

September 7, 2010

I've been speaking at council meetings for an entire year now, to raise awareness of the many problems with the street-sweeping parking restrictions. It's been difficult coming up here again and again, when it's clear that this council majority doesn't care about these problems. And the last council meeting reached an all-time low, when during Matters from the Audience I asked for an update on the exemption process and I was completely ignored by the City Manager (and the City Council seemed to be okay with this, since they did not direct him to respond when he chose to make "no comment"). On top of that, I read a council member's recent blog that referred to residents like me as the "dark side" of Brea. Really? If you identify those whose opinions differ from your own as the enemy, then how are we supposed to work together? If Brea RESIDENTS are viewed as the "dark side," then how in the world is the city council majority going to work WITH residents for the betterment of the community? These ongoing demonstrations of contempt for the residents of Brea show just how broken the current city council is, and, in my opinion, calls into question their agenda. What is MY agenda? I am working for the residents of Brea, who were never asked for input as this resolution was designed and implemented, and who are now being treated unfairly by an unfair program. I've never even gotten a parking ticket, so no matter how I am treated, I'll continue to stand up for those who are being taken advantage.

Let me share with you a few more parking ticket appeals. And I'd like to point out in advance that even with Brea's new exemption process, none of these poor drivers could possibly have avoided ticketing.

"I am contesting this citation for the reason that the posted sign for street sweeping is located too far from the site of violation, we had to look for the sign and found it about 100 yards away on the opposite side of the street, facing west not [toward] on-coming traffic, making it very hard to see by drivers, it doesn't even seem to apply to the area where my employee was parked and cited." (appeal denied)

"Upon receiving the ticket we did a thorough search for signs together, and the nearest sign we DID eventually find was not visible from the house – it is 1/3 of a mile away and facing the opposite direction of the house....I believe it is reasonable to assume that an adequate number of signs in the area would make it clear to guests of the city of Brea when these street sweepings take place." (appeal denied)

Do you think these people might be exaggerating? Take a look at this picture of a Brea neighborhood. The ONLY street-sweeping sign for this street, Grand Canyon which cuts across, is posted further up this hill. Any visitor coming from Brea Canyon who turns left or right onto Grand Canyon, would have never even passed this sign.

One appeal quoted the relevant CA vehicle code (section 22507.6) and wrote, "It is unconscionable and certainly NOT the 'uniform standard' for the city of Brea to post one sign on an adjacent street and allege that it is meant to incorporate all streets that can be accessed from that street. Date [Street] goes through, has streets enter it from all directions. Nobody is going to be looking at every sign on every corner enroute to their destination, nor expect it to apply to a different street. Such a posting does not adequately give the public notice of the parking restriction nor comply with the 'uniform standards' as used by other cities throughout California. In my city of Seal Beach and all the other cities surrounding me, the street sweeping signs are located on EACH street, with several signs per block. THAT is the uniform standard." (appeal denied)

There are literally hundreds of letters like these and they got me thinking...why is it that Brea can just post a few random signs here and there, and then enforce those signs well beyond their jurisdiction?! This sign reads, "No Parking, Monday 8-12." How can this sign possibly be applied to anything other than the one street on which it is posted? If a sign is meant to apply to an entire tract, do you know how it is supposed to read? "No Parking. This tract." Where did I get this example of proper signage? I traveled all the way to La Habra...you can find them in Whittier too. As usual, Brea didn't do any research and cut corners, and I believe they acted unconstitutionally in doing so. The term "due process" means that a citizen is protected from being unfairly treated by the government. For example, due process protects us from being prosecuted for breaking a law that we don't know exists. I've obtained a legal opinion that Brea's street-sweeping signage indeed violates the due process of those who park in Brea, and I am asking the City Attorney to investigate this matter. In the meantime, I think the city council should suspend all ticketing until this legal question is resolved. If ticketing continues with the current, inadequate and possibly illegal signage, then I would expect a class-action suit might follow, to return the \$38 for every citation issued from the beginning, since the ticketing has been done in violation of the drivers' due process all along. In order to make this enforcement program a legal one, the City of Brea may have to invest tens of thousands of dollars to install proper signage, and I'm afraid that our little town of Brea needs to look like a big, beach city with street signs on every corner if we want to ticket parked cars like they do.