
CITY OF KELOWNA

MEMORANDUM

Date: February 2, 2009

File No.:

To: City Manager

From: Police Administration Manager

Subject: City of Kelowna Rotational Towing and Storage List
City of Kelowna Council Policy Manual -Policy number 291

RECOMMENDATION:

THAT Council approve changes and updates to City of Kelowna Council Policy No. 291 - City of Kelowna Rotational Towing and Storage List, as outlined in the report from the Police Administration Manager, dated February 2, 2009.

BACKGROUND:

The City of Kelowna Rotational Towing and Storage List – Policy 291 was last reviewed in 2006.

The present rotational towing and storage list is administered by the City of Kelowna Purchasing and Stores Department. They ensure the requirements of the policy are met. At various times as required, they deal with the contractors when they fail to meet the policy requirements or service complaints are received.

There are presently five (5) tow companies on the rotational towing list. They are in no particular order Mario's Towing, Del Oro Towing, Kelowna Auto Towing, Special T Towing and Captain Hook Towing. They are dispatched by Vernon Business Services on a weekly rotation.

The City of Kelowna Purchasing and Stores Department administer the policy requirements however are quite distant from the actual performance of the tow companies. This distance affects their ability to monitor the various companies' policy compliance. The Kelowna RCMP and the City of Kelowna Bylaw Enforcement Division deal with the tow companies on a daily basis and are in a better position to monitor the compliance of this policy. The Kelowna RCMP is prepared to take over the administration and compliance of the amended policy from the City of Kelowna Purchasing and Stores Department. The City of Kelowna Purchasing and Stores Department have no concerns with this change in administration.

The Kelowna RCMP and the City of Kelowna Bylaw Enforcement Division are concerned about the lack of personal knowledge of our Service Providers on the City of Kelowna Rotational Towing and Storage List. Thousands of dollars' worth of personal vehicles and effects belonging to the citizens of Kelowna are being assigned to these Service Providers on a daily basis without that knowledge.

The Kelowna RCMP are requesting the following changes and additions to the policy to assist them in the administration and compliance of the policy.

- All employees of the Service Provider Rotational Towing and Storage List will be required to have an annual criminal record check.
- Failure of the criminal record check will result in the Service Provider being removed from the rotational towing list until a meeting can be held with the Officer in charge of the Kelowna RCMP or his delegate to work on a resolve.
- The employees of the Service Provider will be issued a photo identification card upon successful completion of the criminal record check.
- All employees will be required to wear the photo identification when dealing with City of Kelowna towing and storage business.
- Failure to wear the photo identification card will result in the cancellation of the tow and or storage. The Service Provider will be removed from the rotational towing list until a meeting can be held with the Officer in charge of the Kelowna RCMP or his delegate to work on a resolve.
- The wait time for the tow trucks to arrive on scene will be increased from 15 minutes to 20 minutes – road and weather conditions dependant – within the City of Kelowna.
- The Service Provider will be required to record the time of their dispatch on the invoice for the call.
- The Service Provider will enter into an agreement with the City of Kelowna confirming that they have met all of the conditions of the policy and they will be adhered to.

The above changes to the City of Kelowna Rotational Towing and Storage List Policy will enable us to better protect the citizens of Kelowna and their effects.

INTERNAL CIRCULATION TO:

**Bylaw Services
Purchasing
Office of the City Clerk**

LEGAL/STATUTORY AUTHORITY: Council Resolution

EXISTING POLICY: This recommendation will enhance the present policy, and afford avenues to enhance the compliance with the policy.

EXTERNAL AGENCY/PUBLIC COMMENTS: The Service Providers are aware of this recommendation of change, and that a report is going to council.

