
BOARD MINUTES FOR MEETING OF JUNE 11, 2020

As a result of the COVID-19 pandemic, the Board Meeting came to order on-line in compliance with shelter-in-place orders, as allowed by Executive Order N-29-20 (March 17, 2020). The meeting started at 10:02 a.m.

MGSA Board Members Participating: President Craig Middleton, Vice President Greg Chanis, and Members Adam McGill, Andy Poster, and Sean Condry were present. Member Cristine Alilovich and Angela Nicholson were absent.

Program Contractors Attending: Executive Officer Michael Frank, General Counsel Dave Byers, and Program Contractor Bob Brown.

A. Report from Executive Officer

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

- MTA to MGSA Transition – Last MTA Board meeting held June 10, 2020.
- Telecommunications
 - There is presently one pre-reservations of a streetlight in San Rafael by Crown Castle.
- Website – Working on design and writing of content.

B. Public Comment

No public comment.

C. Board Meeting Minutes of March 12, 2020 Board Meeting

Motion by Chanis, seconded by Poster to approve the minutes. Motion was approved 5 – 0 with Alilovich and Nicholson absent.

D. Approval of and Authorization for the Executive Officer to Execute a Streetlight Master License Agreement for Use of MGSA-Controlled Space on Streetlight Poles with AT&T (California) LLC for a 5 Year Initial and Potential Extension Terms (Brown, Byers, and Frank)

MGSA Board Meeting Minutes for June 11, 2020

Frank introduced the item. The Board, by motion put forward by Poster, seconded by Condry, approved Resolution 2020 - 17 executing a Master License Agreement with AT&T (California) LLC by a vote of 5 – 0 with Alilovich and Nicholson absent.

E. Taxi Regulation Program Review and Potential Changes (Brown)

Contractor Bob Brown introduced the informational item and provided an overview of the review of the program outlined in the Board memorandum along with potential program changes. No action was taken.

Public Comment was provided in writing by Kevin Carroll, attached to these minutes. In addition, public comment was provided by Lori from North Bay Taxi.

F. MGSA Executive Officer Recruitment and Article 9.3 of MGSA JPA Agreement (Middleton)

President Middleton reported out that there were no contacts for the Executive Officer recruitment except for the current Executive Officer Frank. The Board, by motion put forward by McGill seconded by Chanis continued the appointment of Frank by a vote of 5 – 0 with Alilovich and Nicholson absent.

Motion by Chanis, seconded by Poster to approve the minutes. Motion was approved 5 – 0 with Alilovich and Nicholson absent.

G. FY Budget Adjustment to the MGSA General Fund FY 2019/20 Adopted Budget (Frank)

Executive Officer Frank introduced this item and outlined why \$15,000 needed to be taken from reserves to increase the FY 19/20 Budget. A motion approving Resolution 2020 - 18 titled, "Budget Amendment to FY 2019/20 MGSA Adopted Budget" was put forward by Chanis and seconded by Condry. The resolution was approved 5 to 0 with Alilovich and Nicholson absent.

CLOSED SESSION

H. Closed Session – Real Property Negotiations - Government Code Section 54956.8.

Property: MGSA Owned Streetlights

Agency Negotiators: Michael Frank, Executive Officer
Dave Byers, Esq., Byers/Richardson Law Offices

Negotiating Party: AT&T NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company ("AT&T"), LLC


Under Negotiation: Price and Terms

MGSA Board Meeting Minutes for June 11, 2020

The Closed Session was not held.

I. **Adjournment**

The meeting adjourned at 10:40.



Michael S. Frank, Executive Office

06/10/2020

Dear MGSA Board Members:

I initially was excited to see the proposed changes to the Taxi Regulation Program.

Since its inception there has been a disconnection between the administration and enforcement of the program. Mr. Rawles saw his function as purely clerical. The program was designed to give him enforcement powers as well.

The program could have been enforced for a low cost had there been a clear coherent strategy from the beginning. This has never occurred.

The taxi drivers and companies who follow the rules are the first to spot others violating the program. We are also the ones hurt financially when the "bad actors" get away with violating the rules. When we would complain to Mr. Rawles, he would tell to call the police. When we called the police, they would tell us to call Mr. Rawles.

When members of the public have a bad experience with a taxi driver they would call 911. Unless the incident involved drunk / drugged driving, violence or other "immediate danger" situations they would be advised to call the non-emergency line. The non-emergency operators would refer people to a cities business office. The cities business office would refer them to Mr. Rawles. Mr. Rawles would refer them to the police department.

The attached letter from Mr. Rawles pretty much sums up the problem.

"MGSA Taxi program was always designed to count on law enforcement to enforce our rules. Each city has complied to various degree. But it remains a work in progress, but I can assure you staff has meet several times with local Chiefs and other Officers. But, like MGSA the local PDs have budgets and priorities of where to expend their resources."

The program was established in 2006, in 14 years I have seen little work and no progress.

Mr. Rawles further stated:

"I am writing all this because you seem to want MGSA to provide some enhanced service or operate in some model you personally envision and are not getting the responses you want? I am not sure what your goal is or exactly what you want?"

What I wanted was the enforcement of the State of California laws governing the Taxi Industry by the agency tasked with enforcing them.

Mr. Rawles also stated:

“Regarding your previous email regarding new laws affecting taxi regulations, MGSA staff are already looking into how it will, or will not, affect how MGSA chooses to regulate in Marin. But if changes are in store we will among other things certainly eliminate any regulations that we are unable to enforce. MGSA is not staffed to chase down random companies to determine what type of permit is appropriate for them.

I know I cant pick and choose what laws I will obey.

With the advent of the Covid crisis many taxi operators have pulled their vehicles off the road and off their insurance policies. When business picks up again, I fear some operators will try to operate with no insurance or underinsured.

With a much smaller number of vehicles and companies on the road, the base for charging fees to properly operate the Taxi Regulation might be the nail in the coffin for the taxi industry in Marin.

Kevin Carroll
Sausalito Taxi

Sept 15, 2019

Kevin:

I have an appointment Tuesday with a new company who wishes to become permitted. I don't know exactly at this point who there are, but suspect they MAY be the tib/Bel company you have complained about and more will be revealed after we meet.

Regarding your previous email regarding new laws affecting taxi regulations, MGSA staff are already looking into how it will, or will not, affect how MGSA choses to regulate in Marin. But if changes are in store we will among other things certainly eliminate any regulations that we are unable to enforce. MGSA is not staffed to chase down random companies to determine what type of permit is appropriate for them.

MGSA Taxi Regulation Program is self funded by fees. To date the MGSA board has not shown any interest in funding the program from each cities general fund. That means if MGSA was to enhance its administrative/legal function the money would have to come from increased fees to the permitted taxi companies.

The goal of MGSA taxi program has been to focus on public safety (Insurance, background and drug test). MGSA has strived to keep it simple administratively to keep costs low, and also not to be burdensome for the permitted companies. I am sure there are many things large cities do to to follow various rules that MGSA doesn't do because the relative volume and importance of taxi industry to their community. Small example, you are permitted as Sausalito Taxi, yet you operate another cab called Checker? MGSA could handle this a couple ways, but we have chosen to not be too bureaucratic. And large cities charge significant amounts for medallions to fund their administration.

MGSA Taxi program was always designed to count on law enforcement to enforce our rules. Each city has complied to various degree. But it remains a work in progress, but I can assure you staff has meet several times with local Chiefs and other Officers. But, like MGSA the local PDs have budgets and priorities of where to expend their resources.

I am writing all this because you seem to want MGSA to provide some enhanced service or operate in some model you personally envision and are not getting the responses you want? I am not sure what your goal is or exactly what you want? You have sent me several emails lately demanding various services and are apparently unhappy with the model MGSA is using. Every government has a budget and the policy makers set the pories. For example the State PUC has many many permits they issue, but only a couple enforcement staff for the entire State of California. The result is probably many limos operate not following the rules. But if something bad happens and a limo injures people, the limo operator who didn't follow the rules is going to jail. To my knowledge, MGSA has one of the most effective taxi regulation program for a suburb of

our size. Many of the surrounding suburbs have in fact visited us and tried to copy what we have accomplished.

If you think it would be of value, I would be glad to meet with you and discuss all the above issues and determine what your concerns are and if there is some way to resolve them within the constraints we operate. I have been sick on my back with pneumonia for the last two weeks, but back at work this week and meeting people. Please let me know if you would like to meet, and I will schedule a time for us to meet.

Jeff