



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Bruce Moe, Finance Director
Steve Charelian, Revenue Services Manager

DATE: March 17, 2009

SUBJECT: Consideration of Resolution Adjusting Parking Citation Fines to Accommodate an Increase in the State Courthouse Construction Surcharge, and Authorization to Pass Through Future Surcharges Levied Against Parking Citations

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 6180 adjusting parking citation fines by \$5 to accommodate a \$4.50 increase in the State Courthouse Construction Fee surcharge placed on paid parking citations, and authorize staff to adjust citation rates to pass through future Federal, State or County fees and charges levied against parking citations.

FISCAL IMPLICATION:

The City issues approximately 60,000 parking citations per year. Up until December 31, 2008, the City was required to pay the State \$5 of each paid parking citation for the purposes of constructing courthouses¹. Effective January 1, 2009, that surcharge was effectively increased by \$4.50 per paid citation. If all issued citations are paid, this increase would cost the City \$270,000 in new surcharges, which directly reduce this revenue. As a result, we recommend that we add \$5 to the existing citation fines to cover these surcharges.

While the surcharges total \$4.50 per cite, we are recommending the fines be increased by \$5 for two main reasons: 1) our citation processing contractor advised us that their processing fees would need to be increased if odd fine amounts are used, since it creates added work in balancing the accounts, and 2) the Department of Motor Vehicles (DMV) recognizes only whole dollar fines and rounds down any odd amounts (e.g. a \$44.50 fine becomes \$44). This also creates additional work in cases where the DMV places a hold on registration due to non-payment of parking citations, but then accepts less than the full fine amount in clearing the hold, leaving our contractor to adjust the remaining balance on each citation in order to clear it from our records.

¹ State Court Facilities Construction Fund (Government Code Section 70372(b)) for \$1.50 per cite, and Courthouse Construction Fund and Criminal Justice Facilities Construction Fund (Government Code Sections 76000, 76100, 76101) for \$3.50 per cite.

The net result of a \$5 increase in fines and \$4.50 in new State surcharges is \$.50 per citation, or approximately \$30,000 in additional annual revenue to the City.

BACKGROUND:

During calendar year 2008, the State Legislature passed Senate Bill 1407 (Perata). This bill had two impacts on the City: it increased one courthouse construction fund fee by \$3, and re-established a prior fee of \$1.50 for a similar courthouse purpose (the latter fee was originally collected by the County, but lapsed at the end of 2007 - SB1407 re-established the charge). The two fees have the cumulative effect of adding \$4.50 in new surcharges to our parking citations. This surcharge, if not recovered, would directly result in reduced revenue to the General Fund and the Capital Improvements Fund (which receives a portion of certain parking citations).

DISCUSSION:

Because this surcharge will potentially result in approximately \$270,000 in lost revenue, staff recommends that the Council increase parking citations by \$5. The result will be additional net revenue of approximately \$30,000 per year.

Additionally, Resolution No. 6180 authorizes staff to administratively increase future parking citation fines dollar-for-dollar if additional surcharge increases are enacted by the Federal, State or County governments. This provision will ensure that our citation revenue is not diminished in the future due to additional governmental surcharges. Any other increases in citation rates would require Council approval.

Staff surveyed other cities to determine if they were aware of the new surcharges, and if they were amending their citation fines accordingly. The cities of Hermosa Beach, Long Beach, Newport Beach, Redondo Beach, Santa Monica and Beverly Hills have either raised their fines or are in the process of changing their fines, in response to SB 1407.

Attachment: A. Resolution No. 6180

RESOLUTION NO. 6180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN INCREASE IN CERTAIN PARKING CITATION RATES AND AUTHORIZING FUTURE ADJUSTMENTS DUE TO GOVERNMENTAL SURCHARGES

WHEREAS, the Office of the City Manager of the City has reviewed the fee schedule and made certain recommendations to the City Council; and

WHEREAS, the schedule of fees for permits and services represents reimbursement for cost incurred by the City in providing direct services to particular individuals or groups rather than to the general populace of the City of Manhattan Beach; and

WHEREAS, it is equitable that the City of Manhattan Beach be compensated for providing such direct services; and

WHEREAS, the City of Manhattan Beach has certain fees established including parking citation rates for violation of parking regulations; and

WHEREAS, the State of California Legislature has imposed certain State surcharges on parking violations, including an additional four dollars and fifty cents (\$4.50) for courthouse construction through the passage of SB 1407, effective January 1, 2009; and

WHEREAS, it is equitable that this new surcharge, and any future federal, state or county surcharges on parking citations be added to the total fee so that the City remains revenue neutral.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds as follows:

- A. The fees adopted hereunder are set forth in "Schedule A," attached hereto and incorporated herein by this reference.
- B. The proposed project has been found to be statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as implemented by the City of Manhattan Beach CEQA guidelines, pursuant to sections 15273 (a) "Rates, Tolls, Fares, and Charges" of the CEQA Guidelines.
- C. The proposed project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish & Game Code.
- D. The proposed project is in conformance with applicable policies and regulations of the Certified Manhattan Beach Local Coastal Program.
- E. The proposed project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976. The project will not impact existing public access, nor recreational opportunities, within the City's Coastal Zone.
- F. This resolution shall serve as the coastal development permit for those areas under the jurisdiction of the Manhattan Beach Local Coastal Plan.

