

CAPTIONING
MAY 11, 2016
HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION
CLOSED SESSIONS

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ALL RIGHT.COUNSEL, I AM GOING TO GO AHEAD AND ASK YOU TO BASICALLY STEP UP TO THE PLATE AND LEAD US THROUGH THIS NEXT PORTION.

>> WHAT I THINK WOULD BE APPROPRIATE AT THIS TIME, AS WE ARE AWARE THERE HAVE BEEN SETTLEMENT DISCUSSIONS UNDERWAY TO RESOLVE THE PENDING LITIGATION. THE SETTLEMENT COULD CONCEIVABLY HAVE APPLICATION TO BOTH SETTLEMENT OF THE LYFT LITIGATION AND SETTLEMENT OF THE UBER LITIGATION, HOWEVER, WHEN WE GO INTO THE CLOSED SESSION, THIS COMMISSION IS ONLY PERMITTED TO WITH RESPECT TO THE FIRST CLOSED SESSION DISCUSS LITIGATIONS SPECIFICALLY TO LYFT AND CANNOT GET INTO THE DISCUSSION OF UBER. SO AT THIS TIME, WE FEEL THAT WHAT MIGHT BE APPROPRIATE IS TO HAVE A PRESENTATION OF THE POLICY CONSIDERATIONS THAT ARE TO BE DISCUSSED IN TERMS OF A SETTLEMENT AGREEMENT THAT MIGHT APPLY TO BOTH, SO AS NOT TO COMMINGLE A DISCUSSION OF THE LITIGATION INAPPROPRIATELY DURING CLOSED SESSION. ONE COMMENT I DID WANT TO MAKE IN RELATION TO SOME DISCUSSION THAT WE'VE HAD EARLIER TODAY IS THAT WHAT WOULD BE PROPOSED WOULD IN FACT BE A SETTLEMENT AGREEMENT TO RESOLVE THE OUTSTANDING LITIGATION. THE POLICY CONSIDERATIONS THAT WOULD BE INCLUDED THEREIN IN TERMS OF A TEMPORARY OPERATING AGREEMENT WOULD BE JUST THAT TEMPORARY AND FOR A FINITE PERIOD. A SETTLEMENT AGREEMENT IN TOTAL WOULD HAVE TO COME BACK TO THIS BOARD FOR FINAL APPROVAL, AND THOSE TERMS OF THE SETTLEMENT AGREEMENT ARE STILL UNDER DISCUSSION, HOWEVER, WE NEEDED SOME DIRECTION FROM THIS COMMISSION ON THE POLICY CONSIDERATIONS. SO AT THIS TIME, I'LL TURN IT BACK OVER TO THE CHAIRMAN TO DISCUSS WHAT THOSE POLICY CONSIDERATIONS ARE, AND I DO HAVE SOME HANDOUTS IN RELATION TO THAT DISCUSSION.

>> VICTOR CRIST: OKAY I AM GOING TO GO AHEAD AND DIRECT STAFF TO PASS OUT THE HANDOUTS AND WE WILL WALK THROUGH THIS AS QUICKLY AS POSSIBLE. WHILE THEY'RE PASSING IT OUT FOR THOSE IN THE AUDIENCE, THIS HAS BEEN AN AMAZING PRODUCT THAT HAS BEEN EVOLVING ABOUT EVERY HOUR ON THE HOUR OVER THE LAST 48 HOURS. I'M GOING TO START OFF BY GIVING A LITTLE HISTORY. FIRST OF ALL, WHAT IS COMING BEFORE ALL YOU MEMBERS IS MY PROPOSAL AS A BOARD MEMBER, AND I INVITE ANYBODY ELSE TO BRING A PROPOSAL FORWARD BUT I AM BRINGING THIS FRUPROPOSAL FORWARD AFTER A YEAR'S WORK OF WORKING ON BOTH SIDES. YES THERE WAS A TIME WHEN WE ONLY HAD THE CAB COMPANIES AND LIMOUSINE COMPANIES AT THE TABLE BECAUSE UBER AND LYFT WOULDN'T COME AND AT SOME POINT, THAT PENDULUM SHIFTED WHERE WE WERE NEGOTIATING WITH LYFT AND WE COULDN'T GET UBER AND THE CAB COMPANIES TO THE TABLE. THEN AT

