



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 15, 2014

TO: Mayor and Councilmembers

FROM: Patrol Division, Police Department

SUBJECT: Appeal Of Fire & Police Commission's Decision To Suspend 805 Roadside Towing From Participation In The Police Department's Tow Rotation List

RECOMMENDATION:

That Council consider the appeal filed by Aaron Boucher, owner/operator of 805 Roadside Towing, regarding the Fire & Police Commission's decision to suspend 805 Roadside Towing from participation in the Police Department's tow rotation list.

DISCUSSION:

On January 22, 2014, during its regular meeting, the Fire and Police Commission held an annual compliance review of tow companies that are on the Police Department's tow rotation list. The tow rotation list is used to equitably distribute Police Department towing operations among qualified and approved tow service providers. At the meeting, the Fire & Police Commission determined that 805 Roadside Towing was not in compliance with the Santa Barbara Police Department Tow Rotation List Rules and Regulations and ordered corrections to be completed by 805 Roadside Towing to be done by the next Fire & Police Commission meeting to be held on February 27, 2014.

At the February 27, 2014 Fire and Police Commission meeting, the Police Department staff report concluded that 805 Roadside Towing was not in compliance with Section 2(c) of the Santa Barbara Police Department Tow Rotation List Rules and Regulations for failure to possess a City business permit for a minimum period of 3 years, and Section 2(f) for failure to maintain a vehicle storage lot with minimum storage space of 20,000 square feet. As a result, Police staff's recommendation to the Fire and Police Commission was to suspend 805 Roadside Towing from participating in the Santa Barbara Police Department's tow rotation until such time as they came into compliance with the tow rules and regulations. Mr. Boucher appeared at the meeting and argued against the suspension. In a 3-2 vote, the commissioners suspended 805 Roadside Towing from participating in the Police Department's tow rotation list.

Council Agenda Report

Appeal Of Fire & Police Commission's Decision To Suspend 805 Roadside Towing From Participation In The Police Department's Tow Rotation List

April 15, 2014

Page 2

Mr. Aaron Boucher, owner of 805 Roadside Towing, filed an appeal of the Fire & Police Commission's decision to the City Council. The 805 Roadside Towing Administrative Record is available for public viewing in the City Clerk's Office.

ATTACHMENT: Appeal Letter Dated March 10, 2014

PREPARED BY: David Whitham, Captain

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



RECEIVED
3/10/2013
2014 MAR 13 AM 8:58

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

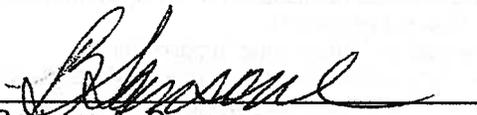
Dear Mr. Boucher:

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.

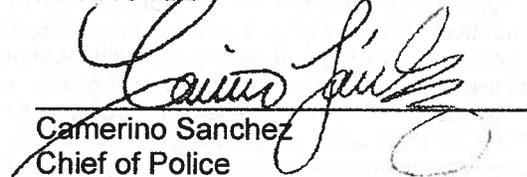
Pursuant to Santa Barbara Municipal Code §1.30.050 (copy attached), if you wish to appeal the decision of the Commission to the City Council, you have ten (10) days from the receipt of this letter to file such appeal, in writing, with the City Clerk's Office.

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

/bas

CORRESPONDENCE RECEIVED FROM APPELLENT



ROADSIDE TOWING

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

3/10/2013

Re: Fire & Police Commission

February 27, 2014 Fire & Police Commission meeting

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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



- Exhibit A: Timeline
- Exhibit B: Excerpt from Santa Barbara Police Department Tow Rotation Rules & Regulations as of 7/5/2012
- Exhibit C: Santa Barbara Police Department Tow Rotation Application as of 7/5/2012
- Exhibit D: Santa Barbara Police Department Tow Rotation Acceptance Letter for 805 Roadside Towing
- Exhibit E: Excerpt from Fire & Police Commission Meeting minutes: 8/23/2012
- Exhibit F: Email sent to Board members and Staff with attached letter written by Aaron Boucher of 805 Roadside Towing referenced in Fire & Police Commission Meeting minutes 8/23/2012
- Exhibit G: Excerpt from Fire & Police Commission Meeting minutes: 3/28/2013
- Exhibit H: Excerpt from Santa Barbara Police Department Tow Rotation Rules & Regulations as of 10/8/2013
- Exhibit I: Fire & Police Commission Meeting minutes 2/27/2014
- Exhibit J: Board member's votes



- 9/8/2011 Tow Permit Issued for 805 Roadside Towing
- 10/4/2011 Business License Issued for 805 Roadside Towing
- 2/2012 805 Roadside Towing submitted application for inclusion on the SBPD Tow Rotation List
- 7/5/2012 805 Roadside Towing added to City Tow Rotation
- 10/8/2013 Santa Barbara City Council approves changes submitted by the Santa Barbara Fire & Police Commission to the Rules & Regulations for Tow Operators on the City's Tow Rotation
- 1/23/2014 At the annual "Tow Operator Meeting" SBPD recommends 805 Roadside Towing be suspended from the City's Tow Rotation List until they meet all minimum requirements of the "Rules & Regulations" – Fire & Police commission meeting continued to 2/27/2014 due to time restraints
- 2/27/2014 The SBPD's recommendation to suspend 805 Roadside Towing from the "List" is upheld by a vote of 3 – 2 by the Fire & Police commissioners

City of Santa Barbara- Board of Fire and police Commissioners
Rules and regulations for Tow Service Operators on Rotation List
For the Police Department

1. GENERAL

These rules for the Police Department's Tow Service Rotation List are *in addition* to the Commission's rules governing all tow service operators. The 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. 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 shall be eligible for inclusion on the List if he/she has had a valid business license issued by the City of Santa Barbara for at least six (6) months prior to application for inclusion. Tow Operator Permits shall be valid for three years. Permits can automatically renewed if there have been no complaints filed against operator.

C. As of September 1, 2003 operators on the List shall have the capability of towing large scale vehicles such as motor homes, RV's and delivery trucks.

D. Operators on the List shall have, at minimum, 20,000 square feet of storage available, which will allow for both indoor (Evidence) and outdoor storage.

E. Operators on the list shall 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. The City will apportion the time equally among the operators accepted on the list.

Exception: Abandoned car service for the Police Department from 8:00 am to 5:00 pm. Monday through Friday Release to owner as in Rules for Towing Service Operators

E. The operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the SBPD.

F. The maximum rates to be charged for services while conducting tow operations for the Police Department shall not exceed those rates established by the Commission. Refer to the current schedule. A copy of the rate schedule shall be kept in the tow unit at all times and given to the owner/operator when a vehicle is released at the scene.

G. Operators who do business at the request of any City employee or official acting in his/her official capacity shall have liability insurance with minimum requirements established by the City and shall name the City, its officers, employees and agents as named or additional insured for the operations conducted



**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

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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:



City of Santa Barbara
Police Department

www.sbpd.com

July 10, 2012

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

Chief's Office
805 897 2395

General Information
805 897 2300

Animal Control
805 863 1513

Business Office
805 897 2400

Community Services
805 897 3717

Dispatch
805 897 2410

Office of Emergency
Services
805 897 3725

Parking
805 897 2360

Patrol
805 897 2382

Records
805 897 2355

215 E. Figueroa St.
Santa Barbara, CA
93101

PO Box 609
Santa Barbara, CA
93102

Dear Mr. Boucher:

This letter is to confirm that you have been selected to occupy the 7th spot on the City of Santa Barbara's Tow Rotation List. Your acceptance of this position indicates your willingness and agreement to abide by all laws, and Rules and Regulations pertaining to the Tow Rotation List.

Your company was added to the Tow Rotation List on July 5th, 2012. We look forward to working with you.

If you have any questions or comments, please contact Police Technician Holly Perea by calling (805) 897-2333.

Sincerely,


CAMERINO SANCHEZ
Chief of Police

Cc: Police Technician Holly Perea
Fire & Police Commissioners

**Pages 2 – 3 from Fire & Police Commission Meeting minutes:
8/23/2012**

The reasons why it was decided that the regulations should be reviewed was that they hadn't been reviewed since 2003, and there was interest in updating for safety, legal adherence, and public satisfaction/quality of service.

It was decided to hold a brief discussion now, then have one more sub-committee meeting with tow operators to go over changes, and then Commission will tentatively vote on changes in October.

Christensen reviewed the proposed changes:

- Minimum of 5 trucks to operate
- Amount of storage space required (20,000 sq. ft.) be all contiguous space. A counter proposal is that the requirement is reduced to 15,000 sq. ft.
- Donation of vehicles for training purposes (formalize an informal agreement)
- Providing items for file – addition of lease or ownership documentation to the property; additional support or evidence of sufficient storage space; additional photos of equipment; specificity of workers comp and liability insurance
- Annual meeting to review operations and issues, modified to become a requalification
- Specifying current training requirements and available training, and specific certifications
- Uniforms/ID of employees; professional appearance
- Specific information to be provided to the department
- Employer pull notice program specific language
- Tow truck classifications, current legal requirements
- Operational requirements – notice to the public and postings
- Suggestion to articulate expectations for response times
- Safety and personnel allowed on scene
- Scene cleanup – environmental issues
- Release of property and PD authorization
- Vehicle inspection
- Demeanor and conduct language
- Tow complaint procedures
- Fair and impartial activities of tow operators

**Pages 2 – 3 from Fire & Police Commission Meeting minutes:
8/23/2012**

- Disciplinary action
- Operator approval of rules
- Available training courses listed

Torell stated 805 Roadside Towing is a recent addition to the tow list and responded to the changes with a letter. He also stated that he would like the tow operators to meet among themselves to review and approve the changes. If an agreement on a change cannot be finalized among the group, that he or Christensen would negotiate at a sub-committee meeting.

Christensen stated that they would want to know any change that would make an operator ineligible so they can address that in advance. She also asked that the letter from 805 Roadside be posted with the agenda from today's meeting on the City website. It was agreed that the final sub-committee would be scheduled for the second week of October. (Captain Whitham and Officer Jaycee Hunter will be attending this meeting)

Rodriguez mentioned that there was a problem with all the tow operators receiving notification about the initial meeting. Christensen stated that the meeting today and the final sub-committee meeting should allow everyone to participate.

Robert Nieves, Nieves Towing has an issue with the 5 truck and contiguous location requirements. They operate for law enforcement only, and do not need more vehicles. Also his office and storage locations being separate have never interfered with operations. Torell suggested that these issues be discussed in the tow group meeting. Christensen stated the Commission will want to know those items that would make a company fall out of compliance. However, Commissioner Christensen stated that no grandfathering of rules will occur to eliminate having 2 sets of rules to enforce.

Aaron Boucher from 805 Roadside Towing volunteered to coordinate the tow operator meeting. Chuck Love from Love's Towing requested that a commissioner attend this meeting as well. Torell stated he was willing to attend.



Aaron Boucher < aaronaboucher@gmail.com >

805 Roadside Proposed Changes to Tow Rules & Regulations

1 message

Sansone, Barbara < BSansone@sbgpd.com >

Tue, Jul 17, 2012 at 11:28 AM

To: "Whitham, David" < DWhitham@sbgpd.com >, "Perea, Holly" < hperea@sbgpd.com >, Diego Santos-Torres < dball93101@yahoo.com >, Jennifer Christensen < jenchrise@cox.net >, Joe Rodriguez < venco1996@msn.com >, John Torell < jjtorell@gmail.com >, Pat Lennon < pat@west.net >, 805 Roadside < aaronaboucher@gmail.com >, Holzer's < holzertowing@aol.com >, Loves Towing < lovestowingstabar@yahoo.com >, Nieves Towing < nievestowing@gmail.com >, Smitty's < info@smittystow.com >, "St. Barbara Towing" < santabarbaratowing@verizon.net >, Thomas Towing < thomastow@aol.com >

Aaron Boucher of 805 Roadside brought this by today and asked that I send it to you. Please bring this along with the previous document that I sent you to this month's meeting. (July 26, 2012 @ the PD)
Barbara

Your message is ready to be sent with the following file or link attachments:

Scan0028.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

 **Scan0028.pdf**
393K

**Attachment from email:****805 Roadside Proposed Changes to Tow Rules & Regulations**

Santa Barbara Police & Fire Commission

CC: Chief Camerino Sanchez, Chief Andrew Dimizio, Holly Perea, Barbara Sansone

The following are recommendations I have for operators desiring inclusion on the Santa Barbara Police Dept. Tow Rotation List:

- Grandfather existing "Rules and Regulations for Tow Service Operators" currently on "The List"
- Require 1 year with city business license prior to application for inclusion
- There should be no minimum amount of tow trucks required as long as service provider can comply with the needs of the city. It should be noted that California Highway Patrol requires a minimum of 1 tow truck for each class.
- <26,000 GVW equipment has been sufficient for the majority of city towing for the past several decades and if companies are unwilling to participate in Class B towing that should be the choice of the company. It should be noted that California Highway Patrol does not require companies to participate in class B towing, in fact it is an entirely separate rotation. I think the board should consider allowing companies to use other companies with heavier equipment to facilitate towing to their yard for storage. For example: If company "A". is requested by the city to tow a vehicle larger than they are capable, and company "B". has equipment available to facilitate the tow within reasonable response time, they would tow the vehicle to company "A"s storage yard and charge company "A" for the tow.
- Companies towing for the city should have their main office and storage yard located within city limits.
- The minimum amount of storage space should be reduced to 15,000 sq ft including primarily outdoor storage with secure indoor storage for a minimum of 1 vehicle. The main office and primary storage facility should be located at the same address, however should the primary yard be less than 15,000 sq ft, auxiliary storage yards should be optional.
- The Board should personally visit each and every operator's place of business prior to making their decision, and take into account what each company has to offer to the public. Each towing service in the Santa Barbara and Goleta area services different needs of the community and each is very different. Towing for the California Highway Patrol (which the proposed changes are clearly modeled after) and towing for the city of Santa Barbara is completely different. Changes to the Rules and Regulations should be carefully made as it may cripple several companies currently providing great service to the city.

**Page 6 of Fire & Police Commission Meeting minutes:
3/28/2013**

MOTION PART THREE: MOTION REOPENED: To have the suspension of the Dance Permit effective immediately.

VOTE: Ayes 3 (Rodriguez, Torres-Santos, Lennon) No 1 (Torell)

8. REVIEW OF PROPOSED RULES AND REGULATIONS FOR TOW COMPANIES ON THE CITY'S TOW ROTATION LIST

Commissioner Torell spoke regarding the proposed Rules and Regulations for Tow Companies on the City's Tow Rotation List. Torell commended Officer Hunter for his assistance in this process.

Officer Hunter spoke regarding a 3 hour meeting he had with all of the companies on the City's Tow Rotation List.

Officer Hunter spoke regarding the infrequency of the tow companies needing a heavier duty truck for tows and the prohibitive cost of purchasing one of these vehicles. It was decided that the heavier light duty trucks could tow most of the RV's with no problem. In 2012 the Police Department towed 2803 vehicles and only 3 of them were RV's (1/10 of a percent). There are other companies on the list that have heavier duty trucks if needed.

It was decided that 20,000 sq. feet is a reasonable and acceptable minimum number of square feet. It was also decided that the 20,000 sq. feet could be achieved by combining a maximum of 2 properties.

According to the Municipal Code, 5.30.030 (b) it is stated that the office for the tow company must be located on the storage property.