SECTION 2. The City Manager's Office has reviewed the fee schedule and made certain recommendations to the City Council. The schedule of fees shall be modified to include the rates for parking citations adjusted in accordance with the attached schedule.

SECTION 3. The City Manager is hereby authorized to adjust future parking citation rates, on a one-to-one basis, by any dollar or percentage surcharge imposed on parking citations by federal, state or county government.

SECTION 4. The City Manager shall have the authority to interpret the provisions of this resolution for purposes of resolving ambiguities. The City Manager shall have the authority to

authorize and require reasonable compensation for the temporary use of City property or receipt of City services not otherwise provided for by City resolution or ordinance.

SECTION 5. This resolution shall be effective upon passage.

SECTION 6. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 17th day of March, 2009.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

Classification	Description	Current	Proposed
Parking Violations	15 Minute Parking	\$ 40.00	\$ 45.00
Parking Violations	25 ft. of blvd. stop	\$ 40.00	\$ 45.00
Parking Violations	25 ft. of crosswalk	\$ 40.00	\$ 45.00
Parking Violations	25 ft. of sign	\$ 40.00	\$ 45.00
Parking Violations	Adjacent school	\$ 40.00	\$ 45.00
Parking Violations	Bus zone	\$ 40.00	\$ 45.00
Parking Violations	Commercial loading 20 min.	\$ 40.00	\$ 45.00
Parking Violations	Commercial Plates Required	\$ 40.00	\$ 45.00
Parking Violations	Demo/sale/lease	\$ 40.00	\$ 45.00
Parking Violations	Green/yellow zone	\$ 40.00	\$ 45.00
Parking Violations	Hazard area	\$ 40.00	\$ 45.00
Parking Violations	Head in only	\$ 40.00	\$ 45.00
Parking Violations	In lines	\$ 40.00	\$ 45.00
Parking Violations	Limited parking - (1 hour)	\$ 40.00	\$ 45.00
Parking Violations	Limited parking - (2 hour)	\$ 40.00	\$ 45.00
Parking Violations	No parking	\$ 40.00	\$ 45.00
Parking Violations	No permit	\$ 40.00	\$ 45.00
Parking Violations	No stop zone	\$ 40.00	\$ 45.00
Parking Violations	Not Within Lines	\$ 40.00	\$ 45.00
Parking Violations	Opposite/front garage	\$ 40.00	\$ 45.00
Parking Violations	Over posted limit	\$ 40.00	\$ 45.00
Parking Violations	Over 72 hours	\$ 40.00	\$ 45.00
Parking Violations	Overtime	\$ 40.00	\$ 45.00
Parking Violations	Overtime 24 minute/index	\$ 40.00	\$ 45.00
Parking Violations	Parallel one way	\$ 40.00	\$ 45.00
Parking Violations	Parkway	\$ 40.00	\$ 45.00
Parking Violations	Permission to load or unload	\$ 40.00	\$ 45.00
Parking Violations	Private property	\$ 40.00	\$ 45.00
Parking Violations	Project/lines	\$ 40.00	\$ 45.00
Parking Violations	Public property	\$ 40.00	\$ 45.00
Parking Violations	Red zone	\$ 40.00	\$ 45.00
Parking Violations	Repair vehicle/street	\$ 40.00	\$ 45.00
Parking Violations	Safe on grade	\$ 40.00	\$ 45.00
Parking Violations	Stop/alley	\$ 40.00	\$ 45.00
Parking Violations	Stop/com/load	\$ 40.00	\$ 45.00
Parking Violations	Stop/hazard	\$ 40.00	\$ 45.00
Parking Violations	Stop/white zone	\$ 40.00	\$ 45.00
Parking Violations	Street sweeping	\$ 40.00	\$ 45.00
Parking Violations	Temporary parking prohibited	\$ 40.00	\$ 45.00
Parking Violations	Valet parking prohibited	\$ 40.00	\$ 45.00
Parking Violations	Vehicle prohibited in City park	\$ 40.00	\$ 45.00
Parking Violations	Walk street	\$ 40.00	\$ 45.00
Parking Violations	Wash/polish vehicle	\$ 40.00	\$ 45.00
Parking Violations	Wheels not curbed	\$ 40.00	\$ 45.00
Parking Violations	White zone	\$ 40.00	\$ 45.00
Parking Violations	Within islands	\$ 40.00	\$ 45.00
Parking Violations	Compact spaces	\$ 40.00	\$ 45.00
Parking Violations	Meter expired	\$ 40.00	\$ 45.00
Parking Violations	Current License Tab	\$ 40.00	\$ 45.00

Parking Violations	Parking on Sidewalk	\$ 40.00	\$ 45.00
Parking Violations	Blocking Driveway	\$ 40.00	\$ 45.00
Parking Violations	Wrong direction/curb parking	\$ 40.00	\$ 45.00
Parking Violations	Hydrant distance	\$ 40.00	\$ 45.00
Parking Violations	parking in crosshatch	\$ 40.00	\$ 45.00
Parking Violations	Safety Zone	\$ 40.00	\$ 45.00
Parking Violations	Fire Lane	\$ 40.00	\$ 45.00
Parking Violations	Double parking	\$ 40.00	\$ 45.00
Parking Violations	parking in intersection	\$ 40.00	\$ 45.00
Parking Violations	other parking citations with current fines of \$40 but not otherwise identified	\$ 40.00	\$ 45.00