



MEETING DATE: 3/16/2009

ITEM NO:

4

COUNCIL AGENDA REPORT

DATE: March 9, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Greg Larson".

SUBJECT: ADOPT RESOLUTION AMENDING THE CURRENT FEES AND FINES SCHEDULE TO INCREASE PARKING VIOLATIONS BY \$3.00 TO REFLECT THE JANUARY 1, 2009 STATE MANDATED SURCHARGE FOR PARKING VIOLATIONS.

RECOMMENDATION:

Adopt resolution amending the current fees and fines schedule to increase parking violations by \$3.00 to reflect the January 1, 2009 state mandated surcharge for parking violations.

BACKGROUND:

The Trial Court Facilities Act of 2002 (Government Code Section 70372) establishes the State Court Facilities Construction Fund and provides that monies in that fund may be used to acquire, rehabilitate, construct, or finance court facilities. During the 2008 legislative year, the California State Legislature enacted SB 1407 (Perata), Court Facilities: financing, amending Government Code Section 70372 (b), which requires cities to collect fees on behalf of the state.

DISCUSSION:

With the enactment of Senate Bill 1407, the Town is required to collect an additional \$3.00 penalty for every parking offense where a parking penalty, fine, or forfeiture is imposed in order to fund the State Court Facilities Construction Fund. With this additional state mandated penalty, the amount the Town is required to collect and remit to the county for each parking violation increases from \$1.50 to \$4.50. State law provides that at such time as the responsibility for County courthouse facilities is fully transferred from the County to the Judicial Council, (pursuant to Article 3, commencing with §70321 of Chapter 5.7 of the California Government Code), the additional penalty for the County Courthouse Construction Fund would be reduced to \$1.00. When that occurs, staff would return to the Town Council to revise its parking penalties.

PREPARED BY: Scott R. Seaman
Chief of Police

A handwritten signature in black ink, appearing to read "Scott R. Seaman".

Reviewed by: PS Assistant Town Manager OK Town Attorney
Clerk Administrator GU Finance Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: ADOPT RESOLUTION AMENDING THE CURRENT FEES AND FINES SCHEDULE
TO INCREASE PARKING VIOLATIONS BY \$3.00 TO REFLECT THE JANUARY 1,
2009 STATE MANDATED SURCHARGE FOR PARKING VIOLATIONS.

3/16/2009

The proposed fines contained in Exhibit A of the draft resolution include the \$3.00 surcharge. Amending the fines in the Town's current Fees and Fines schedule, which were adopted pursuant to resolution 2008-016, increases the parking penalties by \$3.00 to add the new state mandated penalty. Since our Parking Enforcement Officers utilize hand held electronic citation writers, the department has the ability to quickly reprogram the citation writers to accommodate the new parking penalty amounts. The parking violation processing center, Enforcement Technology, is familiar with the change in legislation and will update the Town's citation writers.

CONCLUSION:

Staff recommends that Council adopt the resolution increasing the current parking violation fines by \$3.00 each.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

Adoption of the proposed resolution will not result in increased revenue to the Town, in that the fees collected by the Town will be remitted to the County and/or the State for the Court Construction Fund.

ATTACHMENTS:

1. Resolution

RESOLUTION 2009 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE CURRENT FEES AND FINES SCHEDULE TO INCREASE PARKING VIOLATIONS BY \$3.00 TO REFLECT THE JANUARY 1, 2009 STATE MANDATED SURCHARGE FOR PARKING VIOLATIONS.

WHEREAS, State law provides in Vehicle Code section 40203.5 that parking penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued; and

WHEREAS, in 2008 the California State Legislature enacted Senate Bill 1407, Perata, Court facilities: financing, which added a state court construction penalty of four dollars and fifty cents (\$4.50) for every parking offense where a parking penalty, fine, or forfeiture is imposed; and

WHEREAS, pursuant to SB 1407, effective January 1, 2009, the State will collect the \$4.50 penalty for every parking offense in order to finance construction of critical needs State court construction projects; and

WHEREAS, The Town currently collects \$1.50 for each parking violation, and this new law requires that the Town collect an additional \$3.00 to comply with the \$4.50 penalty; and

WHEREAS, it is necessary to amend the Town's current Fees and Fines schedule in order to increase the fines pursuant to the State mandated surcharge by \$3.00 so that the Town does not lose much needed revenues from parking citations.

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town of Los Gatos hereby adopts the amended Fees and Fines schedule for parking violations to include the increased parking fines, as detailed in Exhibit A, attached hereto, and by reference made a part hereof.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 16th day of March, 2009 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

EXHIBIT A

POLICE FEES AND FINES

Town Code Parking Violation Fees

1. 15.40.015 (Overtime Parking)	\$ 38.00
2. 15.40.065 (Vehicle Storage on Street)	\$ 63.00
3. 15.40.070 (Commercial Vehicles in Residential Zones)	\$ 63.00
4. 15.40.075 (For Sale/Non Emergency Repair)	\$ 38.00
5. 15.40.080 (Preferential Parking)	\$ 48.00
6. 15.40.080(b) (Permit Required Area)	\$ 48.00
7. 15.40.080(c) (Fraudulent use of Permit)	\$103.00
8. 15.40.085 (Posted no Parking Special Events)	\$ 38.00
9. 15.40.090 (Parking on Parkway)	\$ 38.00
10. 15.40.095 (Marked Parking Space)	\$ 38.00
11. 15.40.100 (Parking on Grade)	\$ 33.00
12. 15.40.105 (Designated Parking VC22507.8)	\$283.00
13. 15.40.110 (Marked Curb)	\$ 38.00

California Vehicle Code Parking Violation Fees

1. 21113(a) VC (Public Lot Parking in Permit Area)	\$ 18.00
2. 22500(b) VC (On Crosswalk)	\$ 38.00
3. 22500(e) VC (Blocking Driveway)	\$ 38.00
4. 22500(f) VC (On Sidewalk)	\$ 38.00
5. 22500(h) VC (Double Parking)	\$ 38.00
6. 22500(i) VC (In Bus Zone)	\$258.00
7. 22500(l) VC (Blocking Curb Access Ramp)	\$258.00
8. 22500.1 VC (Blocking Fire Lane)	\$ 38.00

EXHIBIT A

POLICE FEES AND FINES

California Vehicle Code Parking Violation Fees – cont'd

9. 22502(a) VC (Parallel 18in.Right Curb)	\$ 38.00
10. 22502(e) VC (One Way within 18in. Left Curb)	\$ 38.00
11. 22507.8(a) VC (Designated Disabled Parking)	\$283.00
12. 22507.8(b) VC(Disabled Space Inaccessible)	\$283.00
13. 22507.8(c)(1-2) VC (On Stall or Cross Hatch Lines)	\$283.00
14. 22514 VC (Within 15ft of Fire Hydrant)	\$ 38.00
15. 22521 VC (Within 7ft of Railroad Track)	\$ 38.00
16. 22522 VC (Within 3ft Sidewalk Access Ramp)	\$283.00
17. 23333 VC (Vehicular Crossing)	\$ 75.00
18. 4000(a) VC (Expired Registration)	\$138.00
Fine if corrected within 21 days of issue date	\$ 13.00
19. 5204(a) VC (No Registration Tabs)	\$ 79.00
Fine if corrected within 21 days of issue date	\$ 13.00
20. 5200 VC (Missing License Plate)	\$ 79.00
Fine if corrected within 21 days of issue date	\$ 13.00