

TO: James L. App, City Manager
FROM: Jim Throop, Director of Administrative Service
SUBJECT: Parking Ticket Increase Due to Additional State Surcharge and Possible County Surcharge
DATE: April 21, 2009

NEEDS:

For the City Council to consider approval of an increase of \$10.00 (ten dollars) in parking fines within the City of Paso Robles due to the mandated increase in State surcharges, and the possible imposition of surcharges by the County.

FACTS:

1. Government Code section 70372 was recently amended to increase the state surcharge on parking fines from \$1.50 to \$4.50. This surcharge is paid monthly to the county treasurer who then transmits the money to the State Controller. The money is used by the state for the construction of state court facilities.
2. In addition, Government Code section 76000 (b) authorizes a county to increase parking fines throughout the county up to an additional \$5.00. These funds are to be used by the county for the construction of courthouse and criminal justice facilities, and a portion is designated for the county's General Fund.
3. San Luis Obispo County is currently in the process of seeking approval from its Board of Supervisors to adopt a resolution to impose the additional fees authorized by GC 76000(b). The increase would likely total \$5.00 (five dollars) per ticket issued.
4. The City issues approximately 1,000 parking tickets each year.
5. Per CVC 9559; in computing any registration or weight fee or penalty imposed by the Vehicle Code, whether on a proration or otherwise, a fraction of a dollar is disregarded, unless it equals or exceeds fifty cents (\$.50), in which case it is treated as one full dollar (\$1.00). Thus, an increase of \$10.00 (ten dollars) (rather than an increase of \$9.50 (nine dollars and fifty cents)) would be required to account for the increased state surcharge of \$4.50 (four dollars and fifty cents), and the possible imposition of a surcharge by the County, likely to total \$5.00 (five dollars). The City would retain fifty cents (\$.50) of the total \$10.00 increase.

ANALYSIS &
CONCLUSION:

State Surcharge: The State of California has increased its surcharge on parking fines. The original \$1.50 surcharge was implemented in 2003, however neither San Luis

Obispo County nor any of the cities within SLO County have collected this surcharge as it was not interpreted to apply within SLO County.

However, the State Administrative Office of the Courts recently determined that all entities in SLO County should have been paying this surcharge.

Discussions are ongoing with local legislative officials to sponsor a bill that would relieve all affected entities from being obligated to make retroactive payments, which for the City total approximately \$10,000, exclusive of interest and fines, for the period between 2003 and the present.

There was confusion over which entities were required to enact the January 1, 2009 increase to the state surcharge. The State Administrative Office of the Courts has stated that all entities will need to deposit \$4.50 for each parking ticket issued from January 1, 2009 and that retroactive payments are required. The estimated amount of the retroactive payment is \$1,500, exclusive of interest and fines, for the period between January 2009 and the present.

County Surcharge: The County of San Luis Obispo is now in the process of seeking approval from its Board of Supervisors to increase parking fines pursuant to GC 76000(b). If the Board of Supervisors adopts a resolution to that effect, parking fines could increase by up to \$5.00 (five dollars). The fee increase would be distributed as follows:

1. Criminal Justice Facilities Fund - \$1.50
2. Courthouse Construction Fund - \$1.50
3. County General Fund - \$2.00

These fees, according to County representatives, may be implemented within the next few months. It is important to have the City's rate structure in place so that the City does not incur any additional obligation for retroactive payments.

FISCAL
IMPACT:

Potential retroactive payments of approximately \$12,000, exclusive of interest and fines, to the State for its parking ticket surcharge. The additional \$0.50 (fifty cents) increase per ticket, that the City would retain, would equate to approximately \$500 per year in new revenue.

OPTIONS:

- a. Adopt Resolution No. 09-xxx authorizing the Chief of Police to implement, collect, and distribute to the proper agencies an additional surcharge of \$10.00 (ten dollars) per parking ticket. This increase would take effect immediately; or
- b. Amend, modify or reject the above option.

RESOLUTION NO. 09-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AND ADOPTING CERTAIN PARKING TICKET SURCHARGES PURSUANT TO STATE LAW

WHEREAS, Government Code section 70372 requires the imposition of a parking ticket surcharge of \$4.50 for each parking ticket issued within the City of Paso Robles; and

WHEREAS, collection of the State's mandated parking ticket surcharge (the "State Surcharge") would begin on April 28, 2009 and distribution of these payments would be made monthly to the County of San Luis Obispo, who in turn would remit such payments to the State Controller; and

WHEREAS, Government Code section 76000(b) authorizes the County of San Luis Obispo to enact a parking ticket surcharge (the "County Surcharge") of up to \$5.00 for each parking ticket issued within the City of Paso Robles; and

WHEREAS, the County Surcharge would only be imposed if it is adopted by the County Board of Supervisors and only in the amount authorized by such adoption, upon official notification by the County to the City of Paso Robles of such adoption; and

WHEREAS, the City of Paso Robles issues approximately 1,000 (one thousand) parking tickets per year, and per California Vehicle Code Section 40203.5, it has the authority to establish parking penalties within its boundaries;

NOW, THEREFORE, BE IT HEREBY RESOLVED, AS FOLLOWS:

Section 1. The City Council of the City of El Paso de Robles does hereby approve and adopt the State Surcharge in the amount of \$4.50 (four dollars and fifty cents) per issued parking ticket Pursuant to California Vehicle Code section 9559, the City may round the State Surcharge amount to the nearest dollar, which is \$5.00. The difference between the amount of the State Surcharge and the amount collected will be retained by the City in its General Fund.

Section 2. The City Council of the City of El Paso de Robles does hereby approve and adopt the County Surcharge of up to \$5.00 (five dollars) per issued parking ticket, subject to the following conditions:

a. Pursuant to Government Code section 76000(b), the San Luis Obispo County Board of Supervisors shall have approved and adopted the County Surcharge, in an amount not to exceed \$5.00 per issued parking ticket; and

b. The County of San Luis Obispo shall have notified the City in writing of

the adoption and amount of the County Surcharge.
Upon the satisfaction of these conditions, City shall begin collecting the County Surcharge, for remittance to the County pursuant to Section 76000.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21 day of April 2009 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Duane Picanco

ATTEST:

Cathy David, Deputy City Clerk