



SunLine Services Group  
December 5, 2018  
12:00 p.m.

## AGENDA

**Regular Board of Directors Meeting  
Board Room  
32-505 Harry Oliver Trail  
Thousand Palms, CA 92276**

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, [www.sunline.org](http://www.sunline.org).

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services.

Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

### ITEM

### RECOMMENDATION

- |   |                       |
|---|-----------------------|
| 1. CALL TO ORDER  |                       |
| 2. FLAG SALTUE  |                       |
| 3. ROLL CALL  |                       |
| 4. PRESENTATIONS  |                       |
| 5. FINALIZATION OF AGENDA                                 |                       |
| 6. APPROVAL OF MINUTES –OCTOBER<br>24, 2018 BOARD MEETING | APPROVE<br>(PAGE 3-5) |
| 7. PUBLIC COMMENTS  | RECEIVE COMMENTS      |

### NON AGENDA ITEMS

Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Each person's presentation is limited to a maximum of three (3) minutes.

<b><u>ITEM</u></b>	<b><u>RECOMMENDATION</u></b>
<b>8. BOARD MEMBER COMMENTS</b>	<b>RECEIVE COMMENTS</b>
<b>9. CONSENT CALENDAR</b>	<b>RECEIVE &amp; FILE</b>
<p>All items on the Consent Calendar will be approved by one motion, and there will be no discussion of individual items unless a Board Member requests a specific item be pulled from the calendar for separate discussion. The public may comment on any item.</p>	
9a) Checks \$1,000 and Over Report for September 2018	(PAGE 6-7)
9b) Monthly Budget Variance Report for September 2018	(PAGE 8-10)
9c) Taxi Vehicle/Rides Analysis October 2018	(PAGE 11-12)
9d) Metric (Taxi Expense vs Taxi Revenue) September 2018	(PAGE 13-14)
<b>10. SECOND READING OF SUNLINE SERVICES GROUP (SSG) ORDINANCE NO. 2018-01</b> (Kathleen Kelly, Chair Taxi Committee; Staff: Erica Vega, Assistant General Counsel)	<b>APPROVE</b> (PAGE 15-38)
<b>11. RESOLUTION NO. 086 SETTING FEES</b> (Kathleen Kelly, Chair Taxi Committee; Staff: Peter Gregor, Taxi Administrator & Erica Vega, Assistant General Counsel)	<b>APPROVE</b> (PAGE 39-43)
<b>12. SUNLINE REGULATORY ADMINISTRATION (SRA) STATUS</b> (Kathleen Kelly, Chair Taxi Committee; Staff: Peter Gregor, Taxi Administrator)	<b>INFORMATION</b> (PAGE 44)
<b>13. GENERAL COUNSEL</b>	
<b>14. NEXT MEETING DATE</b> January 23, 2019 12 p.m. – Board Room 32-505 Harry Oliver Trail Thousand Palms, CA 92276	
<b>15. ADJOURN</b>	

## MINUTES

### SunLine Services Group Board of Directors Meeting October 24, 2018

A regular meeting of the SunLine Services Group Board of Directors was held at 12:03 p.m. on Wednesday, October 24, 2018 in the Board Room at SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

#### 1. **CALL TO ORDER**

The meeting was called to order at 12:03 p.m. by Chairperson Troy Strange.

#### 2. **FLAG SALUTE**

Board Member Radi led the pledge of allegiance.

#### 3. **ROLL CALL**

##### Members Present:

Troy Strange, Chair, SunLine Agency Board Member, City of Indio  
Kathleen Kelly, Vice-Chair, SunLine Agency Board Member, City of Palm Desert  
Robert Radi, SunLine Agency Board Member, City of La Quinta  
V. Manuel Perez, SunLine Agency Board Member, County of Riverside  
Ty Peabody, SunLine Agency Board Member, City of Indian Wells  
Lisa Middleton, SunLine Agency Board Member, City of Palm Springs  
G. Dana Hobart, SunLine Agency Board Member, City of Rancho Mirage

##### Members Absent

Greg Pettis, SunLine Agency Board Member, City of Cathedral City  
Emmanuel Martinez, SunLine Agency Board Member, City of Coachella  
Russell Betts, SunLine Agency Board Member, City of Desert Hot Springs

#### 4. **PRESENTATIONS**

No presentations.

#### 5. **FINALIZATION OF AGENDA**

No changes to the agenda.

#### 6. **APPROVAL OF MINUTES – SEPTEMBER 26, 2018 BOARD MEETING**

SunLine Services Group Board Member Radi moved to approve the minutes of the September 26, 2018 Board meeting. The motion was seconded by SunLine Services Group Board Vice-Chair Kelly. The motion was approved by a vote of 7 yes; 0 no; 0 abstain

**7. PUBLIC COMMENTS**

None.

**8. BOARD MEMBER COMMENTS**

None.

**9. CONSENT CALENDAR**

- a) Checks \$1,000 and Over Report for August 2018
- b) Monthly Budget Variance Report for August 2018
- c) Taxi Vehicle/Rides Analysis September 2018
- d) Metric (Taxi Expense vs Taxi Revenue) August 2018

SunLine Services Group Board Vice-Chair Kelly moved to approve the consent calendar. The motion was seconded by SunLine Services Group Member Radi. The consent calendar was approved by a unanimous vote of 7 yes; 0 no; 0 abstain

**10. FIRST READING OF SUNLINE SERVICES GROUP (SSG) ORDINANCE #2018-01**

Taxi Committee Chair Kelly reported that after much discussion, revisions were made to the ordinance during the Committee meeting that morning and an updated copy was distributed at the dais. The Committee directed amendments to the following pages: page 5 (under Business Permit Required), page 7 (under Insurance Required), and page 14 (under Business and Driver Criminal Conduct), Vice-Chair Kelly motioned to approve an additional amendment to the Committee's recommendation, on page 13, to insert a parenthetical clause that states "(apart from adult same-sex consensual sexual behavior)." The motion was seconded by Board Member Radi. The motion was approved by a vote of 7 yes, 0 no, 0 abstain. Vice-Chair Kelly subsequently motioned to approve the First Reading of SunLine Services Group Ordinance #2018-01. The motion was seconded by Board Member Radi. Roll call vote was taken on the item itself and was approved by a vote of 7 yes, 0 no, 0 abstain

**11. GENERAL COUNSEL**

General Counsel had no additional comments or updates for the Board.

**12. NEXT REGULAR BOARD MEETING DATE**

Wednesday, December 5, 2018 at 12:00 p.m.  
SunLine Transit Agency Board Room  
32-505 Harry Oliver Trail  
Thousand Palms, CA 92276

**13. MEETING ADJOURNMENT**

The meeting was adjourned at 12:22 p.m.

Respectfully Submitted,

Brittney B. Sowell  
Clerk of the Board

**SunLine Services Group**  
**CONSENT CALENDAR**

DATE: December 5, 2018

**RECEIVE & FILE**

TO: Taxi Committee  
Board of Directors

RE: SSG/SRA Checks \$1,000 and Over Report for September 2018

Summary:

The checks \$1,000 and over report lists all of the checks processed at the Agency with a value of over \$1,000 for a given month. Items identified in bold font represent "pass through" payments that were, or will be, reimbursed to SunLine under the provisions of specific grants or contracts. Items identified with underlines represent "shared" payments with SunLine and specific vendors/employees.

- For the month of September, the largest payment issued was for legal services from Burke, Williams & Sorensen, LLP.

Recommendation:

Receive and file.

**SunLine Regulatory Administration  
Checks \$1,000 and Over  
For the month of September 2018**

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

<b>Vendor Filed As Name</b>	<b>Description</b>	<b>Check #</b>	<b>Payment Date</b>	<b>Payment Amount</b>
BURKE, WILLIAMS & SORENSEN, LLP	Aug 2018 Legal Service	90546	09/21/2018	8,928.00
SUNLINE TRANSIT AGENCY	Payroll Liabilities 9/7/18	90543	09/11/2018	4,926.19
SUNLINE TRANSIT AGENCY	Payroll Liabilities 9/21/18	90549	09/24/2018	3,952.73
SUNLINE TRANSIT AGENCY	SRA Overhead - Sept 2018	90548	09/21/2018	2,903.75
<b>Total Checks Over \$1,000</b>	\$20,710.67			
<b>Total Checks Under \$1,000</b>	\$359.73			
<b>Total Checks</b>	\$21,070.40			

**SunLine Services Group**  
**CONSENT CALENDAR**

DATE: December 5, 2018

**RECEIVE & FILE**

TO: Taxi Committee  
Board of Directors

RE: Monthly Budget Variance Report for September 2018

Summary:

The budget variance report compares revenues and expenses to the respective line item budgets. The report identifies current monthly revenues and expenses as well as year to date (YTD) values. The current monthly budget values are calculated by taking 1/12<sup>th</sup> of the annual budget and the YTD budget values are calculated by dividing the yearly budget by the number of months progressed through the fiscal year.

- As of September 30, 2018, the organization's revenues are \$23,198 under budget or 49.90% below the YTD budget. Expenditures are \$6,874 under budget or 8.76% below the YTD budget.
- The net YTD operating gain (loss) is (\$48,342).

Recommendation:

Receive and file.



SunLine Regulatory Administration  
Budget Variance Report  
September 2018

Description	FY 19 Total Budget	Current Month			Year to Date			
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 19 YTD Budget	Favorable (Unfavorable)	Percentage Remaining
<b>Revenues:</b>								
Meter Readings	104,674	8,790	8,723	67	21,327	26,169	(4,842)	79.6%
Revenue Fines	3,000	0	250	(250)	0	750	(750)	100.0%
New Driver Permit Revenue	9,000	90	750	(660)	360	2,250	(1,890)	96.0%
Driver Transfer Revenue	1,000	750	83	667	850	250	600	15.0%
Driver Renewal Revenue	10,000	200	833	(633)	750	2,500	(1,750)	92.5%
Driver Permit Reinstatement/Replacement	25	0	2	(2)	0	6	(6)	100.0%
Vehicle Permit Revenue	58,242	0	4,854	(4,854)	0	14,561	(14,561)	100.0%
<b>Total Revenue</b>	<b>185,941</b>	<b>9,830</b>	<b>15,495</b>	<b>(5,666)</b>	<b>23,287</b>	<b>46,485</b>	<b>(23,198)</b>	<b>87.5%</b>
<b>Expenses:</b>								
Salaries and Wages	112,555	9,780	9,380	(400)	25,661	28,139	2,478	77.2%
Fringe Benefits	70,138	4,864	5,845	980	13,176	17,535	4,358	81.2%
Services	96,000	16,220	8,000	(8,220)	26,252	24,000	(2,252)	72.7%
Supplies and Materials	5,019	277	418	141	593	1,255	662	88.2%
Utilities	4,816	401	401	0	1,204	1,204	0	75.0%
Casualty and Liability	17,774	1,481	1,481	0	4,444	4,444	0	75.0%
Taxes and Fees	20	4	2	(2)	11	5	(6)	46.5%
Miscellaneous	7,690	112	641	528	288	1,923	1,634	96.3%
<b>Total Expenses</b>	<b>314,012</b>	<b>33,140</b>	<b>26,168</b>	<b>(6,972)</b>	<b>71,629</b>	<b>78,503</b>	<b>6,874</b>	<b>77.2%</b>
<b>Total Operating Surplus (Deficit)</b>	<b>\$ (128,071)</b>	<b>\$ (23,310)</b>			<b>\$ (48,342)</b>			

**Budget Variance Analysis - SunLine Regulatory Administration**

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**Revenue - Unfavorable**

- The unfavorable variance in revenues is mainly attributed to a continued decline in taxi trips.  
As of YTD fiscal year 2018/19 there is a decrease of 8,778 taxi trips compared to the YTD fiscal year 2017/18.

**Taxi Trips**

	<b>FY18-September</b>	<b>FY19-September</b>	<b>Variance</b>	<b>%Δ</b>
Trips	20,570	11,792	(8,778)	-42.7%

**Taxi Trips**

	<b>YTD-FY18</b>	<b>YTD-FY19</b>	<b>Variance</b>	<b>%Δ</b>
Trips	55,766	37,292	(18,474)	-33.1%

- Taxi franchises pay the full year's vehicle permits during the peak months of October through April.

**Salaries and Wages - Favorable**

- Salary and wage expenses are within an acceptable range of the budget.

**Fringe Benefits - Favorable**

- Fringe benefit savings are attributed to lower balances for accrual expenses.

**Services - Unfavorable**

- Legal services are higher for the first quarter of the FY due to review and revision of taxi ordinance related to AB1069.

**Supplies and Materials - Favorable**

- The favorable variance is mainly attributed to savings in office supply costs, and repair part expenses.

**Utilities - Favorable**

- Utility expenses are within an acceptable range of the budget.

**Casualty and Liability - Favorable**

- Casualty and liability expenses are within an acceptable range of the budget.

**Taxes and Fees - Unfavorable**

- Unfavorable balance is attributed to increased use of support vehicles.

**Miscellaneous - Favorable**

- The favorable balance is mainly attributed to travel and training expenses, and membership and subscription fees not incurred

**SunLine Services Group****CONSENT CALENDAR**

DATE: December 5, 2018

**RECEIVE & FILE**TO: Taxi Committee  
Board of Directors

RE: Taxi Vehicle/Rides Analysis September 2018

Summary:

The attached report summarizes the total number of taxi trips generated in the Coachella Valley for each month of the current fiscal year. A second graph shows the total taxi trips for the current fiscal year compared to the two previous fiscal years. The graph illustrates an increase in taxi trips from the previous month.

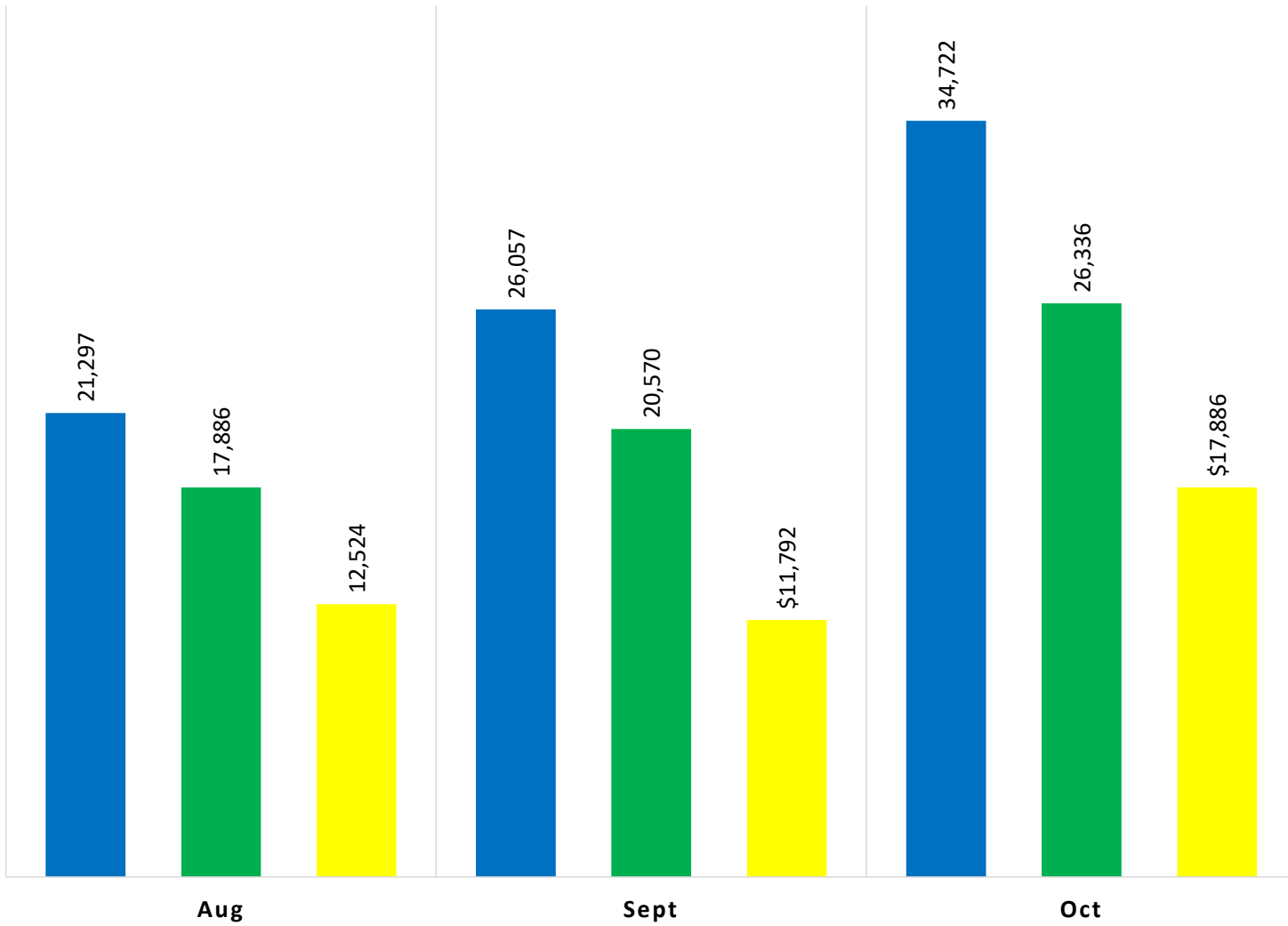
American Cab's franchise permit was suspended in September. SSG has not received any correspondence from American Cab since September. To the best of our knowledge, American Cab has ceased operating within the jurisdiction of SSG. Yellow Cab increased their number of taxi trips compared to the previous year by 361 trips. Desert City showed a decrease of 389 trips from the previous year.

Recommendation:

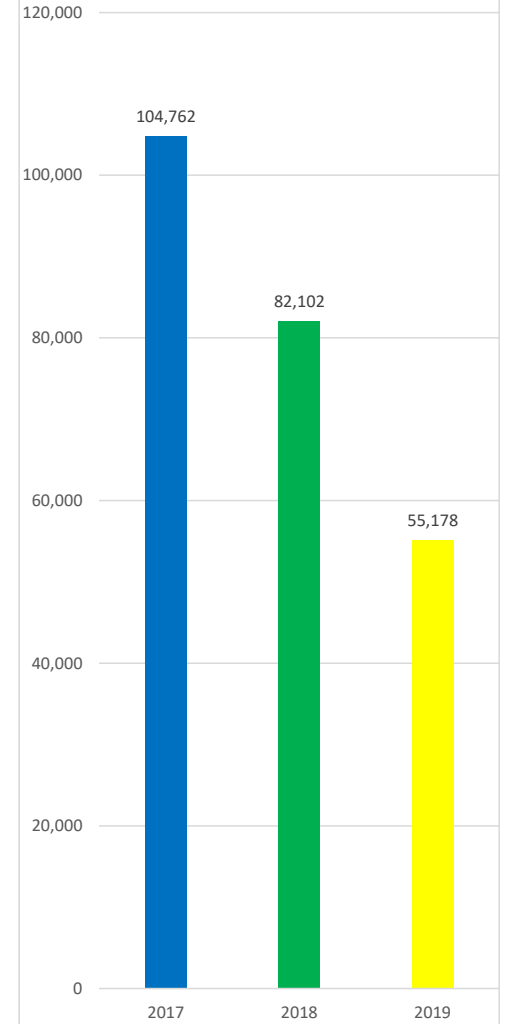
Receive and file.

## Number of Taxi Trips - October 2018

■ 2017 ■ 2018 ■ 2019



## Year to Date No. of Taxi Trips



Measures the total number taxi trips taken year to date for FY 2017, 2018 and 2019

**SunLine Services Group**  
**CONSENT CALENDAR**

DATE: December 5, 2018 **RECEIVE & FILE**

TO: Taxi Committee  
Board of Directors

RE: Metric (Taxi Expense vs Taxi Revenue) September 2018

Summary:

The graph displays revenue and expenses for the current month and two previous months. Revenues are generated by surcharge fees, vehicle permit fees and driver permit fees. Expenses display the total operational costs for SunLine Services Group.

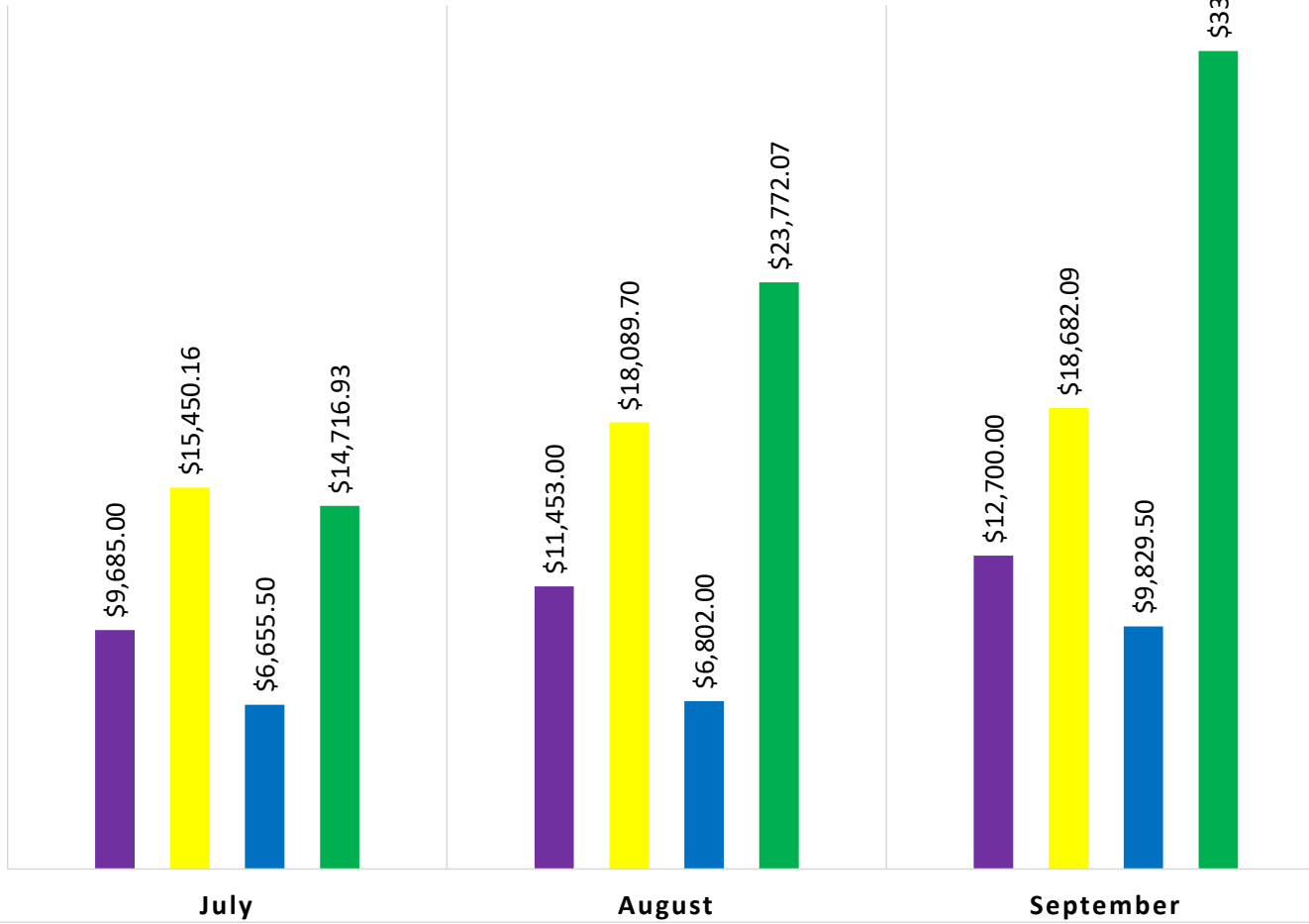
- Variance graph displays the total variance between revenue and expense occurring to date, for the current fiscal year.
- Expenses for the current fiscal year are greater than revenue by \$48,341.93. The taxi industry in the Coachella Valley is seasonal. Previous years have shown increasing revenues during seasonal months balance out the negative variance created during off-season months.
- The suspension of American Cab's Franchise Permit is anticipated to negatively affect the FY 2019 budget.
- To date, SSG has incurred \$25,333.04 in legal service fees. The increased legal service fees were anticipated due to AB1069 and implementing a new Taxi Ordinance.

