

i. Parking District Powers

The District can designate all or any portion of its geographic area to comprise a parking district or any number of parking districts, as long as they do not overlap. (Sts. & Hy Code §§ 35107, 35108(a), 3511.) Powers include:

- “The acquisition of land, property, and rights of way necessary or convenient for use as public parking places for the parking of motor vehicles and for the opening, widening, straightening, or extending of streets, alleys, lanes, or walks necessary or convenient for ingress to or egress from any parking place.” [Section 35108(b)]
- “The improvement of any acquired land by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes.” [Section 35108(c)]
- “The improvement by grading, paving, draining, lighting, or otherwise of any parking place and any streets, alleys, lanes, or walks necessary or convenient for ingress to and egress from parking places.” [Section 35108(d)]
- “The issuance, sale, and payment of bonds for any or all of the foregoing purposes, and the levy and collection of *ad valorem* assessments upon real property within the district for the payment of all or a portion of the principal and interest of the bonds.” [Section 35108(e)]
- “The administration, maintenance, and operation of parking places acquired under this part.” [Section 35108(f)]
- “The fixing and collection of rentals, fees, and charges for the use of parking places and the use of moneys derived from the rentals, fees, and charges.” [Section 35108(g)]
- The “acquisition and improvement of the public parking places and public ways for ingress to and egress therefrom; the allocation and pledge of any revenues . . . derived from parking meters on public ways within the district to any of the purposes specified in [the Parking District Law], and the making of covenants and agreements with the bondholders to install and maintain such meters.” [Section 35108(h)]
- The acquisition of property “by gift [or] purchase, ~~or eminent domain.~~” [Section 35108(j)] **NOTE:** The District is prohibited from exercise the power of eminent domain under Government Code section 61250(j).
- “The doing of all acts and things necessary or convenient for the accomplishment of the purposes of this part.” [Section 35108(k)]

The District will be required to establish a Parking Place Commission (“Commission”) once an acquisition of parking spaces has occurred; it can appoint a Commission prior to that, in its discretion. (Sts. & Hy Code § 35550.) The Commission is comprised of three (3) members who must be “a resident and qualified elector” of the District. (Sts. & Hy Code § 35551.) Members are appointed by the General Manager, and confirmed by the Board of Directors. (Sts. & Hy Code § 35553.) Commissioners have three-year terms of office; after establishment of the initial Commission, the Commissioners must categorize themselves by lot to establish staggered terms. (Sts. & Hy Code § 35554.) Commissioners “shall be persons of business experience and ability, to the end that the affairs of the district shall be administered in the interests of the district.” (Sts. & Hy Code § 35556.) Commissioners can be removed by a majority of property owners in the district, with no discretion on the part of the Board of Directors, but the Board of Directors appoint the replacement; the removed Commissioner is disqualified for one (1) year thereafter. (Sts. & Hy Code § 35557.) The Commission has jurisdiction and control over the parking places acquired by the district, with the power to “operate, manage, and control the parking places and make and enforce all necessary rules for their use.” ((Sts. & Hy Code §§ 35558, 35559.) The Commission may “fix, regulate, and collect rentals, fees, and other charges for the use of parking places under its control,” including different rates for difference classes of customers, but must proceed as a public hearing. (Sts. & Hy Code § 35560.) Property owners may receive “preferential rates, charges, or rentals for themselves, their tenants, and the classes of persons who call upon or do business with them—if the money used to fund the district is secured by or assessed against their property. (Sts. & Hy Code § 35561.)

All employees required “for the proper operation, management, and control” of the parking district must be District employees, with salaries and benefits determined by the Board of Directors, but at a minimum at prevailing wages for the same class of service. (Sts. & Hy Code § 35564.)

The Commission may contract out the operations of any/all parking places. (Sts. & Hy Code § 35568.) Maximum fees by a contractor must be set via public hearing, and must be included in the contract; increases cannot be adopted unless also submitted to a public hearing. (Sts. & Hy Code § 35569.)

After establishment of the parking district, but before creation of the Commission, the Board of Directors can lease out public parking places to private property owners, in order to produce revenue in the intervening time. (Sts. & Hy Code § 35572.)