

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (revised February 23, 2022). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to mlinden@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and to download the Zoom application.

Malibu City Council
Administration and Finance Subcommittee
Special Meeting Agenda
(to be held during COVID-19 emergency)

Monday, March 7, 2021

12:00 P.M.

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT
[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)

Councilmember Mikke Pierson
Councilmember Steve Uhring

Call to Order

Roll Call

Approval of Agenda

Report on Posting of the Agenda – March 3, 2022

1. Presentations

None.

2. Old Business

None.

3. New Business

A. Approval of Minutes – January 12, 2022

Recommended Action: Approve the minutes for the Administration and Finance Subcommittee Special meeting of January 12, 2022.

Staff Contact: Interim Assistant City Manager Quinto, 456-2489, ext. 224

B. Parking Citation Fines

Recommended Action: 1) Review the Public Safety Commission recommendation for increasing parking citation fines; and 2) Provide a recommendation to the City Council.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

C. Oversized Vehicle Citation Fine

Recommended Action: 1) Review the Public Safety Commission recommendation to establish a fine for violations of Malibu Municipal Code (MMC) Section 10.18.030 (Oversized Vehicles), and 2) Provide a recommendation to the City Council.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

Adjournment

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Special meeting agendas may be amended up to 24 hours in advance of the meeting. Dated this 3rd day of March 2022, at 4:00 p.m.



Mary Linden, Executive Assistant



Administration and Finance Subcommittee Agenda Report

Administration &
Finance Subcommittee
Special Meeting
03-07-22

Item 3.A.

To: Councilmember Pierson and Councilmember Uhring

Prepared by: Mary Linden, Executive Assistant

Reviewed by: Ruth F. Quinto, CPA, Interim Assistant City Manager/City Treasurer

Approved by: Steve McClary, Interim City Manager

Date prepared: March 1, 2022 Meeting date: March 7, 2022

Subject: Approval of Minutes – January 12, 2022

RECOMMENDED ACTION: Approve the minutes for the Administration and Finance Subcommittee Special meeting of January 12, 2022.

DISCUSSION: Staff has prepared draft minutes for the Administration and Finance Subcommittee Special meeting of January 12, 2022, and hereby submits the minutes to the Subcommittee for approval.

ATTACHMENTS: Draft Minutes for the January 12, 2022 Administration and Finance Subcommittee Special meeting

MINUTES
MALIBU ADMINISTRATION & FINANCE SUBCOMMITTEE
SPECIAL MEETING
JANUARY 12, 2022
TELECONFERENCED - VARIOUS LOCATIONS
2:00 P.M.

The following meeting was held pursuant to AB 361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Councilmember Pierson called the meeting to order at 2:00 p.m.

ROLL CALL

The following persons were recorded in attendance:

PRESENT: Councilmember Mikke Pierson and Councilmember Steve Uhring

ALSO PRESENT: Interim City Manager Steve McClary; Assistant City Manager Lisa Soghor; Renée Neermann, Finance Manager; Ruth Quinto, City Treasurer/Interim Assistant City Manager; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Susan Dueñas; Public Safety Manager; Richard Mollica, Planning Director; Elizabeth Shavelson, Assistant to the City Manager; Kelsey Pettijohn, City Clerk; Patricia Salazar, Senior Administrative Analyst; Mark Johnson, Environmental Programs Coordinator; Parker Davis, Media Technician; and Mary Linden, Executive Assistant

APPROVAL OF AGENDA

MOTION Councilmember Uhring moved, and Councilmember Pierson seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on January 10, 2022.

ITEM 1 PRESENTATIONS

None.

ITEM 2 OLD BUSINESS

None.

ITEM 3 NEW BUSINESS

A. Approval of Minutes – October 26, 2021

Recommended Action: Approve the minutes for the Administration and Finance Subcommittee Special meeting of October 26, 2021.

Executive Assistant Linden noted that the minutes would be corrected to remove the reference to a motion for Item No. 3.D. and would instead reference that the item was received and filed.

MOTION Councilmember Uhring moved and Councilmember Pierson seconded a motion to approve the minutes for the Administration and Finance Subcommittee Special meeting of October 26, 2021, with corrections. The question was called, and the motion carried unanimously.

B. Fiscal Year 2021-2022 Second Quarter Financial Report and Mid-Year Budget Amendments

Recommended Action: 1) Review Fiscal Year 2021-2022 Second Quarter financial information; and 2) Provide a recommendation to the City Council regarding Fiscal Year 2021-2022 mid-year budget amendments.

Assistant City Manager Soghor presented the report. She discussed the impacts of COVID-19 on the budget. She stated recovery by restaurants, the City's main source of sales tax revenue, had greatly exceeded expectations. She stated staff projections remain conservative.

In response to Councilmember Uhring, Assistant to the City Manager Shavelson reported there were currently 236 active short-term rental permits in the City.

Assistant City Manager Soghor stated revenue projections increased \$5.6 million. She stated Department Heads remained conservative with their budgets.

In response to Councilmember Uhring, Assistant City Manager Soghor explained the increase in Code Enforcement fees was the result of fines imposed for violations. Planning Director Mollica stated those revenues were projected to increase an additional 10 percent over the remainder of the fiscal year.

Interim City Manager McClary stated he agreed with Assistant City Manager Soghor about taking a conservative approach to budget projections. He discussed trends expected throughout California in coming years.

Assistant City Manager Soghor discussed additional operational costs expected for the new Sheriff station to be located on the Santa Monica College Malibu campus. She stated the County would incur a small portion of the cost, but most would be

borne by the City. She stated preliminary discussions with the Sheriff's Department indicated it would be an additional \$3.7 million to \$4 million per year. She stated that cost would be included beginning with the budget for Fiscal Year 2022-2023 or Fiscal Year 2023-2024, depending on when the station opened.

Councilmember Uhring asked if the College would benefit from the new station and should share in the cost. Assistant City Manager Soghor stated the college paid for the construction and did not normally contract with the Sheriff's Department.

Assistant City Manager Soghor discussed proposed mid-year General Fund expenditure changes totaling approximately \$690,000.

Councilmember Uhring requested that a more complete projected cost for separation from the school district be presented to the City Council. Assistant to the City Manager Shavelson stated currently projected costs were for the remainder of Fiscal Year 2021-2022. Assistant City Manager Soghor confirmed that figure did not include mediation cost.

Assistant City Manager Soghor discussed reasons for and the cost of additional staff proposed for the remainder of the fiscal year. She stated the use of American Rescue Plan Act (ARPA) for permitting software was allowed under the US Treasury Department's announcement last week. She discussed the cost of the equipment and contract staff to manage the procurement and implementation.

Councilmember Uhring suggested the City ensure the software would be applicable at least five years out. Assistant City Manager Soghor stated the software being considered would accomplish that and took into account the possibility of staff working remotely.

Assistant City Manager Soghor requested the Subcommittee authorize bringing an item back to discuss funding required for both the equipment and the consultant. She discussed requests from Commissions to add funding to their work plans. She stated those funds could not be added without authorization from the Council. She stated staff could not recommend adding to the work plan at this time, in part due to recent losses of significant staff in many departments.

Lotte Cherin congratulated Assistant City Manager Soghor on her new venture. She discussed requests from the Malibu Arts Commission to be added to its work plan, including funding for an artist in residence program, part-time professional arts consultant, and exploration of a Malibu arts center. She suggested the City take advantage of Interim City Manager McClary's experience in establishing an arts center.

Barry Haldeman was not available at the time of the hearing.

Councilmember Uhring requested Ms. Cherin provide a proposal for the requested additions. Councilmember Pierson agreed and suggested a representative from the Malibu Arts Commission provide the report at an upcoming City Council meeting.

Councilmember Uhring thanked Assistant City Manager Soghor for her hard work and wished her well in her new job.

Assistant City Manager Soghor stated budget corrections for Federal Emergency Management Agency (FEMA) projects in the expenditure report under Disaster Capital Improvement Projects would be included when the budget report was presented to the City Council.

MOTION Councilmember Uhring moved, and Councilmember Pierson seconded a motion to: 1) Receive and file the Fiscal Year 2021-2022 Second Quarter financial information; and 2) Provide a recommendation to the City Council to approve the Fiscal Year 2021-2022 mid-year budget amendments and approve the use of American Rescue Plan Act (ARPA) funds for procurement and implementation of permitting software.