ANOTHER POINT, UBER CAME TO THE TABLE. THE CAB COMPANIES WOULD NOT. BUT ALL IN ALL, INPUT FROM ALL SIDES AT SOME POINT DID OCCUR, AND WITH ALL OF THE CARDS ON THE TABLE, WE PUT TOGETHER THE PROPOSAL THAT'S IN FRONT OF YOU. WHAT THIS PROPOSAL WILL SIMPLY DO. HOLD ON, ONE MORE THING, I'M LOOKING AT MY NOTES HERE. THE REASON FOR THE PROPOSAL, WE HAVE TRIED TO DO RULES, AND WE HAVE FAILED. BECAUSE OF THE WAY THIS AGENCY IS SET UP. IF EITHER SIDE APPEALS THE RULES, THEY CAN BE BOGGED DOWN INTO TWO, THREE, FOUR YEARS' WORTH OF PROCESS. AND AT THE END OF THE DAY, WE DON'T GET ANYTHING DONE. AND WE HAVEN'T BEEN ABLE TO GET ANYTHING DONE IN DEALING WITH THIS ISSUE. WE'VE BEEN WORKING VERY HARD PUTTING EVERY TOOL THAT WE'VE GOT IN THE TOOL BOX OUT THERE TO TRY TO UPHOLD THE RULES THAT ARE ON THE BOOKS TODAY. TICKETING, STOPPING, YOU KNOW, TAKING THEM TO COURT, AND LORD KNOWS WE'VE SPENT A LOT OF MONEY ON LITIGATION. BUT THE BOTTOM LINE IS WHETHER WE LIKE IT OR NOT, THE RIDE SHARE INDUSTRY IS HERE TO STAY, AND THEY ARE HERE AND OPERATING TODAY. WITH THOUSANDS OF VEHICLES ON THE ROAD. LYFT HAS REPORTED THEY HAVE HAD OVER 1500. UBER REPORTED THEY HAVE OVER 3,000 CARS ON THE ROAD. AND WE HAVEN'T BEEN ABLE TO STOP THAT UNDER OUR EXISTING RULES. THE RIDING PUBLIC IS CURRENTLY AT RISK IN HILLSBOROUGH COUNTY, AND WHAT IS BEFORE YOU IS MY ATTEMPT TO BRING TO YOU A WAY TO IMPROVE PUBLIC SAFETY BY GETTING THE COMPANIES TO RAISE THEIR STANDARDS AND TO RAISE THEIR STANDARDS AS HIGH AS I COULD GET THEM TO GO TOWARDS WHERE WE ARE TODAY. BELIEVE ME, THIS IS AS HIGH AS WE WERE ABLE TO GO. AND ONCE WE DECIDE ON A POLICY AND IF WE DECIDE ON A POLICY HERE, I WOULD HOPE THAT THIS BOARD WOULD THEN TURN AROUND AND LOOK AT OUR EXISTING RULES THAT REGULATE THE CABS AND LIMOUSINES AND MODIFY THEM SO THAT THEY CAN DIRECTLY COMPETE WITH THE TNCs. BUT UNFORTUNATELY, WE CAN'T DO THEM BOTH IN TANDEM. WE HAVE TO DO ONE AND SEE WHAT WE GET AND THEN THE OTHER. BUT THE OTHER CAN BE DONE VERY QUICKLY. ALL RIGHT, WALKING THROUGH THIS, WHAT DOES IT DO? PART ONE, THE INSURANCE. CURRENTLY, IT'S BEEN QUESTIONABLE IF THE TNCs HAVE ADEQUATE INSURANCE OR NOT. UNDER INVESTIGATION WE FOUND BOTH COMPANIES HAVE MILLION DOLLAR UMBRELLA POLICY, BUT THE DRIVERS HAVE BEEN OPERATING OFF OF THEIR OWN SINGLE POLICIES. IT'S BEEN QUESTIONABLE ON WHETHER OR NOT THEIR COMPANIES WILL COVER IF THERE IS AN ACCIDENT OR AN INJURY WHILE ON THE APP. WHAT WE DO HERE IS WE REQUIRE THAT UBER AND LYFT MUST INVESTIGATE THAT INSURANCE AND MAKE SURE THAT ONE, IT MEETS THE BASIC STATE STANDARD OR BETTER, AND TWO, THAT IT WILL COVER AN ACCIDENT OR AN INJURY WHEN THEY'RE ON THE APP. AND TO BACK IT UP WITH A MILLION-DOLLAR UMBRELLA. KYLE, ADDITIONAL COMMENTS?

>> NO, SIR, NOT AT THIS TIME.

>> THAT WOULD GUARANTEE THERE WAS FIRST COVERAGE, IF THE FIRST COVERAGE IF THERE ISN'T ENOUGH THAT IT IS BACKED BY AN UMBRELLA UP TO A MILLION DOLLARS. THE NEXT IS BACKGROUND CHECKS. THERE WAS HUGE RESISTANCE TO THE FINGERPRINT, BUT THE STANDARDS OF THE LEVEL TWO IN MY BOOK JUST WEREN'T GOOD ENOUGH. SO WHAT WE ENDED UP SETTLING ON WAS A LEVEL TWO PLUS. WHICH BASICALLY DOES ALMOST EVERYTHING A LEVEL ONE DOES WITH THE EXCEPTION OF THE FINGERPRINTING KYLE?

>> I THINK VICE CHAIR --

>> FINISH EXPLAINING.

>> I BELIEVE THERE WAS A MISQUOTE THERE SO IT'S A LEVEL ONE PLUS.

>> SORRY, I SAID IT BACKWARDS.

LEVEL ONE PLUS THAT WILL DO ALMOST EVERYTHING THAT LEVEL TWO DOES WITHOUT THE FINGERPRINT AND WITHOUT THE FORWARD REPORTING.

