

**DRAFT**

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE xxxx**

**ORDINANCE AMENDING SAN DIEGO UNIFIED  
PORT DISTRICT CODE, ARTICLE 8, SECTION  
8.15 – PARKING REGULATIONS –  
ENFORCEMENT TO ADD SUB-SECTION (E) A  
PARKING CITATION PAYMENT PLAN  
ALLOWING INDIGENT PERSONS TO PAY FOR  
PARKING CITATIONS ON A PAYMENT PLAN  
PURSUANT TO CALIFORNIA VEHICLE CODE  
SECTION 40220**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

**WHEREAS**, Section 21 of the Port Act states that the Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the California Legislature passed California Vehicle Code Section 40220 (VC Section 40220) on October 13, 2017;

**WHEREAS**, the purpose of VC Section 40220 is to allow anyone with indigent status to apply for a payment plan if they receive a parking citation; and

**WHEREAS**, VC Section 40220 also requires that parking agencies offer a payment plan to indigent persons prior to sending a delinquent parking penalty notice to the California Department of Motor Vehicles (DMV) for a registration hold; and

**WHEREAS**, VC Section 40220 also establishes a number of other administrative changes, including a maximum processing fee of \$5 for payment plans for customers meeting indigent eligibility requirements; and

**WHEREAS**, the District's parking regulations and fines are codified in District Code, Article 8, Section 8.15 Parking Regulations – Enforcement; and

**WHEREAS**, in order to comply with the requirements of VC Section 40220, District staff recommends that the BPC adopt an Ordinance amending District Code, Article 8, Section 8.15, Parking Regulations – Enforcement, to add the new payment plan as Sub-Section (e) A Parking Citation Payment Plan Allowing Indigent Persons to Pay for Parking Citations on a Payment Plan

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pursuant to California Vehicle Code Section 40220 (see Attachment C to the corresponding agenda sheet); and

**WHEREAS**, the BPC conducted a public hearing on the proposed changes on June 12, 2108; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the BPC, including, but not limited to, the staff reports and all of the testimony and evidence in the record of the proceedings with respect to the item, the BPC took the actions hereinafter set forth.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. Section 8.15 to Article 8 of the San Diego Unified Port District Code is hereby added as follows: (e) Parking Citation Payment Plan is hereby adopted as follows, effective July 1, 2018:

(e) Payment Plan Option: If the registered owner and operator of said vehicle is determined indigent, the owner and operator of said vehicle will have the option to enroll in a payment plan within the time specified in the notice of violation. Indigent determination will be made by the District following the below income criteria set forth in Government Code Section 68632(a). Proof of indigency and enrollment requests will be accepted via the following methods:

- (1) Walk-in requests at the District's Administration Building (District staff will provide a self-addressed envelope to the requestor, that will contain the remittance address of the District's citation processing vendor). District staff will mail all walk-in request documentation to the District's citation processing vendor for automatic pending payment plan hold, pending final approval by District.
- (2) Mail-in requests and supporting documentation to the District's citation processing vendor's address for scanning and automatic pending payment plan hold, pending final approval by District.
- (3) Online requests via the District's citation processing vendor that will automatically place the citation on a pending payment plan hold, pending final approval by District.

An applicant who is receiving public benefits under one or more of the following listed programs qualifies to enroll in said payment plan:

- (1) Supplemental Security Income (SSI) and State Supplementary Payment (SSP) (Article 5 (commencing with Section 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).

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- (2) California Work Opportunity and Responsibility to Kids Act (CalWORKs) (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code) or a federal Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program (Section 10553.25 of the Welfare and Institutions Code).
- (3) Supplemental Nutrition Assistance Program (Chapter 51 (commencing with Section 2011) of Title 7 of the United States Code) or the California Food Assistance Program (Chapter 10.1 (commencing with Section 18930) of Part 6 of Division 9 of the Welfare and Institutions Code).
- (4) County Relief, General Relief (GR), or General Assistance (GA) (Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code).
- (5) Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI) (Chapter 10.3 (commencing with Section 18937) of Part 6 of Division 9 of the Welfare and Institutions Code).
- (6) In-Home Supportive Services (IHSS) (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).
- (7) Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

The registered owner and operator of said vehicle has 60 days from issuance of a parking citation or 10 days of the administrative hearing determination (whichever is later) to apply for a payment plan. The District shall allow a registered owner or lessee who falls out of compliance with the payment plan a one-time extension of 45 calendar days from the date the payment plan becomes delinquent (first date after the missed payment due date) to resume payments before the District files a California Department of Motor Vehicles (DMV) registration hold. The District will include the payment plan requirement information and a phone number on all parking citations and on its public internet website.

The following fees and payment plan requirements are established:

Description	Indigent Payment Plan
Fees	\$5 – Enrollment fee  \$5 – Re-enrollment fee (one-time if individual falls out of compliance)
Timeline for Completion	18 months
Minimum Payment per Month	Total amount of citation owed is

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	<p>\$450 or less - \$25</p> <p>Total amount of citation owed is \$451 or more - variable minimum amount (minimum amount will be calculated based on the amount owed and payment timeline)</p>
Maximum number of plans per year	No Maximum
Max value per year	No Maximum
Concurrent plans allowed	Yes (unlimited)
Late penalty/fee waived (with the exception of any state mandated surcharges of \$12.50, identified in section d)	Yes (fees reinstated if plan is not completed)
Deadline for processing	Within 60 days of citation issuance or 10 days of the administrative hearing determination.*

\*One-time exception granted after DMV registration hold has been placed.

Section 2. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Senior/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of June 2018, by the following vote: