

Before the Board of Supervisors in and for the County of Monterey, State of California

Agreement No. A-11929

- a. Introduce, waive the reading, and set March 1, 2011, at 1:30 p.m., to consider adoption of an ordinance amending Chapter 7.32 of the Monterey County Code providing for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority;
- b. Authorize the Chair of the Board to execute the Monterey County Regional Taxi Authority Joint Powers Agreement, allowing the County of Monterey to participate in the Monterey County Regional Taxi Authority; and
- c. Authorize the Clerk of the Board to publish a Notice of Public Hearing in *The Californian* on February 22, 2011.

Upon motion of Supervisor Salinas, seconded by Supervisor Potter, and carried by those members present, the Board of Supervisors hereby;

- a. Introduced, waived the reading, and set March 1, 2011, at 1:30 p.m., to consider adoption of an ordinance amending Chapter 7.32 of the Monterey County Code providing for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority;
- b. Authorized the Chair of the Board to execute the Monterey County Regional Taxi Authority Joint Powers Agreement, allowing the County of Monterey to participate in the Monterey County Regional Taxi Authority; and
- c. Authorized the Clerk of the Board to publish a Notice of Public Hearing in *The Californian* on February 22, 2011.

PASSED AND ADOPTED on this 15<sup>th</sup> day of February, 2011, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on February 15, 2011.

Dated: February 17, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors County of Monterey, State of California

By  Deputy

**MONTEREY COUNTY BOARD OF SUPERVISORS**

<b>MEETING:</b> February 15, 2011 – Consent	<b>AGENDA NO.:</b> 50
<b>SUBJECT:</b> a. Introduce, waive the reading, and set March 1, 2011, at 1:30 p.m. to consider adoption of an ordinance amending Chapter 7.32 of the Monterey County Code providing for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority;	
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c. Authorize the Clerk of the Board to publish a Notice of Public Hearing in <i>The Californian</i> on February 22, 2011.	
<b>DEPARTMENT:</b> RMA – Public Works	

**RECOMMENDATIONS:**

It is recommended that the Board of Supervisors:

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**SUMMARY:**

The requested action would allow the County of Monterey to enter a Monterey County Regional Taxi Authority Joint Powers Agreement with the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Salinas, Sand City, and Seaside, and the Monterey-Salinas Transit and the Monterey Peninsula Airport District to participate in the Monterey County Regional Taxi Authority.

**DISCUSSION:**

See "Attachment A" for discussion.

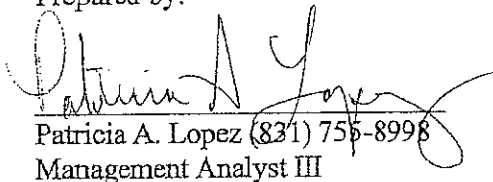
**OTHER AGENCY INVOLVEMENT:**

Transportation Agency for Monterey County (TAMC) staff has worked with attorneys for the County and cities to update and finalize the legal documents necessary to implement the Monterey County Regional Taxi Authority. TAMC also retained Nelson/Nygaard Consulting Associates who assisted the Steering Committee in preparing the Monterey County Taxi Regulatory Feasibility Study and legal documents. County Counsel has approved the proposed Ordinance and Joint Powers Agreement as to form. The Office of the Sheriff supports the recommendation.

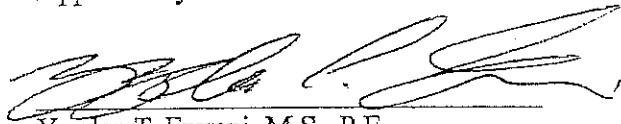
FINANCING:

The Regional Taxi Authority has been established as a cost recovery agency with administrative costs recouped through annual fees collected from taxi companies and drivers. Start-up costs are expected to total approximately \$15,000, which will be funded through one-time member agency contributions (\$1,667 per member if equally divided). The fund source for the approximate \$1,667 start-up costs is Contributions – Other Agencies, 1050-8029-7201. Taxi cab drivers are required to pay a regional permit fee totaling approximately \$562. The single regional permit allows drivers to operate in all participating jurisdictions.

Prepared by:

  
Patricia A. Lopez (831) 756-8998  
Management Analyst III

Approved by:

  
Yazdan T. Emrani, M.S., P.E.  
Director of Public Works

Dated: February 7, 2011

Attachments: Board Order; Attachment A – Discussion; Memo to the Clerk of the Board;  
Notice of Public Hearing; Ordinance; Exhibit 1 – Monterey County Regional Taxi  
Authority Joint Powers Agreement; Exhibit 2 – Addendum 1 to the Monterey  
County Regional Taxi Authority Joint Powers Agreement

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County of Monterey, State of California**

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Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried by those members present, the Board of Supervisors hereby:

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- c. Authorized the Clerk of the Board to publish a Notice of Public Hearing in *The Californian* on February 22, 2011.

PASSED AND ADOPTED on this 15<sup>th</sup> day of February, 2011, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_, Deputy

**DISCUSSION:**

The Director of Public Works entered into a Memorandum of Understanding on behalf of the County of Monterey on August 28, 2007 with the Transportation Agency for Monterey County (TAMC), the cities of Carmel-by-the-Sea, Monterey, Pacific Grove, Sand City, and Seaside, Monterey-Salinas Transit, the Monterey Peninsula Airport District, the Monterey County Hospitality Association and the California State University of Monterey Bay to prepare a Regional Taxi Study (Monterey County Taxi Regulatory Feasibility Study) to examine the feasibility of forming a taxi regulatory authority in Monterey County. These entities formed a Regional Taxi Study Steering Committee that guided the development of this Study.

