

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No)
For Action Agenda of 11/23/93

Pass and adopt the attached Resolution which establishes a procedure for handling parking citations in Mariposa County. A memorandum to the Board together with Special Order No. 90-4 from the Sheriff's Department is also attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt Resolution. Mariposa County would not be consistent with Assembly Bill No. 408.

COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

* Memo to Board dated 11/8/93
* Special Order No. 90-4
* Resolution

CLERK'S USE ONLY:

Res. No.: 93-589 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved: _____ Denied: _____

() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials:

MARIPOSA COUNTY RESOLUTION NO. 93-589

**RESOLUTION ESTABLISHING A PROCEDURE
TO DECRIMINALIZE PARKING CITATIONS**

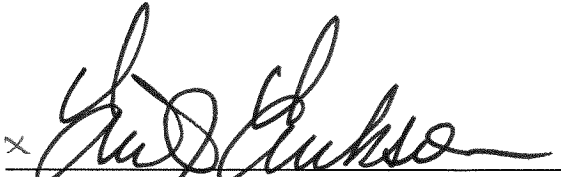
WHEREAS, Assembly Bill No. 408 requires that parking citations be decriminalized and removed from the court judicial process, and

WHEREAS, the Mariposa County Board of Supervisors has determined that the appropriate procedural process for this should be through the Sheriff's Department;

NOW, THEREFORE, BE IT RESOLVED that the Sheriff Department Special Order No. 90-4 shall be adopted as the procedural process to be followed in Mariposa County relative to enforcement of parking citations.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors the 23rd day of November, 1993 by the following vote:

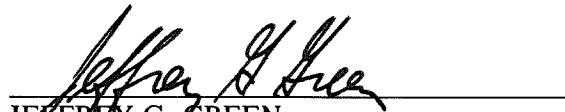
AYES:	BAGGETT, BALMAIN, ERICKSON, PARKER, TABER
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE


ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MARGIE WILLIAMS
Clerk of the Board


JEFFREY G. GREEN
County Counsel

Index as: Parking Citations - Bail

- I. Purpose: The purpose of this order is to establish guidelines to conform with Assembly Bill #408, Decriminalization of Parking Citations and to provide current bail amounts for parking citations. The Mariposa County Sheriff's Department shall serve as the processing agency for all parking citations written in Mariposa County.
- II. Definition: Section 40200 (a) reads: Any violation of any regulation governing the standing or parking of a vehicle under this code, under any federal statute or regulation, or under any ordinance enacted by local authorities is subject to a civil penalty. The enforcement of those civil administrative procedures set forth in this article.
- III. Issuance of Parking Citation:
 - A. If a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation, including reference to the section of the vehicle code or of the local ordinance or federal statute or regulation so violated, the approximate time thereof, and the location where the violation occurred and fixing a time and procedure for the registered owner or the lessee or renter to deposit the parking penalty or pursuant to this order contest the citation.
 1. The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.
 2. Once the issuing officer has prepared the notice of parking violation and has attached it to the vehicle, the officer shall file the notice with the Mariposa County Sheriff's Department.

IV. Appeal Process:

- A. For a period of 21 days from the issuance of the notice of parking violation or 10 days from the mailing of the notice of parking violation, a person may request review by the processing agency by written request, telephone, or in person.
- B. If a person contests a notice of parking violation, the department shall do the following:
 1. The processing agency shall investigate with its own records and staff or request that the issuing agency investigate the circumstances of the citation with respect to the contestant's written explanation of reasons for contesting the parking violation.
 2. If based upon the results of that investigation, the processing agency is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the processing agency shall cancel the notice of parking violation and make adequate record of the reasons for canceling the notice.
 3. The processing agency shall mail the results within 15 days of the outcome of the investigation to the person who contested the notice of parking violation or the notice of delinquent parking violation.
 4. If the person is dissatisfied with the results of the initial review, the person may contest through an administrative review process the notice of parking violation, by going to step two of the appeal process.
 5. Step two of the appeal process shall be known as the Administrative Review Process and shall consist of the following:
 - a. The person requesting an administrative review shall indicate to the processing agency his/her election for a review by personal conference within 15 days after receiving step 1 of the appeal process.
 - b. The administrative review shall be conducted before the County Administrative Officer within 30 days of the appeal notice.

6. Step three of the appeal process is set forth in Section 40230 (a) of the California Vehicle Code which states:

a. Within 20 days after the mailing of the final decision described in subdivision (b) of Section 40215, the contestant may seek review by filing an appeal to the Justice or Municipal court, where the same shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of parking violation shall be admitted into evidence as prima facie evidence of the facts stated

therein. A

copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the contestant. For purposes of computing the 20 day period, Section 1013 of the Code of Civil Procedure shall be applicable.

V. Failure to Respond to Citation:

A. If the violator/registered owner fails to respond to the parking citation, this department shall cause a letter along with a copy of the citation to be sent to the violator/registered owner demanding payment for the parking violation.

VI. Bail:

A. Bail amounts shall be entered on all citations involving parking violations.

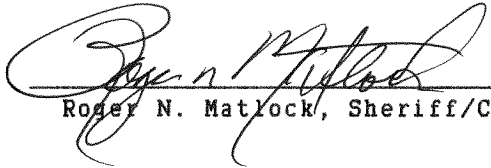
VII. Bail Amounts:

A. Parking Bail amounts shall be listed in the space provided on the Notice of Parking Violation Citations.

C. Bail amounts are as follows:

Total Bail

County Ordinance 10.08.010 through 10.08.080	\$16.00
County Ordinance 12.16.040	\$16.00
Vehicle Code 22500 (a) - (k)	\$16.00
Vehicle Code 22502 (a) - (e)	\$16.00
Vehicle Code 22504 (a)	\$16.00
Vehicle Code 22505 (b)	\$16.00
Vehicle Code 22507.8 (a) - (b)	\$81.00
Vehicle Code 22510	\$26.00
Vehicle Code 22513 through 22514	\$26.00
Vehicle Code 22515	\$16.00
Vehicle Code 22516	\$26.00
Vehicle Code 22522	\$26.00
Vehicle Code 22523 (a) - (b)	\$270.00
Vehicle Code 22526	\$135.00
Vehicle Code 22650	\$81.00
Vehicle Code 22951	\$26.00
Vehicle Code 22952 (a) - (b)	\$76.00



Roger N. Matlock, Sheriff/Coroner