

## Statement of Frank Zdybel and Exhibit

I am a resident of the City of Portland, where I live at 2785 NW Upshur St. in Northwest. In preparing this statement I became aware that the practice of patrol towing has a long and hoary history in the State of Oregon and the City of Portland. It is a history rife with outrageous parking enforcement practices and even more outrageous fees. However in this statement I present a completely different bone to be picked with patrol towing as it is practiced here in Portland.

In this statement I present evidence to show that city policy on parking enforcement and city oversight of towing contractors are both inadequate as they concern the safe and humane treatment of animals when vehicles are towed. The City of Portland's policies permit unqualified towing contractors to take animals into custody without making suitable arrangements for either their safety or humane care. The City should avoid legal and moral liability for permitting the endangerment and maltreatment of animals, by enacting statute to end the practice of towing passenger vehicles with animals inside.

At about 9:45 pm the evening of July 19 my friend Ken Allen arrived at my home on foot and asked for assistance in retrieving his car, and his dog, Jade. He explained his car had just been towed from the lot of a nearby shopping center on Burnside, with Jade inside. Ken said that unless I acted quickly, Jade might be forced to spend the night locked in the car, at the towing yard. Initially I found that part hard to believe, but I was soon disabused.

I have often taken care of Jade, once for many months while Ken was living in Europe. I'm one of several friends who help care for her. She lives in a seeming state of grace that combines extreme old age with vibrant good health, but it's nothing I'd like to test by leaving her unattended in a car parked in a towing yard for twelve hours, with no more provision for her care than her owner would make for a fifteen minute stay.

I listened to one half of the conversation as Ken phoned Retriever Towing's dispatcher. Ken said initially the dispatcher expected him at the towing yard in four minutes. I heard Ken confirm with the dispatcher that the dog could be left in the car overnight if we didn't show up soon. I told him to say that we could get there in ten minutes. Then I drove us to Retriever Towing's lot on Quimby St.

The Retriever Towing employee at the office said that unless we paid up, the dog would be left in the car overnight "for up to twelve hours." Then Animal Control could be summoned to deal with the situation, he said. When I objected that this proposal was outrageous, the employee blandly assured me that this procedure was fully in accord with public policy, State and local. The statements made by Retriever's dispatcher and its office employee agreed, and the office

employee seemed well rehearsed in his responses. If Retriever's employees had any other plan if we should be unable to pay than to leave Jade in the car all night, there was no evidence of it.

Thus under duress, I asked to pay the impound fee to release the car, and the dog. In explanation of the total, Retriever's employee presented me with a schedule of charges, and circled the relevant entries. I enclose this schedule of charges as an exhibit to my statement, not because it shows gouging of the public – this gouging has already been amply documented in other cases – but because it shows that I paid for a half hour's labor on site by Retriever's towing crew. I will return to this point later.

I stepped out onto the back porch of Retriever's office and spotted Ken's car parked nearby. There was nothing that could have offered any shade by mid-morning. Jade's age-whitened face watched me from the rear window of the car, recognizing me and glad to see me.

This incident is the subject of a complaint lodged with the City Towing Coordinator and the City Ombudsman, and an investigation by the City Towing Coordinator. In the course of my discussions with these authorities I learned that city policy permits vehicles with animals inside to be towed, and that the animal may be left in the vehicle thereafter for up to two hours. After regular hours of operation, a "gate fee" may be charged ostensibly for having someone show up to let the owner retrieve the animal from where it would have been left, unattended evidently, by the towing contractor.

After a while I concluded that the City's policy on treatment of animals in badly parked cars is hardly more reasonable or humane than the bizarre version of the policy outlined by Retriever's employees.

The Oregon motor vehicle code prohibits passengers in towed vehicles for safety reasons, so when a towing contractor tows a car with an animal inside, this obviously endangers the animal.

City regulation on towing permits animals to be taken into custody by persons unqualified to care for them, and removed to locations without appropriate facilities, where no arrangements whatsoever are made for their care. Not even water is provided. For an animal with a medical problem, getting separated from anyone who knows the proper regimen for its care presents additional health risks as well as emotional trauma.

Only the regular caretaker knows how long it is reasonable to leave an animal unattended. Yes, it was the vehicle operator who originally left the animal unattended, but if a car is towed with an animal inside it is the towing contractor and the City who assume responsibility for the animal's care, in all ignorance of what its care requires.

I was told by Retriever's employee that if the temperature rose, they would take steps to get a dog out of a car. I was not reassured, because even assuming the animal could be gotten out of the car in good order – assuming it would want to come peaceably – there was no appropriate place at the towing lot for it to be kept, and nobody there trained to care for it. As a practical matter, towing company employees might be forced to summon Animal Control and leave the animal in the car, despite conditions, until officers could arrive. How long would that take?

The animal is inevitably going to be disturbed by the towing operation and by the extended separation from its caretaker. Separating an animal from its caretaker is nothing to be done lightly. But if it must be done, clearly for the sake of the animal the time to call Animal Control is before the vehicle is towed, not after.

Finally we come to the “you can't have it both ways” department: since Retriever Towing is charging for a half hour of labor on site – as mentioned above, and see attached Exhibit at line 3 – the City of Portland should at least insist that, unless the animal needs immediate rescue, the contractor will actually earn this money and faithfully execute its agency to the vehicle operator by waiting on site the full thirty minutes for the vehicle operator to return and reclaim the animal before the car is towed. After thirty minutes if the operator has not returned, the towing contractor can call Animal Control – and then continue waiting until officers arrive to take charge of the animal. Only then should towing the vehicle be permitted.

While the current unsupervised system of patrol towing is a model of convenience for landlords and merchants, and an economic boon to towing contractors, animals and their owners are ill served. Eventually a poorly regulated patrol towing operation is going to badly mishandle somebody's animal, with tragic results. I have done what I can to raise awareness of this situation and place the matter on the public record. The best way to end this liability will be to eliminate the need for additional oversight by the City by altogether forbidding the towing of passenger vehicles with animals inside.

FRANK ZDYBEL

Statement of Frank Zdybel – Exhibit: Retriever Towing Schedule of Charges

Portland Regulated Private Property Impound Rates

Class A .....	\$157.25
Incl. hook, dollies, ½ hr on scene, dispatch & photo fee	
Class B .....	\$164.25
Incl. hook, dollies, ½ hr on scene, dispatch & photo fee	
Class C .....	\$240.25
Incl. hook, dollies, ½ hr on scene, dispatch & photo fee	
Data Service Fee .....	\$14.75
City of Portland Service Fee .....	\$10.00
Towed Mileage:	
Class A .....	\$3.80 / towed mile
Class B .....	\$4.50 / towed mile
Class C .....	\$5.50 / towed mile
Fuel Surcharge .....	\$1.00
Storage – per 24 hr period from completion of the tow	
Passenger vehicles (after 4 hr grace) ...	\$25.00 / day
Vehicle over 20 feet long .....	\$35.00 / day
Release /Gate Fee.....	\$25.00
Labor / Standby (time on scene	
In excess of 30 min) .....	\$18.00 per ¼ hr
Lien Fee (based on value of Vehicle)	
Under \$1000.00 .....	\$40.00
\$1000.00 – \$2500.00 .....	\$40.00
Over \$2500.00 .....	\$98.00 + Newspaper fees
Release at Scene	
Class A .....	\$182.00
Class B .....	\$189.00
Class C .....	\$265.00

Retriever Towing Phone 503-222-4763 24hr 7 days a week  
 1551 NW Quimby St.                       14325 NE Sandy Blvd.  
 6461 SE Johnson Creek Blvd.         4670 SW Pacific Ave.

Pursuant to ORS 98.856

PORTLAND CITY COUNCIL  
COMMUNICATION REQUEST  
Wednesday Council Meeting 9:30 AM

Council Meeting Date: Sept 5, 2012  
~~August 22, 2012~~

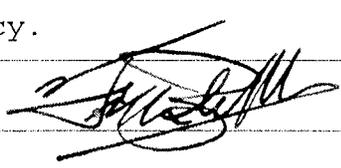
Today's Date August 15, 2012

Name Frank Zdybel

Address 2785 NW Upshur St. Apt A

Telephone 503 358 6104 Email fzdybel@comcast.net

Reason for the request: Point out recent events have shown that the  
City's oversight and policy regarding towing of vehicles with  
animals inside permits and invites unsafe treatment, neglect,  
and maltreatment of animals. Point out a solution that falls  
well within the parameters of current policy.

  
(signed)

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

*Thank you for being an active participant in your City government.*

**Contact Information:**

Karla Moore-Love, City Council Clerk  
1221 SW 4th Ave, Room 140  
Portland, OR 97204-1900  
(503) 823-4086 Fax (503) 823-4571  
email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

Sue Parsons, Council Clerk Assistant  
1221 SW 4th Ave., Room 140  
Portland, OR 97204-1900  
(503) 823-4085 Fax (503) 823-4571  
email: [Susan.Parsons@portlandoregon.gov](mailto:Susan.Parsons@portlandoregon.gov)

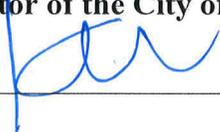
Request of Frank Zdybel to address Council regarding towing of vehicles with animals inside (Communication)

SEP 05 2012

PLACED ON FILE

Filed AUG 30 2012

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Leonard		
Adams		