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## M E M O R A N D U M

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**DATE:** January 14, 2005  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Proposed Amendments to *City Code* Section 5.72.457 titled *Annual Review of Taxicab Maximum Rates*  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, David Dobbins, Gary Mumford, Larry Spendlove, Melanie Reif, Alison McFarlane

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This memorandum is intended to address issues pertaining to proposed amendments to *City Code* Section 5.72.457 titled *Annual Review of Taxicab Maximum Rates*. The proposed amendments are housekeeping items that would make paragraphs within Section 5.72.457 agree with each other.

### OPTIONS

- Adopt the proposed amendments.
- Do not adopt the proposed amendments.

### POTENTIAL MOTIONS

- I move that the City Council adopt the proposed amendments to Section 5.72.457 titled *Annual Review of Taxicab Maximum Rates*.
- I move that the City Council consider the next item on the agenda.

### KEY POINTS

- The proposed amendments would affect paragraphs B and D in Section 5.72.457.
- In paragraph B one amendment would remove the words "*decreased or remain unchanged*" so the first sentence of paragraph B would read: "As soon as is practicable after filing said petition the City business license supervisor shall schedule a public hearing before a hearing officer appoint by the Mayor to consider the question of whether or not the existing taxicab rates should be increased."
- In paragraph D the other amendment would remove the words "*or decrease*" so the second sentence in the paragraph would read: "In the event said decision recommends and increase in taxicab rates, the City business license supervisor shall, as soon as practicable, present the City council the recommendation of the hearing officer for the Council's consideration."

## **BACKGROUND/DISCUSSION**

The proposed amendments are housekeeping measures to make all paragraphs within Section 5.72.457 agree with each other.

In December the City Council adopted ordinance No. 92 of 2004 that amended paragraph A of Section 5.72.457. The amendments did three things:

1. They clarified that taxicab companies holding Salt Lake City certificates of public convenience and necessity have to file a yearly report "regarding the adequacy of the existing maximum rates" for taxicabs.
2. They clarified that if the report indicates that if one or more of the taxicab companies wanted to increase taxicab maximum rates, the company or companies would have to document the need for an increase.
3. They clarified that the City would require a taxicab company to pay a \$100 filing fee only if the company proposed to increase the maximum rate for taxicabs and not when filing a report indicating that maximum rates should stay the same or decrease.

During a review of the amended ordinance Council and Administration staffs noticed that paragraphs B and D contained language that conflicted with the amended language in paragraph A.

Under the current ordinance the first sentence of paragraph B reads: "As soon as is practicable after filing said petition the City business license supervisor shall schedule a public hearing before a hearing officer appointed by the Mayor to consider the question of whether or not the existing taxicab rates should be increased, *decreased or should remain unchanged.*" (*Italics – Council staff.*)

Under the current ordinance the second sentence of paragraph D reads: "In the event said decision recommends an increase *or decrease* in taxicab rates, the City business license supervisor shall, as soon as practicable, present to the City Council the recommendation of the hearing officer for the Council's consideration. (*Italics – Council staff.*)

The proposed amendments would remove the italicized language in both paragraphs to bring the sentences in them into agreement with paragraph A.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2005  
(Amending Annual Review of Taxicab Maximum Rates)

JAN 14 2005

AN ORDINANCE AMENDING SECTION 5.72.457, *SALT LAKE CITY CODE*,  
PERTAINING TO ANNUAL REVIEW OF MAXIMUM RATES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 5.72.457, *Salt Lake City Code*, pertaining to annual review of maximum rates be, and the same hereby is, amended to read as follows:

**5.72.457 Annual Review Of Maximum Rates:**

A. Each person holding a certificate of public convenience and necessity to operate taxicabs within the City shall file with the City business license supervisor once during the calendar year a petition regarding the adequacy of the existing maximum rates as set forth in Section 5.72.455 of this Article, or its successor section. Said petition shall state whether, in the opinion of the certificate holder, the existing maximum rates are at an appropriate level, or whether such rates should be increased or decreased. If the petition indicates that the said rates should be increased, the person submitting such petition shall supplement the petition with documentation in support of such increase, such as evidence of increase of operating costs, insurance costs, costs of living, and other relevant information. Each person filing said statement shall at the time of filing, pay a filing fee to the City business license supervisor of one hundred dollars (\$100.00) to cover the City's costs of processing the statement and of conducting the subsequent hearing thereon.

B. As soon as is practicable after filing said petition the City business license supervisor shall schedule a public hearing before a hearing officer appointed by the Mayor to

consider the question of whether or not the existing taxicab rates should be increased, ~~decreased~~  
~~or should remain unchanged~~. Notice of said hearing shall be posted in the office of the City  
Recorder and shall be published in a newspaper of general circulation in the City.

C. The City hearing officer appointed by the Mayor shall have power and authority to  
preside at and conduct such hearing on the petitions so filed, and power to examine witnesses  
and receive evidence, compel the attendance of witnesses, and compel the production of  
documents.

D. The decision of the hearing officer, following the conclusion of said hearing, shall  
act as a recommendation to the City Council. In the event said decision recommends an increase  
~~or decrease~~ in taxicab rates, the City business license supervisor shall, as soon as practicable,  
present to the City Council the recommendation of the hearing officer for the Council's  
consideration. The City Council may accept, modify, or reject the hearing officer's  
recommendations.

SECTION 2. This ordinance shall take effect immediately upon the date of its first  
publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2005.

Published: \_\_\_\_\_.

JAN 14 2005

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2005  
(Amending Annual Review of Taxicab Maximum Rates)

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consider the question of whether or not the existing taxicab rates should be increased. Notice of said hearing shall be posted in the office of the City Recorder and shall be published in a newspaper of general circulation in the City.

C. The City hearing officer appointed by the Mayor shall have power and authority to preside at and conduct such hearing on the petitions so filed, and power to examine witnesses and receive evidence, compel the attendance of witnesses, and compel the production of documents.

D. The decision of the hearing officer, following the conclusion of said hearing, shall act as a recommendation to the City Council. In the event said decision recommends an increase in taxicab rates, the City business license supervisor shall, as soon as practicable, present to the City Council the recommendation of the hearing officer for the Council's consideration. The City Council may accept, modify, or reject the hearing officer's recommendations.

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Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2005.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date Jan. 14, 2005  
By [Signature]