

Subject: FW: May 20, 2013 Council Meeting- objection to proposed 2014 South Lake Avenue Parking Place Commission ("SLPPC") annual budget

From: Scott Carlson <swcarl@pacbell.net>
Date: May 16, 2013, 9:04:18 PM PDT
To: Mark Jomsky <mjomsky@cityofpasadena.net>
Cc: <smermell@cityofpasadena.net>, <fdock@cityofpasadena.net>, Gina Tleel <slba@southlakeavenue.org>, John Howe <john68@pacbell.net>, Richard McDonald <rmcdonald@hrbc.com>
Subject: **May 20, 2013 Council Meeting- objection to proposed 2014 South Lake Avenue Parking Place Commission ("SLPPC") annual budget**

Mark

Please deliver the below email to the Mayor and Councilmembers for the May 20, 2013 City Council meeting:

Dear Mayor Bogaard and Councilmembers:

I represent the South Lake Business Association ("SLBA"). It is my understanding that the Department of Finance or Transportation ("DOT") has submitted to the City Council a proposed annual budget for the South Lake Parking Place Commission ("SLPPC") that has not been adopted or approved by the SLPPC.

As you know, the SLBA has a significant interest in the SLPCC budget and improvements in the area. In particular, the SLBA has made significant efforts to facilitate the Streetscape Plan and was the driving force to create the parking meter district (on-street) to provide additional funding to the CIP fund that covers the costs of those endeavors. The SLBA, therefore, has an interest in ensuring that revenues from the parking district are used for improvements in the South Lake business area and not diverted to other uses.

We understand that the proposed Capital and Improvement budget appropriates \$407,000 from the SLPPC revenues from the parking lots and the on-street meters. This amount appears to be significantly higher than actual costs, and to be designed to cover other revenue shortfalls. Further, the budget has been prepared by the DOT without approval from the SLPCC, which has control of the operation and management of the parking.

The SLBA objects to the submission and approval by the City Council of an SLPCC budget prepared by the DOT because it violates the California Streets and Highway Code, the Pasadena Ordinance which governs the SLPCC, and the Rules and Regulations for the SLPCC which were approved by the City.

The SLPPC was created pursuant to, and is ultimately governed by, the provisions of the Streets and Highways Code. Under those provisions, SLPPC manages and controls the parking spaces, including the appointment of employees of the City. Section 31779 of the Code provides that "the board of commissioners shall have possession and complete charge, supervision and control of all parking places...". Section 31780 further provides that "the board shall operate, manage, and control the parking places and make and enforce all necessary regulations for their use." Section 31785 provides "the board shall appoint in the same manner as other city employees are selected, such employees as it deems necessary."

These statutory provisions are carried through in the Municipal Code ordinance concerning the SLPPC. Section 2.103.110 provides - Purpose and functions.

- A. The purpose of the commission is to operate, manage and control the parking places within the district, and make and enforce all necessary regulations for the maintenance and operation of the district.
- B. The commission shall:
 1. Have possession and complete charge, supervision and control of all parking places acquired or constructed for the use or benefit of the South Lake Avenue parking place district;
 2. Appoint in the same manner as other city employees are selected, such employees as it deems necessary. The city council shall determine the number of such employees and their salaries;
 3. Take appropriate steps to operate and maintain the South Lake parking place district;
 4. As of January 1, 2008, recommend to the city council the priority expenditures of net revenues from parking meters in the South Lake parking meter zone for street and parking related expenditures which regulate and control traffic and parking within that parking meter zone and its surrounding area, as set forth in Section 10.45.090 of this code.

Finally, the City has adopted Rules and Regulations for the SLPPC that provide that the Commission shall "manage the District independently of the Board of Directors, except for annual budget approval by the Board of Directors, appeals to the Board concerning a Commission decision, and such other direction as the Board may provide from time to time."

Under this clear framework, the SLPPC is responsible for managing the parking district, including the recommendation of a budget to the Council. The DOT does not have this authority, yet is purporting to allocate SLPPC revenues to DOT determined personnel and budget items. The SLPPC, not the DOT, has specific authority over the appointment of employees.

The SLBA is concerned that the DOT and the City are not properly allocating costs to the SLPPC budget and that SLPPC revenues that should be used for improvements within the SLBA district are being improperly diverted to other City projects or uses. The SLBA objects to the proposed DOT budget, and demands that the Council not act on the pending budget, but only on one that is submitted with the approval of the SLPPC.

Scott W. Carlson
Carlson & Nicholas, LLP
301 E. Colorado Boulevard, Suite 320
Pasadena, CA 91101

telephone (626) 796-6161
facsimile (626) 796-0593
email swcarl@pacbell.net

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