



AGENDA REPORT

Meeting Date: April 7, 2009
Item Number: E-3
To: Honorable Mayor & City Council
From: Chad Lynn, Director of Parking Operations
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADJUSTING THE PARKING CITATION CHARGES FOR FISCAL YEAR 2008/2009

Attachments: 1. Resolution with Exhibit "A" – Parking Citation Fines

RECOMMENDATION

Staff recommends adoption of the resolution relating to the charges for parking citations.

INTRODUCTION

The City of Beverly Hills revised parking citation fines on December 12, 2008 for implementation in January of 2009. The additional revenues generated from the new citation fines backfilled General Fund subsidies that mitigate the structural deficit in the Parking Enterprise Fund. On February 17, 2009, the City Council approved an adjustment to these fines in the amount of \$3.00 in response to a state mandated fee on each paid parking violation pursuant to Senate Bill (SB) 1407, which became effective in January of 2009.

On March 27, 2009, based on meetings with staff of the Judicial Council's Administrative Office of the Courts and the State Controller's Office, staff has been made aware of an additional fee of \$1.50 that was enacted in January of 2008, pursuant to the passage of SB 425.

If the City does not amend the parking fines to account for these new expenses, approximately \$213,000 of the projected revenues generated by the rate adjustment in December 2008 and reaffirmed by the rate adjustment in February 2009 will be used to pay the additional state mandated fees.

DISCUSSION

That state of California mandates certain fees be collected to fund the construction and maintenance of the State and County Courts facilities. These fees are collected from local agencies, and are assessed on each paid parking violation. The table below represents the historical fees paid by the City:

State Fees Table - Prior to 2008

Fund	Amount	Government Code
Courthouse Construction Fund	\$2.50	76000(b) and (c)
Criminal Justice Facilities Construction Fund	\$2.50	76000(b) and (c)
TOTAL	\$5.00	

Prior to 2008, Government Code (GC) section 70372(b) established a \$1.50 fee for the State Court Facilities Construction Fund. Prior to 2008, the City was exempted from paying this fee pursuant to GC 70375, which allowed the City to reduce its obligation to pay these fees by the amount paid to the local Courthouse Construction Fund, historically and currently assessed at \$2.50 per paid parking violation.

In January of 2008, SB 425 was enacted, which narrowed the exemption provided by GC 70375 to exclude parking violations and requiring the payment of the \$1.50 fee in addition to the fees paid to the local Courthouse Construction Fund. The narrowing of this exemption was not fully realized until the implementation of SB 1407 in January of 2009, which increased the \$1.50 fee by \$3.00 to \$4.50 to support the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. These fees are collected in addition to the \$5.00 that has historically been collected and outlined in the table above. The confusion created by SB 425 was so widespread that only three (3) of the 58 counties in the state were in compliance. The table below represents the fees assessed to the local agencies for each paid parking violation as of January 2009:

State Fees Table – As of January 2009

Fund	Amount	Sub-Total	Government Code
Courthouse Construction Fund	\$2.50		76000(b) and (c)
Criminal Justice Facilities Construction Fund	\$2.50		76000(b) and (c)
Sub-Total		\$5.00	
State Court Facilities Construction Fund	\$1.50		70372(f)
Immediate and Critical Needs Account	\$3.00		70372(f)
Sub-Total		\$4.50	
TOTAL		\$9.50	

These fees are assessed by the state and are not subject to the discretion of the City. The City will be expected to pay the associated fees as of January 1, 2009. Staff is recommending the City Council make the additional adjustment to the parking citation fines to fund the payment of these fees to the state. Since most cities in California are faced with this same assessments, most agencies plan, or have already, increased their parking citation fines ranging from \$3 to \$5 for each violation.

