



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 3, 2010
ATTENTION: Budget and Finance Committee
SUBJECT: State Mandated Parking Citation Penalty Pass Through Fee
REFERENCE:

REQUESTED ACTION:

Approve the recommendation to assess a \$12.50 State surcharge on each parking citation issued. Additionally, authorize the Mayor to assess any subsequent State-mandated pass through fees on parking citations without City Council approval.

STAFF RECOMMENDATION:

Approve the recommendation to increase the parking citation fees to include \$12.50 in State-mandated parking citation surcharges and authorize the Mayor to assess any subsequent State-mandated pass through fees on parking citations without City Council approval.

SUMMARY:

Current State Mandated Parking Surcharges

The State of California (State) transferred parking citation processing responsibilities to the local issuing agencies effective January 1, 1994. Prior to this transfer, State courts imposed a \$5 parking citation surcharge pursuant to Government Code § 76000 on all parking citations issued. This \$5 surcharge funded the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund. When responsibility for processing parking violations transferred to local governments, the State mandated them to collect the \$5 surcharge and pass it through to the County and State.

Beginning in 2003, the State mandated an additional \$1.50 parking citation surcharge pursuant to Government Code § 70372 (b) on all parking citations issued. This \$1.50 surcharge funded the State Courthouse Facilities Construction Fund. The State increased this surcharge amount effective January 1, 2009 by an additional \$3. This \$4.50 surcharge funds the State Court Facilities Construction Fund (\$1.50 allocation) and the Immediate and Critical Needs Account (\$3.00 allocation).

The City of San Diego has been remitting the State-mandated parking citation surcharges totaling \$9.50 to the County on a monthly basis since it assumed parking citation processing responsibilities without collecting the cost of the parking citation surcharge from parking violators. This was not the intent of the State Legislature, nor is it consistent with the practices of other cities throughout the State.

These various pass through surcharges are submitted by the City to the County Treasurer, who then remits a portion of the surcharges to the State Treasurer for deposit into the various State funds identified above, less an amount retained by the County for its general fund.

At the end of fiscal year 2010, the Office of the City Treasurer and the City Attorney's Office analyzed parking citation pass through fees in order to ensure that the accuracy of the City Clerk's rate book of fees as applied to parking citations. This research confirmed that the City Council had not yet approved the imposition of these State-mandated parking citation surcharges and that City staff had not received authorization to assess the \$9.50 surcharge during this sixteen-year period. Additionally, Treasury staff tried to obtain history from the departments responsible for administering parking citations at the time these surcharges were imposed but were unsuccessful in gathering any information that would provide insight as to why these pass through fees were never brought forward to City Council.

Newly Imposed State Mandated Surcharge

Effective December 7, 2010, the City will be required under the recently added Government Code section 76000.3 to assess a new \$3.00 parking citation surcharge. This surcharge will be used to fund the State's Trial Court Fund. This new surcharge will sunset on July 1, 2013, under Government Code § 76000.3

Accordingly, management requests that the City Council authorize the City to impose the State-mandated \$12.50 surcharge on each parking violation citation beginning December 7, 2010. Please refer to "Exhibit A" which provides a listing of all Parking Violations and this associated surcharge. This request is consistent with Administrative Regulation 95.25, which states that "[i]t is the policy of the City to establish fees to recover the cost of providing certain services."

If the fee is not approved, the City will be required to pay the \$12.50 surcharge to the State from existing parking citation revenue.

The chart below provides a breakdown of existing surcharges that total \$9.50 and newly approved surcharge of \$3.