There is no point of contention for any of the other terms on the Proposed Tow Rules and Regulations.

Commissioner Torell asked about the maximum number of tow companies and how the department felt. Deputy Chief Mannix said the department's only concern is that they have prompt service.

Officer Hunter said the only factor to consider in this is with fewer companies on the list, the tow companies on the list would make a little more money.

Chuck Love spoke about reducing the number of tow companies to 5 immediately and not "grandfathering" the other 2 companies in and also that the two newest companies do not qualify according to the new rules and regulations. Commissioner Torell stated all of the companies had been approved and placed on the list by the Commission and he does not want to "throw people off the list" because of a new rule change.

Commissioner Torell stated they would just not use the term "grandfathered in."

Officer Hunter said he would make the minor changes and send to the City Attorney's Office.

MOTION: Torell to approve the draft of Proposed Rules and Regulations with minor changes discussed, and will send to the City Attorney's Office.

VOTE: Unanimous Voice Vote; Motion Passed.

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
FIRE & POLICE COMMISSION MINUTES

Thursday, February 27, 2014 @ 4:00
(Hosted by Police Department
David Gebhard Public Meeting Room
630 Garden St.

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Christensen, Torres-Santos, Torell, Laponis, and Melekian

Staff Present: Fire Chief Pat McElroy, Battalion Chief Robert Mercado, Police Captain David Whitham, Officer Jaycee Hunter, City Attorney John Doimas and Police Technician Holly Perea.

Commissioner Christensen asked that the order of the Agenda be changed, reversing items 7 and 8, Making the Annual Tow Meeting item 7 and the Ameriquest Security Application Item 8.

2. APPROVAL OF MINUTES:

MOTION: Torell to approve minutes of January 23, 2014. Laponis seconded.

VOTE: Unanimous voice vote.

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None.

4. SUBCOMMITTEE REPORTS

Christensen explained the workings of the Fire & Police subcommittees to the new Commissioners and asked that the appointing of the subcommittees be agendized for the next meeting.

5. OLD BUSINESS:

None.

6. NEW BUSINESS:

Commissioner Laponis commended the staff for providing all of the information needed before today's meeting.

Commissioner Christensen wanted to reiterate her request to dispense response times, doing a budget workshop and a report on fire vehicles.

Chief McElroy said that Chief Bryden had a vehicle report regarding the fire vehicles at the station and said that he would email the report to the Commissioners.

Commissioner Laponis would like to know what the authority of the Commissioners is even after he had read the Commissioners guidelines.

Commissioner Christensen said the Charter lays out their duties but the City Clerk's Office may maintain some archived documents regarding the duties and responsibilities of the Commissioners.

Commissioner Torell asked that this information be provided via email to them.

7. ANNUAL MEETING FOR TOW OPERATORS TO DISCUSS ISSUES CONCERNING THE TOW ROTATION.

Present: All operators on the City's Tow Rotation List.

Captain Whitham stated that the Commissioners received an investigative report from Officer Hunter via email.

- Capt. Whitham stated that Nieves Towing has made corrections that they needed but 805Roadside does not fall into compliance. He stated it was the department's recommendation to suspend 805 Roadside until they come into compliance with the Rules & Regulations. Captain Whitham was asked to summarize what the violations were are. He stated that a memorandum was sent to Commissioners:
 - Failure to comply with minimum storage space requirements (805 attempts to utilize driveway area as part of their storage space)
 - 805 fails to possess a business license for a minimum of 3 years. 805 had assumed they would be "grandfathered" into the rotation. Captain Whitham said the Commissioners did not approve the "grandfathering" provision.
 - Issues identified by Officer Hunter: Building Code permitting for 823 E. Mason St. site states that this location is not within current Code compliance.
 - Tax liens against Aaron Boucher. These are not specifically a reason for denial, however, the Rules & Regs state that operators shall comply with Federal, State and local laws and that the Commissioners shall approved towing permits if they find the applicant is of good character.

Captain Whitham stated that this is a summary of Officer Hunter's investigation into all of the tow operators, specifically that of Nieves and 805 Roadside, and that Officer Hunter is available to expand on any of these findings.

Commissioner Torell stated that his understanding is that everyone stays on the list with the exception of 805 and that this is the Police Department's recommendation?

Captain Whitham stated, "Yes."

Commissioner Torell stated that their discussion should center on the 4 reasons given and see whether they can or have been overcome.

Captain Whitham stated he and Officer Hunter would be available to answer any questions regarding these 4 issues.

Commissioner Melekian asked if there are 6 companies on the rotation and that a 7th is being considered.

Captain Whitham answered that there are currently 7 companies on the rotation and the department's recommendation is that 805 be removed due to compliance to the Rules and Regulations issues and they would be put back on the list when they come into compliance.

Commissioner Melekian asked if there was a limit as to how many companies can be on the tow rotation list?

Captain Whitham stated that the limit of companies is 7. Commissioner Christensen said the number of companies was raised to 7 in order to allow for maximum public safety response.

Melekian referred to a sentence in the letter sent to Aaron Boucher making reference to the Municipal Code and saying the Fire & Police Commissioner "shall" approve. He asked if the "shall" is part of the Municipal Code or is that just verbiage in the letter. Officer Hunter recited from the Code that "Upon the filing of an application, the board shall cause an investigation to be made and shall approve a towing permit if it finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare and that the applicant is of good character and of good business repute." Officer Hunter stated that this was from the Municipal Code regarding all tow companies.

