

Metropolitan Taxicab Commission

October 22, 2010 @ 10:00 am

Commission Headquarters, 2628 Delmar, Hearings Room

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

MINUTES

The Meeting was called to order by Commissioner Reeves, Chairman Hamilton was delayed but resumed his chair from Commissioner Reeves shortly after the meeting started. The roll was called by Marianne Mathis. Commissioner McNutt moved to approve the minutes of the September 29th 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 November 17, 2010 to be set for the next meeting and the Board approved.

NEW BUSINESS

The first item on the agenda was the Bardgett & Associates Contract Renewal which Director Klein brought before the Board. Bardgett & Associates submitted two (2) separate agreements; one being a one (1) year agreement and the other one being a three (3) year agreement. Both agreements are identical with the exception that the three (3) year agreement locked in a period with no increase in fees. If the three (3) year period is chosen, we will be billed on a semi-annual billing basis. The proposal is do we want to continue on a year-to-year basis with increases or choose a three (3) year contract with no fee increases billed on a semi-annual contract? There was a discussion of what the Board's options were and they decided to offer them a one (1) year contract at the same rate as last year, \$22,000 with no increase, on a motion by Commissioner Reeves, 2nd by Commissioner Satz. Roll was called and motion was passed with unanimous decision.

Next item on the agenda is the St. Louis Airport Taxi-Transfer of Minority Ownership. This is an item in which there have been many discussions in the past and as the transfer of an ownership entity within one of the airport taxicab companies, Airport Taxi, LLC is transferring a minority ownership and one of the owners is leaving the company. They have a new share holder who is buying in who comes from another taxi company and they have gone to their attorney, as we requested in the past, they have completed all tasks we have asked them to do when it comes to transferring ownership in the past. The Chairman is recommending approval of transfer of this minority ownership at this time. On a motion by Commissioner McNutt and seconded by Commissioner Tucci, roll was called and motion was passed with a unanimous decision.

Next item on agenda is a Request For Proposal (RFP) of insurance services. After several incidents, the Board decided it would be best to check with several different insurance carriers to see what services and coverages are available now and for the future. In looking through these companies, the Board has encountered some interesting legal questions that we are going to have to solve. The Board needs to find out what kind of insurance would be best for an agency such as this. Through the advice of Attorney, Thomas McCarthy, the best way to handle this situation would be through sovereign immunity with these three (3) exceptions:

These exceptions are, negligent operation of automobiles, so you have to insure against that. Negligent maintenance of property, so you have to insure against that and the third one is if you insure against a risk, then you can be liable. That gets off into a whole bunch of subtleties, and that's what we are dealing with right now. The Board is not confident or happy with any of the answers they have received back from any of the insurance providers at this time but hope to have something new to report in the next couple of months, which would influence what you buy and what you don't buy.

Another issue is the enforcement staff is largely retired police officers and the Commission has to provide workman's compensation for them even though they are not employees. According to federal and local guidelines, the agents must be properly armed due to the fact they are former police officers. Now the insurance carriers are saying we are not covered for that. So we have to sort that out with our insurance broker. On a motion by Commissioner McNutt, 2nd by Chairman Hamilton, the Board gives the Director the "go ahead" to proceed with looking for qualified Request For Proposal (RFP) insurance coverage with the guidance of Attorney Thomas McCarthy and Dave Adam. Roll was called and motion was passed with a unanimous decision.

Next topic is the Amendment of Annual Growth Policy in the Code which allows for a 10% growth of an on-call or airport-taxicab company on an annual basis as the company is operating on a full capacity of their current permits. Over the last several months, and more frequently in the past several weeks, the Director has had several groups of driver's come into the commission office and express their frustration regarding the economy and the effects it is having on them. The Commission is finding there are more drivers sitting for longer periods of time waiting for fare's to the point where the Commission staff is dealing with complaints of disturbances and complaints from other business entities in the downtown area about the cab drivers being parked in the same area, such as the Bank of America on Chestnut St. and Broadway St. The Bank has made several complaints regarding the parking meters around their building being completely occupied by taxicabs. The Commission Agents have gone down trying to help with the problem areas. The same complaint keeps coming up from every cab driver; there is not enough work for the number of drivers out in the economy. The Director is asking for the Commission to suspend the Growth Policy currently in existence until things improve. Commissioner Asfaw agreed with the Director stating he has a small company and his drivers are feeling the effects of the economy also. Mr. Fred Sweets from St. Louis American Cab Co. questioned if the cab stands shouldn't be extended but as the Board informed him that the municipalities control that. Chairman Hamilton made a motion to immediately suspend the Annual Growth Policy in section 206 and to remove the language from the code, 2nd by Commissioner Reeves. Roll was called and motion was passed with a unanimous decision.

Final issue on the agenda to discuss is the UVHC Revisions. Attorney Thomas McCarthy has had discussions with the Director trying to fix several problems that have come up. We have owner/operators that are running their own personal taxicab companies inside a bigger company. There is nothing terribly wrong with that, except for the big company doesn't know who these drivers are. The company's can't tell who are driving the cabs or tell the Commission who are driving the cabs and this is a security risks. Presumably they're all licensed, but the Commission doesn't even know that for sure because the CCN holder hasn't found this information out. There are tools in the Code currently and the Director is using them to remedy this problem. However, there is some language in the Code that is somewhat contradictory about the permitting process. It could be argued that an Owner, who was not an Operator, who is not a CCN holder, could come to the Commission office and obtain a permit for a car with a CCN holder. One of the items we want to clear up is this is not what should be happening. Only a CCN holder can get a permit, they can send someone else to get the permit but they are the only legal person who can have it. Subleases by Owners of taxicabs are inherently harder to police than leases with a CCN holder. But when the Commission demands a copy of the CCN holder the holder has to produce it. So if someone is a careless CCN holder, the Commission could at least help them organize their business insisting that these leases are there and put them in a file and go through them and then therefore the

Commission would know who the drivers of the vehicles would be. The Commission will now try to force the CCN holders to have clean records and have control over what is going on throughout their company. On a motion by Commissioner McNutt, 2nd by Chairman Hamilton is to approve the revision as modified Code 201.A.1 of the Uniform Vehicle for Hire Code. Roll was called and motion was passed with a unanimous decision. The Commissioners will be in contact with the Director giving their thoughts regarding this issue.

DIRECTOR'S REPORT

None

TREASURER'S REPORT

Commissioner Reeves presented the fiscal reports ending for September 30th. According to the report, 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 Commissioner McNutt, seconded by Commissioner Satz.

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