



PUBLIC SAFETY

December 12, 2016, 5:00 p.m.

**5:00 p.m. Public Safety Building Community Room
A G E N D A**

- I. Call to Order
 - II. Quorum Determination
 - III. Approval of minutes dated October 10, 2016
 - IV. New Business
Tow Ordinance
Insurance Services Office rating OFD
 - V. Old Business
Mission Critical Partners Phase II Report
Governance Agreement O'Fallon/ Fairview Heights
PSAP Consolidation
 - VI. Next Meeting – January 9, 2017
 - VII. Adjournment
- | | |
|--|------------------|
| | <u>Requester</u> |
| | Chief Van Hook |
| | Chief Saunders |
| | |
| | Chief Van Hook |
| | |
| | Chief Van Hook |

General Citizen Comments: The City of O'Fallon welcomes comments from our citizens. The Illinois Open Meetings Act provides an opportunity for citizens to speak at all committee and Board meetings. However, 5 ILCS 120/1 mandates that NO action shall be taken on matters not listed on the agenda. Please submit your name to the chairman and limit your comments so that anyone present has the opportunity to speak.



Public Safety Committee Minutes
October 10, 2016 5:00 p.m.

Minutes of a regular meeting of the Public Safety Committee of the City of O'Fallon, held in the Community Room, Public Safety Building, 285 N. Seven Hills Road, O'Fallon, Illinois, September 13, 2016. Call to order 5:00 p.m.

ROLL CALL:

Members Present:	Marsh, Hagarty, Drolet, Roach, Smallheer
Members Not Present:	Kueker
Staff Liaison:	Chief Van Hook - OPD, Chief Brent Saunders - OFD
Other Aldermen Present	Albrecht, Garrish, Gilreath, Holden, McCoskey, Meile
Other Persons Present	Walter Denton – City Administrator; Pam Funk – Asst. City Administrator; Sandy Evans – Dir. Of Finance; Mark Berry – OPD; Kirk Brueggeman – OPD; Grant Litteken – Management Analyst; Justin Randall – Community Development; Daryl Ostendorf – OPD; Jim Blackburn – OPD; Jared Runyan – OPD; Chief Nick Galius – FHPD; Jeremy Sherman – EMS; John West – SCC Board Dist. 15; Ron Zelms – Resident; Vern Malare – Resident; Charlie Pitts – Resident; Misty McDonald - OPD
Media Persons Present:	none

Chairwoman Marsh declared a quorum present and requested a Motion to approve the Minutes of September 12, 2016 Alderman Drolet made a Motion to accept the minutes of September 12, 2016 as presented and Alderman Smallheer seconded the Motion. All Ayes.

New Business

Item 1. Mission Critical Partners Phase II Report – Mission Critical completed the second phase consolidation report and identified that consolidation was very feasible. They have determined three options for Governance: 1) Fairview Heights become a subscriber to O'Fallon 2) Intergovernmental agreement with joint oversight 3) New government entity. It was determined that option 1 is the best for consolidation. The benefits of consolidation are: reduction of labor costs, reduction of supervisory resources, reduction of technology resources and a joint computer aided dispatch. The plan for final consolidation will be January 2, 2017.

Action: None

Motion: None

Disposition: Closed

Item 2. Governance Agreement O'Fallon/ Fairview Heights PSAP Consolidation – Governance agreement to consolidate Fairview Heights and O'Fallon Dispatch centers. This was due to the mandatory reduction in Public Safety Answering Point (PSAP) systems which stated all counties with a population of under 500,000 will reduce their PSAP's by 50%. St. Clair County will be going from 8 PSAP's to 4. Chief Van Hook and Chief Galius met with Rick Watson and determined that since Fairview Heights and O'Fallon run very similar and based on the close proximity, it made sense to merge our PSAP's. Fairview Heights and

O'Fallon each had a PSAP and after consolidation the departments will share one PSAP. The call breakdown is about 55% O'Fallon and 45% Fairview Heights. We will breakdown the costs of the center determined by the call breakdown.

Action: Request to take to council for a vote to get an approval to sign the Governance Agreement.

Motion: A motion was made by Alderman Drolet to take to council for an approval to sign the Governance Agreement and seconded by Alderman Hagarty. All ayes.

Disposition: Closed

Old Business

Chairwoman Marsh asked if anyone had any other New Business not on the Agenda, hearing no other new business, Chairwoman Marsh called for a Motion to adjourn. A Motion to adjourn was made by Alderman Drolet and Alderman Hagarty seconded the Motion. All ayes.

