

PUBLIC HEARING

DECEMBER 6, 2017

A public hearing of the Council of the County of Kaua'i was called to order by JoAnn A. Yukimura, Chair, Public Safety & Transportation Committee, on Wednesday, December 6, 2017, at 1:35 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihue, and the presence of the following was noted:

Honorable Mason K. Chock  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami  
Honorable Mel Rapozo  
Honorable JoAnn A. Yukimura

Not Present:           Honorable Arthur Brun  
                                  Honorable Ross Kagawa

The Clerk read the notice of the public hearing on the following:

“Bill No. 2674 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Vehicle Towing Authorization*),”

which was ordered to print by the Council of the County of Kaua'i on November 1, 2017, and published in The Garden Island newspaper on November 8, 2017.

SCOTT K. SATO, Deputy County Clerk:                   We received no written testimony and have just one (1) registered speaker, Roger A. Ridgley.

Committee Chair Yukimura:   Where did Mr. Ridgley go? Did you want to speak? You do. Okay, why do you not step forward and speak?

JAMES HENRIQUES:                   He had to move his truck.

Committee Chair Yukimura:   That is pretty ironic. Make sure your microphone is on.

Mr. Henriques:                   My name is James Henriques. I am here representing “The Tow Truck LLC.” My question regarding this bill would be what are the procedures that you folks plan to have when this bill does take effect as far as contracts and requirements for the towing companies, kind of like what Roger was speaking on about the people awarded the contract having the proper coverage, proper insurance, proper training, and trying to get the liability off of the County? There are a lot of situations that I see now that the County is exposing themselves to unnecessary liability. I guess if we could find a way to do this together, that is win-win as it will be beneficial for the County, beneficial for the towing company, and the customer in general.

Committee Chair Yukimura: I appreciate your presence and concern. Staff can correct me if I am wrong, but I do not think bill is making changes to any of those procedures. Though, you may have some suggestions about what kind of changes you would like us to make and it would be in the County's interest. Right now, we are just allowing a civilian rather than a police officer to designate or determine when to authorize the tow away.

Mr. Henriques: Okay.

Committee Chair Yukimura: In terms of process and procedure, if you have suggestions, we can have a meeting probably with the police and see if it might be covered by their rules and regulations, which the Council does not approve or determine. If it requires an ordinance change, then we will be involved, but we can figure that out. Do we have your name and contact information?

Mr. Henriques: Yes.

Committee Chair Yukimura: We will call you and connect you to the police then.

Mr. Henriques: Okay, and if this were to pass, what type of timeframe are you looking at for enforcement?

Committee Chair Yukimura: This will go into effect upon signature by the Mayor.

Mr. Henriques: Okay.

Committee Chair Yukimura: So it has to pass this Council and then it goes to the Mayor for signature, but again, there should not be too much impact in terms of you folks, the vendor or service provider.

Mr. Henriques: I am just curious as to how they will determine a vendor or service provider.

Committee Chair Yukimura: This bill is not...you are talking about the County giving out contracts for towing?

Mr. Henriques: Or how ever they plan to.

Committee Chair Yukimura: That is not this bill, but we can put you into contact with people in the County who are involved in that.

Mr. Henriques: So this bill would just give them the authorization to...

Committee Chair Yukimura: To have a civilian rather than a police officer.

Mr. Henriques: And then the Police Department will determine who that civilian is?

Committee Chair Yukimura: The civilian is in the Police Department and under the supervision of the police officers.

Mr. Henriques: I see. Okay. Thank you.

Committee Chair Yukimura: Thank you very much for coming forth. Is Mr. Ridgley here? Okay, good. Is your truck okay?

ROGER A. RIDGLEY: Yes, I just moved it. I was not really in a "no-parking" zone, but I am not going to argue. Where are we on?

Committee Chair Yukimura: You are testifying on the bill that would authorize a civilian in the Police Department to instruct or call you folks to tow away cars.

Mr. Ridgley: My name is Roger A. Ridgley, Jr. My company's name is called "A Tow In Paradise." I have been towing here since 1989 and have been here a couple times for various things. But the thing about this illegally parked cars, you are going to have a lot of problems for the simple fact that the Police Department does not check insurance, trucks, size of trucks, capability of the trucks and if the driver of the truck is fully insured or properly licensed. I have been letting this go for a long time because I figured sooner or later the stuff is going to hit the fan and the County is putting themselves in a great liability. With this contract, if it is a contract coming up, right now, the main problem that James from The Tow Truck and myself are having is trying to find property so that we can set up a yard to be able to do this. In a situation like this, if you are going to be towing illegally parked cars, I will go back to the insurance part, it is cargo insurance is what I was trying to remember the first time, you have to have that. You have to have not only liability insurance, but you also have to have on-hook insurance. I think the County makes you have a one million dollar (\$1,000,000) or two million dollar (\$2,000,000) aggregate insurance policy, which is really hard to get for us, but we end up somehow getting it. When you have a contract and the rules and regulations are not upheld throughout the contract, it makes it harder for the folks that want to bid on the contract, because we cannot afford to run for some of the rates that the contracts are coming out to for a simple fact that business-wise you are not making any money. I am in business to make money. I am totally against it unless the Council here and the Police Department and the tow companies get together, all of us, because there are going to have a lot beating back and forth as far as rules and regulations, insurance, liability, and things like that. Take the County's bus for instance...does that mean I am done?

Committee Chair Yukimura: Yes, that is your time. If there is no one else to speak for the first time, we can let you continue for another three (3) minutes. I do not see anyone in the audience right now.

Mr. Ridgley: Take the County's bus for instance—when I first was doing a County bus, there was a phone call and a sign, a verbal contract between us, but now it comes to phone calls. When these phone calls come out, they do not know if the person that is taking the call has a proper truck, proper license person, or the proper insurance to tow the County buses. Where they are hooking up to these buses is very dangerous because it is not a designed hook-up point. They are not removing the drive shaft, which has to be removed on an automatic vehicle for a simple fact you can have damage to the transmission. The price that these folks are charging, they do not pull the drive shaft because they do not make enough money or time to pull a drive shaft. Myself and James from The Tow Truck are basically the only two (2) companies here on the island that can legally, safely, and properly tow the buses. That is one of my arguments there, so if you are going to get into illegally

parked cars, you have operators out there that are very inexperienced and the County is going to be putting themselves in a little bit of a bind.

Committee Chair Yukimura: Anymore?

Mr. Ridgley: No. That is about it.

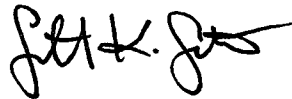
Committee Chair Yukimura: I do not believe this is the exact subject before us today, but you are in luck because I am the Transportation Committee Chair and we oversee the bus. I am very interested in what you have to say, so after this we can talk and set up a meeting.

Mr. Ridgley: Okay. My big question is if they put this contract together, is the Police Department going to get together with the tow companies? I honestly believe you folks should be involved with it too because, like I said, it is a liability to the County also.

Committee Chair Yukimura: Okay, we can talk about that, too. Thank you. Is there further speakers? If not, the public hearing is now closed.

There being no one present to testify on this matter, the public hearing adjourned at 1:50 p.m.

Respectfully submitted,



SCOTT K. SATO  
Deputy County Clerk

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