

BOARD MEETING AGENDA

DATE: March 10, 2022

TIME: 10:00 a.m.

PLACE: This meeting will be held remotely and the public is invited to attend online or via phone. Join via computer on Zoom at:

<https://us02web.zoom.us/j/88488982117>

If your computer does not have a microphone or speakers, you may need to call in. Dial (669) 900-6833 or (346) 248-7799 and enter ID: 88488982117

Coronavirus (COVID-19) Advisory Notice

In compliance with local and state shelter-in-place orders, and as allowed by Executive Order N-29-20 (March 17, 2020), the MGSA will not offer an in-person meeting location for the public to attend this meeting. Members of the Board and staff may participate in this meeting via teleconference. Members of the public are encouraged to participate remotely as identified above.

How to Provide Comment

Before the meeting: Email or text your comments to Executive Officer Michael Frank at mfrank@marinjpas.org no later than 4:00 P.M. on the Wednesday prior to the meeting, and they will be forwarded to the MGSA Board and read at the meeting (not to exceed 3 minutes). Please be sure to indicate the agenda item you are addressing.

During the meeting: Email or text your comments during the meeting to Executive Officer Michael Frank at mfrank@marinjpas.org indicating the agenda item in your email subject line. Comments must be received before the President announces that the time for public comment on that agenda item is closed. Email comments submitted during the meeting will be read (not to exceed three minutes).



March 10, 2022 MGSA Board Agenda

A. Discuss and Consider Passing Resolution Continuing Virtual Meetings Pursuant to Assembly Bill 361 [Ortiz] (Frank)

B. Report from Executive Officer (Frank)

C. Public Comment

Anyone wishing to address the Board on matters not on the posted agenda may do so. Each speaker is limited to two minutes. As these items are not on the posted agenda, the Executive Officer and members of the Board may only respond briefly but topics may be agendaized and taken up at a future meeting. Public input will be taken as part of each agendaized item.

D. Approve Minutes of January 13, 2022 Regular Meeting (All)

E. Revisions to Taxicab Program Regulations Pertaining to Driver Permits and Appeals

F. Resolution Adopting Conflict of Interest Code for MGSA

G. Adjournment

NEXT SCHEDULED MEETING: May 12, 2022

NOTE: A complete copy of the agenda packet is available on MGSA's website at <http://maringeneralservicesauthority.com>. Also, at this website one can subscribe to all Board of Directors Meeting notifications.



900 Fifth Avenue, Suite 100
San Rafael, CA 94901
415.446.4428
maringsa.com

MEMORANDUM

DATE: March 10, 2022
TO: MGSA Board of Directors
FROM: Michael Frank, Executive Officer
SUBJECT: Virtual Meeting Authorization Under Assembly Bill 361

Recommendation

Adopt resolution 2022 - 03 authorizing remote teleconference meetings of the MGSA Board of Directors pursuant to Assembly Bill 361.

Discussion

Prior to the COVID-19 pandemic, Government Code Section 54953(b)(3) of the Ralph M. Brown Act ("Brown Act") allowed members of a legislative body to attend a public meeting by teleconference only if each teleconference location was listed on the agenda, the agenda was posted at each teleconference location and each teleconference location was open to the public. Additionally, the Government Code Section 54953(b)(3) required that a quorum of the legislative body must participate from locations within agency's boundaries.

Throughout the pandemic, certain Brown Act provisions have been suspended through a series of California Governor Executive Orders which allowed public agencies to conduct virtual meetings via teleconference platforms. The most recent, Executive Order N-08-21, expired on September 30, 2021 and was replaced by Assembly Bill (AB) 361 which amends Government Code section 54953(e) until January 1, 2024.

Under AB 361, local agencies can hold public meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3) so long as (1) the legislative body complies with certain requirements, (2) there exists a declared state of emergency, and (3) one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing; or

2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

MGSA desires to continue to hold public meetings by teleconference, and the following conditions have been met consistent with Government Code section 54953(e):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect; and
2. Local officials have imposed or recommended measures to promote social distancing (attached to this staff report).

Pursuant to the provisions of AB 361, the attached resolution allows for teleconference meetings for the next 30 days. In the event that the Board desires to continue to hold meetings via teleconference beyond 30 days, the Board of Directors will adopt another resolution authorizing remote teleconference meetings at the beginning of the next Board Meeting.

Attachments

- Attachment A1: Resolution 2022 – 03 titled, “A Resolution of the Marin General Services Authority Authorizing Public Meetings to be Held Via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same.”
- Attachment A2: September 22, 2021 Social Distancing Recommendation of Marin County



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**A RESOLUTION OF THE MARIN GENERAL SERVICES AUTHORITY
AUTHORIZING PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING
PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS
AND DETERMINATIONS REGARDING THE SAME**

RESOLUTION 2022 - 03

WHEREAS, the Board (the “Board”) of the Marin General Services Authority (the “Authority”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”).

WHEREAS, on September 22, 2021, the Director of the Marin County Department of Health and Human Services issued a letter to the President of the County Board of Supervisors to

recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible.

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Authority intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, THE BOARD OF THE MARIN GENERAL SERVICES AUTHORITY DOES RESOLVE AS FOLLOWS:

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.
3. The Board of Directors of the Authority shall conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption.

Adopted this 10th day of March 2022.

Ayes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

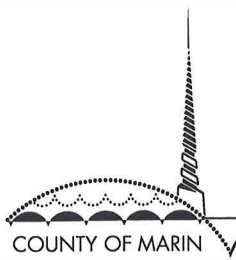
Noes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Absent: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Greg Chanis
President, MGSA Board of Directors

Attested By:

Michael S. Frank
Executive Officer



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE
DIRECTOR

20 North San Pedro Road
Suite 2002
San Rafael, CA 94903
415 473 6924 T
415 473 3344 TTY
www.marincounty.org/hhs

September 22, 2021

Dennis Rodoni
President, Board of Supervisors
3501 Civic Center Drive, 3rd Floor
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin
Director, Health & Human Services

cc: Matthew H. Hymel, CAO
Brian E. Washington, County Counsel



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BOARD MINUTES FOR MEETING OF JANUARY 13, 2022

As a result of the COVID-19 pandemic, the Board Meeting came to order on-line in compliance with of AB 361. The meeting started at 10:00 a.m.

MGSA Board Members Participating: President Greg Chanis, Vice President Chris Blunk, and Members Craig Middleton and Robert Zadnik were present. Members Angela Nicholson, Adam McGill, and Cristine Alilovich were absent.

Program Contractors Attending: Executive Officer Michael Frank, General Counsel Dave Byers, and CCMC Director Michael Eisenmenger.

A. Discuss and Consider Passing Resolution Continuing Virtual Meetings Pursuant to Assembly Bill 361 [Ortiz]

Motion by Middleton, seconded by Blunk to adopt Resolution 2022-01 authorizing teleconference meetings of the MGSA Board of Directors pursuant to Assembly Bill 361. Motion was approved 4 – 0 with members Angela Nicholson, Adam McGill, and Cristine Alilovich absent.

There was no public comment on the item.