Recommendation:

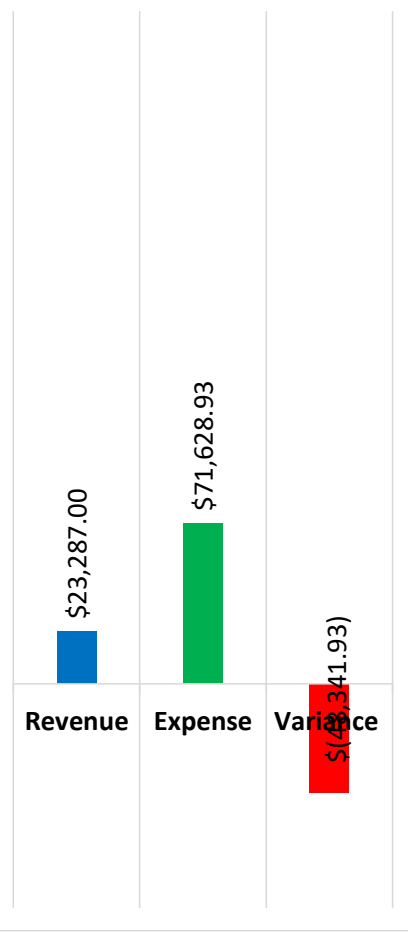
Receive and file.

## Revenue vs. Expense - September 2018

■ Rev FY18   
 ■ Exp FY18   
 ■ Rev FY19   
 ■ Exp FY19



## Variance YTD - September 2018



The graph measures Revenues vs Expenses for F for FY18 and FY19

## SunLine Services Group

**DATE:** December 5, 2018 **ACTION**

**TO:** Taxi Committee  
Board of Directors

**FROM:** Erica Vega, Assistant General Counsel

**RE:** Second Reading of SunLine Services Group (SSG) Ordinance No. 2018-01

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### **Recommendation**

Recommend the Board of Directors approve the second reading of the proposed SSG Ordinance No. 2018-01 to supersede all previous ordinance and amendments.

### **Background**

SRA staff has worked in a joint effort with the taxicab franchises to create a new ordinance that complies with the changes required by AB1069.

This proposed Ordinance No. 2018-01:

- Eliminates the current franchise system.
- Eliminates the customer paid surcharge and implements a Taxi Business Permit fee.
- Requires taxi businesses to implement ADA and safety education training programs.
- Changes the maximum meter rate to \$12.00 per mile and allows a flat rate charge.
- Requires a taxi business to show they are substantially located within the jurisdiction of SSG.
- Requires taxi businesses to provide fingerprint-based background checks for all drivers.
- Requires taxi businesses to enroll in the DMV Pull Notice program.
- Permits the use of a “soft” meter, allowing the taxi companies to charge any rate below the maximum rate of \$12.00 per mile.

### **Financial Impact**

The proposed Ordinance No. 2018-01 will have no financial impact to the FY 2019 SSG budget.

**ORDINANCE NO. 2018-01**

**AN ORDINANCE OF SUNLINE SERVICES GROUP  
SUPERSEDING ORDINANCE 2016-01**

WHEREAS, Government Code Section 53075.5 requires every city and county to protect the public health, safety and welfare by adopting an ordinance concerning the provision of taxicab services, to provide a policy for entry into the business of providing taxicab services, to establish maximum rates for the provision of such services, and for such other matters as determined by the legislative body; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Services Group (SSG) desire to provide for the orderly, efficient, and safe operation of taxicab services within the Coachella Valley; and,

WHEREAS, to modernize the regulation of taxicab transportation services and in order for taxicabs to better compete with all for hire modes of transportation the State amended Government Code Section 53075.5 through Assembly Bill 1069 and Assembly Bill 939; and,

WHEREAS, SSG intends to adopt procedures compliant with Assembly Bill 1069 and Assembly Bill 939 for the regulation of taxicab transportation services in the Coachella Valley.

NOW, THEREFORE, the Board of Directors of SSG does ordain as follows:

**SECTION 1: ADOPTION OF TAXICAB SERVICE ORDINANCE.**

SSG hereby adopts this Ordinance regulating taxicabs within the jurisdictional boundaries of SSG, superseding and replacing Ordinance 2016-01, as attached hereto as Exhibit A.

**SECTION 2: SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance of SSG. The Board of Directors of SSG hereby declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences, or phrases may be declared invalid or unconstitutional.

**SECTION 3: EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days from its passage by the Board of Directors of SSG.



**SECTION 4: PUBLICATION.**

The Clerk of the Board is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the jurisdictional boundaries of SSG in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of the Board of Directors of SunLine Services Group on the 24th day of October, 2018.

APPROVED AND ADOPTED by the Board of Directors of SunLine Services Group at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Troy Strange  
Chairperson of the Board

ATTEST:

\_\_\_\_\_  
Brittney Sowell  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Eric S. Vail  
General Counsel

**EXHIBIT A**

**CHAPTER ONE**

**ARTICLE I**

**PERMITTING OF TAXICAB BUSINESSES AND DRIVERS**

- 1.010 Purpose
- 1.015 Definitions
- 1.020 Taxi Administrator
- 1.025 Delivery of Notices or Requests
- 1.030 Business Permit Required
- 1.035 Business Permit Renewal
- 1.040 Insurance Required
- 1.045 Driver Permit Required
- 1.050 Driver Permit Renewal
- 1.055 Rates
- 1.060 Mandatory Controlled Substance and Alcohol Testing Program
- 1.065 Denial, Revocation, or Suspension of Permits
- 1.070 Appeal Hearings
- 1.075 Advance Deposit Hardship Waiver
- 1.080 Administrative Citation
- 1.085 Fines and Penalties
- 1.090 Late Payment Charges
- 1.095 Recovery of Administrative Citation Costs
- 1.200 Airports

**ARTICLE II**

**OPERATING REQUIREMENTS**

- 2.010 Driver Standards and Appearance
- 2.015 Taxi Administrator
- 2.020 Fines and Penalties

## **CHAPTER ONE**

### **ARTICLE I**

#### **PERMITTING OF TAXICAB BUSINESSES AND DRIVERS**

##### **Section 1.010      Purpose**

State law requires every city or county to adopt an ordinance or resolution in regards to taxicab transportation services, which include, among others, a policy for entry into the business, establishment of registration rates, and mandatory controlled substance and alcohol testing programs. In October 2017, Assembly Bill 1069 was enacted to modernize the regulation of taxicab transportation services in order for taxicabs to better compete with all for hire modes of transportation. In September, 2018, Assembly Bill 939 was subsequently enacted imposing additional duties on local governments related to taxicab transportation services. This Ordinance establishes a permitting process and regulatory structure consistent with the requirements of new state law.

##### **Section 1.015      Definitions**

As used in this Section:

- A. "AB 1069" means Assembly Bill 1069 *Local government: taxicab transportation services* as codified in Government Code Sections 53075.5, 53075.51, 53075.52 and 53075.53.
- B. "AB 939" means Assembly Bill 939 *Local government: taxicab transportation services* amending Government Code Sections 53075.5, 53075.51, and 53075.52.
- C. "Alternative Fuel Vehicle" means vehicles and engines that are designed for alternative fuels including but not limited to hydrogen, natural gas, propane; alcohols such as ethanol, methanol, and butanol; vegetable and waste-derived oils; and electricity.
- D. "Board" or "Board of Directors" means the Board of Directors of SunLine Services Group.
- E. "Business" means any person, firm, association, corporation, partnership or other entity that is established to operate or lease one or more taxicabs within the jurisdictional boundaries of SSG that is issued a permit by the Taxi Administrator pursuant to this Ordinance.
- F. "Business Permit" means the permit issued by SSG to a business authorizing the business to operate taxicab services in the jurisdictional boundaries of SSG.

- G. "Business Permit Fee" means the fees charged for issuance of the business permit.
- H. "Driver" means an individual natural person who drives or is allowed to drive a taxicab under the name of a business. This includes, but is not limited to: full time, regularly employed drivers; casual intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a business or who a taxicab at the direction of or with the consent of a business.
- I. "Jurisdictional Boundaries of SSG" means the territory within the jurisdictional boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School District, and that portion of the Coachella Valley Unified School District located within Riverside County, as such boundaries may be adjusted from time to time as allowed for under the law.
- J. "Permittee" means any business including any owners, investors, shareholders, partners, officers, directors and representatives acting on its behalf or driver that has been issued a permit pursuant to the Article I.
- K. "Rate Per Mile or Mileage Rate" means the charge to a taxicab passenger calculated and based on distance traveled by the taxicab vehicle.
- L. "SSG" means the joint powers authority established by Riverside County and Coachella Valley cities charged with the duties, obligations and responsibilities to implement and enforce this Ordinance and any related ordinance and any regulations promulgated pursuant thereto as directed by the SSG Board.
- M. "Substantially Located" shall have the same meaning as defined within Government Code Section 53075.5.
- N. "Taxicab" means every automobile or motor propelled vehicle, designed for carrying not more than eight persons, excluding the driver, where the driver's seat may be separated from the passenger's compartment by a glass or other partition used for the transportation of passengers for hire over the public streets in the jurisdictional boundaries of SSG, and not over a defined route, irrespective of whether the operations extend beyond the jurisdictional boundaries, in circumstances where the vehicle is routed under the direction of the passenger of the person hiring the same.
- O. "Taxi Administrator" means the General Manager of SSG or his/her designee.

