



SunLine Services Group
September 26, 2018
9:45 a.m.– 10:30 a.m.

AGENDA

TAXI COMMITTEE
Wellness Training 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.

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. ROLL CALL
3. PRESENTATIONS
4. FINALIZATION OF AGENDA
5. PUBLIC COMMENTS

RECEIVE COMMENTS

NON AGENDA ITEMS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; 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. Comments may be limited to 3 minutes in length.

ITEM

RECOMMENDATION

6. COMMITTEE MEMBER COMMENTS

RECEIVE COMMENTS

7. CONSENT CALENDAR

RECEIVE & FILE

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.

7a) Checks \$1,000 and Over Report for June & July 2018

(PAGE 3-5)

7b) Monthly Budget Variance Report for June & July 2018

(PAGE 6-10)

7c) Taxi Vehicle/Rides Analysis July & August 2018

(PAGE 11-14)

7d) Metric (Taxi Expense vs Taxi Revenue) June & July 2018

(PAGE 15-17)

8. **DRAFT TAXI ORDINANCE NO. 2018-01**

DISCUSSION

(Staff: Peter Gregor, Taxi Administrator and
Eric Vail, General Counsel)

(PAGE 18-40)

9. ADJOURN

SunLine Services Group**CONSENT CALENDAR**

DATE: September 26, 2018

RECEIVE & FILETO: Taxi Committee
Board of Directors

RE: SSG/SRA Checks \$1,000 and Over Report for June & July 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 June, the largest payment represents reimbursement made to Sunline Transit Agency (STA) for SunLine Regulatory Administration (SRA) for allocations of overhead costs for SRA operations. Additionally, it includes payments made for legal service costs.
- For the month of July, the largest payment issued was for legal service costs. Additionally, it includes payments made to STA for allocations of SRA employees paid through the regular payroll process.

Recommendation:

Receive and file.

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

Vendor Filed As Name	Description	Check #	Payment Date	Payment Amount
SUNLINE TRANSIT AGENCY	Jan-May 2018 Operating Expense Allocation	90524	06/29/2018	21,570.25
BURKE, WILLIAMS & SORENSEN, LLP	May 2018 Legal Service	90515	06/15/2018	5,393.40
SUNLINE TRANSIT AGENCY	Payroll Liabilities 6/1/18	90513	06/04/2018	4,775.98
SUNLINE TRANSIT AGENCY	Payroll Liabilities 6/15/18	90520	06/15/2018	4,709.52
SUNLINE TRANSIT AGENCY	Payroll Liabilities 6/29/18	90525	06/29/2018	4,223.11
SUNLINE TRANSIT AGENCY	June 2018- SRA Overhead Allocations	90514	06/08/2018	2,371.67
BURKE, WILLIAMS & SORENSEN, LLP	Apr 2018 Legal Service	90512	06/04/2018	1,536.00
Total Checks Over \$1,000	\$44,579.93			
Total Checks Under \$1,000	\$199.00			
Total Checks	\$44,778.93			

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

Vendor Filed As Name	Description	Check #	Payment Date	Payment Amount
BURKE, WILLIAMS & SORENSEN, LLP	June 2018 Legal Service	90526	07/13/2018	7,680.00
SUNLINE TRANSIT AGENCY	Payroll Liabilities 7/27/18	90531	07/31/2018	3,537.70
SUNLINE TRANSIT AGENCY	Payroll Liabilities 7/13/18	90529	07/17/2018	3,369.79
SUNLINE TRANSIT AGENCY	July 2018- SRA Overhead Allocations	90530	07/19/2018	2,903.75
Total Checks Over \$1,000	\$17,491.24			
Total Checks Under \$1,000	\$123.06			
Total Checks	\$17,614.30			

SunLine Services Group**CONSENT CALENDAR**

DATE: September 26, 2018

RECEIVE & FILETO: Taxi Committee
Board of Directors

RE: Monthly Budget Variance Report for June & July 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 1/12th 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.

For June:

- As of June 30, 2018, the organization's revenues are \$29,630 under budget or 11.7% below the YTD budget. Expenditures are \$8,840 under budget or 3.5% below the YTD budget.
- The net YTD operating gain (loss) after expenses is (\$20,790).
- YTD-June information is based on unaudited financials and is subject to change. Once the year end audit is complete, data will be updated.

For July:

- As of July 31, 2018, the organization's revenues are \$8,839 under budget or 57.0% below the YTD budget. Expenditures are \$11,451 under budget or 43.8% below the YTD budget.
- The net YTD operating gain (loss) after expenses is (\$8,061).

Recommendation:

Receive and file.

SunLine Regulatory Administration
Budget Variance Report
June 2018

Description	FY 18 Total Budget	Current Month			Year to Date			
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 18 YTD Budget	Favorable (Unfavorable)	Percentage Remaining
Revenues:								
Meter Readings	156,497	6,607	13,041	(6,434)	138,991	156,497	(17,507)	11.2%
Revenue Fines	2,000	0	167	(167)	3,326	2,000	1,326	-66.3%
New Driver Permit Revenue	4,000	0	333	(333)	6,570	4,000	2,570	-64.3%
Driver Transfer Revenue	850	0	71	(71)	850	850	0	0.0%
Driver Renewal Revenue	9,200	150	767	(617)	6,250	9,200	(2,950)	32.1%
Driver Permit Reinstatement/Replacement	150	0	13	(13)	15	150	(135)	90.0%
Vehicle Permit Revenue	80,900	0	6,742	(6,742)	67,950	80,900	(12,950)	16.0%
Other Revenue	-	0	0	0	15	0	15	-100.0%
Total Revenue	253,597	6,757	21,133	14,376	223,967	253,597	(29,630)	11.7%
Expenses:						0		
Salaries and Wages	104,987	10,014	8,749	(1,265)	119,243	104,987	(14,256)	-13.6%
Fringe Benefits	69,092	3,389	5,758	2,369	60,199	69,092	8,893	12.9%
Services	48,300	7,878	4,025	(3,853)	41,384	48,300	6,916	14.3%
Supplies and Materials	5,203	251	434	182	4,246	5,203	957	18.4%
Utilities	4,258	355	355	0	4,258	4,258	0	0.0%
Casualty and Liability	12,112	1,009	1,009	0	12,112	12,112	0	0.0%
Taxes and Fees	20	4	2	(2)	281	20	(261)	-1305.1%
Miscellaneous	9,625	63	802	739	3,033	9,625	6,592	68.5%
Total Expenses	253,597	22,963	21,133	(1,830)	244,757	253,597	8,840	3.5%
Total Operating Surplus (Deficit)	\$ -	\$ (16,206)			\$ (20,790)			

Budget Variance Analysis - SunLine Regulatory Administration

Revenue - Unfavorable

- The unfavorable variance in revenues is mainly attributed to a continued decline in taxi trips. As of YTD Fiscal Year 2017/18 there is a decrease of 85,725 Taxi Trips compared to the YTD Fiscal Year 2016/17.

Taxi Trips				
	FY17-Jun	FY18-Jun	Variance	%Δ
Trips	18,273	13,640	(4,633)	-25.4%

Taxi Trips				
	YTD-FY17	YTD-FY18	Variance	%Δ
Trips	363,761	278,036	(85,725)	-23.6%

- Vehicle permit revenue has an unfavorable variance due to a decrease in permitted taxi cabs. In the Fiscal Year 2016/17 there were 150 permitted taxicabs. In the Fiscal Year 2017/18 there are 123 permitted taxi cabs. In FY 2017/18 the franchises have not been putting as many vehicles on the road due to reduced demand and difficulty obtaining drivers.

Salaries and Wages - Unfavorable

- Allocated salary expenses have been higher October through June to assist with Agency needs.

Fringe Benefits - Favorable

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

Services - Favorable

- The favorable variance is primarily attributed to actual legal and auditing service costs being lower than the budgeted amount.
- The unfavorable variance in June is due to expenses incurred for legal services general. Legal counsel conducted review and analysis of AB 1069, and the Taxi Cab Ordinance for the Taxi Committee.

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

- The unfavorable variance is attributed to the California User Fuel Tax. The tax was determined after an audit of usage from 01/01/14 to 12/31/16. A \$249.19 payment was made to the state board of equalization.

Miscellaneous - Favorable

- The favorable balance is mainly attributed to travel and training expenses not incurred, and lower bank adjustment fees.

