



PLACER COUNTY
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EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

STEPHEN L. D'ARCY
UNDERSHERIFF

To: Board of Supervisors
Date: March 20, 2007
From: Edward N. Bonner, Sheriff-Coroner-Marshall
Subject: Public Hearing to consider adopting a resolution for the formation of a service authority and to impose the collection of a fee from the Department of Motor Vehicles for the Purpose of the abatement of abandoned vehicles in Placer County

ACTION REQUESTED

Your Board is requested to:

- 1) Conduct a public hearing to consider adopting a resolution to authorize establishing a service authority and for the service authority to impose a one dollar (\$1) annual vehicle registration fee on vehicles registered in Placer County pursuant to Vehicle Code Section (VC) 9250.7. In addition to the one dollar (\$1) fee, pursuant to VC 9400.1, commercial vehicles would be subject to an additional fee of two dollars (\$2).
- 2) Approve the attached Resolution (Attachment A) by a four-fifths vote for the County to authorize the formation of a service authority as outlined in Vehicle Code 22710 based on the approval of the county and a majority of the cities having a majority of the population within the county and participate in the fee collected on vehicle registrations for the purpose of the abatement, removal, and disposal, as a public nuisance, of any abandoned, wrecked, dismantled, or inoperative vehicles from private or public property within Placer County.
- 3) Authorize the County Auditor-Controller to establish an interest-bearing Abandoned Vehicle trust fund account for the costs of administration of removal and disposal through the service authority to the participating county or city undertaking the removal and disposal.

BACKGROUND

The State adopted VC 22710 for counties and cities who wish to establish a service authority for abandoned vehicle abatement (AVA) program. Section 9250.7 was approved to the California Vehicle Code for the funding source to enact VC 22710. This section, upon adoption of a resolution by the Board of Supervisors and a majority of the cities within the county having a majority of the population, will impose a one-dollar (\$1) fee on non-exempt vehicle registrations and renewals within Placer County. The monies collected are exclusively to fund programs for the purpose of the abatement, removal, and disposal, as a public nuisance, of any abandoned, wrecked, dismantled, or inoperative vehicle from private or public property and the recovery of

the removal or abatement costs by the service authority. The actual removal and disposal of a vehicle shall be undertaken by a participating city or county agency pursuant to a contract with the service authority. Any funds not used by the service authority for abandoned vehicle abatement within 90 days of the close of the fiscal year, is required to be returned to the State Controller.

The service authority is required to develop a countywide abandoned vehicle abatement (AVA) plan consistent with the handbook and guidelines developed by California Highway Patrol (CHP). This plan must be approved by resolution by the county and participating cities. This plan must be submitted by August 1st to CHP. CHP must approve the plan in order to receive any funds collected pursuant to VC 9250.7 and VC 22710. The county then submits the AVA plan to the State Controller for collection and disbursement of the funds collected. This plan must be received by January 1st to receive funds for that calendar year. Funds are disbursed based on the percentage of vehicles abated of the participating agencies. Annual reports from the service authority on how funds are spent, consistent with the AVA plan or subsequent revisions, are submitted annually to the State in November. If these reports are not received or monies not spent in accordance with the plan, the State Controller can issue a one-year suspension. The Board of Supervisors and a majority of the cities with the majority of the population must extend the fee collection authority every ten years. The legislation sunset was removed effective January 1, 2005 and the more stringent reporting requirements adopted. Based on current DMV estimates, approximately \$357,472 would be available annually, plus increases based on additional registrations annually.

Placer County Code Enforcement and the Sheriff's Department have policies and procedures in place for the abatement of abandoned vehicles. These policies and procedures are consistent with the guidelines established by CHP. This includes close coordination by both agencies and affected property owners. Vehicles are cited and "tagged" for a period of ten days prior to abatement and removal. When vehicles are located on private property, waivers or signatures are acquired in regards to the removal and abatement of abandoned vehicles. A similar ordinance establishing procedures under the authority may be adopted for consistent application of vehicle abatement throughout the county. Regardless if an ordinance is adopted, costs for removal or abatement must be consistent with the CHP handbook and guidelines and the AVA plan to be assigned and reimbursed by the service authority.

The ability to establish a service authority and collect fees pursuant to VC 9250.7 will allow county and city agencies to provide the focus and dedicated resources need to apply vehicle abatement policies and procedures consistently throughout the region. Even though staff works diligently to abate abandoned vehicles and remove public nuisances, they are also responsible for a wide variety of other duties outside this program. Depending on the priorities or emerging issues, focus may not always be directed at vehicle abatement efforts. These efforts at times may be driven by public inquiry and notice rather than a more active enforcement role. Some abandoned vehicles are those that have been stolen or involved in other criminal activities. As the county population continues to increase, the abatement of abandoned vehicles and the demand on existing staff resources will continue to grow. The cost needed to effectively abate and remove abandoned vehicles will continue to increase. This program needs an adequate level of funding to appropriately address and fully implement a consistent regional approach to the abatement of abandoned vehicles. Approval to establish the service authority will allow a proactive approach rather than the current reactionary method to address this problem. Thirty-

six (36) counties currently participate in this program for annual revenues totaling \$27.6 million. The participating cities are supportive and will bringing a similar resolution to their Councils.