B. Report from Executive Officer

The Executive Officer reported on activities since the last meeting. In particular, he mentioned:

- Administration
 - An employee tested positive for COVID at TAM and staff needed to locate taxi drivers that had come into the office.
 - MGSA Orientation meetings with new Board Member Robert Zadnik and Town Manager Christa Johnson.
 - Joanne O’Hehir will handle the Form 700 process this year so Board Members should anticipate being contacted by her.

- Digital Marin – As an Executive Committee member, the Executive Officer will be on the Board of Directors of a newly formed organization.
- Telecommunications
 - There are currently 12 AT&T pole reservations, all in Novato.
- Taxi Regulation Program
 - New permit process has resulted in 16 Company Permits and 33 Vehicle Permits for the 2022 calendar year. Total revenue for these renewals to date is \$44,445 versus the reduced revenue budget this fiscal year of \$30,000.
- Marin Climate and Energy Partnership (MCEP)
 - Meeting with subcommittee about process to help fund Resilient Neighborhoods.
- MarinMap
 - Met with Javier Trujillo at Marin County to discuss kicking off a strategic planning process for MarinMap.
- Animal Care and Control
 - Negotiations will start in the fall of 2022 and will need MMA folks for the negotiations team.

C. Public Comment

One comment was received by Steve Glanz asking about the history behind the lack of recordings of meetings.

D. Approve Minutes of November 18, 2021 Regular Meeting

Motion by Blunk, seconded by Zadnik to approve the minutes for the November 18th, 2021 Board Meeting. Motion was approved 4 – 0 with members Angela Nicholson, Adam McGill, and Cristine Alilovich absent. There was no public comment on the item.

E. Marin County Storm Water Pollution Prevention Program (MCSTOPPP) Update and Fiscal Year 2022-2023 Proposed Budget

Following an introduction of the item by Executive Officer Frank, Rob Carson, MCSTOPPP Program Manager, presented the proposed FY 2022-2023 Budget.

Following some Board questions of Carson, a motion was made by Middleton, seconded by Blunk approving Resolution 2022-02 recommending adoption of the MCSTOPPP proposed budget by the Marin County Board of Supervisors. Motion was approved 4 – 0 with members Angela Nicholson, Adam McGill, and Cristine Alilovich absent. There was no public comment on the item.

F. MGSA Board Appointments to the Community Media Center of Marin (CMCM) Board of Directors

Following an introduction by Frank, there was a motion by Zadnik, seconded by Middleton, to appoint Chris Zapata, City Manager of Sausalito and Barbara Coler, Councilmember of Fairfax to the CMCM Board of Directors for one-year terms or until replaced. Motion was approved 4 – 0 with members Angela Nicholson, Adam McGill, and Cristine Alilovich absent. There was no public comment on the item.

G. CMCM Annual Report for Fiscal Year 2020/21

The Board was provided a written CMCM Annual Report and a verbal update by CMCM Executive Director Michael Eisenmenger. No action was taken. There was no public comment on the item.

H. MGSA Work Plan Status Update for FY 2021-22 and Input on FY 2022-23 Initiatives

Following a presentation by Executive Officer Frank, there was a brief discussion and some questions and answers. Regarding the draft initiatives, it was suggested by Zadnik that as part of the strategic planning process for MarinMap that the Program be better promoted to the general public (e.g., trail maps) and that examples of projects for annual project monies be provided to jurisdictions. No action requested or taken.

Kevin Carroll spoke during public comment and provided a suggestion that the MarinMap mailing list feature be better marketed to developers and the public. He also commented that there is a State rule that taxi electronic dispatch logs be provided to the Taxi Regulation Program and stated that the Program is not doing it.

I. Adjournment

The meeting adjourned at 11:55 a.m.


Michael S. Frank, Executive Office

MEMORANDUM

DATE: March 10, 2022

TO: MGSA Board of Directors

FROM: Michael S. Frank, Executive Officer
Bob Brown, Taxi Program Manager

SUBJECT: Revisions to Taxicab Program Regulations pertaining to Driver Permits and Appeals

Recommendation

Approve the attached Resolution modifying the Taxicab Regulations to extend the statute of limitations for disqualifying legal convictions for issuance of a Driver's Permit including a DUI from five to seven years, adding conviction for sale of a controlled substance to the seven-year statute of limitations and adding criteria for Board consideration of the specific circumstances of such convictions upon appeal.

Background

Over the past two years the Board has considered two appeals for issuance of Taxi Driver's Permits due to past applicant convictions for DUI or sale of controlled substances. The Board asked for a policy discussion on whether qualifying regulations should be revised or criteria developed for consideration of appeal applications.

The current Taxi Regulations prohibit issuance of a new Driver's Permit to anyone with a DUI conviction within the past five years, and to anyone having been previously convicted of selling a controlled substance other than marijuana. A complete listing of all prohibited offenses is included as Attachment 1.

The Regulations allow any applicant denied issuance of a permit to appeal the denial to the Board within 10 days of the decision along with payment of a \$100 processing fee. The Regulations contain no criteria for the Board's decision-making on appeals other than the ability to "affirm, modify, or dismiss" the decision based on "the preponderance of the evidence" presented.

In 2020 the Board heard an appeal from an applicant denied issuance of a Driver’s Permit due to a 20-year-old conviction for selling a controlled substance. The Board granted the appeal, issuing the requested Driver’s Permit.

In 2021 the Board heard an appeal from an applicant denied issuance of a Driver’s Permit due to a 3-year-old conviction for DUI. The Board granted the appeal, issuing the Driver’s Permit for a period of 6 months and requiring two random drug and alcohol tests be conducted and passed within the 6-month period.

In comparing regulations from other taxi regulatory agencies and transportation providers, all preclude issuance of driving permits or hiring of drivers who have a previous DUI convictions within the previous 7 years.

Agency/Provider	DUI Prohibition	Sale of Controlled Substance Prohibition
Marin County Taxi Regulation Program	Within 5 years	Never
Golden Gate Bridge and Transportation District	Within 7 years	n/a
Orange County Taxi Administration Program	Within 7 years	Never
Monterey County Regional Taxi Authority	Within 7 years	Within 7 years
Santa Rosa	Within 7 years	n/a
Pleasanton	Within 7 years	n/a
Uber	Within 7 years	n/a
Lyft	Within 7 years	n/a

The MGSA Regulations are actually more lenient in comparison, allowing application five years after the conviction while all other agencies/providers mandate a 7-year period. Few comparison agencies/providers have a stated policy regarding prior convictions for selling controlled substances. MGSA’s lifetime prohibition from conviction for selling a controlled substance mimics that of the Orange County Taxi Administration Program, which MGSA’s Regulations are based on, while the Monterey County Regional Taxi Authority has a 7-year statute of limitations.

No agencies/providers have criteria for decision-making on appeals or identified mitigation measures for a DUI conviction. Court determinations regarding first-time DUI convictions often require successful completion of a DUI education and counseling program licensed by the Dept of Health Care Services, typically requiring a minimum 30-hour program.

Recommendation

Staff recommends the following revisions to the MGSA Taxicab Program Regulations:

1. Modify the Driver’s Permit restrictions for the statute of limitations on prior DUI conviction from 5 to 7 years, consistent with all surveyed agencies and service providers. (see D. Section 3. h of attached Regulations)

2. Modify the Driver's Permit restrictions for the statute of limitations on prior conviction for sale of controlled substances (excluding marijuana) from a lifetime ban to a 7-year period, consistent with DUI and other driving related convictions. (see D. Section 3. h. of attached Regulations)
3. Incorporate decision-making criteria for Board consideration of appeals. (see H. Section 11 of attached Regulations)

Attachments

- E1. Resolution 2022-04 titled, "**Revisions to Taxicab Regulation Program Permit and Appeal Conditions**"



**REVISIONS TO TAXICAB REGULATION PROGRAM PERMIT AND APPEAL CONDITIONS
RESOLUTION 2022-04**

WHEREAS, Government Code Section 53075.5 requires local jurisdictions to protect the public health, safety and welfare by regulating taxicab operations in a manner consistent with requirements of State law; and

WHEREAS, the MGSA adopted and has administered a Taxicab Regulation Program since 2006; and

WHEREAS, the MGSA adopted Taxicab Program Regulations in 2006 by Resolution, which have been subsequently revised in 2008, 2009, 2016, 2020 and 2021; and

WHEREAS, periodic updates to the MGSA's Taxicab Regulation Program and Fee Schedule are necessary to reflect changes in permitting procedures, technologies and state law;

NOW THEREFORE, BE IT RESOLVED, that the MGSA Board of Directors adopts revisions to the Taxicab Regulation Program Fee Schedule as set forth in Exhibit A attached.

Adopted this 10th day of March 2022.

Ayes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Noes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Absent: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Greg Chanis
President, MGSA Board of Directors

Attested By:

Michael S. Frank
Executive Officer

Exhibit A

MARIN GENERAL SERVICES AUTHORITY TAXI REGULATION PROGRAM

(As Revised MGSA Board Resolution 2008-01; Board Resolution 2008-05; Board Resolution 2009-01, February 12, 2009; Board Resolution 2009-05, May 14, 2009; Board Resolution 2016-12, September 8, 2016; Board Resolution 2020-13, July 9, 2020; Board Resolution 2021-12, November 18, 2021; Board Resolution 2022-XX, March 17, 2022)

A. DEFINITIONS

As used herein the capitalized terms shall have the following meanings:

1. **“Agency”** shall mean and refer to each entity which is a member of the MGSA, however, the term “Agency” specifically shall not include the Marinwood Community Services District or the Bel Marin Community Services District.
2. **“Area of Jurisdiction”** means the jurisdictional boundaries of each Agency that participates in MGSA’s Taxi Regulation Program.
3. **“Call Log”** shall mean a record prepared by the Company of all trips made by the Company’s Drivers showing date, time and place of origin, and destination.
4. **“Company”** means any entity operating a Taxicab business, including without limitation, a natural person, firm, association, organization, partnership, business, trust, corporation or public entity.
5. **“Company Permit”** means a valid permit issued by the MGSA authorizing a Company to operate Taxicabs in the Area of Jurisdiction of each Agency.
6. **“County”** means the County of Marin.
7. **“DMV”** means the California Department of Motor Vehicles.
8. **“Driver”** means a person who operates a Taxicab.
9. **“Driver Permit”** means a valid permit issued by the MGSA authorizing a person to operate a Taxicab pursuant to the terms and requirements of the Program.
10. **“Executive Officer”** shall mean the Executive Officer of the MGSA or his/her designee.
11. **“MGSA”** shall mean the Marin General Services Authority or successor entity.
12. **“Revoked Permit”** shall mean any Company, Driver or Vehicle Permit suspended by the Executive Officer. It is unlawful to operate a taxi in any manner with a revoked permit. A driver or company must apply anew under the new Fee Schedule to obtain a permit after revocation.

13. **“Program”** means the rules and regulations set out in this MGSA Taxi Regulation Program as the same may be amended from time to time.
14. **“State”** means the State of California.
15. **“Suspended Permit”** shall mean any Company, Driver or Vehicle Permit suspended by the Executive Officer. It is unlawful to operate a taxi in any manner with a suspended permit. To reinstate a suspended permit requires the payment of \$1,000.00 for a Company Permit, \$100.00 for a Driver’s Permit, or \$100.00 for a Vehicle Permit.
16. **“Taxicab”** shall mean a motor vehicle regularly engaged in the business of carrying passengers designed for carrying not more than eight persons, excluding the driver.
17. **“Vehicle Permit”** shall mean a valid permit issued by the MGSA authorizing a vehicle to be utilized as a Taxicab pursuant to the terms and requirements of the Program.

B. PROGRAM ADMINISTRATION

The Marin General Services Authority Taxi Regulation Program is a program of the Marin General Services Authority to establish and administer regulations for the provision of taxicab transportation services within the Area of Jurisdiction of the member agencies in compliance with the requirements under California Government Code § 53075.5. The objective of the Marin County Taxicab Regulation Program is to establish and enforce minimum safety and service standards for the provision of taxicab services in Marin County to increase public safety and confidence in this transportation service and to efficiently administer the program. Nothing in this program precludes any Agency from requiring permits or business licenses to operate a taxicab within its jurisdiction as permitted under state law. Specifically, as provided in Government Code § 53075.5 (j)(2), an Agency can require permits or business licenses for Taxicabs and Companies.

C. COMPANY PERMIT

1. **Company Permit Required.** No Company shall operate or permit a Taxicab owned or controlled by it to be operated as a vehicle for hire within the Area of Jurisdiction of any Agency without having first obtained a Company Permit from the MGSA.
2. **Issuance of Company Permit.** The Executive Officer shall issue a Company Permit upon full compliance by the Company with all of the following requirements unless one or more basis for denial set forth in Section 3 of this Section B exists:
 - a. Submission of a complete Company Permit application, including a list of all vehicles to operate as Taxicabs under the Company Permit and for which Vehicle Permit applications shall be submitted; and
 - b. Submission of a copy of the Company’s drug and alcohol policy which must include at a minimum that employment or an offer of employment for any Driver is

conditioned upon an acceptable drug and alcohol test meeting the requirements of these regulations and of California Government Code Section 53075.5 or successor statute; and

- c. Submission of evidence of insurance in full force and effect which meets the following minimum requirements:
 - i. Automobile liability insurance with a minimum combined single limit of Three Hundred Fifty Thousand Dollars (\$350,000.00) for injury or death of one or more persons in the same accident and for injury to or destruction of property resulting from the operation or maintenance of any Taxicab; and
 - ii. Workers' Compensation insurance as required by the State of California; and
 - iii. The liability policy referred to in subsection i above is to contain, or be endorsed to contain, the following provisions:
 - (A) The MGSA and each Agency, its officers, elected and appointed officials, employees, agents and volunteers are to be covered as additional insureds; and
 - (B) Coverage shall not be reduced, terminated or canceled, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the MGSA; and
 - iv. Insurance is to be placed with insurers licensed to do business in the State of California with a current A.M. Best's rating of no less than "B+", in the event that an insurer's rating is reduced below "B+" (a "Rating Event") Company shall have ten (10) business days from the date that the rating actually drops below "B+" to present the Executive Officer with a written schedule of events detailing the steps Company will take to obtain replacement insurance which meets the requirements of this Program, notwithstanding the foregoing, such replacement insurance shall be obtained by Company within sixty (60) days of the Rating Event or Company shall cease operating until such complying insurance is obtained; and
 - v. The Executive Officer may require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time; and
 - vi. At least thirty (30) days prior to the expiration of current policies a Company shall submit a letter from its insurance carrier(s) indicating that the carrier is processing Company's request for continuance of coverage or new coverage and that the carrier believes that such coverage will be continued/issued; and
 - vii. As soon as it is received by the Company but in no event later than the date of the expiration of current policies a Company shall submit insurance binders

evidencing insurance coverage for the policy period subsequent to the expiration of the current policies; and

