



DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: Bill No. 2010-21: Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact:

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under applicable City ordinances, parking citations may be contested by means of a hearing officer process. For those who don't choose that process, another potential means of contesting a citation has been to appear in response to a civil complaint filed by the City in Municipal Court. The Municipal Court process has not proved workable, so this bill establishes the hearing officer process as the exclusive means of contesting a citation.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2010-21
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this bill addresses a situation under the parking infractions code allowing immediate or installment payment. If they desire to contest the citation, they previously had a choice to be heard by a hearings officer or to do nothing and wait for the City Attorney and court to proceed in a civil case against them. This process has not been productive or palatable for the courts. With local entities treating parking

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citations as criminal cases rather than civil, the City Attorney looked at Renos similar practice and its process allowing only for the hearing officer option.

COUNCILMAN ANTHONY discussed with DEPUTY CITY ATTORNEY STEED a previously proposal to require a \$500 appeal bond if someone wanted to go to court. The Recommending Committee hearing that proposal expressed concerns about the amount of bond in relation to a typical parking violation fine and there was concern as to what surety company would issue such a bond. DEPUTY CITY ATTORNEY STEED added that the hearing officers decision is final and there is no appeal process. If the fine is not paid, the debt can be referred to a collection agency. There are also remedies for flagging someone's registration or drivers license at the Department of Motor Vehicles. In the event that does not work, the process can be reexamined.

COUNCILMAN BARLOW discussed with SHERRY BONNETT, Department of Finance, the City's boot program. That program addresses those with five or more citations or a balance exceeding \$500. Such a vehicle may be booted when an officer is ticketing the vehicle. The Department is also looking into license recognition in order to scan license plates to identify vehicles without waiting for the owner to commit another infraction. The boot program has a 73% success rate and is being more aggressively use since there are 1,400 accounts qualifying for a boot. Once a boot is placed on a vehicle, there is a \$50 fee for the boot as well as the outstanding fine. The owner can choose to leave the boot on and be assigned to a hearing officer for a ruling on the citation or pay what is owed in full. If it is not paid in full, the vehicle will be towed the next day. Owners are well notified of the potential for having their vehicle immobilized by way of three notices, including a boot notice. In fact, the actual ticket states that if it is not paid within 30 days the citation can result in immobilization, collection fees or a registration hold.

COUNCILMAN BARLOW declared the Public Hearing closed.