

Communication from Public

Name: Taxi Workes Association of Los Angeles

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Council File No: 10-0996-S1

Comments for Public Posting: Honorable Councilmembers, To ensure that the Council is informed and understands the gravity of the situation, we're providing a detailed timeline of the process, which brought us to this point. It appears that the Taxicab Rules and Regulations which are before the Transportation Committee are fatally flawed and the inexcusable conduct of City officials entrusted with ensuring the integrity of the rulemaking process needs to be addressed before moving forward with the efforts to reform the taxicab industry. Doing otherwise would not only stain the honorable reputation of the Council but would irreparably jeopardize the orderly and sustainable operations of the taxicab industry. We urge the Committee to extend the existing franchise system for six (6) months and until adequate mechanisms are established to ensure livable wages for the drivers and informed oversight of the industry by the Council. Moving forward with proposed reforms, at this time, would do more damage to the taxicab industry and the Council's image than it would help improve service for the public. Once the permitted fleet is allowed to expand, reversing this process becomes nearly impossible and would likely lead to the collapse of the services the Council calls "indispensable". The risk of eliminating Franchise agreements, which provide the Council with ability to set rates based on driver wages and expenses and oversee the health of the industry through annual performance reports, as is mandated under the current Franchise system, far outweigh the rewards of unlikely benefits to the public. Please see attached Timeline of the Regulatory Process for Establishing Taxicab Rules and Regulations

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Timeline of the Regulatory Process for Establishing Taxicab Rules and Regulations

The first vote on new regulations, in the form of Board Order (BO) 89, was taken on October 15th, **2020**, followed by a timely filing of objections by TWALA. The final vote on BO 89 was taken just two weeks later on October 29th, and the only opportunity to present our objections was during the two minutes we were given to present our views as part of the public comment on the final vote of the Commission. In response to our question, the City Attorney assured the Commission that the tentative Board Order has been published and after verifying that all Commissioners had received a copy of our objection, the President of the Commission, Mr. Spiegelman proceeded to the vote, without ever addressing issues raised or any discussions. This pattern would continue throughout the process.

Incensed at the handling of the proceedings we researched the rules proscribed by the City Charter for regulating the taxicab industry in Los Angeles. To be clear, substantial part of the rules on establishing rules and regulations for the taxicab industry, is contained in the city's Administrative Code section 22.488. It requires that regulations are established by **board order** or **resolution** and that the tentatively approved rules are **published once** together with the **notice of procedure for filing objections** (together with attestations by the Secretary and the President). Furthermore, it requires that the Secretary place the timely filed objections on the agenda of the **next regular meeting** of the Commission and that the **Commission will then fix the date for hearing** objections. After the hearing, the Commission shall then **act by either approving, changing or rejecting** the new regulations and **shall publish them once** before becoming effective.

On November 2 and again on November 4, having realized that the Tentative Board Order 89 was not published and did not have the required form, this oversight was corrected and TWALA, once again files its Objections, in part related to the defective language of the published BO.

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Tentative BO 89 is once again agendised, as an action item for November 19th meeting of the Commission, where Mr. Spiegelman proceeds to express his opposition to TWALA objections, in violation of the Brown Act (54954.3). On the advice of the City Attorney, action on BO89 is deferred until after the objections are heard and to reclassify the Board Order as Final (rather than Tentative), because the publication has been already done.

At the next Commission meeting on December 3rd, Mr. Spiegelman solicits comments on TWALA Objections from Commissioners and hearing none, asserts that no further action is necessary, moves to a vote on Final Board Order 89. Members of the public are given two minutes to make public comments on the final vote. Mr. Nagle advises the Commission that, as reflected in our objections, the published version of the Board Order 89 is, in fact defective and if amended, would have to reintroduced as a Tentative Board Order.

After the Tentative Board Order 089 was reintroduced and approved on January 21st and published on January 25th, TWALA Objections are agendized for February 18, a regular meeting of the Commission to a date for hearing our objections. No further action is taken by the Commission for eight (8) months in an apparent attempt to discuss and finalize all of the regulations prior to voting on them.

On October 21, **2021** Tentative Taxicab Rules and Regulations are approved by the Board of Taxicab Commissioners (Board) and published on October 28th. And once again, TWALA files timely objections which are agendised for November 10th meeting of the Board (the 2nd Tuesday of the month). At this meeting we point out that the setting of the date for hearing the objections must occur at a **regular** meeting of the Commission, which are held on the 3rd Thursday of each month. In response, Mr. Nagle asserts **Admin Code 22.488(g)(2)B** only requires that the Board meets once a month and provide a 72-hour notice, to comply with the rules set out in the Charter. In fact, the Brown Act (**54954**) requires that a **regular** meeting of a legislative body is set through formal actions, such as an ordinance or a resolution.

In addition to TWALA, a permitted Los Angeles taxicab company files their objections and for the first time in memory one of the Commission members also files his objections! In view of the egregious violation of the rules, TWALA files Amended Objections and Cure and Correct

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Demand, which the Board fails to post, as is common practice, to the Commission's website, despite the fact that copies were sent directly to the City Attorney and each individual Commissioner, in addition to the Secretary of the Board. On November 23rd, all objections are heard without any comment or discussion by members of the Commission and without addressing any issues raised in the objections.

Final Taxicab Rules and Regulations are agendaized for December 16th meeting of the Commission. Prior to the vote, Mr. Spiegelman informs the Board members about the need to amend rules 124, 521, 907 and 909 of the final version of the Rules and characterizes them as "friendly amendments". Once again, we object to changing the text of the published Rules, but are told by Mr. Nagle that under section 22.488(g)(2)(B) the Commission is permitted to change regulations after hearing objections. We must note here that notwithstanding the City Attorney's assertion, the Brown Act (**54954.2(a)(3)**) states that "No action or discussion shall be undertaken on any item not appearing on the posted agenda". In what seems a clear confirmation of our view, on December 20th the amended version of the Final Taxicab Rules and Regulations is posted to the Commission website, in addition the one posted prior to the Board's vote.