

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Ron Ahlers, Finance Director 

DATE: November 17, 2010 (CC Meeting of 12-01-2010)

SUBJECT: Consider Resolution Rescinding Resolution No. 2010-2923 and Establishing a New Bail Schedule for Violations of the Moorpark Municipal Traffic Code, Which Apply to Vehicle Parking Violations

SUMMARY

For consideration is a resolution rescinding the bail schedule established by the City Council in June 2010 regarding the Municipal Traffic Code relative to vehicle parking, and establishing a new bail schedule. All penalties for violations of the City of Moorpark's (City) code related to parking violations have been \$55, with the exception of unlawful parking in spaces designated for disabled persons, which has been \$320. The new proposed schedule sets the fines at \$58, and \$323 for disabled persons parking violations, with a proposed effective date of January 1, 2011.

DISCUSSION

In 1984, the City of Moorpark adopted its own municipal code sections addressing parking violations, pursuant to California Vehicle Code Sections 22507. Use of the Municipal Code sections allows Moorpark Police and other City employees authorized to enforce the Municipal Code to cite parking violators using the Moorpark Municipal Traffic Code rather than the California Vehicle Code. Because the Municipal Code is cited, the City has retained the majority of fines collected for parking violations.

The last update to the City's bail schedule was made in June 2010, Resolution No. 2010-2923. The parking fines were standardized at \$55, with the exception of disabled persons parking, which was set at \$320. Prior to June 2010, the bail schedule was \$40, with the disabled fee set at \$280. The fee was increased in recognition of the fact that the City had not been remitting the required State and County surcharges to the Court system. By raising the bail schedule the City would not see a decrease in net revenues generated by the parking citations.

In order to address the funding shortages of the court system, the State of California is increasing various court fees, including filing fees and penalty assessments, effective December 8, 2010. SB 857, which is of most significance to cities, levies an additional \$3.00 fee on all parking citations to be transmitted to the Trial Court Trust Fund. This fee is in addition to the \$9.50 currently in statute to fund court operations and construction. The parking surcharge goes into effect 60 days after the budget has been signed (December 8, 2010) and sunsets on July 1, 2013. Cities are required to transmit the additional \$3.00 to the county treasurer on a monthly basis for every citation collected.

The attached resolution raises the parking citation fee to \$58, except for the disabled person's citation, which is set at \$323. This is an increase of \$3.00 per citation.

This brings the total County and State fees to \$12.50 for every parking citation fine collected by the City. Below is a breakdown of the fees that are required to be paid to the County and State, along with the related Government Code Sections that require the fees to be paid:

DESCRIPTION	AMOUNT	CODE SECTIONS
County/State Courthouse Construction Fund	\$2.50	GC 76100, GC 76000(b)
County/State Criminal Justice Facilities Construction Fund	\$2.50	GC 76101, GC 76000(b)
State Court Facilities Construction Fund (SB 1407)	\$1.50	GC 70372(b)
State Critical Needs Facilities Construction Fund (SB 1407)	\$3.00	GC 70372(b)
State Trial Court Trust Fund (SB 857)	\$3.00	SB 857
Total	\$12.50	

The parking fine amounts for several surrounding cities in Ventura County are compared below:

	Parking	Disabled
Camarillo	\$35	\$280
Fillmore	\$35	\$250
Oxnard*	\$45-\$100	\$350
Simi Valley**	\$40-\$80	\$320
Thousand Oaks***	\$45	\$380
Ventura*	\$40-\$72	\$358

* Oxnard, Ventura – Fines reflect a different amount based on the specific violation cited.

** Simi Valley – Fines were revised in June 2009 and reflect a different fine amount based on the specific violation cited.

*** Thousand Oaks – Fines were revised in July 2009.

FISCAL IMPACT

The City of Moorpark would charge an additional \$3.00 per parking citation, remitting this same \$3.00 to the County of Ventura for the Trial Court Trust Fund. The City would not keep any of this additional revenue. Assuming the City would issue approximately 3,500 parking citations; this \$3.00 would generate \$10,500 in revenue for the State of California, specifically for their Trial Court Trust Fund.

STAFF RECOMMENDATION (Roll Call Vote)

Adopt Resolution No. 2010-_____, rescinding the bail schedule established by the City Council Resolution No. 2010-2923 regarding the Municipal Traffic Code relative to vehicle parking and establishing a new bail schedule as reflected in Exhibit "A."

Attachments: Resolution

RESOLUTION No. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 2010-2923 AND ESTABLISHING A NEW BAIL SCHEDULE FOR VIOLATIONS OF THE MOORPARK MUNICIPAL TRAFFIC CODE RELATED TO VEHICLE PARKING

WHEREAS, The City of Moorpark desires to increase bail amounts for parking violations in the City of Moorpark to be more reflective of bail amounts applied in the cities surrounding Moorpark; and

WHEREAS, establishing increased bail amounts for parking violations in the City of Moorpark will assist the City in paying required fees for each citation to the County/State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Resolution No. 2010-2923 is hereby rescinded effective January 1, 2011.

SECTION 2. That all infractions of the Moorpark Municipal Traffic Code which apply to vehicle parking, as listed in Exhibit "A" be subject to payment of a bail amount as specified therein.

SECTION 3. That all infractions of the Moorpark Municipal Traffic Code which apply to vehicle parking, as listed in Exhibit "A" which are not paid to the City of Moorpark within 14 days of the mailing of the notice of parking violation, shall be subject to a ten dollar late charge, in addition to the established bail amount referred to in Exhibit "A."

SECTION 4. This resolution shall be effective and operative January 1, 2011.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 1st day of December, 2010.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit A – New Bail Schedule

EXHIBIT "A"

Municipal Code Section	Description	Bail Amount
10.04.150	Parallel parking over 18" from the Curb	\$58.00
10.04.160	Angle parking only zone	\$58.00
10.04.170	Time limit parking zones	\$58.00
10.04.180	Block, park, or stop in a "Disabled Person" space	\$323.00
10.04.190	Prohibited parking:	
	(a) Within an intersection	\$58.00
	(b) On a crosswalk (Except for a bus)	\$58.00
	(c) Within a safety zone	\$58.00
	(d) Within 15' from a fire station entrance or exit	\$58.00
	(e) Unattended vehicle within 15' of a fire hydrant	\$58.00
	(f) In front of a private or public driveway	\$58.00
	(g) On a sidewalk	\$58.00
	(h) Obstructing a construction zone	\$58.00
	(i) Double parking	\$58.00
	(j) No parking zone, red curb, or signs prohibiting	\$58.00
	(k) Traffic hazard	\$58.00
	(l) Across parallel parking stall lines	\$58.00
	(m) Beyond parking stall causing hazard	\$58.00
	(n) In a bus loading zone	\$58.00
	(o) On a bridge	\$58.00
	(p) Block sidewalk curb cutout for a wheelchair access	\$58.00
10.04.200	Prohibited or restricted parking	\$58.00
10.04.205	Oversized vehicle in prohibited location	\$58.00
10.04.210	Parking on a hill over 3% grade without turning wheels	\$58.00
10.04.220	72 hour parking limit	\$58.00
10.04.225	Overnight parking in a commercial zone	\$58.00
10.04.227	Living in a vehicle	\$58.00

10.04.240	(a)	Commercial vending near schools	\$58.00
	(c)	Commercial vendor with noise making device near school	\$58.00
10.04.250		Parking or stopping in a loading zone	\$58.00
10.04.260		Parking or stopping in a passenger loading zone	\$58.00
10.04.300		Commercial vehicle parking in residential area	\$58.00