- viii. No self-insured retention shall be allowed and deductibles shall not exceed Two Thousand Five Hundred Dollars (\$2500.00); and
 - d. Submission of proof of current DMV registration for each Taxicab listed in the Company Permit applicant; and
 - e. Prior to the issuance of the initial Company Permit (but not upon renewal) every owner, partner or principal officer of Company shall have:
 - i. submitted to Department of Justice (DOJ) Live Scan fingerprint background check submission and Subsequent Notification Program (SAP) enrollment, submitted at an approved DOJ finger printing station; and
 - ii. successfully cleared the DOJ background check; and
 - f. List of every Driver authorized to operate the Taxicab(s) identified in the Company Permit application (the list of Drivers noted herein, shall not be considered part of the Company Permit, but as information for use of MGSA in the administration of these Regulations); and
 - g. The rates of fare proposed to be charged by the Company; and
 - h. Payment of all applicable fees including without limitation the Company Permit application fee and Vehicle Permit application fee as set forth in the attached Fee Schedule.
 - i. As a condition to the receipt of a Company Permit, the Company must submit for approval by the Executive Officer an indemnification agreement, executed by an authorized representative of the Company, agreeing to release, indemnify, hold harmless and defend with counsel reasonably acceptable to the Executive Officer, the MGSA, including every Agency which is a member thereof, and their respective elected and appointed officials, officers, employees, agents and volunteers harmless against and from liability and/or claims of any kind arising out of the Program and/or the operation of Taxicab(s) including, without limitation, claims for personal injury or death or loss or damage to property.
3. **Basis for Denial of Company Permit.** The Executive Officer shall deny the issuance of a Company Permit in the event that any owner, partner or principal officer of applicant:
- a. Is under the age of 18 years; or
 - b. Falsifies material information on an application for a Company Permit; or
 - c. Is a registered sex offender pursuant to California Penal Code Section 290; or
 - d. Is on formal probation or parole for any offense outlined in this Section B.3.;

or

- e. Has at any time been convicted (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances; and/or crimes involving the use of a weapon; or
- f. Within five (5) years of the application been convicted of (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding or had any final administrative determination of a violation of any statute, ordinance, or regulation reasonably related to the same or similar business operation which would have resulted in suspension or revocation of the Company Permit under these Regulations.

4. Requirements Following Issuance. A Company which has received a Company Permit shall comply with all of the following during the term of the Company Permit:

- a. Company shall maintain the insurance required pursuant to Section B.2.c. of these Regulations in full force and effect during the term of the Company Permit; and
- b. Company shall notify the Executive Officer of any information or fact(s) that would cause any of the information set forth in the Company Permit Application to no longer be true and correct; and
- c. Company shall provide the Executive Officer with written notice within 72 hours in the event that any of its Drivers are terminated or are otherwise no longer authorized to operate a Taxicab identified in the Company Permit; and
- d. Company shall notify the Executive Officer if it desires to add a Driver who shall be authorized to operate a Taxicab listed in the Company Application after such Driver has obtained a Driver's Permit.
- e. Company shall notify the Executive Officer of any new address for Company within forty eight (48) hours of Company occupying said new address.

5. Term and Renewal.

- a. A Company Permit shall be issued for a calendar year, and shall expire at the end of the thirty-first day of December of the year of issuance.
- b. In order to renew a Company Permit prior to the expiration of an existing Permit, Company must submit a completed application for renewal no less than thirty (30) days, nor more than sixty (60) days, prior to the expiration of the Company Permit. Upon submission of a completed application for a renewal of a Company Permit, provided that the Company is in compliance with all of the provisions of these Regulations and provided further that the existing Company Permit is not otherwise suspended or revoked in accordance with the provisions of these

Regulations, the existing Company Permit shall remain in effect until the later to occur of (i) such time as the application for renewal is either granted or denied; or (ii) the expiration of the existing Company Permit; at which time the existing Company Permit shall automatically be of no further force and effect.

6. **Appeal.** A Company may appeal the denial or non-renewal of the issuance of a Company Permit in accordance with the provisions of Section G of these Regulations.
7. **Transfer.** Company Permits are not transferable or assignable. D.

D. DRIVERS PERMIT.

1. **Driver's Permit Required.** No person shall operate a Taxicab within the Area of Jurisdiction of any Agency without having first obtained a Driver's Permit therefore.
2. **Issuance of Driver's Permit.** The Executive Officer shall issue a Driver's Permit upon submission by the Driver of all of the following requirements unless one or more basis for denial set forth in Section 3 of this Section C exists:
 - a. A fully completed Driver's Permit application signed by an authorized representative of a Company holding a Company Permit; and
 - b. A valid permanent California Class C driver's license; and
 - c. Evidence of compliance with the mandatory controlled substance and alcohol testing certification program, as set forth below:
 - i. Drivers shall show proof from a drug testing company approved by the Executive Officer that the Driver tested negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers must also test negative for alcohol. Drivers must show proof of negative tests for these controlled substances and for alcohol as a condition of Permit issuance or renewal. Drivers may also be subject to random drug and/or alcohol testing during the term of his/her Permit. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent. All test results shall be reported to the Executive Officer or his/her designee; and
 - ii. Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the Driver shall show a valid California driver's license at the time and place of testing. Requirements for rehabilitation and for return to duty and follow up testing and other requirements shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

- iii. A test consistent with subsections c. i. and ii. performed in a jurisdiction outside of the County shall be accepted as meeting the same requirement as a test performed within the County. Any negative test results shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing if the Driver has not tested positive subsequent to the negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment or any testing requirements under the program other than periodic testing.
 - iv. In the case of either a Company employee or a self-employed independent Driver, the test results shall be reported directly to the Company and the Executive Officer, who shall notify the taxicab leasing company of record, if any, of positive results.
 - v. All test results are confidential and shall not be released without the consent of the Driver, except as authorized or required by law.
 - vi. Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. The Company shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an operator may require employees who test positive to pay the cost of rehabilitation and of return to duty and follow up testing.
 - vii. Upon the request of a Driver applying for a permit, the Executive Officer shall give the Driver a list of consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the Executive Officer knows offer tests in or near the County.
- d. Evidence of Department of Justice (DOJ) Live Scan fingerprint background check submission and Subsequent Notification Program (SAP) enrollment submitted at an approved California Department of Justice finger printing agency;
 - e. Two current 2” by 2” professional quality color photos (passport photos) of the applicant.
 - f. Payment of all applicable fees including the Driver Permit application fee as set forth in the attached Fee Schedule.
 - g. The Driver’s Permit must be displayed so that it can be easily read by a passenger in the Taxicab at all times during its operation.
3. **Basis for Denial of Driver’s Permit.** The Executive Officer shall deny the issuance of a Driver’s Permit in the event that the applicant:
- a. Is under the age of 18 years; or

- b. Falsifies material information on an application for a Driver's Permit; or
- c. Does not possess a valid Class C California Driver's License; or
- d. Fails the drug and/or alcohol test required hereunder. Upon testing positive for drugs and/or alcohol the applicant shall not be eligible to reapply for a Driver's Permit for a period of six (6) months from the test date; or
- e. Is a registered sex offender pursuant to California Penal Code Section 290; or
- f. Is on formal probation or parole for any offense outlined in this section 3; or
- g. Has at any time been convicted (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding, for any of the following: murder; robbery; pandering; pimping;; and/or crimes involving the use of a weapon; or
- h. Within ~~seven~~five (75) years of the application been convicted of (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding, of reckless driving, driving under the influence of intoxicating liquor or drugs (DUI), a violation of California Vehicle Code Sections 2800.1 (pertaining to flight from peace officer), Section 20002 (imposing duties on the driver of any vehicle involved in an accident resulting only in damage to any property), Section 20003 (imposing duties on the driver of any vehicle involved in an accident resulting in injury or death) or any corresponding substitute sections or similar sections of the Vehicle Code of another state; vehicular manslaughter; [crimes related to the sale or transportation of controlled substances, except for offenses involving marijuana](#), and/or California Penal Code Sections 240, 241, 242, or 243 pertaining to assault and battery or any corresponding substitute sections or similar sections of the Penal Code of another state, the District of Columbia, and/or a federal entity.

4. Term and Renewal.

- a. A Driver's Permit shall remain in effect for a period of two (2) years from issuance unless sooner suspended or revoked. A Driver's Permit shall be automatically suspended upon the revocation or suspension of the Driver's Class C Drivers License until such time as the Driver presents evidence to the Executive Officer that the requisite Driver's License has been reinstated and is in full force and effect.
- b. In order to renew a Driver's Permit, the Driver must submit a completed application for renewal no less than thirty (30) days, nor more than sixty (60) days, prior to the expiration of the Driver's Permit. Upon submission of a completed application for a renewal of a Driver's Permit, provided that the Driver is in compliance with all of the provisions of these Regulations and provided further that the existing Driver Permit is not otherwise suspended or revoked in accordance with the provisions of these Regulations, the existing Driver Permit shall remain in effect until the later to occur of (i) such time as the application for renewal is either granted or denied; or (ii) the expiration of the existing Driver

Permit; at which time the existing Driver Permit shall automatically be of no further force and effect.

- c. The Driver's Permit shall be automatically void upon termination of Driver's employment with the Company listed in the Driver Permit application and the Driver's Permit shall be returned to the Executive Officer upon such termination.
 - d. Driver shall notify the Executive Officer in writing of any new address for Driver within forty-eight (48) hours of Driver occupying said new address.
 - e. If, for any reason, the Executive Officer gives notice to a Driver that his/her Driver Permit has been revoked or not renewed, said Driver shall immediately return his/her Permit to the Executive Officer. Failure to do so shall be grounds for the Executive Officer to refuse to issue a new Permit to said Driver.
5. **Appeal.** A Driver may appeal the denial or non-renewal of the issuance of a Driver Permit in accordance with the provisions of Section G of these Regulations.
 6. **Transfer.** Driver's Permits are not transferable or assignable.

E. VEHICLE PERMIT.

1. **Vehicle Permit Required.** No vehicle shall be operated as a Taxicab for hire within the Area of Jurisdiction of any Agency without having first obtained a Vehicle Permit from the MGSA.
2. **Issuance of Vehicle Permit.** The Executive Officer shall issue a Vehicle Permit upon full compliance with all of the following requirements:
 - a. Submission of a complete Vehicle Permit application;
 - b. Certification of vehicle inspection by a BAR-registered or ASE-certified facility that the vehicle complies with all the standards established in the California Vehicle Code or successor statute as outlined on the Program Inspection Form;
 - c. Submission of proof of current DMV registration; and
 - d. Submission of proof of current automobile liability insurance with a minimum combined single limit of Three Hundred Fifty Thousand Dollars (\$350,000.00) for injury or death of one or more persons in the same accident and for injury to or destruction of property resulting from the operation or maintenance of the Taxicab.
3. **Requirements Following Issuance.** A Taxicab which has received a Vehicle Permit shall be operated for hire in compliance with all of the following during the term of the Vehicle Permit:
 - a. The Vehicle Permit must be displayed in the Taxicab at all times during its operation.

- b. Every vehicle operating under these Regulations shall be kept in a clean and sanitary condition and free of offensive odors.
 - c. Each Taxicab shall bear on the outside of at least one door on each side of the vehicle, in painted letters not less than five inches nor more than seven inches in height, the name of the Company; and, in addition, may bear an identifying design approved by the Executive Officer. No vehicle shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Executive Officer, conflict with or imitate any vehicles already operating under a permit issued pursuant to these Regulations, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if after a license has been issued for a Taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the Executive Officer, in conflict with or imitate any color scheme, identifying design, monogram, or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the permit for such Taxicab or Taxicabs shall be suspended or revoked.
4. **Revocation of Vehicle Permit.** The Executive Officer may revoke any Vehicle Permit in the event that the vehicle that is the subject of the permit does not meet the requirements of these Regulations. The determination of the Executive Officer may be appealed in accordance with the provisions of Section F. hereof.
5. **Term and Renewal.**
- a. A Vehicle Permit shall be issued for a calendar year, and shall expire at the end of the thirty-first day of December of the year of issuance.
 - b. In order to renew a Vehicle Permit prior to the expiration of an existing Permit, Company must submit a completed application for renewal no less than thirty (30) days, nor more than sixty (60) days, prior to the expiration of the Vehicle Permit. Upon submission of a completed application for a renewal of a Vehicle Permit, provided that the Company is in compliance with all of the provisions of these Regulations and provided further that the existing Vehicle Permit is not otherwise suspended or revoked in accordance with the provisions of these Regulations, the existing Vehicle Permit shall remain in effect until the later to occur of (i) such time as the application for renewal is either granted or denied; or (ii) the expiration of the existing Vehicle Permit; at which time the existing Vehicle Permit shall automatically be of no further force and effect.
6. **Appeal.** A Company may appeal the denial or non-renewal of the issuance of a Company Permit in accordance with the provisions of Section G of these Regulations.

