

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY CLERK  
2007 FEB 15 PM 8:17

**TO:** Office of the City Administrator  
**ATTN:** Ms. Deborah Edgerly  
**FROM:** Office of the City Administrator, Special Activity Unit  
**DATE:** February 20, 2007

**RE: Supplemental Report to the Report on a Public Hearing on the Appeal of the Administrative Hearing Officer's Decision to Revoke Ten Yellow Cab Taxi Medallions (aka Vehicle Permits), and Adopting a Resolution Affirming Hearing Officer's Revocation of Ten Yellow Cab Taxi Medallions**

---

**SUMMARY**

Pursuant to Oakland Municipal Code (OMC) Section 5.02.090, the Hearing Officer is authorized to conduct investigations in hearings conducted within the scope of OMC Title 5. Subsequent to the submission of the staff report on the appeal of the Yellow Cab taxi medallions that were revoked under the auspices of such a hearing, the Hearing Officer located documents that are relevant to the appeal. The documents, a settlement agreement and Public Safety Committee Agenda report (Item 1 below) and two decisions of the Administrative Hearing Officer (Item 2 below), show that Baljit and Surinder Singh knew or should have known of the City's requirement to keep taxis in regular operation and the consequences for not doing so. This report provides additional information unknown to staff at the time of the original report.

**KEY ISSUES**

1. Prior Settlement Agreement With the City of Oakland

On September 25, 1997 the Friendly Cab Company, et al., represented by Baljit and Surinder Singh, entered into a settlement agreement with the City of Oakland. In September 1998 the Chief of Police submitted an Agenda Report on the topic of whether the settlement agreement should be extended. The Chief noted that the Singhs entered into the settlement agreement "in lieu of revocation of the Singh's Fleet Management Permits, due to extensive violations of the Oakland Municipal Code (OMC)." The Chief concluded that extension of the agreement was unnecessary because the settlement agreement was successful in "providing the framework to bring about compliance with the requirements of the OMC and because recent changes to the OMC provided "sufficient legal basis to maintain compliance and taxi operations in a manner that satisfies the City of Oakland."

2. Prior Revocation Hearings for Non-use

On April 16, 1999, the Administrative Hearing Officer conducted a hearing on the request of the Taxi Detail to revoke seven Yellow Cab permits. The basis for the request was the Singh's

Item: \_\_\_\_\_  
ORA / City Council  
February 20, 2007

failure to renew the permits by their expiration on March 31, 1999. The cabs were therefore out of use between March 31 and the hearing date and subject to revocation pursuant to OMC Section 5.64.080D, the same section that is the basis for the current revocation. In that instance the permits were not revoked as the Hearing Officer had verbally granted the Singh's an extension to April 16 and, when the Hearing Officer sent a letter that shortened the extension to April 9, they did not receive it because they were out of the City.

On July 25, 2000, the Administrative Hearing Officer conducted a hearing on the request of the Taxi Detail to revoke six Yellow Cab permits, again on the basis of non-use. Mr. Singh testified that the reason for non-use was that the cabs were inoperable due to various problems. The Hearing Officer stated that, "The preponderance of the evidence in this matter reflects ineffective management by Yellow Cab Company. . ." He determined that the appropriate sanction was a thirty day suspension.

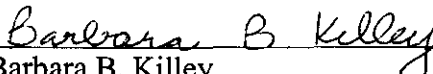
### **RECOMMENDATION AND RATIONALE**

The Hearing Officer recommends that the City Council uphold the decision to revoke ten of Yellow Cab's vehicle permits (taxi medallions). In addition to the bases provided in the original staff report on this appeal, the above three situations provided the Singhs with strong notice that the City is serious about enforcing the requirements of the OMC related to taxi cabs. In spite of these warnings, they continued the ineffective management of the permits cited in the July 2000 decision and persistently violated the requirement to keep their taxis in regular operation. Revocation is the appropriate sanction.

### **ACTION REQUESTED OF THE CITY COUNCIL**

The Administrative Hearing Officer requests that the City Council move to affirm the Hearing Officer's decision and uphold the revocation of ten Yellow Cab Taxi Medallions.

Respectfully submitted,

  
Barbara B. Killey  
Administrative Hearing Officer  
Office of the City Administrator

APPROVED AND FORWARDED  
TO THE CITY COUNCIL:

  
Office of the City Administrator

Item: \_\_\_\_\_  
ORA / City Council  
February 20, 2007