

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 11/15/10

Reviewed by: BP

SUBJECT: AUTHORIZATION OF A PARKING FINE FEE INCREASE TO ACCOMMODATE A STATE TRIAL COURT TRUST FUND SURCHARGE, AS PER ASSEMBLY BILL 1617

REPORT BY: Mike McQuiston, Chief of Police

STAFF RECOMMENDATION

Approve Resolution No. 2010-59 authorizing an adjustment of parking citation fines by \$3.00 to accommodate a \$3.00 increase on all parking citations, for transmittal to the state Trial Court Trust Fund.

BACKGROUND

The state Trial Court Trust Fund was established pursuant to California Government Code section 68085. That section requires the apportionment of its proceeds for the purposes stated therein, including apportionment to the trial courts to fund trial court operations.

AB 1617 was introduced by the Assembly Budget Committee as a means of addressing court system funding shortages. In addition to increasing various court fees throughout the state, AB 1617 levies an additional \$3.00 fee on all parking citations. The fees collected are then transmitted to the Trial Court Trust Fund via the County treasurer on a monthly basis. This fee is in addition to fees currently collected from each parking citation to fund various court operations (see discussion below).

The parking surcharge goes into effect 60 days after the budget was signed by the Governor (October 8, 2010) and sunsets on July 1, 2013. This penalty is projected to generate \$10.5 million in additional revenue for the trial courts.

DISCUSSION

The City of Albany currently pays an \$8.00 surcharge per parking citation; it is distributed according to various state mandates:

- \$1.50 - County Criminal Justice Construction Fund
- \$1.50 - County Temporary Courthouse Construction Fund
- \$2.00 - State Construction Funds
- \$3.00 – Govt’ Code 70372(b)

Of the aforementioned \$8.00 in surcharges, only the January 1, 2009 \$4.50 increase as a result of SB 1407 has been "passed-through" to traffic violators; this in the form of Albany City Council Resolution #09-17, adopted April 20, 2009. The City has borne each of the remaining costs.

The effect of the AB1617 will increase the state surcharge on each traffic citation issued by \$3.00. As a result, staff recommends increasing the current parking citation fines by \$3.00 to cover this additional surcharge.

ANALYSIS

Staff does not believe it was the intent of the legislators to require that cities absorb the increase in penalty (surcharge). Due to the fact that parking penalties are collected as civil penalties which are set by local jurisdictions (the dollar amount of Albany's parking violation penalties is set annually in the Master Fee Schedule), staff believes this increase is warranted and fair.

SUSTAINABILITY IMPACT

Higher penalties for motor vehicle parking violations have the potential to encourage automobile drivers to use modes of transportation that convey less environmental impacts, reduce congestion and increase the safety of pedestrians and cyclists.

FINANCIAL IMPACT

This surcharge, (if not added to our base fines for parking violations) would directly result in reduced revenue to the General Fund. The impact of the proposed increase to parking penalties is intended to be cost neutral to the City, as this increase will offset the increase to the State surcharge on parking penalties issued.

Attachments:

Resolution No. 2010-59