The need for a Regional Taxi Study Steering Committee arose from the concerns that cities and the County have different regulations and fare schedules for taxi services. These differences have caused confusion among taxi operators, led to difficulties in enforcing regulations, and led to inconsistencies in taxi service coverage, particularly across the Monterey Peninsula. These inconsistencies have impacted taxi users and their ability to reliably reach destinations by taxi. Taxi licensing and regulation process is also placing a significant administrative burden on local staffs and police departments.

The Regional Taxi Study was completed and authorized for release by the TAMC Board in October, 2008. The Study addressed the following regional taxi issues and concerns:

- Inconsistent enforcement of taxi regulations and response to customer complaints;
- Safety and service quality;
- Inconsistent access to the taxi market, including the Monterey-Peninsula Airport, for drivers and companies across the county resulting in service issues for taxi customers;
- Access to taxi service for the elderly and persons with disabilities; and
- Cost of taxi regulation and enforcement for jurisdictions.

The Steering Committee recommended that Monterey-Salinas Transit District (MST) be designated to perform services for a regional taxi authority (RTA) formed pursuant to a joint powers agreement (JPA). The cost of adding the RTA function to MST is estimated on staffing needs based on a review of peer agencies, and consultation with Carmel-by-the-Sea and the Cities of Seaside and Monterey on their current permitting process.

As a result of the Study, the Steering Committee recommended that a JPA be utilized to establish the Monterey County Regional Taxi Authority (Authority) to oversee taxi services on the Monterey Peninsula. The cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Salinas, Sand City and Seaside, in addition to the Monterey Peninsula Airport District (District) have authorized execution of the JPA, and the Authority has been formed. The City of Marina did not vote to join the Authority. The County has been requested to join the Authority. Enclosed is a proposed Board Order authorizing the Chair of the Board of Supervisors to execute the JPA on behalf of the County, and a copy of the JPA is enclosed as Exhibit 1 to the Board Order. The JPA generally provides that the Authority will be a separate government entity, governed by a Board made up of each member's representative to MST, or if not a member of MST, then a designee. The JPA also provides that the Authority may issue permits to operate taxicab businesses, and that MST will contractually perform all permitting, licensing and inspection services to administer the Authority. A party to the JPA may withdraw upon 90 days written notice. An addendum to the JPA provides that, notwithstanding the terms of the JPA,

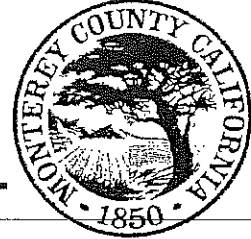
and due to its unique circumstances, the District, while a member of the Authority, may continue to utilize its exclusive franchise agreements and permitting process to regulate taxicab services at the airport, although the District agrees to use its best efforts to investigate moving towards an open entry system at the airport.

The first meeting of the Regional Taxi Authority Board was held on August 9, 2010. The various attorneys representing the participating jurisdictions recommended that a separate Joint Powers Agency be established to oversee the regional taxi program. MST subsequently elected to identify an independent contractor to perform the taxi functions based on staff experience in New Orleans, and budget cuts to administration. Objections were also raised by Yellow Cab owners and taxi drivers that MST represented a competitor, however no conflict of interest was identified by legal counsel, and independent Board has been established. MST staff would not be involved in the day to day regulation of cabs, nor have access to taxi company records. MST also serves a different rider market than taxis. Driver permitting will be initiated in the fall with a grace period instituted for drivers holding valid existing permits to transition existing drivers into the program. Agency staff is now monitoring progress to complete Airport discussions and successfully implement the Authority.

Additionally, Section 53075.5 of the Government Code mandates that every county and city shall protect the public health, safety and welfare by adopting an ordinance or resolution in regard to taxicab transportation service. In order to promote a uniform, County-wide approach to licensing, safety regulations, enforcement, and other taxi related issues, the Authority has prepared a uniform set of regulations to be adopted by each participating jurisdiction, providing for the regulation of taxicab services. Enclosed is a draft ordinance setting forth the regulations as modified for adoption into the County Code. The regulations generally provide that the Authority may set rates for taxicab services in the County, and shall issue permits and perform other administrative functions (those functions no longer to be performed by the Sheriff). The regulations also set forth certain standards for the conduct of taxicab services. The regulations would replace in their entirety the existing regulations in Chapter 7.32 of the County Code, and would be applicable throughout the unincorporated area of the County. Each member jurisdiction of the JPA has adopted the standardized regulations.

**MONTEREY COUNTY**  
**RESOURCE MANAGEMENT AGENCY**

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**DEPARTMENT OF PUBLIC WORKS**

Yazdan T. Emrani, M.S., P.E., Director

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-4800  
Fax: (831) 755-4958  
[www.co.monterey.ca.us](http://www.co.monterey.ca.us)

**MEMORANDUM**

**DATE:** February 15, 2011

**TO:** Clerk of the Board

**FROM:** Patricia A. Lopez  
Management Analyst III

**SUBJECT:** PUBLIC HEARING TO ESTABLISH AN ORDINANCE OF THE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING  
CHAPTER 7.32 TO THE MONTEREY COUNTY CODE TO REGULATE  
TAXICABS WITHIN THE JURISDICTION OF THE MONTEREY  
COUNTY REGIONAL TAXI AUTHORITY

With the approval of the Board of Supervisors, please advertise this Public Hearing in *The Californian*, on February 22, 2011.

*The Californian* requires a three-day prior notice to advertise, so please ensure that they receive the "Notice of Public Hearing" by Friday, February 18, 2011.

Please have *The Californian* forward an original Proof of Publication to me.

Thank you.

PL:OC:rp

Attachment: "Notice of Public Hearing"

# NOTICE

**NOTICE OF HEARING  
TO ESTABLISH AN ORDINANCE OF THE COUNTY OF  
MONTEREY, STATE OF CALIFORNIA, AMENDING  
CHAPTER 7.32 TO THE MONTEREY COUNTY CODE TO  
REGULATE TAXICABS WITHIN THE JURISDICTION OF THE  
MONTEREY COUNTY REGIONAL TAXI AUTHORITY**

Notice is hereby given that:

At: 1:30 P.M.

On: March 1, 2011

Location: Government Center  
Board of Supervisors' Chambers  
168 West Alisal Street  
Salinas, CA 93901

A hearing will be held to establish an ordinance of the County of Monterey, State of California, amending Chapter 7.32 to the Monterey County Code to regulate taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority.

Yazdan T. Emrani, M.S. P.E.  
Director of Public Works

By

Patricia A. Lopez  
Management Analyst III

Notice posted: \_\_\_\_\_, \_\_\_\_\_ at A.M.  
P.M.

By:

Title:



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
AMENDING CHAPTER 7.32 OF THE MONTEREY COUNTY CODE RELATING TO  
THE REGULATION OF TAXICABS

County Counsel Summary

*Pursuant to state law the County of Monterey is required to adopt an ordinance regulating taxicab services in the County. This ordinance adopts regulations consistent with those adopted by the Monterey County Regional Taxi Authority, of which the County is a member, and which will provide certain permitting and administrative functions for the coordinated regulation of taxicabs services in its members' jurisdictions. The regulations require certain permits to operate a taxicab business; provide for the establishment of rates and inspections; provide certain enforcement procedures; and provide certain rules of operation.*

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

1. Government Code § 53075.5 requires every city or county to adopt an ordinance or resolution regulating taxicab transportation service within their respective jurisdictions, including the regulation of employment of taxicab drivers, establishment or registration of rates for taxicab transportation service, and a drug and alcohol testing program; and

2. The Board of Supervisors for the County of Monterey has authorized the execution and delivery of a Joint Powers Agreement ("JPA") establishing the Monterey County Regional Taxi Authority ("Authority"), to coordinate taxicab service permitting and other administrative functions within the jurisdictions of the member entities in order to increase public safety, to reduce administrative costs for the public and the private sector, and to expand the provision of private transportation service in Monterey County; and

3. The Authority has established regulations designed to comply with Government Code § 53075.5 and to protect the health, safety, and welfare of persons utilizing taxicab services in member agencies.

4. The Board desires to adopt the regulations by amending the Monterey County Code.

SECTION 2. Chapter 7.32 of the Monterey County Code is hereby repealed in its entirety.

SECTION 3. Chapter 7.32 is added to the Monterey County Code to read:

## Chapter 7.32

### REGULATION OF TAXICABS

#### Sections:

7.32.010	General Provision.
7.32.020	Definitions.
7.32.030	Certificate required.
7.32.040	Continued operation of authorized business required.
7.32.050	Compliance with state and local laws and regulations.
7.32.060	Insurance requirements and hold harmless.
7.32.070	Rates and fares.
7.32.080	Condition of Taxicabs.
7.32.090	Exterior signage required.
7.32.100	"For Hire" lights required.
7.32.110	Illumination of passenger compartment required at certain times.
7.32.120	Inspection of Taxicabs; inspection fee.
7.32.130	Establishment and use of Taxistands.
7.32.140	Solicitation of passengers prohibited; exception.
7.32.150	Taxicabs standing in streets or public place prohibited; exception.
7.32.160	Prohibited conduct by Drivers.
7.32.170	Authorization to pick-up passengers.
7.32.180	Keeping of tripsheets required.
7.32.190	Keeping of records required.
7.32.200	Found property.
7.32.210	Service to the general public.
7.32.220	Certificate and Owner's Permit.
7.32.230	Driver's Permit.
7.32.240	Mandatory controlled substance and alcohol testing program.
7.32.250	Taximeters.
7.32.260	Applicability.

#### 7.32.010 General Provisions.

It shall be unlawful for any person, firm, or corporation to operate any Taxicab business, or for any Owner or Driver to operate or drive any Taxicab except in compliance with the provisions of this Chapter.

#### 7.32.020 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Authority" means the Monterey County Regional Taxi Authority.
- B. "Authority Area" means the land areas under the jurisdiction of the member entities of the Authority.
- C. "Certificate" means a certificate of public convenience and necessity issued by the Authority, as required by section 7.32.030.

D. "County" means the unincorporated area of the County of Monterey.

E. "Driver" means every person in charge, operating or driving any Taxicab, either as owner, agent, employee, or otherwise, or under the direction of an Owner.

F. "Driver's Permit" means the permit required by section 7.32.230.

G. "Owner" means every person, firm, or corporation that: 1) owns or has contracted for the use or control of any Taxicab, whether as owner, lessee, or otherwise; 2) employs Drivers; or, 3) has been issued an Owner's Permit.

H. "Owner's Permit" means the permit required by Section 7.32.220.

I. "Taxicab" means a passenger automobile equipped with a Taximeter and used for transportation of passengers over public streets and highways, but not over a defined route and irrespective of whether the travel extends beyond the County limits, and that is operated per destination, rates per mile, waiting time, or any combination thereof.

J. "Taximeter" means a mechanical or electronic instrument or device by which the charge of hire of a Taxicab is mechanically or electronically calculated based on rates established by the Authority, either per destination, distance traveled, waiting time, or any combination thereof, and upon which the charges are plainly registered by means of figures indicating dollars and cents.

K. "Taxistand" means a place on public property or streets approved by the County as a place where Taxicabs may park and wait for hire.

#### **7.32.030 Certificate required.**

No person shall engage in the business of operating any Taxicab, and no Taxicab may be operated, within the County without the Owner first having obtained a Certificate from the Authority. The Authority shall determine whether the number of Taxicabs operating in the Authority Area meets the needs of the general public, and may issue a Certificate only if it finds the public convenience and necessity support the addition of more Taxicabs operating within the Authority Area.

#### **7.32.040 Continued operation of authorized business required.**

Every Owner shall regularly and daily operate the Taxicab business from Taxistands within the County to the extent reasonably necessary to meet public demand for such service on a 24 hour a day basis. Failure to comply with this provision shall constitute abandonment of service and the Authority, after a noticed public hearing, may revoke the Certificate and Owner's Permit if a violation of this section is demonstrated.

#### **7.32.050 Compliance with state and local laws and regulations.**

A. All Taxicabs authorized to operate within the County shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all federal, state and local laws and regulations relating to the licensing and commercial operation of Taxicabs. All Taxicabs shall be registered under the Owner's name.

B. No vehicle used or intended to be used as a Taxicab in the County shall be rented to any Owner or Driver unless such Owner or Driver has obtained a Certificate, Owner's Permit, or Driver's Permit, as applicable.

**7.32.060 Insurance requirements and hold harmless.**

A. All Owners and Drivers issued Owner's or Driver's Permits shall indemnify, defend and hold the Authority, its member jurisdictions, their officers, employees and agents harmless from any and all damages, claims, liabilities, costs, suits or other expense resulting from and arising out of their Taxicab operations.

B. It shall be unlawful to drive or operate any Taxicab in the County unless the Owner possesses current, valid commercial general liability and vehicle liability in amounts and with conditions acceptable to the Authority and evidenced through certificates of insurance filed with the Authority. The Owner's insurance shall remain in full force, at a level at least equal to the minimum requirements of the Authority, or the Owner's Permit shall automatically be suspended until such time as full compliance with the requirements of this section are demonstrated to the Authority's satisfaction.

**7.32.070 Rates and fares.**

A. The Authority, upon its own motion or upon application of an Owner, may set, establish, change, modify or amend the schedule of rates and fares to be charged by all Taxicabs operated by each Owner under the provisions of this Chapter. No rates or fares shall be set, established, changed, modified or amended without a public hearing before the Authority. Written notice of such hearing shall be given to each Owner at least five (5) days before such hearing, and the Authority may give such other notice as it shall deem necessary. Following the public hearing as required herein, the Authority shall establish the rates or fares by resolution.

B. Rates and fares shall be conspicuously displayed in the passenger compartment of each Taxicab where it is readily visible and readable by passengers in front and rear seats. The Taxicab rate or fare to be charged any passenger shall be determined by a Taximeter in accordance with the schedule established by the Authority.

C. It shall be unlawful to fix, charge, or collect a rate or fare in excess of the schedule approved by the Authority.

**7.32.080 Condition of Taxicabs.**

No Owner or Driver shall operate, permit to be operated, or cause to be operated any Taxicab while the same or any of the equipment used thereon or therewith is in a defective, unsafe or unsanitary condition.

**7.32.090 Exterior signage required.**

Every Taxicab operated in the County shall have displayed on each side and the rear of the vehicle the Taxicab business name as it appears on the Owner's Permit, together with the Owner's identification number and the telephone number of the Taxicab business. The lettering of the signs and all signs to be displayed on any Taxicab shall be approved by the Authority.

**7.32.100 "For Hire" lights required.**

Every Taxicab shall be equipped with a "For Hire" light attached to the top of the roof or to the top of the dome light. The light of the "For Hire" light unit shall be connected to a contact switch attached to the Taximeter, and such contact switch shall operate automatically to illuminate the "For Hire" light when the Taximeter is not in operation, indicating the Taxicab is vacant and for hire, and to extinguish such light when the Taximeter is in operation. No person shall drive or operate any Taxicab with such a light illuminated while carrying passengers for

compensation; or drive or operate any Taxicab unless such a light is illuminated when such Taxicab is for hire.

**7.32.110 Illumination of passenger compartment required at certain times.**

Every Taxicab shall at all times be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the entire passenger compartment, which light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any such vehicle from one-half hour after sunset of any day until one-half hour before sunrise of the next day. No shades or blinds shall be drawn over the windows of any Taxicab while the same is occupied.

**7.32.120 Inspection of Taxicabs; inspection fee.**

A. All Taxicabs shall submit to an annual inspection as required by the Authority. All Taxicabs shall possess all of the equipment listed on the Taxicab Safety Inspection Checklist prepared and distributed by the Authority, and all such equipment shall be in good working order and repair. The Authority shall establish the standard for good working order, which standard shall include a standard for the appearance of a Taxicab.

B. Upon satisfactory completion of such inspection, the Authority shall issue and affix and approval decal or sticker to the Taxicab that authorizes the operation of the vehicle for a one-year period. All decals issued by the Authority shall be displayed at the rear of the Taxicab on the driver's side rear window. It shall be unlawful to transfer the decal or sticker to any other vehicle, and no Taxicab shall be operated without a valid decal or sticker properly displayed.

C. Any law enforcement officer shall have the right and shall be permitted at any time to inspect any Taxicab to ascertain whether the provisions of this Chapter are being met. During an inspection, the Driver of the Taxicab shall produce for inspection the following documents: (1) valid California vehicle registration, (2) valid proof of insurance document and (3) a valid California driver's license.

D. The Authority shall establish a Taxicab safety inspection fee that will be due annually upon inspection.

E. Any Taxicab that fails any safety inspection shall be given an opportunity to make repairs or correct defects and be re-inspected. Any such Taxicab failing an inspection shall be removed from service until such time as compliance is met. A safety inspection is "failed" if any law enforcement officer, or Authority or County designated mechanic determines the Taxicab is not in compliance with the provisions of this Chapter or any required inspection program established by the Authority, or if the Taxicab is unsafe, unsanitary, or its appearance is unsightly. Any such Taxicab shall be removed from service until such conditions are corrected. Such Taxicab shall be re-inspected prior to being returned to service.