IS THAT CORRECT? YOU'RE THE EXPERT HERE, EXPLAIN.

>> I DON'T THINK IT WILL DO EVERYTHING A LEVEL TWO WILL DO AND I KNOW FOR A FACT IT DOES NOT ACCESS THE SAME DATABASES AND SAME PATHWAY AND ET CETERA, ET CETERA. I WOULD ONLY ASK WHAT I HAVE BEEN SAYING FOR TWO YEARS, IF IT IS A GOLD STANDARD THEN, THEN THE FEDERAL GOVERNMENT WOULD BE USING IT. BUT IN THIS CASE, THE LEVEL ONE PLUS IS ON TABLE, LEVEL ONE IS DEFINED IN FLORIDA AS A STATEWIDE CHECK. A LEVEL ONE PLUS AS DESCRIBED HERE IS A MULTIJURISDICTIONAL MULTISTATE. SO IT GOES BEYOND THE BORDERS OF FLORIDA.

>> VICTOR CRIST: WHAT HAS BEEN ADDED TO THIS PER YOUR RECOMMENDATION THAT ENHANCES IT?

>> WELL, I BELIEVE THAT THE LEVEL TWO IS A BETTER, IT'S PLEASURE OF THIS BOARD WHETHER YOU WANT A LEVEL ONE PLUS.

>> VICTOR CRIST: YOU NEGOTIATED ADDITIONAL STEPS OVER AND ABOVE A TRADITIONAL LEVEL ONE.

>> THERE IS A COMPONENT BUILT IN HERE THAT WILL ALLOW THE TNC DRIVERS TO VOLUNTARILY SUBMIT TO A LEVEL TWO FINGERPRINT BACKGROUND CHECK. IF THEY SO CHOOSE. WITH NO RETRIBUTION AT ALL TOWARDS THE DRIVER.

>> VICTOR CRIST: DOESN'T THIS ALSO INCLUDE THE NATIONAL -- CENTER DATABASE, THE MULTISTATE, MULTIJURISDICTIONAL CRIMINAL RECORD SOFTWARE SEARCH SYSTEM AS WELL?

>> YES, IT DOES INCLUDE THAT I BELIEVE. YES, IT DOES INCLUDE THAT.

>> VICTOR CRIST: SO THIS WOULD BE AN ENHANCED LEVEL ONE.

>> YES.

>> VICTOR CRIST: OKAY. SO IT'S SOMEWHERE HALFWAY IN BETWEEN A LEVEL ONE AND A LEVEL TWO.

>> YES, THAT IS CORRECT.

>> VICTOR CRIST: DRIVING HISTORY, THE VEHICLE INSPECTIONS. ANYWHERE ELSE IN THE COUNTRY, THE 19-POINT GENERAL SAFETY INSPECTION HAS BEEN THE STANDARD. IN THIS PARTICULAR RECOMMENDATION WE HAVE GOT THEM TO AGREE TO THE 24-POINT INSPECTION WHICH WE DO HERE IN HILLSBOROUGH THAT INCLUDES ENVIRONMENTAL, AIR CONDITIONING AND HEATING, AS WELL. IS THAT CORRECT?

>> YES, THAT IS CORRECT.

>> VICTOR CRIST:

>> EXCUSE ME, POINT OF CLARIFICATION, MY PAPER SAYS 22-POINT INSPECTION, YOURS SAYS 24. WHAT IS IT?

>> IT ACTUALLY WORKS OUT TO 22 POINTS BUT IT DOES INCLUDE AS THE COMMISSIONER DESCRIBED --

>> VICTOR CRIST: ALL RIGHT, 22. 22-POINT INSPECTION INCLUDING AIR CONDITIONING. RECIPROCITY FOR VEHICLES THAT COME IN FOR SPECIAL OCCASIONS THAT MAY ONLY HAVE A 19-POINT INSPECTION PROVIDED THEY ARE LICENSED OUTSIDE OF THE COUNTY BOTH REGISTRATION AND DRIVER'S LICENSE.

>> YES, THAT PROVISION IS BUILT INTO THE PROPOSAL.

>> VICTOR CRIST: OKAY. THE AGE OF THE VEHICLE. CURRENTLY WE HAVE A 10-YEAR RESTRICTION IN THIS PARTICULAR PROPOSAL WE WENT TO A 12-YEAR RESTRICTION.

>> YES, THAT'S CORRECT, SIR.

>> VICTOR CRIST: TNCs WILL NOT DO STREET HAILS. THAT IS EXCLUSIVE FOR TAXICABS. TNCs WILL NOT EXCLUDE TAXICAB STANDS. TNCs WILL NOT ACCEPT CASH. THAT'S EXCLUSIVE FOR TAXICABS. SURGE PRICING WE DIDN'T ADDRESS IT. THAT WILL BE UP TO WHAT THE MARKET AND THE CONSUMER AND THE MEDIA WILL BEAR. IS THAT CORRECT?

>> YES, SIR, THAT IS CORRECT.

>> I DID WANT TO ADD TO THIS THAT NOTICE WILL BE PROVIDED IN ADVANCE TO CUSTOMERS. THEY MUST APPROVE THE PRICE SURGING BEFORE THE RIDE REQUEST CAN BE COMPLETED.

>> VICTOR CRIST: SO THE PUBLIC WOULD BE PUT ON NOTICE THAT THERE IS A PRICE SURGE AND WHY.

>> YES, THAT IS CORRECT, MR. CHAIR.

>> VICTOR CRIST: OKAY. THE FEES FOR OPERATING IN HILLSBOROUGH COUNTY. WE DIDN'T JUST PULL THESE OUT OF THE AIR. I ASKED KYLE HOW MUCH MORE CAPACITY IS HE GOING TO NEED TO POLICE THIS AND ENFORCE IT. SINCE IT'S ONLY A 15-MONTH OPERATING AGREEMENT AT THE END OF THE AGREEMENT, IF WE NEED TO MAKE ADJUSTMENTS, WE CAN, ONCE WE HAVE SOME HISTORY. BUT DOING A REASONABLE GUESSTIMATE BASED ON THE NUMBER OF VEHICLES THAT LYFT WAS REPORTING ON THE STREETS AND BASED ON THE NUMBER OF VEHICLES UBER WAS REPORTED ON THE STREETS, WE CAME UP WITH 125 AND 250 TO COVER THE 375 NUT THAT WE HAD TO COVER. IS THAT CORRECT?

>> YES, SIR, THAT'S CORRECT.

>> VICTOR CRIST: AND THEY AGREED. TRADE DRESS. CAN YOU TALK ABOUT THAT?

>> TRADE DRESS SHALL BE OF SUCH SIZE, SHAPE, AND COLOR THAT SHALL BE READILY IDENTIFIABLE DURING DAYLIGHT HOURS FROM 50 FEET WHEN THE VEHICLE IS NOT IN MOTION AND SHALL BE REFLECTIVE OR VISIBLE IN DARKNESS. NO SPECIFIC PLACEMENT OR MINIMUM OR MAXIMUM SIZE HAS BEEN IDENTIFIED.

>> VICTOR CRIST: BASICALLY A STICKER IN THE WINDOW SO WE CAN TELL THEY ARE A RIDE SHARE CAR AND WHAT COMPANY THEY ARE A RIDE SHARE CAR FOR. ACCESSIBILITY?

>> THAT A PROVISION SHALL BE IN THERE TO AGREE TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, AND AGREE TO NOT REFUSE TO ACCEPT A PASSENGER WHO DISABLED OR CHARGE A HIGHER FEE TO A PERSON WHO IS DISABLED. AND THAT THE COMPANY WILL MAKE BEST EFFORTS TO SUPPORT THE PASSENGER WITH AN ANIMAL WITH A METHOD OF TRANSPORTATION.

>> VICTOR CRIST: OKAY AND THE WEIGH BILL.

>> THERE IS A PROVISION THAT WILL PERMIT THE PTC STAFF TO HAVE ACCESS TO WHAT IS COMMONLY CALLED AS A WEIGH BILL, WHICH IS A DIGITAL IDENTIFICATION SCREEN THAT HAS CERTAIN INFORMATION ABOUT THE COMPANY AND ABOUT THE DRIVER, AND THAT INFORMATION SPECIFICALLY HAS TO DO WITH THE DRIVER IDENTITY WITH COLOR PHOTO, THE VEHICLE MAKE AND MODEL, LICENSE PLATE NUMBER, AND A COPY OF CERTIFICATE OF INSURANCE. AND THAT DIGITAL SCREEN WILL BE PRIMARILY BE AVAILABLE TO IDENTIFY A TNC DRIVER IS ACTUALLY

WORKING FOR THE TNC AND NOT A ROAD DRIVER THAT PROFESSES TO BE WORKING FOR A TNC.

>> IS THERE ANYTHING ELSE THAT YOU THINK SHOULD BE HIGHLIGHTED THAT I FAILED TO MENTION HERE.

>> YES, SIR, THERE ARE A COUPLE OF THINGS.

ONE SPECIFICALLY GOING BACK TO VEHICLE INSPECTIONS, THERE IS A PROVISION FOR GRACE PERIOD TO ALLOW EXISTING TNC DRIVERS TO HAVE THEIR VEHICLE INSPECTED. THE NUMBER ON THE TABLE RIGHT NOW IS A SIX-WEEK OR ROUGHLY 42 DAYS TO ALLOW THAT TO HAPPEN, AND IN ADDITION THERE IS A PROVISION MOVING FORWARD FOR NEW DRIVERS TO GET THEIR VEHICLE INSPECTED. CURRENTLY THE NUMBER ON THE TABLE IS ALSO SIX WEEKS, SO IN OTHER WORDS, NEW DRIVERS WOULD BE ALLOWED TO DRIVE THEIR UNINSPECTED VEHICLE ON THE ROAD FOR SIX WEEKS BEFORE THEY GOT THEIR VEHICLE INSPECTED.

