

**NON-CONSENSUAL/CITY-INITIATED TOWING SUMMARY REPORT FROM
AD HOC COMMITTEE**

On 9 August 2016, at the direction of Council, staff presented the option of issuing an RFQ for non-consensual/City-initiated tows. This work session was a continuation of discussions by Council regarding revamping how the City handles these tow requests. Over the past several years towing concerns have been discussed in other work sessions. The 9 August work session was scheduled to discuss what had been considered the third option for tow services – an RFQ. The other options included leaving the current system, which uses a rotation for City requested tows with no attempt to control pricing, or to create an ordinance that controls all aspects of non-consensual tows. At the conclusion of the work session, an ad hoc committee was put in place that would bring Council members, tow company owners, and staff together to discuss all aspects of City requested tows. A committee objective and schedule were established and four meetings were held

Laramie City Council, Towing SubCommittee: Councilors Weaver, Summerville, Shumway (Alternate Henry) with CM Jordan, Chief Stalder, & City Attorney
Invited Business Owners: Tom Mullan (I80 Towing), Phil Herrick (WY Towing Association), Terry Miner (Cowboy Towing), Sergio (Warren's Towing), Shane Swett/Nicole Candelaria (A1 Towing); Carson Ace Aanenson (Laramie Towing)

Committee Objective: In consultation with the business community, establish fair, reasonable, and transparent towing practices for City-initiated tows, including predictable fees for towing and storage services. City Council wishes to determine the best course of action for achieving these objectives - exclusive provider agreement? rotation list? weighted rotation list? etc....

All Meetings Will be Held in the Basement Meeting Room at City Hall, 406 Iverson

Meeting Date	Meeting Time	Topic/Agenda
August 19 th , Friday	11:00 am – 12:00 pm	Introductory Meeting
September 9 th , Friday	11:00 am - 12:00 pm	Recap and Establish Future Schedule
September 30 th , Friday	3:30 p.m. - 4:30 p.m.	Towing Fees & Storage Fees
October 7 th , Friday	3:30 p.m. - 4:30 p.m.	Response Time & Safe Arrival On Scene
		Qualifications & Experience

Attendance varied at the four meetings, but included:

- City Manager Janine Jordan – staff
- Assistant City Manager Dave Derragon - staff
- Chief Dale A. Stalder – staff
- Mayor David Paulekas – Council
- Andrea Summerville – Council
- Joe Shumway – Council

- Paul Weaver – Council
- Tom Mullen – I-80 Towing
- Shane Swett – A-1 Towing
- Carson Aanenson – Laramie Towing
- Terry Minor – Minor’s Towing
- Jodi Shea – Representing I-80 towing
- Phil Herrick – Wyoming Towing Association

Various topics of concern were discussed at the meetings, along with a number of options for how the City might move forward. A summary of those discussions follows.

OPTIONS FOR NON CONSENSUAL/CITY-INITIATED TOWS:

- *Current Practice / Do nothing* – the City currently allows any tow company on a rotation list. No consideration is given to pricing structure, qualifications, or capacity. This has been the model used for decades.
- *RFQ* – a draft RFQ was presented to Council in August. The RFQ would essentially contract with a single tow company for all non-consensual tow requests from the City. Pricing would be a consideration as would response time, capacity (ability to tow in a variety of circumstances with various equipment), and hours of operation. The RFQ would also specify that the City could utilize other tow companies as needed in specific circumstances.
- *Ordinance* – the City could consider an ordinance similar to Cheyenne’s, in which all aspects of towing are controlled. This would include rotation, pricing, response time, and capacity.

OPTIONS FOR FEES:

- *Current Practice / Do nothing* - allow fees to be set by the tow companies.
- *Tow companies Submit Fee Structure* – this would allow the City to know the “base charge” as well as any additional charges for additional work (rollback, dolly, winch, etc.). The City could also make a determination whether a tow company would be placed on the rotation list based upon their submitted fee structure.
- *“Plus or Minus 10% at \$250.00”* – one suggestion was to allow all tow companies who are interested in being placed on a rotation to agree to set their base cost at \$250.00 and then allow them to vary over or under that base cost by no more than 10%.
- *RFQ* – if an RFQ is used, fees would be one determining factor in selecting a tow company as the City’s primary contractor.

- *Storage Fees* – It was discussed that storage fees should not be charged for at least the first 24 hours after a tow.
- *Gate Fees* – It was discussed that gate fees are appropriate if a vehicle owner wants to retrieve a vehicle on weekends, holidays, or after normal business hours.

RESPONSE TIMES:

- Business hours response time – 25 minutes
- After hours response time (includes holidays) – 45 minutes

QUALIFICATIONS:

- *City Qualification Review* – it was discussed that the City could require tow companies to submit their State qualifications, insurance, and proof of driver qualifications (CDL as needed). This would add additional work on City staff to monitor.
- *Rely on State Qualifications* – the City could assume that if a tow company requests to do business with City they already meet necessary qualifications. This would place any liability on tow company.
- *One Year Requirement* – there was discussion about requiring any tow company who wants to do business with the City to have been in business in Laramie for a minimum of one (1) year.

CAPACITY:

- *City Demand* – the City could determine and then require that towing companies have a certain degree of capacity (to be determined) if they want to be placed on a rotation list or be considered for an RFQ.
- *No City Demand* – the City could place towing companies on a rotation list or contract and then, situationally, if the towing company doesn't have needed capacity, a different tow company could be contacted to respond.

ON-SCENE REQUIREMENTS

This was a topic slated for discussion but it was agreed upon by both City and tow company representatives that there was not an issue with officers being on scene for safety reasons when tows are requested nor are there issues with tow company employees not being safe when on scene. One tow company representative indicated that if a contractual situation did occur then these items could be at least mentioned.

OTHER CONSIDERATIONS:

There were two documents circulated during the meetings:

1. Towing & Recovery Association of America Municipal Towing Guide. Document attached for your consideration
2. Wyoming Highway Patrol Agreement – this is an agreement that the WHP requires all towing companies to sign in order to respond to non-consensual tows in WHP jurisdiction. Tow companies generally like this agreement. Document attached for your consideration.
3. Jodi Shea, representing I-80 towing, submitted an email to the group that discusses various concerns and considerations on her client's behalf. Email attached for your consideration.