

Metropolitan Taxicab Commission

**May 27, 2009 @ 11:00 am**  
**Commission Headquarters, 2628 Delmar, Hearings Room**

Members present: Commissioners; Hamilton, McNutt, Reeves, Rudawsky, Satz and Tucci

Members absent: Commissioners; Haile and Bennett (*One seat on the Commission remains vacant.*)

Legal Department: Counselor Thomas W. McCarthy

**MINUTES**

Chairman Hamilton called the meeting to order; the roll was called by Counselor McCarthy and Mr. Hamilton welcomed those in attendance to the new facilities of the Commission. He then accepted the motion of Commissioner Tucci to approve the minutes of the April 24, 2009 meeting. The motion was seconded by Commissioner McNutt and there being no discussion Mr. Hamilton called the vote and the motion was approved unanimously.

**NEW BUSINESS**

The board set its next public meeting for Thursday, June 25<sup>th</sup>, 2009. Counselor McCarthy presented an update on the status of the revisions to the Vehicles for Hire Code, announcing that after consultation with the Chairman, Director and his staff that more time would be required to complete the project and to do so correctly, taking into account the appropriate penalties, point assessments and other features included in the draft.

Counselor McCarthy presented a draft of the proposed Commission bylaws for review by the board, to be set on a future agenda. He also presented and discussed amendments to the vehicles for hire code that would be adopted as interim measures to deal with the disposition of charges prior to the new code being finalized and formally adopted.

Commissioner Tucci made a motion that the Commission adopt the schedule of the administrative penalties for the vehicle for hire code, marked as exhibit A and previously circulated to the members of the board to be effective June 1, 2009 and that such be sent to all MTC licensed drivers and companies and be posted on the Commissions website.

Mr. Tucci stated that he had been assured by Counsel that the legislature has authorized the imposition of administrative penalties, that exhibit A conforms to the statutory limitations on those penalties and that he believed that the penalties are more fair and affordable than the suspension of drivers or companies for less serious violations of the code and that they spread the cost of enforcement of the code more fairly by forcing consistent violators to bear more of the cost of enforcement than those who seek to comply with the code.

Commissioner Reeves seconded the motion and there being no discussion a vote was called for by Chairman Hamilton and the motion was passed unanimously.

Commissioner Tucci made a further motion that the Commission impose Court costs in the amount of \$50.50, the same amount charged by the City of St. Louis Courts, for unsuccessful appeals of vehicle for hire code violations in order to defray the cost of code enforcement and appeals commencing on May 1<sup>st</sup>, 2009. Since the costs would be imposed only on unsuccessful appeals, would only involve procedural as

opposed to substantive matters in the code, and since no appeals have yet been taken during this time period, he requested a retroactive application.

The motion was seconded by Commissioner Satz who also began a discussion of these measures which included the topic of proper notification to drivers and their companies after which Chairman Hamilton called for a vote and the motion passed unanimously.

Commissioner Tucci moved further that the vehicle for hire code be amended as set out in exhibit A to this motion so as to adjust fees for a class of service at the St. Louis Airport, which has heretofore been unfilled. The fees for this class of service were set when Airport Taxicab license fees were much higher than they are today. When those fees were lowered, this class of service did not have any operators which is no longer the case. This amendment will bring the fees for Airport Shuttle service into line with other classes of service which are similar.

The motion was seconded by Commissioner McNutt and there being no discussion Chairman Hamilton called for a vote of the board Commissioner Rudawsky asked to abstain from voting and the motion passed unanimously.

Commissioner Tucci moved that the Commission dismiss all citations for the vehicle for hire code violations written prior to May 1<sup>st</sup>, 2009, the date that the incumbent Director commenced his duties.

He stated that he had been assured by the Director and Counsel that due to disruption in the management of the Commission's staff during this period and due to turnover of staff during the same period, that there exists sufficient procedural defects among these citations that enforcement at this time would be problematic in terms evidence and fundamental fairness.

The motion was seconded by Commissioner Satz and a discussion was held regarding further clarification of which citations were to be included after which Commissioner Hamilton called for a vote and with no further discussion the motion passed unanimously.

Commissioner Satz then began a discussion of the use of cellular phones by drivers and rules pertaining to this use and enforcement. Director Klein stated that he would review the matter and draft a suitable rule to address the matter.

#### **DIRECTOR'S REPORT**

Director Klein reported that the annual fleet renewal inspections were under way and that the process was approximately at the halfway point. He reported on the status of the move and subsequent unpacking and set up of equipment and operations at the new facility located at 2628 Delmar Boulevard.

#### **TREASURER'S REPORT**

Commissioner Reeves reported on and presented to the board, letters received from the firm Nichols, Zieman and Ahmed which simply meet technical requirements relative to the completion of the annual audit, and which now account for the more modern practice of presentation to the full board as opposed to a committee, the overall audit results and recommendations.

He further presented the financial statements for the month of April, 2009 with year to date information and comments. Commissioner Rudawsky also pointed out that some of the information looked unusual due to a change in procedure with regard to the collection of fees, noting that receivables are now cycling earlier in the year in terms of normal patterns of income.

### **PUBLIC COMMENTS**

Mr. Jeff Risinger of “Sedan Man,” raised questions concerning vehicle age requirements for the premium sedan class. Of particular interest were unique opportunities in the market place due to the economy to purchase new vehicles that are one or two model years old at reduced prices. Mr. Risinger requested that the board consider an exception to these requirements to allow for the extension of the in service life under the code.

Mr. Banholzer of “Style Limousine,” wished to discuss the use of cellular phones by his drivers and was asked to speak with Director Klein after the meeting to discuss the matter by Commissioner Hamilton.

### **EXECUTIVE SESSION**

None.

#### **Executive Session Minutes**

Pursuant to Missouri Statute 620.021, and having been authorized by a majority of the Metropolitan Saint Louis Taxicab Commission constituting a quorum, by roll-call vote at its regular meeting of December 10, 2008, an Executive Session was 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 §610.021(17).

### **ADJOURNMENT**

Commissioner Hamilton then declared that there was no further business before the Commission and entertained a motion to adjourn by Commissioner Satz, seconded by Commissioner McNutt and with a unanimous vote the meeting was adjourned.

*Minutes were interpreted from a transcript by D. Scherer.  
Transcript by A. Hammond*