



Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

MEMORANDUM

To: Michael D'Amato, Chair Judiciary and Legislation Committee
Members of Judiciary and Legislation Committee
Alderman Terry Witkowski

From: Dorinda R. Floyd *DRF*
Administrative Services Director

Date: October 9, 2006

Re: Progress Report on Recommendations of the Outstanding Debt Task Force

We are in receipt of your letter dated September 8, 2006 requesting a status report on recommendations of the Outstanding Debt Task Force that affect the Department of Public Works.

The Department of Public Works is working on a number of initiatives to encourage the payment of outstanding parking citations. All these initiatives were discussed and supported by the Outstanding Debt Task Force. These initiatives are as follows:

Legislative Initiatives

File 051150 adopted by the Common Council directed the Intergovernmental Relations Division to seek introduction of state legislation to implement the recommendations of the Outstanding Debt Task Force. Two legislative initiatives relating to the payment of outstanding parking citations will be sponsored and introduced by Representative Peggy Krusick in the next legislative session. The initiatives are currently being drafted by the Legislative Reference Bureau.

The first initiative includes establishing a time frame to adjudicate parking citations for cities of the first class. The language would be permissive whereby the city may adopt an ordinance requiring a person who was issued a parking citation to, within 180 days after the parking citation was issued, either pay the citation or make arrangements with the city to contest the citation. If the person fails to comply with any of these provisions within the 180-day period, the person is deemed to have entered a plea of no contest. The court must then accept the plea of no contest, find the person guilty and enter judgment. The

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court would be required to mail the person a copy of the judgment along with a statement setting forth the actions the court may take if the judgment is not paid.

The purpose of this legislation is to encourage people to either pay outstanding parking citations or to adjudicate the citations in a timely manner. The outcome of this legislation may reduce the number of vehicle registration holds and, consequently, reduce the number of violations issued for driving or parking without proper vehicle registration or driving with a suspended or revoked driver's license. According to the citation aging report (as of 9/26/06), it is estimated that over 1.2 million parking citations valued at \$56.6 million are outstanding by more than 180 days. Of these, nearly 700,000 citations valued at nearly \$30 million are outstanding more than three years. This includes citations issued to in-state and out-of-state license plates.

The second initiative would allow a municipality to adopt an ordinance to allow for the towing and/or booting and impounding of a vehicle for three or more unpaid parking citations and to refuse to release the vehicle until all outstanding parking citations are paid or adjudicated. The language would be permissive whereby a city may tow or boot a legally parked or illegally parked vehicle for unpaid parking citations and hold the vehicle until the citations are paid or adjudicated.

The purpose of this legislation is to tow vehicles that are legally parked and to boot those vehicles that are legally or illegally parked that have three or more outstanding parking citations. At the end of August, 2006, there were 98,526 license plates with three or more outstanding parking citations valued at \$30.6 million.

Although the City does not currently have the authority to boot or tow legally parked vehicles for unpaid parking citations, the City does have the authority to tow illegally parked vehicles for unpaid citations. Prior to April of 2006 the hand-held ticket writers used by parking enforcement only contained information on violators with 10 or more outstanding parking citations due to limited memory capacity. In the spring of 2006, parking enforcement officers began using new hand-held units that have expanded memory to enable full integration of the scofflaw database. Currently, the City of Milwaukee tows vehicles that are illegally parked that have five or more outstanding parking citations. Eventually, DPW would like to lower the number of outstanding parking citations to three. From April to September of 2006, 7,653 vehicles that were illegally parked have been towed for unpaid citations. This compares to 5,941 vehicles towed during the same time last year. In addition, another 1,967 vehicles were towed for being unregistered during this time, most of which would have been towed for open citations had this new ordinance not been passed in May of this year.

Once a vehicle has been towed and has five or more outstanding parking citations, the vehicle owner is issued a summons and complaint whereby the owner is scheduled to appear in court to adjudicate outstanding citations. Through July 2006, 1,120 summons have been issued on 11,323 citations valued at \$484,880. This was one of the few techniques DPW could use to encourage payment and adjudication of outstanding parking citations in a timely manner.

Batching Vehicle Registration Holds

The Outstanding Debt Task Force endorsed an initiative of the Department of Public Works to work with the WisDOT regarding the placement of vehicle registration holds on outstanding parking citations.

Previously, the City paid \$5 to place a registration hold on a vehicle that had at least one parking citation 58 days overdue. If there were multiple citations overdue, the City placed a registration hold on the oldest citation. If a registration hold was placed, the statute of limitations to adjudicate the citation increased from two to six years. The City requests over 100,000 registration holds per year.

In 2005, the Municipal Court judges issued an order requiring the City Attorney to prevent the filing of any actions in the Municipal Court, which contained parking citations that were more than two years old unless the citations had been submitted to the WisDOT for registration holds. Because it was cost prohibitive for the City to place a registration hold on every outstanding citation, the City negotiated with the WisDOT to allow the City to bundle all overdue citations under one registration hold. Consequently, all outstanding parking citations will have to be paid before a vehicle registration hold is released. Although not fully implemented, the City has been given test access to the WisDOT database to directly place vehicle registration holds. There are still several issues that need to be addressed with the DOT database, however, DPW anticipates full implementation by January 2007.

Accessing Driver's License Numbers

Since mid-2005, DPW has been working cooperatively with WisDOT to obtain driver's license numbers for owners of vehicles that have outstanding parking citations. A recent change in state law and a cooperative working relationship with the WisDOT has allowed the City to obtain driver's license number information as of August 2006. This information is now provided as part of the vehicle registration information received from the WisDOT.

The goal of receiving a driver's license number is to enhance the City's collection rate for the Tax Refund Intercept Program (TRIP). Previously, the Department of Revenue (DOR) would only accept social security numbers, which were difficult to obtain and had to be purchased from third party vendors. The City was only able to receive this data on approximately 52% of all vehicle owners and was only able to certify 47% of those eligible under TRIP. Under a change in state law, the DOR will now accept driver's license numbers.

Preliminary results show that since August 2006, nearly 80% of new citations sent to the WisDOT for registered owner information have been returned with driver's license numbers. Nearly 20% of those not returned were vehicles owned by businesses. Of the 62,211 new accounts, valued at over \$2.6 million sent to the DOR for certification with TRIP, 77% were certified. This includes nearly 19,000 citations valued at over \$800,000 that were previously submitted to TRIP with social security numbers but were rejected.

Education/Media Campaign

The Outstanding Debt Task Force recommended that the Department of Public Works, in conjunction with other departments, establish an education/media effort to advise the public of the consequences of having outstanding parking citations. In the spring of 2006, parking enforcement began using the new AutoCITE X3s, the hand-held ticket writers. Due to the X3s printing out a smaller citation, DPW created a new layout for the parking citation including the forfeiture schedule and highlighted the implications of not paying a parking citation, including a registration suspension, towing and withholding of Wisconsin state income tax refunds. In addition, the parking web site and the "City of Milwaukee Parking Regulations" brochure (January 2006) were updated to include this information as well.

In the last year, DPW has focused on an education/media campaign on specific parking violations. These include violations issued for street sweeping, winter parking and unregistered/improperly registered vehicle. The campaigns have consisted of placing ads in various newspapers and a brochure was created regarding unregistered vehicles. The brochure was distributed to all police district stations and all local Division of Motor Vehicles' locations. Further, DPW is working with staff of Channel 25 to create various public service announcements as well.

Collection Contract

The Outstanding Debt Task Force recommended that departments with contracts with collection agencies look at collection costs, performance criteria and collection techniques. The City's contract with Professional Account Management for the

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processing and collecting of parking citations will expire on May 4, 2008. It is the department's intent to review the contract specifications and incorporate the recommendations, where appropriate, in the new bid specifications prior to bid release in 2008.

We hope you find this information helpful. If you have any questions, please contact me at extension 5582. We appreciate the opportunity to respond.

Cc: Jeffrey Mantes, Commissioner