

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

Tim B... CAPTAIN

BOARD AGENDA # *B-7(c)

Urgent

Routine

AGENDA DATE March 16, 2010

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 27, 2010, at 9:10 A.M. to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected by the Sheriff's Department

STAFF RECOMMENDATIONS:

Set a Public Hearing on April 27, 2010, at 9:10 A.M. to introduce and waive the first reading of an ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department.

FISCAL IMPACT:

The Sheriff's Department currently collects penalties on a total of 48 different parking violations. The proposed penalty schedule reflects no change to 17 of the penalties, 4 new penalties, a decrease in 4 penalties, 14 penalties increase by \$5.00, 8 penalties increase between \$10.00-\$45.00 and the handicapped placard violation penalty increases by \$250. The average of all the proposed increases is \$11.00. In calendar year 2009 the Sheriff's Department processed approximately 1,700 parking citations. Based on the average penalty increase of \$11.00 applied to the 1,700 citations processed last year, the department estimates an increase of approximately \$18,700 annually in revenue.

BOARD ACTION AS FOLLOWS:

No. 2010-132

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-L-9

Approval to Set a Public Hearing on April 27, 2010, at 9:10 A.M. to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected by the Sheriff's Department

DISCUSSION:

In 1978, California Municipal Courts stopped setting penalty schedules for violations of county and municipal code parking regulations. The courts placed this authority with the local government. In 1993, AB 408 revised the procedures for processing and adjudicating parking law offenses. The bill required courts to transfer the processing of parking offenses to issuing agencies. Consequently, the parking violations have been removed from the Uniform Bail and Penalty Schedules. Parking violations essentially became an administrative action issued by local government.

Currently, the Sheriff's Department is vested with the responsibility of enforcing parking laws in the unincorporated areas of the County and the processing and collection of the parking penalties is handled through a contract for services with the City of Inglewood.

Historically the parking penalties have been updated by the Sheriff's Department Traffic Unit by conducting a survey of neighboring jurisdictions every few years. The Sheriff's Department surmises that the County has not increased the base penalty for parking violations for many years and recommends adopting the uniform parking penalty schedule as outlined in Exhibit A.

A survey of the neighboring jurisdictions was conducted in partnership with the City of Ceres. In addition the staff reviewed the State of California Judicial Council recommendations for parking violation penalties. The survey is attached as Exhibit B. In many cases, the penalties remain unchanged. There are 4 new penalties, a decrease in 4 penalties, 14 penalties increase by \$5.00, 8 penalties increase between \$10.00-\$45.00 and the handicapped placard violation penalty increases by \$250. The proposed penalty changes are designed to achieve some uniformity in the schedule.

FEE AUTHORITY:

General Authority

GC 54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

Parking Penalties

40200. (a) Any violation of any regulation that is not a misdemeanor governing the standing or parking of a vehicle under this code, under any federal statute or regulation, or under any

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FEE AUTHORITY (continued):

ordinance enacted by local authorities is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

40203. The notice of parking violation shall be accompanied by a written notice of the amount of the parking penalty due for that violation, the address of the person authorized to receive a deposit of the parking penalty, a statement in bold print that payments of the parking penalty for the parking violation may be sent through the mail, and instructions on obtaining information on the procedures to contest the notice of parking violation.

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.

40203.5. (b) Parking penalties under this article shall be collected as civil penalties.

PUBLIC HEARING:

Pursuant to Government code section 54985, the County is required to hold a scheduled public hearing prior to levying a new charge or increasing an existing charge.

POLICY ISSUES:

An ordinance of the Board of Supervisor's is required to increase or establish those penalty charges. The Board must decide the potential impacts on the community and whether the request will assist the Sheriff's Department in meeting the Board's priority of ensuring a safe community and efficient government operations.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT INFORMATION:

Captain Tim David, Administrative Division, (209) 525-7014.

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A PARKING PENALTIES SCHEDULE
AND INCREASING EXISTING PARKING PENALTIES
COLLECTED BY THE SHERIFF'S DEPARTMENT**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Penalties to be collected by the Sheriff's Department are adopted and amended as set forth in the Sheriff's Department Parking Penalty Schedule attached hereto as Exhibit A and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2010, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A PARKING PENALTIES SCHEDULE
AND INCREASING EXISTING PARKING PENALTIES
COLLECTED BY THE SHERIFF'S DEPARTMENT**

APPROVED AS TO FORM:
JOHN P. DOERING
County Counsel

By W. Dean Wright
W. Dean Wright
Deputy County Counsel

EXHIBIT A

Stanislaus County Parking Penalties Schedule 2010

Code	Description	Current Stan. County	Proposed Stan. County	Net Change	Percent Change
Vehicle Code					
4000A	Expired Registration	76	100	24	32%
4461B	Misuse of Handicapped Placard	25	275	250	1000%
4462A	Wrong Plate or Tab on Vehicle		65	New	
4462B	Reg Presented for Wrong Person	76	70	-6	-8%
4464	Altered License Plate		100	New	
5200	License Plate Missing	25	35	10	40%
5200.1	Covering License Plate	20	25	5	25%
5201	Plates Secure and Visible		35	35	
5202	No Plate on Vehicle at All	20	50	30	150%
5204	No Current Tabs on Street	76	70	-6	-8%
21113	Parking Permit Required	5	25	20	400%
21113A	Public Grounds or Institutions		25	New	
21116A	Pkg./Drvg. on Levee/Canal Bank	42	35	-7	-17%
21458(A)(2)	Loading Zone (Yellow Curb)	30	30	0	0%
21461(a)	Failure to Obey Sign	42	50	8	19%
22500.1	Fire Lane	20	65	45	225%
22500(A)	Within an Intersection	20	25	5	25%
22500(B)	On a Crosswalk	20	25	5	25%
22500(C)	Between a Safety Zone	20	25	5	25%
22500(D)	Within 15' of the Driveway	20	25	5	25%
22500(E)	Blocking Driveway	20	25	5	25%
22500(F)	On any Portion of a Sidewalk	20	25	5	25%
22500(G)	Alongside or Opposite any Street	20	25	5	25%
22500(H)	Double Parked	20	25	5	25%
22500(I)	Wheelchair Unloading Zone/Bus	20	25	5	25%
22500(J)	In a Tube or Tunnel	20	25	5	25%
22500(K)	Upon a Bridge	20	25	5	25%
22500(L)	Blocking Wheelchair Access	275	275	0	0%
22502(A)	Parked against Traffic	30	30	0	0%
22502(A)1	18" from Curb	30	30	0	0%
22504A	Parking on Highway	30	30	0	0%
22505B	State Highway Posted	20	25	5	25%
22507.8(A)	Handicapped Parking Only	275	275	0	0%
22507.8(B)	Obstruct, Block bar Access DP	275	275	0	0%
22514	Not Parked 15' from Fire Hyd.	30	30	0	0%
22515(A)	Unattend Veh Engine Running	20	25	5	25%
22516	Parking Locked Veh w/Occupant	35	35	0	0%
22517	Veh Door opened on Traffic	35	35	0	0%
22521	Park On/Within 7' of RR Tracks	40	35	-5	-13%
22523A/B	Vehicle Abandonment	140	140	0	0%
27155	Fuel Tank Caps Required	70	70	0	0%
County Code					
11.08.030	Red Curb (No Parking)	50	50	0	0%
11.08.030	Time Limit (Green Curb)	30	30	0	0%
11.08.080	Diagonal Parking Required	5	25	20	400%
11.08.090	Commercial Vehicle, Trailer	50	50	0	0%
11.12.040	Time Limit (White Curb)	30	30	0	0%
11.20.040	Alley Parking	25	25	0	0%
11.36.020	Selling vehicle from roadway	20	30	10	50%

