



Request for City Council Committee Action From the Department of

Date: March 17, 2004

To: Public Safety and Regulatory Services Committee Chair, Dan Niziolek

Subject: Booting Pilot Project

Recommendation

That Committee determine which option(s) they would like staff to pursue.

Previous Directives

Prepared or Submitted by: Pamela Selinski, Traffic Control Supervisor, 335-5926

Approved by: _____
Clara Schmit Gonzalez, Deputy Director

Presenters in Committee Pamela Selinski, Traffic Control Supervisor, Steve Heng,
Assistant City Attorney

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Background/Supporting Information Attached

The opinion from Assistant City Attorney, Steve Heng, is that there is a significant risk that a booting program would violate State of Minnesota Statute 169.041 for any violation other than violations allowing an immediate tow. For most immediate tows

there is a need to remove the offending vehicle quickly so booting may not be an acceptable alternative to towing.

Booting exclusively for scofflaws can be done, but may not be an economically viable project, due to the small number of scofflaw violations likely to be found. (Traffic Control only recently (January 2004) obtained access to Hennepin County Vibes Computer System so that scofflaw information can be accessed. In mid-February a computer glitch at Hennepin County lost access to Traffic Control and is currently being worked on. During the time that Traffic Control had access to the Vibes system an average of 1 scofflaw per week were cited.) Assistant City Attorney Steve Heng recommends that the lowest risk method to implement a booting project would be to amend the state statute first to specifically allow it and to specify several violations that could be booted. This would also increase the number of bootings likely, making the project more economically viable.

The legal risk involved does include the option for a person determined to have been illegally towed to recover damages of \$100 or two times the actual damages sustained, whichever is greater.

The options for moving forward with booting on public property appear to be:

- 1) Receive and file the report, but take no action at this time.
- 2) Pass an ordinance to allow booting of scofflaws or after a 4 hour delay only, and put out a request for proposal for a company to provide this service.
- 3) Seek a statute change through IGR to specify when and for what violations booting may be used.
- 4) Boot all violations, but do not tow until after 48 hours.(Some legal risk.)
- 5) Boot all violations and tow after 4 hours. (Great legal risk.)

Option 3 could proceed in conjunction with one or more of the other options. We request council direction.