**Section 1.020      Taxi Administrator**

- A.     The Taxi Administrator shall be authorized to carry out the permitting and regulation of businesses and drivers under this Chapter, and to enforce the provisions of this Chapter in compliance with California Government Code sections 53075.5 and 53075.51. The Taxi Administrator is authorized to promulgate and adopt regulations and procedures necessary to implement all provisions of this Chapter.

**Section 1.025      Delivery of Notices or Requests**

- A.     All notices or requests referred to in this Ordinance shall be delivered to the Administrative Office of SSG. All notices or requests referred to in the Ordinance of SSG to any business or individual shall be delivered to the address of record for the business or individual.
- B.     Delivery of any notice or request shall be effective as follows:
  - 1.     Immediately if given by personal delivery;
  - 2.     One (1) day after delivery if delivered by an overnight delivery service; and
  - 3.     Three (3) days after delivery if delivered by U.S. Mail.

**Section 1.030      Business Permit Required**

- A.     It is unlawful for any business to operate a taxicab or taxicabs without first having been issued a business permit from SSG if the business is substantially located within the jurisdictional boundaries of SSG.
- B.     A business permit may be obtained from SSG as provided below. The permit shall state the name of the taxicab company, location of principal operation, and the date of issuance. If the taxicab company and the driver are the same person, he or she shall apply for and obtain from SSG both a business permit and a driver permit.
- C.     An applicant for a business permit shall complete an application form which shall contain the following information:
  - 1.     Name of business as recorded in formation documents filed with the California Secretary of State or fictitious business name as registered with Riverside County;
  - 2.     Name, job title, and function of all owners, investors, shareholders, partners, officers, directors and representatives acting on the business' behalf;

3. Address of principal place of business from which the business conducts its activities;
  4. Address of all locations from which the business conducts its activities;
  5. Before any business permit is issued, the applicant shall procure and maintain, at its cost, comprehensive general liability and property damage insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the operation of taxicabs by the applicant, its agents, representatives, employees, or subcontractors and the owner of the vehicle;
  6. A list of the Vehicle Identification Numbers (“VIN”) of the taxicabs (“vehicle identification list”) which have annually passed a vehicle safety inspection at a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair;
  7. A current list of all drivers authorized to operate any vehicle on the required vehicle identification list;
  8. Verification of safety and education program as required by Government Code Section 53075.5;
  9. Verification of disabled access education program as required by Government Code Section 53075.5;
  10. Each applicant shall submit information establishing the total number of prearranged and non-prearranged trips that originate within the jurisdictional boundaries of SSG accounting for the largest share of the business' total number of trips over the applicable time period pursuant Government Code Section 53075.5; and,
  11. Each applicant shall provide SSG an address of an office or terminal where documents supporting the factual matters specified in Government Code Section 53075.5 may be inspected by SSG.
- D. The business permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Requirements to maintain the permit include:
1. Maintenance of a year-round computerized dispatch system capable of providing performance reports as required by Government Code Section 53075.5 and the Taxi Administrator;
  2. Proof of insurance per section 1.040;

3. Compliance with the maximum rates established per section 1.055;
  4. Implementation of mandatory controlled substance and alcohol testing program per section 1.060;
  5. Maintenance of safety education and training program;
  6. Maintenance of disabled access education and training program; and,
  7. Compliance with all operational requirements in Article II of this Chapter.
- E. At the time the application for a business permit is received, the applicant shall pay a business permit fee as established and amended from time to time by resolution of the Board. Fees shall be due and payable before receipt of the business permit. The Board may establish a procedure for a payment of the business permit fee in installments.
- F. At the time a business permit application is received, the applicant shall pay a taxicab vehicle fee. A permittee with a hybrid or alternative fuel vehicle shall pay an alternative fuel taxicab vehicle fee. Taxicab vehicle permit fees shall be due and payable before issuance of a business permit. The taxicab vehicle fee and alternative fuel taxicab vehicle fee may be adjusted by resolution of the Board. The Board may establish a procedure for payment of the taxicab vehicle fee in installments.
- G. The rights of appeal provided for by Section 1.070 are available to a business in the event that his or her business permit is denied based on the provisions of this Chapter.

**Section 1.035      Business Permit Renewal**

- A. Prior to the expiration of a business permit, the business may apply to SSG for a renewal thereof for an additional year. A business shall be entitled to a one (1) year renewal of the business permit provided that:
1. The business pays the business permit fee;
  2. The business pays the applicable taxicab vehicle fee;
  3. The business shows that it continues to be substantially located within the jurisdictional boundaries of SSG as defined in Government Code Section 53075.5;
  4. The business continues to comply with all provisions of Section 1.030.

- B. The rights of appeal provided for by Section 1.070 are available to a business in the event that renewal of his or her business permit is denied based on the provisions of this Chapter.

**Section 1.040      Insurance Required**

- A. The insurance policies required under this Chapter shall consist of and contain or be endorsed to contain the following provisions:

- 1. General Liability and Automotive Liability Coverage:

- a. SSG, its member entities, their officers, officials, employees, and volunteers are to be covered as insureds for liability related to:
  - i. Activities performed by or on behalf of the business;
  - ii. Premises owned, occupied, or used by the business; and,
  - iii. Automobiles owned or leased by the business.
- b. The permittee shall also carry Workers' Compensation Insurance in accordance with State of California Workers' Compensation laws.
- c. The coverage shall contain no special limitations on the scope of protection afforded to SSG, its member entities, their officers, officials, employees, agents, representatives, or volunteers.
- d. The business' insurance shall be primary insurance as respects SSG, its member entities, their officers, officials, employees, agents, representatives and volunteers, any insurance or self-insurance maintained by SSG, its member entities, their officers, officials, employees, agents, representatives or volunteers shall be in excess of the permittee's insurance and shall not contribute with it.
- e. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to SSG, its member entities, their officers, officials, employees and agents.
- f. Permittee's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.

- 2. All Coverage:

- a. Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, cancelled



by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to SSG.

- b. Permittee shall furnish SSG with a certificate of insurance and any applicable policies and endorsements affecting the coverage required hereunder. The policies and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. At SSG's option, endorsements and any certificates of insurance required by SSG shall be on forms provided or approved by SSG. All endorsements and certificates are to be received and approved by SSG prior to the operation of any taxicab by the permittee in the jurisdictional boundaries of SSG. SSG reserves the right to require complete certified copies of all insurance policies, including endorsements affecting the coverage required by this Ordinance, at any time and shall include, but not limited to, the obligation to indemnify, hold harmless, release and defend SSG.
- c. Business permittee shall include all individual drivers employed or retained by or subcontracted by permittee, agents, contractors, other sub-operators as may be permitted by SSG, as insureds under its policies or shall furnish separate certificates and endorsements for each sub-operator. All coverage for such sub-operators shall be subject to all of the requirements stated herein.
- d. The procuring of such insurance or the delivery or endorsements and certificates evidencing the same shall not be construed as a limitation of the permittee's obligation to indemnify, hold harmless, release and defend SSG, its member entities, their officers, officials, employees, agents, representatives, and volunteers from and against any and all liability, claims, suits, costs, expenses, fines, judgments, settlements, charges or penalties, including reasonable attorney's fees, regardless of the merit or outcome of the same arising out of, or in any manner connected with, any or all of the operations or services authorized conducted or permitted under this Ordinance.
- e. The amount of insurance required hereunder shall be as follows:
  - i. For injury or death in any one accident or occurrence, three hundred and fifty thousand dollars (\$350,000.00);
  - ii. For the injury or destruction of property in any one accident or occurrence, three hundred fifty thousand dollars (\$350,000.00);

- iii. For combined single limits of liability for primary bodily injury and primary property damage, three hundred fifty thousand dollars (\$350,000.00);
  - iv. For employer's liability, with limits of three hundred fifty thousand dollars (\$350,000.00).
- f. It shall be the responsibility of all permittees to provide and maintain insurance coverage in compliance with the provisions of this Ordinance to cover each and every driver that operates a vehicle as a taxicab. The permittee shall further ensure that appropriate certificates of insurance reflecting the coverage are on file with SSG at all times.
3. Insurance required by this Section shall be satisfactory only if issued by companies having at least an A- Best Insurance Rating or equivalent, and are admitted to do business in California. All applicants are required to comply with this Section prior to the issuance of any business permit.
4. Permittees are responsible to ensure compliance with all of the foregoing insurance requirements and regulatory provisions related to such requirements. Responsibility on the part of the permittee includes ensuring that any vehicle owner whose vehicle is operated under the business permittee's name maintains insurance and provides SSG with proof of the same at all times that each vehicle is operated. Failures to comply with the foregoing insurance requirements which affect the business as a whole shall result in immediate suspension of the permit. Failure to comply with the foregoing insurance requirements three (3) times within a calendar year constitutes grounds for revocation of the permit.

**Section 1.045      Driver Permit Required**

- A. It is unlawful for any person to drive a taxicab without having first obtained a driver permit from SSG. A driver permit may be obtained as provided below.
- B. An applicant for a driver permit shall complete an application which shall contain the following information:
  - 1. Applicant's full name, residence, address and age;
  - 2. A listing of all equivalent permits which have been issued to the applicant by any governmental agency;
  - 3. Applicant's height, weight, gender and color of eyes and hair;

4. The number and expiration date of the applicant's California Driver's License;
  5. All moving violations within the last 3 years, including dates of violations and the jurisdiction where each violation occurred;
  6. Authorization for SSG, or its agents or employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant; and
  7. The name of the business with whom the applicant is employed or who has given the applicant an offer of employment within the meaning of Government Code Section 53075.5.
- C. At the time the applicant submits an application for a driver permit, the applicant shall do all of the following:
1. Provide SSG with a copy of the fingerprint based criminal history check conducted by the business pursuant to Government Code Section 53075.5;
  2. Provide SSG with a copy of the results of the drug and alcohol test as conducted by the business pursuant to Government Code Section 53075.5 and Section 1.060 of this Ordinance;
  3. Payment of driver permit fee as established and amended from time to time by resolution of the Board. The driver permit fee shall be due and payable before receipt of the driver permit.
- D. The Taxi Administrator may accept the submission of a permitted business' driver application that provides all the information required in subsections B and C above in lieu of the driver application provided by SSG.
- E. The driver permit shall state the name of the employer.
- F. In the event of denial, revocation or suspension of a driver permit, the applicant may within 10 days of notification of denial apply to SSG for a hearing on the denial in accordance with the procedures set forth in Section 1.070.
- G. The driver permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Termination of the driver's California Driver's License shall constitute grounds for revocation of the driver permit authorized hereunder.
- H. Upon termination of employment within the meaning of Government Code Section 53075.5 the permit shall become void. In such case, the driver shall immediately return the driver permit to SSG. Upon return of the driver

permit, the driver may re-apply for a driver permit, provided that the driver complies with the requirements for issuance of a driver permit under this Section.

**Section 1.050      Driver Permit Renewal**

- A. Prior to the expiration of a driver permit, the driver may apply to SSG for a renewal thereof for an additional year. A driver shall be entitled to a one (1) year renewal of the driver permit provided that:
  - 1. The driver pays a permit renewal fee as established and amended from time to time by resolution of the Board;
  - 2. The driver submits to permit-renewal controlled substances and alcohol testing as provided by Government Code Section 53075.5;
  - 3. The results of controlled substances and alcohol testing indicate that the driver has not been using a controlled substance as specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations;
  - 4. The results of such testing indicate that the driver has a breath concentration of less than 0.02 percent on an alcohol screening test; and,
  - 5. The driver has not been convicted of any of the crimes, including but not limited to, those crimes enumerated in Section 1.065 during the preceding year.
- B. The rights of appeal provided for by Section 1.070 are available to a driver in the event that renewal of his or her driver permit is denied based on the provisions of this Chapter.

**Section 1.055      Rates**

- A. No permittee operating in the jurisdictional boundaries of SSG may charge a rate in excess of the maximum rate of \$12.00 per mile or as established by resolution of the Board. A permittee may charge a rate that is less than the maximum rate set by SSG. Permittees may set fares or charge a flat rate as made permissible by Government Code Section 53075.5. Maximum rates may be adjusted annually by resolution of the Board.
- B. The Board may from time to time establish maximum flat rates for special events or fixed routes.
- C. A permittee may use any type of device or technology approved by the Division of Measurement Standards to calculate fares as provided for in Government Code Section 53075.5.

- D. The permittee shall disclose fares, fees or rates to the customer as provided for in Government Code Section 53075.5.
- E. The permittee shall notify the passenger of applicable rates prior to the passenger accepting the ride for walk up rides and street hails as provided for in Government Code Section 53075.5.

**Section 1.060      Mandatory Controlled Substance and Alcohol Testing Program**

- A. Each permittee shall maintain a mandatory controlled substance and alcohol testing certification program conforming to all requirements as set forth in California Government Code Section 53075.5 and Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations.
- B. Each business shall maintain a written drug and alcohol policy as required by Government Code Section 53075.5 and proof that the business has implemented a drug and alcohol certification program covering all of its drivers.
- C. No business shall permit a driver who refuses to submit to such tests to operate or continue to operate a taxicab.
- D. In the case of self-employed independent driver within the meaning of Government Code Section 53075.5, the test results shall be reported directly to SSG. In all other cases, the test results shall be reported to the business who has employed or made an offer of employment to the driver within the meaning of Government Code Section 53075.5.
- E. Results of all tests provided for in this section are confidential and shall not be released to the public without the written consent of the driver, except as provided by law.

**Section 1.065      Denial, Revocation, or Suspension of Permits**

- A. In addition to any other reason provided for in this Chapter, a permit may be denied, suspended or revoked when it has been determined that the business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf:
  - 1. Has not complied with the applicable provisions of Article I; or
  - 2. Has failed to cure any item listed in 60 day warning for failure to comply with any requirements of permit issuance; or
  - 3. Has been issued three (3) 60 day warnings of failure to comply with any requirements of this Chapter within a period of twelve (12) months; or

4. Has knowingly made a false statement of fact in an application for such permit; or
5. Has any outstanding balance owed to SSG; or
6. Has charged rates or fares exceeding the maximum rates other than those permitted by Section 1.055.

B. Business and Driver Criminal Conduct

1. A permit may be denied, suspended or revoked when it has been determined that the business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf or driver has been convicted of any of the following crimes within the timeframes set forth below, whether committed in the State of California or elsewhere. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere:
  - a. Any conviction regardless of the time elapsed, in any state, of any of the following or their equivalent:
    - i. Any crime (apart from adult same-sex consensual sexual behavior) which requires the applicant to register as a sex offender under California Penal Code §290 shall require denial or revocation; or
    - ii. Any felony involving actual or threatened violence against persons, including, but not limited to, assault, battery, robbery or the use of a firearm or other weapon against a person.
  - b. Any conviction (felony or misdemeanor) within the past 7 years of any crime involving theft or dishonesty, including, but not limited to, burglary, theft, shoplifting or other crime related to fraud or intentional dishonesty; or
  - c. Any conviction (felony or misdemeanor) within the past 7 years of any crime involving the sale, possession or transportation of narcotics or other controlled substances; or
  - d. Any conviction (misdemeanor or felony) within the past 3 years of any crime involving pandering or prostitution.
2. In addition to the crimes listed above, no driver permit shall be granted to an applicant who has been convicted of three (3) or more moving violations within three years previous to submission of the application. Any permit previously granted shall be revoked for any

driver who has been convicted of three (3) or more moving violations within three years.