Captain Whitham stated that this is not a reflection of the service that the 7 companies have provided to the department and that all 7 companies provide good service. This action is simply because of the new Rules and Regulations and the department has no issue whatsoever with the service provided by any of the companies on the list.

Torell asked to address each of the 4 items that form the basis of why the department wants to eliminate 805.

Commissioner Torell stated he is struggling with the idea that the only reason 805 doesn't meet the requirements is because the Commissioners changed the rules. He remembered that the Commissioners didn't want to change the rules to eliminate people. He said their reason to change the rules was primarily because of Public Safety and good service concerns and they didn't want to automatically eliminate people because of the rules. Torell said he didn't think the 3 year license requirement was in effect when 805 was placed on the list and he doesn't understand how it was OK to put them on the list in the first place and now because the Commissioners changed the rules, all of a sudden, because of a technicality, 805 doesn't meet the requirements and he is struggling with this.

Captain Whitham stated that these are the Commissioners rules that they decided on and implemented. He stated that Officer Hunter met with all of the tow companies and there were no objections at the time they were implemented.

Christensen stated that she was part of the committee to change and update these rules. Meetings were held with staff and tow operators. She stated that she and Torell did have a different opinion on the "grandfathering" issue but at the end of the day Public Safety was the most important issue and that it was important that the companies be in basic compliance with state and federal law. Christensen stated there was a meeting with the tow operators and it was made very clear that these rules would apply and go into effect in January, giving time to all operators to come into compliance. Christensen stated that her intent was "no grandfathering" and that she stated this.

Torell stated that he agrees with everything Christensen said regarding changing the rules and regulations to insure public safety, however, he feels that the 3 years is an arbitrary rule and has nothing to do with public safety.

Public Comment:

Aaron Boucher of 805 Roadside Towing stated that the 3 year requirement was a new change to the document and he didn't address it because of the "tone" that existed in earlier meetings where he assumed that the 3 year business license would be addressed separately.

Christensen asked Boucher about the meeting with Officer Hunter and the other tow operators and if he didn't understand that all of these rules and regulations that they concurred on were going to apply to 805. Boucher stated he didn't recall bringing that issue up but he did remember agreeing to move forward with the rules and regulations and that it was a "lousy" assumption on his part that because of the prior meetings and how it was discussed that he thought that part of the new rules and regulations (3 year rule) would not apply.

Boucher stated that he submitted several responses to the Commissioners and he wanted to confirm that they were received by the Commissioners and hopefully reviewed.

Christensen said they did receive his responses and she thought that 32 pages was a lot of material to read the day before the meeting but she did read it.

Boucher said he put the document together after he received his report from Officer Hunter so he only had a small window of time to put together what information he had. He said he just wanted to confirm that the Commissioners received his reply before they made their decision.

Laponis asked if the Commission were to deny 805, could 805 come back as soon as they met all the requirements as opposed to waiting until the next Annual meeting.

Captain Whitham said there is nothing prohibiting that. Christensen said that yes, they can make these decisions anytime throughout the year.

Commissioner Melekian asked Boucher how long he has had his license. Boucher stated that he is 9 months shy of the 3 year requirement.

Christensen asked if Boucher wanted to address any of the other findings in the report.

Boucher said that he has added additional space to his auxiliary storage yard. It totals just under 12,000 sq. feet. Boucher said that at the time, Officer Hunter didn't seem to see using the driveway as a problem. Boucher stated that they don't actually store very many vehicles in that yard and that maybe only 6 or 7 vehicles are stored in that 12,000 sq. ft. space. Boucher stated he would like the driveway to be considered storage space as it would put him up over 20,000 sq. feet, especially because of the limited use of this space. He stated that they would not be pulling cars out into the street and affecting the travel of other cars. He stated that yard is on a private street and is a dead end. He stated there is hardly any public traffic on that street and they would not cause any interruption of traffic by utilizing that driveway space. He stated they are up and over 20,000 sq. ft. at their primary storage yard. Boucher stated that it wasn't until he received the follow up investigation report and saw that Officer Hunter stated that he would not be able to use the driveway space that he realized he couldn't use the driveway.

Boucher stated they tried to come up and over 20,000 sq. ft. by reconfiguring their storage space.

Boucher stated that the measurements were different both times their primary storage yard was measured.

Torell asked about the zoning issue.

Boucher stated there is no zoning issue and that there is an issue with the building code. He said that Officer Hunter asked him about this. He said that he spoke to several different people about it. Boucher stated that in 2012, before he was on the list, they got 3 permit clearances signed by the Building Department, Fire Department and Public Works. They all signed up on the use permits. He assumed these were the permits that were needed for the property. He said Officer Hunter did not mention these in his report. He said before he went full speed ahead with the business he wanted to be sure he could use the property for the business he intended. He said he did what he thought was necessary and that if additional permits are necessary he expects it to be an expensive and lengthy process. He did state in his report that they do not seem to be the only company lacking such permits. He said he went to the City to see if the other tow companies had something he did not.

Christensen asked Officer Hunter if he wanted to rebut some of the comments.