F. Should a law enforcement officer, Authority employee, or County designated mechanic determine that a Taxicab should be removed from service, such person is authorized to remove the decal or sticker designating that the Taxicab is authorized to operate. When the Taxicab has satisfactorily passed an inspection, a new decal or sticker will be issued by the authority and a nominal fee will be charged for the new decal or sticker.

**7.32.130 Establishment and use of Taxistands.**

A. The County may locate and designate Taxistands or designated curb space on any public street in the County, which stands, when so established, shall be appropriately designated, "Taxi Only." Taxistands so established shall be in operation during the hours designated by the County.

B. If designated Taxistands are so established, no Owner or Driver shall allow a Taxicab to remain parked, while awaiting employment, except in a regularly established Taxistand. Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers unless such parking is otherwise restricted or prohibited.

**7.32.140 Solicitation of passengers prohibited; exception.**

No Driver, or person acting on behalf of any such Driver, shall solicit passengers except from an approved Taxistand.

**7.32.150 Taxicabs standing in streets or public place prohibited; exception.**

No Taxicab shall be allowed to remain standing on a public street or in a public place unless it is attended by a Driver, except when the Driver is assisting passengers to load or unload, is engaged in a telephone conversation, or the Taxicab displays a sign reading "Not for Hire."

**7.32.160 Prohibited conduct by Drivers.**

No Driver, or any person acting on behalf of any such Driver, shall engage in any disorderly or inappropriate conduct while in the performance of his or her duties as a Driver, including, but not limited to, obstruction of any street or sidewalk, making of loud or unusual noises to attract the attention of potential customers, use of indecent, profane or obscene language, boisterous or loud talking that might disturb the peace and quiet of others in the area, harassment of passersby, interference with, obstruction of, or impeding of the free passage of potential passengers, or seizing or grabbing any baggage carried by or belonging to potential passengers prior to being hired to provide transportation.

**7.32.170 Authorization to pick-up passengers.**

Only Taxicabs operating pursuant to a Certificate, and for which an Owner's Permit has been issued, may pick-up passengers within the Authority Area. Taxicabs authorized to operate in other jurisdictions not participating in the Authority may drop-off but not pick-up passengers within the Authority Area.

**7.32.180 Keeping of tripsheets required.**

A. Every Driver shall keep a separate tripsheet of every service rendered by the Driver, and shall include the following information: (1) the location where the passenger(s) entered the Taxicab, (2) the number of passengers, (3) the time the passengers entered the Taxicab, (4) the location where the passengers were discharged, and (5) the amount of fare collected.

B. Every Owner shall keep such tripsheets for a period of one (1) year after the date service is rendered, and such tripsheets shall be open and available for inspection by any representative of the Authority at all times during business hours. The falsification of any

tripsheet by any Owner or Driver shall be grounds for revocation of the Certificate, Owner's Permit, or Driver's Permit.

**7.32.190 Keeping of records required.**

A. Every Owner shall keep a dispatch sheet which shows the time of dispatch of every Taxicab.

B. Every Owner shall keep and maintain a complete and accurate record of all Drivers, which record shall show for each Driver: 1) his or her name, address, date of hire, and date of termination; 2) number of the Taxicab operated; 3) hours of employment; 4) a list of absences from employment; 5) all motor vehicle violations; 6) all traffic accidents; 7) all complaints received from passengers or others; and, 7) the test results from controlled substance and alcohol testing. These records shall be subject to inspection by the Authority at any time upon demand, and shall not be destroyed without the written permission of the Authority.

C. Every Owner shall notify the Authority in writing within five (5) working days upon termination of employment of any Driver.

**7.32.200 Found property.**

A. All property not belonging to the Driver or Owner found in Taxicabs shall be delivered to Monterey-Salinas Transit within 24 hours of discovery unless otherwise returned to the rightful owner. Every Owner shall keep a log of all such found property.

B. Every Owner and Driver shall attempt to return found property to any person claiming to have lost or left property in a Taxicab. If the lost property is not found, the Owner and Driver shall advise the passenger to file a lost property report with the Police Department of the jurisdiction of the drop-off point.

**7.32.210 Service to the general public.**

A. No Driver shall refuse to carry any person seeking transportation and tendering the fare for the service within the County unless: 1) the Taxicab is already in service; 2) the person seeking transportation is unruly, boisterous, or intoxicated; or 3) the person seeking transportation is known to the Driver to have been unruly, created problems of a confrontational nature or refused full payment in the past.

B. The Authority shall be responsible for maintaining files of and investigating complaints regarding Taxicab service and shall initiate appropriate action against Drivers and Owners when a complaint or complaints warrant such action.

**7.32.220 Certificate and Owner's Permit.**

A. No person shall engage in the business of operating a Taxicab within the County without first having obtained a Certificate and an Owner's Permit from the Authority, except as otherwise provided in this Chapter.

B. A Certificate and an Owner's Permit shall be required for each Taxicab.

C. If an Owner wishes to transfer an existing Certificate and Owner's Permit to a different vehicle, the Owner shall file an application with the Authority. The vehicle to which the Certificate and Owner's Permit is proposed to be transferred shall be submitted to a normal safety inspection, and if the vehicle passes, an approval decal or sticker will be affixed to the substitute vehicle and the decal or sticker will be removed from the original vehicle.

D. Application; application fee. All persons or businesses applying for a Certificate and an Owner's Permit under this Chapter shall file with the Authority an application, under penalty of perjury, including the following information:

1. The name, residence and business address(es) of the applicant.
2. Social security numbers, driver's license numbers, and dates of birth for all persons named in the application. If the applicant is a partnership or corporation, then the information shall be provided for each partner or corporate officer.
3. Fictitious name under which the business proposes to operate.
4. Whether any license, permit, or certificate sought by the applicant has been denied, revoked, or suspended by any public agency, explaining in full the circumstances of any denial, revocation, or suspension.
5. The number and type of vehicles proposed to be operated in the business, including year, make, model, license number, VIN, and company-assigned Taxicab number.
6. The color, name monogram or insignia to appear on the vehicles.
7. A complete schedule of fares or rates to be charged and services to be operated demonstrating compliance with existing fares and rates as established by the Authority.
8. The location(s) where the business will be operated, including the business office, dispatch facilities, storage facilities, repair and maintenance facilities, and fuel dispensing operations.
9. Copies of required insurance policies or, if not yet issued, a written statement from an insurer that such policies will be issued if the application is granted.
10. A statement as to whether any applicant, partner, or corporate officer has been convicted of any crime (misdemeanor or felony), or violation of any municipal ordinance other than minor parking and traffic offenses, the nature of the offense and the punishment or penalty assessed.
11. The facts the applicant believes tend to prove that public convenience and necessity require the issuance of a Certificate and Owner's Permit.
12. Such other information as the Authority may deem necessary for promotion of the public health, safety, and welfare.

The Authority shall establish a Certificate and Owner's Permit application fee that shall accompany any such application.

E. Application process; determination.

1. Upon receipt of an application for a Certificate and an Owner's Permit under this Chapter, Authority staff shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review.

2. The Authority shall review the application and the recommendation from Authority staff to determine if it appears there is a need and necessity for the proposed services, and whether the applicant is of suitable character to provide such services. The Authority may require the applicant to provide financial information and other documentation to demonstrate the ability to appropriately and lawfully operate the Taxicab business proposed. The application shall be reviewed by the Authority at a noticed public hearing. The Authority shall approve any such application only if the following findings are first made:

- a. The applicant is financially responsible as determined by the Authority.
- b. The applicant is of good moral character consistent with federal, state, and local laws for the public services that will be provided by the Owner.



c. Existing Taxicab businesses are not adequately serving the public with respect to Taxicab services.

d. Such additional Taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

3. The application shall be denied if any of the following findings are first made:

a. The public convenience and necessity do not require the proposed service.

b. The application fails to contain any of the required information as set forth above.

F. Suspension or revocation of Certificate and Owner's Permit. The Authority shall have the power to suspend or revoke any Certificate and Owner's Permit for a violation of any of the provisions of this Chapter or any ordinance relating to traffic or use of streets; for a failure to pay any judgment for damages arising from the unlawful or negligent operation of the motor vehicle for which any Owner's Permit was issued; for conduct on the part of any Owner or Driver which is not conducive to proper service to the public, or to proper relationships with any Owner; or for, but not limited to any of the following reasons:

1. Providing late, false, or inaccurate information in the application;

2. Allowing operation of a Taxicab by a Driver not possessing a valid Driver's Permit stating that the driver is affiliated with the Owner;

3. Failure to comply with the Authority's regulations;

4. Failure of Drivers to comply with the Authority's regulations; or

5. Operation of any Taxicab at a rate or fare higher than as authorized by the Authority;

6. Failure to comply with any participating jurisdictions' law enforcement officers, code enforcement officers, Authority staff, or California Highway Patrol;

7. Operating without the insurance required by this Chapter or otherwise by the Authority;

8. Failure to comply with the drug and alcohol policy requirements in this Chapter or as implemented by the Authority;

9. Failure to fully satisfy any court judgment arising from liability for operating any Taxicab, including but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered; or

10. Being held liable under any judgment, decision or determination by any public or regulatory agency for operating Taxicabs without the requisite insurance after the adoption of this Chapter.

G. Transferability. No Certificate or Owner's Permit issued under this Chapter shall be assignable or transferable without the prior approval of the Authority. Prior to presenting the proposed assignment or transfer to the Authority, the transferee shall first submit a statement with the Authority staff setting forth the information required to be furnished on an original application as set forth in section 7.32.220 (D), above. The Authority shall investigate the transferee in the same manner as a new applicant and the staff shall make a recommendation to approve or disapprove the transfer to the Authority Board of Directors within forty-five (45) days after the statement is received.

#### **7.32.230 Driver's Permit required.**

A. It shall be unlawful for any person to operate or drive any Taxicab in the County unless he or she has a valid Driver's Permit issued by the Authority. The Authority staff shall administer and maintain Driver's permits and records for Taxicabs operating in the County.

- B. Application; application fee.
  - 1. An application for a Driver's permit shall be filed with the Authority. The application shall be in writing and made under penalty of perjury. The application shall include but not be limited to the following information:
    - a. The name, age, and address of the applicant.
    - b. Past experience operating motor vehicles generally and Taxicabs specifically.
    - c. The names and addresses of former employers during the preceding three (3) year period.
    - e. The places of residence during the preceding three (3) year period.
    - f. Whether or not a driver's license issued to the applicant has ever been revoked or suspended.
    - g. A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.
    - h. An endorsement of the Owner of the Taxicab business for whom the applicant seeks to drive a Taxicab.
    - i. Proof of the applicant's negative test results for controlled substances and alcohol.
  - 2. Upon the request of an applicant, the Authority shall provide a list of the consortia certified pursuant to part 382 (commencing with § 382.101) of Title 49 of the Code of Federal Regulations that the Authority knows offers controlled substance and alcohol tests in Monterey County.
  - 3. The Authority shall establish a Driver's Permit application fee that shall accompany any such application.
- C. Application process; determination.
  - 1. The Authority shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit applicant's fingerprints to the State of California for criminal history review. Any information submitted in the application that is false, or any required information that is omitted, shall result in denial of the permit.
  - 2. No Driver's Permit shall be issued to any person who:
    - a. Is under the age of 21 at the time of application;
    - b. Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC §1324a);
    - c. Has been convicted of a felony;
    - d. Has been convicted of any offense specified in the CA Vehicle Code involving reckless driving or alcohol or drug offenses except convictions more than seven (7) years old or whose convictions have been expunged or set aside pursuant to satisfactory completion of a Court approved diversion program;
    - e. Has been convicted of two or more violations of the offenses set forth in Sections 22349 through 22352 of the California Vehicle Code, and amendments thereof, or any combination of either or any of such offenses within one year immediately preceding submittal of an application for or renewal of a driver's permit;
    - f. Fails to possess a valid driver's license issued by the State of California suitable for operation of a Taxicab;
    - g. Has received a positive test result in any random test for controlled substances or alcohol within the past twelve (12) months;
    - h. Provides false or materially incomplete information required for issuance of the permit;

- i. Has been convicted of an offense which requires registration pursuant to CA Penal Code §290;
- j. Has been convicted within five (5) years of an offense involving the sale of a controlled substance even if expunged pursuant to CA Penal Code §1203.4;
- k. Has been convicted within five (5) years of any offense involving the use of force or violence upon another person;
  - l. Has been convicted of more than one violation of driving while under the influence of any drug or alcohol within the past seven (7) years prior to application;
  - m. Is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions, or duties of a Driver in a potentially negative manner;
  - n. Has had a permit to drive or operate a Taxicab issued by any jurisdiction revoked within the past three (3) years; or
  - o. Fails to provide a medical clearance that meets the standard set forth by the California Department of Motor Vehicles, Motor Carrier Safety Regulations (49 CFR 391.41 – 391.49). This is satisfied by providing a completed Medical Examination Report for Commercial Driver Fitness Determination form or a Medical Examiner's Certificate issued by the California Department of Motor Vehicles.

3. The Authority shall investigate the applicant for a Driver's Permit under this Chapter and after such investigation shall either grant or deny the permit. Any person whose application has been denied may within ten (10) days after such denial request that the denial of the application be reviewed by the Authority's Board of Directors. The Board of Directors shall, after a hearing, either grant or deny such permit.

4. Every Driver's Permit issued pursuant to this Chapter shall set forth the name of the Owner for whom such Driver is authorized to operate a Taxicab, and shall be valid only so long as the Driver continues to drive for such Owner.

5. All Drivers shall display their Driver's Permit in a conspicuous place in the passenger compartment of the Taxicab whenever the Taxicab is being used to transport passengers.

D. Renewal of permit; termination.

1. All Drivers Permits issued pursuant to this Chapter expire annually on their anniversary date unless earlier terminated, suspended, or revoked pursuant to the provisions set forth herein.

2. Drivers may renew their Driver's Permit if still qualified to operate a Taxicab by meeting all the permit requirements set forth in this Chapter for new Driver's Permits, including, but not limited to, passing the test for controlled substances and alcohol.

3. Driver's Permits are void upon termination of the Driver's employment with the Owner listed on the Driver's Permit. Each Driver shall return the permit to the Authority upon such termination.

4. It shall be unlawful to transfer any Driver's Permit to any other person.

E. Suspension or revocation of permit.

1. Either the Authority or the County Sheriff shall have the authority to immediately suspend any Driver's Permit in the event the holder is arrested, charged, or cited for any violation of the California Vehicle Code. The Authority may suspend or refuse to renew any Driver's Permit if the Driver is:

a. Convicted of, or has plead guilty or *nolo contendere* to a violation of any law within the past five (5) years involving the commission of a misdemeanor or felony, including,

but not limited to, any sexual offense; the illegal use, possession, or distribution of drugs or other controlled substances; any charge involving robbery, theft, stolen property, assault, battery; or any crime involving moral turpitude that occurred within the past five (5) years;

- b. Convicted of driving recklessly or while under the influence of alcohol or controlled substances;
- c. Has his or her driver's license suspended or revoked;
- d. Found to test positive for any controlled substance or alcohol during any test;
- e. Found to have violated any provision of this Chapter; or
- f. Found to have provided false information or omitted information required on a taxicab driver's permit application.

2. Any Driver whose permit has been suspended may, within ten (10) days, file an appeal with the Authority's Board of Directors. If no appeal is received within ten (10) days, the Driver's Permit shall be considered revoked and there will be no further right to an appeal, unless the Authority finds that there are reasonable grounds for failing to appeal within the ten (10) day period. The Board of Directors shall hold a duly noticed public hearing within sixty (60) days from receiving the appeal, unless the Driver agrees to an extension or requests an expedited hearing. If an expedited hearing is requested the Authority shall endeavor to set an earlier date for the hearing but is not required to set an earlier date.

3. The hearing shall comply with the applicable provisions for the protection of the due process rights of the Driver and the Driver will be given the opportunity to be heard. The Authority's Board of Directors shall adopt Rules for conducting the hearing in compliance with applicable due process procedures. The Board shall either grant or deny the appeal, based on substantial evidence and shall support its decision with factual findings, in writing. The decision of the Board will issue within ten days of the conclusion of the hearing and will be final. If the Board upholds the appeal, the Driver's Permit shall be reinstated. If the Board denies the appeal, the Driver's Permit shall be revoked and may only be reinstated as set forth in this Chapter.

4. A Driver shall not operate a Taxicab during the time period in which the Driver's Permit is suspended. The Authority may, but is not required to, issue a Temporary Driver's Permit, as set forth below, which will allow the Driver to temporarily operate or drive a Taxicab while the Driver's Permit is suspended but on appeal, until such time as the Authority's Board of Directors has issued a final decision. In order to issue such a permit, the Authority must, in addition to the requirements set forth below, make findings that the public safety and health will not be harmed by the issuance of a Temporary Driver's Permit and unusual circumstances exist which require the issuance of a Temporary Driver's Permit.

F. Temporary permits. The Authority, in its sole discretion, may issue a Temporary Driver's Permit to drive or operate a Taxicab, pending final action on any application for permanent Driver's Permit as provided in this Chapter, but no such Temporary Driver's Permit may be issued to any person who does not have a valid driver's license issued by the State of California, who is not employed or possessing a written offer of employment as a Driver in the County, or who has not provided evidence of negative controlled substance and alcohol testing as required by Section 7.32.240.

G. Records to be kept by the Authority. The Authority shall keep a record of each Driver issued a Driver's Permit under the provisions of this Chapter, which record shall contain the full name, age, residence, place of residence for two (2) years preceding the date of application, race, weight, height, color of eyes and hair, fingerprints, place of birth, places of previous employment covering three (3) years preceding the date of application, whether the

Driver has ever been convicted of a felony or misdemeanor, and whether he or she has ever been previously licensed as a Driver, and if so, whether his or her license has ever been revoked and for what cause.

**7.32.240 Mandatory Controlled substance and Alcohol Testing Program.**

A. Each Driver shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Each Driver shall test negative for these controlled substances and for alcohol as a condition of the Driver's annual permit renewal. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

B. Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that each Driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements of rehabilitation and return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be substantially as set forth in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

C. A test in one jurisdiction shall be accepted as meeting the same requirement in the County or in any other jurisdiction. Any negative test result shall be accepted for one (1) year as meeting a requirement for periodic permit renewal testing or any other periodic testing in the County or any other jurisdiction, if the Driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

D. In the case of self-employed independent Driver, the test results shall be reported directly to the Authority, and the Authority shall notify the Taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the Driver's employer, who shall immediately notify the Authority of the results.

E. All tests are confidential and shall not be released without the consent of the Driver, except as authorized or required by law.

F. Self-employed independent Drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. In all other cases, Owners and employers of Drivers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an employer may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

G. Owners, employers of Drivers, and self-employed independent Drivers shall pay all service charges, fees, or assessments established by the Authority with respect to the Owner's employees and potential employees in an amount sufficient to pay for the Authority's costs of carrying out the mandates of this section.

H. No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

I. For purposes of this Section, "employment" includes self-employment as an independent Driver or Owner/operator of a Taxicab.

7.32.250 Taximeters.

A. Required in Taxicabs. No Taxicab shall be operated or driven in the County until such Taxicab is equipped with a Taximeter of a type and design which has been approved by the Authority. All Taxicabs operated or driven under the authority of this Chapter shall be equipped with Taximeters which conform to all applicable State of California laws and regulations and shall be inspected, sealed, and certified by the County Department of Weights and Measures.

B. Inspection required; removal of vehicle with inaccurate Taximeter.

1. Every Taximeter shall be inspected and tested for accuracy by the Owner at least annually. Taximeters shall be subject to inspection at any time by the Authority or any other authorized persons. Upon discovery of any inaccuracy of such Taximeter, the Owner, Driver or Other operator thereof shall remove, or cause to be removed, from service any Taxicab equipped with such Taximeter until such Taximeter has been repaired and accurately adjusted.

2. Records and evidence of inspection by the County Department of Weights and Measures shall be submitted for verification at the time of each Taxicab's annual vehicle inspection.

C. Manner of placement in Taxicabs. The Taximeter required by this Chapter shall be placed in each Taxicab so that the reading dial showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such Taxicab.

D. Accurate operation required. It shall be the duty of each Owner and Driver to keep the Taximeter in a Taxicab operating at all times within the accuracy and requirements of this Chapter and such additional requirements as may be prescribed from time to time by the Authority.

E. Use required for all passenger services. No passenger shall be transported in any Taxicab unless the Taximeter in such Taxicab is in operation. This Section shall apply regardless of whether the Taxicab is engaged for a trip entirely within the Authority Area or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination; except, that when the trip is in excess of fifteen (15) miles a flat rate may be used for any part of the trip over the first fifteen (15) miles.

F. All charges to be in accordance with Taximeters. All charges for Taxicab service shall be calculated and indicated by a Taximeter, except as described in this Chapter, and at all times while the Taxicab is engaged the "flag" of the Taximeter shall be thrown into a position to register charges for mileage and time. No Taximeter shall be so operated as to cause any charge to be registered thereon, except during the time while the Taxicab is engaged by a passenger.

G. Splitting of fares by two or more passengers. If two or more passengers going in the same direction share a Taxicab the first passenger that is discharged from the Taxicab shall pay the charge on the meter, and the meter shall then be "flagged" and a new fare started; except and unless, if the Driver agrees at the inception of the hire to drop the first fare without "re-flagging" and starting a new fare.

H. Proper use of "flag" required. No Driver, while carrying passengers, shall display the "flag" attached to the Taximeter in such a position as to denote that such vehicle is not employed, or fail to throw the "flag" of the Taximeter to a position indicating such vehicle is unemployed at the termination of each service.

7.32.260 Applicability.

Any Owner or Driver holding a valid permit to operate a Taxicab issued by the County of Monterey pursuant to the provisions of former Chapter 7.32 and prior to the effective date of this Chapter shall be deemed to have obtained a Certificate, Owner's Permit or Driver's Permit (as applicable) pursuant to this Chapter; provide that such Owner or Driver provide to the Authority adequate proof of such previously issued permit.

SECTION 4. SEVERABILITY.

If any chapter, section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each chapter, section, subsection, sentence, clause, and phrase thereof regardless of the fact that any one chapter or one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

\_\_\_\_\_  
Chair, Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
*Leroy W. Blankenship*  
LEROY W. BLANKENSHIP  
Assistant County Counsel

