

M I N U T E S

ADMINISTRATIVE WORKSHOP
SOUTH PASADENA, FLORIDA

MONDAY, JULY 1, 2013
COMMISSION CHAMBERS - 8:30 A.M.

Mayor Calabria called the meeting to order at 8:30 a.m. Everyone participated in the Pledge to the Flag.

ROLL CALL: COMMISSIONERS BRUCE HOWRY, MAX ELSON, ARTHUR PENNY, VICE MAYOR GAIL NEIDINGER AND MAYOR DAN CALABRIA. ALSO PRESENT: CITY CLERK MARY BRAISTED, CITY ATTORNEY DAVID OTTINGER, PUBLIC WORKS DIRECTOR GARRY ANDERSON, FINANCE DIRECTOR JAMES GRAHAM, COMMUNITY IMPROVEMENT DIRECTOR NEAL SCHWARTZ AND PUBLIC SAFETY DIRECTOR DAYTON SALTSMAN.

The topic scheduled for discussion was Local Hearing Officer/Special Magistrate.

Mayor Calabria stated the new red light camera law takes effect today, July 1, 2013. He stated the Commission interviewed two candidates and asked if there was time to interview more.

City Attorney Ottinger stated that the first violation could be issued today and the hearing would probably be scheduled in late August. He further stated that American Traffic Solutions (ATS) would like the Business Rules Questionnaire in order by today. He further stated that the two candidates are qualified.

Commissioner Penny spoke regarding Kenneth City suspending their red light cameras. He stated that Kenneth City would have to pay out of their own pocket unless ATS allows them to extend their contract.

Mayor Calabria questioned whether we were required to select a Local Hearing Officer today.

Commissioner Elson stated that if we did not have two qualified candidates, then he would be open to interview others.

City Attorney Ottinger stated the contract for the Local Hearing Officer will provide for 60 day termination notice.

The consensus of the Commission was to choose a Local Hearing Officer/Special Magistrate at this meeting.

Commissioner Howry stated that both applicants are qualified, but that he liked Attorney James Thaler. He further stated that Mr. Thaler wants to be the red light camera hearing officer and magistrate. He said that Attorney Tim Driscoll's cost was higher and was exclusive of little things.

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Commissioner Penny stated he feels Mr. Thaler is very knowledgeable about the red light camera legislation and is focused on doing this.

Vice Mayor Neidinger stated that Mr. Thaler was the hearing officer for the Housing Authority and wants to be the Local Hearing Officer.

Mayor Calabria stated that he did not meet Mr. Thaler and that he is a single practitioner. He questioned what would happen if Mr. Thaler got sick and could not attend a hearing.

City Clerk Braisted stated that Mr. Thaler informed the Commission at his interview that he knows other attorneys that could fill in for him.

Mayor Calabria stated that he is confident with Tim Driscoll's firm and that Mr. Driscoll has experience with being a city attorney.

Vice Mayor Neidinger and Commissioners Penny, Elson and Howry selected Attorney James Thaler to be the city's Local Hearing Officer/Special Magistrate.

Mayor Calabria selected Attorney Tim Driscoll to be the city's Local Hearing Officer/Special Magistrate.

City Attorney Ottinger asked the Commission what amount they would like to charge for the red light violation hearing administrative fee. He said that ATS suggested that the fee be below the statutory traffic citation fine (up to \$250). He explained that we could have a two tier process - one amount for those who come to the hearing and do not contest the liability and another amount for those violators that go before the Local Hearing Officer.

Discussion ensued regarding what amount to set for the administrative fee.

The meeting was recessed at 9:00 a.m. and reconvened at 9:35 a.m.

Mayor Calabria distributed an update on the red light camera new law (attached to Minutes as Exhibit A).

Discussion continued on the administrative fee amount and what day to set the hearings.

The consensus of the Commission was to set the administrative fee at \$75 across the board and to schedule the hearings on the fourth Wednesday of the month at 9:00 a.m.

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Mayor Calabria stated that the Commission recently discussed meeting decorum. He further stated that Senate Bill 50 was passed in Tallahassee (right to speak). He said that he feels there is nothing in the law that we are not doing. He spoke regarding the speaker's time limit being discretionary.

Commissioner Elson stated that he feels the Chair should have the flexibility to extend the speaker's time limit, but also to stop the speaker.

Commissioner Penny stated that he feels the speakers' time limit should be consistent. He further stated that speakers could talk to Commissioners after the meeting.

There being no further discussion, the meeting was adjourned at 9:55 a.m.



Dan Calabria, Mayor

ATTEST:



Mary Braisted, City Clerk
07-01.13a

Red Light Camera Update--New Law Ushers Changes

The Florida legislature passed changes to the Mark Wandall Traffic Safety Act, which is the law that pertains to the red light photo enforcement program. If the governor signs the bill, several changes will go into effect on July 1st. Here are some of the most notable:

1. Those who receive a Notice of Violation (NOV) will now have 60 days rather than 30 days to respond.
2. If the vehicle owner fills out an affidavit naming another person as the driver of the vehicle, that person will now be issued a NOV with a \$158 fine rather than a Uniform Traffic Citation (UTC) with a \$264 fine.
3. The "right on red" language has been clarified in the law. GPD will amend enforcement to comply with the new language, which states that it is not a violation if a vehicle stops at any point after the stop bar but prior to completing the turn. We will also increase our trigger speed from 12 to 15 miles per hour, which means that any vehicle entering the intersection at this speed and then failing to stop at any point during the turn will be issued a NOV.
4. There is now an official grievance process for those who receive a NOV. Previously, anyone wishing to appeal would have to ignore the NOV, which would prompt the issuance of a UTC with a higher fine. Under the previous arrangement, only a UTC could be appealed.
5. Under the new law, appeals of NOV's will be heard by a local hearing officer. In Gulfport, we have made arrangements to use the code enforcement magistrate, who is Gulfport resident and attorney James Thaler.
6. If the magistrate finds the party guilty, then the original \$158 fine will be assessed, along with court costs. The law allows up to \$250 in court costs to be charged, but we will likely ask for no more than \$100. We want to encourage people to use this process, so we don't want the total fine to be higher than that for a UTC, which is \$264.
7. Guilty parties who do not pay the fines assessed by the magistrate (or file an appeal to the circuit court within a designated time) will have their vehicle registration suspended. This means that corporate owners can no longer get away scot free. Under the previous law, only drivers licenses could be suspended, and since those are issued to individuals, businesses were often ignoring their NOV's.

EXHIBIT A

These new procedures put Florida more in line with how other states operate similar programs. I believe this is a much more fair and balanced approach, allowing everyone their due process rights while ensuring that cities are not overburdened with costs.

I have previously reported to city council and in this forum that injury crashes significantly decreased in Gulfport following the implementation of this program. I have also provided financial data indicating that the program covers its own costs but does not generate significant revenue for the city (approximately \$25,000 net estimated in 2012).