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CITY COUNCIL 2024

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RE: Roles and Authority of the South San Francisco Parking Place Commission
TO: South San Francisco Public Works Department
FROM: Sky Woodruff, City Attorney
Claire Lai, Assistant City Attorney
Schuyler Schwartz, Assistant City Attorney

Overview

South San Francisco is structured as a Council-Manager form of government. Under this format, City Council sets policy and some actions are reserved to the City Council under State law and Municipal Code. The City Manager manages the day-to-day operations of the City, hires all employees (except Treasurer, City Clerk, and City Attorney), and exercises “general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city.” (SSF MC 2.36.040(m).) The provisions of the Streets & Highways Code that govern parking place commissions generally were enacted by the State legislature prior to the reorganization of the City under the Council-Manager form of government. When analyzing the role of the Commission, any references in State law to the Commission having authority to control public property or staff have to be interpreted in the context of the Council-Manager form of government. It is also important to consider factors such as the ownership of property and history of financing the acquisition of property.

The Parking Place Commission (PPC) was established in South San Francisco in 1976 under Chapter 2.64 of the Muni Code. The Commission is authorized to exercise the powers set forth under the state parking district law (Streets & Highways Code 35550 et seq.). Under state law, the Commission is created specifically for the administration of a parking district, and its task is specifically regarding operation of parking places within such parking district, such as the ability to fix parking or rental fees. The Commission is not authorized to conduct any business beyond the operation of public parking facilities. (Streets & Highways Code 35570). The Commission is not otherwise an entity with independent power to tax, transact, or approve other agreements on the City’s behalf.

Any authority conferred upon the Commission under state law must be viewed in the context of operating facilities in the parking district, which is to fulfill the sole purpose of having

sufficient parking spaces and funding them. For instance, the statute does say that the “parking places acquired” are under the jurisdiction and control of the commission, and the commission shall operate, manage, and control the spaces and enforce rules for their use. However, the premise for this authority is that the City has used bond proceeds of the parking district to acquire or improve parking facilities and establishes the Commission to manage these facilities in furtherance of the district. Given this context, the authority created by state law likely is not a general power that would override the City’s ability to lease property as a landowner, even if it results a minor loss of parking spaces.

Questions

The City Attorney’s office received questions on the following topics.

Does the PPC control revenue from parking tickets?

No, parking ticket revenue goes to the City’s General Fund. Although tickets are issued for violations of parking restrictions, which result in a loss of parking revenue, other City departments incur the costs of enforcement, particularly the Police Department. Streets & Highways Code 35560 states that “the commission shall fix such rentals, fees, or charges for the use of parking places under its control as will produce revenue.” The enumerated role of the PPC does not include issues of tickets for parking violations. Ticket revenue contributes to the General Fund, which is controlled by City Council.

Is it necessary for PPC to approve removal of parking meters?

No, if the City removed a parking place, then it is no longer under the Parking Place Commission’s jurisdiction. Streets & Highways Code 3559 specifies that “the commission shall operate, manage, and control the parking places and make and enforce all necessary rules for their use.” The PPC does not have the jurisdiction to approve or deny the removal of parking places within the parking district because the City maintains property ownership rights to control City property.

Should PPC receive compensation for lost revenue from parklets?

PPC’s powers are limited to operation, management, and control of parking places per the Streets & Highways Code 35568. The PPC does not have the explicit right to approve or deny changes to the number of parking places, which are located on property owned and controlled by the City. Therefore, the City is not obligated to reimburse the PPC for parking place reductions because the City maintains the right to manage City property.

However, City Council could choose to create a program for parklets that would require businesses to apply for permits and pay fees for use of the property. The City Council would have the option to designate a portion of the funds to go towards the Parking Place Commission for use of parking spaces within the parking district.

Does the PPC have to give input on downtown development that affects parking?

No, the PPC only has control over “the parking places acquired” by the district. As noted above, the acquiring of parking place with reference to the Parking Place Commission is referencing

specifically to those within and by the district (Streets & Highways Code 35550, 35558). Therefore, potential future development or loss of parking is not within the jurisdiction of the PPC. The PPC only operates currently owned parking places. Streets & Highways Code 35570 clarifies that “the commission or any operator shall not conduct any business other than that of the operation of public parking facilities on any parking place of the district.”

Does PPC jurisdiction overlap with PBIDs?

Likely not. Unless PBIDs are funded through revenue from parking places within SSF, PPC and PBIDs have separate powers. PPC is designated only to manage currently owned parking places within the parking district.

Can the City use revenue from parking meters to install additional BigBelly garbage cans within the parking district?

Yes. Funding for BigBelly garbage cans is part of the operation of the parking spaces because the cans reduce the amount of trash left in parking spaces. This benefits the PPC because first, it reduces the costs of cleaning the spaces, which save the district money, and second, it enhances the experience of parking, which increases demand and revenue.

Should PPC be involved in staff hiring?

No, hiring of staff required for the proper operation, management, and control of the parking places acquired and constructed should be consistent with other city employees. Streets & Highways Code 35564 establishes that “the number of such employees and their salaries shall be determined by the legislative body unless, by ordinance, which may be adopted or repealed at any time, the power to make such determination is granted to the board. Any salary or wage so fixed shall in each instance be at least equal to the prevailing salary or wage for the same quality of services rendered to private persons, firms or corporations in the city under similar employment, in case such prevailing salary or wage can be ascertained.” Therefore, PPC does not need to be involved in staff hiring positions because that would not be consistent with other city employee hiring protocol.

Who owns Miller Parking Garage?

Miller Parking Garage is a City owned garage. The PPC manages the parking places within the parking garage and rates because they are within the jurisdiction of the district. However, the City maintains all property rights, such as the right to enter into a lease with a third party, because property rights decisions are beyond parking district administration and thus not within the purview of the Commission.