

RESOLUTION NO 2017-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING INCREASE OF CITY PARKING BAIL SCHEDULE TO COMPENSATE FOR
INCREASED OPERATIONAL COSTS ASSOCIATED WITH PARKING ENFORCEMENT,
INSTITUTING LATE PAYMENT PENALTIES FINES FOR DELINQUENT PAYMENT OF
PARKING CITATIONS AND AUTHORIZE FINANCE DIRECTOR TO MAKE ANY NECESSARY
BUDGETARY AND ACCOUNTING ENTRIES

WHEREAS, State of California law provides in Vehicle Code Section 40203.5(a) “The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties”, and;

WHEREAS, State of California authorizes the City to recover administrative fines, process service fines, fines and collection costs related to civil debt collection and other related charges, and;

WHEREAS: parking penalties (fines) were last increased in the City of Marina on March 1, 2011 per Resolution 2011-36, and;

WHEREAS: the City of Marina currently does not have in place a late payment penalties system for delinquent payment of parking citations as it is authorized to do by California Vehicle Code Section 40203.5(a) and recovery of late payment of parking citations will increase payment compliance by persons cited, and;

WHEREAS, a comparison of bail amounts of selected Monterey County jurisdictions reveals that the proposed bail amounts are within the range specified by California Vehicle Code Section 40203.5(a) that cities establish the amount of parking bails that states that “To the extent possible, issuing agencies within the same county shall standardize parking penalties”, and;

WHEREAS, normal costs of operations associated with parking enforcement has increased due to normal inflation that affects all segments of public and private business and it is important to recoup those inflation related costs in order to continue to offset costs related to parking enforcement operations.

NOW, THEREFORE IT BE RESOLVED, that the City Council of the City of Marina does hereby amend City of Marina Municipal Code parking bails by increasing said bails five (\$5) each and approves the imposition of a three tiered late penalty fee system as follows:

1. Tier One: Ten dollar (\$10) late fee assessed thirty days after the citation is issued if the citation is not paid.
2. Tier Two: Additional twenty dollar (\$20) late fee assessed sixty days after the citation is issued if the citation and the tier one assessment is not paid. (A total of thirty dollars).
3. Tier Three: Report filed with the California Department of Motor Vehicles resulting in the withholding of the vehicle owner’s ability to register their vehicle until all parking citation(s) fines are paid.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 12th day of May 2017, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: O’Connell, Brown

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 20, 2017

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2017-,
APPROVING INCREASE OF CITY PARKING BAIL SCHEDULE TO
COMPENSATE FOR INCREASED OPERATIONAL COSTS
ASSOCIATED WITH PARKING ENFORCEMENT, INSTITUTE LATE
PAYMENT PENALTY FINES FOR DELINQUENT PAYMENT OF
PARKING CITATIONS, AND AUTHORIZE FINANCE DIRECTOR TO
MAKE ANY NECESSARY BUDGETARY AND ACCOUNTING ENTRIES**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2017-, approving increase in City parking bail schedule to compensate for increased operational costs associated with parking enforcement, institute late payment penalty fines for delinquent payment of parking citations, and;
2. Authorize Finance Director to make any necessary budgetary and accounting entries.

BACKGROUND:

On March 1, 2011, the City Council approved Resolution No. 2011-36 authorizing an increase in parking fines. The overall increase for all fines was five dollars.

Per the State of California, cities are provided the ability to set parking bails per Vehicle Code Section 40203.5(a), which states “The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties”.

To ensure the increase in parking fines and late payment penalties meet the requirements of the State Vehicle Code, staff queried the cities of Pacific Grove, Monterey and Seaside. Based on the information gathered the Department determined the appropriate increase for each parking violation and late payment penalties. Of note, the City currently does not have a late payment penalty system in place for parking violations. This has made the collection of parking fines more difficult.

The normal cost of operations associated with parking enforcement has increased due to normal inflation that affects all segments of public and private business. It is important to recoup those inflation related costs in order to continue to offset costs related to parking enforcement operations. In addition, the City has no late payment penalties fines schedule in place to encourage timely payment of parking citations.

ANALYSIS:

Staff conducted research into surrounding jurisdictions parking fines and late payment penalty fines systems. Not all jurisdictions have the same parking violations. As such, only like violations and fines were utilized in the determination of proposed fine increases. The various jurisdictions all possess late payment penalty fines and the Department analyzed how each was administered and the amounts charged by each.

Based on staff research the Police Department recommends a five-dollar increase of the parking bail schedule per violation. For ease of comparison the table below shows the current Marina bail schedule compared to the proposed five-dollar increase.

Marina Municipal Code Section	Description	Current Bail	Proposed Bail
8.22.020	Parking in front yard	\$40	\$45
10.40.040a-j	No Parking Area	\$40	\$45
10.40.050	Use of streets for vehicle storage	\$50	\$55
10.40.060	Parking for sale purpose	\$50	\$55
10.40.070	Repairing or greasing vehicle/street	\$50	\$55
10.40.080	Washing or polishing vehicle/street	\$30	\$35
10.40.090	Parking adjacent to school	\$40	\$45
10.40.100	Parking prohibited on narrow street	\$40	\$45
10.40.110	Parking on grade	\$40	\$45
10.40.120	Unlawful parking-vendors/peddlers	\$50	\$55
10.40.130	Emergency parking signs	\$50	\$55
10.40.140	Display of warning devices on commercial vehicles	\$50	\$55
10.40.150	No parking (time listed)	\$40	\$45
10.44.010	24 minute parking (green curb)	\$30	\$35
10.44.020	40 minute parking	\$30	\$35
10.44.030	One hour parking	\$30	\$35
10.44.040	Two hour parking	\$30	\$35
10.44.050	Parallel parking on one way street	\$40	\$45
10.44.060	Diagonal parking	\$30	\$35
10.44.070	Parking over space marking line	\$30	\$35
10.44.080	No stopping zone	\$40	\$45
10.48.020a	Parking in red zone	\$40	\$45
10.48.020b	Parking in yellow zone	\$40	\$45
10.48.020c	Parking in white zone	\$40	\$45
10.48.040	Parking in loading zone over time limit	\$40	\$45
10.48.050	Parking in passenger loading zone over time limit	\$40	\$45
10.48.060	Parking in alleys	\$40	\$45
10.48.070	Parking in posted bus zone	\$40	\$45
10.52.020	Commercial vehicles parked where prohibited	\$80	\$85
10.56.010	Driving around railroad barrier	\$45	\$50

Parking citation late penalty fines imposed by other local jurisdictions are based on a three tiered system, with the first two tiers being the imposition of an increasing monetary assessment and the third tier being the reporting to the California Department of Motor Vehicles where the cited person's vehicle registration is held until that cited person pays the fine to the DMV, which is in addition to the regular registration fines. The DMV does keep a portion of the fine and the rest is forwarded to the jurisdiction where the citation was issued.

The Police Department recommends the imposition of a three tiered late penalty fee system as follows:

1. Tier One: Ten dollar (\$10) late fee assessed thirty days after the citation is issued if the citation is not paid.
2. Tier Two: Additional twenty dollar (\$20) late fee assessed sixty days after the citation is issued if the citation and the tier one assessment is not paid. (A total of thirty dollars (\$30)).
3. Tier Three: Report filed with the California Department of Motor Vehicles resulting in the withholding of the vehicle owner's ability to register their vehicle until all parking citation(s) fines are paid.

City Council's approval of the increase in parking fines and the assessment of late payment penalties will help offset the increased costs of operations and increase the ability to recover fines associated with parking enforcement.

FISCAL IMPACT:

Should City Council approve this request, an increase in parking fine revenue and late payment penalties would be seen when it is implemented. Increase would be seen in the current and future City budgets in Police Department Revenues, Parking Fines, Account No. 100.210.02.5300.500.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Roberto Filice
Chief of Police
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina