



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: February 17, 2009

SUBJECT: Ordinance – Civil Penalties for Parking Violations and Additional Penalties for Delinquent Violation Penalties, Administrative Fees and Fees Related to Debt Collection

Report in Brief

The City is considering an increase to collection efforts on delinquent parking accounts through our Contract with the City of Inglewood. This Ordinance will amend Article 3 of Chapter 1 of the Woodland Municipal Code to authorize the City to recover these special costs. During the January 20th meeting, the Ordinance was introduced, read by title only and further reading was waived. As part of this process the City Council received an in depth report and there were no specific issues or concerns identified. The Ordinance is presented to the City Council for adoption at the February 17 meeting.

Staff recommends that the City Council adopt Ordinance _____ amending Article 3 of Chapter 1 of the Woodland Municipal Code to authorize the City to recover special costs of collecting delinquent parking violation penalties.

Background

The unpaid backlog accumulated over four years for delinquent parking citations is approximately \$536,000. The City of Inglewood operates an enterprise program utilized by several California cities that has the ability to assist in the collection of these delinquent parking citations. However, the existing Municipal Code does not allow the City of Woodland to recover the costs of collecting these delinquent penalties from the violator.

Discussion

Inglewood has seen an approximately 25% success rate for collection of severely delinquent parking penalty fees and a 90% success rate on recent (90-120 days) delinquent fee recovery. Adoption of

this Ordinance will enable the Inglewood enterprise program to locate violators who have moved without leaving forwarding addresses or otherwise avoided payment of parking citations.

The recommended action will allow the City of Woodland to improve its ability to collect on delinquent accounts where the violators have ignored notification from the City. The municipal code will be adjusted to allow recovery of collection fees on these outstanding delinquent citations.

The ordinance will allow the City to pass on all associated collection costs for past due parking citations and authorize the City to charge fees and penalties equal to the actual cost of collection of the parking penalty and fees.

Fiscal Impact

The City of Woodland issued 7,198 parking citations in Fiscal Year 2007-2008, generating \$309,960. It is anticipated an additional \$131,000 from the backlog will be gained and that ongoing penalty fee collection will increase by approximately \$125,000 per year in subsequent fiscal years.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council adopt Ordinance _____ amending Article 3 of Chapter 1 of the Woodland Municipal Code to authorize the City to recover special costs of collecting delinquent parking violation penalties.

Prepared by: Sue Vannucci, Director of
Administrative Services

Mark G. Deven
City Manager

Attachment: Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, TO ESTABLISH CIVIL PENALTIES FOR PARKING VIOLATIONS AND IMPOSING ADDITIONAL PENALTIES FOR DELINQUENT VIOLATIONS PENALTIES, ADMINISTRATIVE FEES, AND FEES RELATED TO DEBT COLLECTION

WHEREAS, the City of Woodland (“City”) issues parking citations, which are an important tool for encouraging compliance with the City’s parking regulations; and

WHEREAS, the rate of delinquency of City-issued parking citations has risen greatly, and enhanced enforcement and collection methods are needed to preserve the deterrent effect of parking citations; and

WHEREAS, Sections 40200.3 and 40200.4(f), of the California Vehicle Code allow the City to charge collection costs for delinquent parking tickets, but the Woodland Municipal Code does not currently contain this authority;

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

Section 1. Findings. The City Council hereby adopts the recitals set forth above as its findings for the adoption of this Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to amend Article 3 of Chapter 1 of the Woodland Municipal Code to specifically authorize the City to impose fees and costs of collection to recipients of delinquent parking citations.

Section 3. Authority. The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 4. CEQA. The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance does not propose nor authorize any action that would have the potential to cause a significant adverse effect on the environment. Thus, it can be established with certainty that this Ordinance will not have a significant adverse effect on the environment and is therefore not subject to CEQA. Pursuant to the foregoing, a Notice of Exemption has been prepared and completed in accordance with CEQA.

Section 5. Amendments. A new Section 1-3-19 is hereby added to Chapter 1 of the Woodland Municipal Code to read as follows:

“1-3-19

Parking citation penalties.

A. Civil Penalties. Any person violating any of the provisions of this code restricting the parking or standing of vehicles shall be assessed a civil penalty. The amounts of such penalties shall be specified on a schedule of civil penalties adopted by council resolution or any other means approved by law.

B. Delinquent Payment Penalty. If any person fails to make timely payment of a parking violation penalty within the time provided in the notice of citation or notice of parking violation, as provided by the California Vehicle Code, or later as may be provided for in this code or other applicable law for accrual of a late payment penalty, a separate delinquency and late payment penalty shall be assessed against that person for the late payment as specified on a schedule of civil penalties adopted by council resolution or any other means approved by law.

C. Administrative Fees, Process Service Fees, Collection Costs Related to Civil Debt Collection and Related Charges. If any person fails to make timely payment of a parking violation penalty within the time provided in the notice of citation or notice of parking violation, as provided by the California Vehicle Code, or later as may be provided for in this code or other applicable law, and further fails to make payment for the delinquency fee as provided for in subdivision B of this section, that person shall become liable for and be penalized further in the amount of the actual collection costs in conjunction with the assignment of a parking penalty for collection. That cost shall be added to the penalty and the person shall be liable to the city for both civil penalties and the collection costs including out of pocket administrative costs, civil service of process costs and other direct costs.

D. Each Violation Assessed Separate Civil Penalty. Each person who is assessed a civil penalty under the provisions of this section shall be assessed a separate civil penalty for each violation and shall be liable for the cumulative amount of all such penalties and collection costs.

E. This section shall not bar the use of any other procedure or remedy provided by this code or by law for the purpose of processing or collection parking violations.”

Section 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 7. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

PASSED AND ADOPTED this _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marlin H. Davies
Mayor

ATTEST:

Sue Vannucci
City Clerk

APPROVED AS TO FORM:

Andrew J. Morris
City Attorney