In response to Councilmember Pierson, Assistant City Manager Soghor confirmed the City's reserves were now back to 2018 levels prior to the land acquisitions, the Woolsey Fire, and COVID-19 pandemic.

City Treasurer/Interim Assistant City Manager Quinto stated an undesignated reserve should be set by the local conditions of the municipality. She stated she wanted to investigate similarly-challenged communities to see their established reserve policy for both undesignated reserve, as well as additional reserves for stability after disasters or fluctuations in revenue sources.

In response to Councilmember Pierson, Community Services Director Bobbett discussed how adding to the Malibu Arts Commission work plan would impact department staff. He discussed the progression of the Commission over recent years. He stated the Commission understands that staffing dictates what can be accomplished. He stated additional staff would be necessary, even if a consultant was contracted.

The question was called, and the motion carried unanimously.

Councilmember Uhring requested investigation into additional revenue sources continue and be brought back to the Subcommittee for consideration.

Assistant City Manager Soghor stated Assistant to the City Manager Shavelson was working on that. She stated it would be important to check with the City Clerk about timing required for putting any recommendations on the ballot.

- C. City of Malibu Administrative Guideline No. 3.6.8 - Bonus Pay
Recommended Action: 1) Review Administrative Guideline No. 3.6.8 – Bonus Pay; 2) Provide a recommendation to the City Council on revising Administrative Guideline No. 3.6.8 to include Certified Public Accountant (CPA); Certified Public Finance Officer (CPFO); and Society for Human Resources Management Senior Certified Professional designations.

Assistant City Manager Soghor presented the report.

Councilmember Uhring stated it was important to recognize staff for these achievements and acknowledge their benefit to the City.

Councilmember Pierson agreed with Councilmember Uhring. He stated it was a good incentive for retaining qualified staff.

MOTION Councilmember Uhring moved, and Councilmember Pierson seconded a motion to provide a recommendation to the City Council that it approve revising Administrative Guideline No. 3.6.8 to include Certified Public Accountant (CPA); Certified Public Finance Officer (CPFO); and Society for Human Resources Management Senior Certified Professional designations. The question was called, and the motion carried unanimously.

The Councilmembers thanked Assistant City Manager Soghor for her years of dedicated service to the City and wished her well in the future.

ADJOURNMENT

MOTION At 3:43 p.m., Councilmember Uhring moved, and Councilmember Pierson seconded a motion to adjourn the meeting. The question was called, and the motion carried unanimously.

Approved and adopted by the Administration and Finance Subcommittee of the City of Malibu on _____.

MIKKE PIERSON, Councilmember

ATTEST:

MARY LINDEN, Executive Assistant



Administration and Finance Subcommittee Agenda Report

To: Councilmember Pierson and Councilmember Uhring

Prepared by: Susan Dueñas, Public Safety Manager

Reviewed by: Ruth F. Quinto, CPA, Interim Assistant City Manager/City Treasurer

Approved by: Steve McClary, Interim City Manager

Date prepared: March 1, 2022 Meeting date: March 7, 2022

Subject: Parking Citation Fines

RECOMMENDED ACTION: 1) Review the Public Safety Commission recommendation for increasing parking citation fines; and 2) Provide a recommendation to the City Council.

FISCAL IMPACT: In Fiscal Year 2020-2021, the City received approximately \$1.367 million in revenue from parking citations. Staff is working with the City’s citation processing vendor to develop an updated projection as the parking citation revenue is anticipated to increase moderately as a result of this action; however, an estimate is not available at this time.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On November 3, 2021, the Public Safety Commission performed its annual review of the parking citation fine schedule. At that meeting, the Commission voted to recommend that the City Council increase the fines for the following codes:

Violation	LA County Code	California Vehicle Code	Current Fine	Proposed Fine
No front/rear license plate		5200	\$38.00	\$58.00
Incorrect registration on car		4462 (B)	\$38.00	\$58.00
Mutilated/illegal license plate		4457	\$38.00	\$58.00

