

Metropolitan Taxicab Commission

March 29, 2012 @ 9:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

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

Members absent: Commissioners: Gidey

Legal Department: Timothy Ahrenhoersterbaeumer

MINUTES

The Meeting was called to order by Commissioner Reeves and the roll was called by Beth Dunham; Commissioner McNutt-here, Reeves-here, Bennett-here, Rudawsky-here, Satz-here, Tucci-here, and Asfaw-here. Chairman Hamilton arrived after roll was called. The first order of business was approving the minutes from the February 23, 2012 meeting. A motion to approve the minutes was made by Commissioner Tucci, seconded by McNutt, and with no further discussion roll was called; Chairman Hamilton-I, Commissioner McNutt-I, Reeves-I, Bennett-I, Rudawsky-I, Satz-I, Tucci-I, and Asfaw-I, the minutes were approved.

NEW BUSINESS

The first order of new business was setting a date for the April meeting, which will be April 24, 2012 at 9:00a.m.

Vehicle for Hire Code Revisions – None

DIRECTOR'S REPORT

The first item on the Director's report was a reminder of Electronic Credit Acceptance by CCN Holders, prior to renewal this year CCN Holders are required to have some form of electronic credit/debit card acceptance payment device installed before any 2012 permits are renewed.

The second item on the Director's report was discussing the 2011 Annual Audit being completed, and the memorandum for the audit has been reviewed and approved. The audit should be being sent to the Mayor and County Executer by the end of next week.

The third item of discussion on the Director's report was the MTC Credit Card Acceptance. The Director wanted to clarify that the MTC credit card acceptance was for new or renewing licensing fees only. He discussed a sample that was in the packets of what the charges would be to the Commission for providing this service for driver fees only.

The fourth item on the Director's report was acknowledging a letter wrote to the Commission by Rose Harmon for the Commissioners to read and to discuss at the April meeting.

The last item on the Director's agenda was Jennings Printing the vendor used to make our permits, sold out to a company in Massachusetts and will no longer be operating in St. Louis. This change may make us have to use a different type of permit than what we've used over the last several years, and make the Commission begin shopping for a new vendor.

TREASURER'S REPORT

Commissioner Reeves began discussing the financial report the balance sheet and income statement were in the packets. February showed a positive net income of \$11,861.00, which is ahead of budget by about \$4,500.00. Commissioner Reeves explains the first two months of the fiscal year show were tracking along well and over budget.

OLD BUSINESS

Commissioner Satz had a question regarding what the Commission was doing with the fluctuation in gas prices. The Director explains that we made a Code Revision that raises the minimum flag drop from \$2.50 to \$3.50, and also increases mileage charges. These rates are effective with the renewal year. Also effective with the renewal year, the fuel surcharge can only be \$1.00 since the flag drop was raised.

PUBLIC COMMENTS

Rose Harmon addressed the Commission first in regards to the last meeting about being fired from her job for reasons stated in her letter, and also feeling threatened by her old employer after the meeting for discussion in the previous meeting.

The next person to address the Commission was Raja Naeem an independent contractor for Harris Cab. He had a question in regards to the new VFHC change requiring all CCN Holder's to have some sort of electronic acceptance device system installed in all cabs by renewal of this year. He was worried about the economic burden this was putting on him to comply with this new VFHC change. The Director explains to Mr. Naeem that the decision was based on consumer complaints; the revision to The Code was made and passed. Commissioner Reeves informs Mr. Naeem that all the information to the changes is explained on the Commissions web site. Mr. Naeem states the Commission is in violation of the RSMO and quotes a section of Chapter 536. Mr. Naeem follows with another question in regards to cab drivers being independent contractors or employees of the company they work for. Commissioner Reeves states that is between the driver and the company they work for. Mr. Naeem feels it is against his Constitutional rights for the Commission to have the company he works for comply with the new VFHC Rule. Chairman Hamilton explains to Mr. Naeem that the rules put into place in the VFHC have been reviewed by the Commissions legal counsel, and are Constitutional within the scope of the law. Mr. Naeem questions whether the Commission is getting a kickback from any of the companies providing the electronic device systems and services. Chairman Hamilton explains the Commission has no business relationship with these companies, and the Commission only certifies that the companies are in compliance with the Commissions regulations. After the Commission approves the company providing the electronic services, then the cab company can choose whichever company they prefer.

The next person to speak was Eric Vickers an attorney speaking on behalf of some cab drivers concerns on the burden of the new VFHC Rule regarding Electronic Credit Acceptance. Mr. Vickers suggests that maybe a study should be done on the economic burden this will have on the cab drivers before a rule like this is implemented. He also states a lot of cab drivers don't have the money to hire an attorney to fight these types of VFHC Rules. Commissioner Satz

explains the Commission is never here to hurt any driver, and that drivers always have the right to discuss legal issues free with the Commissions counsel.

Chairman Hamilton addresses Mr. Vickers and explains since the beginning of the Code drivers have always been required to accept credit card transactions. The change in the Code only affects the way the processing of these transactions are completed, and is for better protection of the public.

Mr. Biru addressed the Commission and seemed to speak in some sort of objection to the new VFHC Rule. He states many drivers are complaining about being required to have to print out receipts, when most electronic equipment can email customers a receipt or text it to them.

Chairman Hamilton asked if anyone's applied for this type of device through the Commission. It's explained to Mr. Biru an application for any electronic device cannot be approved or disapproved without an application being filed.

Mr. Biru also stated that his only problem was why the Commission had to approve the electronic systems the companies chose to use. Chairman Hamilton explained that the electronic devices are just like meter devices approved by the Commission used in licensed taxicabs serving the public. He also explained to Mr. Biru he is free to choose any system as long as the electronic device meets the Commissions standards and is on the list of approved vendors.

EXECUTIVE SESSION

None

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

With no more discussion, a motion to adjourn was made by Chairman Hamilton, seconded by Commissioner Reeves. The motion to adjourn was passed unanimously; Chairman Hamilton-I, Commissioner McNutt-I, Reeves-I, Bennett-I, Rudawsky-I, Satz-I, Tucci-I, and Asfaw-I, the meeting was adjourned.

Minutes were interpreted from an audio recording of the meeting by Beth Dunham.