

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 6, 7, 8(b) and (d), 11, and 12, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 50-305, 50-306, 50-307(b) and (d), 50-310, and 50-311, (2012 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 1 (District of Columbia Taxicab Commission: Rules of Organization) of Title 31 (Taxicabs and Public Vehicles-for-hire) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends Chapter 1 to update the organizational rules and procedures of the Commission and its panels, including the requirements for voting, types of meetings, and notices.

The proposed rulemaking was adopted by the Commission on May 13, 2015 and published in the *D.C. Register* on September 18, 2015 at 62 DCR 12546. The Commission did not receive any comments during the comment period, which expired on October 18, 2015. No changes were required and none have been made.

The Commission voted to adopt this rulemaking as final on November 18, 2015, and it will become effective upon publication in the *D.C. Register*.

Chapter 1, DISTRICT OF COLUMBIA TAXICAB COMMISSION: RULES OR ORGANIZATION, of Title 31, VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 100, OFFICERS, is amended to read as follows:

100 OFFICERS

100.1 The officers of the Commission shall be the Chairperson and the Secretary.

100.2 The Chairperson shall perform the following duties:

- (a) Preside at regular, special, and emergency meetings of the Commission or designate another Commissioner to serve in that capacity;
- (b) Serve as the spokesperson for the Commission on all matters, or designate another Commissioner to serve in that capacity;
- (c) Issue and sign notices and correspondence in accordance with § 109;

- (d) Appoint committees and panels, and their chairpersons, as needed;
- (e) Serve as the Chief Administrative Officer of the Commission, as the Commission's personnel authority, and as the Chief of the Office of Taxicabs; and
- (f) Perform other duties of the Commission as the Commission may delegate.

100.3 The Secretary shall perform the following duties:

- (a) Oversee the electronic recording of Commission and panel meetings and the preparation of detailed minutes where electronic recording is not feasible in accordance with § 108.3;
- (b) Call the roll at Commission meetings;
- (c) Announce that a quorum is or is not present;
- (d) Maintain a record of the attendance of Commissioners at Commission and panel meetings; and
- (e) Perform such ministerial and other duties assigned by the Commission.

Section 101, APPOINTMENT OF THE VICE-CHAIRPERSON AND SECRETARY, is amended to read as follows:

101 APPOINTMENT OF THE SECRETARY AND ETHICS COUNSELOR

101.1 The Secretary to the Commission shall be an employee of the Office of Taxicabs designated by his or her position title in an administrative issuance issued by the Chairperson. Contact information for the Secretary shall be posted on the Commission's website.

101.2 The General Counsel to the Commission shall serve as the Ethics Counselor.

Section 102, MEETINGS, is amended to read as follows:

102.1 The Commission shall hold general meetings on the second Wednesday of January, March, May, July, September and November at 10:00 a.m., at the official offices of the Commission, or at any other place as the Chairperson may designate. The notice of general meetings shall be provided in accordance with §109.

102.2 The Commission shall hold work sessions, as necessary, to engage in briefings

and to consider matters before the Commission on the first Tuesday of February, April, June, September, October and December at the official offices of the Commission, or at any other place as the Chairperson may designate. The Commission may hold additional work sessions to carry out its statutory authority.

- 102.3 The Commission, its panels, and committees shall not meet on holidays, during the last two (2) weeks in December, or on snow emergency days as declared by the Mayor.
- 102.4 The Chairperson may call a special meeting of the Commission or a Panel at the direction of the Commission or its Panel. The notice shall be provided in accordance with § 109 and shall state the matters to be considered. No other matter may be considered at the special meeting except with the consent of all members of the Commission or the Panel present.
- 102.5 The Chairperson may call an emergency meeting of the Commission as needed to address an urgent matter. The notice of an emergency meeting shall be provided in accordance with § 109.
- 102.6 By affirmative vote of a majority of Commissioners in office, the Commission may schedule or hold a closed executive session to discuss personnel, litigation, or other matters of a private or confidential nature. No official action may be taken in an executive session, and no records shall be kept of the session other than a record of the vote to schedule or hold the session.

Section 103, CONDUCT OF MEETINGS, is amended as follows:

Subsection 103.6 is amended to read as follows:

- 103.6 Representatives of governmental agencies involved in taxicab administration, including, but not limited to, the Metropolitan Police Department, the Office of Taxicabs, the Washington Metropolitan Area Transit Commission, and the Commissioner of the D.C. Department of Insurance, Securities, and Banking may participate in the meetings of the Commission.

Section 104, QUORUM, is amended to read as follows:

Subsection 104.1 is amended to read as follows:

- 104.1 A majority of the Commissioners in office shall constitute a quorum for taking official action or votes at all meetings of the Commission. A meeting may commence for the consideration of matters not requiring official action or a vote when a majority of Commissioners in office are not present.

Section 105, CONFLICTS OF INTEREST AND APPOINTMENT OF ETHICS COUNSELOR, is amended as to read as follows:

105 CONFLICTS OF INTEREST

- 105.1 Any Commissioner, including the Chairperson, or panel member who, in the discharge of his or her official duties on the Commission, would be required to take an action or make a decision that would affect directly or indirectly his or her financial interest, as defined by § 223 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, (D.C. Law 19-124; D.C. Official Code § 1-1162.23 (2014 Supp.) or the financial interest of a member of his or her household or a business with which he or she is associated, or must take an official action on a matter as to which he or she has a conflict of interest created by a personal, family, or client interest, shall disclose this information in writing to the Chairperson.
- 105.2 The Chairperson shall excuse the Commissioner or panel member from votes, deliberations, and other action on the matter if the Ethics Counselor has determined that a conflict of interest exists or the Commissioner or panel member has requested to be excused due to a conflict of interest.
- 105.3 Any information disclosed under this section shall be included in the written record of the proceedings.

Subsection 105.4 is deleted.

Section 106, VOTES, is amended as follows:

Subsection 106.1 is amended to read as follows:

- 106.1 Action shall be taken by majority vote of the Commissioners voting unless contrary in these rules or other applicable law.

Subsection 106.3 is amended to read as follows:

- 106.3 The Commission may, upon motion of any Commissioner, reconsider a vote taken at the same meeting at which the vote to reconsider is taken or, if otherwise in order, at the next meeting.

Section 107, ORDER OF BUSINESS OF MEETINGS, is amended to as follows:

Subsection 107.1 is amended to read as follows:

107.1

The order of business at meetings shall be as follows unless otherwise modified by the Chairperson with prior notice as provided in section § 109 or by majority vote of Commissioners voting:

- (a) Call to Order;
- (b) Moment of silence;
- (c) Determination of a quorum;
- (d) Commission communication;
- (e) Government communication:
 - (1) The Mayor and Executive Branch;
 - (2) Council and the United States Congress; and
 - (3) Other governmental agencies and departments;
- (f) Public communications including petitions;
- (g) Reports from the following:
 - (1) The Chairperson;
 - (2) The General Counsel;
 - (3) The Office of Taxicabs;
 - (4) The Metropolitan Police Department;
 - (5) The Commissioner of the District of Columbia Department of Insurance, Securities and Banking;
 - (6) The Washington Metropolitan Area Transit Commission; and
 - (7) Others;
- (h) Consent Calendar:
 - (1) Hearing and approval of a panel report; and
 - (2) Other Action Items;

- (i) Non-Consent Calendar:
 - (1) Hearing and approval of a panel report; and
 - (2) Other Action Items;
- (j) Scheduling of public hearings;
- (k) Consideration of matters in executive session as authorized by law; and
- (l) Adjournment.

107.2 A consent calendar may be presented by the Chairperson at the beginning of a meeting. Items may be removed from the Consent Calendar at the request of any Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent Calendar, placed on the Non-Consent Calendar or placed later on the agenda at the discretion of the Commission.

Section 108, RECORDS OF MEETINGS, is amended as follows:

Subsection 108.1 is amended to read as follows:

108.1 The Secretary shall cause the creation of a formal record of the official proceedings of Commission meetings by electronic recording except as provided by § 108.3. All written documents and materials of the Commission shall be maintained by the Secretary as the official record of the Commission.

A new subsection 108.3 is added to read as follows:

108.3 The Secretary shall prepare detailed minutes of a Commission or panel meeting if electronic recordation is not feasible.

Section 109, NOTICES AND CORRESPONDENCE, is amended to read as follows:

109 NOTICES, CORRESPONDENCES, AND RECORDS

109.1 The Chairperson shall sign or designate a person to sign the following:

- (a) All notices to Commissioners of regular, special, and emergency meetings;

- (b) All notices and correspondence delineating proposed and final actions of the Commission; and
- (c) All appointments of committees and panels where appointments are within the powers of the Chairperson.

109.2 Notices of regular and special Commission meetings shall be posted not fewer than seven (7) days in advance of the meeting.

109.3 Notice of regular and special Commission meetings shall be made by:

- (a) Posting on the DCTC website;
- (b) Posting in the Office; and
- (c) Posting in the *D.C. Register*, as timely as practicable.

109.4 Notice of an emergency Commission meeting shall be provided at the same time as notification of the date and time of the meeting is given to the Commission. Notice under this subsection shall be provided by any or all of the methods in § 109.3.

109.5 The public records of the Commission and the Office may be examined in the offices of the Commission during normal office hours. An individual may make an appointment with the Commission to listen to an electronically recorded meeting of the Commission or its panels by contacting the Secretary of the Commission.

109.6 The Chairperson may have published in any newspaper of general circulation notice of any Commission meeting.

Section 110, OFFICIAL OFFICES OF THE COMMISSION AND OFFICE HOURS, is amended as follows:

Subsection 110.1 is amended to read as follows:

110.1 The official offices of the Commission and the Office shall be 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020.

Subsection 110.3 is deleted.

Section 111, POLICY AND PROGRAMS, is amended as follows:

Subsection 111.1 is amended to read as follows:

111.1 The Commission as a whole, when convened in regular, special or emergency sessions, shall, consistent with law, consider and adopt Commission policy, programs, and objectives.

Section 112, FREEDOM OF INFORMATION ACT REQUESTS, is amended as follows:

Subsection 112.1 is amended to read as follows:

112.1 The Public Information Officer is designated as the Freedom of Information Act Officer for the Office of Taxicabs.