



Council Meeting: April 7, 2009

**SUBJECT: Resolution Amending the Fee Schedule for Public Safety
Parking Penalties**

REPORT IN BRIEF

In January 2009, Senate Bill 1407 (SB 1407) went into effect increasing the state surcharge for parking penalties collected by the state from \$5.00 to \$9.50. Staff is recommending an increase of \$5.00 to the current parking penalties to allow for recovery of this state surcharge. The even dollar amount increase is being requested because parking penalties are traditionally rounded to the nearest dollar. This state surcharge is intended to be used for the support of Court Facilities.

BACKGROUND

The Trial Court Facilities Act of 2002 was instituted to allow for the collection of a state surcharge charged to local jurisdictions on all parking citation revenues collected. The amount of the state surcharge has increased incrementally since its inception. Initially the money was intended to acquire, rehabilitate, construct or finance court facilities. The most recent amendment pursuant to SB 1407, effective January 1, 2009, increases the dollar amount of the state surcharge by \$4.50 and will expand the uses for the funds to include planning, design and/or leasing of facilities as well.

The dollar amount of the parking penalties is set annually in the fee schedule as directed by Section 40203.5 of the California Vehicle Code. The revenue received is deposited into the General Fund.

EXISTING POLICY

The Fiscal Sub-element of the General Plan states that fees should be adjusted at least annually to avoid sharp changes (B.5.2). Section 66016(a) of the California Government Code provides that, prior to approving an increase in an existing fee, the City shall hold at least one public meeting at which time oral or written presentation can be made.

DISCUSSION

Due to the implementation of SB 1407, the amount of revenue received by the City as a result of parking penalties will decrease by as much as approximately \$20,000 if the penalties are not increased to reflect the additional state

surcharge. Staff does not believe it was the intent of the legislators to require that cities absorb the increase in the penalty. Due to the fact that parking penalties are to be collected as civil penalties and are to be set by the local jurisdictions, staff believes this increase is warranted and fair.

FISCAL IMPACT

The impact of this increase to parking penalties is intended to be cost neutral to the City, as this increase will offset the increase to the State surcharge on parking penalties issued. While the recommended increase to the parking penalties is slightly higher than the updated State surcharge to keep the City's parking penalty at an even dollar amount, the estimated impact of this is expected to be minimal. Should Council choose not to adopt the Resolution to amend the fee schedule, there will be a decrease in revenues deposited into the General Fund of approximately \$20,000 based on the anticipated number of citations expected to be processed between the implementation of SB1407 and the end of the fiscal year.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Adopt the Resolution amending the Fee Schedule for Public Safety Parking Penalties.
2. Do not adopt the Resolution amending the Fee Schedule for Public Safety Parking Penalties.

RECOMMENDATION

Staff recommends approval of Alternative 1: Adopt the Resolution amending the Fee Schedule for Public Safety Parking Penalties.

Reviewed by:

Don Johnson, Director, Public Safety

Prepared by: Heather Tannehill, Management Analyst & Jeff Hunter,
A/Lieutenant

Reviewed by:

Mary J Bradley, Director, Finance

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Resolution Amending the Parking Penalties in the Sunnyvale Fee Schedule.
Appendix A: Recommended Fees for Civil Parking Penalties

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING RESOLUTION NO. 319-08, THE CITY'S FEES, RATES AND CHARGES RESOLUTION, PERTAINING TO CIVIL PENALTIES FOR PARKING VIOLATIONS

WHEREAS, on June 10, 2008, the City Council adopted Resolution No. 319-08 fixing and establishing fees, rates, and charges for goods and services provided by the City of Sunnyvale; and

WHEREAS, effective January 2009, the State increased its surcharge to local jurisdictions for parking citation revenues collected and staff has reviewed and recommended an increase of \$5.00 to the City's current civil penalties for parking violations, except for those penalties which are legally limited, to allow for recovery of this increase;

WHEREAS, pursuant to California Government Code section 66016(a), the City Council conducted a duly noticed public hearing on April 7, 2009;

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Section 7.11 of the Master Fee Schedule, entitled "Civil Penalties for Parking Violations," is hereby amended to establish the new schedule of penalties for parking violations, as set forth in Exhibit "A", attached hereto and incorporated herein,
2. All other provisions of Resolution No. 319-08, as amended, shall remain in effect.
3. This resolution shall take effect upon adoption.

Adopted by the City Council at a regular meeting held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

SECTION 7.11 CIVIL PENALTIES FOR PARKING VIOLATIONS

		Fiscal Year 2008/2009	Charge Code	Object Level 3
SMC 9.24.180	Abandoned Car - 72 hours	\$49.00	799583	1503
SMC 10.16.020 (b)	Obedience to Signs or Parking Space Marking	\$49.00	799583	1503
SMC 10.16.030 (c)	Emergency Parking; Street Repair	\$65.00	799583	1503
SMC 10.16.040 (d)	Parking on City Property	\$49.00	799583	1503
SMC 10.16.050 (a)	Parking Prohibited at Certain Locations	\$49.00	799583	1503
SMC 10.16.060	Parking Adjacent to Schools	\$49.00	799583	1503
SMC 10.16.080	Parking Parallel with Curb	\$49.00	799583	1503
SMC 10.16.090	Angle Parking	\$49.00	799583	1503
SMC 10.16.100	Parking on Narrow Streets	\$49.00	799583	1503
SMC 10.16.110	Standing in Parkways Prohibited	\$49.00	799583	1503
SMC 10.16.120	Use of Streets for Storage of Vehicles	\$49.00	799583	1503
SMC 10.16.140	Parking for Certain Purposes	\$65.00	799583	1503
SMC 10.16.150	Parking on Private Property Prohibited	\$49.00	799583	1503
SMC 10.16.160	Commercial Vehicles in Residential District	\$65.00	799583	1503
SMC 10.16.170	Vehicles Transporting Property for Hire	\$49.00	799583	1503
SMC 10.24.010	Parking Prohibited / Certain Streets	\$49.00	799583	1503
SMC 10.24.015	Commercial Vehicle on Certain Streets	\$105.00	799583	1503
SMC 10.24.020	Parking Prohibited / Certain Hours	\$49.00	799583	1503
SMC 10.24.030	Time Limitations	\$49.00	799583	1503
SMC 10.36.040 (b)	Loading Zone / Time Limit	\$49.00	799583	1503
SMC 10.36.050	Loading Zone / Parking Prohibited	\$49.00	799583	1503
SMC 10.36.060	Passenger Zone / Park Restricted	\$49.00	799583	1503
SMC 10.36.065	Disabled Parking	\$305.00	799583	1503
SMC 10.36.070	Parking in Alleys	\$49.00	799583	1503
SMC 10.36.090	Bus Zone / Parking Prohibited	\$260.00	799583	1503
SMC 19.48.260	Parking in Residential Yard	\$49.00	799583	1503

CIVIL PENALTIES FOR PARKING VIOLATIONS (contd.)

CVC 21113(A)	Parked on Public Ground	\$49.00	799583	1503
CVC 21210	Bicycle Parking	\$49.00	799583	1503
CVC 22500(A-H)	Park, Stop, Stand Violation	\$49.00	799583	1503
CVC 22500 (I)	Bus Loading Zone	\$260.00	799583	1503
CVC 22500(J-K)	Park, Stop, Stand Violation	\$49.00	799583	1503
CVC 22500(L)	Block Wheelchair Access Ramp	\$305.00	799583	1503
CVC 22500.1	Parked in a Fire Lane	\$55.00	799583	1503
CVC 22502 (A,E)	Park in Direction of Flow (18" of Curb)	\$49.00	799583	1503
CVC 22505 (B)	Park on State Highway	\$49.00	799583	1503
CVC 22507.8 (A)	Disabled Parking Only	\$305.00	799583	1503
CVC 22507.8 (B)	Block Handicap Space	\$305.00	799583	1503
CVC 22513	Tow Truck Stopping at Accident Scene	\$49.00	799583	1503
CVC 22514	Parking Within 15' of Fire Hydrant	\$56.00	799583	1503
CVC 22515	Unattended Vehicles	\$49.00	799583	1503
CVC 22521	Parking on Railroad Track	\$49.00	799583	1503
CVC 22522	Blocking Handicap Sidewalk Ramp	\$305.00	799583	1503
CVC 22526 (A)	Block Intersection / Gridlock	\$110.00	799583	1503
CVC 22526 (B)	Turning and Blocking Intersection / Gridlock	\$110.00	799583	1503
CVC 22951	Street and Alley Parking	\$49.00	799583	1503
CVC 23333	Park on Vehicular Crossing	\$49.00	799583	1503
CVC 38300	Off Highway Vehicle: Obey Parking Signs	\$49.00	799583	1503
CVC 22511	Zero Emissions Vehicle Parking Only	\$100.00	799583	1503

NOTE: Some of the fees are legally limited so have not been changed to reflect the increased surcharge amount.
(i.e. CVC 22511 - Limited to \$100)