

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: MICHAEL BYRN'S APPEAL OF THE DENIAL FOR A  
TAXICAB DRIVER PERMIT WITH THE CITY OF SANTA  
ROSA  
STAFF PRESENTER: RAINER J. NAVARRO, LIEUTENANT  
SANTA ROSA POLICE DEPARTMENT  
AGENDA ACTION: RESOLUTION

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ISSUE(S)

Shall the Council, by resolution, deny Michael Byrn's appeal of the denial for a Taxicab Driver Permit with the City of Santa Rosa and uphold the Police Department's denial of the application?

BACKGROUND

1. Chapter 6-87 of the Santa Rosa City Code sets forth the City's regulations of taxicabs and the requirements for the issuance of permits for taxicab companies and drivers.
2. Michael Byrn submitted an application to the Santa Rosa Police Department for a Taxicab Driver Permit with the City of Santa Rosa. Police Department staff determined that Mr. Byrn failed to meet all required criteria for a Taxicab Driver Permit and on September 11, 2014, denied the application for a Taxicab Driver Permit with the City of Santa Rosa pursuant to Section 6-87.250(G) – taking and passing a drug test with negative results. Mr. Byrn took a controlled substance test which showed positive for marijuana, verified on September 9, 2014, and he continued to drive a taxicab without a permit.
3. Chapter 6-87.350(B) states that drivers who test positively shall be ineligible to apply again for a driver's permit during the five year period following the positive test.
4. Mr. Byrn voluntarily took a second controlled substance test which showed negative for drugs, verified on September 19, 2014.
5. On October 6, 2014, Michael Byrn was granted a hearing with the Police Department and was sent a letter upholding the decision to deny his permit based on the following: 1) an initial positive drug test indicating presence of marijuana in his system, pursuant to Section 06-87.250(G); 2) he lacked a credible explanation

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for testing positive for marijuana; and 3) he violated a City ordinance by continuing to drive a taxicab without a permit, pursuant to Section 06-87.250(A).

6. On October 25, 2014, the Santa Rosa City Clerk received a request from Michael Byrn to appeal the denial by the Santa Rosa Police Department.

ANALYSIS

1. Per Chapter 6-87.030 of the Santa Rosa City Code, the Police Chief or designee is charged with administering and enforcing the provisions of the Taxicab Services Ordinance.
2. Per Chapter 6-76.040 of the Santa Rosa City Code, if the Chief of Police determines that sufficient cause exists, the Chief may deny, revoke or suspend the permit. Michael Byrn failed to meet all required criteria for a Taxicab Driver in the City of Santa Rosa by failing a drug test and his permit application was denied.
3. A decision by the Chief of Police may be appealed to the Santa Rosa City Council pursuant to the Chapter 1-20 of the Santa Rosa City Code, following receipt of the written request.

RECOMMENDATION

It is recommended by the Police Department that the Council, by resolution, deny Michael Byrn's appeal for a Taxicab Driver Permit with the City of Santa Rosa and uphold the Police Department's denial of the application.

Author: Megan Basinger, Administrative Services Officer

Attachments:

Attachment 1 - Michael Byrn Taxicab New Driver Permit Application

Attachment 2 - Notice of Denial Letter dated September 11, 2014

Attachment 3 - Notice of Hearing Results dated October 13, 2014

Attachment 4 - Appeal Form from Michael Byrn dated October 25, 2014,  
received November 4, 2014

Attachment 5 - Ordinance No. 3964 – Taxicab Services