Officer Hunter stated that he had a 3 hour meeting with tow operators a year and a half ago. He said they all went over each section and after each section was reviewed he asked if any of the operators and any issues or concerns. Officer Hunter said he didn't care about how much storage space the companies had at that time. Officer Hunter said that now that he's seen how the yards are set up, when you need to get several big trucks in the yard and move vehicles around, you need a lot of space and 20,000 sq. feet is not an unusually large amount of space to accomplish that. He said a failure to have that amount of storage space would have an effect on the public. Love's has the 20,000 sq. ft. at their Haley location, but because Haley St. has a lot of traffic, he decided to rent an additional space in Goleta and stores vehicles there so he doesn't disrupt traffic on Haley St. He said if they decide to cut and paste and just use driveways, then that defeats the whole concept of insuring that each operator has a sufficient amount of space so they are not a burden on the community. He said none of the companies have 20,000 sq. ft. of cars on their property and most likely never will but that is not the sole need for that space. He has learned of the value of that 20,000 sq. ft. of space. He said all of the operators had sufficient time to chime in on that issue.

Officer Hunter said that other issues came up during the meeting. Officer Hunter said the department was very responsive to the process and everyone had a chance to bring up the 20,000 sq. ft. issue and it was agreed upon.

Officer Hunter reviewed the letter that Boucher sent out. He said he did make a trip to the help desk at Zoning and Building and spoke to Curtis Harrison and Nicole Casper. He said they spoke to Mr. Boucher on Monday and he questioned them about what would be needed on his property. They said that Boucher didn't initially disclose exactly the intended use of the property was, making the structure a commercial space. When Boucher did, Officer Hunter said that Mr. Harrison said there needed to be permitting and there needs to be a process. Officer Hunter said he showed Harrison the document that was in the letter and asked if this document authorized the use of the property. He said that Harrison said, "Absolutely not." He said that was a document that is filled out in the process of getting a Business License. The address and

intended use is reviewed and they make a judgment "Could you have a tow company at that address." Officer Hunter said in this particular case you can, you're allowed to have a tow-company at that location but you need to get the proper permitting and that this document does not authorize the use of the structure on that property. Officer Hunter said the conversation he had with Casper and Harrison is not captured in the letter. He said that Mr. Harrison very clearly told 805 that this process needed to begin but that Aaron Boucher had walked out.

Officer Hunter said re IRS lien, he contacted an investigator to discuss this. The investigator told him that attention should have been given to these liens. The investigator said they were turning the case over to a "Revenue Officer."

Officer Hunter said the time period was discussed in the meeting they had and grandfathering was discussed. He said he made it very clear that there would not be any grandfathering.

Commissioner Torell said he didn't understand why a tow operator would not object about the 3 years, which is an arbitrary number. Torell said it was the Commissioners intention, which he expressed several times, that he didn't want these rules to throw people off this list.

Officer Hunter said everyone has been telling Boucher to fill out the documents but he has failed to do so but he can't explain why Aaron didn't bring up the 3 year issue.

Melekian wanted to know if all of the 4 issues raised were reflective of new rules or just the time and space.

Captain Whitham said the last 2 are not disqualifiers and they are just issues brought to the Commissioners attention.

Captain Whitham stated the 3 year business license is the only new rule (to answer Melekian's question). Captain Whitham stated that the 3 year rule was not that big a deal to the department.

Commissioner Torell said the only reason to deny this would be the storage space or the 3 year time issue. Torell stated that the other 2 issues do not affect Aaron Boucher being on the list.

Torell stated that he thought the 3 year rule was only going to be for new people. Christensen said her understanding is very different from his.

Torell said if he was on the tow list, he wouldn't have objected to the 3 year rule because he understood that the 3 years only to be applicable to new people who applied to be on the list.

Christensen said if she was a tow operator dealing with this issue she would "scream bloody murder" about the 3 year issue and have it eliminated or ask for 2 years.

Torell said that if 805 is going to be suspended it would be because he has 9 months to go on his 3 years or if they would use the driveway as part of the 20,000 sq. ft.

Christensen asked if any of the tow operators had any comments.

Joel Butera of Smitty's asked if Transportation would have to go and deem what is driveway and what is not driveway during the permitting process of Mason St.

Torell is assuming that this was done and that's why they were recommended to be added to the list.

Matt of Thomas Towing said he was confused and that everything was agreed on and voted on and there should be no discussion. He said people spent a lot of time and money to come to this conclusion today.

Christensen stated that there is always going to be an annual meeting for things to be discussed but you have to be in compliance and stay in compliance in order to stay on the list.

Aaron Boucher asked if he might not be the only one with an unpermitted building who is on the list.

Christensen said she couldn't take what Boucher wrote about everyone else and now consider that when making a decision. She said that that matter should be forwarded over to the department and incorporated into their review process. Christensen said in terms of Officer Hunter doing the inspections, she appreciates this. At the annual meetings they can review and see if everyone is in compliance and then have a formal report written up.

Aaron Boucher asked if the decision could be delayed until Officer Hunter investigates his claims re the other companies.

Christensen said he could ask but she didn't think this was appropriate. She said the information Boucher submitted could be reviewed and acted on accordingly by the department.

Chuck Love, of Love's Towing, said in the beginning the Commissioners said there would be no grandfathering in and the 3 years comes from the Rules and Regulations being fashioned after the States requirements. He stated that his office is a house, but every room is used as a business.