3. In addition, if an applicant has been convicted of, or pled nolo contendere at any time within the past seven (7) years, to a violation related to driving under the influence of alcohol or drugs, the applicant shall be disqualified and the application shall be denied. If after issuance of a permit to a driver, the driver is convicted of, or pleads nolo contendere to, a violation related to driving under the influence of alcohol or drugs, the driver's permit shall be revoked.
- D. In addition to the foregoing, a driver permit may be suspended, revoked or denied in the event that:
1. A driver is involved in an accident due to a medical condition that prevents the driver from safely operating a vehicle, or;
  2. A medical condition that prevents a driver from safely operating a vehicle otherwise comes to SSG's attention. Any driver whose permit has been suspended, revoked or denied due to a prohibitive medical condition as described above, shall be entitled to a permit upon certification by a medical doctor that the condition is correctable, has been corrected and will continue to be corrected.
- E. In addition to the above, any driver permit may be suspended or revoked for any crime which is substantially related to the qualifications, functions, or duties of a driver which include, but are not limited to, the following: reckless driving; wet reckless driving; murder; rape; vehicular manslaughter; a violation of California Vehicle Code Sections 20001, 20002, or 20003 or any corresponding substitute Sections; robbery; a violation of California Penal Code Section 314 or any corresponding substitute Section; pandering; crimes related to the use, sale, possession, or transportation of narcotics or intoxicating liquors; assault; battery; or indecent exposure.
- F. Any driver permit may also be suspended for and during the period that the payment of any citation remains outstanding after all appeal periods have been exhausted.
- G. From the time of the revocation or suspension of a driver permit granted under the provisions of this Chapter, it is unlawful for any person whose driver's permit has been suspended or revoked to operate or drive a taxicab within the jurisdictional boundaries of SSG until a new permit has been procured or the period of suspension has expired. It is also unlawful for any person to drive or operate within the jurisdictional boundaries of SSG any taxicab during the period of time that a permit has been revoked, terminated or suspended.

- H. In the event the permittee appeals any denial, suspension, or revocation of a permit issued under this Section, the appeal procedures of Section 1.070 shall apply.

**Section 1.070      Appeal Hearings**

- A. Any person aggrieved by any determination under the provisions of this Chapter shall be entitled to appeal that decision as provided herein. Any recipient of an administrative citation may contest that there was a regulatory violation or that he or she is the responsible party.
- B. A request for hearing must be made within ten (10) days following the delivery of notice of the decision of the Taxi Administrator which is challenged by delivery of the request for hearing at the administrative offices of SSG together with:
  - 1. An advance deposit of any fine or a notice of request for an advance hardship waiver pursuant to Section 1.075; and
  - 2. Payment of an appeal fee as established by resolution of the Board of Directors.
- C. Upon satisfaction of the foregoing, SSG shall set a hearing within thirty (30) days of delivery of the request for hearing, or as soon thereafter as reasonably practical. The Taxi Administrator shall appoint a hearing officer.
  - 1. If the appeal is of: (1) a decision to deny, suspend, revoke or terminate a permit; or (2) an administrative fine or penalty imposed pursuant to an administrative citation in excess of \$2,000.00, the Taxi Administrator shall refer the matter to the administrative hearing officer under contract with SunLine, or a retired judge or an administrative law judge with the California State Office of Administrative Law Judges.
  - 2. If the appeal is of a decision to impose a(n) administrative fine(s) or penalty(ies) pursuant to an administrative citation whose total is less than \$2,000.00, the Taxi Administrator shall refer the matter to an employee who shall serve as the hearing officer.
- D. SSG shall notify the appealing party of the time and date for the hearing, which notice shall be delivered at least fifteen (15) days prior to the hearing.
- E. The hearing officer shall conduct an administrative hearing. The administrative hearing allows SSG and the appealing party to be represented by an attorney, to present evidence related to the alleged violations, to cross examine witnesses who have testified, and to argue their positions. The administrative hearing shall be informal and technical rules



of evidence, including but not limited to, the hearsay rule, shall not apply. Oral testimony received at the hearing shall be taken only on oath, affirmation, or penalty of perjury. The right to cross examine witnesses shall not preclude the introduction and consideration of written statements whether made under oath or not. The proceedings shall be recorded or otherwise preserved. It is the intent of SSG that the hearing officer allow wide latitude in introduction of evidence and the holdings and discussions concerning informality of hearings and relaxed rules of evidence set forth in *Mohilef v. Janovici* (1986) 56 Cal.App.4<sup>th</sup> 310 apply to the fullest extent to all the hearings conducted under this Ordinance.

- F. If the appealing party fails to appear, the hearing officer may conduct the hearing in the Party's absence and/or may render a decision to dismiss the matter.
- G. After consideration of the evidence presented by all parties, the hearing officer shall render written decision which sets forth a statement of the case, any relevant findings of fact to support the decision and administrative enforcement order. If the hearing officer finds one or more of the alleged violations has been committed, he or she may suspend, revoke, or terminate any permit and/or impose administrative monetary penalties in accordance with the limits set forth in this Ordinance. In determining whether to suspend or revoke any permit or to impose administrative monetary penalties, the hearing officer shall take into consideration the gravity of the violation, the entire record of the party requesting the hearing, and the harm threatened to the public by the violation.
- H. The decision of the hearing officer shall be final and the party requesting the hearing shall be notified in writing of the decision of the hearing officer. Such decision shall be delivered within fifteen (15) days from the date the hearing is concluded.
- I. Any review of a decision by the hearing officer brought pursuant to an administrative citation shall be governed by the provisions of Government Code Section 53069.4. Review of any other final decision under this Ordinance shall be governed by Code of Civil Procedure Section 1094.5, *et seq.*
- J. With the exception of the conviction of a crime which requires registration as a sex offender under California Penal Code Section 290, in any case where a driver permit is denied due to a criminal conviction, the applicant shall be entitled to apply the driver permit application fee towards the appeal fee from such denial. In the event that a driver permit is granted on such appeal, the applicant shall pay the driver permit fee in full prior to issuance of a permit.

**Section 1.075      Advance Deposit Hardship Waiver**

- A. Any person who intends to request a hearing to contest that there was a regulatory violation or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine under Section 1.070 may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the SSG on an advance deposit hardship waiver application form within ten (10) days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in subsection A above shall be stayed unless or until the SSG makes a determination not to issue the advance deposit hardship waiver.
- D. SSG may waive the requirement of an advance deposit set forth in Section 1.070 and issue the advance deposit hardship waiver only if the cited party submits a sworn affidavit, together with any supporting documents or materials demonstrating the person's actual financial inability to deposit with SSG the full amount of the fine in advance of the hearing.

**Section 1.080      Administrative Citation**

- A. Whenever an enforcement officer charged with the enforcement of any regulation determines that a violation has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation. In instances in which a driver is cited for a violation, the business may also be cited.
- B. Each administrative citation shall contain the following information:
  - 1. The date of the violation;
  - 2. The address or a definite description of the location where the violation occurred;
  - 3. The section of the regulation violated and a description of the violation;
  - 4. The amount of the fine for the violation;
  - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
  - 6. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;

7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
8. The name and signature of the citing enforcement officer.

**Section 1.085      Fines and Penalties**

- A. The minimum fine for violation of Article I of this Chapter shall be one thousand dollars (\$1,000.00).
- B. The minimum fine for operating a taxicab without a valid permit(s) to operate issued by SSG shall be five thousand dollars (\$5,000.00).
- C. The fine shall be paid to SSG within thirty (30) days from the date of the administrative citation.
- D. If the fine is challenged by an administrative hearing as set forth in Section 1.070 and the hearing officer determines that the administrative citation shall be upheld, then the fine amount on deposit with SSG shall be retained by SSG.
- E. If after a hearing under Section 1.070, the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the fine shall be due within thirty (30) days of the date of the decision of the hearing officer is deposited in the mail. Failure to pay the fine within such period shall result in the suspension of the driver permit of the driver until such time as payment is made.
- F. If after a hearing under Section 1.070 the hearing officer determines that the administrative citation should be canceled and the fine was deposited with SSG, then SSG shall promptly refund the amount of the deposited fine, together with interest at the rate of five percent (5%) per annum for the period of time that the fine amount was held by SSG.
- G. Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the regulatory violation that is the subject of the administrative citation.

**Section 1.090      Late Payment Charges**

- A. Any person who fails to pay to SSG any fine imposed pursuant to the provisions of the Ordinance of SSG on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. In addition, the permit of the driver involved may be suspended pending payment.

**Section 1.095      Recovery of Administrative Citation Costs**

- A.      SSG may collect any past due administrative citation fine or late payment charge by use of all available legal means. SSG also may recover its collection costs, including any attorneys' fees.

**Section 1.200      Airports**

- A.      Nothing in this Chapter shall prevent Palm Springs Regional Airport or any other publicly owned airport from regulation of taxicab access or from charging access/permit fees.

