

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

2009 OCT 15 PM 3:18

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: FMA/Parking Operations  
DATE: October 27, 2009

RE: **An Ordinance Amending Ordinance Number 12948 C.M.S. (Master Fee Schedule), as Amended, to add a Twenty-Five Dollar (\$25) Daily Fee for an Unreturned PayLock Boot; a Five Hundred Dollar (\$500) Boot Replacement Fee; and a Two Hundred Fifty Dollar (\$250) Damaged Boot Fee**

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**SUMMARY**

Staff is proposing an Ordinance to amend the Master Fee Schedule to add fees related to the PayLock vehicle boot program operated by PayLock, Inc. The PayLock boot is attached to the vehicles of parking violators with more than five unpaid parking citations. Patrons may then use a credit card, debit card or check to pay the outstanding citations and to get their cars released. Another fee associated with this program (The \$140 "Vehicle Immobilizer Removal Fee") was discussed during budget deliberations earlier this year and added to the Master Fee Schedule at that time. The proposed ordinance adds other fees that were inadvertently omitted from the earlier changes to the Master Fee Schedule.

**FISCAL IMPACTS**

Revenues associated with the proposed fees were anticipated in earlier estimates for the PayLock boot program and therefore, adoption of the ordinance will have no additional fiscal impact. Total new revenue projected in the Adopted Fiscal Year 2009-2010 Budget for the PayLock program was estimated at \$500,000.

**BACKGROUND**

On July 21, 2009, City Council approved Resolution No. 82200 C.M.S., which authorized the City Administrator to execute a contract with PayLock, Inc. to provide a vehicle immobilizer "boot" for scofflaw violators of the Traffic Code. The PayLock boot is attached to the vehicles of parking violators with more than five unpaid parking citations. Patrons may then use a credit card, debit card or check to pay the outstanding citations and to get their cars released.

- A booted vehicle remains at the location it was parked. Booted vehicles are considered abandoned after 72 hours and are subject to towing at that time.
- Motorists can call and pay for their citations using a toll free number 24 hours a day, seven days a week.

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- Once all citations and fees are paid, motorists are given a six-digit code to unlock the device and remove the boot themselves, which the motorist will then return to the City.
- On average it takes five minutes to release the PayLock boot from a vehicle.

### KEY ISSUES AND IMPACTS

As part of its contract with PayLock, Inc. for the boot program, the City has agreed to allow PayLock to charge certain fees for its services. The City is required to publish those fees in the Master Fee Schedule in order to allow the fees to be charged. Most of the fees associated with this program were discussed during budget deliberations earlier this year and added to the Master Fee Schedule at that time. The ordinance recommended in this report adds the following fees that were inadvertently omitted from the earlier changes to the Master Fee Schedule:

1. Twenty-Five Dollar (\$25) Daily Fee for Unreturned PayLock Boot;
2. Five Hundred Dollar (\$500) Boot Replacement Fee; and
3. Two Hundred Fifty Dollar (\$250) Damaged Boot Fee.

### RECOMMENDATIONS AND RATIONALE

Staff recommends that the City Council accept this report and adopt the proposed ordinance amending the Master Fee Schedule. The amended fees will become effective upon adoption of the Ordinance by City Council.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council adopt the proposed ordinance amending the Master Fee Schedule.

Respectfully submitted,



Noel Pinto, Parking Operations Manager  
FMA/Parking Operations Division

Prepared by:  
Kip Walsh, Administrative Services Manager II  
Finance and Management Agency

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

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APPROVED AS TO FORM AND LEGALITY

*Alij A. Korntal*  
City Attorney

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**AN ORDINANCE AMENDING ORDINANCE NUMBER 12948 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ADD A TWENTY-FIVE DOLLAR (\$25) DAILY FEE FOR AN UNRETURNED PAYLOCK BOOT; A FIVE HUNDRED DOLLAR (\$500) BOOT REPLACEMENT FEE; AND A TWO HUNDRED FIFTY DOLLAR (\$250) DAMAGED BOOT FEE**

**WHEREAS**, the City of Oakland periodically updates its Master Fee Schedule to account for general cost of living increases and program changes or other costs; and

**WHEREAS**, the City Council finds and determines that the herein-referenced addition is necessary to reimburse the City for the cost of performing the vehicle immobilization program provided by PayLock, Inc.; and

**WHEREAS**, the new fees proposed herein have been justified by the Finance and Management Agency, and revenues associated with the vehicle immobilization program were adopted by the City Council as part of FY 2009-10 Amended Budget on July 28, 2009; now, therefore

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

**Section 1.** Master Fee Schedule. The Master Fee Schedule, Ordinance No. 12948 C.M.S. is amended to add these service fees as follows in Section 3.

**Section 2.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**Section 3.** The Master Fee Schedule is amended to add the following fees:

- |  |       |          |
|--|-------|----------|
| 1. Daily Fee for Unreturned PayLock Boot | \$25  | Per Day  |
| 2. Boot Replacement Fee                  | \$500 | Per Boot |
| 3. Damaged Boot Fee                      | \$250 | Per Boot |

**Section 4.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NUMBER 12948 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ADD A TWENTY-FIVE DOLLAR (\$25) DAILY FEE FOR AN UNRETURNED PAYLOCK BOOT; A FIVE HUNDRED DOLLAR (\$500) BOOT REPLACEMENT FEE; A TWO HUNDRED FIFTY DOLLAR (\$250) DAMAGED BOOT FEE**

**DIGEST**

An ordinance amending Ordinance No. 12948 C.M.S. (Master Fee Schedule), as amended, to add a twenty-five dollar (\$25) daily fee for an unreturned PayLock boot; a five hundred dollar (\$500) boot replacement fee; and a two hundred fifty dollar (\$250) damaged boot fee.