

VEHICLE FOR HIRE COMMISSION

CITY OF EDMONTON VEHICLE FOR HIRE COMMISSION

MEETING NO. 2

Friday, March 18, 2011

MEMBERS

L. Lubin, Chairman
R. Clarke
M. Fysh
B. Katz
C. Khehra
C. Kilburn
C. Leahey

PRESENT

L. Lubin
R. Clarke
M. Fysh
B. Katz
C. Khehra
C. Kilburn
C. Leahey

Also in attendance;

Legal Counsel Representative
Acting Chief Livery Officer
Vehicle For Hire Secretary
Police Service Representative

G. Stewart-Palmer
Doug Collinson
S. Weller
S. Callioux

Not in attendance;

Transportation Department Representative

D. Macdonald

1. Call to Order

Chairman called the meeting to order at **1:45 p.m.** He introduced Superintendent Stuart Callioux who is representing Edmonton Police Services on behalf of Danielle Campbell.

2. Approval of Agenda

MOVED: CLARKE/KHEHRA

#1-03-11

That the agenda be approved as distributed.

FOR THE MOTION:

Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

3. Approval of Minutes

MOVED: FYSH/CLARKE

#2-03-11

That the minutes from the regular meeting held on February 18, 2011 be approved.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

4. Public Involvement

Mr. Neal Spicer's presentation is "time specific".

Mr. Neal Spicer -

Mr. Spicer addressed the Commission by asking a series of eleven questions specific to limousine licensing, inspections of limousines and definition of limousines, buses and charter services. He also inquired regarding the authority of Municipal Enforcement Officers when conducting inspections of limousines and quoted legislation from the Canadian Charter of Rights and Freedoms about unreasonable search or seizure.

Mr. Leahey stated he appreciates the effort put forward by Mr. Spicer in this presentation and indicated he would like to see a specialized sub-committee created to address issues specific to limousines. He requested that the Commission consider the suggestion for this dedicated sub-committee.

MOVED: FYSH/KATZ

That the document presented by Mr. Spicer be received as information and a report be prepared by legal counsel in response to questions raised and concerns identified. This report shall be forwarded to the Executive Committee to peruse prior to being forwarded to Mr. Spicer. The response shall also be attached to the April meeting agenda.

MOVED KATZ/LEAHEY

That the motion be amended to read that the report shall be attached to the agenda of the first available meeting following completion of the report.

That the motion as amended be approved, as follows;

That the document presented by Mr. Spicer be received as information and a report be prepared by legal counsel in response to questions raised and concerns identified. This report shall be forwarded to the Executive Committee to peruse prior to being attached to the agenda of the first available meeting following completion of the report.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

Subsequent to a brief summary discussion, the following motion was presented;

MOVED FYSH/KHEHRA

#4-03-11

That the meeting be adjourned for a five minute recess.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

Commission legal counsel was not in attendance at the meeting subsequent to the five minute adjournment.

The meeting was reconvened and the Chairman inquired if any individuals had questions or concerns they would like raised with our E.P.S. representative, Superintendent Callioux as he was required to leave the meeting by 2:30 p.m.

Mr. Balraj Manhas, representing the United Taxi Drivers Association addressed Superintendent Callioux and raised issues faced by taxi drivers with respect to threats of sexual harassment/misconduct against a driver so they do not have to pay the fare. He requested that Police Officers be diligent in verifying facts before laying charges. In addition, he advised that he is aware of one driver that was unable to obtain his security clearance in time for renewal of his taxi drivers licence and was issued two tickets of \$500.00 each by a Police Officer – he believes it was excessive.

Superintendent Callioux indicated that Police Officers are trained professionals who base complaints and charges on reasonable grounds. Mr. Manhas should bring forward any specific information he may have regarding Police conduct he feels was improper so that it could be reviewed.

The Acting Administrator corrected Mr. Manha's statements about the Edmonton Police Service. the complaint originated from the Edmonton Police Service regarding the driver but the Police did not issue the tickets. The Police investigation still may not be concluded and the Acting Administrator refused to discuss the matter for that reason and that it was also brought up at a public meeting.

The following individuals requested to speak:

1. Mr. Thomas Keez
2. Mr. Sadhu Singh
3. Mr. Balraj Manhas
4. Mr. Ed Robinson
5. Mr. Phil Strong

Summary of comments/concerns raised:

Thomas Keez

- Mr. Keez has a serious concern regarding credit card transactions in Edmonton taxis. He would like the Commission to review current practices as he is only aware of one taxi out of twenty five in Edmonton that have a point of sale credit card machine.
- He indicated that in most other centres he has visited, he usually receives his transaction information within four days therefore enabling him to submit his expense claims to his employer. His experience in Edmonton is that it takes one month before he receives his transaction statement. During this time interval the drivers have valuable personal information which is at risk as it is unsecured.

