

RESOLUTION NUMBER R- **316265**

DATE OF FINAL PASSAGE **JUN 16 2025**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE ADJUSTMENT TO THE CITY
TREASURER'S EXPIRED METER PARKING CITATION FINE
IN THE RATE BOOK OF CITY FEES AND CHARGES
MAINTAINED BY THE DEPARTMENT OF FINANCE AND
MADE AVAILABLE THROUGH A LINK ON THE CITY
CLERK'S PUBLIC WEBSITE.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. Approved by the voters in 2010, Proposition 26 amended articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind imposed, increased, or extended by a local government is a tax unless an exception applies.
- B. Exceptions to Proposition 26 include user fees; government service or product fees; regulatory fees; government property use or entrance fees; fines and penalties imposed by a court or local government; property development impact fees; and assessments and property-related fees governed by Proposition 218.
- C. Each Proposition 26 exception involves its own legal standard for determining the amount of a legally permissible fee.
- D. Under Council Policy 100-05, general fund departments are required to conduct comprehensive user fee studies every three to five years, and approved fees are published in the City's user fee rate book (Rate Book) maintained by the Department of Finance and made available to the public through a link posted on the City Clerk's public website.
- E. These fee studies ensure City departments identify and recover all reasonable and allowable costs incurred in providing government services.

F. User fees and regulatory costs in support of the proposed user fee adjustments and additions for FY 2026 may not exceed the reasonable costs of providing a service, product, or regulation which includes all reasonable direct and indirect expenses incurred by the City.

G. Depending on the type of fee and individual department activities, staff for each City department calculated proposed FY 2026 user fee adjustments and additions using the comprehensive Citywide method developed by Department of Finance staff.

H. City staff reports from each department substantiated the validity of the proposed user fees and regulatory costs for FY 2026 by explaining the link between the cost and the service, product, or regulation.

I. Each general fund department requesting user fee adjustments and additions for Fiscal Year (FY) 2026 obtained a legal opinion on its fee proposals from the Office of the City Attorney in light of Proposition 26.

J. The Department of Finance gave a presentation to the Budget and Government Efficiency Committee (Committee) on February 5, 2025 wherein the department requested approval of proposed FY 2026 user fee adjustments and additions for thirteen general fund departments and nine non-general fund departments including, but not limited to, the City Attorney, City Clerk, City Planning, City Treasurer, Compliance, Development Services, Economic Development, Engineering and Capital Projects, Environmental Services, Fire-Rescue, Library, Personnel, Police, Public Utilities, Risk Management, Special Events and Filming, and Transportation.

K. The Department of Finance and each of the departments mentioned above also provided to the Committee a detailed report explaining their respective proposed FY 2026 user fees and adjustments and the cost recovery calculations for same.

L. After considering the presentations made, the reports and materials presented (collectively, the User Fee Study), and engaging in discussion regarding the proposed FY 2026 fee adjustments and additions, the Committee forwarded the proposed FY 2026 user fees to the City Council for consideration.

M. On March 3, 2025, the San Diego City Council (Council) passed Resolution No. R-316067 (Comprehensive User Fee Resolution), adopting the FY 2026 fee additions and adjustments recommended in the User Fee Study with modifications to certain fees.

N. The City Council is now being asked to adjust the City Treasurer's Expired Meter Parking Citation Fine that was included in those approved by the Comprehensive User Fee Resolution and had therefore also been thoroughly vetted in the User Fee Study.

O. The Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate.

ACTION ITEMS

Based on the Recitals set forth above, the Council resolves as follows:

1. The following adjustment is adopted for the purpose of recovering costs incurred by the City of San Diego in providing services, goods, or regulation, or as otherwise permitted under articles XIII A and XIII C of the California Constitution and shall be effective beginning July 1, 2025:

(1) The Office of the City Treasurer's Parking Citation Fine - Expired Meter of \$30.00 has increased to \$42.50.

2. The Department of Finance is directed to amend the Rate Book to include the fee described herein and provide a link to the City Clerk. The Office of the City Clerk shall post the link to the Rate Book on its website to ensure public access.

3. The above proposed Category 3 fee (i.e., fine or penalty) shall include an annual adjustment at the beginning of each fiscal year to account for increases to the regional Consumer Price Index.

APPROVED: HEATHER FERBERT, City Attorney

By Thomas J. Brady *Thomas J. Brady, OCA*
Bret A. Bartolotta *for*
Chief Deputy City Attorney

BAB:jdf
06/02/2025
Or.Dept: DoF
Doc. No.: 4078004

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JUN 10 2025.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 6/12/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 10 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 16 2025.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Jwin, Deputy

Office of the City Clerk, San Diego, California

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