

# **TOWING BOARD OF REVIEW**

## **MEETING**

Wednesday November 20, 2019

1:30pm to 2:40pm

6 + Main Building

1050 SW 6<sup>th</sup> Ave, 5<sup>th</sup> Floor

Room 123

## **AGENDA**

1. Call to Order
2. Board Action: Approval of Agenda (2 minutes)
3. Approval of October 23, 2019 minutes (3 minutes)
4. Public Comment (5 minutes)
5. Discussion: Proposed Changes to Tow Employee Criminal and Driving Requirements for our next contract (25 minutes)
6. Discussion: Billing City of Portland Fleet Services. Guest speaker Shae Davies, Supervisor at City of Portland Fleet (10 minutes)
7. Discussion: Lien Laws and our Contract (20 minutes)
8. Tow Coordinator Report (5 minutes)
  - Dispatch Software Contract Update
  - Performance Metrics: Passes, tows completed
9. Adjourn

# TOWING BOARD OF REVIEW MEETING MINUTES

Location: Sixth+Main, 1050 SW 6<sup>th</sup> Av., 13<sup>th</sup> floor, Room 123

Date: October 23, 2019

Time: 10:00 AM

## Attendance

A	Richard Helzer	A	Scott Bradley	A	Ae-young Lee
P	Lynette Brown	P	Michael Huggins	P	Michael Bouyear
P	Francis Cop	P	Eric Benson	P	Clark Tenney
A	Glenn Fullilove	P	Lauren Magnee	P	Patrick Kramer

\*Attendance sheet used for other attendees

## Agenda Items

### 1. Call to Order

Also in attendance:

Mark Williams, Regulatory Division Manager

John Wheeler, Parking Enforcement Supervisor

### 2. Approval of Agenda

**Motioned by: Cop**

**Seconded by: Huggins**

**Motion passed unanimously**

### 3. Approval for August 14, 2019 meeting minutes

**Motioned by: Cop**

**Seconded by: Huggins**

**Motion passed unanimously**

**4. Public Comments**

None

**5. Vote on 21<sup>st</sup> Century Towing Appeal of Intent to Deny driver Dwight Wellwood**

Wellwood currently has four violations and one accident in the past five years of his driving record. Tenney spoke in favor of approving Wellwood. Michael Coe (Retriever Towing) asked why the City’s driving record requirements are stricter than the companies that insure the towers. Kramer said he is open to updating the driving record requirements. Cop said approving drivers who don’t meet the driving record requirements only weakens the Contract, so the Contract should reflect the Board’s voting history and insurance and industry standards.

Clark Tenney, 21<sup>st</sup> Century, stated the Wellwood has performed well for him on non-contract related duties and is approved and covered by his insurance.

**Motion to allow Dwight Wellwood to drive and perform work on the Contract under a probationary approval through October 2020: Brown**

**Seconded by: Bouyear**

Vote Tally				
Board Member	Vote		Board Member	Vote
Huggins	Y		Brown	Y
Cop	Y		Kramer	N
Bouyear	Y			

**Motion passed 4-1**

**6. Vote on Proposed Contract Assignment Transfer from current Newhouse & Hutchins Towing ownership to pending new ownership of Michael Porter and Jason Brett**

Bruce Schneider (Newhouse & Hutchins Towing) said selling a tow company and transferring a contract assignment is not a new precedent. Porter said he and his partner Brett have been in the industry for 25 and 20 years respectively.

**Motion to approve proposed Contract assignment transfer from current Newhouse & Hutchins Towing ownership to pending new ownership of Michael Porter and Jason Brett by: Huggins**

**Seconded by: Cop**

Vote Tally				
Board Member	Vote		Board Member	Vote
Huggins	Y		Brown	Y
Cop	Y		Kramer	Y
Bouyear	Y			

**Motion passed unanimously**

**7. Vote on Proposed Termination of the Contract for Records Management and Central Dispatching of Towing Services between the Agencies and HCKM LLC dba Tow Desk**

The reason for the no cause termination of this contract is due to a new dispatch contractor coming on board. Per contract, the notice is 120 days. The transition from Tow Desk to the new dispatcher, Auto Return, will be in phases. This will result in the least negative impact to all parties involved. Kramer summarized the progression of the transition:

