

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: David McPherson
Revenue & Tax Administrator

SUBJECT: Informational Report Regarding The
Proposed Parking Scofflaw Program

DATE: November 6, 2013

City Administrator
Approval

Deanna J. Santana

Date

11-19-13

COUNCIL DISTRICT: # City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this informational report regarding the proposed Parking Scofflaw Program.

OUTCOME

This report satisfies City Council approved policy directive No. 9, which was part of the adoption of the Fiscal Years 2013-2015 budget, and directs the City Administrator to return to Council with a report within 90 days with an action plan to aggressively pursue potentially uncollected revenues from parking scofflaws.

BACKGROUND

During the adoption of the Fiscal Years 2013-2015 budget, the City Council approved policy directive No. 9, which directs the City Administrator to return to Council with a report within 90 days with an action plan to aggressively pursue potentially uncollected revenues from parking scofflaws.

ANALYSIS

The adopted Fiscal Year 2013-15 policy budget includes one-time revenues in year two of \$2 million that would be realized by implementing new collection programs targeting delinquent parking citations. Since adoption of the budget, staff has been pursuing two distinct avenues in an effort to collect delinquent parking citation revenues from parking scofflaws; (i) a partnership booting program with the City of Berkeley and (ii) an "On Vehicle Noticing" ("OVN") program. These two programs will constitute significant efforts to collect revenues from delinquent parking citations. Both programs are being developed in conjunction with the City's parking contractors, Paylock IPT LLC ("Paylock") who provides software, support, and equipment for the City's self-release booting program and ACS/Xerox the City's parking citation administration and revenue collection contractor.

Partnership Booting Program: The intent of the partnership booting program is to use the sum total of unpaid tickets issued to the registered owner of a vehicle by both the City of Oakland and the City of Berkeley (Berkeley) to achieve the necessary threshold of five (5) unpaid traffic violations, as legislated in section 2261.7(a) of the California Vehicle Code¹, to immobilize the vehicle with a parking boot. Historically, the City only boots a vehicle when it has five (5) unpaid parking citations issued by the City of Oakland. Thus, a vehicle could have as many as four (4) unpaid City of Oakland issued parking citations and the vehicle would not be booted. By collaborating with Berkeley and sharing scofflaw information, the City, utilizing the combined data, could, for example, boot a vehicle within the Oakland city limits that has three (3) citations issued by the City and two (2) citations issued by Berkeley. To have the boot released from the vehicle, the parking citations owed to both cities would have to be paid. Furthermore, Berkeley could also boot a vehicle within its city limits under this scenario, and the City of Oakland would be able to collect its share of the outstanding parking citations. This program is intended to encourage faster remittance of delinquent parking citation revenues to the City.

Staff met with Berkeley over the course of several months. To date, Berkeley has decided not to actively participate in the partnership booting program at this time due to other competing priorities. However, staff is still pursuing an agreement with Berkeley whereby Berkeley shares its citation data with the City for cumulative use towards the necessary delinquent citation threshold. The main difference under this option is that the vehicle owner need only pay the City's delinquent parking citations to secure removal of the boot, not the Berkeley citations.

On Vehicle Noticing Program: The OVN program requires the resolution of legal, contractual, and patent issues between ACS/Xerox and Paylock. When a vehicle is discovered with less than five (5) delinquent parking citations, the City will place a warning notice on the vehicle noticing that the vehicle has outstanding unpaid parking citations and that further citations could result in the vehicle being booted and/or towed unless the delinquent citations are paid. The intent of the program is to remind vehicle owners about their delinquent parking citations and encourage them to pay. This program is especially effective with vehicles in which address changes have not been updated or there are "no hits" on the license plate resulting from ownership changes.

Furthermore, to ensure proper implementation of these programs, staff is recommending that the Council approve hiring two (2) Police Services Technicians (PST) in March 2014, to ensure they are trained and field ready. In accordance with the proposed Parking Scofflaw Program, the

¹ 22651.7. (a)[...] if the vehicle is found upon a highway [...] and it is known to have been issued five or more notices of parking violations that are delinquent because the owner or person in control of the vehicle has not responded to the agency responsible for processing notices of parking violation [...] or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17. The vehicle may be immobilized until that person furnishes to the immobilizing law enforcement agency all of the following:

(1) Evidence of his or her identity, (2) An address within this state at which he or she can be located, (3) Satisfactory evidence that the full amount of [...] bail has been deposited for all traffic violations of the registered owner that have not been cleared. [...]

newly hired PSTs will boot vehicles with a combined five (5) or more delinquent Oakland/Berkeley parking citations; may place notices on vehicles, noticing that the vehicle has outstanding unpaid parking citations and that further citations could result in the vehicle being booted and/or towed unless the delinquent citations are paid; and issue parking citations. The adopted Fiscal Years 2013-2015 budget provides hiring authority for these positions starting July 1, 2014. However, staff believes that to ensure success of the revenue enhancement programs, the PSTs need to be hired in March of FY 2014. The fully loaded cost for the two PSTs for 4 months of Fiscal Year 2014 is anticipated to be \$50,958 (\$25,479 per PST). Additionally, the cost will be offset by additional revenue from early implementation of the program.

IMPLEMENTATION TIMELINE

January 2014

- Develop a memorandum of understanding between the City of Oakland, the City of Berkeley, ACS/Xerox and Paylock.
- Anticipated signing of a memorandum of understanding between ACS/Xerox and Paylock to allow for implementation of the OVN program.

February 2014

- Implementation of the OVN program by the City, ACS/Xerox, and Paylock.
- Initiate testing of system and procedures for the importation of Berkeley's scofflaw delinquent parking citation data.
- Request permission for spending authority from the City Council to hire two Police Services Technicians in March 2014.
- Continue working with Paylock to ensure that staff is optimally equipped with required tools including vehicles and license plate readers.

March/April 2014

- Oakland Police Department hires two Police Services Technicians to ensure that they are trained and fully field ready for program implementation.

July 2014

- Full implementation of the Parking Scofflaw Program.

PUBLIC OUTREACH/INTEREST

This item does not require any additional public outreach other than the required posting on the City's website.

COORDINATION

This report was prepared in coordination with the City Administrator's Office, the Administrative Services Department, and the Oakland Police Department, Parking Services. The City Attorney's Office and the Budget Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

This is an informational report that does not require Council action nor impacts current fiscal policy. Staff will return to Council in February 2014 to request spending authority and an appropriation that would authorize the Oakland Police Department to hire two Police Service Technicians in March/April 2014 to ensure proper implementation of these programs. The adopted FY 2015 budget provides hiring authority for these two positions starting July 1, 2014.

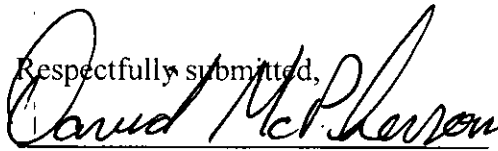
SUSTAINABLE OPPORTUNITIES

Economic: No direct economic opportunities have been identified.

Environmental: No direct environmental opportunities have been identified.

Social Equity: No social equity opportunities have been identified.

For questions regarding this report, please contact David McPherson, Revenue and Tax Administrator, at 510-238-6650.

Respectfully submitted,


David McPherson,
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