

RESOLUTION NUMBER R- 306355

DATE OF FINAL PASSAGE DEC 07 2010

RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING STATE-MANDATED
INCREASE TO PARKING CITATION FEES COLLECTED BY
THE CITY OF SAN DIEGO AND PASSED-THROUGH TO
THE STATE OF CALIFORNIA THROUGH THE COUNTY OF
SAN DIEGO.

WHEREAS, California cities are required to add various surcharges to each parking citation and to remit these surcharges on a monthly basis to their respective county treasurer, who passes these surcharges through to the State of California; and

WHEREAS, California Government Code sections 76000, 76100, and 76101 require the City to collect a \$5.00 surcharge for each parking citation that is issued; and

WHEREAS, the City passes this \$5.00 surcharge through to the County Treasurer, who remits the surcharge to the State; and

WHEREAS, the State then disburses this \$5.00 surcharge to the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund; and

WHEREAS, Government Code section 70372 (b), requires the City to also assess a \$1.50 surcharge to each parking citation fee; and

WHEREAS, the City remits the \$1.50 to the County Treasurer, who then remits the fee to the State; and

WHEREAS, effective January 1, 2009, the California State Legislature amended Government Code section 70372 (b), to increase this surcharge from \$1.50 to \$4.50; and

WHEREAS, the City is required to remit this \$4.50 surcharge to the County Treasurer each month, and the County Treasurer then remits the surcharge to the State Treasurer; and

WHEREAS, the State Treasurer then disperses the \$4.50 surcharge to the Court Facilities Construction Fund (\$1.50) and to the Immediate and Critical Needs Account (\$3.00); and

WHEREAS, commencing sixty days after the enactment of the Budget Act of 2010, and until July 1, 2013, when the newly enacted Government Code section 76000.3 sunsets, the City is required to add an additional surcharge of \$3 to each parking citation; and

WHEREAS, the State of California's Budget Act of 2010 was approved on October 8, 2010, and the City is obligated to impose the additional surcharge of \$3.00 beginning December 7, 2010; and

WHEREAS, the City must remit this \$3 surcharge to the County Treasurer on each parking citation issued on or after December 7, 2010, who then remits the funds to the State Treasurer for deposit in the Trial Court Trust Fund; and

WHEREAS, the City Treasurer requests authorization to impose a \$12.50 state-mandated surcharge on each parking citation beginning December 7, 2010, in accordance with the authorities described above, and to amend the Rate Book of City Fees to accurately reflect these state-mandated surcharges; NOW, THEREFORE,

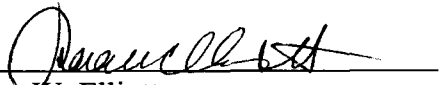
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City through its City Treasurer or other City-designated department, is authorized to assess a \$12.50 surcharge effective December 7, 2010, on each parking citation in accordance with Government Code sections 70372 (b), sections 76000, 76100, and 76101.

2. That the \$12.50 surcharge, or a portion of the surcharge, be assessed as long as the applicable statute(s) require that this surcharge be assessed.
3. That the City Clerk is directed to amend the Rate Book of City Fees and Charges to reflect the state-mandated pass-through surcharge described above.
4. That the Mayor may assess any future State-mandated pass through surcharges on parking citations without City Council approval.
5. That the Mayor will provide written notice to the City Council thirty days prior to the City's imposition of any pass through surcharges on parking citations.
6. That the City Treasurer will annually review all changes to fees as part of the budget process.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Mara W. Elliott
Deputy City Attorney

MWE:jdf:als
10/21/10
11/30/10 REV.COPY
Or.Dept:Treasurer

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 29 2010

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-7-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor