

File No. 110984

Committee Item No. 2

Board Item No. 7

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 24, 2011

Board of Supervisors Meeting Date November 8, 2011

### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Municipal Transportation Agency Resolution No. 11-074</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
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Completed by: Alisa Miller Date October 14, 2011

Completed by: Alisa Miller Date October 25, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

[Transportation Code - Residential Parking Permit Application Penalties]

Ordinance amending the San Francisco Transportation Code Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 7 of the San Francisco Transportation Code is hereby amended by amending Section 7.2.50, to read as follows:

**SEC. 7.2. - INFRACTIONS.**

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

**SEC. 7.2.50. DISPLAYING FRAUDULENT PARKING PERMIT OR SUBMITTING FALSE, MISLEADING OR FRAUDULENT INFORMATION ON A RESIDENTIAL PARKING PERMIT APPLICATION.**

(a) To use or display a facsimile or counterfeit Parking Permit;

1            (b) To knowingly make any false, misleading, or fraudulent statement or representation on any  
2 application for, or request for renewal of, any Residential Parking Permit issued by the Municipal  
3 Transportation Agency pursuant to Section 905. In addition to any penalty set forth in Section 302, the  
4 Municipal Transportation Agency may impose administrative penalties pursuant to Section 314.

5            Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by  
6 adding Section 7.3.11, to read as follows:

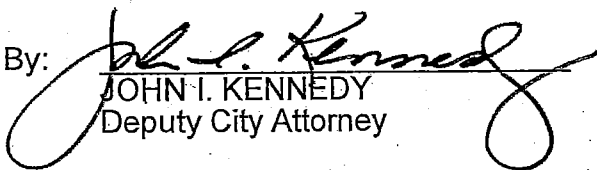
7 **SEC. 7.3. - MISDEMEANORS.**

8            Except as may be authorized in Division II of this Code, the following actions are  
9 prohibited, and each and every violation of the prohibitions listed in this Subsection 7.3 shall  
10 be a misdemeanor; provided however, that, the charge may be reduced to an infraction in  
11 discretion of the Court, or the citation issued may be issued for the violation as an infraction in  
12 the discretion of the issuing officer.

13 **SEC. 7.3.11. FALSE STATEMENTS ON RESIDENTIAL PARKING PERMIT APPLICATION.**

14            For any person to knowingly make any false, misleading, or fraudulent statement or  
15 representation on any application for, or request for renewal of, any Residential Parking Permit issued  
16 by the Municipal Transportation Agency pursuant to Section 905.

17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By:   
20 JOHN I. KENNEDY  
21 Deputy City Attorney

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ABC

Edwin M. Lee | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Leona Bridges | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

Bruce Oka | Director


Joél Ramos | Director

Debra A. Johnson | Acting Executive Director/CEO

**MEMORANDUM**

DATE: July 22, 2011

TO: Honorable Members of the San Francisco Board of Supervisors

FROM: Debra A. Johnson   
Acting Executive Director/CEO

SUBJECT: Ordinance establishing penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit Application

The San Francisco Municipal Transportation Agency (SFMTA) recommends that the San Francisco Board of Supervisors amend the San Francisco Transportation Code, Division I, by amending Article 1, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit application.

**BACKGROUND**

The SFMTA recommends that the San Francisco Board of Supervisors consider an ordinance amending Division I of the Transportation Code to authorize new administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit application. This new prohibition would prohibit "any person to knowingly make any false, misleading or fraudulent statement or representation on any application for, or request for renewal of, any Residential Parking Permit issued by the Municipal Transportation Agency pursuant to Section 905." Violators would be subject to either administrative penalties imposed by the SFMTA, or a misdemeanor criminal action. Proposed administrative penalties (to be approved by the SFMTA Board of Directors at a later date by an amendment of Division II of the Transportation Code should the Division I changes be approved) would impose a penalty of up to \$500 for each offense. Section 902(g) already provides that the Executive Director/CEO is authorized to revoke any Residential Parking Permit issued in violation of Section 905 which includes Childcare Permit requirements.

**LEGISLATION REQUIRED****Division I – San Francisco Board of Supervisors**

Authorize the SFMTA Board of Directors to establish penalties for providing false or misleading information on an application for a Residential Parking Permit.

Division II – SFMTA Board of Directors

Establish the penalties and administrative review and appeal process for violations.

**FUNDING IMPACT**

The adoption of these regulations is not expected to have fiscal impact.

**RECOMMENDATION**

The SFMTA recommends the San Francisco Board of Supervisors amend the San Francisco Transportation Code, Division I, by amending Article 1, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit application.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 11-074

WHEREAS, Multiple modifications to the Transportation Code, Division II are required to properly assess and enforce certain policies approved by the SFMTA Board of Directors as described below; and,

WHEREAS, The SFMTA Board of Directors discussed modifications to the existing Residential Parking Permit regulations to clarify the conditions under which childcare workers could obtain a permit; and,

WHEREAS, The SFMTA also identified the need to add administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on Residential Parking Permit applications; and,

WHEREAS, Authorizing the imposition of such Residential Parking Permit application penalties requires modifications to Division I of the Transportation Code, which is under the purview of the San Francisco Board of Supervisors; and,

WHEREAS, Existing disabled parking fines can only be applied to violations made by vehicles that are parked in or near blue zone parking spaces; and,

WHEREAS, Pursuant to Section 10 of the SFMTA Rules of Order and Charter Section 16.112, a duly noticed public hearing concerning the proposed disabled parking fine increases was conducted on June 7, 2011; and,

WHEREAS, The Department of City Planning has determined that the proposed disabled parking fine increases, as itemized in the attached Exhibit 2, are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(3) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 because the increases will be used to meet operating expenses including employee wage rates and fringe benefits, or to purchase or lease supplies, equipment, or materials; and

WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA and is incorporated herein by this reference; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves amending San Francisco Transportation Code, Division II, by amending Sections 303 and 905 to establish disabled parking fines, clarify the procedures for designating Residential Permit Parking areas, correct code references, and establish a petition procedure for

the issuance of additional Residential Parking Permits for Childcare Providers, and be it further

RESOLVED, That the SFMTA Board of Directors recommends that the San Francisco Board of Supervisors approve an amendment to Division I of the Transportation Code to authorize administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit application.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of JUN 07 2011

R. Boomer

Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
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BY: RB