F. TAXICAB OPERATION.

1. **Rates of Fare.** Every Taxicab shall have a rate card setting forth its rates of fare displayed in such a place as to be in view of all passengers. Such card shall be in a form approved by the Executive Officer. No rates of fare shall be either adopted or changed until a complete schedule thereof has been filed with the Executive Officer.
 2. **Receipts.** The Driver of any Taxicab shall upon demand by the passenger render to such passenger a receipt for the amount charged on a receipt which shall bear the name of the owner, driver number, amount of meter reading or charges and date of transaction.
 3. **Taxicab Service.** All Companies and Drivers shall answer all calls received by them for services as soon as they can do so and if the services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore.
 4. **Call Logs.** Every Company shall maintain daily Call Logs. The form of the Call Log shall be approved by the Executive Officer. Every Company shall retain and preserve all Call Logs in a safe place for at least the fiscal year following the fiscal year in which the Call Log is created, and said Call Logs shall be available to the inspection by the Executive Officer upon demand.
 5. **Taxicab Meters.** Every Taxicab operated under this section shall be equipped with a taxicab meter and the Company shall keep such meter accurate at all times. The Company shall file an annual "certificate of inspection" from County Department of Agriculture. Upon discovery of any inaccuracy of the meter the Executive Officer is authorized to remove or cause to be removed from service any such vehicle equipped with such meter until the meter shall have been repaired and accurately adjusted.
- G. **APPEAL OF PERMIT DENIAL/NON-RENEWAL.** The Executive Officer's decision to issue or not issue any permit under these Regulations is discretionary. In the event a Company Permit or Driver Permit is denied or not renewed, the applicant, Company or Driver shall be notified in writing of the proposed adverse action and the reason(s) therefore (the "Notice of Adverse Action"). No later than ten (10) calendar days following the date on the Notice of Proposed Action the applicant, Company or Driver may submit a written appeal to the MGSA Board on the form provided by the Executive Officer which shall include the basis for such appeal together with the payment of any and all applicable fees. Failure to file a timely Notice of Appeal shall constitute a waiver of the right to appeal. An appeal is not timely filed if the applicable fees are not paid concurrently with the submittal of the appeal. Within forty-five (45) days following the date on the Notice of Appeal a public hearing shall be held before the MGSA Board on the proposed action. The MGSA Board shall conduct the hearing as a closed session consistent with Government Code § 54956.7 when necessary. The decision of the MGSA Board shall be issued within thirty (30) days of the date of the hearing and such decision shall be final. The MGSA Board may issue the permit only if it finds that the issuance of the permit will not adversely affect the public health, safety and welfare of the residents of the County of Marin.
- The Company or Driver whose Permit application has been denied shall not operate a taxicab pending an appeal of such denial. A Company or Driver may operate a

taxicab pending appeal of a non-renewal or appeal of revocation, unless cause for such non-renewal or revocation is among those listed in Section B.3 or C.3 as appropriate.

H. REMEDIES FOR VIOLATIONS OF THE PROGRAM

1. **Issuance of Compliance Order.** Provided that there is no immediate danger to health or safety, the Executive Officer may issue a “Compliance Order” to any Company or Driver that fails to comply with any of these regulations or for any of the following:
 - a. Providing false or inaccurate information in any Permit application; or
 - b. Allowing a Taxicab to be operated by a Driver who does not hold a valid Driver’s Permit; or
 - c. A refusal by the Company or a Driver of the Company to accept a call anywhere in the corporate limits of an Agency at any time when such Company has available Taxicabs; provided, however, that a Company or a Driver may refuse to accept a call for service when the Company or Driver reasonably determines that there is a threat to the health or safety of the Driver; or
 - d. A revocation or suspension of a Driver’s California Driver’s License; or
 - e. A failure to cooperate with any law enforcement personnel of any Agency or the California Highway Patrol.
2. **Contents of Compliance Order.** Each Compliance Order shall be in writing and shall include, without limitation, the following information:
 - a. The date of the violation(s) and, if different, the date of service of the Compliance Order
 - b. The name, address, and other identifying information of the Company and/or the Driver.
 - c. A description of the violation(s), including citation to the section(s) of the Regulations violated.
 - d. An order requiring correction of the violation(s) within ten (10) days of the date of the Compliance Order, or within such other reasonable time as the Executive Officer may determine, and notifying the Company and/or the Driver that a fine may be due or the applicable permit may be suspended or revoked if correction is not made before the expiration of the correction period.
 - e. An order prohibiting the continuation or repeated occurrence of the violation(s).
3. **Correction of Violation.** If the Executive Officer determines that all violation(s) specified in the Compliance Order have been corrected within the time set forth in the Compliance Order, no further action shall be taken against the Company and/or the Driver regarding the violations. If all violation(s) specified in the Compliance Order are not corrected within the time set forth in the Compliance Order, the Executive Officer may suspend or revoke any permit issued to a Company and/or Driver. The Executive Officer may pursue additional civil

remedies or may also refer the matter to an Agency for any additional civil or criminal remedies.

4. **Immediate Revocation.** When a violation of these Regulations poses an immediate danger to health or safety, the Executive Officer may suspend or revoke any Permit issued to a Company and/or Driver.
5. **Contents of Suspension or Revocation Decision.** Each Suspension or Revocation Decision shall be in writing and shall include, without limitation, the following information:
 - a. The date of the violation(s) and, if different, the date of service of the Compliance Order.
 - b. The name, address, and other identifying information of the Company and/or Driver.
 - c. A description of the violation(s), including citation to the section(s) of the Regulations violated.
 - d. The penalty imposed for the violation.
 - e. A brief description of the appeal hearing process; including a statement that the Company and/or Driver has the right to contest the Suspension or Revocation Decision by requesting a hearing per these regulations within ten (10) calendar days of the date of service of the Suspension or Revocation Decision.
 - f. The name and signature of the Executive Officer.
6. **Separate Violations.** Each violation of these Regulations whether after the expiration of any correction period set forth in a Compliance Order or otherwise constitutes a separate violation for every day such violation continues.
7. **Notices.** All notices, including Compliance Orders, shall be served on the Company and/or Driver in accordance with the following provisions:
 - a. Notices may be mailed by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by first-class mail, postage prepaid. If a notice sent by certified mail is returned unclaimed, service by first-class mail shall nevertheless be effective if that mail is sent to the address of record for the Company or Driver.
 - b. Service of any notice in accordance with these requirements may be proven by declaration or affidavit. Service is complete upon deposit with the United States Postal Service.

