

TAXI COMMISSION MEETING
Minutes of the July 18, 2011 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioners James Feehley, Peter Bresciano, Paul Ford, Councilor Robert Lister, Captain Michael Schwartz, City Attorney Robert Sullivan and Deputy City Clerk Dianne M. Kirby

III. ACCEPTANCE OF MINUTES FROM JUNE 20, 2011

Commissioner Bresciano moved to approve and accept the minutes of the June 20, 2011, Taxi Commission meeting. Seconded by Councilor Lister and voted.

IV. NEW BUSINESS

1. Section 7.212: Mandatory Self-Reporting of Taxi Operator Motor Vehicle and Criminal Violations/Suspension Time Frames

Commissioner Bresciano requested a letter be sent to all taxi companies to make sure their drivers know there is a mandatory self-reporting of taxi operator motor vehicle and criminal violations. Commissioner Ford asked if this letter should be sent to all taxi license holders. Commissioner Bresciano said he feels it is the taxi owner's responsibility and if the Commission wants to send the letters to the license holders he would vote opposed. Chair Daggett said he feels Commissioner Ford is correct as this item specifically relates to the license holders. Captain Schwartz said if the driver never tells his boss about a ticket, how can we hold the boss accountable?

Commissioner Ford moved to send a letter to each individual taxi license holder. Seconded by Commissioner Feehley.

Captain Schwartz asked if the requirement would be any violation or any suspension. Chair Daggett said the way the ordinance reads is:

“Any person holding a taxi operator’s license shall report each and every driver’s license suspension, driver’s license revocation and conviction of any criminal or motor vehicle offense to the City Clerk within seven (7) days of receipt of the suspension, revocation or conviction. Failure to comply with this provision shall be cause for immediate revocation of the taxi operator’s license of the person who fails to make the report.”

City Attorney Sullivan stated his suggestion would be to use the exact wording from the ordinance in the letter.

Commissioner Bresciano asked about all new employees. Chair Daggett said we should set up a system which would include this letter in the license packet. Deputy City Clerk Kirby stated this can be done.

Motion passed. Commissioner Bresciano voted opposed.

Deputy City Clerk Kirby asked what the suspension time frames would be for failure to report a motor vehicle or criminal violation. City Attorney Sullivan said the ordinance states their license would be permanently revoked. He said this violation is not for getting a speeding ticket or running a light, it is for not notifying the City Clerk that the incident happened.

2. Transfer of Medallions – Ordinance Change

Commissioner Bresciano stated under the present ordinance if a taxi owner wants to transfer their medallion to another vehicle they have to notify the Commission at least 14 days prior to the date of the proposed transfer. He asked what happens if a company needs to transfer the medallion the next day. He requested if City Attorney Sullivan had a chance to review this issue. City Attorney Sullivan stated he had not reviewed this issue, but as stated presently this cannot happen under this ordinance. Commissioner Bresciano asked if the ordinance could be changed to maybe state “at least 14 days after the date of the proposed transfer”.

Commissioner Bresciano moved to table this item until City Attorney Sullivan has had a chance to look into it.

City Attorney Sullivan stated since we are all here now, he just has a few questions. He said this section is a provision that would apply when a business wanted to transfer a medallion to a new entity – e.g. Blue Star started a new company and wanted to transfer a medallion to the new company. Commissioner Bresciano asked what if a cab is totaled in an accident and that company wants to transfer the medallion to another vehicle. City Attorney Sullivan said that does not apply to this section. He said this section is only when transferring a medallion to a new company. He said if there has not been a problem with this issue in the past and what Commissioner Bresciano is talking about is really something slightly different, then we should leave this as written.

Commissioner Bresciano withdrew his motion.

V. OLD BUSINESS

There was no Old Business for this meeting.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Liaison Report

Captain Schwartz stated there was only one incident this month. He said on June 30th there was a complaint that a Subaru was parked in the Taxi Stand by Fat Belly's. Police were dispatched, but the car was gone when they arrived.

2. Criminal and Driver Record Convictions (not on the agenda)

Commissioner Bresciano stated in his discussion with Assistant City Attorney Woodland he had asked her what constitutes a conviction. He said he feels whatever the State sends down in their report should be counted. He said if an individual gets stopped for going 35 miles over the speed limit and going through a stop sign, if the State sends this down as two convictions we should count it as two convictions. City Attorney Sullivan stated he agrees.

3. Independent Contractor

City Attorney Sullivan stated a couple meetings ago the Commission discussed the issue of independent contractors as opposed to employees as drivers. He stated he has done quite a bit of work on this and it is kind of a complicated issue. He stated at some point he will bring back to the Commission a report. He said he feels it will conclude that there will be an ordinance amendment required either prohibiting independent contracting and requiring all drivers be employees or changing the insurance requirement to ensure independent contractors are covered. He said the Commission's goal is to protect the passengers in an accident.

VII. ADJOURNMENT

At 9:19 a.m., Chair Daggett closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk