

MEMORANDUM OF LAW

DATE: June 16, 1988

TO: J.D. Moody, Lieutenant, Traffic Division

FROM: City Attorney

SUBJECT: San Diego Municipal Code Section 86.19

In a memorandum dated May 26, 1988, you asked if it is legal to use San Diego Municipal Code section 86.19 et seq. to enforce parking at the San Diego Police Department Headquarters Building ("Headquarters"). The short answer is no as the sections are presently drafted.

San Diego Municipal Code sections 86.19, 86.19.1, 86.19.2 and 86.19.3 regulate parking in City-owned parking facilities. Violation of these sections may result in the issuing of a parking citation or impounding of the offending vehicle. The sections have been used to enforce parking at the Headquarters parking facilities located at 1401 Broadway. However, as we have discussed, the City does not own that property but leases it from another agency. At this time a private firm, Rauscher, Pierce, Refsnes Leasing, Inc. of Phoenix, Arizona, owns the property and the City leases it with an option to purchase. Within the month, title will be transferred to a joint powers agency comprised of the City and Port District. The City will continue to hold a leasehold interest in the property for the term of the bonds issued to finance the project.

We recommend changing the wording in the sections at issue from "City-owned parking facilities" to "parking facilities under the control of the City" or "parking facilities owned, leased or operated by the City." Either of these amendments would broaden the scope of the sections to allow parking enforcement at Headquarters and other City-leased or City-operated as well as City-owned facilities.

This office will be available to assist you in preparing the amendments.

JOHN W. WITT, City Attorney

By

Nina B. Deane

Deputy City Attorney

NBD:lfs:522(x043.2)

cc H. Valderhaug

ML-88-60