February 9, 2023

**Minutes of the Virgin Islands Taxicab Commission – January 27, 2023@10am**

After waiting for a quorum of members the meeting officially began at 10:17a.m. with Secretary George requesting the meeting begin while she is muted and assisting with a mentally challenged person that came in to her St. John Office.

Chairperson Lloyd called the meeting to order at 10:17am and requested a prayer by Executive Director Gumbs. Chairperson then began Roll Call:

**Present:** **Absent:**

Member Sweeny Vice Chair Wattley

Member Georges Member Paris

Member George (on mute)

Member Brathwaite

Chairperson Lloyd

**Executive Director- Vernice Gumbs**

With a quorum established, the meeting began with Chairperson wishing all a Happy New Year as this is the first meeting of Virgin Islands Taxicab Commission (VITCC) for the year 2023. In following the Agenda, Chairperson spoke to the challenges we are having with the Vehicle capacity, Certification of Vehicles and the Tax Clearance Letter requirements. She noted that opinion was requested of the Attorney General’s Office as to the Board’s legal right to set policy such as the limiting of Safaris to 20 seats or less. This is the agreement that was signed between the Bureau of Motor Vehicles (BMV) who does the inspections of automobiles of hire and VITCC who is charged with capacity control on these vehicles. Member Georges noted that because the law gives the Board the authority, there is no need to seek opinion from the Attorney General’s Office (AG). However, he believes that the Board should hold several Public Awareness campaigns to include town hall meetings with the Taxi Drivers, reiterating this policy that has been in place. Executive Director Gumbs told the body that she is the one that is receiving daily challenges from drivers and their lawyers and that she felt the need to be better informed, legally. One such example mentioned was former Board Member Eldondane Francis who was a part of the Board when the Board voted adapt this policy, is now challenging the policy as he wants a 25-27 seat Safari and has requested his attorney Clive Rivers to communicate with the Board his desire to have it registered. There was no formal request to purchase such a vehicle prior to seeing communication to have it registered by Mr. Francis. Member Sweeny told ED Gumbs to please respond to Attorney Rivers in writing at her earliest convenience. He further noted that he does not agree that the Board should hold Town Hall meetings unless there are other positive mentions that would come from that meeting. The body is awaiting the response from the AG’s Office. **However, Georges made a motion: VITCC is the Board that has the authority over automobile for hire capacity. The Board met and agreed with the BMV in July, 2021 to limit the capacity of Safaris to 20 passengers or less and as such we do not need an opinion from the AG, we need abide by the law that grants VITCC the authority to make such decision. This was seconded by Member Sweeny: There was no discussion. Voting Yes: Sweeny, Brathwaite, George, Lloyd, Georges; Two absent (Paris and Wattley). Motion carried.**

Second on the Agenda was the alleged missing employee files from the VITCC Office. ED Gumbs stated that she was aware that former ED Smith was sent a certified letter by Attorney Atiim Abraham on behalf of the Board and that she refused to receive the letter and thus, was returned “refused”. The Board recommended that ED Gumbs write to the Attorney General’s office, advising them of the alleged missing files. Gumbs noted that she has begun to create files for each employee and that they are stored in hard copy paper files in her Office on St. Thomas. Everything in the Office is still being manually and that her system which was a Windows 7 was upgraded to a 10 but the infrastructure cannot handle it with only 4 megabits of memory.

Third on the Agenda was the update of illegally issued Badges. ED Gumbs noted that Investigator Billy Curtis of the AG’s Office was the person that was handling questionable Badges/licenses for the Board before her arrival, but Mr. Curtis has since separated from the AG’s Office and at this time, no one was sure who received his files. She will be trying to get an appointment to discuss these and other issues with the AG’s Office. She has already provided the list of alleged illegally issued Badges to the AG’s Office. It was the same list that Attorney Atiim Abraham had. Georges reminded the members to schedule an Administrative Hearing and call in all persons involved in receiving these questionable Badges. Secretary George agreed and then asked if all was in favor of the same. ED said its difficult reading the Badge Log as the employees did a terrible job logging the numbers in the Book. They are only now adding 2020 Badges in the Log. She stated that not even Medallions are properly logged. Member Sweeny said he was not surprised as there is a systemic disregard for structure and that it was by design. He further stated that the Board needs to take a serious stand to eradicate this although inherited. Secretary George gave her experience while working as the Assistant Director of BMV when they encountered illegally issued Taxi Licenses. A Hearing was convened and included the Attorney, BMV Director, TCC Director Wheatley and the license holder. Information was presented and holder was given the opportunity to dispute and provide proof of legal issuance. With no evidence brought forward, TCC revoked the Badges and the Plates of their vehicles and BMV revoked the licenses. The Panel was unable to get information as to which employees helped in issuing these licenses.

