



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 24, 2009**

DATE: January 13, 2009

SUBJECT: Enactment of an Ordinance to amend, reenact and recodify Section (d) of the Arlington County Code, §14.2-95, to become effective upon enactment relating to the authority to abrogate parking citations.

C. M. RECOMMENDATIONS:

Adopt the Ordinance attached as Exhibit A to amend, reenact and recodify the Arlington County Code, §14.2-95, by adding thereto a new subsection (d) specifying who may abrogate parking citations.

ISSUES: The proposed amendment would reauthorize the County Manager to designate specific persons to abrogate parking citations with due cause as an alternative to the General District Court. The authorization will also allow changes to improve customer service and streamline the process to contest a ticket.

SUMMARY: It is recommended that the County Board enact an Ordinance reauthorizing the County Manager to designate who shall be authorized to abrogate parking citations.

BACKGROUND: As part of the Fiscal Year 2009 budget adopted on April 19, 2008, three full-time parking adjudicator positions in the Arlington County Police Department were reallocated to public service aides to better serve the parking challenges faced in the Arlington community.

On September 13, 2008, the County Board held a public hearing and adopted an amendment to the Arlington County Code, Section 14.2-95, which required all parking citation appeals to be heard before the Arlington County General District Court. This adoption was necessary due to the elimination of the Parking Adjudication Unit.

On December 13, 2008, the County Board adopted an emergency ordinance to amend, reenact and recodify the Arlington County Code, §14.2-95, by adding thereto a new subsection (d) specifying who may abrogate parking citations, and to authorize advertising for a public hearing to be held on January 24, 2009, for consideration of final adoption of the ordinance.

County Manager: _____

County Attorney: _____

Staff: Sgt. W. Vincent, Police Department

DISCUSSION: Since the new amendment went into effect in the last month, the County has received several complaints regarding recent changes to County Code 14.2-95, implementing the new procedure for contesting parking violations. Overall, the complaints have decreased significantly since December. Residents and other customers have expressed concern about the inconvenience of having to appear personally at the Arlington County Police Department to set an appeal date before the General District Court, thereby requiring two personal appearances to contest a ticket.

The Police Department began enforcing strict County vehicle registration/decal violations on November 15, 2008. The timing of the enforcement wave occurred simultaneously with the public announcement of the anticipated changes in Parking Adjudication due to a delay in receiving the pre-printed paper stock for the automated hand-held units used by the Parking Service Aides for parking enforcement. Since that time, a majority of the complaints related to parking tickets and the new appeals process have been associated with tickets issued for expired County decals or no County decal displayed.

The proposed amendment to restore authority would reauthorize the County Manager to designate who shall be authorized, for good cause shown based on clerical or administrative error, or for exceptional or extenuating circumstances beyond the control of the vehicle operator, to abrogate parking citations.

As part of the modified parking adjudication process, Police Department personnel will continue to review and handle constituent inquiries in a timely manner for specific violations that are associated with requests for court dates. Police Department supervisory personnel have been authorized to void tickets clearly issued in error. In the meantime, the Police Department continues to conduct an assessment of their current procedures and is coordinating with other internal County agencies to evaluate best practices and other possible alternatives to administratively streamline and enhanced customer service as part of the parking ticket appeal process.

FISCAL IMPACT: The fiscal impact is subject to further analysis as a permanent plan is developed.

Exhibit A

ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 14.2-95 OF THE ARLINGTON COUNTY CODE RELATING TO AUTHORITY TO ABROGATE PARKING CITATIONS.

I. BE IT ORDAINED that Section 14.2-95 (Collection of Fines for Parking Violations and Contests of Citations) of the Arlington County Code is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 14.2-95. Collection of fines for parking violations and contests of citations.

(a) The county treasurer shall be responsible for the collection of parking citation fines and the fees.

(b) The owner or operator of a vehicle charged with a parking offense contained in Chapter 14 of the Arlington County Code or in Section 33.D of the Zoning Ordinance shall appear before the office of the treasurer of Arlington County during normal business hours on weekdays or at the police department on weekends and after normal business hours on weekdays and make payment of any uncontested parking citation, in accordance with the payment schedule set forth in section 14.2-7.1. An owner or operator may elect to make such payment to the treasurer by mail in lieu of a personal appearance.

(c) Any person desiring to contest a parking citation for which no date for court appearance is specified on the citation shall register his intent to contest the violation to the general district court within thirty (30) days of the issuance.

Upon proper notification of a person's intention to contest a parking citation before the general district court, a notice shall be issued which shall summons the person to appear before the general district court on an appointed date. Signing of the notice by the person contesting the parking citation shall constitute acknowledgement of receipt of the notice. Notice of such action shall be certified in writing on an appropriate form to the general district court.

(d) **The County Manager shall designate who shall be authorized, for good cause shown based on clerical or administrative error, or for exceptional or extenuating circumstances beyond the control of the vehicle operator, to abrogate parking citations.**

II. BE IT FURTHER ORDAINED that the remaining subsections of the above section hereby amended, reenacted and recodified shall remain as previously enacted.