8. **Request for Hearing.** Any Company and/or Driver may contest a suspension or revocation by requesting a hearing within ten (10) calendar days from the suspension or revocation order. The hearing request must be in writing, specifying in detail the basis for contesting the Suspension or Revocation Decision. The Company and/or Driver requesting the hearing shall deposit the amount of \$500.00 for a hearing regarding a Company permit, and \$100.00 for a hearing regarding a Vehicle or Driver Permit. Failure to file an appeal request in accordance with this paragraph shall constitute a waiver of the Company's and/or Driver's right to contest any matters set forth in the Suspension or Revocation Decision.
9. **Holding Hearing.** The hearing shall be held within thirty (30) days of receiving a hearing request that complies fully with paragraph 5 above. The party requesting the hearing shall be notified of the time and place of the hearing at least ten (10) days before the hearing date. Either the Company/Driver or the MGSA may request a continuance of the hearing to a mutually agreeable date, but in no event may the hearing begin later than sixty (60) days after the MGSA receives a hearing request.
10. **Conducting Authority.** The Board of the MGSA shall hold any hearing. Alternatively, the Board may request that the Executive Officer designate a Hearing Officer to hear and decide appeals of Suspension or Revocation Decision.
11. **Hearing Procedure.** On the date and at the time and place set forth in the notice of hearing, the Conducting Authority shall conduct an orderly hearing and shall accept evidence on which persons commonly would rely in the conduct of their business affairs. Formal rules of evidence need not apply. The party contesting the Suspension or Revocation Decision shall have the opportunity to testify, under oath, and to present evidence, including witnesses, who shall be under oath, concerning the alleged violation. Any other interested party may also present evidence. The Conducting Authority shall limit the evidence to that which is relevant to establishing or refuting the violation alleged in the Suspension or Revocation Decision. If the Company/Driver or any other interested person fails to attend the scheduled hearing, that person shall have waived any right to present evidence on the matter. The Suspension or Revocation Decision and any other reports submitted by the Executive Officer shall constitute prima facie evidence of the facts recited in those documents. The Conducting Authority may take the matter under consideration, may continue the hearing, and may request additional information from the Executive Officer or from the Company and/or Driver. On the basis of a preponderance of the evidence, the Conducting Authority shall determine whether to affirm, modify, or dismiss the Suspension or Revocation Decision. [In making a determination regarding issuance of a Driver's Permit to an applicant with a disqualifying legal conviction, the nature and circumstances of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation may be considered.](#) The Conducting Authority shall make findings based on the record of the hearing, and shall issue a final written decision based on those findings. The written decision shall be served upon the Company and/or Driver.
12. **Appeal.** Any person aggrieved by an administrative decision of a Conducting Authority may obtain review of that decision by filing a petition for review in the

Marin County Superior Court, according to the requirements of Government Code Section 53069.4.

13. Complaint against business that advertises or operates taxicab transportation service for hire; Sufficiency of complaint; Investigation.

- a. Upon receipt of a complaint containing sufficient information to warrant conducting an investigation, the MGSA shall investigate any business that advertises or operates taxicab transportation service for hire. A complaining party shall give MGSA sufficient information in the view of MGSA to warrant an investigation. The MGSA shall provide an “Investigative Request Form” to a complaining party with the criteria for a complaint. Pursuant to this investigation, the MGSA shall do all of the following:
 - i. Determine which businesses, if any, are required to have in effect a valid taxicab certificate, license, or permit as required by ordinance, but do not have that valid authority to operate.
 - ii. Inform any business not having valid authority to operate that it is in violation of law.
 - iii. Within 60 days of informing the business pursuant to paragraph (ii.), institute civil or criminal proceedings, or both, under its regulations or refer this matter to an Agency within which the business operates.
- b. For purposes of this section: “Advertises” means any action described in subdivision (b) of Government Code § 53075.9.

14. Termination of telephone service utilized by taxicabs operating without proper authority; Enforcement by local agencies; Notice; Timely protest; Hearing.

- a. Pursuant to and within the authority of Government Code § 53075.8, the MGSA enacts the following regulations.
- b. For purposes of this section, a telephone corporation or telegraph corporation, or a corporation that holds a controlling interest in the telephone or telegraph corporation, or any business that is a subsidiary or affiliate of the telephone or telegraph corporation, that has the name and address of the subscriber to a telephone number being used by a unauthorized taxicab operator shall provide the MGSA, or an authorized officer or employee of the MGSA, upon demand, and the order of a magistrate, access to this information. A magistrate may only issue an order for the purposes of this subdivision, if the magistrate has made the findings required by paragraph (ii.) of subdivision (f).
- c.
 - i. In addition to any other remedies that may be available by law, if the MGSA determines that a taxicab transportation service has operated within the County of Marin in violation of a city or county ordinance adopted under Government Code Section 53075.5 or the Marin General Services Authority Taxi Regulation Program, the MGSA may notify the taxicab

operator that the MGSA intends to seek termination of the operator's telephone service. The notice shall be sent by certified mail to the operator at the operator's last known mailing address. If the MGSA is unable to determine the operator's mailing address, the MGSA shall post the notice for at least 10 calendar days.

- ii. The notice shall contain sufficient information to identify the taxicab transportation service, to inform the taxicab operator of the alleged violations of the ordinance or regulations, and the procedures for protesting the allegations contained in the notice.
- d. The taxicab operator, within 10 calendar days of the date of the notice, may contest the allegations contained in the notice by filing a written protest with the MGSA. The MGSA shall schedule a hearing on the protest within 21 calendar days of receiving the protest.
 - e. The Board of the MGSA, or any person or persons as may be designated by the Board, shall hear the protest. The MGSA shall have both the burden of providing that the use made, or to be made, of the telephone service is to hold out to the public to perform, or to assist in performing, services as a taxicab transportation service, and that the telephone service is being, or is to be, used as an instrumentality, directly or indirectly, to violate, or assist in violating, the applicable ordinance or regulation. The taxicab operator, or his or her designated representative, shall be allowed to present evidence to answer or refute any allegations presented to the MGSA. The Board or designated person may continue the hearing from time to time. Within 10 calendar days of the close of the hearing, the MGSA shall issue a written decision to uphold or reject, in whole or in part, the allegations contained in the notice. If the MGSA upholds the allegations in whole or in part, the written decision shall state either that the allegations are sufficient to justify seeking termination of the taxicab operator's telephone service, or that the allegations are not sufficient.
 - f.
 - i. If the MGSA does not receive a timely protest, or, after a protest hearing held pursuant to subdivision (e), the MGSA has determined that the allegations are sufficient to justify seeking termination of the telephone operator's telephone service, the MGSA may seek termination of the taxicab operator's telephone service as provided in this section.
 - ii. A telephone or telegraph corporation shall refuse telephone service to a new subscriber and shall disconnect telephone service of an existing subscriber only after it is shown that other available enforcement remedies of the MGSA or its member agencies have failed to terminate unlawful activities detrimental to the public welfare and safety, and upon receipt from any authorized officer or employee of the MGSA of a writing, signed by a magistrate, as defined by Sections 807 and 808 of the Penal Code, finding that probable cause exists to believe that the subscriber is advertising or holding out to the public to perform taxicab transportation services in violation of the applicable ordinance or regulation, or that the telephone service otherwise is

being used or is to be used as an instrumentality, directly or indirectly, to violate or assist in violation of the laws requiring a taxicab operator to have valid operating authority. Included in the writing of the magistrate shall be a finding that there is probable cause to believe that the subject telephone facilities have been, or are to be, used in the commission or facilitation of holding out to the public to perform taxicab transportation services in violation of the applicable ordinance or regulation.

- g. The telephone or telegraph corporation, immediately upon refusal or disconnection of service in accordance with paragraph (2) of subdivision (f), shall notify the subscriber in writing that the refusal or disconnection of telephone service has been made pursuant to a request of the MGSA and the writing of a magistrate, and shall include a copy of this section, a copy of the writing of the magistrate, and a statement that the customer of the subscriber may request information from the MGSA concerning any provision of this section and the manner in which a complaint may be filed.
- h. The provisions of this section are an implied term of every contract for telephone service and a part of any application for telephone service. Applicants for, and subscribers and customers of, telephone service, have, as a matter of law, consented to the provisions of this section as a consideration for the furnishing of the telephone service.
- i. As used in this section, the terms “person,” “customer,” and “subscriber” include the subscriber to telephone service, any person using the telephone service of a subscriber, an applicant for telephone service, a corporation, a limited liability company, a partnership, an association, and includes their lessees and assigns.
- j. As used in this section, the following terms have the following meanings:
 - i. “Telegraph corporation” has the same meaning as specified in Section 236 of the Public Utilities Code.
 - ii. “Telephone corporation” has the same meaning as specified in Section 234 of the Public Utilities Code.