Chairman thanked Mr. Keez for coming forward as a member of the public and bringing this concern to the Commission. He suggested he provide his name and address and the Commission will take his concerns under advisement and offer a response to him.

Ed Robinson

- Mr. Robinsons stated that a question was raised at the end of the Feb. 22nd Community Services Committee meeting regarding using a taxi licence as collateral for security. He suggests making the financial institution the eligible transferee on the transfer document with a time limitation for repayment of the debt.
- Regarding the issue of vehicle emissions, he suggests contacting Air Care B.C. for statistics. He stated that emissions are measurable for all vehicles and should be used as the gauge rather than the age of the vehicle,

Phil Strong

- Feels the Passenger Bill of Rights was poorly written and will invoke bad feelings between the drivers and passengers. It may foster a sense of conflict in the vehicle and both the passengers and the driver are already be aware of their rights. In addition, he feels the statement about the use of cell phones isn't required as they are scheduled to be outlawed by July. His stated opinion is that the Bill requires additional debate prior to being posted in a cab.
- He inquired regarding zone rate maps and two year taxi drivers licences including the requirement that Brokers submit information on any criminal charges of their drivers.

Balraj Manhas

- Addressed the Commission previously.

Sadhu Singh

- Declined to speak.

Ian Lee

Although Mr. Lee was not on the list of individuals wishing to address the Commission, members agreed to hear his inquiry.

- He inquired if a drivers permit would be cancelled if a Broker submitted information on a criminal charge that appeared on the security clearance of one of their drivers.

Mr. Leahey responded that it would have to be reported to the Chief Livery Officer who would then determine if the "charge" warranted that the licence should be suspended and/or revoked.

5. Business Arising**a. Proposed Passenger Bill of Rights**

MOVED LUBIN/FYSH

#5-03-11

That the following motion be withdrawn;

Whereas, the Vehicle for Hire Commission, as part of its mandate, is committed to serving the best interests of the public, it is moved that the Commission adopt a Passenger Bill of Rights to read as follows:

As a passenger in this taxi, you have the right to:

- Only pay the amount that is registered on the meter;
- Be accompanied by an assistance animal;
- A safe and courteous driver who obeys all the traffic laws;
- Be driven to your destination by the most direct route;
- A knowledgeable driver who knows the city geography;
- A noise free trip unless you request the radio;
- Scent and smoke free air;
- A clean taxi;
- Air conditioning or heat on request;
- Seat belts for all passengers;
- A driver who does not use a hand-held cell phone while driving nor carry on a conversation with anyone other than with their dispatcher.

It is equally important for you to recognize that your driver should also be treated with equal dignity.

If you have a complaint, a compliment or a comment, please do not hesitate to contact the manager of this company noting the date, time, number of the vehicle and name of the driver. Otherwise, contact the Commission office at (780) 496-5244.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

MOVED LUBIN/FYSH

#6-03-11

A Notice of Motion will be offered at the April meeting to re-introduce the previously withdrawn passenger Bill of Rights offering the industry a chance to comment on the issue.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

b. Notice of Motion –

To explore the possibility of adding a representative from the Edmonton Regional Airport Authority as an ex-officio member of the Commission and to make any necessary amendments to the Commission's Bylaw 14400.

Mr. Katz explained that he would like to proceed with this motion to explore the possibility of whether or not there would be benefit to having an E.R.A.A. representative attend Commission meetings, including obtaining input from the public. He feels it would assist in planning trips to the Airport for Edmontonians.

Discussion ensued regarding the wording 'explore the possibility' as opposed to directly requesting that a member be approached and requested to attend. Members agreed to having the the E.R.A.A. representative in attendance respond to inquiries from the Commission.

Mr. Brett Bain with Ground Transportation at the Airport suggested that the E.R.A.A. would be interested in having a representative attend Commission meetings as an advisor provided they were appointed through all the proper procedures.

Mr. Katz indicated he remains in favor of exploring the issue prior to any appointment as it is a controversial subject within the industry.

MOVED KATZ/LEAHEY

#7-03-11

To explore the possibility of adding a representative from the Edmonton Regional Airport Authority as an ex-officio member of the Commission and to make any necessary amendments to the Commission's Bylaw 14400.

FOR THE MOTION:
OPPOSED:

Leahey, Khehra, Clarke, Kilburn, Fysh, Katz
Lubin

CARRIED

6. Reports from Committees

a. Executive Committee

Chairman reported that a new Chief Livery Officer has been selected and will begin in this position on April 4th. He also stated that the motions passed at the Community Services Committee meeting on February 22nd are attached to the agenda for the information of the industry.

MOVED: LUBIN/FYSH

#8-03-11

To accept the report as presented.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

b. Operation & Program Committee

Regulation Amendments

Chairman stated that the latest version of the regulation amendments has been distributed to members,

MOVED FYSH/LEAHEY

#9-03-11

That the most recent version of the regulation amendments be approved subject to any changes which may be submitted by the end of March.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

Changes received will be circulated to City of Edmonton brokers and the Drivers Association.

c. Safety

Mr. Leahey inquired if there was any additional information available regarding the Brokers being required to report criminal charges against their drivers.

Mr. Collinson indicated he would report on that matter under VFH Commission administrative matters.

d. Driver Training

Chairman indicated that there is no report to be tabled at this time.

7. Administrative Matters

a) Vehicle for Hire Commission

1. March Service Deliverables Report
2. February 2011 Violation Report
3. General Matters;

- Notice of Special Fees
- Renewal Update
- Enforcement of Regulations
- Drivers Licence Expiry Date Extension

The Acting Administrator reviewed the statistics contained in the reports.

In addition, he advised that the 2011-12 licence renewal procedures are the same as last year. Further, there was a \$54,000. shortfall in revenues therefore a total of \$27,000. had to be taken from the Reserve.

The Chairman suggested that an over/under expenditure chart be circulated to the Commission for information.

The Acting Administrator agreed to supply both an expenditure and a monthly progress report. He continued his report by advising members that the Notice of Fees previously distributed to the industry does not have the same wording as the Bylaw and drivers are using the fee schedule to charge fees that are in excess of those stated in the Bylaws. He suggested amending the Notice to match the wording in Bylaw 14700.

Mr. Leahey suggested sending a communications document to the industry regarding this issue.

The Acting Administrator advised that renewal is underway and gave the dates for the various brokerages on-site inspections. He stated that if all goes well, inspections should be finished by May 26th.

Regarding the enforcement of regulations, he indicated that the Law Branch has confirmed that there is not currently a means of enforcing the regulations. An amendment will have to be made to rectify this situation. Currently the four amendments that have draft wording ready are; (1) Changing the date of expiry for Taxi Vehicle and Accessible Taxi Vehicles licences to October 31 (**this motion was withdrawn at the February meeting**), (2) a requirement on Brokers to report criminal code violations of drivers; (3) a condition on licences to report charges under the criminal code, and (4) making drivers licences expire every two years.

The Law Branch also indicated that zone maps that are contingent on the delivery of a passenger to a destination outside of the City (the airport) would be outside of the City's jurisdiction.

MOVED FYSH/LEAHEY

#10-03-11

That the Administration prepare a new Notice of Special Fees in conjunction with the Bylaw and forward it to Commission members before the end of March.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

MOVED LEAHEY/FYSH

#11-03-11

That the Administration be directed to move forward with amendments 2 and 3 of the Bylaw amendments drafted by the Law Branch,

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

b) Edmonton Police Service

No report at this time.

c) Edmonton Transportation

No report at this time.

8. New Business

a. Zone Fare Maps

The Acting Administrator stated that some Brokers have their own zone fare maps and they mirror the zone areas utilized by Airport Taxi, however, the rates charged are different. There is no approval for rates not included in the Bylaw and the current zone rates are in contravention.

Chairman indicated that Brokers were to mirror the rates in the Airport Taxi zone rate maps as well as the actual zones to facilitate problems identified with different rates to and from the Airport. The agreement made with the industry was to change the same rates as posted by Airport Taxis or the meter rate, whichever is less.

It was decided that the zone rate map issue remain 'status quo' until September when the new Airport contract is awarded.

9. News Articles

- a. Edmonton Journal – February 23, 2011 - Emissions
- b. Edmonton Sun – February 23, 2010 - Deadheading

MOVED KHEHRA/CLARKE

#12-03-11

To accept these news article as information.

FOR THE MOTION:

Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

10. General Correspondence

- a. Copy of correspondence to Mayor Mandel from the Airport Taxi Drivers Association regarding airport service.

MOVED KATZ/LEAHEY

#13-03-11

To accept this item of correspondence as information.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

11. In-Camera Items

There are no in-camera items to be discussed at this time.

12. Adjournment

MOVED KHEHRA/KILBURN

#14-03-11

That the meeting be adjourned.

FOR THE MOTION: Leahey, Lubin, Khehra, Clarke, Kilburn, Fysh, Katz

CARRIED

The next regular Vehicle For Hire Commission meeting will take place at 1:30 p.m. in the Heritage Room at City Hall, Wednesday, April 13, 2010.



L. Lubin, Chairman



S. Weller, Administrative Assistant