1. Just three Abandoned Auto officers' tow requests through Auto Return. The remainder of Agency tow requests will go through Tow Desk.
2. Add All Abandoned Auto officers. The remainder of Agency tow requests will go through Tow Desk.
3. Add Portland Police tow requests. The remainder of Agency tow requests will go through Tow Desk.
4. Auto Return assumes all duties after 120 days

Kramer thanked the Tow Desk and said the City will still pay dispatch fees for all tows (whether handled by Tow Desk or Auto Return) for 120 days. Kim Karnes (Tow Desk) said she received a letter from the City stating Tow Desk will not be paid for all tows and that Auto Return will tell Tow Desk how to bill. She said she doesn't feel comfortable working with a competitor.

Karnes mentioned an Abandoned Auto officer requested a tow directly from Speed's Towing instead of calling Tow Desk. Brown admitted that was her decision and explained the vehicle was a tag warrant, so she wanted to tow it quickly.

Karnes said the City's letter didn't mention if/when other Agencies will transfer to using Auto Return. Kramer said Auto Return will bill based off same reports Tow Desk receives, so they have no reason to be (intentionally or unintentionally) inaccurate. Kramer assured Kim that Tow Desk will be paid for all tows for 120 days. Tower asked how credits will work with Auto Return. Kramer answered Auto Return will be able to process credits. Williams assured Kim that Tow Desk "will be made whole."

Coe asked if the Auto Return transfer will be different for PPI and Kramer said it will be on a different schedule.

Karnes said she would prefer Tow Desk perform all duties for 120 days and then do a phasing transition. Williams clarified Tow Desk will be paid for all tows for 120 days regardless of the number they actually handle. Karnes reiterated she doesn't trust a competitor. Williams stated that there will need to be a level of trust that the City is providing accurate reports. We have no intention of providing bad data to anyone. Our tow records are largely a matter of public record. Kramer reiterated the City will pay Tow Desk for all Auto Return tows for 120 days.

Kramer said the towers will receive training to use Auto Return. Don Beatty (Tow Desk) asked if Speed's and Sergeants are already using Auto Return. Porter said Speed's has been testing Auto Return since Monday (10/21/19) and it goes live tomorrow (10/24/19). Benson asked if Auto Return has a failsafe. Williams answered that the reason for a phased implementation is in case of problems. Aaron Hainline said Tow Desk could help if there are problems with Auto Return.

Karnes asked when Tow Desk no longer needs two employees on duty 24 hours per day as required by the contract. Williams said they'll talk to the City Attorney to find out.

Dave Reichert (Speed's Towing) said he doesn't think it's right to take dispatching away from a local company. Patti Johnson (Newhouse & Hutchins Towing) agreed. Williams told Beatty and Karnes to call him with any concerns. Karnes asked for the PPI schedule and said she doesn't disagree with the change, but with how it's been being done.

Connie (Tow Desk dispatcher) asked about abandoned auto tows. Kramer clarified that "Abandoned Autos" refers to the agency, not the contract.

**Motion to approve notice of termination of the Contract for Records Management and Central Dispatching of Towing Services between the Agencies and HCKM LLC dba Tow Desk by: Bouyear  
Seconded by: Cop**

Vote Tally				
Board Member	Vote		Board Member	Vote
Huggins	Y		Brown	Y
Cop	Y		Kramer	Y
Bouyear	Y			

**Motion passed unanimously**

#### **8. Tow Coordinator Report**

Kramer said he will email the tow summaries and that the Board will discuss future employee requirements. Russell (Speed's Towing) said he wants the City to update the three-year continuous driving history requirement. Kramer said they're reviewing that. Williams clarified that the risk assessment needs must be agreed upon by all agencies on the Contract. Coe said he wants the no felonies requirement updated. Cop said the no felonies requirement should be looked at. Cop stated that the requirements should align CJIS risk State requirements. Edwards suggested specific drivers handle police/evidence tows. Kramer acknowledged Brown for being on the Board and thanked her for her contributions.

#### **9. Adjourn**

**Motioned to adjourn by: Brown**

**Seconded: Cop**

**Motion passes unanimously**

Minutes respectfully submitted by Lauren Magnee, Regulatory Program Specialist

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

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**Chloe Eudaly** Commissioner **Chris Warner** Director

## MEMO

**DATE:** November 15, 2019

**TO:** Tow Contractors, Towing Board of Review

**FR:** Patrick Kramer, Towing Coordinator

**RE:** Proposed Changes to Tow Contractor Employee Requirements

In preparation for our next towing contract solicitation, changes to tow contractor employee requirements are being proposed. These changes effect criminal history, driving history and training requirements for tow contractor employees.

Nationwide, the towing industry has had an ongoing challenge in attracting qualified individuals for tow truck driver positions. Factors contributing to this challenge include the nature of towing work (working long and odd hours, inherent hazards, low wages) and an overall shortage of drivers. Tow companies compete with larger trucking companies that can offer large sign-on incentives to attract and retain drivers. It has been no different in the Portland market. One key barrier that has been identified is the restrictive criminal and driving requirements of our current contract. In evaluating the requirements, there were some opportunities for adjustments identified. These include driving history and criminal history requirements.

In developing these proposed changes, a priority was put on protecting the safety of all Portland road users. In developing these proposed changes, a focus on safety related violations was made. By focusing on safety related violations, we were able to remove barriers to approval due to minor, non-safety related driving violations. The revised criminal record requirements were done with a focus on upholding standards needed for law enforcement while also reducing barriers for applicants.

A work session was held on November 14, 2019 to receive public and industry input. This input has been incorporated into the proposed changes being shared at our November 20, 2019 Tow Board meeting.

All proposed changes must receive final approval by law enforcement prior to adoption.



*The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.*



**Proposed Tow Contractor Employee Criminal and Driving History Standards**

Non-Driving Employees (they will not drive as part of their work for the Contract)

<b>Currently</b>	<b>Proposed</b>
Contract Certification within 6 months of hire. (Tow Workshop)	Reduce to 3 months
No Felonies of any kind at any time	No felony convictions ever for harm or attempted harm to a person or animal, vehicle theft
No Felonies ever	No felony conviction in the last 5 years
N/A	No outstanding warrants
N/A	Is not a match in the National Sex Offender Public Registry
N/A	No misdemeanor convictions for crimes related to theft, dishonesty, fraud or harm or attempted physical harm to a person or animal in the last 5 years.
N/A	Has no pending charges; criminal or driving, for which a conviction would disqualify the subject. The review of the subject's qualifications will be put on hold until such pending charges are resolved
Photo taken, not specific	Passport type photo, taken within last 2 months, in electronic format taken from shoulders up with the face clearly visible. (Note: We are exploring options that allow for an electronic tow employee ID instead of a physical ID card)

Tow Drivers (must meet all requirements of non-driving employee plus the following)

<b>Currently</b>	<b>Proposed</b>
Commercial training program within 6 months	Within 3 months and may request extension in writing under extenuating circumstances
Active DMV record for last 5 years	At least 20 months of active driving privileges in the last 24 months
No requirement	Class of DL must match or exceed class of tow equipment they will be driving
Combo of 3 traffic violation, accident and suspensions in last 5 years	In last 3 years: max of 3 safety related** violations, accidents, suspensions or combination. If applicable, applicant may submit documentation from the insurance company or police report indicating an accident was no fault nor not at fault. Upon documentation, the applicable accident will not be counted against them.
May have 3 years driving history, put on probation	Remove
Appeal process for denied applications through the Tow Board	Removed, the employee may request corrections of any inaccurate information contained in the report. The request is directly with the third-party company that provided the report. If errors in the report were the reason for denial and those error have been corrected, the employee's eligibility may be reconsidered.
N/A	No driver license suspension for Diversion in the last 5 years
N/A	For Company Owners, Managers: City may consider the arrest, charge, conviction or sentencing in determining appropriate sanctions or remedies under the Contract.
N/A	If the employee has previously been approved, and their criminal and driving record has been reviewed by PBOT and met contract requirements in the past 12 months, the Towing Coordinator may issue an approval first, then request and review updated criminal and driving records.
N/A	No Misdemeanor convictions for traffic crimes including not limited to attempt to elude a police officer, DUII, leaving the scene of an injury accident or hit and run in the last 5 years

\*\*Safety Related Violations/Suspensions: Actions that increase likelihood of harm to themselves or others. Examples include but are not limited to: speeding, driving under the influence of intoxicants, careless driving, failure to stay in lane, failure to obey a traffic control device.

