

ITEM 10.T.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Ron Ahlers, Finance Director 
BY: Irmina Lumbad, Budget and Finance Manager 

DATE: June 7, 2012 (CC Meeting of June 20, 2012)

SUBJECT: Consider Resolution Authorizing the Payment of Surcharges Collected on Vehicle Parking Violation Fines from Fiscal Years 2009/2010, 2010/2011 and 2011/2012 to the County of Ventura and State Treasurer's Office; and Amending Fiscal Year 2011/2012 Budget to Appropriate \$150,000 from the General Fund

SUMMARY

Since fiscal year 2009/2010, the City has not remitted the surcharges collected from penalties imposed parking violations to the County of Ventura Treasurer (County) pursuant to Government Code Sections 76100, 76101 and 70372 (b); and to the State Treasurer's Office (State) per Government Code Section 76000.3 For the three-year period ending May 31, 2012, the City has collected surcharges totaling \$128,948.50 and is obligated to transmit \$114,218.50 to the County and \$14,730.00 to the State.

DISCUSSION

Since its incorporation, the City has elected to accept parking penalties and to process parking violations pursuant to Section 40200 of Chapter 1 of Division 17 of the Vehicle Code. In 1989, the City entered into an agreement with the City of Thousand Oaks to process citations, send out late notices and send data to the State Department of Motor Vehicles.

In 1991 the State legislature enacted three bills (Assembly Bill (AB) 1297, AB544 and Senate Bill (SB) 21) into law (Government Code Section 76000) to fund the maintenance and construction of court facilities transferred from the counties to the State. On October 2, 1991, the City modified the bail schedule for violations of the municipal traffic code, which apply to vehicle parking, to include a \$5.00 surcharge - \$2.50 for County Courthouse Construction Fund and \$2.50 for the County Criminal Justice Facilities Construction Fund. For each parking penalty collected on each violation, the surcharges shall be paid to the county treasurer monthly and the county shall deposit these in the authorize fund for distribution.

In July 15, 1998, the City adopted Resolution No. 98-1492 which established a new bail schedule that increased the penalty of all parking violations, except for disabled person parking violations, from \$30.00 to \$40.00. This bail schedule was unchanged until July 1, 2010 when the rates were updated to reflect the additional fines pursuant to Government Section 70372. Effective January 1, 2009, this Government Section was amended by SB 1407 to increase the penalty for every parking offense where parking penalty, fine or forfeiture imposed by \$4.50. The increased bail amounts shall be deposited to county treasury within 45 days after the end of the month and the funds will be distributed as follows: one-third (\$1.50) of the total amount shall be deposited in the State Court Facilities Construction Fund and two-thirds (\$3.00) of the total amount shall be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. Per City Resolution No. 2010-2923, the penalty for parking violations was changed from \$40.00 to \$55.00 and disabled person parking violations was increased from \$280.00 to \$320.00.

As part of the Budget Act of 2010, SB 857 was enacted on October 19, 2010 to add Government Code Section 76000.3. This provision became effective on December 7, 2010 and becomes inoperative on July 1, 2013. It imposed a \$3.00 additional penalty on each parking penalty collected on each violation and such fees must be transmitted to the State Treasurer for deposit to the Trial Court Trust Fund. In response, on December 1, 2010, the City revised the bail schedule to include these added penalties. Hence, by adoption of City Resolution No. 2010-2981 the new bail amounts for parking violation increased to \$58.00 while disabled person parking violations rose to \$323.00. This brings the total County and State surcharges to \$12.50 for every parking penalty collected by the City.

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	GC 76000.3
Total	\$12.50	

Since the enactment of these codes, the City failed to remit the surcharges to the County and State. Based on the statute of limitations, staff reconciled the parking fines

collected from the past three fiscal years and determined that the surcharges owed to each agency are as follows:

	FY 2009/10	FY 2010/11	FY 2011/12 ¹	TOTAL
Total Parking Penalties Collected ²	\$180,675.00	\$209,963.00	\$229,174.00	\$619,812.00
No. of Citations Collected (County)	4,354	3,789	3,880	12,023
No. of Citations Collected (State) ³	-	1,286	3,624	4,910
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Courthouse Construction Fund (GC § 76000 & 76100) \$2.50	\$10,885.00	\$9,472.50	\$9,700.00	\$30,057.50
Criminal Justice Facilities Construction Fund (GC § 76000 & 76101) \$2.50	\$10,885.00	\$9,472.50	\$9,700.00	\$30,057.50
State Court Facilities Construction Fund (GC § 70372) \$1.50	\$6,531.00	\$5,683.50	\$5,820.00	\$18,034.50
Immediate & Critical Needs Account fo the State Court Facilities Construction Fund (GC § 70372) \$3.00	\$13,062.00	\$11,367.00	\$11,640.00	\$36,069.00
Amount due to County Treasurer	\$41,363.00	\$35,995.50	\$36,860.00	\$114,218.50
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Trial Court Trust Fund (GC § 76000.3) \$3.00	\$0.00	\$3,858.00	\$10,872.00	\$14,730.00
Amount due to State Treasurer	\$0.00	\$3,858.00	\$10,872.00	\$14,730.00
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TOTAL SURCHARGES	\$41,363.00	\$39,853.50	\$47,732.00	\$128,948.50

Notes:

- ¹ Revenues collected from July 1, 2011 thru May 22, 2012
- ² Net of refunds, late fees, reversals and non sufficient fund checks
- ³ Effective December 8, 2010 and becomes inoperative on July 1, 2013

FISCAL IMPACT

The remittance of surcharges was not included in the current year's budget and staff recommends an appropriation of \$150,000.00 from the General Fund (1000) to satisfy the amount due the County and the State. Staff anticipates that for fiscal year 2012/2013, the 4,000 citations or \$50,000.00 County and State penalties will be collected and owed. An appropriation for this will be requested as part of the mid-year budget report. In the subsequent years, the surcharges will be included in the annual budget development.

STAFF RECOMMENDATION (Roll Call Vote)

Adopt Resolution No. 2012- _____ to authorize the payment of surcharges collected from vehicle parking violations fines to the County Ventura Treasurer and the State of California Treasurer; and amend the fiscal year 2011/2012 budget by appropriating \$150,000 from the General Fund (1000) as noted in Exhibit "A" to the attached resolution.

Attachment: Resolution

RESOLUTION NO. 2012 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA AUTHORIZING THE PAYMENT OF SURCHARGES COLLECTED ON VEHICLE PARKING VIOLATION FINES FROM FISCAL YEARS 2009/2010, 2010/2011 AND 2011/2012 TO THE COUNTY OF VENTURA AND TO THE STATE TREASURER'S OFFICE; AND AMENDING THE FISCAL YEAR 2011/2012 BUDGET TO APPROPRIATE \$150,000 FROM THE GENERAL FUND (1000)

WHEREAS, in 1991 the State Legislature enacted Assembly Bills (AB) 1297 and 544; and Senate Bill (SB) 21 to amend Government Code Sections 76000, 76100 and 76101 to include a \$5.00 surcharge on each parking penalty collected on each violation to fund the maintenance and construction of court facilities transferred from the counties to the State. Those penalties collected shall be transmitted monthly to the county treasurer. For each parking case collected, the county treasurer shall deposit \$2.50 to the Courthouse Construction Fund and \$2.50 to the Criminal Justice Facilities Construction Fund; and

WHEREAS, on October 2, 1991 City Council adopted Resolution No. 91-807 containing new bail schedule for violations of the municipal traffic code, which apply to vehicle parking to include State increased fees; and

WHEREAS, on March 3, 1993 City Council rescinded Resolution No. 91-807 and adopted Resolution No. 93-924 containing the new bail schedule for violations of the municipal traffic code, which apply to vehicle parking to increase the disabled person parking penalty from \$105.00 to \$280.00 and added new penalties to address vehicles blocking curb cuts and ramps designed for disabled persons; and

WHEREAS, on July 15, 1998 City Council rescinded Resolution No. 93-924 and adopted Resolution No. 98-1482 containing the new bail schedule for violations of the municipal traffic code, which apply to vehicle parking to increase penalty on all parking violations, except disabled person parking penalty, from \$30.00 to \$40.00 consistent with other surrounding cities; and

WHEREAS, SB 1407 was signed into law on September 26, 2008, and became effective on January 1, 2009, amended Government Code Section 70372, which imposed an additional \$4.50 surcharge on each parking citation payable to the County of Ventura within forty-five (45) days after the end of the month. For each parking fine collected, the County shall distribute \$1.50 to the State Court Facilities Construction

Fund and \$3.00 to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund; and

WHEREAS, on June 16, 2010 City Council rescinded Resolution No. 98-1492 and adopted Resolution No. 2010-2923 containing the new bail schedule for violations of the municipal traffic code, which apply to vehicle parking to increase penalties to incorporate the \$4.50 State surcharge per SB 1407; and to keep up with current penalty amounts imposed by surrounding cities; and

WHEREAS, on October 8, 2010 SB 857 was enacted to add Government Code Section 76000.3 which provides that effective December 7, 2010 through July 1, 2013 an additional \$3.00 fine is imposed on each parking penalty collected on each violation. Such fees shall be paid to the State Treasurer monthly for deposit in the Trial Court Trust Fund; and

WHEREAS, on December 1, 2010 City Council rescinded Resolution No. 2010-2923 and adopted Resolution No. 2010-2981 containing the new bail schedule for violations of the municipal traffic code, which apply to vehicle parking to increase penalties to incorporate the \$3.00 State surcharge per SB 857;

WHEREAS, on June 15, 2011 City Council adopted the Operating and Capital Improvement Budget for fiscal year 2011/2012; and

WHEREAS, a staff report has been presented to the City Council summarizing the amounts owed to the County of Ventura and the State Treasurer; and staff is seeking Council's approval to pay surcharges totaling \$128,948.50 due now to the County of Ventura and to the State Treasurer's Office from parking citation fines collected from July 1, 2009 to May 22, 2012; and

WHEREAS, the adopted budget does not include appropriations for the payment of surcharges and the staff report is requesting a budget amendment increase of \$150,000 from the General Fund (1000); and

WHEREAS, Exhibit "A" hereof describes said budget amendment and its resultant impact to the budget line item.

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

SECTION 1. That a Budget Amendment of \$150,000, as more particularly described in Exhibit "A", is hereby approved.

SECTION 2. 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 20th day of June, 2012.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit 'A' - Budget Appropriation

**Budget Amendment for
General Fund
To Remit the Parking Citation Surcharges to the County/State
FY 2011/2012**

A. Fund Allocation

Fund Description	Account	Amount
General Fund	1000-5500	\$ 150,000
	Total	\$ 150,000

B. Appropriation Allocation

Budget Number	Adopted Budget	Budget Change	Revised Budget
1000-8330-0000-9273	\$ 0	\$ 150,000	\$ 150,000

Finance Approval:

