

**City of Culver City, California
Agenda Item Report**

Meeting Date: 09/24/2012		Item Number: A-4	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Adding a Civil Penalty for the Misuse of Disabled Placard Parking Citation under California Vehicle Code Section 22511.56 to the City's Civil Penalty Bail Schedule for Parking Violations; and Rescinding Resolution 2010-R083.			
Contact Person/Dept.: Dianne Gifford/PD		Phone Number: 310-253-6252	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: Meetings and Agendas – City Council (09/20/12); Advertisement in the Culver City News and Observer (09/20/12)			
Department Approval: Don Pedersen, Chief of Police (09/12/12)		City Attorney Approval: Carol Schwab (by L. Vidra) (09/19/12)	
Chief Financial Officer Approval: Jeff Muir by M. Noller) (09/19/12)		City Manager Approval: John M. Nachbar (09/19/12)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a Resolution (1) adding a civil penalty for the misuse of a disabled placard parking citation under California Vehicle Code Section 22511.56 to the City's Civil Penalty Bail Schedule for Parking Violations; and (2) rescinding Resolution 2010-R083. <u>BACKGROUND:</u> The California Vehicle Code authorizes local legislative bodies to establish civil penalties for parking violations within the City's jurisdiction. The parking penalties were last increased in December 2010 to cover the State's increase of surcharge on parking violations. A civil penalty for California Vehicle Code (CVC) Section 22511.56, Misuse of a Disabled Placard, was not included at that time. Currently, when non-sworn enforcement officers observe a placard being used illegally, they must call a police officer to confiscate it and issue a misdemeanor citation. Often, if a police officer is not available, the placard is confiscated and no citation is issued. Violations include using an expired, lost or stolen placard, one belonging to someone who is deceased, or using a placard without the required placard identification. Those criminal penalties include fines of \$1,000 or a maximum jail sentence of six months. Under CVC 22511.56, a non-sworn enforcement officer may issue a parking citation with a civil fine. By adding CVC 22511.56 to the City's civil bail schedule, non-sworn parking enforcement officers may issue a parking citation with a civil penalty to violators for misuse of a disabled placard without calling a sworn police officer.			

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CVC Section 40203.5 recommends, "To the extent possible, issuing agencies within the same county shall standardize parking penalties." This language stops short of requiring such standardization, allowing agencies to establish fine amounts to address local circumstances. Staff recommends adjusting fines to match the violation in neighboring jurisdictions for the purpose of regional standardization.

The following table compares the proposed civil penalty of the violation with the surrounding areas;

		Proposed CC Fine	Beverly Hills	West Hollywood	L.A.
CVC 22511.56	Misuse of Disabled Placard	\$515	\$500	\$515	\$353

No other changes to the Civil Penalty Bail Schedule are proposed at this time.

FISCAL ANALYSIS:

Payment of the associated state fees are established as a contra-revenue, so no additional budget allocation is required. A late charge of \$515 is applied 21 days (or more) after the issuance of the citation. The fee for a delinquent account for special collections processing is a DMV fee of \$3.00 and a flat fee of \$25 for the violation.

As this violation has not been previously enforced through the use of civil penalties, there is no data to determine what additional income will be generated to the General Fund.

ATTACHMENTS:

Proposed Resolution No. 2012-R ____.

MOTION:

That the City Council:

Adopt a Resolution adding a civil penalty for the misuse of a disabled placard parking citation under California Vehicle Code section 22511.56 to the City's Civil Penalty Bail Schedule for Parking Violations, and rescinding Resolution 2010-R083.