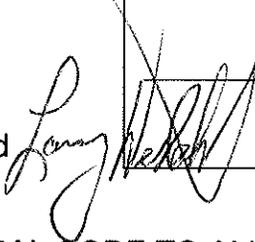


AGENDA ITEM NO. 9:15am #1C
COUNCIL MEETING 9/30/10
APPROVED BY _____

September 30, 2010

FROM: Councilmember Larry Westerlund 

SUBJECT: AMEND THE FRESNO MUNICIPAL CODE TO ALLOW "GOLD STAR" FAMILY MEMBERS DISPLAYING CALIFORNIA STATE "GOLD STAR" LICENSE PLATES TO PARK FOR FREE AT ANY CITY OF FRESNO CONTROLLED PARKING SPACES.

RECOMMENDATIONS

Council approve amending the Fresno Municipal Code Section 14-2301(c) to allow "Gold Star" family members displaying California State "Gold State" License Plates to park for free at any Fresno City controlled parking spaces.

EXECUTIVE SUMMARY

On October 8, 2008, Governor Schwarzenegger signed into California State law SB1455 authored by State Senator Dave Cogdill and Senator Jeff Denham that established the "Gold Star" license plate program.

A "Gold Star" family is a family that has suffered the loss of a son or daughter, brother or sister, whom while as a member of the United States Armed Forces, died in armed conflict serving our country.

The newly established license plate program, allows "Gold Star" family members to obtain a license plate, after proper verification, and display it on their vehicle in recognition of their sacrifice to our country. The State program and this amendment to the Fresno City Code for free parking, is similar to license plate programs, we currently have for Medal of Honor recipients, Legion of Valor recipients, Purple Heart recipients, Pearl Harbor Survivors and Former Prisoners of War, all of whom may park free in City of Fresno controlled parking spaces.

While a very small gesture compared to the enormous sacrifice "Gold Star" families have made on behalf of our nation, we cannot and should not allow ourselves to forget the families that, as Lincoln wrote "have laid such a costly sacrifice upon the alter of freedom."

DISCUSSION

Currently, the City of Fresno allows Medal of Honor recipients, Legion of Valor recipients, Purple Heart recipients, Pearl Harbor Survivors and Former Prisoners of War to park for free at all City of Fresno controlled parking spaces under the "Veterans' License Plate" program as currently written in

municipal code section 14-2301(c). I have attached a copy of the code. This amendment would simply establish an additional category under the program for "Gold Star" family members.

Under the State program, a "Gold Star" family member, who is directly related to a deceased service member killed on active duty, can request the special license plate from the California Department of Motor Vehicles (DMV), the DMV verifies eligibility for the family member, who then obtains the plates from the DMV and attaches and displays the plates on their vehicle. Those family members properly licensed with the State would be able to park for free at any City of Fresno controlled parking space.

The Parking Manager estimates that there would be negligible fiscal impact on the parking fund. The number of "Gold Star" families resulting from our two current wars in the Fresno-Clovis area is roughly less than twenty families.

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY _____ SECONDED BY _____

BILL NO. _____

ORDINANCE NO. _____

AMENDING SUBSECTION (c) OF SECTION 14-2301 AND
SECTION 14-1403 OF THE FRESNO MUNICIPAL CODE,
RELATING SPECIFIED VETERANS' PERMIT PARKING AND
PARKING METERS.

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

SECTION 1. Subsection(c) of Section 14-2301 of the Fresno Municipal Code is amended to read:

SEC. 14-2301. DEFINITIONS.

(c) "Veterans' License Plate" means a valid license plate issued by the California Department of Motor vehicles under Vehicle Code Section 5101.4, 5101.5, 5101.6, and 5101.8, [and 5156-7 to the extent of Gold Star Family plates issued by the Department of Veterans Affairs,] or such other statutes as later enacted which provide for the issuance of license plates to Medal of Honor recipients, Legion of Valor recipients, Purple Heart recipients, Pearl Harbor Survivors, and Former Prisoners of War[, Gold Star Family members,] and such other plates issued by another state which indicate a similar status.

SECTION 2. Section 14-1403 of the Fresno Municipal Code is amended to read:

SEC. 14-1403. PARKING METERS; DEPOSIT OF COINS.

No person shall park any vehicle in any parking meter space, except as otherwise permitted in this chapter, without immediately depositing in the parking meter adjacent to such space such lawful coin or coins of the United States as are required by such meter unless

the parking meter indicates that at the time such vehicle is parked an unexpired portion remains of the period for which a coin or coins has been previously deposited.

Exceptions: The provisions of this section shall not apply to: holders of monthly parking permits issued by the Controller for use on parking lots pursuant to a resolution of the Council, to vehicles lawfully displaying a license plate issued by the California Department of Motor Vehicles to Medal of Honor recipients, Legion of Valor recipients, Purple Heart recipients, Pearl Harbor Survivors[,] and Former Prisoners of War[, Gold Star Family members.] and such other license plates issued by another State.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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**Fresno, California, Code of Ordinances >> - MUNICIPAL CODE OF THE CITY OF FRESNO >>
CHAPTER 14 - VEHICLES AND TRAFFIC >> ARTICLE 23 - SPECIFIED VETERANS' PERMIT
PARKING >>**

ARTICLE 23 - SPECIFIED VETERANS' PERMIT PARKING

SEC. 14-2301. - DEFINITIONS.

SEC. 14-2302. - PRIVILEGES OF VETERANS' PARKING LICENSES.

SEC. 14-2301. - DEFINITIONS.

(a) Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 2 of Chapter 1 of this Code shall also govern the construction, meaning and application of words and phrases used in this article unless the particular provisions or the context otherwise requires. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(b) "Motor vehicle" means an automobile, truck, motorcycle or other motor-driven form of transportation not in excess of 6,000 pounds gross weight.

(c) "Veterans' License Plate" means a valid license plate issued by the California Department of Motor vehicles under Vehicle Code Section 5101.4, 5101.5, 5101.6, and 5101.8, or such other statutes as later enacted which provide for the issuance of license plates to Medal of Honor recipients, Legion of Valor recipients, Purple Heart recipients, Pearl Harbor Survivors, and Former Prisoners of War and such other plates issued by another state which indicate a similar status.

(d) "Controlled parking space" for purposes of this Article means, a parking space in a city-owned lot, or space in a time restricted zone of one hour or more, or a metered space. "Controlled parking space" does not mean a space assigned to city employees, a time controlled space of less than one hour, or space dedicated to disabled persons. (Added Ord. 96-27, § 2, eff. 5-10-96; Am. Ord. 96-75, § 2, eff. 1-17-97).

SEC. 14-2302. - PRIVILEGES OF VETERANS' PARKING LICENSES.

A person may park a motor vehicle upon which a Veterans' Parking license is displayed in any controlled parking space without charge. (Added Ord. 96-27, § 2, eff. 5-10-96; Am. Ord. 96-75, § 2, eff. 1-17-97).

BILL NUMBER: SB 1455 ENROLLED
BILL TEXT

PASSED THE SENATE AUGUST 14, 2008
PASSED THE ASSEMBLY AUGUST 12, 2008
AMENDED IN ASSEMBLY AUGUST 7, 2008
AMENDED IN SENATE MAY 21, 2008
AMENDED IN SENATE MAY 6, 2008
AMENDED IN SENATE APRIL 22, 2008
AMENDED IN SENATE MARCH 28, 2008

INTRODUCED BY Senators Cogdill and Denham
(Coauthors: Senators Alquist, Ashburn, Cedillo, Lowenthal,
Margett, Oropeza, and Torlakson)
(Coauthors: Assembly Members Benoit, Berryhill, Cook, La Malfa,
Maze, Sharon Runner, and Villines)

FEBRUARY 21, 2008

An act to amend Sections 5156 and 5157 of the Vehicle Code,
relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, Cogdill. Vehicles: specialized license plates.