Considerations that were not applicable to this report:

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

COMMUNICATIONS CONSIDERATIONS:

ALTERNATE RECOMMENDATION:

Submitted by:



H.M. Scott Meadows
Police Administration Manager

Approved for Inclusion:



Cc: Bylaws – Attention Al Dixon
Purchasing - Attention Maureen MacGillivray

Attachment: Council Policy No. 291 with updated changes marked in red



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COUNCIL POLICY MANUAL

APPROVAL DATE: 2002/11/18
RESOLUTION #: R418/02/11/18
REPLACING #: R797/00/09/25
DATE OF LAST REVIEW: April 2006

SUBJECT: CITY OF KELOWNA ROTATIONAL TOWING AND STORAGE LIST

The City of Kelowna (the "City") shall maintain a Rotational Towing and Storage List (the "List") of towing and storage service providers ("Service Providers"), who are called upon in turn to provide towing and storage services to, or on behalf of, the City's Bylaw Enforcement Division as needed. The List shall be reviewed between January 1st and January 15th of each year to determine whether additional Service Providers are to be placed on it, subject to the criteria outlined below.

A. Use of the List by the R.C.M.P., Kelowna Detachment:

1. The City shall provide the List, and any amendments or updates to it, to the Royal Canadian Mounted Police, Kelowna Detachment (the "R.C.M.P.").
2. The City cannot, and does not, take any responsibility for the use or administration of the List by the R.C.M.P. However, as of the initial date of implementation of this policy, the List shall be used by the R.C.M.P. for the provision of towing and storage services, within the municipal boundaries of the City of Kelowna, related to:
 - (a) Enforcement of, and matters related to, the following acts, and regulations pursuant to them:
 - (i) the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318;
 - (ii) the *Commercial Transport Act*, R.S.B.C. 1996, c. 58;
 - (iii) the *Motor Carrier Act*, R.S.B.C. 1996, c. 315; and
 - (b) Motor vehicle accidents.
3. It is the responsibility of any Service Provider, who has been placed on the List, to meet any additional conditions set by the R.C.M.P., including the payment of any applicable fee in order to be included in the R.C.M.P.'s central dispatch call-list.

B. Compilation of the List:

1. Any individual or firm, not already on the List, but wishing to be placed on it, must provide to the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator at 350 Doyle Ave., Kelowna, B.C. V1Y 8L6**, before January 15th of any year, proof of all conditions listed in Section B.2 of this policy. An individual or firm who provides satisfactory **legible** proof of those conditions to the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator** shall be placed on the List.
2. Conditions that must be met in order to be placed on the List include:
 - (a) A valid City Business Licence, pursuant to City of Kelowna Business License & Regulation Bylaw No 7878, as amended, in the name of that individual or firm, for the operation of a Towing and/or Storage Service.
 - (b) A valid City Commercial Vehicle Licence (commonly referred to as a "Municipal Decal"), pursuant to City of Kelowna Commercial Vehicle Licensing Bylaw No. 5869, as amended, in the name of that individual or firm, for each vehicle intended to be used to provide towing and storage services to, or on behalf of, the City.



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- (c) Legible copies of valid B.C. Driving Licenses, appropriate for the class of vehicle(s) being operated, for all persons operating any of that individual's or firm's vehicles or equipment to be used to provide towing and storage services to, or on behalf of, the City, must be supplied to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator.
- (d) Legible copies of valid vehicle registrations and an insurance policy/policies covering each vehicle being used to provide towing and storage services to or on behalf of, the City, must be supplied to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator.
- (e) All owners and employees of the Service Providers that will have contact with or control over any of the rotational tows and/or storage will be required to have an annual criminal record check. The cost of the criminal record check will be born by the Service Provider. The Officer in charge of the Kelowna R.C.M.P. Detachment or their designate will review the results of the criminal record check for acceptance or rejection. All successful owners and employees will be issued with (by the R.C.M.P.) and be required to wear a photo identification card when conducting City of Kelowna towing business. It will be the responsibility of the Service Provider owners to ensure that their employees wear the photo identification card. The Service Provider will be responsible for the return of the photo identification card of any employee leaving their company's employment. Criminal record checks are not interchangeable between Service Providers. All new employees of the Service Provider will be required to complete the process. Rejection of the criminal record check will result in the removal of the Service Provider from the List until a meeting with the owner of the Service Provider and the Officer in charge of the Kelowna R.C.M.P. Detachment or their delegate can be held to resolve the issue. Failure to wear the tag will result in the cancellation of the tow call and/or storage. R.C.M.P. members are to report this violation to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator. City of Kelowna License Inspectors and Bylaw Enforcement Officers will report violations to their Supervisor or their Supervisor's delegate with a copy to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator. The Service Provider will be removed from the List for failure to wear the photo identification card and will remain so until a meeting with the owner of the Service Provider and the Officer in charge of the Kelowna R.C.M.P. Detachment or their delegate can be held to resolve the issue.
- (f) The Service Provider shall, without limiting its obligation or liabilities, procure and maintain, at its own expenses and cost, the following insurance policies:
 - (i) Automobile liability insurance covering all motor vehicles, owned, operated and used or to be used by the Service Provider directly or indirectly in the performance of the towing and storage services. The limit of the liability shall not be less than \$5,000,000.00 inclusive, for loss or damage including personal injuries and death resulting from any one accident or occurrence.
 - (ii) Garage liability insurance providing for all sums which the Service Provider shall become legally obligated to pay for damages because of bodily injury (including death at any time resulting therefrom) sustained by any person or persons or because of damage to or destruction of property caused by any occurrence or accident arising out of or related to the towing and storage services. The limit of liability shall not be less than \$3,000,000.00 inclusive, for loss or damage resulting from any one accident or occurrence.



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- (iii) Comprehensive general liability insurance providing for an inclusive limit of not less than \$2,000,000.00 for each occurrence or accident arising out or related to the towing and storage services or any operations carried on in connection with the provision of that service.

The insurance policies shall be maintained continuously from the date of commencement of the towing and storage services provided under this policy until the date that the City/R.C.M.P. certifies in writing completion of the towing and storage services.

The comprehensive general liability policy shall provide that the City/R.C.M.P. is named an Additional Insured **thereunder** and that policy is primary without any right of contribution from any insurance otherwise maintained by the City/R.C.M.P.

The Service Provider agrees to submit certificates of insurance to the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator** prior to commencing the towing and storage services. Such certificates shall provide that 30 days written notice shall be given to the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator**, prior to any material changes or cancellations of any such policy or policies.

- (g) A valid Insurance Corporation of British Columbia Vendor's Number and Garage Policy issued to that individual or firm and covering each vehicle being used to provide towing and storage services to, or on behalf of, the City.
- (h) Qualification as a Vehicle Impound Lot Operator for the Vehicle Impound Program as set out by the Insurance Corporation of British Columbia and the Superintendent of Motor Vehicles.
- (i) Each towing service provider must own/operate at least:
- (i) one Medium Duty Wrecker tow truck,
 - (ii) one Sliding Deck tow truck, and
 - (iii) three Wrecker tow trucks with wheel lifts
- all of which must be permanently stationed, and used only, within the City's municipal boundaries. The use of "agent for" status or use of non-corporate vehicles will not be permitted to bolster or maintain minimum equipment requirements.
- (j) Access to, and the on-call use of, at least one Heavy Duty Tandem tow truck, and a qualified and appropriately licensed operator(s) to operate the vehicle.
- (k) Access to a permanent, secure storage lot (the "Storage Lot"), within the City's municipal boundaries, for the securing of towed vehicles. The Storage Lot must have an on-site office, continuously staffed during the City's ordinary business hours, and must meet all provincial, municipal and other applicable legal requirements including those relating to storage of towed vehicles and to land use.
- The Storage Lot must have at least one sign, in accordance with City of Kelowna Sign Bylaw No. 8235, as amended, that is clearly visible at the entrance to the lot, and includes:
- (i) the name of the individual or firm operating or using that Storage Lot in connection with towing services or for vehicle storage or impounding,
 - (ii) the address of the Storage Lot, and
 - (iii) the name and telephone number of a contact person who may be reached for information during the hours that the Storage Lot is not open or not staffed.

Any vehicles impounded in the course of providing services to, or on behalf of, the City must be stored at that Storage Lot.



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- (l) The Service Provider shall be responsible for all loss, costs, damages and expenses whatsoever incurred or suffered by the City, its elected officials, officers, employees and agents including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of the towing and storage services, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the City.

The Service Provider shall defend, indemnify and hold harmless the City from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of the towing and storage services, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the City.

- (m) The Service Contractor will sign an agreement with the City of Kelowna confirming that all of the preceding conditions have been met and will be adhered to

C. Removal from the List:

1. Each Service Provider who has been placed on the List shall be responsible for notifying the Kelowna R.C.M.P. Police Transport Maintenance Coordinator immediately, if any of the conditions listed in Section B.2 of this policy are no longer being met.
2. The City reserves the right to remove any Service Provider from the List at any time and for any reason related to unsatisfactory towing and storage services including, but not limited to, the following:
 - (a) Any Service Provider who fails to arrive fully prepared and equipped to provide the requested towing and storage service, at the location at which that service is requested within 20 minutes (within the City of Kelowna – road and weather conditions dependant) from the time of the request, may be removed from the List. The Service Provider will record the time of their dispatch on the invoice. R.C.M.P. members are to report this violation to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator. City of Kelowna License Inspectors and Bylaw Enforcement Officers will report violations to their Supervisor or their Supervisor's delegate with a copy to the Kelowna R.C.M.P. Police Transport Maintenance Coordinator. The performance of each Service Provider will be monitored by the Kelowna R.C.M.P. Police Maintenance Coordinator and Section C.2 (c) of this policy will be actively monitored.
 - (b) Any Service Provider who has been placed on the List, and who fails to ensure that all conditions listed in Section B.2 of this policy, with the exception of subsections (i) and (j), are maintained at all times, shall be removed from the List, unless written approval of a suspension from the List for up to 30 days is given by the Kelowna R.C.M.P. Police Transport Maintenance Coordinator.

A suspension may be granted in circumstances where there is some question as to whether a condition or conditions listed in Section B.2 of this policy, with the exception of subsections (i) and (j), is in fact being maintained.

If the question as to the maintenance of one or more of the conditions is not resolved within the time frame of the single suspension, or if it is determined within that time that a condition or conditions is not in fact being maintained, the Service Provider shall be removed from the List.



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- (c) Any Service Provider who has been placed on the List, and who fails to maintain either of the conditions listed in subsections B.2(i) or (j) due to damage or breakdown of one of the required vehicles, shall notify the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator** immediately, and shall have 30 calendar days from the date of the damage or breakdown to fulfill the applicable condition via either repair or replacement of the damaged or broken-down vehicle.
If the condition is not fulfilled within 30 calendar days, the Service Provider shall be removed from the List, unless written approval to extend that time period by a further 30 days is given by the **Kelowna R.C.M.P. Police Transport Maintenance Coordinator**. If written approval to extend the time period by a further 30 days is given, and the condition is not fulfilled within that further 30 days, the Service Provider shall then be removed from the List.
 - (d) Any Service Provider who has been placed on the List, and who fails to maintain either of the conditions listed in subsections B.2(i) or (j) due to the damage or breakdown of more than one of the required vehicles at any single point in time, shall be removed from the List.
 - (e) Any Service Provider who has been placed on the List, and who fails to comply with any applicable City Bylaws, including, but not limited to, the City of Kelowna Business License and Regulation Bylaw No. 7878, as amended, shall be removed from the List.
3. Any Service Provider removed from the List in a given calendar year for any reason will have 30 days from the date of their removal to rectify the condition, reason or circumstance which caused their removal and upon correction will be returned to the List. If the Service Provider has not rectified the situation within the 30 day period, that Service Provider will not be eligible to return to the List until the next calendar year.

REASON FOR POLICY: To establish criteria for towing and storage service providers in order to develop a rotational towing and storage list to be used by the City and the R.C.M.P.

LEGISLATIVE AUTHORITY: Council Resolution

PROCEDURE FOR IMPLEMENTATION: As outlined in Policy.