

(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

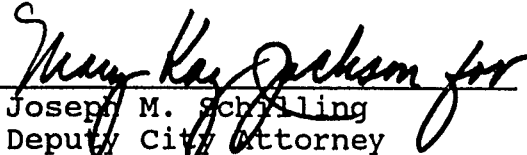
WHEREAS, since November 28, 1988, The City of San Diego and the University of San Diego Law School ("USD") have developed the Center for Municipal Dispute Resolution ("Center") to provide neutral mediation services and hearings primarily in the area of code enforcement; and the Center has provided and 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,

BE IT RESOLVED, by the Council of The City of San Diego, 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

By   
Joseph M. Schilling  
Deputy City Attorney

JS:MJB:mac:mb  
05/11/93  
Or.Dept:Treas.  
Aud.Cert:9300997  
R-93-1877  
Form-r-t

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9300997

ORIGINATING DEPT. NO.: 052

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 12,915.00

Vendor USD School of Law

Purpose Authorizing the expenditure of funds for parking citation adjudication process.

Date April 21, 1993

By: *Daty Stevelyn-Jones*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	100	052		4222	007500				\$12,915.00
TOTAL AMOUNT										\$12,915.00

AC-361 (REV 2-92)

FUND OVERRIDE

**R-282104**

**JUN 07 1993**

AC 9300997

139

JUN 07 1993

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-282104* Adopted JUN 07 1993

RECEIVED **585101**  
93 MAY 26 PM 3:13  
CITY CLERKS OFFICE  
SAN DIEGO, CA