SunLine Regulatory Administration
Budget Variance Report
July 2018

Description	FY 18 Total Budget	Current Month			Year to Date			
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 18 YTD Budget	Favorable (Unfavorable)	Percentage Remaining
Revenues:								
Meter Readings	104,674	6,276	8,723	(2,447)	6,276	8,723	(2,447)	94.0%
Revenue Fines	3,000	0	250	(250)	0	250	(250)	100.0%
New Driver Permit Revenue	9,000	180	750	(570)	180	750	(570)	98.0%
Driver Transfer Revenue	1,000	0	83	(83)	0	83	(83)	100.0%
Driver Renewal Revenue	10,000	200	833	(633)	200	833	(633)	98.0%
Driver Permit Reinstatement/Replacement	25	0	2	(2)	0	2	(2)	100.0%
Vehicle Permit Revenue	58,242	0	4,854	(4,854)	0	4,854	(4,854)	100.0%
Other Revenue	-	0	0	0	0	0	0	-100.0%
Total Revenue	185,941	6,656	15,495	8,840	6,656	15,495	(8,840)	96.4%
Expenses:								
Salaries and Wages	112,555	7,666	9,380	1,714	7,666	9,380	1,714	93.2%
Fringe Benefits	70,138	4,200	5,845	1,645	4,200	5,845	1,645	94.0%
Services	96,000	795	8,000	7,205	795	8,000	7,205	99.2%
Supplies and Materials	5,019	109	418	309	109	418	309	97.8%
Utilities	4,816	401	401	0	401	401	0	91.7%
Casualty and Liability	17,774	1,481	1,481	0	1,481	1,481	0	91.7%
Taxes and Fees	20	3	2	(1)	3	2	(1)	85.0%
Miscellaneous	7,690	62	641	579	62	641	579	99.2%
Total Expenses	314,012	14,717	26,168	11,451	14,717	26,168	11,451	95.3%
Total Operating Surplus (Deficit)	\$ (128,071)	\$ (8,061)			\$ (8,061)			

Budget Variance Analysis - SunLine Regulatory Administration

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 4,334 Taxi Trips compared to the YTD Fiscal Year 2017/18.

Taxi Trips				
	FY18-July	FY19-July	Variance	%Δ
Trips	17,310	12,976	(4,334)	-25.0%

Taxi Trips				
	YTD-FY18	YTD-FY19	Variance	%Δ
Trips	17,310	12,976	(4,334)	-25.0%

- 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 - Favorable

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

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

- Budget is twelve-period allocation.
In July a CA user fuel tax was paid, the tax is paid on an annual basis.

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: July 26, 2018

RECEIVE & FILE

TO: Taxi Committee
Board of Directors

RE: Taxi Vehicle/Rides Analysis July & August 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, compared to the same months for the two previous fiscal years. A second graph shows the total taxi trips for the current fiscal year compared to the two previous fiscal years. The graph illustrates a steady decline in taxi demand. July and August are generally the two slowest months of the year due to the seasonal nature of the industry.

Recommendation:

Receive and file.

JULY 2018 TRIPS PER VEHICLE
(business volumes, averaged values)

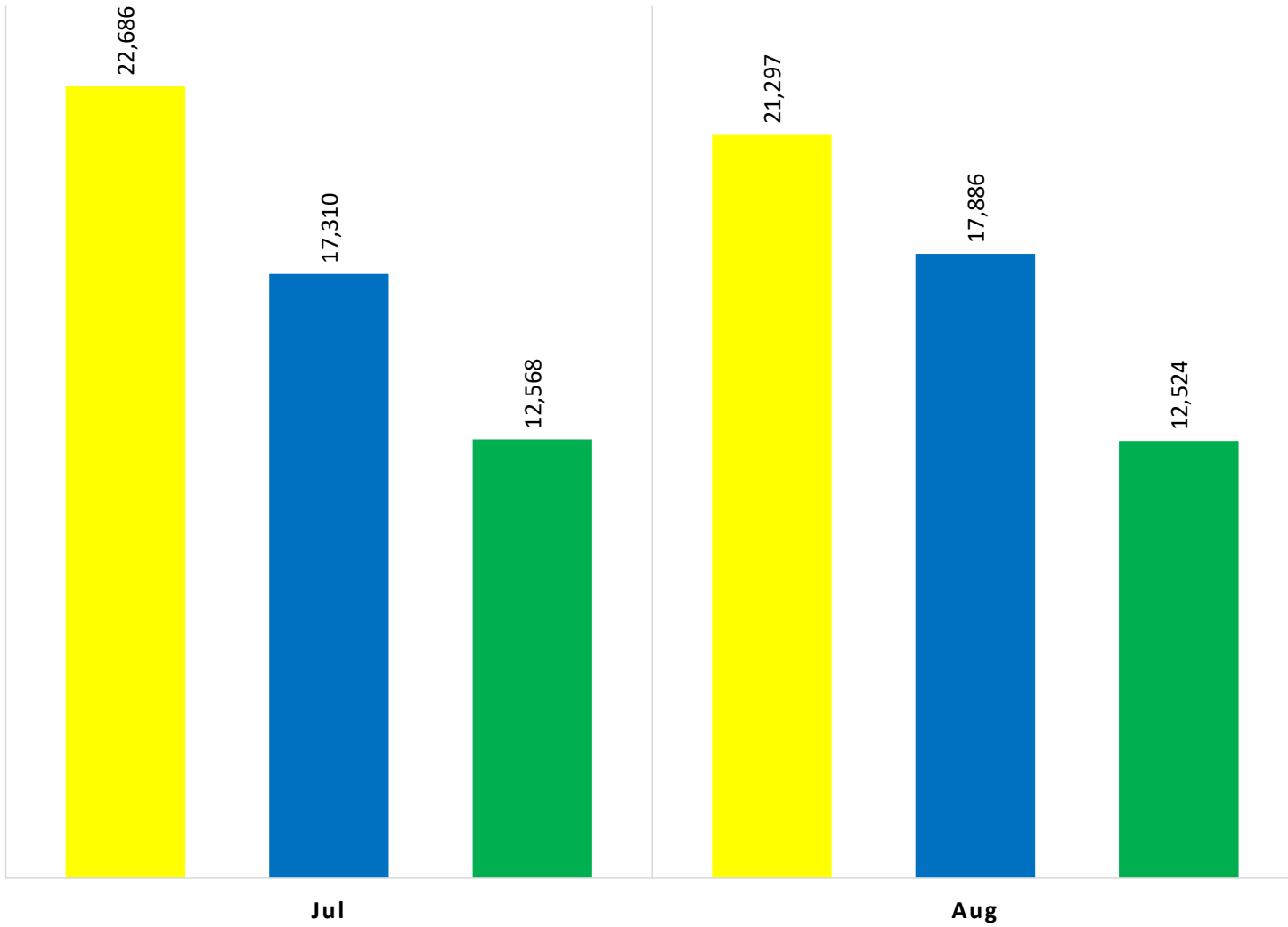
COMPANY	# OF CABS WORKED	# OF TRIPS	% OF BIZ	AVG. TRIPS CAB	AVG. TRP DAY	31
AMERICAN CAB	15	4100	32.6%	273.33	8.82	
DESERT CITY CAB	26	3187	25.4%	122.58	3.95	
YELLOW CAB OF THE DESERT	30	5281	42.0%	176.03	5.68	
	71	12568	100.00%	177.01	5.71	

