



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: August 16, 2016

Subject: Adopt County Ordinance No. 2016-15 to regulate private off-street parking facilities

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**RECOMMENDATION(S):**

OPEN the public hearing on Ordinance No. 2016-15, RECEIVE public testimony, and CLOSE the hearing;

ADOPT Ordinance No. 2016-15, which authorizes operators of privately owned off-street parking facilities to regulate unauthorized parking in those facilities.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

This ordinance would amend Ordinance Code Chapter 46-14, which regulates private off-street parking facilities. The ordinance includes new dispute resolution procedures that a private parking operator must adopt if it imposes parking charges at its facility. The ordinance was drafted to minimize the County's involvement in disputes between private parking operators and people who contest parking charges.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **08/16/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 16, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Monish Sen, (925)  
313-2187



## BACKGROUND: (CONT'D)

### Summary of Existing Ordinance

Chapter 46-14 authorizes operators of privately owned and maintained off-street parking facilities to impose a parking violation charge on an owner of a vehicle for unauthorized parking. A parking violation charge may not be imposed at an off-street parking facility unless signs that comply with the ordinance have been posted at the facility. The ordinance also establishes requirements that apply to printed notices issued at off-street parking facilities, requires private parking operators that issue notices to register with the Public Works Department, and establishes regulations that apply to the collection of unpaid parking violation charges.

### Summary of Draft Ordinance

The attached draft ordinance amends Chapter 46-14 by establishing new dispute resolution requirements, as mandated by Assembly Bill 451. AB 451 amended Vehicle Code section 21107.8 to require local ordinances to include certain dispute resolution procedures that apply to private parking operators.

Under section 46-14.012 of the draft ordinance, each private parking operator must establish a written dispute resolution policy for contesting parking charges. A written dispute resolution policy established by a private parking operator must include: (1) specified time periods for notifications, review, and appeal; (2) an administrative hearing process that includes options for a hearing in person or by mail, a hearing by an independent third-party examiner, and authority for the examiner to allow payment of the parking charges in installments; (3) and a prohibition against incentives based on the number of invoices issued or the number or percent of disputed invoices adjudicated in favor of the operator.

To minimize the County's involvement in disputes between private parking operators and people who contest parking charges, section 46-14.012 only requires a private parking operator to file its written dispute resolution procedures with the Public Works Department and to obtain the Public Works Department's approval of the parking operator's administrative hearing process. Section 46-14.012 of the ordinance does not require the County to hold hearings or contract with independent hearing officers. The current ordinance already requires private parking operators to register with the Public Works Department. The ordinance also makes minor changes to section 46-14.008, which governs signs, and section 46-14.010, which governs notices. The ordinance also adds section 46-14.020, which authorizes private parking operators to tow vehicles under specified circumstances.

### CONSEQUENCE OF NEGATIVE ACTION:

Not approving this ordinance would maintain the County's involvement in disputes between privately owned off-street parking facilities and people who contest parking charges.

## ATTACHMENTS

Private parking facilities amend ord