

EXHIBIT NO. 1

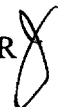
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City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 2, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE POSTPONING THE 2009 ANNUAL REVIEW OF THE ALEXANDRIA TAXICAB INDUSTRY AND RELATED ORDERS, REPORTS AND APPROVALS FOR SIX MONTHS

ISSUE: The City Manager proposes to postpone the 2009 annual review of the Alexandria taxicab industry and related orders, reports and approvals for six months. Since the annual review and related orders, reports and approvals are due by dates specified in the City Code, an ordinance is required to allow this postponement.

RECOMMENDATION: That City Council: (1) introduce the proposed ordinance and pass it on first reading; and (2) set it for public hearing, second reading and final passage on Saturday, December 12.

DISCUSSION: City Code Section 9-12-31 requires the staff, the Traffic and Parking Board and the City Manager to conduct an annual review of the taxicab industry. During this annual review, the Board recommends, and the Manager determines, a number of things, including: 1) renewal of existing companies' certificates of public convenience and necessity; 2) how many authorized taxis are allowed to affiliate with each company; and 3) transfer of authorizations and renewal of grandfathered certificates. In addition, every other year, the hearing involves a review and setting of the rates charged by Alexandria's cabs. By Code, the Manager's final determination must be completed by December 15.

The City's six cab companies have sent letters to staff and City Council asking for an "indefinite moratorium" on the application of the requirement set forth in City Code Section 9-12-32(c) that each certificated taxicab company average two dispatch trips per authorized driver per day, as set forth in City Code Section 9-12-32(c). In addition, representatives of all six companies met with the City Manager and staff from T&ES and the City Attorney's Office in late November to discuss the requested moratorium and have indicated a willingness to bring forward other proposals regarding how existing code might be changed to better address the issues in the

industry while ensuring that the public is properly served. Moreover, the economy still presents challenges to all our businesses.

While staff does not support the requested moratorium, we are in the fifth year of operation under the revised taxicab ordinance, which went into effect July 1, 2005. Given recent communications from industry representatives, I believe that this is an appropriate time for a "five year review" of the new ordinance. The industry has suggested that while we look at how things might be changed, the City take no actions for an indefinite period of time. On the other hand, the annual review process, particularly the ability to set the number of authorizations allowed for each company, is an important tool for City regulation of the industry and the date of this review is set by Code. Based on discussions with staff, I propose to go forward as follows:

- 1) I am requesting that Council introduce the attached ordinance seeking to delay this year's annual review of the taxicab industry until June 15, 2010. During that time, the status quo will be maintained with respect to both the companies holding certificates of public convenience and necessity and the number of authorized taxicabs each certificated company may have. This means renewal of company certificates, determination of the number of authorized cabs affiliated with each company and driver transfers from one company to another will also be deferred until June 15, 2010.
- 2) During this period, the Traffic and Parking Board and City staff will determine if the industry can make specific recommendations from a consensus of its members for changes to our existing regulatory system with respect to two specific areas: a) the two-call per driver per day dispatch requirement and how trips satisfying that requirement are calculated; and b) driver mobility, particularly with respect to proposed transfers of drivers to companies that may not be meeting the dispatch requirements. At my request, the Traffic & Parking Board has appointed a two-member subcommittee to work with industry representatives on these issues and in turn to make a recommendation to me and City Council regarding whether or not we should make any changes to our system.

Because the dates for the annual review and related orders, reports and approvals are set forth in the City Code, I am requesting that City Council adopt the attached ordinance to allow me to proceed in the foregoing manner.

ATTACHMENT: Proposed Ordinance

STAFF:

Christopher Spera, Deputy City Attorney
Bob Garbacz, T&ES

Introduction and first reading: 12/08/09
Public hearing: 12/12/09
Second reading and enactment: 12/12/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE authorizing the postponement of certain matters required by Section 9-12-31 of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance postpones the 2009 annual review of the Alexandria taxicab industry and related orders, reports and approvals for six months.

Sponsor

Staff

Bob Garbacz, Division Chief, Transportation and Environmental
Christopher P. Spera, Deputy City Attorney

Authority

§§2.04(d), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE authorizing the postponement of certain matters required by Section 9-12-31 of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. The City Council of the City of Alexandria hereby temporarily suspends the provisions of Section 9-12-31 (ANNUAL REVIEW OF THE TAXI INDUSTRY), Division 2 (CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY), Article A (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE) of Title 9 (LICENSING AND REGULATION) related to the dates for conducting the annual review of the City's taxicab industry and related actions related thereto by the Traffic & Parking Board and the City Manager pursuant to Section 9-12-31, subject to the specific terms of this Ordinance, as follows:

(a) The review of the taxicab industry for 2009 required by City Code Section 9-12-31(a) that would normally have taken place between September 1 and November 15 of 2009, including, without limitation, the public hearing, shall take place between March 1 and May 15, 2010.

(b) The Traffic & Parking Board's report to the City Manager required by City Code Section 9-12-31(f) shall be transmitted to the City Manager no later than May 15, 2010.

(c) The remaining approvals, orders and reports required by City Code Section 9-12-31, including, without limitation, the City Manager's order, findings and conclusions required by City Code Section 9-12-31(h), shall be completed no later than June 15, 2010.

(d) This ordinance does not amend the City Code in any way, but merely suspends the applicable Code Section for the limited purpose of allowing the later dates for the matters previously referenced and the review for 2010 shall take forth in the manner and on the dates set forth in the City Code, unless changed by further action of City Council.

(e) Apart from the postponements authorized for 2009 by this ordinance, the Traffic & Parking Board and the City Manager shall in all other respects comply with the terms of City Code Section 9-12-31.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 12/8/2009
First Reading: 12/8/2009
Publication:
Public Hearing:
Second Reading:
Final Passage:

ORDINANCE NO. 4640

AN ORDINANCE authorizing the postponement of certain matters required by Section 9-12-31 of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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(e) Apart from the postponements authorized for 2009 by this ordinance, the Traffic & Parking Board and the City Manager shall in all other respects comply with the terms of City Code Section 9-12-31.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: December 12, 2009