County and State Mandated Parking Citation Surcharges

Government Code (GC) Section		Total Surcharges
County GC § 76000 (b)	Courthouse Construction Fund (CCF) - GC 76100	
	GC § 76000 (b) - \$2.50 parking penalty to the local <u>Courthouse Construction Fund</u> established pursuant to GC § 76100 less \$1 to the county general fund per GC § 76000 (c)	1.50
	GC § 76000 (c) - \$1 of the \$2.50 from GC § 76000 (b) - to the County general fund	1.00
	Row A: Subtotal - CCF and County General Fund (See GC § 76000 (d) - reduction in parking penalty from \$2.50 to \$1.00)	\$2.50
	Criminal Justice Facilities Construction Fund (CJFCF) - GC § 76101	
	GC 76000§ (b) - \$2.50 parking penalty to the local <u>Criminal Justice Facilities Construction Fund</u> established pursuant to GC § 76101 less \$1 to the County general fund per GC § 76000 (c).	1.50
	GC § 76000 (c) - \$1 of the \$2.50 from GC § 76000 (b) - to the County general fund	1.00
	Row B: Subtotal - CJFCF and County General Fund	\$2.50
State GC § 70372 (b)	State Court Facilities Construction Fund (SCFCF) - GC § 70371	
	GC § 70372(b) - \$4.50 - State Court Construction Parking Penalty	
	(Note: Per GC § 70372 (f)(2) 1/3 of \$4.50 (or \$1.50) to the <u>State Court Facilities Construction Fund</u> (SCFCF) and 2/3 of \$4.50 (or \$3.00) to the Immediate and <u>Critical Needs Account</u> (ICNA) of the SCFCF.)	
Row C: State Court Construction Parking Penalty	\$4.50	
New State Surcharge GC § 76000.3	GC § 76000.3- Effective December 7, 2010 the City will be required to assess a new \$3.00 parking citation surcharge. This surcharge will be used to fund the <u>State Trial Court Fund</u> . This new surcharge will sunset on July 1, 2013, under Government Code § 76000.3	
	Row D: New State Trial Court Parking Penalty	\$3.00
Total Added Parking Penalty Pursuant to GC § 76000 (b) and GC § 70372 (b) and new State surcharge (Row A & C, D)		\$12.50

FISCAL CONSIDERATIONS:

Approval of this new pass through fee will increase parking citation revenue as follows:

FY 2011 - \$1,752,858
 FY 2012 - \$3,505,716

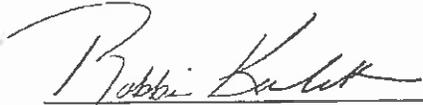
Currently the State surcharge is disbursed out of parking violation revenue.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

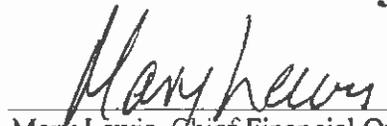
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Parking violators will pay an additional \$12.50 State imposed surcharge on each parking citation issued by the City of San Diego.



Robbin Kulek, Deputy Director



Mary Lewis, Chief Financial Officer

Attachments: Exhibit A- Parking Violation Schedule

City of San Diego Parking Violation Schedule
(includes state mandated surcharge)

Exhibit A

Violation Descriptions	Code Section	Citation	State Surcharge	Total
1 WAY STREET-OVER 18 INCHES FROM CURB	86.02.1 SDMC	\$47.00	\$12.50	\$56.50
1 WAY/LEFT WHEEL OVER 18 INCHES	22502(E) CVC	\$47.00	\$12.50	\$56.50
30 DAY CAMPING TIME LIMIT EXCEEDED	4455(A) CCR	\$40.00	\$12.50	\$49.50
7 1/2 FT OF RAILROAD TRACK	22521 CVC	\$65.00	\$12.50	\$74.50
ALLEY PARKING	86.10.3 SDMC	\$47.00	\$12.50	\$56.50
AUTO REPAIR-SERVICING OR STORING ON STRE	86.23(E) SDMC	\$40.00	\$12.50	\$49.50
BACKED TO CURB	86.08(A) SDMC	\$37.00	\$12.50	\$46.50
BACKED TO CURB/HIGHWAY	86.08(B) SDMC	\$41.00	\$12.50	\$50.50
BALD TIRES	27465(B)CVC	\$40.00	\$12.50	\$49.50
BLOCKING ACCESS TO DP STALL	22507.8(B)	\$440.00	\$12.50	\$449.50
BUS LOADING ZONE	86.10.2 SDMC	\$41.00	\$12.50	\$50.50
BUS ZONE	22500(I) CVC	\$265.00	\$12.50	\$274.50
CAMPING NO FEE PAID	4302 CCR	\$39.00	\$12.50	\$48.50
CITY PARKS	63.02.21	\$40.00	\$12.50	\$49.50
CITY PROPERTY	86.19 SDMC	\$40.00	\$12.50	\$49.50
CITY PROPERTY-OUT OF STALL	86.19.1 SDMC	\$40.00	\$12.50	\$49.50
CLOSED COUNTY PARK	41.225 CCR	\$40.00	\$12.50	\$49.50
COMMERCIAL LOADING ZONE	86.10 SDMC	\$45.00	\$12.50	\$54.50
CROSSHATCH DISABLED PARKING ONLY	22507.8 CVC	\$440.00	\$12.50	\$449.50
CROSSWALK	22500(B) CVC	\$40.00	\$12.50	\$49.50
CURRENT REGISTRATION NOT DISPLAYED	5204(A) CVC	\$25.00	\$12.50	\$34.50
DEFECTIVE WINDSHIELD AND WINDOWS/TINTED	26710 CVC	\$40.00	\$12.50	\$49.50
DISABLED PARKING	22507.8-CVC	\$340.00	\$12.50	\$349.50
DOUBLE PARKING	22500(H) CVC	\$45.00	\$12.50	\$54.50
DRIVEWAY	22500(E) CVC	\$45.00	\$12.50	\$54.50
EXPIRED METER	86.14 SDMC	\$30.00	\$12.50	\$39.50
EXPIRED METER (UPD)	8.12 UPD	\$25.00	\$12.50	\$34.50
EXPIRED REGISTRATION	4000(A)1 CVC	\$40.00	\$12.50	\$49.50
FALSE REGISTRATION DISPLAYED	4462(B) CVC	\$40.00	\$12.50	\$49.50
FIRE HYDRANT	22514 CVC	\$65.00	\$12.50	\$74.50
FIRE LANE	86.09.04 SDMC	\$65.00	\$12.50	\$74.50
FIRE STATION DRIVEWAY	22500(D) CVC	\$40.00	\$12.50	\$49.50
GRIDLOCK VIOLATION	22526(A) CVC	\$40.00	\$12.50	\$49.50
HEAVY VEHICLE-RESIDENTIAL DISTRICT	86.27 SDMC	\$41.00	\$12.50	\$50.50
INOPERATIVE VEHICLE PARKED OVER 4 HOURS	86.23(H) SDMC	\$41.00	\$12.50	\$50.50
INTERSECTION	22500(A) CVC	\$40.00	\$12.50	\$49.50
LICENSE PLATE VIOLATION - CORRECTION ALLOWED	5200 CVC	\$40.00	\$12.50	\$49.50

LICENSE PLATE VIOLATION - CORRECTION ALLOWED	5201 CVC	\$40.00	\$12.50	\$49.50
LIVING IN VEHICLE PARKED ON STREET	86.23(F) SDMC	\$40.00	\$12.50	\$49.50
MEDIAN STRIP	86.25 SDMC	\$65.00	\$12.50	\$74.50
NO PARKING IN TUBE/TUNNEL	22500(J) CVC	\$40.00	\$12.50	\$49.50
NO PARKING ON BRIDGE	22500(K) CVC	\$40.00	\$12.50	\$49.50
NO VALID EMPLOYEE LOT PERMIT (SDCRAA)	9.34(L) SDCRAA	\$35.00	\$12.50	\$44.50
NO VIOLATION CODE	NONE	\$0.00	\$12.50	\$9.50
OBSTRUCTING TRAFFIC	22500(G) CVC	\$65.00	\$12.50	\$74.50
OBSTRUCTING USE OF STREET	86.09(D) SDMC	\$65.00	\$12.50	\$74.50
OBSTRUCTION OF BICYCLE PATHS	21211(A) CVC	\$40.00	\$12.50	\$49.50
OBSTRUCTION OF BICYCLE PATHS	21211(B) CVC	\$40.00	\$12.50	\$49.50
OTHER	70	\$40.00	\$12.50	\$49.50
OTHER PARKING VIOLATION	70X	\$50.00	\$12.50	\$59.50
OUT OF STALL	86.02 SDMC	\$40.00	\$12.50	\$49.50
OUT OF STALL (SDCRAA)	9.34(E) SDCRAA	\$35.00	\$12.50	\$44.50
OUT OF STALL (UPD)	8.11 UPD	\$35.00	\$12.50	\$44.50
OUT OF STALL-METER	86.12 SDMC	\$40.00	\$12.50	\$49.50
OVERNIGHT CAMPING	63.02.12 SDMC	\$40.00	\$12.50	\$49.50
OVERNIGHT CAMPING	63.02.12-SDMC	\$40.00	\$12.50	\$49.50
OVERNIGHT PARKING AND CAMPING (UPD)	8.18 UPD	\$40.00	\$12.50	\$49.50
OVERTIME AT METER (UPD)	8.13 UPD	\$35.00	\$12.50	\$44.50
OVERTIME METER	86.15 SDMC	\$40.00	\$12.50	\$49.50
OVERTIME METER - PAID	86.15(B) SDMC	\$40.00	\$12.50	\$49.50
OVERTIME METER - UNPAID	86.15(A) SDMC	\$40.00	\$12.50	\$49.50
PARKED IN VIOLATION OF SIGNS/MARKINGS	4358 CCR	\$35.00	\$12.50	\$44.50
PARKING ON HIGHWAY	22505(B) CVC	\$40.00	\$12.50	\$49.50
PARKING ON PUBLIC GROUNDS	73.103	\$40.00	\$12.50	\$49.50
PARKING ON PUBLIC GROUNDS (CVC)	21113(A) CVC	\$35.00	\$12.50	\$44.50
PARKS/OVERNIGHT PARKING	63.0102(B)(12)	\$47.00	\$12.50	\$56.50
PARKS/UNDESIGNATED SPACE	63.0102(B)(21)	\$47.00	\$12.50	\$56.50
PARKWAY	86.26 SDMC	\$45.00	\$12.50	\$54.50
PASSENGER ZONE	86.03.1 SDMC	\$40.00	\$12.50	\$49.50
PRIVATE PROPERTY-POSTED	86.09.1 SDMC	\$40.00	\$12.50	\$49.50
PUBLIC PARK CLOSED	4327 CCR	\$60.00	\$12.50	\$69.50
RED ZONE	86.09(E)-SDMC	\$65.00	\$12.50	\$74.50
RED ZONE (UPD)	8.16(B) UPD	\$60.00	\$12.50	\$69.50
RENT/LEASE/SALE VEHICLE ON STREET	86.23(D) SDMC	\$65.00	\$12.50	\$74.50
RESIDENTIAL PERMIT A	86.2014 SDMC	\$40.00	\$12.50	\$49.50
RESIDENTIAL PERMIT B	86.2014-SDMC	\$40.00	\$12.50	\$49.50
RESIDENTIAL PERMIT D	86.2014 SD M.C	\$40.00	\$12.50	\$49.50
RESIDENTIAL PERMIT E	86.2014 SD MC	\$40.00	\$12.50	\$49.50

RESIDENTIAL PERMIT F	86.2014-SD MC	\$40.00	\$12.50	\$49.50
RIDING ON/ACROSS SIDEWALK	84.04 SDMC	\$40.00	\$12.50	\$49.50
RT WHEEL OVER 18 INCHES FROM CURB	22502(A) CVC	\$47.00	\$12.50	\$56.50
SELLING MERCHANDISE FROM PARKED VEHICLE	86.23(A) SDMC	\$41.00	\$12.50	\$50.50
SERVICE VEHICLE ON STREET	86.23(B) SDMC	\$40.00	\$12.50	\$49.50
SIDEWALK	22500(F) CVC	\$45.00	\$12.50	\$54.50
SIDEWALK ACCESS RAMP	22500(L) CVC	\$290.00	\$12.50	\$299.50
SIDEWALK ACCESS RAMP	22522 CVC	\$290.00	\$12.50	\$299.50
SIGNS OR CURB MARKINGS (UPD)	8.16(A) UPD	\$35.00	\$12.50	\$44.50
SIGNS, RED ZONES	22500(C) CVC	\$40.00	\$12.50	\$49.50
STADIUM/ADJACENT PARKING SPACE	59.0104(C) SDMC	\$40.00	\$12.50	\$49.50
STADIUM/TAILGATE PARKING SPACE	59.0104(A) SDM	\$40.00	\$12.50	\$49.50
STADIUM/UTILIZING PARKING SPACE	59.0104(B) SDMC	\$40.00	\$12.50	\$49.50
TAXI ZONE	86.09(C) SDMC	\$40.00	\$12.50	\$49.50
TAXI/JITNEY ZONE (MTDB)	ORD #11 MTDB	\$50.00	\$12.50	\$59.50
TROLLEY PARKING LOT (MTDB)	ORD #3 MTDB	\$50.00	\$12.50	\$59.50
TROLLEY STATION	ORD #2 MTDB	\$50.00	\$12.50	\$59.50
TRUCKS PROHIBITED 10AM TO 6PM	85.02 SDMC	\$41.00	\$12.50	\$50.50
UNATTACHED COMMERCIAL TRAILER ON STREET	86.23(I) SDMC	\$40.00	\$12.50	\$49.50
UNATTACHED TRAILER ON STREET	86.23(I)-SDMC	\$250.00	\$12.50	\$259.50
UNAUTHORIZED AIRPORT PARKING (SDCRAA)	9.34(A) SDCRAA	\$67.00	\$12.50	\$76.50
UNAUTHORIZED AIRPORT PARKING (UPD)	5.06(E) UPD	\$67.00	\$12.50	\$76.50
VEHICLE IN PARK-VIOLATION OF REGULATIONS	4355 CCR	\$39.00	\$12.50	\$48.50
VEHICLE NOT MOVED 1/10 MILE IN 72 HOURS	86.23(G) SDMC	\$41.00	\$12.50	\$50.50
VEHICLE ON PRIVATE PROPERTY	84.03(C) SDMC	\$41.00	\$12.50	\$50.50
VEHICLE PARKED-POSTED PRIVATE PROPERTY	76.101	\$60.00	\$12.50	\$69.50
VEHICLE SALES ORDINANCE	86.23.1(B) SDMC	\$50.00	\$12.50	\$59.50
VIOLATION OF SIGNS (CVC)	21461(A) CVC	\$40.00	\$12.50	\$49.50
VIOLATION OF SIGNS (SDMC)	86.09(E) SDMC	\$40.00	\$12.50	\$49.50
VIOLATION OF SIGNS-COMMUTER LANES	86.09(E)-SD MC	\$40.00	\$12.50	\$49.50
VIOLATION OF SIGNS-STREET SWEEPING	86.09(E) SD MC	\$40.00	\$12.50	\$49.50
VIOLATION TEMPORARY NO PARKING TOW-AWAY	81.09(A)3 SDMC	\$40.00	\$12.50	\$49.50
VOIDED VIOLATION	VOID999	\$0.00	\$12.50	\$9.50
WASH/POLISH VEHICLE IN BUSINESS DISTRICT	86.23(C) SDMC	\$40.00	\$12.50	\$49.50
WHEEL CRAMPING-HILL	86.08.1 SDMC	\$47.00	\$12.50	\$56.50