Violation	LA County Code	California Vehicle Code	Current Fine	Proposed Fine
Position of plates		5201	\$38.00	\$58.00
Plates clearly visible		5201 (A)	\$38.00	\$58.00
Parallel parking / 18 inches from curb		22502	\$58.00	\$98.00
Parallel parking /18 inches from curb	15.64.230		\$48.00	\$98.00
Park 18in from curb/wrong direction		22502 (A)	\$58.00	\$98.00
Parking on sidewalk		22500 (F)	\$73.00	\$150.00
Disconnected trailer	15.64.100		\$53.00	\$150.00
Bicycle lanes/unauthorized parking	15.52.040		\$48.00	\$150.00
Fire Hydrants		22513	\$68.00	\$150.00
Fire lane		22500.1	\$68.00	\$150.00
Obstruct roadway/lane	15.64.300		\$53.00	\$150.00

Six of the violations were called out for substantial increases to \$150 due to their prevalence and public safety impact.

However, when Public Safety staff subsequently notified Finance staff of the proposed increases to the codes listed in the table above, concerns were raised including the following:

- The City typically aims to be consistent with the Las Virgenes Parking Authority (LVPA), and these recommended increases were not consistent with LVPA
- California Vehicle Code Section 40203.5.(a) stipulates: “To the extent possible, issuing agencies within the same county shall standardize parking penalties.”
- Fines that are too high and perceived as disproportionate to the offense have a greater chance of being appealed
- Citation appeals incur additional staff and contractor costs

In addition, it was pointed out that higher fines do not guarantee better compliance, particularly with visitors to the City. If compliance is the goal, public education through better signage is suggested as a more efficient deterrent.

It is also important to note that in July 2020, the 9th Circuit Court of Appeals affirmed in the case *Pimentel vs. City of Los Angeles* that parking tickets and fines must comply with the U.S. Constitution Eighth Amendment’s ban on “excessive fines.” The *Pimentel vs. City of Los Angeles* case was regarding a \$63 parking meter fine. To determine whether the fine was “grossly disproportional” to the offense, the court looked at four factors:

- 1) The nature and extent of the underlying offense
- 2) Whether the underlying offense related to other illegal activities
- 3) Whether other penalties may be imposed for the offense
- 4) The extent of the harm caused by the offense

Although the Court ultimately ruled that the \$63 fine was reasonable, the four factors used to determine the decision provided a valuable guide.

On January 5, 2022, the Commission's recommended parking citation fine increases were brought back to the Commission for second review. Staff recommended that the Commission consider input from the City's Finance Manager and apply the four factors used in the *Pimentel vs. City of Los Angeles* 9th Circuit Court of Appeals case to determine if the recommended fine increases should be adjusted. After a thorough discussion, the Commission voted to re-affirm its recommendation to the City Council citing safety concerns related to each of the violations.

Staff recognizes the challenge in balancing the need to protect public safety and the need to avoid appeals. Therefore, staff recommends that the Administrative and Finance Subcommittee carefully consider the public safety interest and the potential impacts on staff and appeals, then provide a recommendation to the City Council to adopt the fines as stated or adjust them as appropriate.

ATTACHMENTS: Parking Fine Comparison Chart

Parking Fine Comparison

Description	State Vehicle Code	County Code
Mutilated/illegal license plate	4457	
Incorrect registration on car	4462 (B)	
No front/rear license plate	5200	
Position of plates	5201	
Plates clearly visible	5201 (A)	
License place covered	5201 (C)(D)	
Parking on sidewalk	22500 (F)	
Fire Lane	22500.1	
Parallel parking and 18 inches from curb	22502	15.64.230
Park 18in from curb/wrong direction	22502 (A)	
Fire Hydrants	22514	
Disconnected Trailer		15.64.100
Bicycle lane/unauthorized parking	21211 (B)	15.52.040
Obstruct roadway/lane		15.64.300

												21211 (B)			
CITY	4457	4462 (B)	5200	5201	5201 (A)	5201 (C)(D)	22500.1	22500 (F)	22502	22502 (A)	22514	15.52.040	15.64.100	15.64.230	15.64.300
Malibu (Current)	\$ 38.00	\$ 38.00	\$ 38.00	\$ 38.00	\$ 38.00	\$ 38.00	\$ 68.00	\$ 73.00	\$ 58.00	\$ 58.00	\$ 68.00	\$ 48.00	\$ 53.00	\$ 48.00	\$ 53.00
Malibu (Requested)	\$ 58.00	\$ 58.00	\$ 58.00	\$ 58.00	\$ 58.00	\$ 58.00	\$ 150.00	\$ 150.00	\$ 98.00	\$ 98.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 98.00	\$ 150.00
LVPA	\$ 30.00	\$ 38.00	\$ 30.00	\$ 38.00		\$ 38.00	\$ 68.00	\$ 53.00		\$ 53.00	\$ 68.00	\$ 48.00	\$ 53.00	\$ 48.00	\$ 53.00
Santa Monica			\$ 25.00	\$ 25.00			\$ 63.00	\$ 68.00	\$ 63.00	\$ 63.00	\$ 68.00	\$ 93.00			
Monterey							\$ 157.00	\$ 48.00		\$ 48.00	\$ 125.00			\$ 125.00	
Ventura			\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 72.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 72.00	\$ 40.00	\$ 40.00
Newport Beach	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00		\$ 61.00	\$ 61.00	\$ 61.00	\$ 46.00	\$ 61.00	\$ 61.00
Manhattan Beach			\$ 53.00	\$ 53.00			\$ 111.00	\$ 53.00		\$ 53.00	\$ 53.00		\$ 149.00		



Administration and Finance Subcommittee Agenda Report

To: Councilmember Pierson and Councilmember Uhring

Prepared by: Susan Dueñas, Public Safety Manager

Reviewed by: Ruth F. Quinto, CPA, Interim Assistant City Manager/City Treasurer

Approved by: Steve McClary, Interim City Manager

Date prepared: March 1, 2022 Meeting date: March 7, 2022

Subject: Oversized Vehicle Citation Fine

RECOMMENDED ACTION: 1) Review the Public Safety Commission recommendation to establish a fine for violations of Malibu Municipal Code (MMC) Section 10.18.030 (Oversized Vehicles), and 2) Provide a recommendation to the City Council.

FISCAL IMPACT: In Fiscal Year 2020-2021, the City received approximately \$1.367 million in revenue from parking citations. Staff is working with the City's citation processing vendor to develop an updated projection as the parking citation revenue is anticipated to increase moderately as a result of this action. However, an estimate is not available at this time.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On November 3, 2021, the Public Safety Commission performed its annual review of the parking citation fine schedule. In addition to reviewing the existing fine schedule, the Commission also voted to recommend that the City Council establish a fine schedule for violations of Malibu Municipal Code (MMC) Section 10.18.030 (Oversized Vehicles) as follows:

- 1) A fine not exceeding \$100 for a first violation;
- 2) A fine not exceeding \$200 for a second violation within one year; and
- 3) A fine not exceeding \$500 for each additional violation within one year; noting

that a continuation of any violation of this chapter on successive days constitutes a separate offense for each day during any portion of which such violation has occurred.

On December 11, 2017, the City Council adopted Ordinance No. 427, the Oversize Vehicle Ordinance, which implemented parking restrictions for commercial oversize vehicles and trailers, and noncommercial oversize vehicles and trailers citywide. In order to implement the Ordinance, a Coastal Development Permit (CDP) was required. On January 19, 2021, the Planning Commission adopted a resolution approving a CDP to install the associated regulatory signage at the City's boundaries.

Adoption of Ordinance 427 also modified MMC Section 1.10.040 to include Chapter 10.18 as subject to administrative fines. However, according to MMC 1.10.050 (Fines), the administrative fine must be "set out in the penalty schedule for administrative fines as adopted by resolution of the city council," which has not been done.

The Los Angeles County Sheriff's Department and the Volunteers on Patrol have been enforcing the ordinance but, because there are currently no fines associated with MMC 10.18.030, they typically use Los Angeles County Code 15.20.070 for failing to obey signs, such as a red curb or parking in a "no parking any time" zone.

Therefore, staff recommends that a fine schedule be established for MMC Section 10.18.030 (Oversized Vehicles) as recommended by the Public Safety Commission.

ATTACHMENTS: None.