Member Sweeny made a Motion: **He moved that the Board convene Administrative Hearings for these alleged illegally issued Badges in conjunction with the BMV and where necessary, revoke the same. It was seconded by Member Georges and there was no discussion. Voting Yes: Sweeny, Georges, George, Brathwaite, Lloyd; Absent were Paris and Wattley. With 5 yes and 2 absent, the Motion carried.**

Next on the Agenda was discussion on the By-laws. Chairperson Lloyd stated the Board needed to vote on the long-standing draft of By-laws and that our deadline was February 3rd. All members are to reach out to her and make amendments or hold their peace.

The Board then discussed the Exempt Employee Status plaguing the Board. As a Board, Members were of the opinion that the employees of VITCC should be exempt employees, however, ED Gumbs reported out that Member Georges attended a meeting with employees and Director of Department of Personnel and was informed that all employees are to remain classified. If there is a question as to work performance or classification, they recommended the Board does so through a Desk Audit or PDQ. Lloyd stated that in doing so, the salary remains with the employee, even if he or she goes to another Agency but as a semi-autonomous agency, we cannot transfer. We would have to terminate in order to allow the employee to be employed elsewhere. Member Sweeny commended ED Gumbs for the fine job, in his opinion, she is doing and as such he would like to know if the Board can call a Zoom meeting with all employees and speak to the concerns that their attitudes and performances are affecting the day to day objective and progress of the Office and the work that ED Gumbs has to do. Member Georges said it can happen, but he does not advise it because as the Board deals with the Employees, they are stepping into Operations and the Board should not be involved in that. He recommended that the Executive Director meet with each employee individually and collectively and reiterate what is expected of them. Executive Director Gumbs interjected that she has already met both individually and collectively. She then spoke of a very embarrassing situation that took place yesterday (1/26/2023). She stated that she gave the Cashier instructions on collecting money from a Medallion owner that she was currently working with. The Cashier then went and shared the information with the Administrative Secretary who came in to Gumbs office while the customer was present, to state that it was being done wrong and that “If I were you, I would not pay this money”, and then she said “I Tanya Paul will not be doing this”. ED Gumbs said, “excuse me, are you the Cashier, did I give you an assignment, did you hear what I said to him?” Gumbs asked her to show her processes in writing and Paul responded by saying it was “common practice for a couple years now”. Paul continued by saying, “Board Members don’t know what they are doing, and I was the one running TCC”.

Secretary George told Gumbs to put all this in writing to the Board with recommendation for a Hearing for disciplinary charges due to insubordination.

**Member Sweeny noted that because of the hostile attitude toward the Board, he is recommending a Board/Employee Retreat. Gumbs said she would try to get professional speaker for this event and create an open dialogue among the Board and the employees. The recommendation is to also make this happen at an off-site location and this Retreat would be mandatory. Georges said we can expect sick out as the employees will not come.** Sweeny said he is trying as he does not want the ED to become frustrated.

Next on the Agenda is the Exit Notice of Personnel Action (NOPA) for Shane Benjamin and Eulatemae Claudette Joseph. What is the status? ED said she needs to get the NOPAs processed for them. We then discussed the damaged TCC1 vehicle and the hand radio that was not turned in by Shane Benjamin. Apparently, a letter was sent to Mr. Benjamin and delivered but he was nonresponsive. No comment made.

Next was the payment status for Attorney Atiim Abraham. ED Gumbs stated that all the process took place for him to have his check but when Secretary George asked him, he still had not received it. She will follow up to see why he has not received his check. Secretary George said she will call him and ask again. Finance will be checked by ED. Chairperson Lloyd asked if ED received the Invoice from Property and Procurement for the rent and the response from ED Gumbs is that she did all that she needed to do, yes.

Last item on Agenda is Digicab. Secretary George stated that all of us have received the correspondence from Mr. Patrick Farrell. At his upcoming appearance before the Board, it is important that our Members that are Taxi Drivers be present to get the necessary information, ask questions and form opinions on the impact this business will have to the industry and the territory as a whole. We tried to hold meeting via Zoom a few days back, but the internet failed so we will be trying again. Gumbs noted that we need to be mindful of the Medallion owners and the impact this business can have on them. She also stated that VITCC must continue to find ways to raise monies for the continued operation of VITCC. She recommends if Digicab is accepted, we create a SOP so that we have an official understanding of the expectations of Digicab and the relationship between VITCC and Digicab. She also recommended fees be put in place for any service VITCC may need to provide any business. Member Georges said he feels this business is using the backdoor to get Uber in the territory. While in this meeting, Digicab confirmed appt with VITCC for 3pm on February 7, 2023.

**Any Discussions by Board Members**: Member Sweeny asked if we have a solution as to how we will refund the $500.00 paid by persons who have not been able to take the Taxi Exam. Ed said she will put that task on her Agenda. Secretary George stated that in accordance with law, the Media will now be invited to all Board Meetings going forward. The next Board Meeting will be 10am on February 24. She asked all members to read the Minutes prior to coming into the minutes so that you can be ready to make any corrections prior to voting to accept/deny the Minutes. There was no further business and this meeting concluded at 1:45p.m.