Meeting Adjourned:	5:37 p.m.
Next PS Meeting:	November 14, 2016 5:00 p.m.
Minutes Taken By:	Misty McDonald

**CITY OF O’FALLON, ILLINOIS
ORDINANCE NO. _____, AN
ORDINANCE RESCINDING
ORDINANCE NO. 3892,
TOWING COMPANIES FOR THE
DEPARTMENT
OF PUBLIC SAFETY.**

WHEREAS, City Ordinance No. 3892, currently regulates towing companies providing services in the City of O’Fallon; and

WHEREAS, the State of Illinois has amended the Illinois Vehicle Code by the addition of a section related to a Tow Ration List (625 ILCS 5/4-203.5); and

WHEREAS, City of O’Fallon is a Home Rule Municipality and is not obligated to adopt the aforementioned addition to the Illinois Vehicle Code; and

WHEREAS, however certain provisions of the amendment to Illinois Vehicle Code are relevant to the City’s regulation of towing companies and should be adopted by the City of O’Fallon.

Now, Therefore, City of O’Fallon Ordinance No. 3892 is hereby rescinded in its entirety and replaced with the following.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. The City hereby adopts the following rules and regulations.

A. Definitions

“Tow Firm” shall mean a sole proprietor, partnership, company, corporation or limited liability company operating a towing business.

“Towing Service” shall mean the provision of tow truck services in response to a dispatch or request from the City Police Department or any other City Department.

“Tow Truck” shall mean a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, towline or dolly or otherwise exclusively used to render assistance to other vehicles.

B. Purpose

It is the purpose of this Chapter to prescribe regulations for the operation of Tow Trucks in the removal of motor vehicles which are illegally parked, abandoned, involved in accidents, or which constitutes obstruction to traffic or snow removal operations, or which constitute

public nuisances. It is the further purpose of this Chapter to provide a fair and impartial means of distributing City requests for towing services among qualified firms, and to insure that such services are prompt and reasonably priced and are provided in the best interest of the public as well as the interest of the efficient removal of said vehicles. This Chapter is not intended to and does not regulate tow services other than those dispatched or requested by City personnel. The provisions hereof shall, at all times, be subject to applicable statutory requirements and Illinois Commerce Commission and orders pertaining to commercial towing.

C. Eligibility

Any towing firm shall become eligible to be listed on the City's tow rotation list and participate in the assignment of service calls by the Police Department if it meets the following requirements.

1. **Must meet all of the requirements outlined in 625 ILCS 5/12-606: *Tow-Trucks; Identification; Equipment; Insurance except sub paragraph (d) of Section 5/12-606 of the Illinois Vehicle Code.***
2. Must be able to respond, with the necessary equipment, to the location of a police department request for a tow within thirty (30) minutes of the original request.
3. **Must provide an attendant on call, capable of responding to police request for towing.**
4. Must provide an appropriate twenty-four (24) hour a day telephone number where the service can be contacted and, where vehicle owners can be referred.
5. Must respond with the appropriate equipment to the scene of a call, regardless of whether it is for an accident or an abandon/disabled vehicle and should avoid the handling of other business while en route.
6. Must hold a valid authority issued to it by the Illinois Commerce Commission.
7. Must insure every person operating a towing or recovering vehicle on behalf of the towing service, has completed a Traffic Incident Management Training Program approved by the Illinois Department of Transportation.
8. Must provide storage facilities within the corporate limits of the City of O'Fallon. In order to provide the best customer service, all vehicles towed at the request of the police department shall be stored at the O'Fallon location, unless other arrangements are made with the owner of the vehicle and/or the O'Fallon Police Department. The facility shall be easily located, accessible to the public and open for the release of vehicles during regular business hours (continuous staffing not necessary).
9. **All vehicles must be made available for inspection by City personnel to ensure compliance with the law and this chapter to include;**

- a. Valid vehicle registration
- b. Display of property tow truck registration
- c. Be in compliance with weight limits
- d. Display of Illinois Commerce Commission and Federal Department of Transportation numbers.

10. Must possess and maintain the following.

- a. Comprehensive automobile liability insurance with minimum combined single limit coverage of One Million and 00/100 Dollars (\$1,000,000.00).
- b. Commercial general liability insurance with limits of not less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence.
- c. One Hundred Thousand and 00/100 Dollars (\$100,000.00) minimum garage keeper's legal liability insurance.
- d. One Hundred Thousand and 00/100 Dollars (\$100,000.00) minimum on-hook coverage or cargo insurance.
- e. A Worker's compensation policy covering every person operating a tow truck on behalf of the towing firm.

