

REPORT TO CITY COUNCIL

DATE: JANUARY 26, 2011

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER

SUBJECT: APPROVAL OF RESOLUTION NO. 11-1608 APPROVING AN UPDATED AND AMENDED SCHEDULE OF PARKING PENALTIES AND RESCINDING RESOLUTION NO. 93-840

When the passage of AB 408 occurred in 1993, the responsibility of processing parking citations was transferred from the court systems to cities, effective January 1, 1994. In 1995, the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village formed the Las Virgenes Parking Administration (LVPA). Also, at that time, the LVPA contracted with Turbo Data Systems (TDS) to provide all services related to the issuance of parking citations, including: in-state and out-of-state citation processing, monthly reporting, issuance of all required notices and letters, DMV registration holds and releases, payment collection, and administrative adjudication services. Calabasas serves as the lead agency and receives an administrative fee from the LVPA for providing payment to each City on a quarterly basis and coordinating the monthly hearing officer appointments.

Two Senate Bills to fund trial court operations have passed, requiring cities that process parking violations to increase the share of parking citation revenues that must be paid to the Los Angeles County Court System. Senate Bill 1407 became effective January 1, 2009, and the increase was \$4.50; Senate Bill 857 became effective December 7, 2010, and the increase is \$3.00. These increased fees may be included in the penalty imposed for the parking violation; if not, it must be paid from funds that would otherwise be retained by the City. Unless subsequent legislation or budget proposals are passed, these provisions will sunset on July 1, 2013.

According to the Lost Hill Sheriff Station, the existence of separate fine schedules imposed by cities it serves, creates operational issues creating confusion for parking personnel. The confusion can create errors which result in increased administrative work for the Station, as well as the processing company. There is also the confusion that can be created for the public.

To avoid paying the \$7.50 increase from revenue received from parking citations, it is recommended that the City increase fines for parking violations to cover this increased cost. It is recommended that the total increase be \$8.00 as the Department of Motor Vehicles, which places "holds" on car registration renewals for unpaid parking tickets, will not process amounts not stated in even dollars. The last increase in parking violation penalties was in 1993. The attached penalty schedule reflects an increase of \$8.00 to our current schedule and is consistent in terms of amounts with the court bail schedule currently used. It should be noted that the Cities of Calabasas and Westlake Village have already approved the new parking penalty schedule, and the City of Hidden Hills is currently working on this as well.

The City Attorney has advised that Proposition 26, which creates new standards for many types of local government fees, has an explicit exception for fines and penalties. Accordingly, no issues arise under Proposition 26 with respect to these proposed increases.

RECOMMENDATION

Staff respectfully recommends the City Council approve Resolution No. 11-1608, Approving an Updated and Amended Schedule of Parking Penalties and rescinding Resolution No. 93-840

Attachment: Resolution No. 11-1608

RESOLUTION NO. 11-1608

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN UPDATED AND AMENDED SCHEDULE OF PARKING PENALTIES AND RESCINDING RESOLUTION NO. 93-840

WHEREAS, Section 40203.5(a) of the California Vehicle Code requires municipalities to establish a schedule of penalties for parking violations and late payments; and

WHEREAS, under California law, municipalities are also required to collect and pass through for subsequent deposit into various state and county funds, certain surcharges and fees, which are added to the base penalty, fine, or forfeiture imposed; and

WHEREAS, Government Code Section 70372(b) requires that the City impose a State Court Construction penalty, to be remitted to the County treasurer for subsequent deposit into a State Court facilities fund; and

WHEREAS, during the 2009 legislative session the California Legislature enacted Senate Bill 1407 (effective January 1, 2009), which established a surcharge amount of four dollars and fifty cents (\$4.50) for the State Court Construction penalty established under Government Code Section 70372(b); and

WHEREAS, during the 2010 legislative session the California Legislature enacted Senate Bill 857 (effective December 7, 2010), which established an additional surcharge amount of three dollars (\$3.00) under Government Code Section 76000.3; and

WHEREAS, the Department of Motor Vehicles requires that amounts it collects upon re-registration of vehicles be stated in even dollar amounts; and

WHEREAS, the City of Agoura Hills has not increased the base penalties for parking citation violations since the adoption of Resolution No. 93-840 on December 15, 1993;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AS FOLLOWS:

Section 1. The City Council of the City of Agoura Hills hereby rescinds Resolution No 93-840, along with all penalty schedules attached thereto.

Section 2. Pursuant to California Vehicle Code Section 40203.5, the schedule set forth in Exhibit A, and attached hereto and incorporated herein by reference, is hereby adopted as the official Base and Late Fine Schedule for Parking Violations.

Section 3. This resolution shall become effective immediately upon its passage and adoption, except that the penalties set forth in the official Base and Late Fine Schedule for

Parking Violations shall take effect as soon as citations are printed, giving notice of the new fine amounts.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution as required by law.

