

DRAFT

APPROVED AS TO FORM AND LEGALITY _____

REVISED
10-21-11

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
2011 JUN 23 PM 6:07

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE, PURSUANT TO MUNICIPAL CODE SECTION 5.64.080(1), AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE TEMPORARY VEHICLE PERMITS FINDING THERE IS AN URGENT PUBLIC NEED TO ENSURE THE MAINTENANCE OF SAFE AND RELIABLE TAXI SERVICE IN OAKLAND

WHEREAS, Oakland Municipal Code Chapter 5.64 regulates taxicabs in the City of Oakland (the "taxicab regulations"); and

WHEREAS, the protection of the public health and safety are the paramount considerations in interpreting and enforcing taxicab regulations and vehicle permits issued thereunder; and

WHEREAS, the City Administrator's Office (CAO) has determined that inadequate taxicab service in the City currently exists; and

WHEREAS, the CAO has not issued 41 permits (medallions) this year due in part to pending private party litigation concerning the ownership and control of the Driver/Owner Leasing Company ("DOLCO"), the entity to which the City originally issued 41 vehicle permits (Singhs v. Driver/Owner Leasing Company, Alameda Superior Court Case No. RG09450232); and

WHEREAS, the non-operation of 41 taxicabs which are not presently permitted will detrimentally impact safe and reliable taxi service in Oakland; and

WHEREAS, the City Council deems it necessary to preserve the public peace, health, welfare by providing adequate levels of safe and reliable taxi service in Oakland; and

WHEREAS, the City Council finds there is an urgent public need pursuant to Municipal Code Section 5.64.080(1), to authorize the City Administrator to issue temporary vehicle permits to maintain safe and reliable taxi service for residents and visitors of Oakland; and

WHEREAS, the issuance of temporary vehicle permits will ensure that there remains a safe, reliable and sufficient number of taxicabs available to both Oakland citizens and taxi drivers; and

WHEREAS, the issuance of these temporary vehicle permits only will be for up to a two year period, or until final resolution of the DOLCO litigation, whichever occurs first; and

WHEREAS, such temporary vehicle permits will be cancellable at any time for any reason by the City Administrator upon notice as a final, non-appealable decision, or upon the permit's expiration date without notice; and

WHEREAS, this Ordinance is exempt from CEQA under separate and independent bases, including without limitation: California CEQA Guidelines section 15061(b)(3), known as the "Common Sense Rule," that provides a project is exempt from CEQA if there is no possibility that the activity in questions will have a significant effect on the environment, and section 15301 (existing facilities); and

WHEREAS, for the reasons set forth above the Council declares that this ordinance is necessary to preserve the public peace, health, welfare and safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are an integral part of this Ordinance.

Section 2. Pursuant to section 5.64.080(1) of the Oakland Municipal Code, and notwithstanding and without regard to any provision of section 5.64.110, the the City Administrator is authorized to issue up to 41 temporary vehicle permits to operate taxicabs to ensure adequate taxicab service levels in the City are met. Such temporary vehicle permits shall be for up to two (2) years from date of issuance, or until final resolution of the DOLCO litigation (Singhs v. Driver/Owner Leasing Company, Alameda Superior Court Case No. RG09450232), whichever occurs first, and shall be cancellable either (1) by the City Administrator at anytime upon notice as a final, non-appealable decision, or (2) upon the temporary vehicle permit's expiration date without notice. Standard fees in effect as of July 8, 2011, shall apply to applications per this ordinance.

Section 3. Except as modified by this Ordinance, the provisions of the Taxicab Standards Ordinance (codified at Chapter 5.64 of the Oakland Municipal Code) remain in full force and effect.

Section 4. For the term of this Ordinance, as set forth in Section 2 above, the provisions of this Ordinance shall govern, and to the extent there is any conflict between the provisions of this Ordinance and the provisions of any other City code, ordinance, resolution or policy, this Ordinance shall govern with respect to taxicab regulation only.

Section 5. This Ordinance shall be effective immediately upon its adoption by the City Council if it is adopted with six or more affirmative votes; provided that the Ordinance shall take effect seven days after final adoption if it is adopted with five affirmative votes

Section 6. This Ordinance is exempt from the California Environmental Quality Act.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN,
NADEL, SCHAAF, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons

City Clerk and Clerk of the Council

Of the City of Oakland, California