>> VICTOR CRIST: BUT THIS WOULD BE THE TRANSITION PERIOD FOR -- IN MY PROPOSAL HERE IT'S ONLY THE INITIAL TRANSITION PERIOD. ONCE THAT TRANSITION PERIOD IS OVER, ALL VEHICLES EITHER OLD, EXISTING, OR NEW MUST MEET OUR STANDARD, CORRECT?

>> YES, SO GIVEN THAT CORRECTION, ZERO GRACE PERIOD FOR NEW DRIVERS THAT ARE COMING ON ONCE THIS IS IN EFFECT.

>> VICTOR CRIST: IN SIMPLE TERMS, WE UNDERSTAND THAT THESE ARE ALL NEW REGULATIONS ON AN INDUSTRY THAT IS UNREGULATED, AND THAT THEY'RE GOING TO NEED SOME TIME TO TRANSITION INTO IT WITHOUT GETTING STUNG. UBER SAID THEY COULD DO THAT IN 42 DAYS, LYFT SAID THEY COULD DO THAT IN 90 DAYS AND THAT SEEMS TO STILL BE AN AREA THAT WOULD NEED TO BE WORKED OUT. BUT THE BOTTOM LINE IS AT SOME POINT THAT TRANSITION WILL BE DONE AND EVERYBODY ON BOARDED WILL NEED TO MEET THE REQUIREMENTS THAT WE PUT FORTH, WHATEVER THEY MAY BE.

>> YES, SIR, IN ADDITION TO THAT, THERE IS AN AUDIT PROVISION BUILT INTO THE DOCUMENT, AND THE AUDIT PROVISION THAT IS BEING DISCUSSED ALLOWS FOR PTC STAFF SEMIANNUALLY HAVE ACCESS TO IDENTIFIERS OF DRIVERS, AND TO SIMULTANEOUSLY TAKE THAT INFORMATION AND SUBMIT IT INTO A PTC COMPUTER AND ALLOW US TO RUN A BACKGROUND CHECK TO VALIDATE THE BACKGROUND CHECK HAS BEEN DONE, AND THAT'S AUDIT PROVISION WOULD OCCUR TWICE A YEAR.

>> VICTOR CRIST: ARE YOU COMFORTABLE AS THE CHIEF OPERATING OFFICER THAT THE AUDIT PROVISION WE HAVE WOULD GIVE US THE TRANSPARENCY THAT WE NEED IF WE'RE ABLE TO DO THE COMPUTER TO COMPUTER?

>> I THINK THAT IT'S THE BEST THAT WE COULD COME UP WITH AT THIS TIME.

>> VICTOR CRIST: OKAY. MEMBERS, THE MAIN THING TO KEEP IN MIND WHILE THERE ARE PART OF THIS LIKE THE LEVEL TWO THAT EVEN I AGREE I WOULD LIKE TO SEE DONE THE LONGER WE DRAW THIS OUT, THE LONGER WE GO WITHOUT ANY SAFETY STANDARDS IN PLACE. AND THE LONGER THE PUBLIC IS EXPOSED, AND THE LONGER THAT THESE COMPANIES ARE OUT THERE OPERATING WITHOUT ANY RESTRICTIONS. WHAT WE HAVE HERE ARE DRASTIC CHANGES TO WHAT THESE COMPANIES ARE DOING NOW. AND A DRASTIC MOVE IN THE DIRECTION THAT WE WOULD LIKE THEM TO GO IN HAVING ENHANCED SAFETY MEASURES IN OUR COUNTY. AND AFTER A YEAR'S WORTH OF PUSHING, THIS IS AS FAR AS WE WERE ABLE TO GET THEM. SURE WE CAN SAY WE WANT MORE, MORE, MORE AND KEEP KICKING THIS CAN DOWN THE ALLEY, BUT EVERY

DAY WE KICK THIS CAN DOWN THE ALLEY, SOME CONSTITUENT OUT THERE IS EXPOSED AND AT RISK. MY RECOMMENDATION IS WE GET WHAT WE CAN NOW AND CONTINUE WORKING WITH THEM TO IMPROVE IT ALONG THE WAY. I THINK THE BACKGROUND CHECK ISSUE WILL SELF-CORRECT ITSELF. IF WHAT WE HAVE HERE ISN'T GOOD ENOUGH, THEN INCIDENCES MAY OCCUR AND IT WILL BECOME VERY EVIDENT AND EASY FOR US TO TAKE IT TO THE NEXT LEVEL. BUT TO SAY WE'RE GOING TO SIT BACK AND DO NOTHING UNLESS WE GET EVERYTHING IS JUST UNACCEPTABLE. IT PUTS THE PUBLIC UNNECESSARILY AT RISK LONGER. COUNSEL?

>> MR. CHAIRMAN, I'M SORRY.

>> VICTOR CRIST: OKAY, NOW WE DO WHAT. I HAVE DONE THE PRESENTATION.