## ARTICLE II

### OPERATING REQUIREMENTS

#### Section 2.010 Driver Standards and Appearance

- A. All drivers shall have in his or her immediate possession a valid California Driver's License and a driver permit issued by SSG while in charge of or driving a taxicab and shall present either upon request.
- B. All drivers shall be at least 18 years old.
- C. No driver shall be afflicted with either a physical or mental incapacity or ailment that would preclude him or her from safely operating a taxicab and performing the duties normal to such profession.
- D. All drivers shall be well groomed and dressed in a neat and clean fashion at all times while on duty. At a minimum, attire shall include a collared shirt or blouse covering the shoulders, knee length shorts or skirt or long pants and closed toe shoes. T-shirts, spaghetti or strapless shirts, open toe shoes, flip flops and sandals are prohibited. A driver shall wear an identification badge at all times while on duty. At a minimum, the shirt, blouse or identification badge worn by the driver must bear the driver's name and company logo.
- E. All drivers shall provide prompt, efficient service and be courteous at all times to the general public, the business community, all other taxicab drivers and SSG or local government administrators/officers. Smoking and the use of profanity is prohibited. Disputes with the general public, the business community, other taxicab drivers and those in charge of taxicab stands on private property shall be resolved in a professional manner with a goal of maintaining a favorable public image for the taxicab industry.
- F. All drivers shall be adequately rested, and shall not operate a taxicab for more than 10 consecutive hours, nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, no driver shall drive a taxicab until eight consecutive hours have elapsed.
- G. All drivers shall not engage in conduct or verbally threaten to engage in conduct which is dangerous or violent such that the safety of the traveling public, SSG employees or agents, taxicab drivers or other persons, is implicated.
- H. All drivers shall not engage in argumentative or discourteous conduct toward the public, a passenger, other taxicab drivers or other persons while on call to provide taxicab service or in the course of providing such service.

- I. All drivers shall not have been convicted of any of the crimes within the timeframes as set forth in Section 1.065 of this Chapter, whether committed in the State of California or elsewhere. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

**Section 2.015      Taxi Administrator**

- A. The Taxi Administrator or his/her designee may adopt, by ordinance, operating requirements for taxicab companies and taxicab drivers that do not relate to permitting or business licensing pursuant to Government Code Section 53075.51.

**Section 2.020      Fines and Penalties**

- A. The minimum fine for violation of Article II of this Chapter shall be one hundred dollars (\$100.00).

## SunLine Transit Agency

**DATE:** December 5, 2018 **ACTION**

**TO:** Taxi Committee  
Board of Directors

**FROM:** Peter Gregor, Taxi Administrator  
Erica Vega, Assistant General Counsel

**RE:** Resolution No. 086 Setting Fees

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### **Recommendation**

Recommend that the Board of Directors approve the attached Resolution No. 086 which sets fees for January 2019 through June 2019.

### **Background**

Pursuant to AB 1069, Taxi Ordinance 2018-01 shall take effect January 1, 2019, eliminating the franchise system. The proposed fee structure is based on the FY 2019 budget, approved by the Board in June 2018. Resolution No. 086 allows SunLine Services Group to meet its budget requirement for the remainder of FY 2019. The resolution proposes the following fee additions/changes:

- Elimination of surcharge
- Taxi Business Permit of \$29,170.00 covering the months of January 2019 through June 2019
- Business permit reinstatement fee of \$10,000
- Late payment fee of \$25 not to exceed \$1,000
- New driver permit fee reduced to \$45
- Driver permit renewal fee reduced to \$25

### **Financial Impact**

The proposed fee schedule is designed to generate sufficient revenue to sustain SRA's regulatory mandate.

# SUNLINE SERVICES GROUP

## RESOLUTION NO. 086

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUNLINE SERVICES GROUP, CALIFORNIA, ADOPTING FEES FOR TAXICAB SERVICES WITHIN THE COACHELLA VALLEY

**WHEREAS**, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Services Group (SSG) desire to provide for the orderly, efficient, and safe operation of taxicab services within the Coachella Valley;

**WHEREAS**, SSG and its Board of Directors is authorized pursuant to Government Code Section 53075.5 to levy by resolution, fees in an amount sufficient to pay for the costs of carrying out Ordinance No. 2018-01 regulating taxicab services within the Coachella Valley; and

**WHEREAS**, the Board of Directors hereby finds that the fees established herein are imposed solely to recover the actual and reasonable costs of regulating taxicabs within the Coachella Valley, and therefore is not a tax under Article 13C, Section 1 of the California Constitution.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of Sunline Services Group that:

1. Definitions. The following terms shall have the meanings ascribed to them below. Terms that are not specifically defined below shall have the meaning provided for in Ordinance No. 2018-01:

- 1.1 BUSINESS PERMIT means the permit issued by SSG to a business authorizing the business to operate taxicab services in the jurisdictional boundaries of SSG as provided for in Ordinance No. 2018-01.
- 1.2 DRIVER PERMIT means the permit issued by SSG to an individual person authorizing the individual to control and manage a taxicab as provided for in Ordinance No. 2018-01.
- 1.3 VEHICLE FEE means a non-transferrable authorization to drive or operate a vehicle in an authorized taxicab transportation service within the jurisdictional boundaries of SSG, whether as owner, lesser, lessee or otherwise.

2. As a condition precedent to issuance of a permit as authorized by SSG Ordinance 2018-01, all applicable fees shall be paid in full at the time an application has been approved, unless otherwise provided for in Section 3 of this Resolution. The following fees shall be charged for the administration and regulation of taxicab services within the Coachella Valley:



New Business Permit	\$ 29,170.00
Business Permit Renewal	\$ 29,170.00
Business Permit Reinstatement Fee	\$ 10,000.00
New Driver Permit	\$ 45.00
Driver Permit Renewal	\$ 25.00
Driver Permit Reinstatement Fee	\$ 25.00
Driver Permit Replacement	\$ 5.00
Vehicle Fee, New	\$ 600.00
Vehicle Fee, New, Alt. Fuel/Hybrid/ADA	\$ 450.00
Vehicle Fee, Renewal	\$ 600.00
Vehicle Fee, Renewal, Alt. Fuel/Hybrid/ADA	\$ 450.00
Vehicle Fee, Reinstatement	\$ 65.00
Appeal Fee	\$ 100.00

3. Installment Payments.

3.1 The Board of SSG hereby authorizes the Taxi Administrator to accept payments of "New Business Permit" and "Business Permit Renewal" fees in monthly installments of four thousand eight hundred sixty one dollars and sixty six cents (\$4,861.66) each with the initial installment payment being due as a condition precedent to issuance of such permit.

3.2 Installment payments shall be due on the first day of the month.

4. Late Payments.

4.1 A payment is late if not paid on or before the first day of each month. Late payments impose a late payment fee of \$25.00 per day the payment is delinquent, not to exceed \$1000.00.

5. This Resolution shall take effect January 1, 2019.

ADOPTED this 5th day of December, 2018.

ATTEST:

\_\_\_\_\_  
 Brittney B. Sowell  
 Clerk of the Board  
 SunLine Transit Agency

\_\_\_\_\_  
 Troy Strange  
 Chairman of the Board  
 SunLine Services Group

APPROVED AS TO FORM:

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Eric S. Vail  
General Counsel

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF RIVERSIDE    )

I, BRITTNEY B. SOWELL, Clerk of the Board of Directors of the SunLine Services Group, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the Board of Directors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Brittney B. Sowell  
Clerk of the Board  
SunLine Services Group

**SunLine Services Group**

**DATE:** December 5, 2018 **INFORMATION**

**TO:** Taxi Committee  
Board of Directors

**FROM:** Peter Gregor, Taxi Administrator

**RE:** SunLine Regulatory Administration (SRA) Status

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**Background**

The effect AB1069 will have on the taxi industry throughout the Coachella Valley has yet to be identified. The implementation of AB1069 is going to be new for SRA and the organization as well as the taxicab businesses. Although some regulatory responsibility will shift from SRA to the taxicab businesses, the need for taxi regulation remains.

Over the last three (3) fiscal years, SRA's revenue has decreased and is currently running at a deficit for FY19. SRA will use reserve funds to cover this deficit. During this time, SRA has worked diligently to reduce costs by reorganizing the department and maximizing administrative coverage. SRA will continue to be proactive in its efforts, looking to again reorganize the department to further drive down costs.

Staff will be conducting an assessment of its business needs, staffing requirements, and the effect AB1069 has on the taxi industry, looking for ways to ease the fiscal burden for the taxi businesses. Staff will be providing updates and keeping the Taxi Committee apprised of their findings.