



City of Arts & Innovation

Public Safety Committee

TO: PUBLIC SAFETY COMMITTEE MEMBERS **DATE: AUGUST 2, 2016**
FROM: POLICE DEPARTMENT **WARDS: ALL**
SUBJECT: PROPOSED CHANGES TO POLICE DEPARTMENT OFFICIAL POLICE TOW TRUCK SERVICE AGREEMENT FOR TWO-YEAR PERIOD FROM JANUARY 2017 - DECEMBER 2019 - DIRECT SUBMITTAL

ISSUE:

Receive information regarding the proposed changes to the 2017-2019 Riverside Police Official Police Tow Truck Service Agreement.

RECOMMENDATION:

That the Public Safety Committee receive this report and forward to City Council with the recommendation that the City Council approve the new two-year agreement.

BACKGROUND:

The Police Department has a long history of working with “official police towing service” (OPTS) providers to remove vehicles that have been abandoned, involved in a collision, or constitute an obstruction to traffic.

There are fourteen (14) towing companies currently contracted for this service. These contracts expire on January 1, 2017.

DISCUSSION:

The Department is proposing changes to the OPTS contract for tow services effective from January 1, 2017, through December 30, 2019. The contract includes two separate one-year extensions. Changes from the current OPTS contract include:

1. Approximately 10 non-substantive changes (address, phone numbers, etc.);
2. Changes reflect last two contract extensions;
3. Increased “due process” guidelines - The City retains the ability to immediately suspend a Contractor per RMC Section 5.15.145. However, when an allegation of misconduct or a potential breach of this Agreement is identified, the Contract Administrator will conduct an investigation of the allegations. As part of the investigative process and prior to the City reaching a conclusion as to the allegations, the involved OPTS will be provided an opportunity to meet with the investigating

authority and provide information that is relevant to the allegations. This section also provides the companies with a general guideline of the process when they are facing potential disciplinary action.

4. Less punitive approach – This approach would add fines in lieu of suspension, which was added at the request of the tow companies as a more palatable approach than suspension. This process would allow the tow companies to continue providing service as long as they pay the fine and correct the issues.

Fines in Lieu of Suspension and/or Termination (New) Section G.4 (Page 7)

1. Exceeding the maximum Response Time	\$200
a. (each violation)	
2. Excessive Passes (3 per month)	\$500
3. Equipment Violations or Business Omissions	\$200
a. (per day). If violation is not addressed within 10 days, a suspension may result	
4. Unauthorized release of vehicle	\$1,000
5. Lack of required equipment	\$200
a. (each violation)	
6. Failure to meet yard standards	\$500
a. (pursuant to RMC Section 5.15.100)	

Standards for Owners/Drivers/Operators to include age requirements, background checks, DUI history, reference to definition of Moral Turpitude, consideration of misdemeanor convictions, and pull notices;

1. Drivers be over 18 years **or older, successfully complete a submit to a background check administered by the Contract Administrator or his/her designee**
 2. No DUIs within ~~seven (7)~~ four (4) years
 3. Moral Turpitude Definition
 4. **Misdemeanor conviction will not result in an automated disqualification; however, each applicant history will be evaluated on a case-by-case basis**
 5. Pull Notices
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Definition of Moral Turpitude:

Crimes of moral turpitude are generally defined as acts of baseness, vileness or depravity in the private and social duties, they are contrary to the accepted and customary rule of moral, right and duty between people and can be either felonies or misdemeanors. Crimes of moral turpitude include but are not limited to arson, burglary, blackmail, forgery, fraud, larceny (grand or petty), robbery, theft, perjury, contributing to the delinquency of a minor, assault with intent to kill, commit rape, commit robbery or commit serious bodily harm, battery, pimping and pandering, child endangerment, battery on a spouse, indecent exposure, evading police, auto theft and DUI.

Clarification of Department of Motor Vehicle Pull Notices pursuant to California Vehicle Code 1808.1.

1. Any Contractor that receives a DMV Pull Notice Program action notification shall provide the Contract Administrator with the driver's name and notification summary by 0900 hours the following day.
 2. Pursuant to CVC 1808.1
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Investigative Process (New) Section H.8 (page 12)

The City retains the ability to immediately suspend a Contractor per RMC Section 5.15.145. However, when an allegation of misconduct or a potential breach of this Agreement is identified, the Contract Administrator will conduct an investigation of the allegations. As part of the investigative process and prior to the City reaching a conclusion as to the allegations, the involved OPTS will be provided an opportunity to meet with the investigating authority and provide information that is relevant to the allegations. Non-Contractual Modifications

1. Approved Driver List
 2. Driver Application Process
 3. Reporting Practices
 - a. Single format
 - b. Daily reporting
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The process for application for tow contractors includes posting the opportunity on the City's web page for a period of two weeks. Current tow contractors, as well as those who have expressed an interest in being placed on the City's rotation, will be notified by certified mail of the opportunity to apply.

All contractors who meet the criteria of Riverside Municipal Code Chapter 5.15 will be given an opportunity to be placed on rotation pursuant to the contract.

FISCAL IMPACT:

There is no fiscal impact associated with this report

Prepared by: Sergio G. Diaz, Chief of Police
Certified as to
Availability of funds: Scott G. Miller, Interim Finance Director/Treasurer
Approved by: Alexander T. Nguyen, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. 2017-2019 OPTS Contract
2. Presentation