



## CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 2, 2009 CONSENT CALENDAR

SUBJECT: PROPOSED RESOLUTION AMENDING THE BAIL SCHEDULE FOR PARKING VIOLATIONS TO PROVIDE FOR STATUTORILY-REQUIRED PASS-THRU COSTS ON PARKING VIOLATIONS FOR STATE COURT AND CRIMINAL JUSTICE FACILITIES CONSTRUCTION COSTS (SB1407).

FROM: David H. Ready, City Manager

BY: James Thompson, City Clerk

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### SUMMARY

The City Council will consider amending the City's Bail Schedule to provide for mandated pass-thru penalties for State court construction costs (SB1407) and previously adopted pass-thru costs.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR STATUTORILY-REQUIRED STATE COURT AND CRIMINAL JUSTICE FACILITIES CONSTRUCTION PASS-THRU PARKING PENALTIES, AND AMENDING THE BAIL SCHEDULE."

### STAFF ANALYSIS:

The City of Palm Springs elects to process parking violations, pursuant to Chapter 1 of Division 17 of the California Vehicle Code. Based on recent changes in State law adding pass-thru costs on parking offenses, staff would recommend that the City Council consider adopting pass-thru provisions so that the violator, and not the City, is paying the cost as intended by the California law.

Effective 2009, the California Legislature approved SB1407 requiring a \$4.50 pass-thru for every parking offense where a parking penalty, fine, or forfeiture is imposed to fund construction of State court facilities. Additionally, the state has previously enacted other pass-thru costs for Courthouse Construction Fund and Criminal Justice Facilities

ITEM NO. 2.5.

Construction Fund. State law allows agencies to pass-thru costs to parking violators, below is a summary of State adopted pass-thru costs:

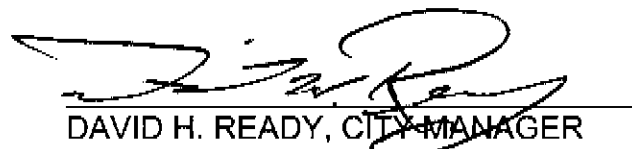
|   |         |
|---|---------|
| <u>Cal. Gov. Code § 76000(b) and (c)</u>  |         |
| Courthouse Construction Fund  | \$ 2.50 |
| Criminal Justice Facilities Construction Fund   | \$ 2.50 |
| <br>  |         |
| <u>Cal. Gov. Code § 70372(b)</u>  |         |
| State Court Facilities Construction Fund  | \$ 4.50 |
| <br>  |         |
| <u>Cal. Vehicle Code § 9559</u>   |         |
| DMV will not recognize cents when processing and allows and requires agencies to round up the amounts to the nearest dollar | \$ .50  |
| <br>  |         |
| TOTAL PASS-THRU COSTS CURRENTLY PAID BY THE CITY  | \$10.00 |

The City shall pay to the County treasurer the State pass-thru for the parking penalty imposed. Riverside County then remits the payment to the State controller for deposit into the State Court Facilities Construction Fund.

FISCAL IMPACT:

The amount of pass-thru costs is estimated at \$35,000 annually.

  
\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

  
\_\_\_\_\_  
DAVID H. READY, CITY MANAGER

Attachments:  
Proposed Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR STATUTORILY-REQUIRED STATE COURT AND CRIMINAL JUSTICE FACILITIES CONSTRUCTION PASS-THRU PARKING PENALTIES, AND AMENDING THE BAIL SCHEDULE.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

A. Pursuant to Chapter 1 of Division 17 of the California Vehicle Code, the City of Palm Springs elects to issue and process parking violations within the City.

B. The State of California has approved statutorily-required pass-thru penalties for every parking offense where a parking penalty, fine, or forfeiture is imposed to fund construction of State court facilities as follows:

|   |         |
|---|---------|
| <u>Cal. Gov. Code § 76000(b) and (c)</u>  |         |
| Courthouse Construction Fund  | \$ 2.50 |
| Criminal Justice Facilities Construction Fund   | \$ 2.50 |
| <br>  |         |
| <u>Cal. Gov. Code § 70372(b)</u>  |         |
| State Court Facilities Construction Fund  | \$ 4.50 |
| <br>  |         |
| <u>Cal. Vehicle Code § 9559</u>   |         |
| DMV will not recognize cents when processing and allows and requires agencies to round up the amounts to the nearest dollar | \$ .50  |
| <br>  |         |
| TOTAL PASS-THRU COSTS   | \$10.00 |

C. California law provides the pass-thru penalties may be borne by the parking violator and not the City, nor the citizenry at large.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council approves the State of California statutorily-required pass-thru penalties for every parking offense where a parking penalty, fine, or forfeiture is imposed in the City of Palm Springs, as outlined in Finding B of this Resolution.

SECTION 2. All statutorily-required pass-thru penalties are effective October 1, 2009.

SECTION 3. Each component of the pass-thru penalties and all portions of this Resolution are severable. Should any individual component of any pass-thru penalty or

other provision of this Resolution be adjudicated to be invalid and unenforceable, the remaining provisions shall be and continue to be fully effective, and the fine, forfeiture, pass-thru penalty shall be fully effective except as to that portion that has been judged to be invalid.

SECTION 4. The City Clerk is hereby authorized and directed to incorporate said pass-thru penalties and modifications into the City's Bail Schedule.

SECTION 5. Should the State of California modify, amend and/or add new statutorily-required pass-thru penalties for a parking offense, the City Clerk is hereby authorized and directed to automatically modify and adjust the Bail Schedule and further incorporate any pass-thru penalties enacted by the State of California.

ADOPTED THIS 2<sup>ND</sup> DAY OF SEPTEMBER, 2009.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 2, 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California