Torell asked if 805 has the required 20,000 sq. ft.

Christensen said according to the staff reports they do not. The driveway is access and not storage.

Boucher stated that the report left this open to interpretation by the Commissioners.

Torell stated that they thought it was OK when they put him on the list in the first place, they thought the 20,000 sq. ft. was alright.

Christensen said that Officer Hunter has gone out and identified the actual square footage and it is not in compliance.

Commissioner Laponis moved to adopt the staff's recommendation.

MOTION: Laponis to approve Holzer's, Love's, Santa Barbara Towing, Smitty's Towing, Thomas Towing and Nieves to continue on the rotation list and for 805 Roadside to be suspended from the Tow Rotation List, Commissioner Melekian seconded.

Commissioner Torell interjected that if we "throw this guy off the list" we are doing it on a technicality and maybe the measurements would be different if

someone else took them or perhaps the Police Department "has it in for this guy." He also stated that regarding the 3 year license, his understanding always was that the Commissioners would not make a new rule that would toss somebody off the list and this rule would be in effect as people dropped out, and new people were considered to replace them, they would have to have the 3 years.

Captain Whitham asked if Torell said that the Police Department "has it in for this guy."

Torell said that Boucher wrote a 32 page letter that upset him but he doesn't want his judgment to be based on his decision.

Captain Whitham stated that the Police Department does not "have it in" for 805 and that all of the 7 tow operators were giving good service to the department and this is solely by Officer Hunter's investigation.

Commissioner Laponis said he only knows what is in front of him now since he was not here for the process of the new Rules and Regulations and from that perspective he made the motion that he made.

Commissioner Melekian asked what the distinction is between suspending from the list and removing from the list. Suspension suggests that there is some action he can take to put him back on the list.

Commissioner Torres-Santos wanted to know if 805 is suspended, how long would this last.

Captain Whitham stated that 805 would be suspended until such time he comes into compliance with the Rules and Regulations.

VOTE: 3 Aye's (Laponis, Christensen and Melekian) and 2 Nay's (Torres-Santos and Torell): Motion passed.

Joel Butera stated that the tow rates were to be discussed at the January meeting and that have not been addressed since 2008. Commissioner Christensen thanked him for "keeping them on task."

(I will be contacting the Commissioners to see if and when this annual meeting will be rescheduled)

8. AMERIQUEST SECURITY SERVICES PRIVATE PATROL APPLICATION

MOTION: Torell to approve Ameriquest Application; Melekian Second

VOTE: Unanimous Voice Vote; Motion passed

9. FIRE CHIEF'S REPORT

From Chief McElroy

- Chief McElroy introduced Battalion Chief Robert Mercado to the Commissioners
- Chief Mercado has been successful in obtaining a \$400,000 grant to outfit all of the Engines and obtain personal portable radios for every member of the department.

- Chief Mercado displayed one of the new portable radios (98 purchased) that were purchased by the department; these are an upgrade from the old portables, better communications; radio has high visibility; go into hazardous environments without the potential of creating an explosion; it has 2 faces on it to see what frequency you are on and also an audible file to tell you what channel you are on; cell phones activate the radios through an App on the cell phone.
- Chief McElroy passed out the monthly report addressing January and February response times; goal under 4 minutes; actual average 3 min. 18 seconds; total incidents for January 669; Station 1 busiest station in the City; 100 less calls in February
- One of the Commissioners asked what a "good intention" call refers to. Chief McElroy said they have had several calls of "smell of smoke in the area." This is probably a fireplace in the area; this is a call where they respond but no action is taken by the engine.
- Typically calls increase in the middle of the day during business hours.
- Primary calls are rescue and emergency medical.

Laponis asked why the Fire Department is called the Fire Department when only 3.3% of the calls are fire related and wanted to know if there has ever been any consideration of changing the name over time.

Chief McElroy said this is a valid question and other than tradition and the fact that we are the largest response if there is danger to the public. Chief McElroy would have no objection to a name change but his job would be the same. The largest investment of equipment goes to protect the community.

- 3 wrong way drivers in this County; In January 11 people died in 2 accidents in Florida and LA County; Drivers were DUI
- Concluding a Captain's exam; tremendous amount of retirement and turnover in the last few years; 3 quality people being considered.
- Commissioners will be receiving an invitation to the opening of 2014 fire season event at Fleishman Auditorium; Public Access TV will be taping.

10. POLICE CHIEF'S REPORT:

From Captain Whitham:

- Chief Sanchez is attending the CLEC Conference this week
- Captain Whitham asked if the Commissioners received Compstat monthly, the Commissioners responded that they do receive it.
- Response times; Priority 1 through 4 calls are doing very well falling below average; Priority 1 is often a response to a traffic injury; since other agencies are responding (Fire) the PD does not do Code 3, (lights and sirens) to those calls due to safety concerns
- Department is fully staffed, including 1 over hire; City allows us to over hire; 15 officers are on IOD
- Part 1 crimes: Casa Esperanza has changed to a sober only facility and this has caused a lot of issues. Some of these clients have moved on to IV and Carpinteria. The Milpas corridor has improved greatly.
- SWAT operation took place on Bath St. This ended up in an 8 hour operation. This one particular event accounted for 4 aggravated assaults.
- Aggravated assaults also take place in the downtown bar area and in the Funk Zone.
- Part 2 Crimes holding steady.