>> OKAY, AT THIS TIME, I THINK THAT IT WOULD BE APPROPRIATE FOR US TO PROVIDE NOTICE THAT THE CLOSED SESSION'S ABOUT TO BEGIN, AND IF I CAN READ FROM YOUR COMMENTS.

>> VICTOR CRIST: ALL RIGHT, WE DO THAT, ONE LAST THING THAT I KNOW THAT I CAN'T DISCUSS IN CLOSED SESSION I AM GOING TO SAY NOW. THERE WERE TWO ORIGINAL AGREEMENTS. THERE WAS ONE WITH LYFT AND THERE WAS ONE WITH UBER, AND WHAT YOU HAVE BEFORE YOU IS A HYBRID WHERE WE MERGE THE TWO TOGETHER AT A POINT WHERE WE COULD KEEP BOTH COMPANIES AT THE TABLE. AND I AGREED TO PRESENT TO YOU TODAY ONE DOCUMENT THAT WAS THE HYBRID OF THE MERGING OF THE TWO OF WHICH THERE WERE SOME SIGNIFICANT DIFFERENCES.

>> JUST FOR CLARIFICATION, IS THE PROPOSAL YOU PUT IN FRONT OF US TODAY AND WE ARE GOING TO DISCUSS BEHIND CLOSED DOORS, IS IT ONE DOCUMENT FOR EACH OR IS IT TWO DIFFERENT DOCUMENTS WITH DIFFERENCES IN EACH DOCUMENT.

>> VICTOR CRIST: IT'S ONE DOCUMENT BUT YOU ARE FREE TO DO YOUR WILL.

>> IF I CAN FOLLOW UP ON THAT. BECAUSE THESE AGREEMENTS WOULD BE SETTLEMENT AGREEMENTS, THEY WOULD BE TWO SEPARATE AGREEMENTS FOR PURPOSES OF SETTLING SPECIFIC PIECES OF LITIGATION. HOWEVER, THE POLICY CONSIDERATIONS THAT YOU'RE DISCUSSING WOULD BE PART OF A TEMPORARY OPERATING AGREEMENT THAT WOULD BE INCORPORATED INTO THE SETTLEMENT AGREEMENT FOR EACH.

>> I UNDERSTAND THAT BUT MY QUESTION IS, EVEN IF THERE ARE TWO DOCUMENTS, IS IT SUGGESTED THAT THOSE TWO DOCUMENTS FROM THE TEMPORARY OPERATING SIDE WOULD BE DIFFERENT FOR UBER AND LYFT OR THEY WOULD BE THE SAME.

>> MY BEST ADVICE WOULD BE FOR THEM TO BE THE SAME TO AVOID A --

>> WE'RE BEING ASKED TO DISCUSS SOMETHING BEHIND CLOSED DOORS. IS THAT SOMETHING WE'RE BEING ASKED. IS THE GENESIS, IS THE BASE DOCUMENT THAT WE'RE GOING TO BE DISCUSSING, IS IT CURRENTLY DIFFERENT FROM UBER AND LYFT OR IS IT THE SAME?

>> CURRENTLY, COUNCILMAN, I THINK THE PROPOSAL BY THE COMMISSIONER, BY THE CHAIR, IS THE SAME. I THINK THAT THERE COULD BE DIRECTION GIVEN BY THIS BOARD RELATIVE TO EACH INDIVIDUAL COMPANY SO THERE IS STILL A LITTLE BIT TO GO YET ON WORKING OUT THE DETAILS OF WHAT EVERYBODY AGREES TO WITH RESPECT TO EACH OF THOSE TWO COMPANIES. SO ARE YOU ASKING ME DO THEY HAVE THE POTENTIAL TO BE DIFFERENT, YES, THEY CERTAINLY DO.

>> IF THE POTENTIAL IS TO BE DIFFERENT, WE MAY OR MAY NOT ACTUALLY HAVE AN AGREEMENT WITH UBER OR LYFT DEPENDING ON WHAT THOSE DIFFERENCES ARE, CORRECT?

>> YES, SIR, THAT IS CORRECT. THERE ARE STILL SOME, THE, SOME ISSUES TO HAVE DISCUSSIONS ABOUT, AND YOU AS A BOARD MIGHT WANT TO ADD OR DELETE SOMETHING OR CHANGE SOMETHING THAT'S IN THERE THAT WE WOULD THEN HAVE TO GO BACK TO THE COMPANIES RESPECTIVELY AND DISCUSS WITH THEM TO SEE IF IT'S AMENABLE TO THEM.