11. Shall not transfer the responsibility for an assigned tow to another firm. If the service originally contacted cannot respond, O'Fallon Police dispatch shall be notified. The police department has sole responsibility for reassigning a tow request. **NOTE:** If service cannot be provided due to equipment failure, prior commitment or other circumstances, police dispatch shall be notified so that the firm can be taken "out of service" until such time as they are available to respond as required.

12. Must notify the Director of Public Safety, in writing, of any changes in firm ownership or location.

The Director of Public Safety may add additional requirements based upon the specific needs of the police department.

D. Tow Rotation List

1. Any towing firm interested in being added to the "call out" rotation shall submit to Director of Public Safety an application provided by the City Police Department along with a fee schedule.
2. The "call out" rotation will be based upon a regular sequence of events (i.e. every call, day of the week, weekly rotation, etc.) and shall be determined without preference to any service provider. Qualified firms will be notified in advance of the "call out" sequence to be utilized.

3. No member of the O'Fallon Department of Public Safety can have a financial interest in a tow firm included in the "call out" rotation and no financial consideration can be afforded a member of the department.

E. Towing

1. If the owner or operator of a disabled vehicle is present at the scene of the disabled vehicle, is not under arrest, and does not abandon his or her vehicle, and in the law enforcement officer's opinion the disabled vehicle is not impeding or obstructing traffic, illegally parked, or posing a security or safety risk, the law enforcement officer shall allow the owner of the vehicle to specify a towing service to relocate the disabled vehicle provided the tow can be completed in a reasonable amount of time. If the owner is not present or has no preference as to which towing service shall be utilized, the O'Fallon Police Department shall have the vehicle removed by the towing firm next on the "Call Out" rotation and the vehicle shall be taken to its storage facility for safe keeping.

F. Removal of Hazards

After being dispatched by the Police Department for a tow, the tow truck operator shall cooperate with the police officer in removal of hazards and illegally parked vehicles as requested by the police officer. The police officer shall determine when such a vehicle shall be impounded or moved and the tow truck operator shall abide by the officer's decision. The tow truck operator shall be responsible for removing the vehicle and all parts and debris from the vehicle from the scene and for clearing the roadway of debris, glass and fluids. Should the removal of the debris or fluids from the roadway be beyond the tow operator's capability, other services maybe summoned to assist.

G. Storage

1. The tow firm will be responsible for protection of the vehicle and its contents until it is claimed by the owner or disposed of by the O'Fallon Police Department.
2. Storage yards shall be fenced and secured against theft and damage and available for inspection. The fenced area will have a minimum of 1000 square feet for storage.
3. Storage facility within the City shall meet all zoning requirements and shall be maintained in accordance with all applicable City of O'Fallon ordinances.
4. The tow firm shall agree to waive storage fees, upon request by the O'Fallon Police Department, until such time as the firm has been notified that the vehicle is eligible for release for vehicles:
 - i. Seized, held or impounded by the O'Fallon Police Department
 - ii. Being held as evidence in pending court cases
 - iii. Held under court order

H. Rates

1. Tow firms must, on or before January 1st of each years, submit to the Director of Public Safety on forms provided by the Police Department, a complete list of rates for services provided. Fees charged to tow customers shall not include extra charge for labor.
2. Tow firms must post the rate for services provided at the storage facility in plain sight for the public and provide a written copy of the rates to any motorist who inquires.
3. Tow firms must agree that if the registered owner or other person legally entitled to operate the vehicle shall arrive on scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon payment of a reasonable fee of not more than one-half (1/2) the posted rate for the service had the tow been completed.

I. Release/Inspection of Vehicles

1. Tow firms shall make every effort to accommodate the release of vehicle towed, upon payment for services rendered.
2. Tow firms shall not release any vehicles with “hold” orders placed on them by the O’Fallon Police department. This includes guidelines under the Impoundment of Motor Vehicle (Administrative Tow Fee) O’Fallon City Code of Ordinances Chapter 70 Section 70.086.
3. Tow firms shall not release a vehicle unless the claimant can prove rightful ownership or possession, (i.e. title, registration, insurance card) along with identification of the person claiming the vehicle. If the claimant is not the rightful owner, that person must have a notarized letter from the owner authorizing the claimant to take possession of the vehicle or personal items.
4. Tow firms must release items of personal property (i.e. child safety seat, medications) to the lawful owner on request prior to payment of any charges, provided the property is contained within the vehicle and is not an essential part of the vehicle. Any items removed from the vehicle shall be noted on the pink copy of the tow report provided by the police department. Any questions regarding ownership of the vehicle or its contents shall be directed to the Police Department. The hours of availability shall be 06:00 to 18:00 hours Monday through Friday and 06:00 through 12:00 on Saturdays, except on days the business is closed in recognition of a holiday or due to a bonifide emergency situation.
5. Except for vehicles with a police hold for evidence or seizure, all vehicles stored or impounded as a result of the tow ordered by the Police Department, shall be made available for release to the owner of the vehicle or his/her authorized representative and also be made available to the owner’s, insurance agent, insurance adjuster, or

body shop or car dealer for the purpose of estimating or appraising damages. The hours of availability shall be 06:00 to 18:00 hours Monday through Friday and 06:00 through 12:00 on Saturdays, except on days the business is closed in recognition of a holiday or due to a bonifide emergency situation.

6. Vehicles impounded by towing firm shall be accessible to the Police Department personnel at any time requested by the Police Department.

J. Equipment

1. Emergency lights shall be used at the scene and while towing a vehicle.
2. The name, address and telephone number of the tow firm shall be conspicuously displayed on both sides of the truck in letters at least two (2) inches high.
3. All trucks shall be available for inspection to insure compliance with the law and this policy.

K. Cause for Suspension or Removal from “Call Out” Rotation

1. Failure to comply with the laws of the State of Illinois or the requirements outlined in this Ordinance.
2. Repeated and continual failure to respond promptly when called for service.
3. Repeated bona fide complaints from the O’Fallon Police Department personnel or the public.
4. Repeated damage to property as a result of poor performance while towing or storing a vehicle.
5. Any action or actions that obstruct the O’Fallon Police Department or jeopardize the public confidence in the O’Fallon Police Department.
6. Any criminal wrong-doing.
7. Bona fide complaints of overcharging.
8. Inept performance as determined by the Director of Public Safety.

L. Complaint Procedure – Services of Towing Operator

1. All complaints of improper action on the part of the tow firm, by the public or the O’Fallon Police Department personnel will be investigated and a report will be sent to the Director of Public Safety.
2. If upon investigations the allegations are confirmed, the Director of Public Safety shall notify the tow firm, in writing, of the results of the investigation. The firm

shall be informed of its right to request a hearing on the allegations. The request must be made to the Director of Public Safety, in writing, within ten (10) business days of the date of the notification. The hearing will be held at the O’Fallon Public Safety Building before the Director of Public Safety. The hearing will take place within ten (10) business days of receipt of the request for a hearing.

3. Corrective measures shall range from written warning, temporary removal from the “Call Out” rotation or permanent removal from the call out rotation.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2016.

ATTEST:

Approved by the Mayor this __ day

(seal)

of _____ 2016.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	Kueker	Albrecht	Albrecht	Hagarty	Drolet	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Roach		Cardona	Smallheer	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

Following are the rates for _____ towing service for the year 20__

Action	Fee
Standard Tow	
Flatbed or Dollies – Add	
Assists (No Tow) (Includes tire changes, battery jumpstarts, etc.)	
Mileage (Loaded)	
Winching Service	
Storage – Inside	
Storage – Outside	
Administrative Fee	
After Hour Gate Fee (for owner access or pick up)	
Accident Scene Clean-up	
Additional Service Rate	

Dated this ____ day of _____, 20__.

_____ Towing Service

By: _____

VERIFICATION

I, “President”, of “Ace Towing”, hereby verify that following is a complete list of the names and addresses of all shareholders, members, partners and employees including drivers and attendants of “Ace Towing”. I further understand and agree that “Ace Towing”, will inform the O’Fallon Police Department of change, by way of addition of any shareholders, members, partners and employee of “Ace Towing”. Failure to do so may result in “Ace Towing” being removed from the City’s call out rotation.

Dated this _____ day of _____, 20__

“President”

Title

Name:

Address:

“Frank L. Smith”

VERIFICATION

I, _____, of _____, hereby verify that following is a complete list of all shareholders, members, partners and employees including drivers of _____. I further understand and agree that _____, will inform the O'Fallon Police Department of change, by way of addition of any shareholders, members, partners and employee of _____. Failure to do so may result in _____ being removed from the City's call out rotation.

Dated this _____ day of _____, 20__

Title

Name:

Address:

CONSENT TO CRIMINAL BACKGROUND CHECK

I, "Joe Smith", being an "Shareholder" of "Ace Towing", hereby consent to the O'Fallon Illinois Police Department conducting a criminal background check on me.

Dated this _____ day of _____, 20__

Print Name

Address

Date of Birth

CONSENT TO CRIMINAL BACKGROUND CHECK

I, _____, being an _____ of _____,
hereby consent to the O'Fallon Illinois Police Department conducting a criminal background check
on me.

Dated this _____ day of _____, 20__

Print Name

Address

Date of Birth