AUGUST 2018 TRIPS PER VEHICLE
(business volumes, averaged values)

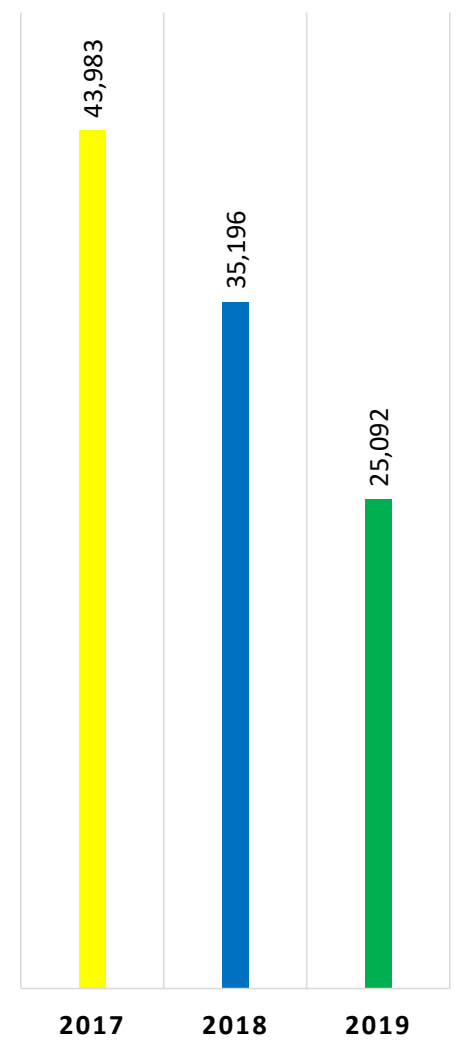
COMPANY	# OF CABS WORKED	# OF TRIPS	% OF BIZ	AVG. TRIPS CAB	AVG. TRP DAY	31
AMERICAN CAB	19	4076	32.5%	214.53	6.92	
DESERT CITY CAB	31	3390	27.1%	109.35	3.53	
YELLOW CAB OF THE DESERT	35	5058	40.4%	144.51	4.66	
	85	12524	100.00%	147.34	4.75	

Number of Taxi Trips - July-Aug FY19

2017 2018 2019



FY 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: September 26, 2018

RECEIVE & FILE

TO: Taxi Committee
Board of Directors

RE: Revenue – Expense for June & July 2018

Summary:

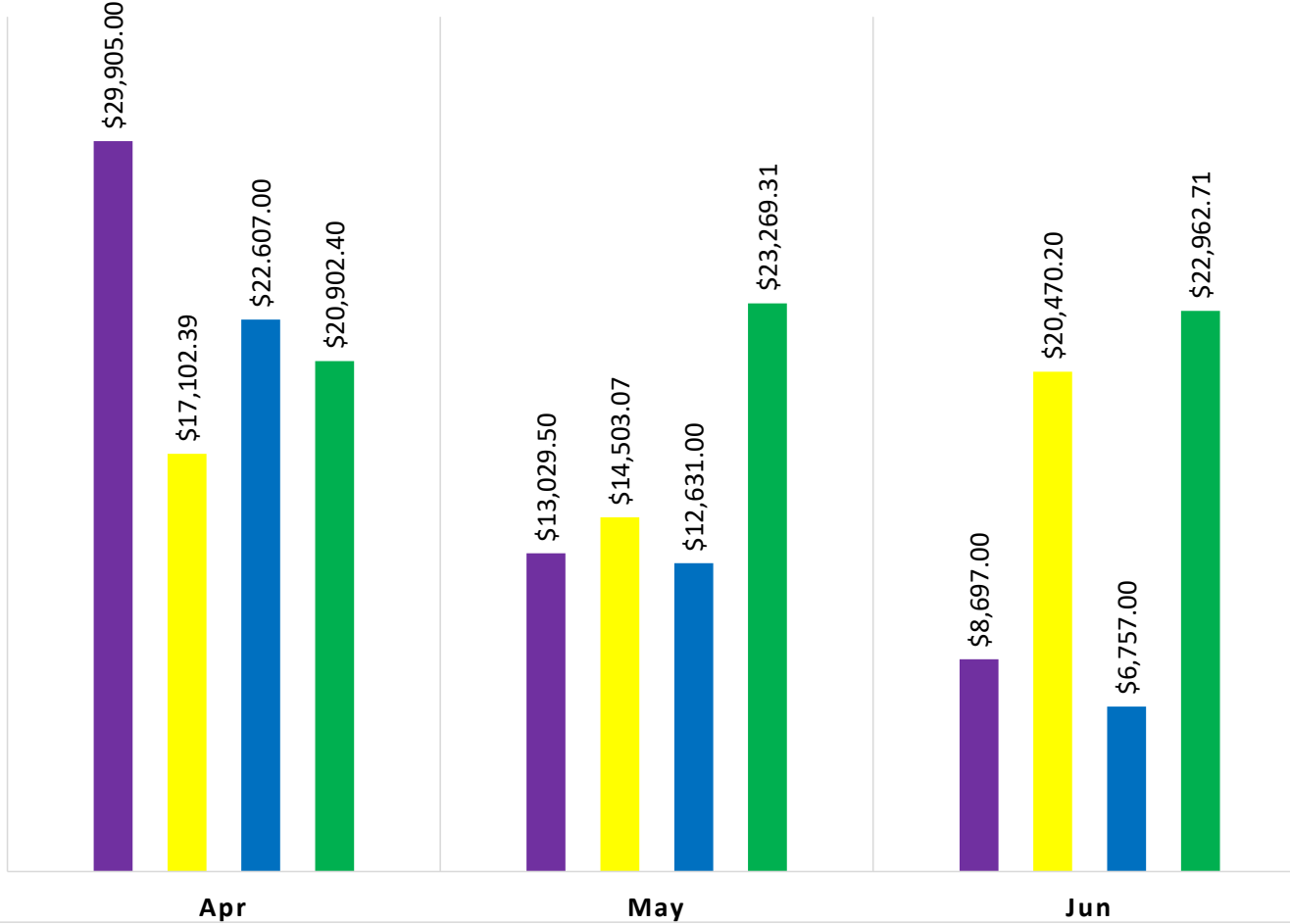
- The graph displays revenue and expenses for the current month and three previous months. Revenues are generated by surcharge fees, vehicle permit fees and driver permit fees. Expenses display the total operational costs for SunLine Services Group.
- Variance graph displays the total variance between revenue and expense occurring to date, for the current fiscal year.
- June and July are the second and third consecutive “off-season” months of the calendar year. This is reflected in the revenue vs. expense graph.
- Expenses for the month of June 2018 were \$16,205.71 greater than revenue.
- Expenses for the month of July 2018 were \$8,061.43 greater than revenue. This is reflected in the variance FY19 graph.

