

**CITY OF OAKLAND**  
**AGENDA REPORT**

2007 FEB -1 PM 6: 20

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: February 13, 2007

RE: **A Status Report and Recommendation on Establishment of Project 22 or Similar Program in the City of Oakland, Particularly As It Relates To Community Service for Parking Citations**

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**SUMMARY**

At the December 19, 2006, Rules Committee, the Committee directed staff to explore the use of Project 22, a component of the San Francisco Pretrial Diversion Project, Inc.

The San Francisco Pretrial Diversion Project, Inc. is a non-profit organization that oversees several Fine Alternative Programs for citizens who cannot afford to pay their current parking citations or traffic violations. Under these programs (including Project 22), citizens pay administrative fees, and are likely to still pay a portion of the fine amount. The remainder is worked off in community service hours.

**FISCAL IMPACT**

If the City adopts Project 22 or a like program, it will incur budget deficits of lost citation revenue of approximately \$175,000 annually and increased expenditures of \$65,275 for a Public Service Representative (1.0 FTE) for a total negative impact of \$240,275 in the Parking Division's General Purpose Fund (1010). This impact does not include any additional cost incurred by other City Departments. No analysis has been conducted about the City's ability to absorb cost associated with supervision, training, transportation and other costs for potential community service work in City departments.

**BACKGROUND**

On July 1, 1993, Assembly Bill 408 (AB408) took effect decriminalizing parking and various other vehicle-related violations and required cities to establish an administrative hearing procedure in place of the criminal court system to enforce and prosecute such violations. AB408 provided that any violation of an unlawful parking or related vehicle law be subject to a civil rather than a criminal fine schedule established by the governing body of the jurisdiction which issues the violation, and that enforcement of the fine shall be governed by a civil procedure which includes an administrative investigation, review and judicial appeal process.

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The San Francisco Pretrial Diversion Project (SFPDP) has been in business for fifteen years and provides an alternative community service payment program to indigent citizens who incur parking and moving violations fines. The Pretrial Diversion Project, a nonprofit organization, handles the processing of citizen's request to participate in the community service program, monitors and supervises the citizens' hours, and submits to the referring city agency the final disposition of the services rendered (progress report), thereby authorizing the removal of fines. *Conditions are met when citizens contract with the San Francisco Pretrial Diversion Project by paying a nominal fee to work off parking citations or moving violations.* Under Project 22, citizens would be referred to a City of Oakland agency or company where they commit to perform community service hours of work to help pay off parking citations and moving violations received within their respective cities.

Currently, San Francisco Pretrial Diversion Project, Inc. oversees programs for the City and County of San Francisco and the City of Berkeley and is located in Oakland at 661 Washington Street. All clients must have a referral from their respective city to participate in Project 22.

### **KEY ISSUES AND IMPACTS**

Prior to 1993, the City of Oakland administered a community services program to work off traffic violations through the Parks and Recreation Department. At that time, problems included increased costs for staff supervision, additional administrative staff to track community service hours, meeting the challenge to find enough work year-round, and injuries that were referred to the city physician. Problems also occurred when citizens had multiple sentences and were scheduled for multiple work times, i.e., 4 hours, 6 hours, 8 hours or in one to five day segments. The citizen (s) reported to one supervised location to work. Multiple scheduling times created transporting issues. *When a citizen only had to work four hours, a second supervisor was needed to transport the citizen.* The type of work done at Lakeside Park involved a trash detail, cleaning drains, catch basin, and picking up leaves. This area offered the easiest accessibility to buildings and restroom facilities. When working in different locations, staff would have to cart portable restroom facilities.

Additionally, the City experienced a multitude of different citizen injuries. Citizens had sprains, cuts, splinters, *accidental injuries, both to themselves and others* and arrangements had to be made for them to be seen by the city physician. Other problems that surfaced were the record keeping needed to track whether or not citizens worked their required community service work hours, as well as finding enough available work to keep the workers busy year round. Further, working in inclement weather provided yet another challenge.

Participation in Project 22 could lead to greater costs to the citizen. For example, when a vehicle is towed, the citizen cannot retrieve his/her vehicle *before completing the community service hours.* This could lead to increased storage fees. Additionally, liability and risk are greater to the City. In the event of an on-the-job accident, the City may be liable for injury, loss or

damages that result from citizens' participation in a program of this nature, even though the citizen signs a disclaimer that waives all claims against the City of Oakland.

Currently, Project 22 operates solely on program administration fees collected, as it receives no city, state or federal funds. This program's existence relies entirely on the fees paid by its clients. Under Project 22, citizens would pay the following:

- \$20 for 1 – 25 hours of community service
- \$40 for 26 – 50 hours of community service
- \$60 for 51 – 75 hours of community service
- \$80 for 75 – 100 hours of community service

The amount of the hours is determined by the amount of the fine assessed at a rate of \$10 per hour. Therefore, if a citizen works off a \$35 citation, the citizen would pay a fee of \$20 and have an outstanding balance of \$15. At a rate of \$10 per hour, the citizen would be scheduled to work two hours of community service (one and one-half hours, which is rounded up to two hours). Project 22 only allows community service for current citations. Further eligibility requirements would have to be developed by the City of Oakland as to who is eligible to be in the program. Project 22 ensures that all community service is completed in the City of Oakland.

While contracting with Project 22, San Francisco Pretrial Diversion Project, Inc. could be successful for the citizen, it should be noted that the City of Oakland would incur budget deficits in citation revenue and additional staffing costs to administer the program on the City's behalf. As part of the City's biennial budget preparations, the Budget Office has asked the Finance and Management Agency to cut its budgets by 5% for Fiscal Years 07-09.

## **SUSTAINABLE OPPORTUNITIES**

Economic: Enactment of a Project 22 type program would entail a negative "opportunity." Parking meter revenue would decrease by about \$175,000 annually, with an increase in staff costs totaling \$65,275, a negative impact of \$240,275.

Environmental: The community service program could augment the Public Works Agency Keep Oakland Clean and Beautiful program.

Social Equity: The City of Oakland would be supporting the San Francisco Pretrial Diversion Project through the joint efforts of socially conscious citizens, the client, and the community by continuing the tradition and philosophy of "Dignity and Respect, Compassion and Accountability".

**DISABILITY AND SENIOR CITIZEN ACCESS**

The Project 22 program is open to disabled citizens and seniors given that a large number of these citizens could qualify as indigent referrals. Consequently, this program would be an added benefit to these two communities.

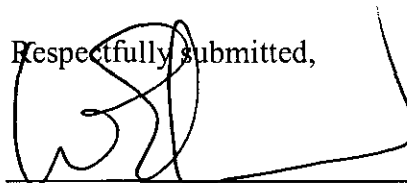
**RECOMMENDATION (S) AND RATIONALE**

Staff recommends that the City Council not adopt Project 22 or any like program as the City of Oakland would incur budget deficits in lost citation revenue of approximately \$175,000 annually and a minimum increase in expenditures for staff costs of \$65,275, for a total negative impact to General Purpose Fund (1010) of \$240,275.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council not adopt Project 22 or any like program.

Respectfully submitted,



WILLIAM E. NOLAND

Director, Finance and Management Agency

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Parking Division Manager

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:

  
Office of the City Administrator

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