



BURLINGTON CITY COUNCIL ORDINANCE & LICENSE COMMITTEES 6/23/2015

City Council Special Joint Ordinance and License Committee

Meeting Regarding Proposed Uber Temporary Operating Agreement

Tuesday, June 23, 2015

Contois Auditorium

Draft Minutes

Attendance

The Joint Committee: Chip Mason, Chair (CM), Sharon Bushor (SB), Max Tracy (MT), Adam Roof (AR), and Tom Ayers (TA)

Other City Personnel: Gregg Meyer, Assistant City Attorney (GM)

CM convened the meeting at approximately 535PM

1. Agenda

SB moved approval of the agenda. The Joint Committee adopted the agenda unanimously 5-0.

2. Minutes

SB moved approval of the minutes. The Joint Committee adopted the draft minutes from the previous meeting 5-0. GM noted that completed minutes had been posted on Board Docs.

3. Public Forum

One person (Charlie Herrick, Green Cab) spoke during the public forum. Mr. Herrick reiterated his desire to have the Joint Committee ask him questions if the members had any, and referenced the various materials he sent to the Joint Committee over the past weeks including recent information about Uber operations in Houston.

4. Joint Committee Deliberations

Chairman Mason noted that the charge of the Joint Committee was to send a recommendation to the full City Council regarding the agreement, and that the recommendation could range from an up or down vote on the agreement as is currently drafted, to the Joint Committee proposing amendments to the agreement for the City Council to consider, and anything in between. There was a general understanding that the Joint Committee would be making proposed amendments that ultimately, the City Council would have to refer back to the administration and the negotiating team to then present to Uber for consideration and response.

After discussing the various types of actions that were available to them, the Joint Committee members decided that each member would offer amendments to the agreement, and that the Joint Committee would then vote on each for tallying by staff. Staff would then compile a list of all proposed amendments along with the Joint Committee's vote on each, and then send the list along with the proposed agreement to the City Council for consideration at the Council's meeting on June 29,



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2015.

The following is the list of all of the proposed amendments and the Joint Committee's votes on each:

- SB proposed amending Section 3 regarding operating requirements to include a paragraph that states that Uber drivers are prohibited from carrying a fire arm while operating in the City. The members discussed whether such a rule was within the purview of the City and whether such a rule was applicable to vehicles for hire in the ordinance presently. The Joint Committee voted 3-2 **against** the amendment. (CM, AR, and TA voting no.)
- SB proposed amending Section 3 e. regarding background checks to include a requirement that Uber conduct background checks on all drivers on an annual basis from the date they start driving for Uber. SB's concern was that after a person passed a check and started driving for Uber, that person could get in trouble with the law and put the public at risk. Annual checks, similar to what is required under the current ordinance for taxi drivers, was her solution. The Joint Committee voted 5-0 **in favor** of the amendment.
- SB proposed changing the last sentence of Section 6. e. regarding insurance to say "the City will require . . ." as opposed to "the City may require . . ." Members discussed whether it was appropriate to remove the flexibility that went with the word "may" vs. the mandatory action required by the word "will." The Joint Committee voted 3-2 **against** the amendment. (CM, AR, and TA voting no.)
- SB proposed changing Section 17 regarding nondiscrimination to include protections for passengers and to mirror the nondiscrimination language related to passengers currently found in BCO 30-65. Fairness dictated no less. The Joint Committee voted 5-0 **in favor** of the amendment.
- MT proposed deleting the third Whereas clause entirely and changing the second Whereas clause by striking the words "the Company refers to itself as a ride-sharing transportation network company ("TNC"). MT expressed concern about Uber avoiding responsibility as an employer of its drivers, and felt these clauses suggested the City was accepting Uber's position that it was not an employer for purposes of unemployment insurance and workers compensation insurance issues. The Joint Committee voted 3-2 **against** the amendment. (CM, TA, and AR voting no.)
- MT proposed adding an additional paragraph to Section 3 regarding operating requirements to include a requirement that Uber maintain Unemployment Insurance and Workers Compensation Insurance for all drivers. The members discussed whether imposing such a requirement was within the City's purview and whether such a requirement was imposed on other vehicle for hire companies in the City. The Joint Committee voted 4-1 **against** the amendment. (CM, TA, AR, and SB voting no.)
- MT proposed amending Section 3 e. regarding background checks to require Uber to provide the City with copies of all background checks of Uber drivers operating in Burlington. Members discussed Uber's position regarding their view such information was proprietary and would not be disclosed. The Joint Committee voted 4-1 **against** the amendment. (CM, TA, AR, and SB voting no.)



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- MT proposed amending Section 3 l. regarding driver standards to include a prohibition against Uber drivers parking in downtown core parking spaces. Initially this proposed amendment included requiring that Uber drivers should park in taxi stands. Members discussed there were not enough spaces for taxis and this would be unfair to them. They also discussed that general traffic rules apply to taxis and Uber cars as well as the general public and that parking, so long as fees are paid, is probably better for the environment than circling around. The Joint Committee voted 4-1 **against** the amendment. (CM, TA, AR, and SB voting no.)
- MT proposed amending Section 3 m. regarding Uber decals and logos on vehicles to insert the word "prominently" before the phrase "placed on the Company Partner's vehicle in order to identify said vehicle. . . ." The Joint Committee voted 5-0 **in favor** of the amendment.
- MT proposed amending Section 4 b. regarding record inspection and audit to strike the number "150" and require Uber to provide data for all drivers. Members discussed the likelihood that there were no more than 150 drivers in the City and also the fact that this matter could be addressed in the ordinance revisions. The Joint Committee voted 4-1 **against** the amendment. (CM, TA, AR, and SB voting no.)
- MT proposed amending Section 5 regarding fees and charges by requiring Uber to provide the City with the precise number of drivers operating in the City in order to calculate the appropriate fee. The Joint Committee voted 4-1 **against** the amendment. (CM, TA, AR, and SB voting no.)
- CM proposed amending Section 3 j. to require that all Uber vehicles that are operating in the City be inspected and pass inspection pursuant to Vermont law as per 23 VSA 1222. The Joint Committee voted 4-0 **in favor** of the amendment. (MT left the meeting prior to the vote.)
- AR proposed amending the agreement to add a section stating that the terms of the agreement do not bind the City Council to any position, nor does it set any precedent regarding the regulation of the vehicles for hire (including TNC companies and any other types not yet known) when the Ordinance Committee works to revise and update the City's current Vehicle for Hire ordinance to reflect Uber's presence in the market. The Joint Committee voted 4-0 **in favor** of the amendment. (MT left the meeting prior to the vote.)
- CM moved that the Joint Committee refer the agreement to the City Council for passage, with due consideration given to the proposed amendments that passed by the Joint Committee. The Joint Committee voted 4-0 **in favor** of the Motion. (MT left the meeting prior to the vote.)

5. Any other business



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CM noted that the Joint Committee's work was done and that if the agreement is adopted, additional work on the Vehicle For Hire Ordinance would begin in the Ordinance Committee.

6. Adjournment

At approximately 745PM the Committee voted to adjourn.