Kramer with suggestions.

d. Report to Board: New Regulatory Staff

If you get emails from Sally Seeger or Mary Everson from Regulatory, they will be related to towing and work for PBOT. Make sure to follow-up on these emails. Please update your contact information so that these emails don't go to your spam file.

6. Old Business

a. Board Action-Board discussion and vote: Cross Districting Pilot Project

There's been a strong desire expressed by the tow companies to allow cross districting. Previously, it was expressed that considering what a big change in policy this would be, this should start out as a pilot project. Response times will be monitored in all districts. The suggested time for the Pilot Project is 10/1/15 - 12/31/15. Participation in this pilot project is completely voluntary. Companies considering participation should consider their ability to cover calls in their other districts. During the pilot project, Kramer will report response time averages at each Tow Board meeting. Cross districting will be allowed for multiple tow calls. The storage location must stay within the district where the tow originated. The Tow Board can alter or cancel the pilot project at any time.

Beatty emphasized that it is important that companies give district numbers and the number of the truck associated with the tow.

Kramer will have the board vote on requesting that the tow contractors shall tell the tow desk which tow truck district the truck is from and approval of the Pilot Project (10/1/15 - 12/31/15).

Beatty asked if there was an accident involving six vehicles and a company accepts the towing responsibility, but doesn't have

six tow trucks in that district, what does the board recommend be done?

Kramer stated that for multiple tows that the company needs to only use the number of vehicles they have within that district.

Question was asked, if there are issues with the program based on season or other factors, would the Board have flexibility to alter the program? Preston emphasized that this program will benefit everyone and that sixty days is a good amount of time to make a review.

Motion by Bouyear to approve the cross districting pilot project with the amendment to limit the amount of trucks allowed to be used to no more than the amount of trucks registered in that district for a multiple tow call.

Pilot Project will be from 10/1/15-12/31/15.

**Seconded by: Cop
Motion passes unanimously**

7. Report from Towing Coordinator

- a. Status of Service Fee Payments - up to date. Please be sure to send payments and reports to our new address at: 1120 SW 5th Ave , Suite 1410, Portland, OR 97204.
- b. Status of Monthly Report Submissions - Status is up-to-date
- c. Bonding and Insurance Status - Status is good. Speed's is taking care of issues they are having with their Additional Insured endorsements.
- d. Tow Summary - Everyone is doing a good job - no excessive passes.

**Motion to accept the reports from the Towing Coordinator: Haugen
Seconded by: Bouyear
Motion passed unanimously**

8. Board Communications

The next step in the process in awarding the Abandoned Vehicle Contract to Sergeants Towing is to bring it to City Council for their approval. After that, the rest of their qualifications

will be verified. At that point they may begin work on the contract.

Kramer welcomed Scott to the board and let him know that the Board was happy to have him aboard.

9. Adjourn

Motion to adjourn: Haugen

Seconded by: Bouyear

Motion passed unanimously.

Meeting adjourned at 2:35 PM.

Minutes respectfully submitted by Patrick Kramer