Under existing law, the Department of Motor Vehicles issues environmental and other specialized license plates. The issuance of some of those license plates is subject to additional fees. Existing law prohibits the department from establishing a specialized license plate program for a state agency until the department has received not less than 7,500 applications for the plates.

This bill would authorize the Department of Veterans Affairs to sponsor a Gold Star Family specialized license plate program and would waive the 7,500 minimum applications requirement. The bill would authorize a person who is an eligible family member, as defined, of a member of the Armed Forces who was killed in the line of duty, as specified, to apply for the specialized license plate. The bill would establish the Gold Star Family license plate Account in the Specialized License Plate Fund. The bill would authorize the Department of Veterans Affairs to actively request and receive donations that would be deposited in the account and, upon appropriation by the Legislature, those moneys would be available to the Department of Motor Vehicles for the necessary administrative costs of establishing the Gold Star Family specialized license plate program. The bill would exempt the participants in this program from the payment of additional specialized license plate fees for the issuance or renewal of the plate. The bill would also specify the conditions pursuant to which a Gold Star Family specialized license plate would be retired from use.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Throughout California's history, thousands of Californians have given their lives in the Armed Forces of the United States in

defense of our country.

(b) "Gold Star Family" is a commonly understood term used to describe a family member who has lost a loved one in military service.

(c) Gold Star Families in California have sought to honor their lost family members through the creation of special recognition Gold Star Family specialized license plates, which have been established in several other states.

(d) It is the intent of the Legislature, in enacting this act, to provide for the creation of a Gold Star Family specialized license plate program in California to honor the members of the Armed Forces of the United States who gave their lives in defense of our country and to honor their Gold Star Families in California.

SEC. 2. Section 5156 of the Vehicle Code is amended to read:

5156. (a) (1) A state agency may apply to the department to sponsor a specialized license plate program, and the department shall issue specialized license plates for that program, if the agency complies with all of the requirements of this article.

(2) The department shall not issue specialized license plates to a state agency for a vehicle that is exempt from the payment of registration fees pursuant to Section 9101 or 9103.

(b) Except as provided in subdivision (d), the department shall not establish a specialized license plate program for an agency until the department has received not less than 7,500 applications for that agency's specialized license plates. The agency shall collect and hold applications for the plates. Once the agency has received at least 7,500 applications, it shall submit the applications, along with the necessary fees, to the department. The department shall not issue a specialized license plate until the agency has received and submitted to the department not less than 7,500 applications for that particular specialized license plate within the time period prescribed in this section. Advance payment to the department by the agency representing the department's estimated or actual administrative costs associated with the issuance of a particular specialized license plate shall not constitute compliance with this requirement. The agency shall have 12 months, following the date of approval of the agency's initial application to sponsor a specialized license plate program, to receive the required number of applications. If, after that 12 months, 7,500 applications have not been received, the agency shall immediately do either of the following:

(1) Refund to all applicants all fees or deposits that have been collected.

(2) Contact the department to indicate the agency's intent to undertake collection of additional applications and fees or deposits for an additional period, not to exceed 12 months, in order to obtain the minimum 7,500 applications. If the agency elects to exercise the option under this subparagraph, it shall contact each applicant who has submitted an application with the appropriate fees or deposits to determine if the applicant wishes a refund of fees or deposits or requests the continuance of the holding of the application and fees or deposits until that time that the agency has received 7,500 applications. The agency shall refund the fees or deposits to an applicant so requesting. The agency shall not collect and hold applications for a period exceeding 24 months following the date of approval of the agency's initial application to sponsor a specialized license plate program.

(c) (1) If the number of outstanding and valid specialized license plates in a particular program, except as provided in subdivision (d), provided for in this article is less than 7,500, the department

shall notify the sponsoring agency of that fact and shall inform the agency that if that number is less than 7,500 one year from the date of that notification, the department will no longer issue or replace those specialized license plates.

(2) Those particular specialized license plates that were issued prior to the discontinuation provided by paragraph (1) may continue to be used and attached to the vehicle for which they were issued and may be renewed, retained, or transferred pursuant to this code.

(d) (1) The Department of Veterans Affairs may sponsor a Gold Star Family specialized license plate program and the department may establish this specialized license plate program in the absence of 7,500 paid applications as provided in subdivision (d) of Section 5157.

(2) The Department of Veterans Affairs shall, upon receiving proof of eligibility from an applicant, authorize the department to issue Gold Star Family specialized license plates for a vehicle owned by an eligible family member of a member of the Armed Forces of the United States who was killed in the line of duty while on active duty during wartime service, or during an international terrorist attack that has been recognized by the United States Secretary of Defense as an attack against the United States or a foreign nation friendly to the United States, or during military operations while serving outside the United States, including commonwealths, territories, and possessions of the United States, or as part of a peacekeeping force, which includes personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council. An eligible family member is defined as all of the following:

(A) A person who is otherwise eligible under this article to register a motor vehicle.

(B) A person who shows proof from the United States Department of Veterans Affairs or the Department of Defense that the member who was in the Armed Forces of the United States was killed in the line of duty while on active duty in the military.

(C) A person who bears, and shows proof satisfactory to the Department of Veterans Affairs of, one of the following relationships to the member of the Armed Forces killed in the line of duty while serving on active duty:

(i) Widow.

(ii) Widower.

(iii) Biological parent.

(iv) Adoptive parent.

(v) Stepparent.

(vi) Foster parent in loco parentis.

(vii) Biological child.

(viii) Adoptive child.

(ix) Stepchild.

(x) Sibling.

(xi) Half-sibling.

(xii) Grandparent.

(xiii) Grandchild.

(3) Upon the death of a person issued a Gold Star Family specialized license plate, the license plate shall be transferred to the surviving spouse, if he or she requests, or shall be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.

SEC. 3. Section 5157 of the Vehicle Code is amended to read:

5157. (a) In addition to the regular fees for an original registration or renewal of registration, the following additional

fees shall be paid for the issuance, renewal, or transfer of the specialized license plates:

(1) For the original issuance of the plates, fifty dollars (\$50).

(2) For a renewal of registration with the plates, forty dollars (\$40).

(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).

(4) For each substitute replacement plate, thirty-five dollars (\$35).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with a specialized license plate design, the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections 5106 and 5108 shall be deposited in the California Environmental License Plate Fund.

(b) The Gold Star Family specialized license plate program as provided in subdivision (d) of Section 5156 shall not be subject to the fees specified in paragraphs (1), (2), and (5) of subdivision (a) and shall only be issued in a sequential series.

(c) Except as provided in paragraph (5) of subdivision (a), and after deducting its administrative costs under this section, the department shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of the specialized license plates in the Specialized License Plate Fund, which is hereby established in the State Treasury. Upon appropriation by the Legislature, the moneys in that fund shall be allocated to each sponsoring agency, in proportion to the amount in the fund that is attributable to the agency's specialized license plate program. Except as authorized under Section 5159, the sponsoring agency shall expend all funds received under this section exclusively for projects and programs that promote the state agency's official policy, mission, or work.

(d) (1) The Department of Veterans Affairs may actively request and receive donations for the Gold Star Family License Plate Account which is hereby created in the Specialized License Plate Fund and which may consist of donations from public and private entities. Earnings generated by the Gold Star Family License Plate Account shall be retained by the account.

(2) Upon the determination of the department that there are sufficient funds in the Gold Star Family License Plate Account for this purpose, moneys in the Gold Star Family License Plate Account shall be available, upon appropriation by the Legislature, to the department for the necessary administrative costs of establishing the Gold Star Family specialized license plate program.

