

Minutes
Metropolitan Taxi Cab Commission
December 6, 2002

The meeting was called to order on December 6, 2002 at 2:02 p.m. and was held in the Downtown NOW office. Those present were: Tom McCarthy, Vince Bennett, Louis Hamilton, James Harris, Dave McNutt, Basil Rudawsky, Larry Satz, Solomon Tadesse, Garry Earls, Karen Wittkoetter, Brian Kinsey, and Brian Malarney.

Old Business

Chairman, Tom McCarthy provided copies of draft codes entitled "Regional Taxi Commission", drafted by Dave McNutt and "Metropolitan Taxi Commission", drafted by Tom McCarthy. Mr. McCarthy suggested that the Commission consider adopting one of these drafts. The Commission then began reviewing the drafts of the code.

Mr. McCarthy raised the issue of the decision and appeals process of the Commission. Dave McNutt's view is that the Commission should make the final decision on all issues. Mr. McCarthy reminded the Commission that the statute requires independent appellate hearing officers. He then asked the Commission to consider: 1) Director makes entry level decisions 2) appeals are heard by independent appellate hearing officers 3) Commission then, if requested, reviews decision from independent hearing officers and issues decision 4) courts. James Harris suggested that appeal time limits be set and added that the Commission needs to make sure it does not get bogged down with hearings. The Commission agreed to go with this approach.

The Commission voted and decided 8-0(1 absent) that the name is now the Metropolitan Taxi Commission.

Mr. McCarthy pointed out that he left "zoned taxi cabs" in his draft. Dave McNutt suggested that we leave this language out. There are no zoned taxi cabs. James Harris asked what the advantages are to leaving this language in the draft. Mr. McCarthy answered that we might want to use zoned taxis later. Karen Wittkoetter pointed out that from an enforcement approach leaving the language in could be confusing. Mr. McCarthy agreed that it is not good drafting to use language with no meaning. The Commission agreed to no zoned taxi language in the draft.

The Commission agreed to include a definition of Luxury vehicles.

The Commission also agreed that the definitions of Director, Highways and Traffic and Director of Streets should be excluded.

The next issue discussed was the age of the Premium Sedan. Mr. Rudawsky suggested that they are no more than 5 years old. Mr. McNutt said that 5 years is too old for Premium Sedans and suggested 3 years. Mr. Harris agrees that they should be no older than 3 years old. Mr. McCarthy called for a motion that the Premium Sedans should be no more than 3 years old.

Mr. Rudawsky suggested that the Commission should phase in from 5 years to 3 years. Mr. McCarthy called for the motion past to be reconsidered. Point of order by Mr. Earls, roll call is required if there are uncertain voters. Mr. Hamilton made a motion for purposes of the definition of luxury cars in service, that they can be no older than 5 years and can be no older than 3 years in 24 months from adoption of this definition. Mr. Satz seconds the motion. The Commission decided to pass the motion by roll call vote, 7-1 (1 absent).

The issue of the age of "On-Call Taxis" was raised. Mr. McCarthy stated that the draft definition now states that on-call taxis can be no older than 9 years, nor entered into service no older than six years. Mr. Rudawsky stated that most of his and Dave McNutt's cabs are no older than 9 years. Mr. McCarthy moves that we adopt the draft definition. Mr. Satz seconds. The motion passed by roll call vote 8-0 (1 absent).

The issue of the age of the "Airport Taxis" was raised. Mr. McCarthy moved that we adopt the same age provisions as the on-call taxis. Mr. Hamilton seconds. The motion passed by roll call vote 8-0 (1 absent).

Mr. McCarthy made a motion to substitute #15 from the Regional Taxi Commission draft for #17 on the Metropolitan Taxi Commission draft. These provisions define Livery Vehicles. Mr. Hamilton seconds. The motion passed by roll call vote 8-0 (1 absent).