15. Other Remedies. The remedies set forth in this section are not exclusive. Each Agency has the authority to enforce the provisions of the Program within its jurisdictional boundaries in accordance with the applicable provisions of its own Municipal Code.

16. Amendment. The MGSA retains the right to amend this Program and the regulations set forth herein at any time.

MGSA Taxi Regulation Program Fee Schedule

Company Permit (One-Year Permit)	\$1,000*
Vehicle Permit (One-Year Permit per Vehicle)	\$750*
Penalty Fee for Company or Vehicle Permits issued after the permit expiration date.	\$200
Driver Permit (Two-Year Permit)	\$40
Transfer of Active Vehicle or Driver Permit (for remainder of term)	\$50

* Permits are issued for a calendar year. Fees for new company or vehicle permits which are issued mid-year will be pro-rated based on the remaining number of months in the year of issuance.

MEMORANDUM

DATE: March 10, 2022

TO: MGSA Board of Directors

FROM: Michael Frank, Executive Officer
Dave Byers, General Counsel

SUBJECT: Conflict-of-Interest Code Adoption

Recommendation

By motion, approve Resolution 2022 - 05 adopting a Conflict-of-Interest Code and designating applicable reporting categories.

Background

The Political Reform Act is the foundation for California conflict-of-interest law, providing that public servants shall not make, participate in making, or attempt to influence the making of a government decision in which they have a financial interest.

All state and local government agencies are required to adopt a local conflict-of-interest code ("code"). The code is an independent set of rules adopted pursuant to the Act, having the force and effect of law.

The purposes of a local agency's code are to:

- Set forth the provisions (rules) for disclosure of income and assets as specified under the Act and the process of disqualification from action;
- Designate local agency positions subject to those provisions and required to file Statements of Economic Interests (Form 700 or SEI) due to their responsibilities with the local agency;
- List disclosure categories to be assigned to the designated positions indicating the types of income and assets to be disclosed on SEIs; and
- Inform designated positions and the public of the foregoing.

Discussion

MGSA adopted the FPPC Model Conflict-of Interest Code back in 2006. Given time elapsed, staff felt a review of the ordinance, categories, and positions was appropriate. Staff is requesting that the Board readopt the ordinance along with the categories and positions. Staff will return to the Board on a regular basis as outlined in the statute.

Attachments

F1. Resolution 2022 - 05 titled, "**Adopting a Conflict-of-Interest Code.**"



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RESOLUTION 2022 – 05

ADOPTING A CONFLICT-OF-INTEREST CODE

THE BOARD OF DIRECTORS OF THE MARIN GENERAL SERVICES AUTHORITY DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies, including the Marin General Services Authority, to adopt and promulgate Conflict-of-Interest codes.

Section 2. The Fair Political Practices Commission (the “FPPC”) has adopted a regulation that contains the terms of a Model Conflict-of-Interest Code (the “Model Code”). The Model Code, codified at 2 California Code of Regulations Section 18730, can be incorporated by reference by the Authority as its conflict-of-interest code. After public notice and hearing, the FPPC may amend the Model Code to conform to amendments to the Political Reform Act.

Section 3. The Model Code, attached hereto as Exhibit “A,” and any amendments to it duly adopted by the FPPC, are hereby incorporated into the conflict-of-interest code of this Authority by reference. This regulation and the attached Appendices designating officials and employees and establishing economic disclosure categories shall constitute the Conflict-of-Interest Code for the Marin General Services Authority.

Section 4. All officials and employees required to submit a statement of economic interests shall file their statements with the Executive Officer or his or her designee. The Executive Officer shall make and retain a copy of all statements filed and forward the originals of such statements to the Office of the County Clerk of Marin County. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

Section 5. The Authority hereby directs the General Counsel to coordinate the preparation of a revised Conflict-of-Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. The revised Code should reflect any changes in employee designations. If no revisions to the Code are required, the Authority shall submit a report to the Office of the County Clerk of Marin County no later than October 1st of the same year, stating that amendments to the Code are not required.

Section 6. The Executive Officer is directed to certify to the passage and adoption of this resolution.

PASSED AND ADOPTED this 10th day of March 2022.

Ayes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Noes: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Absent: Alilovich, Blunk, Chanis, McGill, Middleton, Nicholson, Zadnik

Greg Chanis
President, MGSA Board of Directors

Attested By:

Michael S. Frank
Executive Officer

Approved as to Form:

David Byers
General Counsel

EXHIBIT "A"**FPPC MODEL CODE****18730. Provisions of Conflict-of-Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict-of-Interest code within the meaning of Government Code section 87300 or the amendment of a Conflict-of-Interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a Conflict-of-Interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000,et seq. The requirements of a Conflict-of-Interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a Conflict-of-Interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100,et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Conflict-of-Interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200,et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a Conflict-of-Interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's Conflict-of-Interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

¹ Designated employees who are required to file statements of economic interests under any other agency's Conflict-of-Interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$340.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$340 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to

the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person, which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$340 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services or 18705.2(c) totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

EXHIBIT "A", APPENDIX "A"

CATEGORY 1

Persons in this category shall disclose all interests in real property located within the jurisdiction of the Marin General Services Authority. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within, or not more than two miles outside of, the boundaries of the jurisdiction, or within two miles of any land owned or used by the Authority.

Persons are not required to disclose property used primarily as their principal residence or any other property that they utilize exclusively as their personal residences.

CATEGORY 2

Persons in this category shall disclose reportable income from persons or business entities that have a franchise or contract with the Authority or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict-of-Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.

CATEGORY 3

Persons in this category shall disclose reportable investments in business entities that have a franchise or contract with the Authority or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict-of-Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.

CATEGORY 4

Persons in this category shall disclose reportable business positions in business entities that have a franchise or contract with the Authority or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict-of-Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.

CATEGORY 5

For consultants who serve in a staff capacity with the Authority, the consultant shall disclose based on the disclosure categories assigned elsewhere in this code for that staff position.

For consultants who do not serve in a staff capacity, the following disclosure categories shall be used:

Persons required to disclose in this category must disclose pursuant to subcategories A, B, and C below unless the Executive Officer determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the

disclosure requirements in categories A, B, or C. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and must be retained for public inspection in the same manner and at the same location as the Authority's Conflict-of-Interest code.

- A. Reportable interests in real property in the jurisdiction as specified above in Category 1.
- B. Reportable personal and business entity income, as specified above in Category 2.
- C. Reportable investments, as specified above in Category 3.
- D. Reportable business positions, as specified above in Category 4.

EXHIBIT "A", APPENDIX "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of Board of Directors	1, 2, 3, 4
Member of Board of Directors (Alternate)	1, 2, 3, 4
Executive Officer	1, 2, 3, 4
General Counsel	1, 2, 3, 4
Taxi Regulation Program Coordinator	1, 2, 3, 4
Consultant	5