



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher M. Moore

SUBJECT: SOCIAL HOST FINE

DATE: May 29, 2012

Approved

Date

6/5/12

RECOMMENDATION

Amend the Administrative Citation Schedule of fines Resolution to create an administrative citation fine of \$350.00 for violations of San José Municipal Code Section 10.30.200, which prohibits underage gatherings.

OUTCOME

The amended Administrative Citation Schedule will create an administrative citation fine for violations of the San José Municipal Code relating to Social Host Responsibility.

BACKGROUND

On May 15, 2012, the City Council approved amending Title 10 of the San José Municipal Code to create a Social Host Ordinance relating to Social Host Responsibility to deter the service of alcoholic beverages to, and consumption of alcoholic beverages by, underage persons at certain gatherings.

ANALYSIS

A violation of the Social Host Ordinance would be enforceable through administrative citation and follow the normal City administrative citation process. The fines and response costs associated with a violation are those set out by the City's adopted policies and the Municipal Code. Under the Social Host Ordinance, an underage gathering constitutes a disturbance. The schedule of fees and charges resolution already has a cost recovery fee for response costs associated with the police response to a disturbance.

While the City already has a fee in place for disturbance calls, the first response is a simple warning; subsequent calls for service are subject to cost recovery. This proposal establishes the fine associated with a violation of the Social Host Ordinance. The County has a tiered fine structure that charges \$350 for the first violation and increases to \$700 for the second and subsequent violations. There is a significant administrative cost in managing a tiered fine

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schedule and due to limited resources within the Police Department staff is recommending a fixed fine of \$350.

EVALUATION AND FOLLOW UP

No additional follow-up actions with the Council are expected at this time. Staff will monitor the impact of these actions and report any issues to the Council as appropriate.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The recommendation does not meet any of the above criteria; however, this memorandum will be posted on the City's website for the June 19, 2012 City Council agenda.

COORDINATION

This item has been coordinated with the City Manager's Office and the City Attorney's Office.

CEQA

Not a Project, File No. PP10-069, City Organizational and Administrative Activities.

/s/
Christopher M. Moore
Chief of Police

For questions please contact Lisa Perez, Police Department, at (408) 537-1624