



Council Meeting: November 9, 2010

**SUBJECT: Resolution Amending the FY 2010/2011 Fee Schedule for
Public Safety Parking Penalties**

REPORT IN BRIEF

The Department of Public Safety (DPS) requests a change to the FY 2010/2011 Fee Schedule. The 2010 California Budget Act included a \$3 increase to the existing surcharge on parking citations issued on or after December 7, 2010. The additional \$3 will increase the current surcharge collected by the state from \$9.50 to \$12.50 and will continue to be used to support court facilities.

The Trial Court Facilities Act of 2002 was instituted to allow for the collection of a surcharge on all parking citation revenues collected. The amount of the 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 the 2010 Budget Act (SB 857), effective December 7, 2010, increases the dollar amount of the surcharge by \$3 and will expand the use of the funds to include planning, design, and/or leasing of facilities.

The City Council sets the dollar amount of the parking penalties annually in the fee schedule as directed in the California Vehicle Code, § 40203.5. The revenue received is deposited into the City's General Fund.

EXISTING POLICY

Fiscal Sub-Element

7.1B Revenue Policies

B.5: User Fees

B.5.7. User fees should be adopted by Council resolution and included in the Annual Fee Schedule.

DISCUSSION

The 2010 Budget Act implemented a new \$3 surcharge to all parking violations beginning December 7, 2010. Local jurisdictions are required to pay the

additional surcharge. In general, surcharges on parking penalties assessed by the State are passed through to the violator and collected as civil penalties.

If the new surcharge is not implemented, the amount of revenue received by the City as a result of parking penalties will decrease by approximately \$16,275 because the state will keep an additional \$3 of every parking citation issued. This estimate is based on the City's parking citation statistics from prior years. DPS will issue approximately 9,300 parking citations during FY 2010/2011. An increase of \$3 per citation for the last 7 months of the fiscal year at an average rate of 775 citations per month equates to \$16,275.

FISCAL IMPACT

Should Council choose not to adopt the resolution to amend the FY 2010/2011 Fee Schedule by increasing all parking violation fees by \$3, there could be a decrease in revenues deposited into the City's General Fund of approximately \$16,275. This estimate is based on the anticipated number of parking citations expected to be processed between December 7, 2010 and the end of the fiscal year. Please see "Discussion" section for details.

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: Ann Durkes, Manager

Reviewed by:

Grace Leung, Acting Director of 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. 436-10, THE CITY'S FEES, RATES AND CHARGES RESOLUTION, PERTAINING TO CIVIL PENALTIES FOR PARKING CODE VIOLATIONS

WHEREAS, on June 29, 2010, the City Council adopted Resolution No. 436-10 fixing and establishing fees, rates, and charges for goods and services provided by the City of Sunnyvale; and

WHEREAS, effective December 2010, the State increased its surcharge to local jurisdictions for parking citation revenues collected and staff has reviewed and recommended an increase of \$3.00 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 November 9, 2010;

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. 436-10, 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 _____, 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

Appendix A: Recommended Fees for Civil Parking Penalties

		FY 2010/2011 Approved Fee	FY 2010/2011 Recommended Fee	Charge Code	Object Level 3 & 4	Title (Obj. Lvl. 3)
<u>SECTION 7.11</u>	<u>CIVIL PENALTIES FOR PARKING VIOLATIONS</u>					
SMC 9.24.180	Abandoned Car - 72 hours	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.020	Obedience to Signs or Parking Space Marking	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.030	Emergency Parking; Street Repair	\$67.00	\$70.00	799583	1503	Fines - Parking
SMC 10.16.040	Parking on City Property	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.060	Parking Adjacent to Schools	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.080	Parking Parallel with Curb	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.090	Angle Parking	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.100	Parking on Narrow Streets	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.110	Standing in Parkways Prohibited	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.120	Use of Streets for Storage of Vehicles	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.140	Parking for Certain Purposes	\$67.00	\$70.00	799583	1503	Fines - Parking
SMC 10.16.150	Parking on Private Property Prohibited	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.16.160	Commercial Vehicles in Residential District	\$67.00	\$70.00	799583	1503	Fines - Parking
SMC 10.16.170	Vehicles Transporting Property for Hire	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.24.010	Parking Prohibited / Certain Streets	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.24.015	Commercial Vehicle on Certain Streets	\$108.00	\$111.00	799583	1503	Fines - Parking
SMC 10.24.020	Parking Prohibited / Certain Hours	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.24.030	Time Limitations	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.26.060	Preferential Parking Prohibitions	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.36.040 (b)	Loading Zone / Time Limit	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.36.050	Loading Zone / Parking Prohibited	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.36.060	Passenger Zone / Park Restricted	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.36.065	Disabled Parking	\$314.00	\$317.00	799583	1503	Fines - Parking
SMC 10.36.070	Parking in Alleys	\$50.00	\$53.00	799583	1503	Fines - Parking
SMC 10.36.090	Bus Zone / Parking Prohibited	\$268.00	\$271.00	799583	1503	Fines - Parking
SMC 19.46.140	Parking in Front and/or Side Yards	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 21113 (A)	Parked on Public Ground	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 21210	Bicycle Parking	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22500(A-H)	Park, Stop, Stand Violation	\$50.00	\$53.00	799583	1503	Fines - Parking

		FY 2010/2011 Approved Fee	FY 2010/2011 Recommended Fee	Charge Code	Object Level 3 & 4	Title (Obj. Lvl. 3)
<u>SECTION 7.11</u>	<u>CIVIL PENALTIES FOR PARKING VIOLATIONS (cont'd)</u>					
CVC 22500 (I)	Bus Loading Zone	\$268.00	\$271.00	799583	1503	Fines - Parking
CVC 22500(J-K)	Park, Stop, Stand Violation	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22500(L)	Block Wheelchair Access Ramp	\$314.00	\$317.00	799583	1503	Fines - Parking
CVC 22500.1	Parked in a Fire Lane	\$57.00	\$60.00	799583	1503	Fines - Parking
CVC 22502 (A,E)	Park in Direction of Flow (18" of Curb)	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22505 (B)	Park on State Highway	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22507.8 (A)	Disabled Parking Only	\$314.00	\$317.00	799583	1503	Fines - Parking
CVC 22507.8 (B)	Block Handicap Space	\$314.00	\$317.00	799583	1503	Fines - Parking
CVC 22513	Tow Truck Stopping at Accident Scene	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22514	Parking Within 15' of Fire Hydrant	\$58.00	\$61.00	799583	1503	Fines - Parking
CVC 22515	Unattended Vehicles	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22521	Parking on Railroad Track	\$50.00	\$57.00	799583	1503	Fines - Parking
CVC 22522	Blocking Handicap Sidewalk Ramp	\$314.00	\$317.00	799583	1503	Fines - Parking
CVC 22526 (A)	Block Intersection / Gridlock	\$113.00	\$116.00	799583	1503	Fines - Parking
CVC 22526 (B)	Turning and Blocking Intersection / Gridlock	\$113.00	\$116.00	799583	1503	Fines - Parking
CVC 22951	Street and Alley Parking	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 23333	Park on Vehicular Crossing	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 38300	Off Highway Vehicle: Obey Parking Signs	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 22511.1	Zero Emissions Vehicle Parking Only	\$100.00	\$103.00	799583	1503	Fines - Parking
CVC 5204	Registration Tabs Required	\$50.00	\$53.00	799583	1503	Fines - Parking
CVC 4000(a)(I)	Unregistered Vehicle	\$50.00	\$53.00	799583	1503	Fines - Parking