Title: Amend Admin Penalty re Parking Cite Fee

Subject: Adoption of a Resolution Amending the Administrative Penalty Schedule to Update Parking Violation Penalties to Implement a State Mandated Surcharge Identified in Senate Bill 857

From: City Manager

Lead Department: Police

Recommendation
Staff recommends Council adopt the attached resolution amending the Administrative Penalty Schedule for certain violations of the Palo Alto Municipal Code and California Vehicle Code to add $3 to each violation to account for the new surcharge required by Senate Bill 857.

Background
In 2002, the Trial Court Facilities Act established the State Court Facilities Construction Fund. Over the years since, the State has continued to add a number of additional penalty surcharges to each parking violation. The current State assessment is as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>CGC</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Courthouse Construction Fund</td>
<td>76100</td>
<td>$2.50</td>
</tr>
<tr>
<td>County Criminal Justice Facilities Construction Fund</td>
<td>76101</td>
<td>$2.50</td>
</tr>
<tr>
<td>Immediate and Critical Needs Account of State Court Facilities Construction Fund</td>
<td>70372</td>
<td>$3.00</td>
</tr>
<tr>
<td>State Court Facilities Construction Fund</td>
<td>70372</td>
<td>$1.50</td>
</tr>
</tbody>
</table>

Pre-SB 857 Total $9.50

Prior to the passage of Senate Bill 857, $9.50 of each parking citation was transmitted to the County Treasurer, who in turn transmitted the State portion to the California Treasurer.
In order to address the continued funding shortages of the court system, last year the State increased various court fees, including filing fees and penalty assessments. Senate Bill 857 (Budget and Fiscal Review Committee, Stats. 2010, ch. 720), the judiciary budget trailer bill, enacted Government Code 76000.3, which imposes an added penalty of $3 per parking violation. Supplemental fees collected pursuant to these provisions will be deposited to the Trial Court Trust Fund.

The additional $3 penalty will be distributed as follows:

<table>
<thead>
<tr>
<th>State Trial Court Construction Fund</th>
<th>76000.3 CGC</th>
<th>$3.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total- all state assessments</td>
<td></td>
<td>$12.50</td>
</tr>
</tbody>
</table>

Section 76000.3 provided the surcharge be effective 60 days after the enactment of the 2010 Budget Act. The Budget Act was signed on October 8, 2010, and the parking penalty surcharge was imposed on December 7, 2010. Therefore, currently $12.50 of each parking penalty is transmitted to the County Treasurer, who in turn transmits the State portion to the State Treasurer.

**Discussion**

Parking penalties are approved as part of the City’s Administrative Penalty Schedule (Resolution No. 9015). In past years the City of Palo Alto has increased parking fines in line with the additional penalties imposed by the State on parking violations, and the amounts set forth in the Penalty Schedule currently include the $9.50 state surcharge. Staff recommends amending that schedule to add $3.00 to all parking violations of the Palo Alto Municipal Code, including section 10.28.110(a) enacted for violations in the College Terrace Residential Parking Permit area, and California Vehicle Code to account for the new mandatory surcharge imposed by the Senate Bill 857 and allow the City to remain revenue neutral in the area of parking citations.

At this time, SB 857 will sunset on July 1, 2013 unless extended.

**Resource Impact**

SB 857 adds a $3 parking penalty surcharge for each offense where a parking penalty is imposed. This charge is not accounted for in the City’s Administrative Penalty Schedule because it was approved by the Legislature after the City adopted the most recent update to the Penalty Schedule. It affects all citations issued by the City after December 7, 2010. The City of Palo Alto issues approximately 50,000 parking citations per year. Failure to approve the resolution will result in a potential general fund loss of revenue in the amount of approximately $150,000 if the new surcharge is not added to the existing penalty schedule.
Policy Implications
This procedure is consistent with existing City policies.

Attachments:
- RESO SB 857 Parking Increase (DOC)

Prepared By: Barbara Teixeira, Administrative Assistant
Department Head: Dennis Burns, Police Chief
City Manager Approval: James Keene, City Manager
Resolution No. ______
Resolution of the Council of the City of Palo Alto Amending the Administrative Penalty Schedule to Update Parking Violation Penalties to Implement a State Mandated Surcharge Identified in Senate Bill 857

WHEREAS, California Vehicle Code Section 40200 et seq. authorizes cities to impose and collect civil fines and penalties for violations of any regulation pertaining to the standing or parking of a vehicle; and

WHEREAS, civil parking penalties in the City of Palo Alto (“City”) are adopted as part of the Administrative Penalty Schedule (last updated in Resolution No. 9105); and

WHEREAS, Senate Bill 857 (2010) added section 76000.3 to the California Government Code, requiring cities to remit an additional three dollars ($3.00) per parking penalty, fine, or forfeiture as a surcharge for civil parking citations; and

WHEREAS, the City desires to update the parking penalties in the Administrative Penalty Schedule to add $3.00 per parking violation in order to offset the SB 857 surcharge.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Resolution 9105 is hereby amended to add an additional three dollars ($3.00) per penalty for Palo Alto Municipal Code section 10.28.110 and each parking offense listed in Sections 2 (Municipal Code Civil Penalties) and 3 (Vehicle Code Civil Penalties) of said resolution.
SECTION 2. The Council finds that adoption of this resolution is not a project under the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED:

AYES:
NOES:
ABSENT:
ABSTENTIONS:
ATTEST:

__________________________ ______________________________
City Clerk Mayor

APPROVED AS TO FORM: APPROVED:

______________________________
Sr. Deputy City Attorney City Manager

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Police Chief

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Director of Administrative Services