- 911 Communication Center move is proceeding forward. It will be moved to Granada Garage by July or early August; Construction process will begin in March

11. ADJORN: 5:48 PM

Board Member's Votes

The subcommittee created to facilitate the process of updating the "Rules and Regulations for Tow Operators" included Commissioner Torell and Commissioner Christensen. Commissioner Torres-Santos was also present and involved in many meetings throughout the process and had an understanding of the proposed changes that were discussed. Both Commissioner Torell and Commissioner Torres-Santos voted "Nay" to the recommendation made by the Police Department to suspend 805 Roadside Towing from the City's Tow Rotation.

The "Annual Meeting for Tow Operators" was held 2/27/2014. Commissioners Laponis and Melekian were both present and voted "Aye" to uphold the Police Department's recommendation to suspend 805 Roadside Towing. Both commissioners were added to the Board January, 2014, and, neither Commissioner Melekian nor commissioner Laponis were involved in the process of updating the "Rules and Regulations."



Santa Barbara Police Department Tow Rotation



Suspension of 805 Roadside
April 15, 2014



BACKGROUND

- ◆ May 2012: Fire and Police Commission recommendation to update Tow Rules and Regulations
- ◆ August 2013: Revised Tow Rules and Regulations approved by the Fire and Police Commission
- ◆ October 8, 2013: Tow rules and regulations approved by City Council

A photograph showing several police officers in uniform and tactical gear at a boat launch. One officer is sitting on a boat with a dog, while others are standing nearby. The scene is outdoors with a boat and a truck visible in the background.

BACKGROUND

- ◆ Officer Jaycee Hunter is the department's designated tow compliance officer
- ◆ Each of the 7 tow operators on SBPD rotation received a copy of the revised rules and regulations
- ◆ Officer Hunter completed tow compliance inspections; report to SBPD Staff on 1/22/14



BACKGROUND

- ◆ Report indicated five companies in compliance (Loves, Smitty's, Thomas, Holzier's, and Santa Barbara Towing)
- ◆ Two Companies were not in compliance (Nieves and 805)
- ◆ F&P annual tow meeting held on 1/23/14; non-compliant companies given until next F&P meeting to come into compliance

A photograph showing several police officers in uniform at an outdoor public event. One officer is sitting on a bench with a dog, while others are standing nearby. The scene is outdoors with trees and a building in the background.

BACKGROUND

- ◆ Officer Hunter conducted re-inspections of Nieves and 805 towing
 - Nieves Towing found to be in compliance
 - 805 Roadside Towing was deficient in two areas

A photograph showing several police officers in uniform and tactical gear at a roadside towing site. One officer is kneeling in the foreground, while others stand around a towed vehicle. The scene is outdoors with a building and other vehicles in the background.

805 Roadside Towing

- ◆ At the 2/27/14 F&P Commission Meeting, recommendation from staff was to suspend 805 Roadside Towing from SBPD rotation until they came into compliance with deficient areas of rules and regulations

A photograph showing several police officers in uniform and tactical gear at a roadside towing scene. One officer is kneeling in the foreground, while others stand around a vehicle. The scene is outdoors with trees and a building in the background.

805 Roadside Towing

- ◆ Areas of non-compliance:
- ◆ Failure to possess a city business permit for minimum period of 3 years per section 2(c)
- ◆ This was a new rule implemented by the F&P Commission

A photograph showing several police officers in uniform and tactical gear at a roadside towing scene. One officer is kneeling in the foreground, while others are standing or sitting nearby. A tow truck is visible in the background.

805 Roadside Towing

- ◆ Mr. Boucher’s argument to the F&P Commission was that he believed he was to be “grandfathered in” to remain on SBPD rotation.
- ◆ While the grandfathering rule was discussed by F&P, it was ultimately rejected.
- ◆ 805 Roadside becomes eligible per section 2(c) in August 2014

A photograph showing several police officers in uniform and tactical gear at a roadside towing scene. One officer is kneeling in the foreground, while others stand around a towed vehicle. The scene is outdoors with trees and a building in the background.

805 Roadside Towing

- ◆ Section 2(f) Failure to maintain a vehicle storage lot with minimum storage space of 20,000 square feet
- ◆ 805 Towing maintains two storage lots, Initial inspection showed 805 was 1322 square feet short of minimum
- ◆ 805 attempted to re-configure lots utilizing driveways as storage areas

A photograph showing several police officers in uniform and tactical gear at a roadside towing scene. One officer in the foreground is wearing a vest with "POLICE" written on it. They are gathered around a vehicle, and a sign with "STREET 50" is visible. The background shows a street with other vehicles and buildings.

805 Roadside Towing

- ◆ Officer Hunter re-inspected the 805 lot with more accurate measuring devices and found the actual shortage was 1766 square feet short of minimum

A photograph showing several police officers in uniform and tactical gear at a roadside scene. One officer is kneeling on the left, while others are standing or sitting on equipment. The scene is outdoors with a white van and other vehicles visible in the background.

STAFF RECOMMENDATION

- ◆ That 805 Roadside Towing be suspended from the SBPD and SBFD towing rotation until such time as they come into full compliance with the rules and regulations