Recommendation:

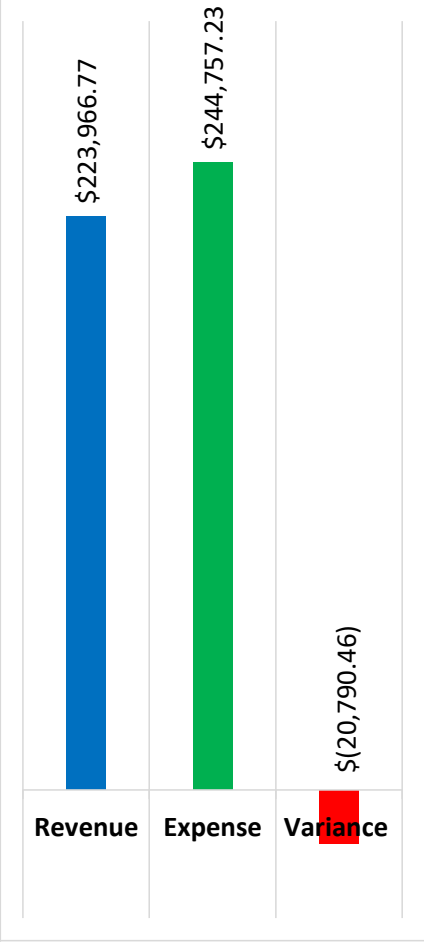
Receive and file.

Revenue vs. Expense - June 2018

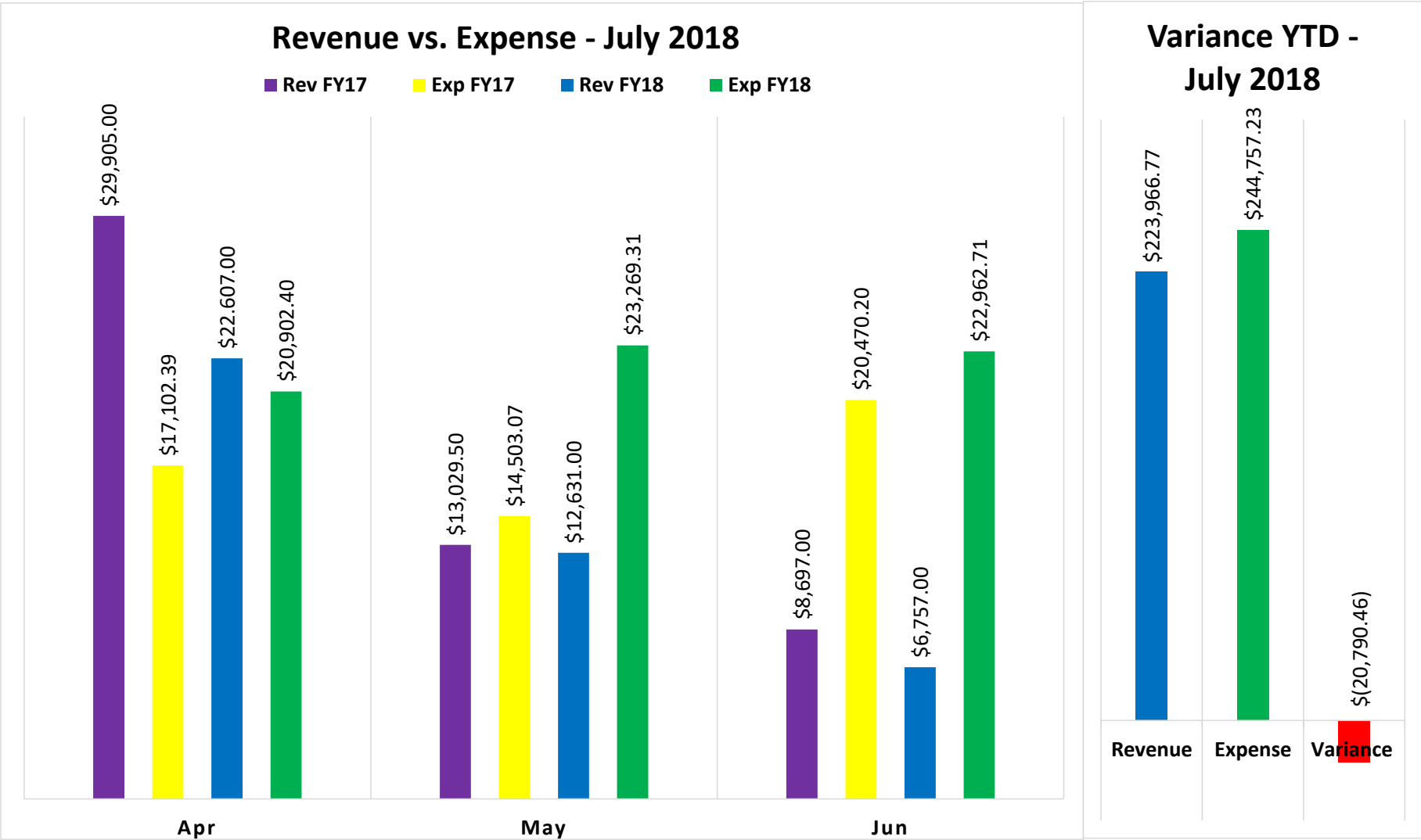
■ Rev FY17
 ■ Exp FY17
 ■ Rev FY18
 ■ Exp FY18



