

MARIN GENERAL SERVICES AUTHORITY
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MEMORANDUM

DATE: June 12, 2008
TO: MGSA Board of Directors
FROM: Paul Berlant, Executive Officer
SUBJECT: AGENDA ITEM C-2: AMENDMENT TO TAXICAB REGULATIONS

Recommendation: Adopt the attached Resolution adopting changes to the MGSA Taxicab Regulation Program.

Background: In September 2005, MGSA adopted the Taxicab Regulations. Now that program implementation is in full swing, we have learned that a few minor changes may be needed to keep the program running as originally intended. There may also be additional changes proposed in the future, however, those changes may be more substantial and warrant dialogue with the taxicab owners and drivers. Such as dialogue has not occurred with respect to the changes currently recommended.

There are three changes recommended at this time:

1. On page 6, amend Section C.2.c.i such that the following occurs after the word "renewal:" *"Drivers may also be subject to random drug and/or alcohol testing during the term of his/her Permit."*
2. On page 8, amend Section C.3.g such that the following occurs after "substances:" *"except for offenses involving marijuana."*
3. On page 10, amend Section F to include at the start of the paragraph: *"The Executive Director's decision to issue or not issue any permit under these Regulations is discretionary."*

These changes are recommended for the following reasons:

1. Although we believe the Board had intended that the drug/alcohol testing and monitoring program include periodic, random testing of drivers, language to that effect was not included in this section of the regulations. A subsequent section (C.2.c.iii) refers to periodic permit renewal testing, but it is not clear that the staff has authority to require such testing of any and all drivers. Drivers were told at enrollment for Permits that 100%

random testing would occur for one or two years after enrollment and that a lower percentage of random testing would occur after that, depending on the results of the first year or two.

2. The exception for marijuana is recommended because of the rate of previous convictions for the transportation or sale of this controlled substance. As currently written, the regulations require that a Permit be denied for any prior conviction, no matter when such a conviction occurred. Coupled with the third recommended change, the Executive Director may exercise discretion if the conviction occurred in the more distant past.
3. The change to Section F makes it clear that there is some discretion that may be used by the Executive Director in the issuance of the various permits and in the consideration of appeals of denials of permits.

For the purpose of change number two above, I propose to use five (5) years as the “recent past.” I mention this now because I think it is important that there be some public discussion of the standard by which the drivers’ history will be judged where the use of discretion in issuance of a Permit is used.

Attached is a draft resolution for the Board’s consideration as well as a copy of the regulations, with the added language in **bold** type.