Parking Penalty Survey

Exhibit B

Code	Description	2009 Jud.	Exhibit B										Current	Proposed	Net	Percent	
		Council	Ceres	Hughson	Modesto	Newman	Oakdale	Patterson	Riverbank	Turlock	Waterford	Average	Stan. County	Stan. County	Change	Change	
Vehicle Code																	
4000A	Expired Registration	180/25	180/25	135	195	50	50	50	135	50	135	100	76	100	24	32%	
4461B	Misuse of Handicapped Placard		300					275				288	25	275	250	1000%	
4462A	Wrong Plate or Tab on Vehicle	102/25	102/25	76							50	63		65	New		
4462B	Reg Presented for Wrong Person			76				100		50	50	69	76	70	-6	-8%	
4464	Altered License Plate	102/25	102/25					100		76		88		100	New		
5200	License Plate Missing	102/25	102/25	35	113	25	20	20		20	20	36	25	35	10	40%	
5200.1	Covering License Plate	102/25	102/25			25						25	20	25	5	25%	
5201	Plates Secure and Visible	102/25	102/25	76				20		20		39		35	35		
5202	No Plate on Vehicle at All	102/25	102/25	76						20		48	20	50	30	150%	
5204	No Current Tabs on Street	102/25	102/25	76	113	50	20	20	76	25	10	49	76	70	-6	-8%	
21113	Parking Permit Required	138	138									138	5	25	20	400%	
21113A	Public Grounds or Institutions					25	20	20		20		21		25			
21116A	Pkg./Drvg. on Levee/Canal Bank							35				35	42	35	-7	-17%	
21458(A)(2)	Loading Zone (Yellow Curb)		35	35	30	25	25	20	40	25		29	30	30	0	0%	
21461(a)	Failure to Obey Sign	138	138			35		20	42	25	35	49	42	50	8	19%	
22500.1	Fire Lane	138	135	45		25		50				64	20	65	45	225%	
22500(A)	Within an Intersection		30	35		25	20	20		20		25	20	25	5	25%	
22500(B)	On a Crosswalk		30	35		25	20	20		20		25	20	25	5	25%	
22500(C)	Between a Safety Zone		30	35		25	20	20		20		25	20	25	5	25%	
22500(D)	Within 15' of the Driveway		30	35		25	20	20		20		25	20	25	5	25%	
22500(E)	Blocking Driveway		30	35	30	25	20	20		20	20	25	20	25	5	25%	
22500(F)	On any Portion of a Sidewalk		30	35		25	20	20	20	20	20	24	20	25	5	25%	
22500(G)	Alongside or Opposite any Street		30	35		25	20	20		20		25	20	25	5	25%	
22500(H)	Double Parked		30	35	30	25	20	20		20	20	25	20	25	5	25%	
22500(I)	Wheelchair Unloading Zone/Bus					25	20	20		20		21	20	25	5	25%	
22500(J)	In a Tube or Tunnel		30	35		25	20	20		20		25	20	25	5	25%	
22500(K)	Upon a Bridge		30	35		25	20	20		20		25	20	25	5	25%	
22500(L)	Blocking Wheelchair Access			275		275		250				267	275	275	0	0%	
22502(A)	Parked against Traffic		30	25	25	25		20	20	20	20	23	30	30	0	0%	
22502(A)1	18" from Curb		30	35			20			20		26	30	30	0	0%	
22504A	Parking on Highway					25		10				18	30	30	0	0%	
22505B	State Highway Posted					25		20			35	27	20	25	5	25%	
22507.8(A)	Handicapped Parking Only	900	300	275	305	275	275	275	275	250	250	276	275	275	0	0%	
22507.8(B)	Obstruct, Block bar Access DP	900	300	275				275				283	275	275	0	0%	
22514	Not Parked 15' from Fire Hyd.		35	35	40	25	20	20	30	30	20	28	30	30	0	0%	
22515(A)	Unattend Veh Engine Running		25			25		20		20	20	22	20	25	5	25%	
22516	Parking Locked Veh w/Occupant					25		20			20	22	35	35	0	0%	
22517	Veh Door opened on Traffic							20				20	35	35	0	0%	
22521	Park On/Within 7' of RR Tracks		35					20		50		35	40	35	-5	-13%	
22523A/B	Vehicle Abandonment	360	150	35		100		100				96	140	140	0	0%	
27155	Fuel Tank Caps Required	102/25	102/25					20				25	23	70	70	0	0%
County Code																	
11.08.030	Red Curb (No Parking)		45	45	30	25	40	20	50	50	20	36	50	50	0	0%	
11.08.030	Time Limit (Green Curb)				30	25	25	20			20	24	30	30	0	0%	
11.08.080	Diagonal Parking Required		30	35		25	25	20	25			27	5	25	20	400%	
11.08.090	Commercial Vehicle, Trailer		50	105	50		50	50		50	20	54	50	50	0	0%	
11.12.040	Time Limit (White Curb)		30	35	30	25	25	20		25		27	30	30	0	0%	
11.20.040	Alley Parking		35	35	30	25	25	20	25	25	20	27	25	25	0	0%	
11.36.020	Selling vehicle from roadway		30	35		25						28	20	30	10	50%	

**NOTICE OF PUBLIC HEARING REGARDING THE ORDINANCE TO ADOPT A
PARKING PENALTIES SCHEDULE AND ADJUST EXISTING PARKING PENALTIES
COLLECTED BY THE SHERIFF'S DEPARTMENT**

NOTICE IS HEREBY GIVEN that on April 27, 2010, at 9:10 A.M., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th Street, Modesto, California, to consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected by the Sheriff's Department.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and Parking Penalties Schedule will be available for review on March 16, 2010 in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Captain Tim David in the Sheriff's Department , Administrative Division, at (209) 525-7014, or at 250 E. Hackett Road, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the above time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e., photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 16, 2010

ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors
of the County of Stanislaus,
State of California.

By:

Elizabeth A. King, Assistant Clerk

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 27, 2010, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to amend existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director for the Department of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- B. An ordinance to amend existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA).
- C. An ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).
- D. An ordinance to adopt a Fee Schedule and increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 16, 2010, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 16, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:



Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 16, 2010, Apr 22, 2010

NOTICE OF PUBLIC HEARINGS
NOTICE IS HEREBY GIVEN that on April 27, 2010, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances: A. An ordinance to amend existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director for the Department of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA). B. An ordinance to amend existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA). C. An ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA). D. An ordinance to adopt a Fee Schedule and increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees (for further information, contact Captain Tim David in the Sheriff's Department, Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA). **ADDITIONAL NOTICE IS GIVEN** that the proposed Ordinances and Fee Schedules will be available for review on April 16, 2010, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. **NOTICE IS FURTHER GIVEN** that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. **BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 16, 2010. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.**
BY: Elizabeth A. King, Assistant Clerk
Pub Dates APRIL 16, 22, 2010

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

April 23rd, 2010

(Signature)

Marie Dieckmann