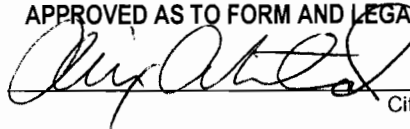


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 OCT 21 PM 4:30

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 12980 C.M.S.

REVISED

ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE CHAPTER 10.36 TO DELETE SECTION 10.36.080, WHICH RESTRICTS THE DEPOSIT OF PARKING METER REVENUES TO A "PARKING METER FUND" AND A "TRAFFIC CONTROL FUND," THEREBY PERMITTING DEPOSITS OF PARKING METER REVENUES INTO THE GENERAL PURPOSE FUND

WHEREAS, the City of Oakland collects revenue through on- and off-street parking meters throughout the City; and

WHEREAS, Oakland Municipal Code Section 10.36.080 entitled "Allocation and expenditure of parking meter funds" describes and outdated procedure for the allocation of parking meter revenue; and

WHEREAS, no amendments or changes to section 10.36.080 of the Vehicles and Traffic Chapter of the OMC have been made since 1963, despite the needs of the City and the practices of the administration having changed substantially; and

WHEREAS, the City currently has an automation system in place which effectively tracks and records parking meter revenues and expenditures; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Oakland Municipal Code Section 10.36.080 "Allocation and expenditure of parking meter funds" is hereby deleted in its entirety, thus:

~~10.36.080 Allocation and expenditure of parking meter funds.~~

- ~~A. All of the gross revenues received from all on-street parking meters shall be allocated and deposited by the City Treasurer as follows:~~
- ~~1. One half of such gross revenues shall be deposited in the off-street parking meter fund; and~~
 - ~~2. One half of such gross revenues shall be deposited in the traffic control fund.~~
- ~~B. The moneys in the traffic control fund shall be expended only for the following purposes:~~
- ~~1. Satisfaction of the contractual obligation of the city for the furnishing and installing of parking meters; and~~
 - ~~2. Purposes immediately connected with vehicular traffic control.~~
- ~~C. The moneys in the off-street parking meter fund shall be expended only for the following purposes:~~

1. ~~The acquisition, construction, improvement and maintenance of public off street parking areas;~~
 2. ~~Administrative and operational costs of the off street parking program; and~~
 3. ~~The payment of the principal of and interest on, and costs of retirement of, off street parking revenue bonds issued pursuant to Article XXVII of the Charter of the city and reserves for the security of such bonds.~~
- D. ~~Gross revenues received from off street parking facilities, when designated by resolution of the City Council, shall be deposited in the off street parking meter fund.~~
- E. ~~Notwithstanding anything contained in subsections F through I of this section or any other provisions of the Oakland Traffic Code, if any revenue bonds are issued pursuant to Article XXVII of the Charter of the city, and so long as any of such bonds are outstanding, all moneys in the off street parking meter fund shall be expended solely as provided in the resolution or resolutions authorizing the issuance of such bonds.~~
- F. ~~All moneys deposited in the off street parking meter fund, except receipts from off street parking facilities, shall be allocated among the several commercial districts in the city in ratio to the meter revenue received in each respective district, computed by the City Manager, the City Treasurer, and the Traffic Engineer, upon such formula as they may deem to represent the most accurate and equitable allocation. Such allocations formula shall be adjusted periodically as deemed necessary. Moneys deposited in the off street parking meter fund from off street parking facilities shall be allocated to the parking district in which the facility is located.~~
- G. ~~The expenditure of funds for the specific benefit of a district shall be charged solely to said district. All other moneys expended from the off street parking meter fund shall be charged among the several commercial districts in the city in ratio to the receipts from each respective district, computed by the City Manager, the City Treasurer, and the Traffic Engineer upon such formula as they may deem to represent the most accurate and equitable charge in regard to the specific expenditure.~~
- H. ~~The several commercial districts referred to herein shall be delineated in accordance with the parking districts originally created, as expended, for the installation of parking meters. Exact boundaries thereof shall be determined by the City Manager, City Treasurer and Traffic Engineer in computing the allocations thereto herein provided for subject to review by the City Council. Provided, however, that the central business district shall be subdivided into a northerly zone and a southerly zone, each zone representing substantially equal meter revenue, as determined by the City Manager, City Treasurer and Traffic Engineer, and the increase in meter revenue from the central business district shall be allocated one half thereof to the northerly zone and one half to the southerly zone.~~
- I. ~~In the event the petition of any district to have parking meters removed therefrom shall be approved and so ordered by the City Council, and the accumulated and unexpended meter revenues allocated to said district for off street areas is deemed insufficient for said purposes, such accumulated and unexpended revenues shall be used for such off street parking or traffic control purposes as the City Council shall deem to be to the public interest and benefit.~~

Section 2. Severability. If any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall become effective as provided in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 17 2009, 2009

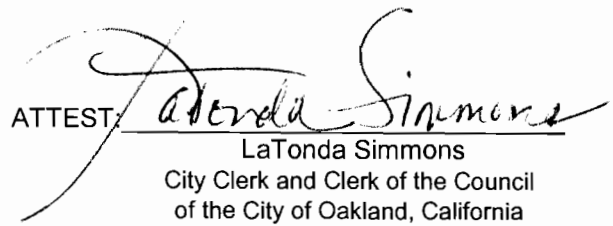
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS,
DE LA FUENTE
, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT BRUNNER~~ - 7
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brunner- 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: 11-24-09

Introduction Date: NOV 3 2009