


City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 7, 2012

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER 

SUBJECT: CONSIDERATION OF A RESOLUTION TO ESTABLISH AN AD HOC TOWING SERVICES CONTRACT ADVISORY BOARD

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**ISSUE:** Establish an Ad Hoc Towing Services Contract Advisory Board to make recommendations to City Council on the provisions of the contract for City-authorized towing services rendered to the City, per the State Code requirements, and make recommendations concerning the amount the City will allow towing companies to charge for trespass tows from private property.

**RECOMMENDATION:** That the City Council:

- (1) Adopt the attached resolution (Attachment 1) establishing a five-member ad hoc advisory board consisting of two representatives of the local towing industry, two citizens and one representative from the Alexandria Police Department to review the existing contract and make recommendations to City Council on the appropriate provisions to be included in the terms and conditions of the new five-year contract for towing services utilized by various City agencies as required by State Code; and
- (2) Authorize the City Clerk and Clerk of Council to advertise the vacancies.

**DISCUSSION:** Section 46.2-1217 of the Virginia State Code requires that a local jurisdiction appoint an advisory panel of citizens from the local towing community, general public, and the local law enforcement agency to review and make recommendations relative to the specifications contained in any contract for City-authorized towing services. City Council appoints the Towing Advisory Board as they do other boards and commissions. Towing advisory boards were established in the past for previous city towing contracts. The current City contract with Henry's Wrecker Service expires on September 30, 2012. This advisory board must be in place and make its recommendations to City Council before the City awards a new contract for towing services. This board should be ready to review the towing contract specifications by April 1, 2012, so that the board's recommendations can be reviewed by City agencies in time for City Council approval in May 2012. This will provide enough time to advertise and award a new contract before the existing contract expires. The Purchasing Agent will be responsible for the final contract award decision, in consultation with the user agencies, following an open, competitive

bidding process. Convening the board will allow review of the rates set by the City for private tows, which has not been reviewed in some time. The ad hoc board will be dissolved after City Council receives the report and new trespass tow rates are set.

The main function of the proposed Towing Advisory Board will be to review contract specifications and trespass tow rates. There is no need to have a full time board except when changes to the city's towing and impounding operations are being considered.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

Attachment 1: Proposed Resolution

Attachment 2: Virginia State Code Section 46.2-1217

**STAFF:**

Bruce Johnson, Chief of Staff

Mark Jinks, Deputy City Manager

Richard J. Baier, P.E., LEED AP, Director, T&ES

Abi Lerner, P.E., Deputy Director, T&ES

Bob Garbacz, Division Chief, Transportation, T&ES

Jackie M. Henderson, City Clerk and Clerk of Council

RESOLUTION

WHEREAS, State Code Section 46.2-1217 of the Code of Virginia requires local governing bodies to appoint an advisory board to advise the governing body with regard to the appropriate provisions of the terms of the jurisdiction's towing services contract; and

WHEREAS, the current City of Alexandria's towing services contract will expire September 30, 2012 and a new contract must be rebid consistent with the provisions of the Code of Virginia; and

WHEREAS, the Code of Virginia requires the appointment of an advisory board which will include representatives of local law enforcement agencies, towing and recovery operators, and the general public.

NOW, THEREFORE, BE IT RESOLVED that the Alexandria City Council establishes a five-member Ad Hoc Towing Services Contract Advisory Board to review the current contract for City-authorized towing services in the City and make recommendations to City Council regarding the appropriate provisions to be included in the terms and conditions of the new five-year contract.

BE IT FURTHER RESOLVED that the Ad Hoc Towing Services Contract Advisory Board will be dissolved upon the receipt of its report to City Council.

Adopted: \_\_\_\_\_

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WILLIAM D. EUILLE, MAYOR

ATTEST:

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Jacqueline M. Henderson, MMC  
City Clerk and Clerk of Council

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ ~~46.2-2800~~ et seq.) of this title and regulations adopted pursuant thereto.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ ~~46.2-1209~~ et seq.) of this chapter and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the Board. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

**RESOLUTION NO. 2491**

**WHEREAS**, State Code Section 46.2-1217 of the Code of Virginia requires local governing bodies to appoint an advisory board to advise the governing body with regard to the appropriate provisions of the terms of the jurisdiction's towing services contract; and

**WHEREAS**, the current City of Alexandria's towing services contract will expire September 30, 2012 and a new contract must be rebid consistent with the provisions of the Code of Virginia; and

**WHEREAS**, the Code of Virginia requires the appointment of an advisory board which will include representatives of local law enforcement agencies, towing and recovery operators, and the general public.

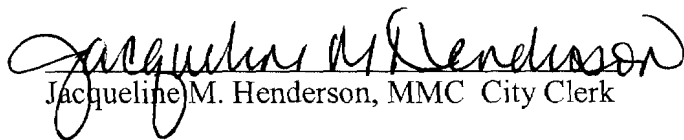
**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council establishes a five-member Ad Hoc Towing Services Contract Advisory Board to review the current contract for City-authorized towing services in the City and make recommendations to City Council regarding the appropriate provisions to be included in the terms and conditions of the new five-year contract.

**BE IT FURTHER RESOLVED** that the Ad Hoc Towing Services Contract Advisory Board will be dissolved upon the receipt of its report to City Council.

Adopted: March 13, 2012

  
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**WILLIAM D. EULLE MAYOR**

ATTEST:

  
Jacqueline M. Henderson, MMC City Clerk