



Agenda Item Summary

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Submitted By

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Reviewed By

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Agenda Item Title

Second Reading and Adoption of an Ordinance Amending Chapter 29 ("Administrative Adjudication"), Article 2 ("Administrative Adjudication of Parking Violations") of the Oak Park Village Code to add a New Section 29-2-17 ("Installment Payment Plans") and a New Section 29-2-18 ("Early Payment Installment Plans")

Overview

On February 20, 2018, First Reading of the Ordinance was held and staff has made some updates to the recommended Ordinance based upon the discussion.

Staff Recommendation

This is a Second Reading and Adoption.

Fiscal Impact

The option of a payment plan would delay receipt of funds, assuming the funds would be fines paid.

Background

Staff previously development a proposed parking fine payment plans based upon similar plans provided in other communities, including the City of Chicago. The purpose of a payment plan is generally to afford qualified vehicle owners who have fines in excess of \$500 the ability to enter into a payment plan to repay fines over a 6 - 12 month period to avoid vehicle "booting" and/or driver's license suspension. Vehicle owners whose cars have already been booted or whose driver's license is suspended are not eligible under the recommended ordinance to enter into a payment plan with the Village.

During the First Reading of the Ordinance, questions were raised by the Village Board regarding specific provisions of the Ordinance for which further direction is necessary are summarized as follows:

(1) Whether a set "administrative fee" under Section 29-2-17 should be adopted for the Village's expense and time incurred in administering a payment plan for a vehicle owner?

The ordinance as drafted does not have an administrative fee and it leaves the calculation to the Director of

Adjudication. This follows the City of Chicago payment plan ordinance model.

It was both suggested at the meeting that the fee can be set by Village staff on a case by case basis based on the complexity involved for a particular payment plan. Alternatively, staff would recommend a fixed fee of \$2 per payment be set in the Village Code. This would equate to a total administrative fee of \$24 for a twelve month payment. By reference, the Village of Oak Park charges \$5 for a replacement Vehicle Sticker. This transaction involves staff updating the resident's vehicle record in a database and printing of a new Vehicle Sticker. Staff believes the staff time and resources are slightly lower in the administration of the payment plan. The ordinance would need to be modified to incorporate the fixed administrative fee.

(2) Whether payment plans should be available to vehicle owners whose vehicles have been immobilized, i.e., booted, or impounded by the Village and/or whose driver's license has been suspended?

A vehicle is subject to impoundment when a vehicle owner has five (5) or more unpaid parking tickets and a vehicle owner's license is subject to suspension with the Secretary of State when the owner has ten (10) or more unpaid parking tickets, both pursuant to Section 29-2-9(D) of the Village Code. In both circumstances, individuals are afforded a hearing to contest the action. Staff recommends that individuals should be able to enter into a payment plan during this time, however, once the vehicle is booted or the driver's license suspended, full payment is required. The ordinance is drafted to reflect this.

In 2017, there were 54,804 vehicle parking citations issued. Through the Administrative Adjudication process, the citations were eligible for appeal which could result in dismissal or a finding of non-liability. By the end of 2017, there was \$2.1 million in fines paid (although this is inclusive of payment for citations issued in prior years). At the end of 2017, for citations issued that year, \$565,652 of citation fines due were unpaid. In 2017, the Village immobilized or "booted" 127 vehicles.

Alternatives

The Village Board could elect to defer consideration to a later date in order to obtain additional information.

Previous Board Action

N/A.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

Subject to approval of Second Reading and adoption of the Ordinance, staff would work to make the payment plan effective by April 16, 2018.

Intergovernmental Cooperation Opportunities

N/A.

Performance Management (MAP) Alignment

N/A.