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SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

**ORDINANCE AMENDING SAN DIEGO UNIFIED
PORT DISTRICT CODE SECTION 8.15 – PARKING
REGULATIONS ENFORCEMENT TO BE
COMPLIANT WITH REVISIONS TO THE INDIGENT
PAYMENT PLAN REQUIREMENTS WITHIN
CALIFORNIA VEHICLE CODE SECTION 40220
PURSUANT TO ASSEMBLY BILL 3277**

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 (CVC) Section 40220 on October 13, 2017;

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

WHEREAS, CVC 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, CVC 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, Assembly Bill (AB) 3277, effective January 1, 2021, revised the guidelines within CVC Section 40220, relating to collection of parking penalties; and

WHEREAS, AB 3277 updates existing law to allow more individuals access to the Plan by providing additional flexibility, reducing the financial impact of

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parking debt for more low-income individuals and giving individuals in financial distress greater lengths of time to enroll and pay off their debts; and

WHEREAS, CVC Section 40220 was revised to:

(1) increase the \$300 maximum debt limit (i.e., outstanding parking citation amount) amount to \$500 for the total debt amount required for a parking agency to offer an indigent payment plan to a low-income person;

(2) lengthen the Plan to be available for a maximum of 24 months from previous 18 months;

(3) change the timeframe a person may request a Plan from 60 to 120 calendar days from the issuance of a parking citation; and,

(4) to clarify that the required website notification of the availability of a Plan must be in a place that is readily accessible in a prominent location on the agency's internet website; 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 updated guidelines approved by AB 3277 and incorporated within CVC Section 40220, staff recommends that the BPC adopt an Ordinance Amending San Diego Unified Port District Code Section 8.15 – Parking Regulations Enforcement to be Compliant with Revisions to the Indigent Payment Plan Requirements within California Vehicle Code Section 40220 Pursuant To Assembly Bill 3277.

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 approved and adopted as follows:

- (a) Every Harbor Police Officer or District employee charged with and assigned to the enforcement of provisions of this Code relating to illegal parking, the provisions of the California Vehicle Code, and other laws of the State of California applicable to parking violations within the jurisdiction of the San Diego Unified Port District, shall have the duty, when any vehicle is illegally parked, to issue written notice of violation thereof stating the State vehicle license number, make of such vehicle, the time and date of such illegal parking, meter number, street location, and reference to the appropriate sections of the Code and fixing a time and place for appearance by the registered owner to answer said notice. Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle

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as to be easily observed by the person in charge of such vehicle upon his or her return thereto.

- (b) For the purpose of regulating the use of streets and traffic thereon and as a deterrent to illegal parking, the following fees are established:

Port Code	Violation	Rate if paid within 21 days	Rate if paid after 21 days	Rate if paid after 56 days
8.11	Out-of-Stall	\$40	\$80	\$90
8.12	Expired Meter	\$30	\$60	\$70
8.13	Overtime at Meter	\$40	\$80	\$90
8.16(a)(d)(e) & (f)	Signs or Curb Markings Other than Red Zones	\$40	\$80	\$90
8.16(b)	Red Zones	\$65	\$130	\$140

The owner or operator of said vehicle may elect to mail said fees within the time established for payment thereof in accordance with the information specified in the notice of violation, provided, however, said owner or operator shall be and remain responsible for the delivery thereof.

- (c) Failure to pay the appropriate fee as provided herein or failure to contest the violation in accordance with the information specified in the notice of violation will result in proceeding against the registered owner and or the vehicle operator for violation of the appropriate Code Section in accordance with the provisions of Section 40220 of the Vehicle Code of the State of California.
- (d) A State mandated surcharge of Twelve Dollars and Fifty Cents (\$12.50) will be assessed on each parking citation issued in accordance with California Government Code Section 70372(b), Sections 76000, 76100 and 76101. This surcharge, or a portion of the surcharge, will be assessed as long as the applicable statute(s) require that the surcharge be assessed.
- (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

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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).
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).

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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 120 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	24 18 months

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Minimum Payment per Month	Total amount of citation owed is \$ 500 450 or less - \$25 Total amount of citation owed is \$ 501 451 or more - variable minimum amount (minimum amount will be calculated based on the amount owed and payment timeline)
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 120 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 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of February 2021, by the following vote: