

Minutes of the Metropolitan Taxicab Commission Board Meeting
Wednesday, July 14, 2004
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

(Note: there were 27 attendees in the audience today)

Meeting was called to order at 1:12 p.m. by Chairman McCarthy, with apologies for the late start.

Roll was called; all 9 Commissioners were present.

Minutes of the May 7 meeting were reviewed and approved, with one minor change (the deletion of a single word) requested by Mr. Hamilton

*Motion to adopt the Minutes, as amended by Mr. Hamilton, was made by Mr. McCarthy, seconded by Mr. McNutt, and passed by unanimous vote.

(note: these are the May meeting Minutes because the June 11 meeting was cancelled, due to the declaration of a National Day of Mourning for former President Reagan on that date)

Old Business

Following the agenda, Chairman asked Director Tully to report on the outstanding items of old business, as follows:

- The moratorium extension expired June 30; our staff recommends another 6-month extension, but Mr. Tully wished to open this to all the Commissioners for discussion. * Mr. McCarthy moved that, for purposes of discussion only, the moratorium be extended only until the August meeting (specific date to be determined later in today's meeting.) *Motion was seconded by Mr. Hamilton, and was passed by unanimous vote.*

Mr. McCarthy added that he wants the staff to conduct another study of the number of cabs versus general population, and to develop a proposal and circulate it well prior to actual presentation, as well as for advance review by the Commissioners at least one week prior to the actual meeting.

- Mr. McCarthy stated that, due to extension of the moratorium until the August meeting, we must, necessarily, further postpone Ms. Patricia Lynn's application for a CCN.

- Mr. Tully reported that June 30 was the deadline for all vehicle licensing of On-Call cabs. All of these have now been licensed, so the process is now complete, he said.

- Mr. Tully reported that Multigraph division printed 1,000 of the new Violation Report forms, and they are now in use; copies are being sent by us to the affected companies. Mr. Tully clarified that it was not necessary to send this project out for private bid, after all, and explained that these four-part forms will remain in use until the MUTT, ("Missouri Uniform Traffic Ticket") form becomes effective. Once we are assigned an ORI ("Originating Record Identifier") by the FBI, the new ticket form will be instituted. Thus, our enforcement agents, the Airport Police, etc., will eventually be using the identical form to document Code violations.

Mr. McCarthy called upon our counsel, Mr. *Patrick* McCarthy, for his report concerning other items of old business. Counsel replied that some of the items shown on his portion of today's agenda must instead be discussed in private session, since they concern matters now in litigation.

Mr. McCarthy proceeded with items which can be discussed in open session:

- Concerning horsedrawn liveries/hansom cabs, we are melding these into our Vehicle for Hire Code, for recommendation to the Commission - that will be forthcoming at the August meeting.

- Regarding the proposed merger of Metropolitan, and Midwest, Cab companies, Mr. McCarthy explained that some of their vehicles cannot be absorbed into the surviving entity, should the merger be approved, due to their age.

A discussion ensued concerning the number of affected vehicles, and the applicable time frame for requiring the older vehicles to be brought into compliance. Mr. Harris stated that the City regulations mandated 60 days to do so, which led to a discussion of the how the sale of Yellow Cab was handled earlier this year.

The consensus was that, if fleets are being merged and *only one entity will survive*, the cars must come into compliance with our Code within 60 days. If two or more fleets will be operated as *separate* companies, this will not be necessary, and cars can be added as needed, up to the maximum number of vehicles specified on each company's CCN.

*Mr. McCarthy made a motion outlining the Commission's adoption of a policy toward merger.

(The specific language is to be written by counsel and approved by the full Commission.

Mr. Hamilton stated that once the language is approved, the Director will send a notification letter to all affected parties.) Motion was seconded by Mr. Hamilton, and passed by unanimous vote.

New Business

- Mr. Tully addressed the intention to revise the VFH Code, saying that our Code will be adopted August 28. We need to revise it, now to include a schedule of fees and penalties for every type of infraction; moreover, an enforcement plan is being developed and will be implemented in conjunction with this schedule of fees – once it has been written, he will present it to the Commission and request its support
- After some discussion among the members, next month's meeting was set for Friday, August 20, at 1:00 p.m.

- Mr. Tully then stated that, although this item is not on the prepared agenda, he proposes a temporary pay increase of \$1,000 per month for MTC counsel Patrick J. McCarthy.

Mr. Shiferaw questioned the amount, and Chairman McCarthy stated that due to pending litigation, counsel's workload has exceeded what had been anticipated; he added that, based upon customary hourly rates for legal services, it is prudent and advantageous to obtain counsel's services at this flat monthly fee.

* Mr. McCarthy made the motion to authorize this increase in fee; Mr. Hamilton seconded; motion was passed by unanimous vote.

Director's Report

- Mr. Tully stated that the MTC observed its first anniversary of operations as of June 7

- He reported that as directed, the letter explaining the 'random drug testing' policy (which became effective July 1) was issued; our database has been shared with BJC healthcare

- As directed, we issued the notification letter to Airport, On-call, and Premium Sedan CCN holders, mandating the insurance coverage requirements effective July 1; our staff has verified that all companies are now in compliance

- As a point of information, Mr. Tully stated he has been asked by several hotel / airport shuttle drivers whether it is permissible to drive a vehicle while it is "red tagged" – Mr. Tully emphasized that this violates our Code and drivers are *subject to arrest* if they do so

- Identical letters were sent to Airport Director, Colonel Leonard Griggs *and* to Deputy Director Gerard Slay, requesting that premium sedans be directed to begin staging in the so-called "blast zone" (protected area) so that all classifications of vehicles will be visible to the staff of airport "starter agents." No reply has been received to date, he reported

- Mr. Tully reminded everyone that inspections/licensing of Courtesy vehicles will commence July 22, and that (per Code) all such vehicles must be licensed by August 31