



Sept 1, 2022

Honorable Michael T. Smyth, Presiding Judge
San Diego County Superior Court
550 West C Street, Suite 860
San Diego, CA 92101

Re: Response from the City of Carlsbad to Grand Jury Report

The City of Carlsbad has received the San Diego County Grand Jury Report dated June 23, 2022, titled "Low Income Parking Citation Payment Plan – Compliance with Vehicle Code §40220 Legislative Requirement."

The City of Carlsbad has reviewed the report, its findings and recommendations and offers the following responses.

Findings

Finding #1: Of the agencies interviewed, a majority are both issuing agency and processing agency. Although CVC 40220 language often refers to a "processing agency," compliance requirements are logically presumed to apply to both issuing and processing agencies.

Response: As the finding relates to the City of Carlsbad, the city did not locate any language in Vehicle Code Section 40200, or the surrounding Vehicle Code provisions, indicating the legislature intended "issuing agency" and "processing agency" to be synonymous for purposes of interpreting the respective responsibilities of an issuing agency and a processing agency. However, the city notes Vehicle Code Section 40200.6 generally requires the issuing agency to exercise effective oversight of the processing agency.

Finding #2: During our investigation, the Grand Jury found, of the 24 issuing agencies' written parking citation notices we solicited and inspected, these 11 municipalities, the San Diego County Sheriff's contracted city services, plus five San Diego County community colleges were not compliant with AB 503 or AB 3277 amended CVC 40220 requirements: **Carlsbad**, Chula Vista, Del Mar, Encinitas, Escondido, Imperial Beach, Lemon Grove, National City, Oceanside, Poway, San Marcos, San Diego County Sheriff's Contracted Services, Grossmont-Cuyamaca

Office of the City Manager

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College, MiraCosta College, Palomar College, San Diego Community College, Southwestern College.

Response: As the finding relates to the City of Carlsbad, the city's written parking citation notices complied with Vehicle Code Section 40220 as May 2022.

Finding #3: The Grand Jury considered agency parking citation notices with an AB 503 version of CVC 40220, which does notify violators of the availability of a payment plan, to be partially complaint. During our review, these eight agencies had partially compliant citations: Coronado, El Cajon, La Mesa, San Diego County, San Diego City Regional, Santee, Solana Beach, Vista.

Response: This finding does not relate to the City of Carlsbad.

Finding #4: During our investigation, the Grand Jury found some agencies already had AB 3277 fully complaint webpages, or AB 503 partially compliant webpages. They are: Chula Vista, El Cajon, Encinitas, Escondido, La Mesa, Poway, San Diego City, San Diego County Sheriff, San Marcos, Vista.

Response: This finding does not relate to the City of Carlsbad.

Finding #5: Website compliance revisions can be measured in real time. As of May 10, 2022, the Grand Jury found that these previously non-compliant agency websites are now CVC 40220 compliant: **Carlsbad**, Coronado, Del Mar, Imperial Beach, National City, Oceanside, Santee.

Response: As the finding relates to the City of Carlsbad, the city agrees with the finding.

Finding #6: Contracting a processing/collection service does not excuse a public issuing or processing agency from CVC 40200 compliance requirements. The Grand Jury found these public agency websites had no informational payment plan webpages or verbiage. And/or their linked contracting vendor's main/landing webpage did not have CVC 40220 information, or the information was not "readily accessible in a prominent location." Therefore, as of May 10, 2022, these agencies were not compliant: Lemon Grove, Solana Beach.

Response: This finding does not relate to the City of Carlsbad.

Finding #7: Four of the five community colleges interviewed by the Grand Jury did not adopt their own payment plan policy – but used CVC 40220 (1)(A) to (C). As of May 10, 2022, the Grand Jury found that these previously non-compliant websites are now compliant: Grossmont-Cuyamaca Community College, MiraCosta Community College, Palomar Community College, Southwestern Community College.

Response: This finding does not relate to the City of Carlsbad.

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Finding #8: Community colleges that adopt their own parking citation payment plan policy must consider this compliance requirement, CVC 40220 (1)(D)(i)(III), "Each California State University and community college district campus shall post the parking citation payment policy on its internet website for students' awareness and access," With only one sentence on one webpage, with no parking citation payment policy postings, or any additional information or weblinks, the Grand Jury finds this website non-compliant: San Diego Community College District – San Diego City College.

Response: This finding does not relate to the City of Carlsbad.

Response to Recommendation

The Grand Jury report makes the following recommendation.

The 2021/2022 San Diego County Grand Jury recommends the City Manager for the cities of **Carlsbad**, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Marcos, Solana Beach and Vista:

Recommendation 22-49: Revise their parking citation notices to be CVC 40220 compliant with the most recent AB 3277 amendment.

Response: The City of Carlsbad has implemented the Grand Jury's recommendation. A copy of the updated parking citation notice is enclosed.

Thank you for the opportunity to respond to the Grand Jury report.

Sincerely,



Scott Chadwick
City Manager

Enclosure: Amended City of Carlsbad Parking Violation Notice

Cc: San Diego County Board of Supervisors

CITY OF CARLSBAD
PARKING VIOLATION
NOTICE

CB 309301

DATE _____ TIME _____ DMV CODE _____
 LICENSE _____ STATE _____ EXP _____
 MAKE _____ MOD _____
 VIN _____ COLOR _____

LOCATION	THIS VEHICLE IS ILLEGALLY PARKED IN VIOLATION OF THE FOLLOWING STATUTE	FINE IF PAID WITHIN 14 DAYS
1	10.40.010(a) MC 72 HOUR PARKING	\$68.00
2	10.40.015(a) MC PARKING PROHIBITED OF UNATTACHED TRAILERS OR SEMI TRAILER	\$50.00
3	10.40.130 MC NO PARKING 0900-0500	\$50.00
4	10.40.055 MC NO PARKING WHERE POSTED	\$50.00
5	10.40.150(b) MC NO PARKING STREET SWEEPING	\$50.00
6	4000(a) (1) CVC UNREGISTERED VEHICLE	\$63.00
7	5204(a) CVC TABS	\$38.00
8	21113(a) CVC PARKING ON PUBLIC GROUNDS	\$38.00
9	21211(b) CVC PARK/CONSTRUCT BIKE LANE	\$50.00
10	22500 () (A)H, (A)O CVC RESTRICTED PARKING	\$38.00
11	22500(i) CVC OBSTRUCTING WHEEL CHAIR ACCESSIBILITY TO SIDEWALK	\$343.00
12	22500.1 CVC FIRE LANE	\$50.00
13	22502(b) CVC PARKED MORE THAN 18 INCHES FROM RIGHT CURB	\$38.00
14	22607 (B) () CVC HANDICAPPED PARKING	\$343.00
15	22514 CVC PARKED WITHIN 15 FT HYDRANT	\$38.00
16	10.40.090(b) MC RED CURB-NO STOPPING, STANDING, PARKING	\$50.00
17	10.40.180(b) MC OVERSIZED VEHICLE	\$50.00
18	OTHER	

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT A COPY OF THIS CITATION WAS ATTACHED TO THE ABOVE DESCRIBED VEHICLE IN ACCORDANCE WITH SECTION 40202 OF THE CALIFORNIA VEHICLE CODE.

OFFICER _____ ID _____

AGENCY _____

REMARKS _____

NOTE: PENALTY FEES ASSESSED FOR DELINQUENT PAYMENT. SEE REVERSE FOR INFORMATION

MAIL CITATION WITH PAYMENT

PAYMENT INFORMATION
 The specific violation and fee amount is indicated on the front of this citation. Payment may be made in one of the following ways:

- PAY BY MAIL.** For your convenience pay BY MAIL using the envelope provided. Payment should be made by check or money order, payable to the CITY OF CARLSBAD. Please enter citation number and vehicle license number on your check. Foreign and two-party checks are not acceptable. PENALTY WILL BE ASSESSED FOR CHECKS NOT HONORED BY YOUR BANK. "CASH IS MAILED AT YOUR OWN RISK."
- PAY IN PERSON:** City of Carlsbad, Finance Department, 1635 Faraday Avenue, Carlsbad CA 92008. Phone Number: 760-602-2403.
- CONTEST OR PAY ONLINE:** www.p1tcket.com/carlsbad
- CONTEST BY MAIL:** Mail correspondence to the City of Carlsbad, P.O. Box 2081, Tustin, CA 92781-2081. Please include the original citation. Keep copies for your records. Originals will not be returned.
- PAYMENT PLAN:** CVC 40220 allows for installment payments to qualifying low-income individuals who apply within 120 days from the issuance of a notice of parking violation, or within 10 days after an administrative hearing determination, whichever is later. For more information, including about applying and determining if you qualify, please call 760-602-2402 or visit our websites, www.carlsbadca.gov or www.p1tcket.com/carlsbad. A payment plan application form will be required.

WARNING

Failure to pay the penalty or contest this citation within TWENTY-ONE (21) calendar days of issuance will cause a PENALTY INCREASE ADDED TO THE ORIGINAL FINE and notification of the Department of Motor Vehicles to REFUSE REGISTRATION of the vehicle until the penalty is paid (4760 CVC). When any vehicle registered in California or a foreign jurisdiction is found on a highway or off-street parking facility, and that vehicle has five (5) or more unpaid parking citations the VEHICLE MAY BE IMPOUNDED 22651(i)(1) CVC.

LICENSE PLATE AND REGISTRATION/TAG VIOLATIONS

Section 5200-5204 or 4000(e)(1) of the California Vehicle Code require evidence of violation correction and vehicle inspection before payment can be accepted. A photocopy of your registration is not sufficient proof of registration. If validation and payment are received within 21 calendar days of issuance, the fine shall be reduced to \$10.00. Do not mail payment unless the CERTIFICATE OF CORRECTION section below is completed by a police agency or DMV authorized representative.

OFFICE HOURS: 8:00 a.m. to 5:00 p.m., Monday thru Friday
 Closed Saturday, Sunday and Holidays
 For information, Phone 1-800-553-4412
 or contact the issuing agency.

Section Violated	Authorized Signature	I.D. No.	Agency	Date