

Memorandum



CITY OF DALLAS

DATE May 15, 2015

TO Members of the Budget, Finance & Audit Committee: Jerry R. Allen (Chair),
Jennifer S. Gates (Vice Chair), Tennell Atkins, Sheffie Kadane, Philip T. Kingston

SUBJECT Designation of Administrative Hearing Officers

On May 18, 2015 the Budget, Finance and Audit Committee will be briefed on the Designation of Administrative Hearing Officers. The briefing will be presented by Mary Nix, Assistant Director in the Public Works Department. The briefing is attached for your review.

Please let me know if you need additional information.

A handwritten signature in black ink that reads "Jill A. Jordan for".

Jill A. Jordan
Assistant City Manager

c: Honorable Mayor and Members of City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager

Designation of Adjudication Hearing Officers

Budget, Finance & Audit Committee

May 18, 2015

Public Works Department



Adjudication of Citations

- The Adjudication Office is responsible for hearing appeals of certain citations:
 - **Parking tickets**
 - City Code Ch. 28, Article XI, Sections 28-129 to 130
 - Hearing officers are ***designated by City Manager***
 - **Red-Light tickets**
 - City Code Ch. 28, Article XIX, Sections 28-203 to 217
 - Hearing officers are ***designated by Council*** from recommendation of City Manager (This is required by state law.)
 - **School Bus Stop-Arm tickets**
 - City Code Ch. 28, Article XX, Sections 28-220 to 234
 - Hearing officers are ***designated by Council*** from recommendation of City Manager (This is not a state law requirement, but is required by City code.)

Purpose of Adjudication

- Registered vehicle owner receives notice of citation by mail – with information about the offense and instructions to address the citation
- Adjudication allows citizens an easily accessible and fair **administrative review** of the citation in a less formal setting than municipal court
- A vehicle owner has the right to appeal the Hearing Officer's decision to municipal court
- Adjudication reduces the quantity of cases to be heard by Municipal Courts
 - Over 16,000 adjudicated cases are heard annually
 - Less than 2% of adjudicated cases are then appealed to court

How Cases are Adjudicated

- Cases are heard on a scheduled or a walk-in basis at the Oak Cliff Municipal Center on Jefferson Blvd. Cited individuals may also opt for a mail-in hearing
- Hearing Officer reviews the specifics of case with the vehicle owner, including reviewing the video (if applicable)
- Hearing Officer identifies the specific offense, listens to vehicle owner's explanation, and reviews any presented evidence
- Examples of defenses:
 - Cited individual is not the vehicle owner
 - Bus signals not operating properly (*for school bus stop-arm citations, only*)
 - Driver re-directed by police or emergency
 - Hazardous road conditions (i.e., ice)
 - Error on citation
- Finding of Hearing Officer is provided in writing
- Options for vehicle owner – if found liable:

Pay citation (and fees) OR Appeal to Municipal Court

Designation of Hearing Officers

- Red-Light
 - Council designated 4 of the current Hearing Officers by CR# 07-3793 on December 12, 2007
 - Subsequent to that action, 2 new officers were hired
 - Staff now requests council designation of those 2 new officers
- Bus-Arm
 - Council adopted the School Bus Stop Arm program by Ordinance 28654 on May 23, 2012
 - Hearing Officers were not designated for the Bus-Arm program; officers designated for the Red-Light program have heard Bus-Arm cases
 - Staff now requests council designation of all officers hearing Bus-Arm cases

Ratification of Prior Actions

- Staff is requesting that Council ratify the actions taken by non-designated Hearing Officers
- Ratification means:
 - Retroactively authorizing the Hearing Officers to take the actions they undertook as Hearing Officers

Action Requested

- Staff is asking the Committee to **recommend approval** of the May 27, 2015 Council Agenda item #45 that:
 - Designates 2 Hearing Officers for Red-Light cases
 - Designates 6 Hearing Officers for Bus-Arm cases
 - Ratifies past actions of Hearing Officers in adjudicated citations