



Legislation Text

File #: 970369, Version: 1

970369
SUBSTITUTE 1

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Substitute resolution seeking introduction and passage of state legislation to authorize adjudication of parking citations by municipal administrative hearing examiners.

- Analysis -

This resolution: 1. Directs the Intergovernmental Relations Division - Department of Administration (IRD) to seek introduction and passage of state legislation to allow the City of Milwaukee to use municipal administrative hearing examiners to negotiate and adjudicate parking citations, with provision for a final appeal to Municipal Court.

2. Requests the City Attorney to assist IRD in identifying the changes in state law necessary to implement this procedure.

3. Provides that upon enactment of such state legislation, any proposed implementation of an administrative hearing examiner process for handling parking citations shall require further Common Council approval and the passage of requisite ordinance changes.

Whereas, The City of Milwaukee's current procedure for handling parking citations provides that persons who wish to dispute citations must have a preliminary appointment with a City Attorney in the City Attorney's Prosecution Unit followed by an appearance in Municipal Court; and

Whereas, Since the City Attorney has no authority to adjudicate citations, the current procedure constitutes a negotiation, ostensibly to avoid sending all parking citation cases to the Municipal Court for a hearing; and

Whereas, The City Attorney's Prosecution Unit could be relieved of a substantial workload by implementation of a new procedure whereby municipal administrative hearing examiners would be authorized to negotiate and adjudicate parking citations; and

Whereas, Administrative hearing examiners for parking citations would function in a manner similar to hearing examiners used by other governmental entities in such areas as unemployment, workers' compensation and drivers' license matters; and

Whereas, Other major cities including Chicago, Baltimore and New Orleans have successfully implemented the use of administrative hearing examiners to negotiate and adjudicate parking citations, thereby reducing a significant burden on their City Attorneys and court systems; and

Whereas, The successful implementation of municipal hearing examiners for outstanding parking citations in Milwaukee may provide the impetus for future expansion of the use of hearing examiners in other appropriate Municipal Court citation matters; and

Whereas, Changes in state law are necessary to allow the City of Milwaukee to implement an administrative hearing examiner procedure for parking citations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division - Department of Administration (IRD) is directed to seek introduction and passage of state legislation to allow the City to use municipal administrative hearing examiners to negotiate and adjudicate parking citations, with provision for a final appeal to Municipal Court; and, be it

Further Resolved, That the City Attorney is requested to assist IRD in identifying the changes in state law necessary to fulfill the intent of this resolution, including any amendments to Section 345.28, Nonmoving violations, Chapter 349, Vehicles-Powers of State and Local Authorities and Chapter 800, Municipal Court Procedure, Wis. Stats.; and, be it

Further Resolved, That upon enactment of such state legislation, any proposed implementation of an administrative hearing examiner process for handling parking citations shall require further Common Council approval and the passage of requisite ordinance changes.

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MCW
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