

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 12/2/02  
**Department Name:** BOS  
**Department No.:** 011  
**Agenda Date:** 12/10/02  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Supervisor Susan Rose - Second District  
Supervisor Gail Marshall - Third District

**STAFF** Alissa Hummer (x2191)  
**CONTACT:** Mark Chaconas (x2197)

**SUBJECT:** Resolution enabling AB 1866

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## **Recommendation(s):**

That the Board of Supervisors: Adopt the attached Resolution adopting Penal Code Section 42011 to allow for increased fines collected for specified traffic offenses committed in proximity to school grounds to be deposited in a special account and used to pay for school pedestrian-bicyclist safety programs.

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

**Executive Summary and Discussion:** AB 1866, sponsored by Assemblymember Hannah-Beth Jackson, was recently enacted by the CA State Legislature and signed by the Governor and provides for increased penalties, including double fine amounts, for certain defined traffic violations that occur in school zones. The funds accrued from these increased penalties are to be specifically set aside in a dedicated account and used to pay for school pedestrian and bicyclist safety and education programs.

AB 1866 also requires that the local agency adopt Penal Code Section 42011 of the Vehicle Code to establish this dedicated account and notify the local law enforcement agencies (Sheriff and CHP) that the account exists.

School safety is always a priority issue for the County, and AB 1866 provides us with new tools to help make school areas safer, both by deterrence through higher fine levels for traffic violations and by providing a source of funding for safety programs for our children.

**Mandates and Service Levels:** AB 1866 mandates the adoption of Penal Code Section 42011 and notification of local law enforcement agencies.

**Fiscal and Facilities Impacts:** none

**Special Instructions:** Please provide a certified copy of the attached Resolution to the SB County Sheriff and the California Highway Patrol, and please copy County Counsel (Mike Ledbetter), and Public Works (Bret Stewart).

**Concurrence:**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

A RESOLUTION ADOPTING )  
INCREASED FINES AND PENALTIES )  
FOR TRAFFIC VIOLATIONS )  
COMMITTED IN PROXIMITY TO )  
OCCUPIED SCHOOL GROUNDS.)

RESOLUTION NO: 02-

WHEREAS, AB 1866 was enacted by the California State Legislature and signed by the Governor during the 2001-2002 legislative term; and

WHEREAS, AB 1866 enacts increased penalties, including but not limited to doubled fine amounts, for specified traffic offenses committed in proximity to school grounds; and

WHEREAS, AB 1866 adds Section 1463.21 to the Penal Code, to read: 1463.21. (a) Notwithstanding Section 1463.001, out of moneys deposited with the county treasurer pursuant to Section 1463.001, the enhanced portion of the fine imposed pursuant to Section 42011 of the Vehicle Code shall be deposited in a special account in the county treasury which shall be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered in accordance with Section 45452 of the Education Code by a city or county that has adopted Section 42011 of the Vehicle Code.

WHEREAS, AB 1866 adds Penal Code Section 42011(a) (1) which requires, as a condition of collecting increased penalties for traffic violations committed in proximity to school grounds, the posting of a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone; and

WHEREAS, AB 1866 requires that any city or county that adopts its increased penalty section, Penal Code Section 42011, shall promptly notify the California Highway Patrol and the law enforcement agency having the primary traffic investigative authority of that fact; and

WHEREAS the public health and safety require that Section 42011 be adopted in this county;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. Penal Code Section 42011 is hereby adopted by the County of Santa Barbara as provided in Penal Code section 42011 (c) (1).
2. The Clerk of the Board shall, by certified copy of this Resolution, notify the Sheriff and the local office of the California Highway Patrol of the adoption of Penal Code Section 42011.
3. The Road Commissioner shall post, or cause to have posted, additional signage in school areas as time and resources permit as specified by Penal Code Section 42011 (a) (1)

4. The County Auditor-Controller is requested to create a special account in the county treasury, which shall be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered in accordance with Section 45452 of the Education Code.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_ 2002, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

MICHAEL F. BROWN  
CLERK OF THE BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel