



**Background:**

Parking fines and penalties in the County Center areas are set and adjusted by the Board of Supervisors. A third party vendor, Phoenix Systems, is responsible for the processing and collection of fines.

Previously, per Government Code 76000 *et. Seq.*, a \$5 surcharge was imposed on every parking citation, deposited as follows: \$1.50 to the Courthouse Construction Fund, \$1.50 to the Criminal Justice Construction Fund and \$2 to the General Fund. Subsequently, in actions not immediately apparent to most California jurisdictions, State legislation increased the surcharges to the Courthouse Construction Fund. The first increase of \$1.50 per citation became effective January 1, 2008, to fund the State Court Facilities Fund. Then Senate Bill 1407 was signed into law authorizing the issuance of up to \$5 billion in lease revenue bonds for state court facilities. The measure also authorized increases to penalties and fees, including an additional \$3 surcharge per paid parking fine, as revenue sources for the bonds to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund effective January 1, 2009. As a result, total surcharges amount to \$9.50 per parking citation.

	Courthouse Construction <u>Fund</u>	Criminal Justice <u>Const Fund</u>	General <u>Fund</u>	Total <u>Surcharge</u>
Existing surcharges per				
Gov't Code 76000, 76100, 76101	\$1.50	\$1.50	\$2.00	
State Court Facilities Fund	\$1.50	-0-	-0-	
Immediate/Critical Needs Account	<u>\$3.00</u>	<u>-0-</u>	<u>-0-</u>	
Sub-totals	\$6.00	\$1.50	\$2.00	\$9.50

**Attachments:** Resolution, Schedule of Parking Fines and Penalties for County of Sonoma

**On File With Clerk:**

**CLERK OF THE BOARD USE ONLY**

**Board Action** (If other than "Requested")

**Vote:**

**Background:** (Continued)

In response to the mandated surcharge increase, General Services staff convened a meeting of the City and County Parking Consortium comprised of the following cities, agencies and County departments:

- Sonoma County Regional Parks
- Sonoma County Sheriff
- California Highway Patrol
- Cloverdale Police Department
- Rohnert Park Public Safety
- Sebastopol Police Department
- Windsor Police Department
- Sonoma Development Group
- City of Santa Rosa
- Cotati Police Department
- Healdsburg Police Department
- Petaluma Police Department
- Sonoma Police Department
- Santa Rosa Junior College
- Sonoma State University
- Sonoma County Transportation and Public Works
- Sonoma County Auditor-Controller-Treasurer-Tax Collector

All of these agencies are also subject to the State surcharge increase for a new total of \$9.50.

California Vehicle Code §40203.5(a) authorizes the issuing authority to establish a schedule of parking penalties for parking violations and late payment penalties and, “to the extent possible, issuing agencies within the same county shall standardize parking penalties.” A survey of the above agencies reflected fines for a typical overtime parking violation currently ranging from \$20 to \$35 inclusive of the State surcharges. The County’s current over time fine is \$20. The consensus of the Parking Consortium was to seek uniform increases to the parking penalty amounts from their governing bodies, resulting in a typical overtime parking fine of \$40. Stiffer fines apply to parking violations that impede disabled access. The current fine for these types of infractions is proposed to be adjusted from \$275 to \$350. Staff recommends adopting the proposed schedule of parking fines and penalties in order to accommodate the increased State surcharge, provide the level of revenue collection required to address increased program costs, address deferred parking lot repairs funded by this fund and align the County’s fine and penalty schedule with local jurisdictions.

In addition to the base overtime fine, penalties are added to parking citations that are not paid on time (within 30 days). For delinquent citations, staff proposes the following penalties in line with the consortium:

- 30 days - initial fine amount
- after 30 days – 2 x base fine amount with late payment penalty not to exceed \$150
- after 51 days – 2x base fine amount with late payment penalty not to exceed \$150 plus \$10 for DMV processing fee to place vehicle registration on hold

This practice has been demonstrated by the City of San Rafael to be an effective means of encouraging parking violators to pay their fines in a timely manner. The City of Santa Rosa is considering a similar fine and penalty schedule at their Council meeting on August 4th.

**Background: (Continued)**

**Financial Impact**

The County has not increased its parking fines since 1993. Parking enforcement is provided by the Facilities Operations Division of the General Services Department. Parking administration, collection and adjudication is supported by the Auditor-Controller-Treasurer-Tax Collector. The FY 08-09 Parking Program budget was \$408,177. Over the past 5 years, the Parking Program has been operating at an annual net cost of approximately \$100,000. This deficit has been absorbed by deferring repair and maintenance work on County parking lots and, most recently, by salary savings from a staff person on unpaid leave of absence. The proposed new parking fine and penalty schedule will result in an estimated \$120,265 increase in revenue. Staff proposes a revenue split of 25% for ACTTC and 75% for the General Services Department to offset net costs of the Parking Program in both departments, align the County's parking fines with other cities and agencies in the Parking Consortium and provide the revenue required to perform timely parking lot repair and maintenance.

**Requested Board Action:**

Adopt resolution amending Resolution No. 93-1309, dated August 31, 1993, to revise: 1) the schedule of parking fines and penalties, and 2) revenue splitting formula for parking fine collections.