Variance YTD - June 2018



The graph measures Revenues vs Expenses for FY 17 & FY 18



The graph measures Revenues vs Expenses for FY 17 & FY 18

SunLine Services Group

DATE: September 26, 2018 **DISCUSSION**

TO: Taxi Committee

FROM: Peter Gregor, Taxi Administrator

RE: Draft Taxi Ordinance No. 2018-01

Background

AB1069 was signed and passed into law by Governor Brown on October 13, 2017. AB1069 made significant changes to Government Code 53075.5. At the May 14, 2018 Taxi Committee meeting, a presentation was given by SunLine's General Counsel, outlining changes required by AB1069. The presentation clarified that many of the proposed changes staff had been working on with the franchises to amend the ordinance would be addressed by the requirements of AB1069. Staff was tasked with drafting a new ordinance that would comply with the requirements of AB1069. On June 12, 2018 a franchise meeting was held at SunLine to discuss required changes and take recommendations from the franchises and come to an agreement on principles of the new ordinance. During that meeting, the franchises requested that all regulations require minimal compliance on the part of the franchises. SunLine's General Counsel was advised of the response from the franchises. They were subsequently supplied with recommendations from staff. The proposed new ordinance is attached. Items in green print are required changes due to AB1069. Items in blue print are expressly permitted by AB1069. Items in red print are not expressly prohibited by AB1069, but recommended by SSG.

This item is being submitted to the Taxi Committee for review and recommendations. The final version will be presented at the October 24, 2018 Board meeting for the 1st reading.

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 or require registration of 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 former joint powers agency known as SunLine Transit Agency (STA) delegated their authority to regulate taxicab services in the Coachella Valley to STA, and by implementation agreed STA would administer this grant of authority through the SunLine Services Group (SSG) from 2009 to 2018; and,

WHEREAS, the joint powers agency known as _____ was created by the County of Riverside and Coachella Valley cities to succeed SSG and STA in the administration and operation of taxicab services within the Coachella Valley; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as _____ 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,

WHEREAS, _____ intends to adopt procedures compliant with Assembly Bill 1069 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 pasting procedure authorized under Government Code Section 39633(c).

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

Russell Betts
Chairperson of the Board

ATTEST:

Brittany Sewell
Clerk of the Board of SSG

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, Suspension or Termination 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 REGULATIONS

- 2.010 Driver Standards and Appearance
- 2.015 Substantial Location of Business
- 2.020 Street Stands
- 2.025 Taxi Administrator
- 2.030 Fines and Penalties

CHAPTER ONE

ARTICLE ONE

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. This Ordinance establishes a permitting process and regulatory structure consistent with the requirements of the 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. "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.
- C. "Board" or "Board of Directors" means the Board of Directors of SunLine Services Group.
- D. "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.
- E. "Business Permit" means the permit issued by SSG to a business authorizing the business to operate taxicab services in the jurisdictional boundaries of SSG.
- F. "Business Permit Fee" means the fees charged for issuance of the business permit.
- G. "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.

- H. "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 Districts, 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.
- I. "Permittee" means any business or driver that has been issued a permit pursuant to the Article I.
- J. "Rate per mile or mileage rate" means the charge to a taxicab passenger calculated and based on distance traveled by the taxicab vehicle.
- K. "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 board of SSG.
- L. "Substantially Located" shall have the same meaning as defined within Government Code Section 53075.5.
- M. "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 boundary of SSG, and not over a defined route, irrespective of whether the operations extend beyond the jurisdictional boundary, in circumstances where the vehicle is routed under the direction of the passenger of the person hiring the same.
- N. "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 section 53075.5. 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 day after delivery if delivered by an overnight delivery service; and,
 - 3. Three 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. Fictitious business name;
 - 2. Address of principal place of business from which the business conducts its activities;
 - 3. Address of all locations from which the business conducts its activities;
 - 4. 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;

5. A list of the Vehicle Identification Numbers (“VIN”) of the taxicabs (“vehicle identification list”) which have passed the vehicle safety inspection required by Government Code Section 53075.5(h)(5);
 6. A current list of all drivers authorized to operate any vehicle on the required vehicle identification list;
 7. Verification of safety and education program as required by Government Code Section 53075.5(h)(3);
 8. Verification of disabled access education program as required by Government Code Section 53075.5(h)(4);
 9. Each applicant shall submit Form No. ___ establishing fifty (50) percent of business' revenue is derived from within SSG's jurisdictional boundaries;
 10. 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;
 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.
 7. Compliance with all operational regulations 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 of \$600.00. A permittee with a hybrid or alternative fuel vehicle shall pay a taxicab vehicle fee of \$450.00. Taxicab vehicle permit fees shall be due and payable before issuance of a business permit. The 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.

