

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING THE CITY MANAGER TO ENTER INTO
OPERATING AGREEMENTS WITH TRANSPORTATION
NETWORK COMPANIES, TO ALLOW THEIR USE OF CITY
STREETS FOR TRANSPORTATION OF PASSENGERS**

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WHEREAS, Transportation Network Companies (TNCs) have operated in San Antonio, and their use continues to grow in other cities in the United States and the world; and

WHEREAS, the issue as to the appropriate regulations for this new business model is being considered by other cities and states in the United States, with no uniform standard yet developed; and

WHEREAS, City Council wishes to permit the operation and use of City streets by TNCs pursuant to an operating agreement; and

WHEREAS, those TNCs wishing to operate in San Antonio may execute an operating agreement (Attachment A) with the City, to commence on December 31, 2016 or upon execution of the contract, whichever is later, and end at midnight, December 31, 2017, and must comply with the provisions and regulations contained in that agreement; and

WHEREAS, the operating agreement to be executed with each of the TNCs wishing to make special use of City streets does not create any type of business relationship, franchise, joint venture, employment relationship, or otherwise, between the City and the TNCs; and

WHEREAS, those TNCs wishing to operate in San Antonio must either execute the attached temporary operating agreement with the City, or comply with the regulations set forth in Chapter 33 and Chapter 3, Article II, Division 4 of the City Code of San Antonio, Texas; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized to execute an operating agreement with a TNC that wants to operate in the City of San Antonio, to commence on December 31, 2016 or upon execution of the contract, whichever is later, and end at midnight, December 31, 2017. At the City Manager's discretion, and after a formal presentation to City Council without further City Council action, this contract may be extended by three (3) one-year optional extensions, each extension to end at midnight, December 31st. The agreement with each TNC must be materially and substantively the same as **Attachment A**, a copy of which is attached hereto and incorporated herein for all purposes. The terms and conditions set forth in this agreement are hereby approved.

The City Manager will provide an annual report to City Council on the conduct of this operating agreement.

SECTION 2. Enforcement of the provisions in the City Code of San Antonio, Texas, (“City Code”) Chapter 33, and Chapter 3, Article II, Division 4, and the rules and regulations developed pursuant to that chapter, shall be suspended against a TNC that enters into an agreement with the City of San Antonio as stated in Attachment II, during the term of the agreement.

SECTION 3. If the agreement is terminated early, a TNC wishing to remain in service in San Antonio must abide by the provisions set forth in Chapter 33 and Chapter 3, Division 4 of the City Code.

SECTION 4. Funds generated by this ordinance from TNC operating permit fees will be deposited into Fund 11001000, Internal Order 217000000009 and General Ledger 4202300.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

PASSED AND APPROVED this _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney