

Metropolitan Taxicab Commission

July 26, 2010 @ 10:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners: Hamilton, Reeves, Bennett, Rudawsky, Tucci and Gidey

Members absent: Commissioners: McNutt and Satz

Legal Department: Attorney, Thomas W. McCarthy

MINUTES

The Meeting was called to order by Chairman Hamilton, the roll was called by Marianne Lange. Commissioner Tucci moved to approve the minutes of the June 16th meeting which was seconded by Commissioner Bennett and with no discussion a vote was called for and the minutes were approved unanimously. Chairman Hamilton then asked for the date of August 18th, 2010 to be set for the next meeting and the Board approved.

NEW BUSINESS

First item on the agenda was the four (4) Non-Emergency Medical Transport approvals for the mornings meeting. The Staff has researched the companies and have given tentative approval for the temporary approval for the CCN licenses for these companies. The four companies are: All Area Transportation, Benjamin Transportation, Kensome Medical and Ride Right, LLC. At the Director's request, he wishes for the Board to approve the four CCN license request of the before mentioned companies. On a motion by Commissioner Hamilton and 2nd by Commissioner Tucci a roll call and a unanimous vote were taken.

Next item on agenda was the Muna Cab controversy; nine (9) drivers from the Muna Cab Co. approached the Director apparently prompted by the current alleged owner who desires to sell the company to the driver's. The driver's feel they already own the company. According to Mr. McCarthy after review of some of the paperwork and listening to different driver's and the owner, Mr. McCarthy feels the driver's may have a legitimate complaint with the owner. The whole issue may not only be who owns the company, but who is entitled to the permits? When the Commission was first formed, the whole idea behind the Vehicle for Hire Code was to help resolve the differences between the City and the County and to help merge them together. The Commission then voted to take the Cities position on Certificates of Convenience and Necessity as the tool they would use for the authority that everyone would operate on. Then they grandfathered the county cab companies into that situation because they were already in existence but they didn't have to go through the original CCN process, including the airport companies. Mr. McCarthy has contacted the alleged owner at the request of the Director and let him know what the problem is. Mr. McCarthy is fairly confident that the alleged owner can show that he is nominally the alleged owner with the Secretary of the State. However the drivers may be able to show that they have the equitable ownership of the permits because: 1. the person who says they own the company has never acted like he owns the company. 2. He doesn't charge anything for them. 3. We split up the cost of the parking at the airport. Due to all of these facts, Mr. McCarthy believes this is an equitable decision. The CCN should follow the permit ownership not the permits following the CCN holders/Company ownership.

As per the Director, the Cab Company's attorney offered to sell the company to them if each driver would agree to pay \$14,000 each, that is when the Director encouraged them to seek legal counsel.

Commissioner's all agreed that ultimately this will end up in a hearing, whether here at the commission or in civil court. A lengthy discussion followed with regards to what could possibly be done in regards to this situation.

Mr. McCarthy also discussed someone who was denied an MTC license and whether or not they would be able to file an appeal. It was brought up if this would need to be put in to the code; but after review of the Director's Rules and some changes it was decided that there would be no changes to the code and only changes to the Director's Rules.

Another situation that has come about is the raising of the fees for the court costs. As of now, we are on a loser pay system. As a result of this it was discussed that the Commission does not have to follow the City of St. Louis' pay costs, due to the fact they are bigger and have a higher volume of cases, so we are trying to come up with an amount to help cover some of the costs due to the fact that \$50.50 costs we charge now does not cover enough of what we have to pay out. The Director informed the Commission they are working on a new appeal bond for anyone who wants to file an appeal so we can help recoup some of the cost of the significant amount of money the Commission pays out. Hopefully this will keep anyone from filing frivolous suits.

Commissioner Rudawsky had a concern regarding the approval of the NEMT applications and would like to investigate for the future the possibility of an overabundance of NEMT vehicles. He is worried about supply being greater than demand. Director Klein stated that Logisticare says there are not enough providers for the amount of demand they have.

Commissioner Rudawsky also commented on what a great job Enforcement Agent Fred Deering did completing the inspections of the taxicabs.

Chairman Hamilton made known information regarding the International Association of Transportation Regulators (IATR) Conference, which will be held in Chicago on September 19-22. As in the past years, the commission has always paid the conference registration fees for any commissioner who wanted to attend, however after a meeting with the treasurer he believes due to the budget this year, the commission would be able to pay for not only the registration fees but the discounted rate of the hotel too.

Commissioner Bennett has agreed to do the yearly evaluation of the Director.

DIRECTOR'S REPORT

Director Klein started his report with the On-Call taxicab renewals for 2010-2011 which were completed by July 15th. The renewals all worked out great.

CVC Hospitality Training that was mandated by the MTC, will begin on August 17th with 80 drivers to start. Doug Clemens, Airport Taxi Co., would have preferred to do it on a Saturday, but the CVC doesn't do it on Saturdays. Lorraine Gustavis will be doing the training for CVC. Commissioner Tucci will call her to see if it would be possible to do the training on Saturday as to not interfere with the cab driver's busy week day schedules. The CVC will be holding the training at Forest Park, which donated their History Museum/AT&T auditorium for the training area.

TREASURER'S REPORT

Commissioner Reeves presented the fiscal reports ending for June 30th. Reporting the first six months showed us in a strong cash position, showing receivables down. Showing a net income of \$5,073.86 which is actually \$16,000.00 over budget. For the first 6 months period we are \$33,067.00

OLD BUSINESS

None

PUBLIC COMMENTS

EXECUTIVE SESSION

Commissioner Rudawsky motioned to adjourn to executive session, the motion was seconded by Commissioner Tucci and with a unanimous vote the board adjourned to 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).

Roll call was taken to go into executive session:

Commissioners Present: Hamilton, Reeves, Bennett, Rudawsky, Tucci and Gidey

Commissioners Absent: McNutt and Asfaw

The Commission then voted to end the executive session by the following vote:

Hamilton – yes
Reeves – yes
Satz – absent
Bennett – yes
Asfaw – absent
Gidey – yes
McNutt – absent
Rudawsky – yes
Tucci – yes

ADJOURNMENT

After executive session, the Commission reconvened, there was a brief discussion regarding customer comment cards/starter slips being available in the taxicabs. There was another line of discussion regarding all companies having GPS systems for their taxicabs and 24 hour telephone service available for their taxicabs. With there being no further business on the agenda a motion was made by Commissioner Reeves to adjourn the meeting, the motion was seconded by Commissioner Rudawsky and with no further discussion the motion was approved unanimously and the meeting was adjourned.

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