



## Agenda Item Summary

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### **Submitted By**

Robert Anderson, Director of Adjudication

### **Reviewed By**

LKS

### **Agenda Item Title**

**A Motion to Approve Staff's Recommendation to Present an Ordinance on January 22, 2019 for a Parking Citation Amnesty Program for the Time Period of 2017 and Prior Related to Parking Citation Late Fees**

### **Overview**

Staff is seeking review of a proposed Parking Citation Amnesty Program to be conducted from February 4 - March 4, 2019 subject to approval of an Ordinance on January 22, 2019 authorizing the waiver of parking citation late fees for the time period 2017 or prior for parking citation fines paid during the amnesty designate time period. The last Village parking citation amnesty program occurred in 2004.

### **Staff Recommendation**

Approve the motion to direct staff to prepare an ordinance for the program as described herein.

### **Fiscal Impact**

A similar program was conducted in 2004 which resulted in the collection of approximately \$100,000 of initial parking fines as a result of the incentive to waive late penalties associated with the parking citations.

In 2017, the Village collected about \$146,000 from citations that had been sent to collections and this gross amount is comprised of both the initial parking citation fine and late penalties (the collection agency per agreement retained approximately \$38,500 of the gross amount collected).

### **Background**

An upgrade to the parking citation system is included as part of the new Unified Parking Technology to be supplied by Passport and expected to launch in March/April of 2019. As part of the overall evaluation of the parking system technology, staff reviewed the benefits of having a parking citation amnesty program of unpaid citations which could reduce the amount of converted data to be imported into the new system. A parking amnesty program could provide relief to citizens as well.

The last Village parking citation amnesty occurred February 3, 2004 through March 15, 2004 and included citations from 2003 and prior. The amnesty program was utilized to reduce the backlog of unpaid parking citations and aid in the switch over from the old technology to the current parking citation system. A copy of

the 2004 ordinance is attached.

During the amnesty program, late penalties only are waived upon payment of the initial parking citation fine amount. Late penalties were reapplied to citations that remained unpaid after the conclusion of the amnesty.

Currently, the Village has assigned to collections over 180,000 outstanding citations dating from 2004 thru 2017 valued at approximately \$10,000,000 for the initial fine plus late penalties.

Several cities in the metropolitan area have found that offering an amnesty program that waives late penalties can result in an increase in compliance and revenue. In 2013 and 2017, the City of Evanston executed an amnesty program. Each amnesty program lasted about two months. The Evanston amnesty program consisted of waiving the late penalties.

In December 2008 and November 2015, Chicago conducted a parking citation amnesty program. The 2008 amnesty program lasted about four months and the 2015 amnesty program lasted about two months. The Chicago amnesty program eliminated 50% of the late penalties or alternatively provided a payment plan covering 100% of the debt.

It is also noted, that for the period of 2004 - 2017, the Village has about 48,000 citations that are not in collections because there has either not been a successful DMV "owner match" with the records of the Department of Motor Vehicles or the owner of the vehicle has filed for bankruptcy protection. All of the citations without a DMV match and most of the citations in bankruptcy are uncollectable and it is recommended that staff review these citations with the independent financial auditor and determine if further action is recommended by the Village Board to declare these uncollectible via the annual audit process.

Staff recommends that a parking amnesty program be conducted in the following manner:

A. The amnesty program should take place over a period of approximately 1 month, preferably beginning Monday, February 4, 2019 at 8:30 a.m. and concluding on Monday, March 4, 2019 at 5 p.m. The shortened duration, as compared to the 2004 program in Oak Park is recommended as in 2004, online payment was not available, only payment by US Mail or in-person payments at Village Hall were accepted at that time. With increased flexibility, the shorter duration is recommended and would not delay the implementation of the new Unified Parking Technology system.

B. Citations issued in 2017 and prior would be eligible for the amnesty program.

C. During the amnesty program payment of the initial parking citation fine would result in waiver of any late penalties for any unpaid 2017 and prior citations.

D. Citations subject to the amnesty program could be paid individually or in bulk.

E. The entire initial fine would have to be paid to be eligible for the waiver of late penalties. Pro-rated payments/fine waivers would not be possible.

F. All citation payments posted prior to the start of the amnesty program which were made/posted in an amount equal to or greater than the initial fine amount would automatically be included in the amnesty program (i.e. if a payment was made for an initial fine, but not the late penalty for 2017 or prior citations, the

outstanding late penalties would be waived).

G. At the end of the amnesty program, any unpaid citations and late penalties would still be owed.

H. All immobilization (i.e. booting) would cease during the amnesty program.

I. All license suspension would cease during the amnesty program.

J. All post judgment collection activity by the collection vendor would cease during the amnesty program.

K. The entry of any new payment plans would cease during the amnesty program. Current payment plans would be modified to allow current plan participants to modify payments to apply to any eligible, unpaid initial fines in order to obtain waiver of late penalties.

L. In no case shall a negative balance result and in limited cases partial waivers will apply.

M. After the end of the amnesty program, collections will continue for the unpaid 2004-2017 citations with the late penalties reapplied.

### **Alternatives**

The alternative to this recommendation could be to delay action to gain additional information.

### **Previous Board Action**

In 2004, the Board approved a Parking Amnesty Program.

### **Citizen Advisory Commission Action**

N/A.

### **Anticipated Future Actions/Commitments**

Subject to Board Direction, an Ordinance will be presented at the January 22, 2019 Village Board meeting.

### **Intergovernmental Cooperation Opportunities**

N/A.

### **Performance Management (MAP) Alignment**

N/A.