(R-93-1877)

## RESOLUTION NUMBER R- 282104 ADOPTED ON JUN 07 1993

WHEREAS, effective July 1, 1993, new state legislation

(AB 408) becomes effective which decriminalizes the procedures

for contesting parking citations and, currently, in the City of

San Diego approximately 1,400 parking citations are appealed to

court per month (16,800 per year), of which approximately 700

cases result in a court hearing (8,400 per year); and

WHEREAS, AB 408 mandates all local jurisdictions to establish an administrative hearing process whereby citizens can contest their parking citations before filing an appeal in court; and

WHEREAS, AB 408 is intended to reduce the parking citation caseload on the judicial system, reduce the need for law enforcement and parking code compliance officers to attend hearings, provide for a speedy informal hearing of contested citations, provide adjudication by mail when appropriate, and ensure that an individual's constitutional rights are maintained through access to a fair and impartial administrative hearing; and

WHEREAS, The City of San Diego must immediately design and develop a new administrative hearing program, because the courts will stop conducting parking citation trials on July 1, 1993; and

WHEREAS, existing City personnel do not have experience in conducting parking citation hearings and they would not be perceived as neutral hearing officers; and

WHEREAS, since November 28, 1988, The City of San Diego and the University of San Diego Law School ("USD") have developed the Center for Municipal Dispute Resolution ("Center") to provide neutral mediation services and hearings primarily in the area of code enforcement; and the Center has provided and trained neutral community mediators and has successfully conducted approximately 500 mediations, with over 90% of the cases resulting in written agreements between the City and the alleged code violators; and has conducted hearings in the code enforcement area; and

WHEREAS, given the state mandated deadline of July 1, 1993, the Center's experience in training neutral mediators and hearing officers, and the Center's overall program management in the use of mediation and administrative hearings to resolve code violations, the City Manager has determined that sufficient justifications exist to contract with USD on a sole source basis to develop and administer a pilot program for hearing parking citations as mandated by AB 408; NOW, THEREFORE,

that the City Manager be and is hereby authorized and empowered to execute, for and on behalf of the City, an agreement with the University of San Diego Law School to operate a pilot Parking Adjudication Program to resolve administrative hearings of contested parking citations, under the terms and conditions set forth in the Agreement, a copy of which is on file in the office of the City Clerk as Document No. RR-282104 together with any reasonably necessary modifications or amendments thereto which do not increase this project's scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purpose and intent of this project and agreement.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$12,915 for Fiscal Year 1993 and, contingent upon City Council's future authorization and allocation of such funds, an amount not to exceed \$82,928 for Fiscal Year 1994, from the General Fund, No. 100, Department No. 052, is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: JOHN W. WITT, City Attorney

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oseph M. Schaling

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Or.Dept:Treas.
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## The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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Passed and adopted by the Council of	d and adopted by the Council of The City of Sa			7 1993		
by the following vote:	•	ŭ				
Council Members	Yeas	Nays	Not Present	Incligible		
Abbe Wolfsheimer						
Ron Roberts						
John Hartley						
George Stevens						
Tom Behr						
Valerie Stallings						
Judy McCarty						
Juan Vargas						
Mayor Susan Golding						
AUTHENTICATED BY:	SUSAN GOLDING  Mayor of The City of San Diego, California.					
		Mayo	r of The City of San	Diego, California.		
(Seal)	CHARLES G. ABDELNOUR					
(Seat)	City Clerk of The City of San Diego, California.					
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Office of the City Clerk, San Diego, California

Resolution & 282104 Adopted UN 07 1993

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