PASSED, APPROVED, AND ADOPTED this 26th day of January 2011, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

**CALIFORNIA VEHICLE CODE
PARKING PENALTY SCHEDULE**

Exhibit A

CODE SECTION	DESCRIPTION	CURRENT PENALTY	PROPOSED PENALTY	LATE PENALTY	ADMIN FEE	TOTAL PENALTY & FEE
4000a	REGISTRATION REQUIRED	55.00	63.00	50.00	15.00	138.00
4152.5	FAILURE TO APPLY FOR REGISTRATION	30.00	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
4454(a)	REGISTRATION CARD	30.00	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
4457	MUTILATED/ILLEGAL LICENSE PLATES ¹	30.00	30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
4462(B)	EVIDENCE OF REGISTRATION WRONG VEHICLE ¹	30.00	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
5200	DISPLAY OF LICENSE PLATES ¹	30.00	30.00	25.00	15.00	70.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
5201	POSITION OF PLATES ¹	30.00	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
5201(f)	PLATES CLEARLY VISIBLE	n/a	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	n/a	10.00	5.00	15.00	30.00
5202	PLATES WITHOUT PROPER DISPLAY	30.00	38.00	25.00	15.00	78.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
5204(a)	NO TAGS ¹	65.00	73.00	60.00	15.00	148.00
	WITH PROOF OF CORRECTION ¹	10.00	10.00	5.00	15.00	30.00
21113(a)	UNLAWFUL PARKING - PUBLIC	45.00	53.00	40.00	15.00	108.00
22500(a)	PARKING WITHIN INTERSECTION	45.00	53.00	40.00	15.00	108.00
22500(b)	PARKING ON CROSSWALK	45.00	53.00	40.00	15.00	108.00
22500(c)	PARKING/SAFETY ZONE MARKED WITH SIGN/RED PAINT	45.00	53.00	40.00	15.00	108.00
22500(d)	PARKING FIRE STATION	60.00	68.00	55.00	15.00	138.00
22500(e)	BLOCKING DRIVEWAY	45.00	53.00	40.00	15.00	108.00
22500(f)	PARKING ON SIDEWALK	45.00	53.00	40.00	15.00	108.00
22500(g)	PARKING ALONG EXCAVATION	45.00	53.00	40.00	15.00	108.00
22500(h)	DOUBLE PARKING	45.00	53.00	40.00	15.00	108.00

¹ Minimum parking penalty set by the California Vehicle Code Section 40225(c). Pursuant to Section 40225(d), fifty (50%) percent of the base penalty collected for an equipment violation under Section 40225 shall be paid to the State and the remaining portion shall be retained by the City or pursuant to a contract between the City and its processing agency.

**CALIFORNIA VEHICLE CODE
PARKING PENALTY SCHEDULE**

Exhibit A

22500(i)	PARKING IN BUS ZONE ²	255.00	263.00	250.00	15.00	528.00
22500(j)	PARKING IN TUNNEL	45.00	53.00	40.00	15.00	108.00
22500(k)	PARKING ON BRIDGE	45.00	53.00	40.00	15.00	108.00
22500(l)	BLOCKING DISABLED ACCESS RAMP ³	250.00	258.00	245.00	15.00	518.00
22500.1	PARKING IN FIRE LANE	60.00	68.00	55.00	15.00	138.00
22502(a)	PARKING 18" FROM CURB	45.00	53.00	40.00	15.00	108.00
22502(e)	CURB PARKING ONE-WAY ROADWAY	45.00	53.00	40.00	15.00	108.00
22504(a)	UNINCORPORATED AREA PARKING	50.00	58.00	45.00	15.00	118.00
22505(b)	STATE HIGHWAY PARKING	45.00	53.00	40.00	15.00	108.00
22507.8(a)	DISABLED PARKING - NO VISIBLE PLACARD OR PLATE ²	330.00	338.00	325.00	15.00	678.00
22507.8(b)	OBSTRUCTION OF DISABLED PARKING SPACE ²	330.00	338.00	325.00	15.00	678.00
22507.8(c)	PARKING DISABLED CROSS HATCHED BOUNDARY LINES ²	330.00	338.00	325.00	15.00	678.00
22510	PARKING SNOW AREAS, SIGN POSTED	45.00	53.00	40.00	15.00	108.00
22513	TOW CARS - PARKING ON FREEWAY	45.00	53.00	40.00	15.00	108.00
22514	FIRE HYDRANTS, 15 FEET	60.00	68.00	55.00	15.00	138.00
22515	UNATTENDED VEHICLES	45.00	53.00	40.00	15.00	108.00
22516	LOCK DOOR-NO ESCAPE	40.00	48.00	35.00	15.00	98.00
22517	VEHICLE DOOR OPEN TO TRAFFIC	60.00	68.00	55.00	15.00	138.00
22521	PARKING ON RAILROAD TRACKS	35.00	43.00	30.00	15.00	88.00
22522	PARKING NEAR SIDEWALK ACCESS RAMP ²	280.00	288.00	275.00	15.00	578.00
22523(a)(b)	ABANDONMENT PROHIBITED	105.00	113.00	100.00	15.00	228.00
22526	ANTI-GRIDLOCK ACT ³	60.00	68.00	55.00	15.00	138.00
22526/2nd	SECOND OFFENSE ANTI- GRIDLOCK ³	105.00	113.00	100.00	15.00	228.00
22526/3rd	THIRD OFFENSE ANTI-GRIDLOCK ³	255.00	263.00	250.00	15.00	528.00
22951	PARKING LOT-STREET/ALLEY PARKING	40.00	48.00	35.00	15.00	98.00
23333	STOPPING AND PARKING VEHICULAR CROSSING	37.00	45.00	32.00	15.00	92.00
25300(c), (d) and (e)	WARNING DEVICE ON DISABLED OR PARKED VEHICLE	37.00	45.00	32.00	15.00	92.00
27155	FUEL CAP REQUIRED WITH PROOF OF CORRECTION	30.00	38.00	25.00	15.00	78.00
31303	PARKING HAZARDOUS WASTE CARRIERS/RESIDENTIAL DISTRICT	355.00	363.00	350.00	15.00	728.00

² Minimum parking penalty set by California Vehicle Code Section 22523(c).

³ Minimum parking penalty set by California Vehicle Code Section 42001.1.