Discussion confirmed that language requiring hotels to have taxi stands, if they have limo stands is included in the draft.

The issue of drivers license fees was raised. Mr. Earls pointed out that airport taxidriver fees are much higher due to more energy and enforcement focused in this area and that the commission may want to look at the cost of enforcement when considering fees. Mr. McCarthy asked the Commission if they want to generally consider graduated fees. The general response was yes. Mr. Satz asked if the Commission will have enough resources to pay enforcement officers. Mr. McNutt wants all the fees to be \$100. Mr. Rudawsky said that he was indifferent, mentioning that fees will be going up from \$15 to \$100 for some drivers. Mr. Harris commented that drivers can handle a fee of only \$8 a month. However, it might be a good idea to increase fees gradually. Mr. Hamilton commented that from a public standpoint graduating fees is a good idea. Mr. McCarthy stated that we can adopt a fee schedule now and change it later. Garry Earls questioned changing the fee schedule later stating that by statute the total fee schedule can not change more than 20%. Mr. McCarthy stated that he interprets the statute to say that if there are new services we are out from under the statute. Mr. McCarthy suggested that we start out with \$50, \$75, and \$100 as a drafting tool. Mr. McNutt said that he does not see starting out with a \$100 flat rate as a problem. Mr. McCarthy mentioned that the drivers may get upset by this big change. Mr. McCarthy suggested that he and Mr. McNutt will find a way to get there and put it in the next draft. Mr. Rudawsky suggested that the Commission should use graduated fees, however, not differentiate between taxi types as in the Regional draft.

The next issue raised was insurance. Mr. Harris mentioned that some drivers pay \$250 a month for liability. Mr. McCarthy suggested that in the next draft there will be a graduated schedule

over a 2 year period up to \$300,000. Mr. McCarthy asked for a general sense of whether the Commission wanted a graduated schedule or a flat increase of \$300,000. The general sense was to go with a flat rate increase.

The next issue raised was rates. Mr. Hamilton asked if the Commission can regulate rates. Mr. McCarthy stated that the bill says that we have the right to regulate and rates are included. Dave McNutt stated that he does not want set rates. Mr. Hamilton suggested rate caps rather than set rates. Mr. Satz referred to the New York sample he provided and suggested the Commission provide sample rates. Mr. Kinsey stated that the airport would like to see standardized rates from atleast the airport. Mr. Earls commented that the county is passing an ordinance for airport taxi rates. Mr. McCarthy noted that it is the general position of the Commission to set some sort of rates, atleast for the airport and it will be included in the next draft.

Mr. Earls suggests that we remove the rules of age from the definitions, noting that it could cause future problems. Mr. McCarthy stated that the change will be made in the next draft.

The next issue raised was meter technology. Mr. McCarthy suggested that we require every taxi to take credit cards. Mr. Hamilton suggested that the Commission looks into what technology is out there and then proceed to phase in changes.

Mr. McCarthy asked Mr. Kinsey if the airport would agree that a violation of the airport rules is a violation of the Commission rules. Mr. Kinsey noted that the City Counselor advised the airport that their rules can not be stricter than the Commission rules.

The next issue raised was manifests of airport taxi drivers. The manifests should remain with the taxi cab companies not the Commission.

The next issue raised was premium sedans. The Commission discussed requiring an identifying marker such as a sticker, bumper sticker, or Commission plates.

The final old business issue raised was adopting the Taxi Cab Commission Code. Mr. McCarthy moved that the Metropolitan Taxi Cab Commission as amended today be adopted as a draft to give to the public for hearings. Mr. Hamilton seconds. The motion passed by a roll call vote 8-0(1 absent).

NEW BUSINESS

Mr. Rudawsky moved that we ask the county to freeze the issuance of any other on-call cab licenses other than renewals until the Commission takes effect. Mr. Satz seconds.

Mr. McCarthy made a motion to adjourn. The next meeting is Friday, December 20th at 2 p.m.