

Metropolitan Taxicab Commission

**August 18, 2010 @ 10:00 am**  
**Commission Headquarters, 2628 Delmar, Hearings Room**

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

**MINUTES**

The Meeting was called to order by Chairman Hamilton, the roll was called by Marianne Mathis. Commissioner Reeves moved to approve the minutes of the July 26<sup>th</sup> 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 September 29, 2010 to be set for the next meeting and the Board approved.

**NEW BUSINESS**

The first item on the agenda is the proposed revision of the Vehicle for Hire Code, Chapter 12, Appeals Chapter.

General Council Thomas McCarthy explained this change request. With the limited number of appeals being filed, it's hard to get a group together and make it cost effective when the hearing officers charge by the hour. We have renegotiated the hearing officer's contract and now have a flat rate fee per day. When we first adopted the court costs, we were going along with the City of St. Louis's price of their court costs, but with the MTC having the minimal amount of court cases, it is not feasible to charge the same amount. The MTC court costs will now go from \$50.50 to \$100.00 per case. If the appellant wins, the commission picks up all the costs and we waive the court costs on the original level. The revision changes the 2<sup>nd</sup> appeal process to a loser pays proposition. Once a \$200.00 appeal bond is posted, the 2<sup>nd</sup> appeal will move forward. If the appellant wins, the commission picks up all the costs and waives the court costs on the original level. If the appellant loses, then they are responsible for all costs and the appeal bond will be forfeited. This appeal bond is there to basically guarantee the payment of the fees from the underlying hearing. If the appellant doesn't want to pay in most cases, there's not much we can do about it except that if they sue the commission later on they can count on a counter cross claim for the appeal. So we are going to try to get our money back one way or another. But effectively, if they fail to pay, the appellant is subject to suspension or revocation. The appeal time will also change from 120 days to 150 days. Chairman Hamilton made a motion to adopt and approve Chapter 12 and to amend the code where appropriate to reflect the appropriate time for the appeal period, 2<sup>nd</sup> by Commissioner Reeves. Roll call was called and unanimously approved.

Next order of business is the approval of the daily rate for the appeals officer. The previous officer's had requested and were receiving \$300 per hour for their duties. The commission has now found Don Wolff, who is a retired municipal judge and highly respected. We have negotiated a daily rate with him at \$500 per day, with the commission trying not to schedule any more than 6 hearings per day. Motion was made by Chairman Hamilton to approve Don Wolff as hearing officer, 2<sup>nd</sup> by Commissioner Satz. Roll call was called and unanimously approved.

### **DIRECTOR'S REPORT**

Director Klein started his report with information regarding a letter which he sent out to all CCN holders regarding the tinting of windows on vehicles. It is a violation of State Law and it is a danger for the taxi drivers as well as the customers riding in the vehicles. The Code states any violation of the State Law is a violation of the Code. The Taxi Commission sent out a letter informing the CCN holder to monitor the amount of tinting which is placed on the taxicabs.

The first CVC Hospitality Training was held and had great attendance. Out of 80 drivers being scheduled to attend, 69 were present. There was a very good participation by the drivers. Commissioner Tucci further went on to discuss the evaluation sheets, 41 being returned, stating they were all positive with the exception of one. There was a brief discussion regarding some question's which should be discussed at the next CVC meeting which the taxicab drivers would find beneficial.

A brief discussion followed regarding several different subjects, no action taken on any.

### **TREASURER'S REPORT**

Commissioner Reeves presented the fiscal reports ending for July 31<sup>st</sup>. The report was the MTC is in good financial shape with a positive cash position.

### **OLD BUSINESS**

None

### **PUBLIC COMMENTS**

None

### **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 Chairman Hamilton, seconded by Commissioner Tucci.

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