

Metropolitan Taxicab Commission

September 29, 2010 @ 10:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners: Hamilton, McNutt, Reeves, Rudawsky, Tucci, Asfaw and Gidey
Members absent: Commissioners: Bennett and Satz
Legal Department: Attorney, Thomas W. McCarthy

MINUTES

The Meeting was called to order by Chairman Hamilton, the roll was called by Marianne Mathis. Commissioner McNutt moved to approve the minutes of the August 18th meeting which was seconded by Commissioner Tucci and with no discussion a vote was called for and the minutes were approved unanimously. Chairman Hamilton then asked for the date of October 22, 2010 to be set for the next meeting and the Board approved.

NEW BUSINESS

The first item on the agenda is the approval of the Chapter 3 Director's Rule 301 Revision, putting vehicles in and out of service from the CCN Holder to the Independent Contractor's Drivers. The MTC is finding out that the CCN Holder is supplying the owner/operator Form 205 (Vehicle Removal from Service Form) and putting a new vehicle in service when the vehicle is timed out. What the Commission is finding out in most cases, the CCN Holder is providing the driver with the correct form which they should be bringing to the MTC and this process is being delayed. This rule is the CCN Holder will provide the Form 205 to the owner/operator of the taxicab and/or vehicle for hire and at such time the next step shall be the CCN Holder will be required to fax/hand deliver the Form 205 to the MTC so that the Commission knows that this transaction has taken place and has been done in a timely manner as specified by this Rule. This time frame shall be 5 business days to transfer the vehicle and remove the old vehicle from service. There will be an administrative penalty attached to this Rule stating if this action is not successfully completed within the 5 business days, there will be a penalty of \$100.00. If this action is not completed within 10 business days, there will be a penalty of \$200.00. Commissioner McNutt made a motion to adopt the aforementioned rule with the dollar amounts of \$100/\$200 and accept the penalty days as being 5/10 days, 2nd by Commissioner Reeves. Roll was called: 6 yes 1 no, Motion was passed.

A Gateway Express Owner applied to transfer ownership, a single interest (2%), to a driver who had already been approved by the MTC. His attorney contacted the Director of the Commission and their legal counsel and they discussed this matter, however once the Code was examined this transaction "fell through the cracks". This transaction covered the driver to transfer to another company for a \$100.00 fee and required the approval of the new CCN Holder, which they did give in writing, to the Commission. The sale of the minority interest was just left out on it's own. The view of the Director and the Board of the Commissioners is that they would like tighter control of these transactions. This is something which really needs to be taken control of especially out at the airport where the companies are owned by many drivers and the Commission needs to keep track of who owns the companies. Many minority interest changes actually results in majority interest changes eventually and you need to have individuals information. For a majority interest change in a company there is currently a cost of \$2,500.00 which is justified by the fact that the Commission has to do all this due diligence and even though the Code requires that the person applying for the transfer has to cover the cost, they do not cover them before they

are incurred. So the \$2,500 fee up front helps the Commission get through the periods of the hearings and get everything done, particularly if the majority interest holder decides part way through that they are not going to complete this transaction. So the Commission is covered in that respect. There is nothing that goes on with this type of a transfer for a minority interest. So what the Director and Legal Counsel have done is draft a Rule that's proposed for a minority transfer. The Legal Counsel recommends that a minority transfer costs \$500.00, after considerable discussion, the Commission decided to lower the amount to \$250.00, the cost per vehicle still stands at \$100.00 per vehicle, this Rule shall still include all the legal binding documentation for the transfer. The Commission still has the final decision on approval/denial of any and all transfers. There was a motion to accept Rule 201.a.1 by Commissioner Hamilton, 2nd by Commissioner Reeves, roll was called and motion was passed with all in favor. The Commission will review this amount in the future to be sure that the \$250.00 amount is covering all the costs of the transfers.

Legal Counsel informed the Commission that all CCN Holders should be notified if they submit proprietary information, they must designate this information as proprietary information and this information shall be protected by a sunshine request. The Commission will have legal counsel draft a document to be sent out to all CCN Holders stating this information.

DIRECTOR'S REPORT

Director Klein started his report with information regarding all On-Call/Airport CCN re-applications having been received. Some are in need of modification but all have been turned in and the Commission is going through them one-by-one. The Director believes this is something that should be completed every two years to keep track of key members of the companies.

The IATR Convention in Chicago went well. There were several different subjects discussed this year; technology, credit cards, open and close systems and the medallion system. This was a very successful conference. Chairman Hamilton is now on the Board of the IATR and notified the Commission that the 2011 Convention will be in Toronto, 2012 (25th year) will be in Washington, DC, 2013 will be here in St. Louis, Missouri, which will be very good for our City.

TREASURER'S REPORT

Commissioner Reeves presented the fiscal reports ending for August 31st. According to the report, the MTC is in good financial shape with a positive cash position. RFP's went out for annual audit to 3 small to medium accounting firms for bids.

OLD BUSINESS

None

PUBLIC COMMENTS

Sharon and Sharrone Beatty representing WBC Transportation/NEMT, subcontracting with MTM/Logisticare spoke to the Commission regarding being such a small business and the hardships they're dealing with and how they feel they are being penalized by the Commission and the State of Missouri. They have several employees which they are required to have FBI background checks, fingerprints, drug test, etc., then they send their employees to the Commission and have to duplicate these same tests and costs again. The Commission explained they have to follow any and all State laws and stated how they have tried to settle this problem with Highway Patrol before and nothing was ever done. Due to this fact, the Beatty's are going to have to remove themselves from the NEMT business because

they cannot afford to keep paying these double fees and keep paying their employees. Mr. McCarthy suggested that the Beatty's submit their duplicate documentation to the Highway Patrol and let them know exactly what is being submitted/paid for in duplicates. Will discuss/review again at a later date.

EXECUTIVE SESSION

Pursuant to Missouri Statute 620.021, an Executive Session may be held to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor work products under §X610.021(17).

ADJOURNMENT

There was a motion to adjourn the meeting by Commissioner Reeves, seconded by Commissioner Rudawsky.

*Minutes were interpreted from a transcript by M. Mathis.
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