



## Legislation Text

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### City of Alexandria, Virginia

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#### MEMORANDUM

**DATE:** FEBRUARY 22, 2017

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**

Consideration of a Proposal to Reinstate the City's Parking Adjudication Office in City Hall.

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**ISSUE:** Consideration of a proposal to re-establish a Parking Adjudication Office in City Hall.

**RECOMMENDATION:** That City Council accept the proposal and allocate \$40,000 from Contingent Reserves to fund 3 months of an Assistant City Attorney I who will serve as the adjudicator. In addition to the partial year salary costs, the allocation will provide funding for non-personnel expenses (e.g., furniture, computer and telecommunications equipment).

**BACKGROUND:** The FY 2017 Operating budget includes \$100,000 in Contingent Reserves to reinstate the City's Parking Adjudication Office, which was eliminated as a budget reduction at the end of December 2013. As proposed the new office will retain nearly all of the characteristics and guidelines of the previous Office, with several notable enhancements.

Although the Parking Adjudication Office was eliminated in FY 2014, the requests to have parking tickets administratively reviewed continue. Without the parking adjudication office, anyone wishing to contest a ticket has to schedule a court appearance. Individuals who have received a ticket that they believe was issued in error frequently contact City staff and City Council members to have the citation reviewed. Currently, the Police Department receives approximately 20 requests for review each week. Of this amount, roughly 20 percent are determined to have been issued in error. Currently, the only grounds for administrative dismissal of a citation is officer or mechanical error. For example, the officer keys in an incorrect license plate or the citation device is coded incorrectly.

It is apparent from the number of requests that are received to have parking citations reviewed that the need exists to have an avenue for citizens to contest a citation without requiring a court appearance. However, the last several years of experience in reviewing citations have enabled staff to identify some improvements from the previous iteration of the parking adjudication office. Most notably, the adjudication function is proposed to

be handled by a member of the City Attorney's staff, rather than a third-party administrator.

**DISCUSSION:** As proposed, the new Parking Adjudication Office will be housed in the City Attorney's Office and citations will be reviewed by an Assistant City Attorney. The fundamental need for this function is to have an individual who is able to analyze and interpret evidence to determine whether or not an individual was issued a parking ticket justly. The City Attorney's Office will be able to clearly identify and communicate the few instances in which a parking ticket can be waived and determine what evidence must be presented to support the claim. An entry level attorney will be very well-suited to performing this function.

When it ceased operations in December 2013, the Parking Adjudication Office offered many options for individuals to contest a ticket, including in person, through video conferencing, via the telephone and regular mail. The new Parking Adjudication Office will recognize advancements in technology and practice in the past several years and take advantage of existing infrastructure. A significant number of requests for adjudication currently come through Call Click Connect. Staff proposes that this continue to be the encouraged means of contesting a ticket. In addition to online requests that will be responded to via email, in-person hearings will be available by appointment. The City will continue to allow vehicle owners to submit adjudication requests by mail and present evidence for hearings over the telephone.

Staff will be returning to Council in the spring with an ordinance to amend the City Code to reinstate the parking adjudication process outside of the court. There will be a \$10 charge if the ticket is upheld. There is no fee if the ticket is waived based on the evidence provided. If the citation is upheld the individual will still have the option to schedule a hearing with the General District Court.

One of the areas of concern that has been expressed by potential contestants is the limitation that a ticket can only be contested by the owner of the vehicle. This is currently a stipulation in the City Code. Staff recommends that the City Code be amended to permit the operator of a vehicle, who may not be the owner, to contest the ticket in situations including, but not limited to, elderly or disabled vehicle owners, out of town visitors, or operators of rental cars. One additional change is proposed regarding the evidence and documentation. Previously, an individual was required to submit hardcopies to the adjudication office of the evidence they were presenting. For the past several years as staff has reviewed citations, scanned documentation that is submitted via email and Call Click Connect has been sufficient. Staff proposes continuing this practice.

**FISCAL IMPACT:** As proposed, the Parking Adjudicator will be an Assistant City Attorney I with an approximately starting salary of \$80,000. Including benefits, the annual compensation cost for the position is estimated to be \$115,000 and is included in the City Manager's Proposed FY 2018 Operating Budget as an increase in the City Attorney's Office. Initially, the start up costs will include approximately \$10,000 for a computer, furniture and telecommunications equipment. Annually, there will be additional costs to maintain the online service options. It is also anticipated that the office will utilize approximately \$1,000 annually for supplies, postage and marketing of the service. Some of these costs will be offset by revenue generated from the \$10 fee that will be received for tickets that are upheld although this is not expected to be significant. If City Council accepts the proposal, recruitment for the Assistant City Attorney will begin immediately. The allocation from Contingent Reserves will fund approximately 3 months of salary in FY 2017.

The proposed structure utilizing an Assistant City Attorney will enable the City to provide a Parking Adjudication Office using existing facilities in City Hall. The adjudicator will be handling most of the hearings via electronic means in an existing office within the City Attorney's Office. The existing reception area is anticipated to be sufficient to handle adjudication by appointment, and hearings are planned to be conducted in

existing conference room space. Staff will evaluate the feasibility of using existing space in the City Attorney's office after a year. If adjudication traffic becomes too significant to be handled within existing space, it will be necessary to identify and buildout dedicate space for the Parking Adjudication Office.

**STAFF:**

Kendel Taylor, Director of Finance

Christina Zechman-Brown, Assistant City Attorney

Jerry Newcomb, Lieutenant, Police Department

Katy North, Principal Planner, Transportation and Environmental Services

Cynthia Goetz, Treasury Supervisor, Finance Department