Current Citation Fine Comparison				
Violation	Proposed BH Fine	City of Los Angeles	City of West Hollywood	City of Santa Monica
METER VIOLATION	\$48	\$48	\$38	\$38
PARKING PERMIT ONLY	\$53	\$53	\$43	\$50
NO PARKING 2:30a to 5a	\$53	\$53	\$43	\$41
EXCESS TIME LIMIT	\$48	\$43	\$43	\$50
STREET CLEANING	\$63	\$58	\$48	\$50
RED ZONE	\$88	\$78	\$68	\$50
NO STOPPING	\$88	\$78	\$68	\$50

Proposed Citation Fine Comparison				
Violation	Proposed BH Fine	City of Los Angeles*	City of West Hollywood	City of Santa Monica*
METER VIOLATION	\$50	\$48	\$40	\$38
PARKING PERMIT ONLY	\$60	\$53	\$45	\$50
NO PARKING 2:30a to 5a	\$55	\$53	\$45	\$41
EXCESS TIME LIMIT	\$50	\$43	\$45	\$50
STREET CLEANING	\$65	\$58	\$50	\$50
RED ZONE	\$90	\$78	\$70	\$50
NO STOPPING	\$90	\$78	\$70	\$50

* Los Angeles and Santa Monica have not yet reported if/when they will be adjusting the parking citation fines.

As part of the City's collection process, citations that are delinquent or remain unpaid are reported to DMV and collected as part of the registration renewal process. Although the fee assessed by the state is \$1.50, pursuant to section 9559 of the California Vehicle Code, collections made by DMV are only made in whole dollar increments. If the City institutes this fee in less than a whole dollar increment, collections made by DMV would not be consistent with payments made to the City.

FISCAL IMPACT

In December 2009, the City Council adopted parking fines estimated to generate an additional \$700,000 annually. The fees adopted in February 2009 mitigated an estimated \$432,000 in additional expenses and secured the original revenue estimates.

Based on the \$1.50 fee assessed by the state, the City will incur additional estimated expenses of \$213,000 annually.

Adjusting all parking violations by \$2.00 will mitigate the impacts of these fees and generate approximately \$284,000 in revenues; backfilling the \$213,000 in additional expenses and contributing \$71,000 in new revenues to the General Fund.

Adjusting all parking violations by \$1.50 will mitigate the impacts of these new fees and generate approximately \$213,000 in revenues; backfilling the additional expenses for the City and potentially generating additional revenues for those fees collected by the DMV in whole dollar increments.

Maintaining the current parking violation fines will result in unmitigated expenses of \$213,000 in the General Fund.



Scott Miller
Finance Approval



David Gustavson
Approved By

RESOLUTION NO. 09-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADJUSTING THE PARKING CITATION CHARGES FOR FISCAL YEAR 2008/2009

The Council of the City of Beverly Hills does resolve as follows:

Section 1. As set forth in Resolution 09-R-12660, the City Council has established, amended, fixed and modified the City's Parking Citation Charges for Fiscal Year 2008/2009 (i.e. fine schedule).

Section 2. The City Parking Citation Charges for Fiscal Year 2008/2009 is hereby adjusted as set forth in Exhibit A, attached hereto and incorporated herein and shall be included in the Comprehensive Schedule of Taxes, Fees and Charges.

Section 3. The City Council is taking action only on that fee which has been established as set forth in Exhibit A. The remaining fees, permit fees, City services charges and other fees, charges, extractions, and required payment for municipal services as set forth in the Comprehensive Schedule of Taxes, Fees and Charges have not been modified.

Section 4. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and its certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

NANCY KRASNE
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, CCM
City Manger


DAVID D. GUSTAVSON
Director of Public Works and Transportation



SCOTT G. MILLER
Director of Administrative Services/ Chief
Financial Officer

City of Beverly Hills
 Department of Public Works and Transportation
 Parking Operations Division
 Exhibit A

**Amended
 2009
 RATES**

REFERENCE

Parking Citation:

Citation Fines include State mandated fees, currently \$9.50 per citation. Late charges are applied 21 days (or more) after the issuance of citation.

* **Supplemental Late Charges** are an additional late charge applied 90 days (or more) after issuance of a citation equal to the amount of the fee that is charged the City upon assignment as a delinquent account for Special Collection processing - a DMV processing fees of \$3.00 and 25% of the outstanding balance at the time of assessment.

City of Beverly Hills Municipal Code Parking Penalty Schedule:			<u>Citation</u> <u>Fine</u>	<u>Late</u> <u>Charge</u>	<u>Additional</u> <u>Charge *</u>
4-2.705a	MC	Peddler over 30 min or w/in 500' 4 hours	155.00	155.00	
4-2.705b	MC	Peddler parked in residential 6p - 8a	155.00	155.00	
7-1.113	MC	Remove Marking/Obstruct Enforcement	155.00	155.00	
7-1.114	MC	Disabling Parking Equipment	155.00	155.00	
7-2.207	MC	Tour Bus Loading Zone Regulations	265.00	250.00	
7-2.208	MC	Tour Bus Staging Zone Regulations	265.00	250.00	
7-2.209	MC	Unlawful Engine Operation	265.00	250.00	
7-2.210	MC	No Tour Buses in Residential Area	265.00	250.00	
7-2.302	MC	Waiting at Parking Facility Entrance	90.00	90.00	
7-2.401	MC	For Sale - Solicitation in Right of Way	55.00	55.00	
7-2.402	MC	For Sale To Persons - Solicitation	55.00	55.00	
7-3.101 A	MC	Red zone	90.00	90.00	
7-3.101 B	MC	Yellow zone	50.00	50.00	
7-3.101 C	MC	Yellow Customer Loading zone	50.00	50.00	
7-3-101 D	MC	White zone	50.00	50.00	
7-3.101 E	MC	Green zone	50.00	50.00	
7-3.101 F	MC	Disabled space	355.00	250.00	
7-3.101G	MC	Posted White Zone	50.00	50.00	
7-3.102 A	MC	Posted No Parking	60.00	60.00	
7-3.102 B	MC	In excess of posted time limit	50.00	50.00	
7-3.102 C	MC	Street Cleaning	65.00	65.00	
7-3.102 D	MC	No Stopping	90.00	90.00	
7-3.103	MC	Improper parking on Grade	40.00	40.00	
7-3.104	MC	Parking on unpaved surface	55.00	55.00	
7-3.105 A	MC	On private property without consent	60.00	60.00	
7-3.105 B	MC	Vacant lot without consent	60.00	60.00	
7-3 106	MC	No Parking - Public Grounds	60.00	60.00	
7-3 107	MC	Parked / Head in only	40.00	40.00	
7-3.108 A	MC	Park/repark within 500' within 4 hours	50.00	50.00	
7-3.108 B	MC	Vendors park/repark within 500' within 4 hours	50.00	50.00	
7-3.109	MC	Not parked within a single space	50.00	50.00	
7-3.110	MC	Successive overtime violation	70.00	70.00	
7-3.112	MC	Parked in alley	70.00	70.00	
7-3.116	MC	Failure to pay posted rate in Municipal Parking Facility	60.00	60.00	
7-3.117	MC	Unlawful Use of Invalid Disabled Placard	500.00	250.00	
7-3.118	MC	No Limos in Residential Zones	265.00	250.00	
7-3.119	MC	Limo Staging Zone	265.00	250.00	
7-3.121	MC	Parking Prohibited in Anti-Gridlock Zones	155.00	155.00	
7-3.211	MC	Permit Misuse	155.00	155.00	

City of Beverly Hills
 Department of Public Works and Transportation
 Parking Operations Division
 Exhibit A

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			<u>Fine</u>	<u>Charge</u>	<u>Charge *</u>
7-3.212 A	MC	Parking by permit only	60.00	60.00	
7-3.301 A	MC	No parking 2:30am to 5:00am	55.00	55.00	
7-3.308	MC	No parking 2:30am to 5:00am	55.00	55.00	
7-3.408	MC	Failure to activate meter time	50.00	50.00	
7-3.409	MC	Meter violation	50.00	50.00	
7-3.412	MC	Tampering with meter	155.00	155.00	
7-3.413	MC	Use of slugs	155.00	155.00	
7-3.414	MC	Deposit coins-meter for profit	65.00	65.00	
TBD	MC	Vehicle Removal/Fire Safety Ord	90.00	90.00	

California Vehicle Code Violations:

4000a	CVC	No Evidence of registration	60.00	60.00	
4457	CVC	Mutilated/illegal license plates	N/A	N/A	
5200	CVC	License plate missing	50.00	50.00	
5201	CVC	License plates improperly positioned	50.00	50.00	
5204a	CVC	No license tabs/improperly attached	50.00	50.00	
21461	CVC	Failure to follow posted signs	50.00	50.00	
22500a	CVC	Parking within an intersection	60.00	60.00	
22500b	CVC	Parking on a crosswalk	90.00	90.00	
22500c	CVC	Parking/safety, sign or red curb	90.00	90.00	
22500d	CVC	Parking/fire station entrance	90.00	90.00	
22500e	CVC	Parking/blocking a driveway	60.00	60.00	
22500f	CVC	Parking on sidewalk	60.00	60.00	
22500g	CVC	Parking along excavation	60.00	60.00	
22500h	CVC	Double parking	90.00	90.00	
22500i	CVC	Parking in bus zone (b)	275.00	250.00	
22500j	CVC	Parking in tunnel	90.00	90.00	
22500k	CVC	Parking on bridge	90.00	90.00	
22500l	CVC	Parking/blocking wheelchair access (b)	355.00	250.00	
22500.1	CVC	Parking in fire lane	90.00	90.00	
22502a	CVC	Parking 18" from right curb	55.00	55.00	
22502e	CVC	Curb parking/one way street	55.00	55.00	
22507.8a	CVC	Disabled parking/private/public (c)	355.00	250.00	
22507.8b	CVC	Blocking disabled parking (c)	355.00	250.00	
22507.8c	CVC	Blocking disabled space markings (c)	355.00	250.00	
22511.56	CVC	Misuse of Disabled Placard	500.00	250.00	
22514	CVC	Parking within 15' of fire hydrant	90.00	90.00	
22515a	CVC	Unattended vehicle/engine running	40.00	40.00	
22516	CVC	Locked door/no escape	40.00	40.00	
22517	CVC	Vehicle door open to traffic	40.00	40.00	
22520	CVC	Parking on freeway	N/A	N/A	
22520.5a	CVC	Vending on freeway	N/A	N/A	
22521	CVC	Parked on or within 7 1/2' of RR tracks	90.00	90.00	
22522	CVC	Parked within 3' of sidewalk ramp (b)	355.00	250.00	
22523a	CVC	Abandon vehicle upon highway (d)	155.00	155.00	
22523b	CVC	Abandon vehicle public/private property (d)	155.00	155.00	
22526a	CVC	Blocking intersection/crosswalk (a)	90.00	90.00	
22526a	CVC	Blocking intersection/crosswalk turning (a)	90.00	90.00	
22951	CVC	Lot street and alley parking	60.00	60.00	

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			<u>Fine</u>	<u>Charge</u>	<u>Charge *</u>
21113a	CVC	Parked on Public Grounds	60.00	60.00	
21211b	CVC	Bike lane / path	90.00	90.00	
		Copy of notice of parking violation (e)	2.00		
		(a) Minimum bail set by California Vehicle Code Section 42001.1.			
		(b) Minimum bail set by California Vehicle Code Section 42001.5.			
		(c) Minimum bail set by California Vehicle Code Section 42001.13			
		(d) Minimum bail set by California Vehicle Code Section 22523c.			
		(e) California Vehicle Code Section 40206.5.			