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 year renewal of the business permit provided that:
1. The business pays the business permit fee;
 2. The business pays the 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 insured's 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 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.

- c. 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.
- d. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to SSG, its member entities, their officers, official's, employees and agents.
- e. 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 endorsements affecting the coverage required hereunder. The 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 boundary 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 insured's under its polices 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 officer, officials, employees, agents, representatives, and volunteers from and against any and all liability, claims, suits, costs, expenses, fines, judgements, 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 here under shall be as follows:
 - i. For injury or death in any one accident or occurrence, one million dollars (\$1,000,000);
 - ii. For the injury or destruction of property in any one accident or occurrence, one million dollars (\$1,000,000);
 - iii. For combined single limits of liability for primary bodily injury and primary property damage, one million dollars (\$1,000,000);
 - iv. For employer's liability, with limits of one million dollars (\$1,000,000).
 - 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 SRA 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 termination 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. A driver permit may be obtained from SSG as provided below.

- B. An applicant for a driver permit shall complete an application and 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(h)(7);

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(b)(3) and Section 1.055 of this Ordinance;
 3. Payment of \$50.00. The driver permit fee shall be due and payable before receipt of the driver permit. The driver permit fee may be adjusted by resolution of the Board.
- D. 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.
- E. 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.
- F. 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 year renewal of the driver permit provided that:
1. The driver pays a permit renewal fee of \$25.00;
 2. The driver submits to permit-renewal controlled substances and alcohol testing as provided by Government Code Section 53075.5;
 3. The results of such 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 1.065 are available to a driver in the event that renewal of his or her driver permit is denied based on the provisions of this Section.
- C. The driver permit renewal fee may be amended from time to time by resolution of the Board.

Section 1.055 **Rates**

- A. No permittee operating in the jurisdictional boundary of SSG may charge a rate in excess of the maximum rate of \$12.00 per mile or as set by the Board from time to time. 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(b)(2). 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.

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 meeting SSG requirements 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 chapter are confidential and shall not be released to the public without the written consent of the driver, except as provided in this Chapter or as otherwise provided by law.

Section 1.065 Denial, Revocation, Suspension or Termination 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 permittee:
1. Has not complied with the applicable provisions of Article One; 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 charged rates or fares exceeding the maximum rates other than those permitted by Section 1.055; or
 6. Any conviction regardless of the time elapsed, in any state, of any of the following or their equivalent:
 - a. Any crime which requires the applicant to register as a sex offender under California Penal Code §290, or 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.
 7. 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
 8. 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
 9. Any conviction (misdemeanor or felony) within the past 3 years of any crime involving pandering or prostitution.
- B. 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 permittee who has been convicted of three (3) or more moving violations within three years. In the case of a conviction or plea of nolo contendere as to a violation

related to driving under the influence of alcohol or drugs, an applicant shall not be disqualified if the conviction or plea is ten (10) years or more in age and no similar violation appears on the applicant's driving record for the intervening ten (10) year period.

- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. In the event the permittee appeals any denial, suspension, revocation or termination 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 1.080; 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 \$2000, 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, 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.4th 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 1.090 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 One 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 TWO

OPERATING REGULATIONS

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. Has engaged in conduct or verbally threatens 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. Has engaged 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. 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.

Section 2.015 **Substantial Location of Business**

- A. Each business shall maintain and provide a year-round computerized dispatch system capable of providing performance reports as required by Government Code Section 53075.5. SSG shall have access to the dispatch system to confirm fifty (50) percent of business revenue is derived from within SSG's jurisdiction. This includes but is not limited to live reports, trip reports and/or ride reports.

Section 2.020 **Street Stands**

- A. SSG may, by ordinance, limit the number of taxicab service providers that may use taxi stand areas or pick up street hails within the jurisdictional boundary of SSG. SSG shall identify those vehicles with a window sticker and shall not establish additional requirements or costs to the taxis beyond that authorized by Government Code Section 53075.5 or 53075.51.

Section 2.025 **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 2.030 **Fines and Penalties**

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