>> VICTOR CRIST: TO RESPOND TO THAT AS WELL, WHAT YOU HAVE BEFORE YOU IS AS CLOSE AS WE COULD GET IN A CONSENSUS DOCUMENT TO KEEP BOTH COMPANIES AT THE TABLE WITH THE EXCEPTION OF THE HICKEY IN THERE, THE ON BOARDING TIME. THAT STILL WOULD NEED TO BE WORKED OUT. IF YOU START DEVIATING FROM IT, YOU MAY LOSE ONE OF THE TWO COMPANIES OR YOU COULD LOSE BOTH. BUT THE PURPOSE OF THIS IS FIRST TO HAVE A FOUNDATION FOR AN OPERATING AGREEMENT, AND SECONDLY, TO HAVE A FOUNDATION FOR A POSSIBLE SETTLEMENT AGREEMENT. SO WHEN WE GO BEHIND CLOSED DOORS, WE'LL BE TALKING ABOUT SETTLEMENT AGREEMENTS AND LAWSUITS. AND WE HAVE TO SEPARATE THE TWO COMPANIES BASED ON THE TWO OPEN AND CLOSED SESSIONS. THE FIRST ONE WILL BE LYFT BECAUSE THEIR LAWSUIT CAME FIRST. THE SECOND ONE WILL BE UBER BECAUSE THEIR LAWSUIT CAME SECOND. AND WE WILL HAVE TO ADDRESS EACH ONE INDEPENDENTLY.

>> TO THAT END, MR. CHAIR, IF I CAN MAKE AN ANNOUNCEMENT SO WE CAN BEGIN THE CLOSED SESSION IF THAT IS THE WISHES OF THE COMMISSION. OKAY.

>> VICTOR CRIST: OKAY, WE HAVE A MOTION? WHO MADE IT? COMMISSIONER HIGGINBOTHAM SECONDED. OKAY. ALL IN FAVOR, AYE. THOSE OPPOSED? UNANIMOUS.

>> OKAY, AT THIS POINT I WOULD LIKE TO MAKE AN ANNOUNCEMENT THAT NOTICE IS HEREBY GIVEN THAT AT 10:00 OR AT THE END OF THE HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION BOARD MEETING, ON WEDNESDAY, MAY 11th, 2016, THE HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION BOARD MEMBERS WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 286.011 PARAGRAPH 8 OF THE FLORIDA STATUTE FOR APPROXIMATELY 60 MINUTES. THE BOARD WILL DISCUSS SETTLEMENT NEGOTIATIONS AND STRATEGY RELATED TO LITIGATION EXPENDITURES CONCERNING LYFT INC. VERSUS HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION CASE NUMBER 2D15-3449. THE MEETING WILL BE ATTENDED BY CHAIRMAN VICTOR D. CRIST, COMMISSIONER AL HIGGINBOTHAM, COMMISSIONER KEN HAGAN, COUNCILMAN GUIDO MANISCALCO, BILLY KEEL, COUNCIL REDICK IS NOT IN ATTENDANCE HERE TODAY BUT HE WAS NOTICED, COUNCILMAN DAVID POGORILICH, SENIOR ASSISTANT COUNTY ATTORNEY, CYNTHIA OSTER, KYLE COCKREAM, AS WELL AS A REPRESENTATIVE FROM MURRAY AND ASSOCIATES COURT REPORTING. FOLLOWING THE CLOSED SESSION, THE HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION WILL RECONVENE IN OPEN SESSION TO ANNOUNCE TERMINATION OF THE CLOSED SESSION AND TAKE ANY FORMAL ACTION IT DEEMS NECESSARY.

>> AND JUST FOR CLARIFICATION, I THINK YOU SAID 10:00, IT'S ACTUALLY NEARLY 11:30.

>> WELL, WE WERE RUNNING BEHIND FROM THE OTHER MEETING, BUT THAT SHOULD NOT POSE A PROBLEM.

>> [INAUDIBLE]

>> IT'S MY UNDERSTANDING COUNCILMAN MANISCALCO DID LEAVE BUT WE CAN PROCEED FORWARD WITH A CLOSED SESSION.

>> [INAUDIBLE]

[HILLSBOROUGH COUNTY PTC IN CLOSED SESSION]

>> WE DO NOT HAVE A QUORUM, MR. CHAIR. WE ARE WAITING FOR ONE MEMBER TO RETURN.

>> VICTOR CRIST: OKAY, I AM NOW RECONVENING THE HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION'S BOARD MEETING PURSUANT TO SECTION 286.011 PARAGRAPH 8 FLORIDA STATUTES. THE CLOSED SESSION TO DISCUSS THE STATEMENT NEGOTIATIONS AND SETTLEMENT NEGOTIATIONS, AND STRATEGY RELATED TO LITIGATION EXPENDITURES, LYFT, INC., VERSUS HILLSBOROUGH COUNTY PUBLIC TRANSPORTATION COMMISSION, CASE NUMBER 2D15-3449 IS HEREBY TERMINATED. I'M GOING TO DEFER TO COUNSEL NOW TO WALK US THROUGH THE NEXT STEPS.

>> I THINK AT THIS POINT IF THE COMMISSION DESIRES TO TAKE ANY ACTION AFTER THE CLOSED SESSION, NOW WOULD BE THE TIME TO TAKE THE OFFICIAL MOTION.

>> I'D LIKE TO MAKE A MOTION. MOTION TO APPROVE THE PROPOSED SETTLEMENT IN CONCEPT ONLY THAT COMMISSION UNDERSTANDS THERE WILL BE FURTHER NEGOTIATIONS AND THAT A FINAL DOCUMENT WILL BE BROUGHT BACK BEFORE THE PTC AT THE NEXT PTC BOARD MEETING FOR A FINAL APPROVAL.

>> VICTOR CRIST: OKAY, WE HAVE A MOTION. IS THERE A SECOND?

>> FOR CLARIFICATION, DO WE NEED TO ADDRESS THE ACTUAL CASE NUMBER AS WELL OR?

>> VICTOR CRIST: I JUST DID.

>> I KNOW YOU DID.

>> I THINK YOU'RE SPEAKING ABOUT THE PENDING LITIGATION, AND I THINK IF THERE IS A DIRECTION TO BRING BACK A PROPOSED SETTLEMENT AGREEMENT, AT THIS POINT PROBABLY NO ADDITIONAL MOTION IS NECESSARY IN RELATION TO THIS SPECIFIC LITIGATION.

>> OKAY, THANK YOU.

>> QUESTION AS WELL. DO WE NEED TO PUT A SPECIFIC DATE OR COULD IT JUST BE WHENEVER.

>> NEXT PTC MEETING, AND I THINK --

>> IF I MAY, SIR, CAN THE MOTION BE FRAMED THAT WE CAN BRING YOU WHEREVER WE ARE AT THAT TIME, BECAUSE I DON'T KNOW THAT STAFF CAN GUARANTEE WE WILL HAVE A FINAL DOCUMENT BUT DEPENDING ON HOW THE NEGOTIATIONS GO ON THE DIFFERENT ELEMENTS.

>> TELL ME WHAT YOU JUST TOLD ME.

>> SO INSTEAD OF FRAMING THE MOTION THAT STAFF BRING YOU A FINAL DOCUMENT BY THE NEXT PTC MEETING, RATHER THAT STAFF BRING YOU WHERE WE ARE AT THAT MOMENT, BECAUSE WE MAY NOT HAVE A FINAL DOCUMENT BY THEN DEPENDING ON HOW NEGOTIATIONS GO.

>> THEN I WILL JUST CORRECT THAT PART OF IT AND SAY WE WILL BRING US AN UPDATE WITH NEGOTIATIONS AT THE NEXT PTC MEETING.

>> I'LL SECOND.

>> VICTOR CRIST: WITH THE POSSIBILITY OF CLOSURE.

>> YEAH.

>> VICTOR CRIST: OKAY.

>> AND AGAIN, JUST FOR PEOPLE IN THE AUDIENCE, WE'RE NOT -- THE LITIGATION

WOULD ONLY BE DONE AND OVER IF THE SETTLEMENT AGREEMENT IS REACHED, CORRECT?

>> YES, THAT'S CORRECT.

>> THANK YOU.

>> VICTOR CRIST: OKAY. ALL RIGHT, WE HAVE A MOTION AND A SECOND. WE'VE HAD DISCUSSION. IS THERE DEBATE? SEEING NONE, ALL IN FAVOR, AYE. THOSE OPPOSED? SHOW IT UNANIMOUS. OKAY, MOVING ON.

>> OKAY, I THINK THAT WOULD CONCLUDE THE PORTION OF THE AGENDA RELATED TO LYFT. OF COURSE, WE HAD SCHEDULED A CLOSED SESSION RELATED TO UBER TECHNOLOGIES. IF THIS COMMISSION IS GOING TO TAKE A CONSISTENT POSITION IN THAT REGARD, THEN A CLOSED SESSION WITH RESPECT TO UBER TECHNOLOGIES MAY NOT BE NECESSARY.

>> VICTOR CRIST: WHAT IS THE WILL OF THE BOARD? IS THERE A MOTION TO DO THE SAME?

>> NEED A NEW MOTION.

>> WE NEED A MOTION TO GO INTO CLOSED SESSION FOR THE UBER.

>> VICTOR CRIST: OR WE COULD HAVE A MOTION JUST TO DO THE SAME AS WE JUST DID FOR LYFT.

>> THEN I WOULD JUST ASK THAT MY MOTION IN COMPLIANCE WITH ORDINANCE OR LAW AND WITH YOUR RECOMMENDATION THAT IT APPLY TO THE UBER CASE AS WELL.

>> YES, YOU CAN DO THAT. YOU DO NOT HAVE TO HAVE THE CLOSED SESSION AT THIS TIME.

>> I'LL SECOND THAT.

>> VICTOR CRIST: OKAY. WE HAVE A MOTION AND A SECOND. ANY DISCUSSION? ANY DEBATE? SEEING NONE, ALL IN FAVOR, AYE. THOSE OPPOSED? SHOW IT UNANIMOUS.

>> I THINK WE AS STAFF HAVE OUR DIRECTION, AND UNLESS THERE ARE ANY QUESTIONS, I THINK THAT WOULD CONCLUDE THE MEETINGS IN REGARDS TO THE LITIGATION.

>> VICTOR CRIST: YES, AT THIS POINT, THANKS TO ALL THE MEMBERS WHO, THOSE WHO PARTICIPATED, WE GOT A LOT OF WORK DONE TODAY. WE'RE ADJOURNED.