

Metropolitan Taxicab Commission
October 21, 2013 @ 10:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners: McNutt, Reeves, Bennett, Gidey, Rudawsky, Satz, Tucci, and Asfaw
Members absent: Commissioners: Hamilton
Legal Department: Neil Bruntrager and Charles Billings

MINUTES

The Meeting was called to order by Commissioner Reeves and the roll was called by Beth Dunham; Chairman Hamilton-absent, Commissioner McNutt-here, Reeves-here, Bennett-here, Gidey-here, Rudawsky-here, Satz-here, Tucci-here, and Asfaw-here, with a quorum being found the meeting was started. The first item on the agenda was approval of the September 30, 2013 minutes. A motion to approve the minutes was made by Commissioner Reeves, moved by Commissioner Tucci and seconded by Rudawsky, roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, the September 30, 2013 minutes were approved.

NEW BUSINESS

The first order of new business was discussing the meeting date for November, which was tentatively set for Thursday, November 21, 2013. After a brief discussion the meeting was set for November 21, 2013 at 10:00a.m.

The second item of new business was Code revisions. The first revision was to change a definition in the Code as follows:

24. Dispatch Service: Any person or entity that acts as any intermediary of any sort for a fee in the provision of transportation for hire by a vehicle for hire to another person
(added 4/23/13)

Is hereby amended to read:

24. Dispatch Service: Dispatch Service shall include the use of any electronic communication including internet pages, e-mail, text message, push notification or application for the connection of any communication between passenger and driver or agent thereof.

A motion to approve the definition change was made by Commissioner Reeves, moved by Gidey and seconded by Bennett. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, and the definition change was approved.

The second revision to the Code was to section 215 Special Classes of CCN which states as follows:

215 Special Classes of CCN *(added 4/23/13)*

- A. A CCN for a Dispatching Service will not require either a public hearing nor will the holder of such a CCN be allowed to own or operate vehicles for hire directly. The holder of a CCN of this class must provide its service solely through third parties.

Is hereby amended to read:

- A. No entity or dispatch business may dispatch a vehicle, person or entity without a valid Certificate of Convenience and Necessity.

A motion to approve the Code revision was made by Commissioner Reeves, moved by Gidey and seconded by Bennett. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-abstain, Satz-yes, Tucci-yes, and Asfaw-yes, and the Code revision to section 215 A. was approved.

The third revision to the Code was to change the title of section 215 Special Classes of CCN which states as follows:

215 Special Classes of CCN *(added 4/23/13)*

Is hereby amended to read:

215 Dispatch Certificate of Convenience and Necessity

A motion to approve the title change to section 215 was made by Commissioner Reeves, moved by McNutt and seconded by Bennett. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, and the title change to section 215 was approved.

The final revision to the Code was to change section 201 A. 1, which states as follows:

201 Certificate of Convenience and Necessity Required - Application.

- A. All Certificates of Convenience and Necessity (hereinafter CCN) are and upon issuance remain the exclusive property of the MTC and may not be sold, transferred or otherwise alienated without written authorization from the MTC. Upon revocation of a CCN the permits allocated to it under this code cease to exist unless reauthorized by the MTC. Under no circumstances are CCN's ever the property of the holder of the CCN. All contact information provided with a CCN application must be kept current after the issuance of a CCN. Any change of address, telephone or electronic mail must be provided to the MTC within seven (7) days of becoming effective.

1. No Person shall own, operate or lease a vehicle for hire service or purchase any assets from a vehicle for hire service to be used in the conduct of a similar service without first obtaining a CCN or appropriate permit, permission or license for the operation of such service from the MTC. When the MTC finds such operations without the necessary authorization in each case the operator will be served with a MTC citation for administrative penalty not to exceed \$200 per violation or a city or county citation and injunctive relief will be sought. No vehicle for hire may be operated pursuant to a lease other than with a valid CCN holder. The CCN holder under whose CCN the vehicle for hire is being operated shall receive a Class II violation for the first offense and revocation for any subsequent violations of the same type. *(amended 10/22/10)*

Is hereby amended to read:

201 Certificate of Convenience and Necessity Required - Application.

- A. All Certificates of Convenience and Necessity (hereinafter CCN) are and upon issuance remain the exclusive property of the MTC and may not be sold, transferred or otherwise alienated without written authorization from the MTC. Upon revocation of a CCN the permits allocated to it under this code cease to exist unless reauthorized by the MTC. Under no circumstances are CCN's ever the property of the holder of the CCN. All contact information provided with a CCN application must be kept current after the issuance of a CCN. Any change of address, telephone or electronic mail must be provided to the MTC within seven (7) days of becoming effective.
 1. No Person shall own, operate or lease a vehicle for hire service, purchase any assets from a vehicle for hire service to be issued in the conduct of a similar service or conduct dispatch operations without first obtaining a CCN or appropriate permit, permission or license for the operation of such service from the MTC.

A motion to approve the Code revision to change section 201 A. 1, was made by Commissioner Reeves, moved by Bennett and seconded by Tucci. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, and the Code revision to section 201 A. 1, was approved.

The final order of new business on the agenda was the Agreement with John Bardgett & Associates. Commissioner Reeves made a motion to allow the Director execute the agreement into service for another three years. The motion was moved by Commissioner Tucci and seconded by Asfaw. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, and the agreement was approved

DIRECTOR'S REPORT

The Director explained that after meeting with CCN Holders and speaking to Square's attorney extensively about the Square device, that he was authorizing the Square device as an approved device to be employed by CCN Holders for processing credit cards. He explained that each CCN Holder must submit an authorized form from the MTC for each of their drivers using a Square device. The Director also told the Commissioners that Ross Nadel the attorney for Square was in the audience to answer any questions they or any others may have concerning the Square device.

TREASURER'S REPORT

Commissioner Reeves went over the financial packet. He explained everything was tracking according to budget and moving along well.

OLD BUSINESS

There was no old business at the October 21, 2013 meeting.

PUBLIC COMMENTS

Raja Naeem was the only person in the audience to address the Commission. He read a prepared statement signed by other cab driver's calling for the removal of a Commissioner from the board.

EXECUTIVE SESSION

There was no closed session at the October 21, 2013 meeting.

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 on the agenda Commissioner Reeves made a motion to adjourn the October 21, 2013 meeting. The motion was moved by Commissioner Tucci and seconded by Rudawsky. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Gidey-yes, Rudawsky-yes, Satz-yes, Tucci-yes, and Asfaw-yes, and the meeting was adjourned at 11:02a.m.

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