

LOS ANGELES POLICE COMMISSION

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June 6, 2017

BPC #17-0227

The Honorable Eric Garcetti
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

The Honorable City Council
City of Los Angeles, Room 395
c/o City Clerk's Office

Dear Honorable Members:

RE: PROPOSED AMENDMENT TO THE OFFICIAL POLICE GARAGE TOWING AND
STORAGE AGREEMENT

At the regular meeting of the Board of Police Commissioners held Tuesday, June 6, 2017, the Board APPROVED the Executive Director's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

June 2, 2017
1.0

TO: The Honorable Board of Police Commissioners
FROM: Executive Director, Board of Police Commissioners
SUBJECT: PROPOSED AMENDMENT TO THE OFFICIAL POLICE GARAGE TOWING AND STORAGE AGREEMENT

Recommendation

That the Board REQUEST the Mayor and City Council to authorize the President of the Board of Police Commissioners, or his designee, to negotiate and execute an amendment to the Official Police Garage Standard-Duty Towing and Storage Agreement as set forth:

1. To Allow standard-duty tow companies who have the proper equipment, permits, and licenses to conduct Class A and B.
2. For house cars and mobilehomes defined by California Vehicle Code Sections 362 and 396 (attached) respectfully, which are unclaimed or unsold at lien, the contractor may submit an invoice to the City with a copy of the junk slip showing delivery to a salvage yard. In this case, the Department will pay the OPG the hazardous or dangerous removal rate.
3. For house cars and mobilehomes defined by California Vehicle Code Sections 362 and 396 respectfully, which are sold at auction for less than the hazardous or dangerous removal rate, the department will pay the difference between the lien sale price and the Department’s hazardous or dangerous removal rate.
4. City Council appropriate \$250,000.00 to fund the expenditure of the hazardous or dangerous removal rate.
5. That the Board approve this report and transmit to the City Council Public Safety Committee.

Background

Commission Investigation Division (CID) is the regulatory arm of the Board of Police Commissioners (Board) with respect to the oversight of the City's Official Police Garage’s (OPG’s). Los Angeles Municipal Code Section 80.77.4 states “the Board of Police Commissioners shall, subject to the approval of the City Council, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for 18 Official Police Garage service areas of the City and for such heavy-duty towing services as may, in the judgment of the Board, be necessary”.

The City entered contracts with three heavy-duty tow operators (Central, South and Valley Bureau's. The Valley Bureau contractor also serviced West Bureau). In early 2017 two of three contractors (Central and Valley Bureau's) resigned their contracts and advised CID that providing this service to the City was a loss leader and financial burden on their companies. Specifically, the contractor cited the high number of mobilehomes and house cars that are not redeemed. These vehicles often contain black and gray water tanks and refrigerant gasses that require special hazardous material handling. Additionally, contractors have reported that salvage yards are charging expensive disposal and handling fees to accept these vehicles, and in some cases, are refusing to take them for salvage. CID has contacted salvage facilities and verified the conditions the contractors have described. CID has also contacted surrounding municipalities many of which are experiencing similar problems.

In the few cases where the operators were able to auction the vehicles to the public, they only received a portion of the fees due to them. On occasion the registered owner of a vehicle would attend the auction and be the sole bidder and bid \$15 to \$25 for their vehicle. The vehicle would then be parked on the street by the registered owner and impounded again.

The loss of the two heavy-duty providers has resulted in one contractor serving the City. This has resulted in a backlog of vehicles requiring impound by the Department and Department of Transportation (DOT). This backlog with only one vendor has resulted in delay of up to two weeks to have a vehicle impounded. In April 2017, the Board released a Request for Proposal (RFP) for additional heavy-duty providers. No responses were received.

Currently the City has two Classes of towers Standard-Duty (SD) and Heavy-Duty (HD). SD towers handle vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. HD towers are responsible for vehicles that are greater than 10,000 GVWR or have one or more of the following:

- Three (3) or more axles;
- A combination of commercial trailers;
- Vehicle is longer than thirty (30) feet in length (including tongue);
- Wider than eight (8) feet in width utilizing a fifth wheel hitch or pintle;
- The condition or position of the vehicle to be removed necessitates heavy duty towing equipment.

Under this proposal SD Official Police Garages would be able to tow any vehicle within the towing capacity of following towing equipment:

Class A—Light Duty. A tow truck with a manufacturer's GVWR of at least fourteen thousand (14,000) pounds with wheel-lift capability, and may have a car carrier.

Class B—Medium Duty. A tow truck with a manufacturer's GVWR of at least thirty-three thousand (33,000) pounds. The truck shall be capable of providing air to the towed vehicle's brakes.

The standard duty OPG's are strategically located throughout the City. By allowing the standard-duty OPG's to conduct Class B towing, the City could utilize the OPG's existing infrastructure, eliminating the short term need for additional land, reduce response time and the backlog of vehicles awaiting impound.

After exploring all viable options for vendors providing contract service for the impounding of motorhomes and house cars by the Department and DOT it is necessary to consider the City absorbing all or a portion of the costs to remove these vehicles from the streets as an incentive to those interested OPG's. This will result in at least a partial recovery of the costs that they absorb.

For those mobilehomes and house cars defined by California Vehicle Code Sections 362 and 396 respectfully, which are not claimed or sold at lien, the contractor may submit an invoice to the Department with a copy of the junk slip showing delivery to a salvage yard. In this case, it is recommended the Department pay the OPG the hazardous or dangerous removal rate, currently \$540.00. For those vehicles that are sold at auction for less than the hazardous or dangerous removal rate (\$540.00), it is recommended the department pay the difference between the lien sale price and the Department's hazardous or dangerous removal rate.


This will allow for the OPG's to properly dispose of the vehicles and the hazardous materials contained in them. Without this incentive to reimburse them for a portion of their costs of towing and storage there is no incentive for their providing this service to the City.

In 2016 approximately 1,000 mobilehomes or house cars were impounded and approximately 50% were claimed by the owners. The potential universe of mobilehomes or house cars that may be subject to having to be disposed of in the manner described above is approximately 500. Staff is estimating that the funding necessary to implement this program is \$250,000.00.

Commission staff met with Department staff from Fiscal Operations Division (FOD), who indicated that the Department does not have the funding necessary in its current budget to facilitate the payment of an estimated \$250,000.00. Currently the revenue generated from towing, storage, the vehicle release fee and parking occupancy tax is approximately \$15,000,000.00.

For the Department and DOT to remove these vehicles from the public right-of-way the expenditure of City funds in the approximate amount of \$250,000.00 as a partial reimbursement to the heavy-duty contractor and the light duty OPG's is necessary.

Should you have any questions please contact me at (213) 236-1400.


RICHARD M. TEVANK, Executive Director
Board of Police Commission

BOARD OF
POLICE COMMISSIONERS
Approved June 6 2017
Secretary 

Attachments

362. A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motortruck.

(Amended by Stats. 1968, Ch. 875.)

396. **"Mobilehome."** "Mobilehome" is a structure as defined in Section 18008 of the Health and Safety Code. For the purposes of enforcement of highway safety laws and regulations, a mobilehome is a trailer coach which is in excess of 102 inches in width, or in excess of 40 feet in overall length measured from the foremost point of the trailer hitch to the rear extremity of the trailer.