FISCAL IMPACT

Based on the number of registered vehicles, the estimated amount of fees collected is \$357,472 plus any commercial fees as applicable. After the establishment of the service authority and development of an approved AVA plan, the State Controller would then establish payment allocations. This has to be done by January 1st to start receiving funds for that calendar year. We expect the growth rate in fees to be about 5% per year based on the population projections. All monies are earmarked for an interest bearing trust fund established by the Auditor Controller and disbursed consistent with legislation based on the number of abandoned vehicles of the agencies participating in the service authority. Annual reporting must be in compliance in order to receive funds the following year. The service authority cannot be used to establish new positions. The funds can be used to fund existing positions. The service authority contracts for services with the participating city or county agencies to take action as required under the law and AVA plan for the abatement of abandoned vehicles.

Funding received under this program will allow focused efforts on the abatement of abandoned vehicles to increase the number of abatements and removals and reduce the occurrence of public nuisance. This will free up monies in the General Fund currently directed towards these activities to the extent of the counties abatement efforts compared to the other participants in the service authority. The AVA plan will include the estimates for vehicle abatement by participating agency that will be submitted to your Board for approval prior to submittal to CHP.

Before the Board of Supervisors
County of Placer, State of California

In the matter of: A resolution establishing a Service Authority pursuant to Vehicle Code 22710 and imposing the collection of one dollar (\$1.00) fee on non-exempt vehicles registered in Placer County Code Pursuant to Vehicle Code 9250.7 for abatement of abandoned vehicles

Resol. No: _____

Ord. No: _____

First Reading: _____

The Board of Supervisors of the County of Placer duly passed the following **resolution** at a regular meeting held on **March 20, 2007**,

By the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

The Board of Supervisors of the County of Placer hereby resolves as follows:

WHEREAS, Sections 9250.7 and 22710 of the California Vehicle Code provides for the establishment of a Service Authority for abandoned vehicle abatement if the Board of Supervisors and the majority of the cities with a majority of the population adopt resolutions for the establishment of the Service Authority; and

WHEREAS, The Board of Supervisors of Placer County find that abandoned, inoperable, wrecked, dismantled vehicles or parts thereof pose a health and safety hazard and are found to be public nuisances; and

WHEREAS, Placer County has experienced a growth in abandoned vehicles and the occurrence of public nuisance related to abandoned vehicles; and

WHEREAS, Placer County is one of the fastest growing counties in the nation; and

WHEREAS, Placer County Law Enforcement Agencies (PLEA) and Board of Supervisors recognize abandoned vehicles as a rising problem in Placer County and that an Abandoned Vehicle Abatement Program is needed to provide for the proper removal and disposal of abandoned vehicles and assist law enforcement and code enforcement personnel in abatement of abandoned vehicles; and

WHEREAS, the Placer County Abandoned Vehicle Abatement Authority consisting of the County and cities of Placer County will have the responsibility for implementing an abandoned vehicle removal program in Placer County; and

WHEREAS, the California Highway Patrol provides the handbook and guidelines to administer this program; and

NOW, THEREFORE, BE IT RESOLVED that the Placer County Board of Supervisors approves the establishment of a Service Authority comprised of the County and cities of Placer County for abandoned vehicle abatement in Placer County pursuant to provisions of Section 22710 of the California Vehicle Code.

BE IT FURTHER RESOLVED that this Board formally authorizes the establishment of a Service Authority and the Service Authority's imposition of a one dollar (\$1) fee as specified in Vehicle Code Section 9250.7 on all non-exempt vehicles registered in Placer County and in addition, upon the implementation of the permanent trailer identification plate program, to collect the two dollar (\$2) fee as specified in Vehicle Code Section 9400.1 after approval of Abandoned Vehicle Abatement Plan. The fee imposed by the Service Authority shall remain in effect for a period of ten years from the actual date that the actual collection of fees commences.

BE IT FURTHER RESOLVED that the funds generated by these fees be placed in an interest-bearing Placer County Abandoned Vehicle Service Authority trust fund to be established by the County Auditor-Controller, and will be used to fund staff and equipment in support of the Service Authority pursuant to VC 22710 and VC 9250.7.

BE IT FURTHER RESOLVED that the Placer County Board of Supervisors that the Service Authority is established per the CHP AVA handbook with members of each participating agency serving as the Service Authority for abandoned vehicle abatement in Placer County.