

**City of Menahga**  
**Information Memorandum 17-017**  
**Resolution No. 2017-019**

**Subject:** Resolution No. 2017-019: Authorizing City of Menahga Administrative Citations for Certain Traffic Offenses Pursuant to Minnesota Statute § 169.999

**Agenda of: September 11, 2017**

**Council action:** Adopted \_\_\_\_\_

**Summary statement:** Adoption of Resolution No. 2017-019 authorizes the City to issue administrative citations for specific traffic offenses and provides for a January 1, 2018, effective date.

The January 1, 2018, effective date allows the City to:

- Implement the mechanism to track the number of administrative traffic citations and the amount of revenue collected.
- Appoint the required neutral third party to hear and rule on challenges to administrative citations.
- Notify the Commissioner of Public Safety of the City's intent to issue administrative citations.
- Develop an information sheet informing the driver of his or her right to contest the citation and the process to do so.
- Modify, with the Attorney's assistance, the Commission of Public Safety's approved form of the uniform traffic citation format to make it Menahga specific.
- Establish the mechanism to separately account for any fine revenue in all city financial reports, summaries, and audits.

The specific traffic offenses are referenced in Minnesota Statute § 169.999. State Statute establishes the fine at \$60. It is distributed as follows:

- Two-thirds of the fine (\$40) remains with the City;
- One-third of the fine (\$20) must be paid to the State Commissioner of Finance;
- One-half of the City's share of the fine (\$20) must be used for law enforcement purposes. The law specifically requires the funds "be used to supplement but not supplant any existing law enforcement funding". Note: the revenue will be received by the General Fund (in a new line item) and transferred to the 406 Fund – line item 406-42110-99000.

From the League of Minnesota Cities (LMC), "If a citation recipient does not pay the fine, the City may choose to dismiss the administrative citation and issue a state criminal traffic citation instead. If in the alternative, the City may use traditional debt collection methods. There is, however, no authority in the law for cities to specifically assess the fine against real property for payment as taxes".

The City Council is required each year to appoint a "neutral third party to hear and rule on challenges to administrative citations". State Statute also requires the City to establish a fee for the appeal. Resolution No. 2017-019 establishes the fee at \$50 per appeal. Note: the legislation

appointing the neutral third party will be before the council no later than the December 11, 2017, regular city council meeting.

**Attachments:**

- Resolution No. 2017-019
- Minnesota Statute § 169.999

Agenda Date:	September 11, 2017
Action:	Adopted
Vote:	Unanimous
Yes:	No:
Ellingson	
Komulainen	
McNeece	
Lawrey	
Foss	

CITY OF MENAHGA, MINNESOTA

**Resolution No. 2017-019**

**A Resolution of the Menahga City Council Authorizing City of Menahga Administrative Citations for Certain Traffic Offenses Pursuant to Minnesota Statute § 169.999**

WHEREAS, The City is authorized to provide for the issuance of administrative citations for specific traffic offenses designated at Minnesota Statute § 169.999, subdivision 1(b)(1), (2) and (3), in the amount designated at Minnesota Statute § 169.999, subdivision 5, as it may be amended from time to time; and

WHEREAS, The authority to issue administrative traffic citations authorized by this resolution is reserved by law exclusively to licensed peace officers; and

WHEREAS, City peace officers may not issue administrative traffic citations in violation of Minnesota Statute § 169.999; and

WHEREAS, The City is required to notify a recipient of an administrative traffic citation of his or her right to contest the citation and to appoint a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution; and

WHEREAS, Minnesota Statute § 169.999 contains numerous requirements related to the issuance of administrative traffic citations including but not limited to prescribing a uniform traffic citation form, use and sharing of fine revenues, and other administrative measures.

NOW, THEREFORE BE IT RESOLVED by the Menahga City Council that:

- 1) The City hereby authorizes the issuance of administrative citations for traffic offenses designated at Minnesota Statute § 169.999, subdivision 1(b)(1), (2) and (3), as it may be amended from time to time; and
- 2) The City hereby sets the fine for committing an administrative traffic violation designated by Minnesota Statute § 169.999 and this resolution at the amount designated by Minnesota Statute § 169.999, subdivision 5, as it may be amended from time to time; and
- 3) The City hereby directs that only licensed City peace officers may issue administrative traffic citations authorized by this resolution; and

- 4) The City hereby directs that no City peace officer may issue an administrative traffic citation in violation of Minnesota Statute § 169.999; and
- 5) The City hereby directs that no administrative traffic citation authorized by this resolution may be issued to a holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed; and
- 6) The City hereby directs the appointment of a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution and establishes a \$50 fee for each appeal. The appointment may be renewed annually at the first meeting of the year as all other Council appointments, or more immediately as the Council directs, in its sole, reasonable discretion; and
- 7) The City hereby adopts the uniform administrative traffic citation form prescribed by the Commissioner of Public Safety; and
- 8) The City hereby authorizes City staff to create materials as necessary to supplement the uniform administrative traffic citation to provide recipients of an administrative traffic citation with information related, but not limited to, the recipient's right to challenge the citation; the City's process for handling challenges to administrative traffic citations; the location, dates, and times designated to hear traffic citation challenges; the process for paying a traffic citation; and the effect of an administrative traffic citation on a recipient's driving record; and
- 9) City staff is hereby directed to inform the Commissioner of Public Safety of the passage of this resolution; and
- 10) City staff is hereby directed to separately account for administrative traffic citations authorized by this resolution in City financial reports, summaries, and audits in keeping with common accounting practices and standards; and
- 11) City staff is hereby directed to designate a special fund for the portion of administrative traffic fines that must be spent on law enforcement purposes, in keeping with common accounting practice and standards, and to report annually, or as otherwise directed by Council, to the City Council on said fund; and
- 12) Effective date. Resolution No. 2017-019 shall take effect on January 1, 2018.

Passed and approved by the City Council of the City of Menahga, Minnesota, eleventh day of September, 2017.

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Patrick Foss, Mayor

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Janette M. Bower, Administrator

**169.999 ADMINISTRATIVE CITATIONS FOR CERTAIN TRAFFIC OFFENSES.**

Subdivision 1. **Authority.** (a) Except for peace officers employed by the state patrol, prior to a peace officer issuing an administrative citation under this section, the governing body for the local unit of government that employs the peace officer must pass a resolution that:

(1) authorizes issuance of administrative citations;

(2) obligates the local unit of government to provide a neutral third party to hear and rule on challenges to administrative citations; and

(3) bars peace officers from issuing administrative citations in violation of this section.

(b) A peace officer may issue an administrative citation to a vehicle operator who:

(1) violates section 169.14, and the violation consists of a speed under ten miles per hour in excess of the lawful speed limit;

(2) fails to obey a stop line in violation of section 169.30; or

(3) operates a vehicle that is in violation of sections 169.46 to 169.68 and 169.69 to 169.75.

(c) The authority to issue an administrative citation is exclusively limited to those offenses listed in this subdivision.

(d) A peace officer who issues an administrative citation for the infraction of speeding under ten miles per hour over the speed limit must use the actual speed a violator's vehicle was traveling at the time of the infraction and may not reduce the recorded speed for purposes of qualifying the offense for an administrative citation. An administrative citation issued for speeding must list the actual speed the vehicle was traveling at the time of the infraction.

(e) A local unit of government shall notify the commissioner of public safety after it passes a resolution described in paragraph (a).

Subd. 2. **Officer's authority.** The authority to issue an administrative citation is reserved exclusively to licensed peace officers. An officer may not be required by ordinance or otherwise to issue a citation under this section instead of a criminal citation.

Subd. 3. **Uniform citation.** There must be a uniform administrative citation issued throughout the state by licensed peace officers for violations of this section. No other citation is authorized for violations of this section. The commissioner of public safety shall prescribe the detailed form of the uniform administrative citation and shall revise the uniform administrative citation on such subsequent occasions as necessary and proper. The uniform administrative citation must include notification that the person has the right to contest the citation.

Subd. 4. **Right to contest citation.** (a) A peace officer who issues an administrative citation must inform the vehicle operator that the person has the right to contest the citation.

(b) Except as provided in paragraph (c), the local unit of government that employs the peace officer who issues an administrative citation must provide a civil process for a person to contest the administrative citation. The person must be allowed to challenge the citation before a neutral third party. A local unit of government may employ a person to hear and rule on challenges to administrative citations or contract with another local unit of government or a private entity to provide the service.

(c) The state patrol may contract with local units of government or private entities to collect administrative fines and to provide a neutral third party to hear and rule on challenges to administrative citations. An administrative citation issued by a state patrol trooper must clearly state how and where a violator can challenge the citation.

Subd. 5. **Fines; disbursement.** (a) A person who commits an administrative violation under subdivision 1 must pay a fine of \$60.

(b) Except as provided in paragraph (c), two-thirds of a fine collected under this section must be credited to the general revenue fund of the local unit of government that employs the peace officer who issued the citation and one-third must be transferred to the commissioner of management and budget to be deposited in the state general fund. A local unit of government receiving fine proceeds under this section must use at least one-half of the funds for law enforcement purposes. The funds must be used to supplement but not supplant any existing law enforcement funding.

(c) For fines collected under this section from administrative citations issued by state patrol troopers, one-third must be credited to the general fund of the local unit of government or entity that collects the fine and provides a hearing officer and two-thirds must be transferred to the commissioner of management and budget to be deposited in the state general fund.

Subd. 6. **Commercial drivers' licenses and commercial vehicles; exceptions.** An administrative citation may not be issued under this section to (1) the holder of a commercial driver's license, or (2) the driver of a commercial vehicle in which the administrative violation was committed.

Subd. 7. **Driving records.** A violation under this section may not be recorded by the Department of Public Safety on the violator's driving record and does not constitute grounds for revocation or suspension of the violator's driver's license.

Subd. 8. **Administrative penalty reporting.** (a) A county, statutory or home rule city, or town that employs peace officers who issue administrative citations and that collects administrative fines under this section must include that information and the amount collected as separate categories in any financial report, summary, or audit.

(b) The state auditor shall annually report to the commissioner of public safety information concerning administrative fines collected by local units of government under this section. Upon request, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and funding summarizing the reports the commissioner received under this paragraph.

Subd. 9. **Local preemption.** The authority to issue an administrative citation is exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary charter provision or ordinance, no statutory or home rule charter city, county, or town may impose administrative penalties to enforce any other provision of this chapter.

**History:** 2009 c 101 art 2 s 109; 2009 c 158 s 6