

RESOLUTION No. 222984

79-1666
(R-)

Adopted on MAR 5 1979

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the following three proposals for state legislation (attached hereto) are hereby adopted by The City of San Diego; and the Department of Legislative Representation is hereby directed to take all necessary action, for and on behalf of The City of San Diego, to seek introduction and passage of these proposals:

1. PROPOSAL 79-D Notice To Correct (Vehicle) Violation
2. PROPOSAL 79-E Distribution of Parking Violation Revenues
3. PROPOSAL 79-F Administration of Parking Violations

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:046
2/8/79
Or. Dept.: Rules Committee

MICROFILMED

01355

CITY OF SAN DIEGO
LEGISLATIVE PROPOSAL 79-D

Notice To Correct (Vehicle) Violation

- Proposal: To make optional, the requirement that law enforcement agencies issue a "Notice to Correct" where minor vehicle registration, license, and mechanical violations have occurred.
- Present Law: (Effective July 1, 1979) Requires law enforcement agencies to issue a "Notice to Correct" in cases involving the violation of a registration, license, or mechanical requirement of the Vehicle Code.
- Discussion: This proposal permits the San Diego Police Department to establish a procedure for issuing a "Notice to Correct" for the violations mentioned above. However, such a notice procedure would be in addition to existing procedures whereby "Notices to Appear" and "Traffic Warning Notices" are issued.
- The "Notice to Correct" procedure as mandated by existing law (effective July 1, 1979) will not provide new law enforcement authority concerning traffic violations. The new procedure will duplicate existing local procedures but will not be comprehensive enough to replace either of the noticing methods now utilized.
- The San Diego Police Department presently uses two forms - Notice to Appear and Traffic Warning Notices - for moving, mechanical, licensing and registration violations. The severity of the violation involved determines the enforcement action to follow. It is Department policy to issue traffic warnings for minor, non-hazardous violations, and Notices to Appear (traffic citations) for those which are aggravated or have traffic accident causing potential. Traffic warning forms and procedures currently used by the Department (see form, sample attached) not only provide an effective means for verifying that corrections of mechanical and registration violations have been properly completed, they also serve as a valuable tool in correcting poor driver and pedestrian habits, with minimum inconvenience to the citizens involved.
- This proposal makes it optional to establish "Notice to Correct" procedures which will require expenditures for new forms, additional personnel, and equipment to maintain, process and store these records. This will permit those areas of the state with a need for this enforcement tool to use it, without impacting those that have no such need.
- Fiscal Impact: Potential savings of \$15,000 to \$30,000 in city costs.

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01356

CITY OF SAN DIEGO
LEGISLATIVE PROPOSAL 79-E

Distribution of Parking Violation Revenues

Proposal: To permit the city to retain 100 percent of the parking violation fees collected solely by City efforts in the processing and administration of parking tickets.

Present Law: Requires the County of San Diego to retain 6 percent of the parking violation fees collected by the Municipal Court for costs associated with the processing and administration of parking tickets. As interpreted by the Courts, existing law can be construed to mean that where the City bears the entire cost of collecting parking violation fees, the County may still be entitled to and have a legal claim for 6 percent of all fees collected by the City.

Discussion: This proposal clarifies existing law with regard to the distribution of fees collected solely by city efforts.

At the present time, it is unclear as to how parking fees collected by City efforts, alone, must be distributed. Under the existing arrangement between the Municipal Court and the City of San Diego, the City receives 94 percent of all fees collected by the Court, and the County retains 6 percent of the fees for the efforts of the Municipal Court in the collection process. The existing case law and statutory law can be construed as meaning that even though the City may bear the entire cost of collecting parking violation fees, the County may still be entitled to and have a legal claim for 6 percent of all fees collected by the City.

This proposal permits the City to retain 100 percent of the fees collected solely by City efforts

Fiscal Impact: Additional Revenue of \$55,000 to the City per year.

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CITY OF SAN DIEGO
LEGISLATIVE PROPOSAL 79-F

Administration of Parking Violations

Proposal: To clarify existing law and require that the Municipal Court administer and process parking violations.

Present Law: As decided by the Superior Court, existing law does not clearly express, mandate, or imply that the Municipal Court shall process notices of parking violation.

Discussion: The Presiding Judge of the San Diego Municipal Court and the Municipal Court Clerk have informed the City of San Diego that effective February 28, 1979, the Court will no longer process parking violations. As a result of this decision, the City is currently involved in litigation with the Municipal Court concerning the processing of parking tickets and the acceptance of bail from parking violations.

On January 23, 1979, a hearing was held in the Superior Court on the City's request for an order compelling the Municipal Court to continue the performance of their functions. At that hearing, the Superior Court ruled that the California Vehicle Code does not impose a clear duty upon the Municipal Court to process parking tickets and to accept bail thereon. The Superior Court, therefore, denied the City's petition for a Peremptory Writ of Mandate. Presently the City is seeking a Writ of Mandate from the Court of Appeal, Fourth Appellate District.

While the City Attorney is pursuing this legal remedy, the City Manager is beginning the process of establishing its administrative staff and facilities necessary to handle the processing of parking tickets. Such an effort is necessary to prevent increases in illegal parking, public confusion and loss of revenue.

Fiscal Impact: Estimated first year costs of \$400,000 and \$350,000 annually thereafter for the City to perform this function.

Current revenues to the City approximate \$850,000 per year and would increase to \$900,000 per year should the City receive 100% of the fees. Currently the County receives 6 percent of such fees for their costs. (Pursuant to law, this amount is negotiable).

222984

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Passed and adopted by the Council of The City of San Diego on **MAR 5 1979**,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Peta Androuse*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **222984**
 Number Adopted **MAR 5 1979**

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