

CITY OF ALAMEDA RESOLUTION NO. ____

APPOINTING MICHAEL ROUSH AS A QUALIFIED EXAMINER TO
CONDUCT ADMINISTRATIVE HEARINGS FOR PARKING
VIOLATIONS IN ACCORDANCE WITH THE CALIFORNIA VEHICLE
CODE

WHEREAS, the City is responsible for the management of on-street parking, curbside space, and multiple parking lot and structured parking facilities; and

WHEREAS, over the past decade, the City Council has adopted a variety of plans, policies, and goals to address transportation and parking management. Achieving many of these goals requires a well-designed and consistently operated parking enforcement program; and

WHEREAS, California Vehicle Code Section 40215 allows for persons cited for a parking violation to contest a parking citation, provided the citation was issued in error and, if the person cited is dissatisfied with the results of this first level review, which is typically conducted by the Parking Program Manager, the person cited may request an administrative hearing, or second level review, of the violation; and

WHEREAS, Administrative hearings must be conducted by qualified examiners who meet criteria and training requirements mandated by the State of California. In order to be objective and fair, qualified examiners may not be employed, or managed, or controlled by individuals whose primary duties involve parking enforcement or parking citation, processing, collection, or issuance parking enforcement or citation processes, ensuring the objectivity and fairness of the hearings. The examiner must also be separate and independent from the citation, collection, or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits may not, directly or indirectly, be linked to the amount of fines collected by the examiner; and

WHEREAS, a qualified examiner must also have a minimum of 20 hours of training. Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, parking enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication; and

WHEREAS, upon the approval of the City Council, the CVC allows up to 12 hours of relevant experience to be substituted for 12 hours of training and the remaining eight hours of training requirements may be credited to an individual, at the discretion of the City Council, based upon training programs or courses that the individual has attended within the last five years; and

WHEREAS, Michael Roush, in addition to being a part time attorney with the Alameda City Attorney's Office, has provided hearing officer services for many cities throughout California, including Oakland (building code and illegal dumping of trash

violations), Antioch (rent control), East Palo Alto (rent control) and Newark (fireworks violations); has served as a Judge pro temp in the Superior Court of Alameda County (for which extensive training was required); has far more than 12 hours of relevant experience as a hearing officer, including conducting hearings, evaluating evidence, ensuring due process for all parties and issuing decisions based on applicable law; has received training to qualify as a judge pro temp (although this has not been in the last five years); and is not employed, managed, or controlled by individuals whose primary duties involve parking enforcement or parking citation, processing, collection, or issuance, thereby ensuring his independence as an impartial hearing officer concerning parking citations. Mr. Roush is also separate and independent from the citation, collection, or processing function. Mr. Roush's continued employment, performance evaluation, compensation, and benefits are not, directly or indirectly, linked to the amount of fines collected by the City.

NOW, THEREFORE, the City Council of the City of Alameda resolves as follows:

Section 1. Michael Roush is hereby appointed as a Qualified Examiner to conduct administrative hearings concerning contested parking citations.

Section 2. This Resolution is effective immediately upon its passage and adoption.

* * * * *

I, the undersigned hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of May 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Alameda this 21st day of May 2025.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda