



City of Imperial Beach, California

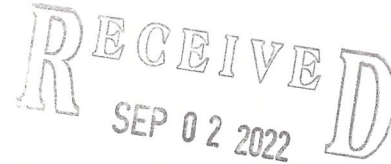
OFFICE OF THE CITY MANAGER

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August 31, 2022

The Honorable Michael T. Smyth
Presiding Judge of the Superior Court
San Diego Central Courthouse
1100 Union Street, Tenth Floor
San Diego, CA 92101



Dear Judge Smyth:

Response to San Diego County Grand Jury Report: "Low Income Parking Citation Payment Plan Compliance with Vehicle Code §40220 Legislative Requirements"

CITY OF IMPERIAL BEACH

The City of Imperial Beach has reviewed the San Diego County Grand Jury report on *Low Income Parking Citation Payment Plan – Compliance with Vehicle Code §40220 Legislative Requirements* released on June 23, 2022. The report includes a number of findings and recommendations for local government and law enforcement agencies. In accordance with State law, please accept the following responses to the findings in the report that are applicable to the City of Imperial Beach.

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: The City of Imperial Beach concurs with both **Finding 1 and Recommendation 22-49**. The City has reviewed the physical citation form and the information on the City's website to ensure information about the low-income payment plan is clear and accessible. The information includes the language contemplated in CVC 40220 (1) (A) (ii).

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.

Response: The Imperial Beach citation forms and the City's website have been updated to reflect the higher plan limit of \$500 and the deadline has been extended to 120 days from issuance of the citation.

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 compliant. During our review, these eight agencies had partially compliant citations:

Response: This finding was not applicable to the City of Imperial Beach.



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Finding 4: During our investigation, the Grand Jury found some agencies already had AB 3277 fully compliant webpages, or AB 503 partially compliant webpages.

Response: This finding was not applicable to the City of Imperial Beach.

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:

- Imperial Beach (references to other cities removed)

Response: The City of Imperial Beach concurs with this finding and the website has been appropriately and properly updated to be CVC 40220 compliant.

Finding 6: Contracting a processing/collection service does not excuse a public issuing or processing agency from CVC 40220 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."

Response: This finding was not applicable to the City of Imperial Beach.

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.


Response: This finding was not applicable to the City of Imperial Beach.

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:

Response: This finding was not applicable to the City of Imperial Beach.

The City of Imperial Beach appreciates the work, findings and recommendations of the San Diego County Grand Jury on this important matter.

Sincerely,


Andy Hall, AICP
Imperial Beach City Manager