

Cotati City Council

Agenda Staff Report

Item type: REGULAR AGENDA (ACTION)
To: City Council
Subject: Amend Bail Schedule
Date: August 22, 2017
Written by: Michael Parish, Chief of Police

Recommendation

It is recommended that the Cotati City Council adopt a Resolution superseding Resolution No. 2016-2 and approving a revised bail schedule for all violations of the Cotati Municipal Code and for parking violations of the California Vehicle Code.

Background

Every jurisdiction maintains what is referred to as a “bail schedule”, which sets forth the fines for violations of local municipal codes that the police department enforces, as well as applicable California Vehicle Code sections related to parking violations. The Sonoma County Superior Court requires that each jurisdiction provide a current bail schedule, so that it can correctly apply the fines to the violations that it processes.

The City also uses a third party processor to administer parking citations and initial appeals. If the initial appeal is denied, the cited party may request additional review of the citation by the Sonoma County Superior Court .

Analysis/Discussion

Fines for fireworks, Vehicles for Hire-Taxis and Public Exposure have been added to the proposed bail schedule, as they were not included in the City’s previous bail schedule . Additionally, the proposed parking fines have been updated, as it has been ten (10) years since they have been changed. Fines were determined by comparing the fine amounts established by other Sonoma County jurisdictions that write parking citations for similar violations. Parking fines in this updated bail schedule are based on an average of the fine amounts established by the comparison jurisdictions in Sonoma County for similar violations. If there was no comparable fine amount available for a particular code violation, the fine was not changed.

Lastly, the proposed bail schedule has been updated to reflect the proposed “wobbler” ordinance,

which allows for violations of the municipal code to be charged and prosecuted as either an infraction or a misdemeanor. Although the proposed wobbler ordinance is a separate City Council action, the proposed bail schedule is the companion to the wobbler ordinance. The proposed bail schedule has been updated to include two fine amounts for certain Cotati Municipal Code sections – one for violations charged and prosecuted as infractions and one for violations charged and prosecuted as misdemeanors. Where there is only one fine amount, the fine amount applies to both infractions and misdemeanors.

Financial Considerations

It is expected that the proposed bail schedule will result in minor increases in revenue from fines, which would be partially offset by related court costs. However, the intent of the updated bail schedule is to correct behavior to protect public safety, not to generate revenue .

Environmental Issues

The action of adopting a revised bail schedule does not constitute a project as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no further environmental review is required.