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CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

To: City Clerk
Mayor & City Council
City of Santa Barbara
735 Anacapa St.
Santa Barbara, CA. 93101

Re: Fire & Police Commission

February 27, 2014 Fire & Police Commission meeting

Staff recommendation to suspend 805 Roadside Towing from the "City Tow Rotation List"

Dear Mayor Schneider & Council Members,

I own and operate 805 Roadside Towing in Santa Barbara and my company has been suspended as of February 27, 2014 from the City Tow Rotation List. A recommendation was made to the Fire & Police Commission to suspend our company based on a belief that we do not meet the minimum requirements of the "Santa Barbara Police Department Tow Rotation List Rules and Regulations". The Fire & Police Commission voted 3 -2 to uphold the Police Department's recommendation. I believe the Department and the Commission misinterpreted the intent of recent revisions to the Regulations and I respectfully request that you review their decision.

Prior to this suspension, 805 Roadside Towing had been active on the City Tow Rotation List since July, 2012 with no complaints or service related concerns. In fact, your officers appreciate our high level of service. We take our partnership with the City of Santa Barbara very seriously and we demonstrate this by responding promptly and professionally. Our drivers are respectful, their uniforms are clean and they arrive in spotless, safe trucks. We think this reflects well on your police department.

As of September, 2013, City Council approved changes to the "Santa Barbara Police Department Tow Rotation List Rules and Regulations" The most critical is the new requirement pertaining to length of time in business and this requirement has been used to challenge my company's eligibility to remain active on the "List".

A.) "Pursuant to Santa Barbara Municipal Code section 5.30.020(a) all operators shall have had a valid business license and Tow Operator Permit issued by the City of Santa Barbara ("City") for a period of at least 3 years prior to application for inclusion."

We were issued a City business license October 2, 2011.

The municipal code uses the verbiage "...prior to application for inclusion...". Though there was discussion (within the Fire & Police Commission meeting) about an annual application process, it was ultimately decided the "Tow Compliance Officer" would inspect the tow companies each year for compliance with the "Rules & Regulations" and the tow operators need not engage in an annual application or renewal process. Nothing in the new code states that the 3 year requirement should be applied retroactively and our company meets all other requirements of the code.



In 2012 when I submitted an application for inclusion on the "List" the length of time in business minimum requirement stood at 6 months. All requirements for inclusion were met and verified by representatives of the Santa Barbara Police Department.

We are suffering significant financial impacts as a result of the decision made by the Fire & Police Commission to suspend our company for the following reasons:

1. Per the Rules and Regulations, my company is required to maintain 20,000 square feet of storage space. I have leased two storage yards, one containing our office. The lease for the primary office and storage yard was contingent upon the approval of the Santa Barbara Police Department for my company to operate on the City Tow Rotation. Though a suspension has been imposed, my leases remain in effect.
2. We have invested heavily in equipment to ensure that we can provide the high level of service that the City of Santa Barbara requires.
3. We employ excellent drivers who have worked decades in the towing industry. Their families will feel the financial impact of this decision.

We have built 805 Roadside to operate at a level consistent with City standards and it will be very difficult to sustain with the loss of revenue due to this suspension. I have made enormous sacrifices to maintain eligibility for the City Tow Rotation as there are specific requirements that do not exist in the "Tow Service Agreement" of other agencies. Furthermore, I have followed every parameter of the "Rules and Regulations", and continuously improve the company to better serve the City. The decision to suspend 805 Roadside has created an undue hardship for our company and does not benefit the City in any way.

I respectfully request that we be allowed to continue operating on the City Tow Rotation. Thank you, in advance, for your time and consideration.

Sincerely,

Aaron Boucher
Owner/Operator

City of Santa Barbara Board of Fire and Police Commissioners
SANTA BARBARA POLICE DEPARTMENT TOW ROTATION LIST
Rules and Regulations

1. GENERAL

These rules for the Santa Barbara Police Department Tow Service Rotation List are *in addition* to the Santa Barbara Municipal Code and the Fire and Police Commission's rules governing all tow service operators. The Fire and Police Commission shall have complete authority to include a tow service operator (hereinafter called "operator") on the Tow Service Rotation List (hereinafter called "List")

Operators agree to comply with the Rules and Regulations as set forth in this document. Participation in the SBPD Tow Rotation Program is voluntary. However, compliance with the terms and conditions of the Rules and Regulations is **mandatory** for all participating companies. Furthermore, the operator agrees that failure by the operator or the operator's agent to comply with these terms and conditions shall be cause for written reprimand, suspension, or termination from the List.

2. BASIC REQUIREMENTS

- A. Operators desiring inclusion on the List must first meet the requirements and standards contained herein.
- > B. Any Operator applying for inclusion on the List shall have a minimum of three (3) verifiable years of for-hire towing experience, as an owner or principal, prior to the final filing date of an enrollment period to qualify. Verifiable years of for-hire experience shall be decided by the Chief of Police or the Chief's designee on behalf of the Santa Barbara Police Department. (Hereinafter, the Chief of Police, a Chief's designee, and the Santa Barbara Police Department shall all be referred to collectively as "SBPD").
- > C. Pursuant to Santa Barbara Municipal Code section 5.30.020(a) all operators shall have had a valid business license and Tow Operator Permit issued by the City of Santa Barbara ("City") for a period of at least 3 years prior to application for inclusion.
- D. New operators (on the list) and their employees shall be fingerprinted for the purposes of conducting criminal history inquiries and they shall pay the standard fingerprinting fees associated with the fingerprinting and criminal history check process.
- E. Operators on the List shall have a sufficient number of tow trucks to provide service for the city and shall include at minimum (1) 25,500 GVW wrecker and (1) flat-bed. Additional equipment should be considered by the operator to ensure a specific equipment request by the SBPD can be fulfilled.
 - a. Should an operator be summoned to tow a vehicle that exceeds the capability of their equipment, the responding operator will have the opportunity to request service from another company currently approved to tow for the SBPD rotation. The assisting company will ultimately decide whether they will take possession of the vehicle or complete a tow to the storage facility of the original responding operator. Any charges incurred between companies must remain consistent with SBPD approved towing rates.
 - b. The SBPD will recognize the summoned operator as the company responsible for the impounded vehicle. Should the assisting company take possession, the SBPD must be notified within (1) hour from the time of the tow. Liability will be upheld among companies assisting one another in accordance with state and local laws. The SBPD shall not indemnify the companies against any claims made.



**City of Santa Barbara Police Department
Tow Rotation List Application – pg 1 of 2**

Company Name:		Years in business:
Owner Name:	Owner Name (if multiple owners):	
Contact Name:	Contact Phone:	
Mailing Address:		
City, State, Zip:		

MINIMUM REQUIREMENTS

Per the "Rules & Regulations for Tow Service Operators on Rotation List for the Police Department," to be eligible for inclusion on the Tow Rotation List, among other requirements, companies must meet these criteria:



- Have a valid business license issued by the City of Santa Barbara for at least six (6) months prior to application for inclusion.
- Have the capability of towing large scale vehicles such as motorhomes, RV's, and delivery trucks.
- Have, at minimum, 20,000 sq ft of storage available, with both indoor (evidence) and outdoor storage.
- Must furnish towing and storage services twenty-four (24) hours per day, seven (7) days per week, within the maximum response time limit, for all vehicles taken into custody or caused to be removed from public streets by the Police Department during the time assigned to that operator.

BUSINESS INFORMATION

Do you have a City-issued Tow Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you have a City business license? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is your primary storage facility within City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No, it's ___ miles outside of the City limit.	
Do you currently possess insurance coverage as required by the City? <input type="checkbox"/> Yes <input type="checkbox"/> No* * If not, do you have the ability to obtain the required insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If selected, do you agree to abide by the following City-approved policies (attached):	
Maximum Rate Schedule	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rules and Regulations for Tow Service Operators on Rotation	<input type="checkbox"/> Yes <input type="checkbox"/> No
Regulations for Tow Operators	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Law Enforcement Agencies you have contracts with:	Length of Time:



Fire and Police Commission

City of Santa Barbara

215 EAST FIGUEROA
MAIL: P.O. BOX 539
SANTA BARBARA
93102

March 12, 2014

Aaron Boucher
805 Roadside Towing
823 E. Mason St.
Santa Barbara, CA 93101

RE: Suspension from Tow Rotation List

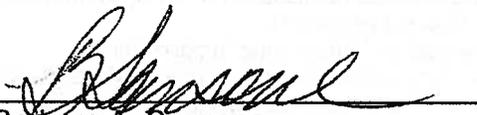
Dear Mr. Boucher:

This is to notify you that the Santa Barbara City Fire and Police Commission, at its regular meeting on February 27, 2014 suspended your business, 805 Roadside Towing from participating in the Police Department's Tow Rotation List until such time as you come into compliance with the City Revised Tow Rotation Rules and Regulations. This action was taken due to a 3 to 2 voted by the Commissioners to uphold the Police Department's recommendation.

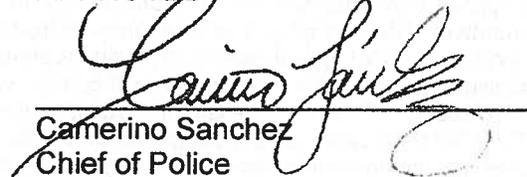
Pursuant to Santa Barbara Municipal Code §1.30.050 (copy attached), if you wish to appeal the decision of the Commission to the City Council, you have ten (10) days from the receipt of this letter to file such appeal, in writing, with the City Clerk's Office.

Sincerely,

FIRE & POLICE COMMISSION


Barbara A. Sansone
Secretary to the Commission

APPROVED


Camerino Sanchez
Chief of Police

cc: Tax & Permit Office
City Attorney
Police Special Investigations
Fire & Police Commissioners

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