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OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY



City Attorney

09 APR -1 PM 4:50

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE ADDING SECTION 10.48.025 TO THE OAKLAND MUNICIPAL CODE (O.M.C.) TO ADD A \$10.00 "PASS-THROUGH" SURCHARGE TO ALL O.M.C. PARKING VIOLATION FINES INCLUDING ALL CALIFORNIA VEHICLE CODE (C.V.C.) VIOLATION CITATIONS TO OFFSET AND REMIT TO STATE/ALAMEDA COUNTY SURCHARGES IMPOSED BY CALIFORNIA GOVERNMENT CODE (GC) SECTIONS 76000(B) AND GC 70372(B)

WHEREAS, the City of Oakland wishes to preserve the livability, social, and economic stability of the City; and

WHEREAS, the City of Oakland has a duty to enforce parking violations as set forth by the Oakland Municipal Code; and

WHEREAS, pursuant to the provision of the California Constitution and the State of California laws, the City of Oakland is authorized to set new fines for all types of parking violations, fees and rates for parking violations; and

WHEREAS, since 1994, the City has been remitting \$5.00 in State Mandated surcharges amounting to approximately \$21 million for the past fourteen (14) years to Alameda County; and

WHEREAS, the City has been absorbing the \$5.00 court surcharges and paying them out of the revenue collected, costing the City approximately \$1.8 million a year; and

WHEREAS, the State of California Senate Bill 1407 that became effective January 1, 2009 has increased the mandated surcharge by \$4.50 to fund the courthouse construction projects; and

WHEREAS, the City of Oakland is proposing to add a \$10.00 "pass-through" surcharges to all of its Parking Violations and for citations issued for California Vehicle Code violations; and

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The following section shall be added to the Oakland Municipal Code..

10.48.025 Imposition of County and State Surcharges

For any parking offense under any ordinance or the California Vehicle Code, there shall be added to and imposed with the base fine a \$10.00 (ten dollar) surcharge, The use of such surcharge shall be restricted for payments by the City to the county or the state required by law.

Each ticket for a parking violation shall specify separately the amount of the base fine and the amount for any surcharge that is required to be paid by the City to the county or the state.

Section 2. Severability. If any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 3. This ordinance shall become effective immediately upon passage of the proposed ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

An Ordinance Amending Sections 10.48.010 and 8.44.050 of Adding Section 10.48.025 to the Oakland Municipal Code (O.M.C.) to Add a \$10.00 "Pass-through" Surcharge to All O.M.C. Parking Violation Fines Including All California Vehicle Code (C.V.C.) Violation Citations to Offset and Remit to State/Alameda County Surcharges Imposed by California Government Code (GC) Sections 76000(b) and GC 70372(b)

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WHEREAS, the City of Oakland wishes to preserve the livability, social, and economic stability of the City; and

WHEREAS, the City of Oakland has a duty to enforce parking violations as set forth by the Oakland Municipal Code; and

WHEREAS, pursuant to the provision of the California Constitution and the State of California laws, the City of Oakland is authorized to set new fines for all types of parking violations, fees and rates for parking violations; and

WHEREAS, since 1994, the City has been remitting \$5.00 in State Mandated surcharges amounting to approximately \$21 million for the past fourteen (14) years to Alameda County; and

WHEREAS, the City has been absorbing the \$5.00 court surcharges and paying them out of the revenue collected, costing the City approximately \$1.8 million a year; and

WHEREAS, the State of California Senate Bill 1407 that became effective January 1, 2009 has increased the mandated surcharge by \$4.50 to fund the courthouse construction projects; and

WHEREAS, the City of Oakland is proposing to add a \$10.00 "pass-through" surcharges to all of its Parking Violations and for citations issued for California Vehicle Code violations; and

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. ~~The following section shall be added to the Oakland Municipal Code, (O.M.C.) section 10.48.010 "Schedule of Parking Fines" is hereby amended to add a \$10.00 "pass-through" surcharge to all O.M.C. violation fines including all California Vehicle Code (C.V.C.) violation citations to collect and remit surcharges imposed by California Government Code Sections 76000(b) and GC 70372(b). OMC Section 10.48.010 is amended as shown in Exhibits A and B.~~

10.48.025 Imposition of County and State Surcharges

For any parking offense under any ordinance or the California Vehicle Code, there shall be added to and imposed with the base fine a \$10.00 (ten dollar) surcharge. The use of such surcharge shall be restricted for payments by the City to the county or the state required by law.

~~**Section 2.** Each ticket for a parking violation shall specify separately the amount of the base fine and the amount for any surcharge that is required to be paid by the City to the county or the state.~~

Oakland Municipal Code section 8.44.050 is hereby amended

8.44.050 Penalties.

~~A. Any person violating any provision of this chapter may be ejected from the complex by any Oakland Police Department officer, Alameda County Sheriff or other security personnel of the authorized representative.~~

~~B. In addition to the penalties described in subsection A of this section, a violation of Section 8.44.030H or I is a misdemeanor punishable by imprisonment not to exceed six months, or by fine not to exceed one thousand dollars (\$1,000.00), or both. A violation of any other section is an infraction, punishable by a fine of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third offense.~~

~~C. In addition to any penalty imposed for a violation of section 8.44.040G1, G2, G3 and H, there shall be imposed a surcharge as specified in section-section 10.48.010.~~

Section 23. Severability. If any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Section 34. This ordinance shall become effective immediately upon passage of the proposed ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

559855-1

ABSENT-
ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

