



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

7/20/2015

City Council Ordinance Committee

Monday, July 20, 2015

MINUTES

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: City Attorney Eileen Blackwood (EB), Asst. City Attorney Gregg Meyer (GM), Brian Lowe (BL) (Mayor's Office)

Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: Joseph Gervasi, Laura Shen, Jane Knodell, Charlie Herrick, Matt Durham, Jeff Munger

SB convened the meeting at 5:30 pm

1. **Agenda:** MT moved & SB 2d the proposed agenda which passed unanimously.
1. **Minutes of 7/16/15:** SB moved and MT 2d the minutes, and, with the following corrections to typos (page 1, #4.01, 1st para, 3rd line, add "for" and an "s" to "use" and page 3, 4.03, last sentence, change "though" to "thought"), it passed unanimously.
1. **Public Forum:**

Jane Knodell, Pres. CC, said she sent a memo on the subject and an email for the record and asked it be placed in the record. On the ordinance, she said the interim operating agreement should not be the guide. All ride services should be treated the same and she doesn't think the TNCs are so different as to have a separate set of rules. Also, she believes that any service that gets compensated for providing vehicles for hire should be regulated by the city. The companies should be subjected to the same regulatory costs. She thinks that some level of pricing deregulation should be considered if all are on an equal playing field. On the process, she has questions regarding the council's input to the working committee, who is defined as a stakeholder, and whether the working group invite input from the council (see 7/20/15 email)

Joe Gervasi, a driver for Uber, commented on fair pricing, saying that his clients are happy with the service. Uber is a



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singular model, a direct ride for a single rider. On surge pricing, he said that people have a choice. As to inspections, Uber drivers must pass state inspection. Uber has worked for him; he is getting a living wage. He said that at any one time there are only 3-5 Uber drivers on road now.

Charlie Herrick rebutted the claim that taxi companies don't provide direct rides because the ordinance has a limit on picking up other riders. On the inspection question, the traditional companies are subject to both state and city inspections and they are looking for equal playing field.

Matt Durham, an Uber driver, likes the model and enjoys the hours. His customers take Uber when there are no cabs or when the wait for a cab is 40 minutes. Uber provides safety because you have both driver and customer information.

1. Ordinance Discussion

4.01 Committee discussion of Taxi Ordinance Rewrite

1. City Attorney Office Presentation

GM summarized a memorandum posted 7/20/15 on BoardDocs summarizing the CA's view of what the scope of review of the ordinance should be. There are 4 topics: governance, rolling licensing, transportation network companies, and the recommended process to go forward. The prior taxi report issued by the CA has a number of recommendations. On governance, the taxi licensing board and advisory committee should be modified because it is hard to meet the current requirements. An idea is to consolidate the bodies. The rolling licensing idea is to address licenses that now may only effective for part of the year. On the TNCs, there is no provision for these type of companies in the ordinance and there should be. On the process, CA recommends that, separate from the OC, the administration with the CA convene a stakeholder group (broad and inclusive of all interested) to have several meetings before the end of the summer to discuss the issues and make recommendations to the OC.

CM asked how the stakeholder group would work. EB said that there would be a facilitated discussion with the CA bringing forward the changes; she is not sure if it would be done by an outside facilitator. The licensing board has already had conversations regarding changes and this is a chance to continue that discussion.

SB asked if it was like the livable wage ordinance changes where the CA worked out the changes to present to the OC. The group described seems too large. There is a split between 2 groups, Uber and the existing companies. She needs to understand what added information the committee will garner that has not been gotten thus far.



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EB said we haven't worked out the details but there will need to be focused conversations and they will be looking at the models nationwide. SB said she has just reread the existing ordinance and feels we're not so far off base on incorporating Uber into it and asked how the committee members could weigh in in the committee process. EB said they would be willing to consider how because the goal is to save the OC time. One example is in the definition of contract vehicles and what we are trying to do with the distinction.

MT asked CA EB to comment on CC Pres. Knodell's questions on process. EB asked what involvement the OC would like to have. She has thought that Uber, taxi companies, and advocacy interests would be present but she is trying to save OC time. So she thinks that if the OC wants to have written comments that's ok. MT is looking for fairness and representation, so balance is key; he asked if the committee will have to vote out recommendations. EB said that in September the CA would bring out all the recommendations made to the OC; she also said that all meetings would be warned.

CM said it sounds like there will have to be representatives to the committee. He is having trouble integrating TNCs into the ordinance, giving fees as an example. He is thinking that one councilor of the OC would be on the committee.

MT asked what the OCs expectation are. For him, the level playing field and how to achieve the greatest level of public safety are his 2 broad categories on interest. CM said he looks forward to the process and he's heard other CC comments.

CM asked if the committee is ready to move forward. MT said he is if the CC is notified and afforded a chance to weigh in. SB is concerned about the correct makeup of the committee. She welcomes having a committee and the administration working together regularly to address the ordinance. She'd like the OC members be ex officio members of the committee; CM cautioned about having it be a de facto OC and that would like a single member of the OC to be on it instead. SB said she'd like the opportunity to give comments and doesn't see any reason not to go this way.

SB noted that some issues in the ordinance need a close look, like fees and meters.

1. **Public Comment**

Jeff Munger, chair of Airport Commission and licensing taxi board, said the current ordinance was created by a group that included license committee and airport commission members and an attorney from the CA's and that having an OC member on the committee is a good idea. He welcomes the committee's input on the working group.

1. **Committee discussion**

CM entertained a motion on the process, asking for and seeing no public comment.



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Action: SB moved to accept the communications from CA and CC Knodell and to support the action recommendation by the CA to create a working group with the understanding that a member of the OC would be added to the group and that there would be a report back with a revised ordinance sometime in September. MT seconded. MT would like to provide definition to the scope of work and to add the orienting values which are to aim to achieve a level playing field and put public safety first and so moved this as an amendment. SB seconded the amendment. The motion passed unanimously.

CM asked that the OC receive minutes from the working group so the public will be kept involved. CM asked EB as to when the committee would start and asked for notice so an OC member who will be available can be appointed.

1. **Adjournment:** CM adjourned the meeting at 6:17 pm on SB motion and MT second.