

MARIN GENERAL SERVICES AUTHORITY

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April 4, 2011

To: Marin Managers' Association
From: Paul Berlant, MGSA Executive Officer
Subject: Extension of Abandoned Vehicle Abatement Program

Pursuant to California Vehicle Code section 22710, on October 1991, the County along with the cities and towns of Marin County created the Marin County Abandoned Vehicle Abatement Program, referred to in the CVC as a "service authority," to be administered by the Marin Street Light Acquisition JPA (the precursor to the MGSA). The program went into effect in April 1992. Nine of the County's 11 cities and towns currently participate (Ross and Mill Valley are the exceptions). Pursuant to CVC 9250.7, the Board also approved the imposition of a fee of \$1 per vehicle registered in the county, the proceeds of which are used to reimburse service authority members of the cost of abating abandoned vehicles.

CVC 9250.7 calls for the service authority to have a life span of ten years, which may be extended in the same manner as it was created. That process requires the County Board of Supervisors to adopt a resolution by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopting resolutions providing for the establishment of the authority and imposition of the fee. An extension of the original service authority was approved in 1991, through April 2012.

In recent years, approximately \$230,000 per year has been disbursed to the county, towns and cities based on the formula of 50% number of vehicles abated, 45% population and 5% geography. In excess of \$4 million has been collected and distributed during the life of the program. Currently, Jeff Rawles administers the program on behalf of MGSA.

At this time, I am seeking the city/town managers' assistance in scheduling consideration of a resolution extending the program for an additional ten years by the Board and city/town councils. Attached is a sample resolution patterned after those used in 2001. Please feel free to make the format fit your needs, but I need your resolutions to include the references to the vehicle code. I have also attached copies of CVC 9250.7 and 22710 as well as the County's and Mill Valley's 2001 resolutions.

RESOLUTION 11-

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX EXTENDING THE
MARIN COUNTY ABANDONED VEHICLE SERVICE AUTHORITY VEHICLE
REGISTRATION FEE UNTIL APRIL 2022**

WHEREAS, The Marin County Abandoned Vehicle Abatement Program (AVAP) Service Authority was formed in 1991 pursuant to California Vehicle Code Section 22710; and

WHEREAS, pursuant to California Vehicle Code Section 9250.7, the Service Authority imposes a one dollar (\$1) annual service fee on motor vehicles registered to owners residing in Marin County; and

WHEREAS, existing authority to collect the one dollar (\$1) AVAP service fee is set to expire in April 2012; and

WHEREAS, California Vehicle Code Section 9250.7 allows for a ten (10) year extension of the AVAP service fee upon approval by two-thirds of the members of the County Board of Supervisors and subsequent confirmation by the city/town councils of a majority of the incorporated cities/towns in the County comprising a majority of the incorporated population; and

WHEREAS, the County Board of Supervisors has adopted a resolution authorizing extension of the AVAP service fee; and

WHEREAS, it is desirable to the residents of Fairfax that the AVAP vehicle abatement program continue.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfax that the \$1 AVAP service fee shall be extended until April 2022.

The foregoing resolution was duly and regularly adopted by the Town Council of the Town of Fairfax, County of Marin, State of California, at a regular meeting thereof, held on the 7th day of September, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ATTEST:

LARRY BRAGMAN, MAYOR

Town Clerk, Judy Anderson

California Vehicle Code 22710 and 22711

22710. (a) A service authority for the abatement of abandoned vehicles may be established, and a one dollar (\$1) vehicle registration fee imposed, in a county if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county have adopted resolutions providing for the establishment of the authority and imposition of the fee. The membership of the authority shall be determined by concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.

(b) The authority may contract and may undertake any act convenient or necessary to carry out a law relating to the authority. The authority shall be staffed by existing personnel of the city, county, or county transportation commission.

(c) (1) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal, as a public nuisance, of an abandoned, wrecked, dismantled, or inoperative vehicle or part of the vehicle from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the service authority, of costs associated with the enforcement of the ordinance. Cost recovery shall only be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(2) (A) The money received by an authority pursuant to Section 9250.7 and this section shall be used only for the abatement, removal, or the disposal as a public nuisance of any abandoned, wrecked, dismantled, or inoperative vehicle or part of the vehicle from private or public property. The money received shall not be used to offset the costs of vehicles towed under authorities other than an ordinance adopted pursuant to paragraph (1) or when costs are recovered under Section 22850.5.

(B) The money received by a service authority pursuant to Section 9250.7 and this section that are unexpended in a fiscal year may be carried forward by the service authority for the abandoned vehicle abatement program in the following fiscal year as agreed upon by the service authority and its member agencies.

(d) (1) An abandoned vehicle abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) (A) The department shall provide guidelines for an abandoned vehicle abatement program. An authority's abandoned vehicle abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls.

(B) The department's guidelines provided pursuant to this paragraph shall include, but not be limited to, requiring each service authority receiving funds from the Abandoned Vehicle Trust Fund to report to the Controller on an annual basis pursuant to subdivision (c) of Section 9250.7, in a manner prescribed by the department, and pursuant to an approved abandoned vehicle abatement program.

(C) A service authority may carry out an abandoned vehicle abatement from a public property after providing a notice as specified by the local ordinance adopted pursuant to Section 22660 of the jurisdiction in which the abandoned vehicle is located and that notice has expired.

(3) After a plan has been approved pursuant to paragraph (1), the service authority shall, not later than August 1 of the year in which the plan was approved, submit it to the department for review, and the department shall, not later than October 1 of that same year, either approve the plan as submitted or make recommendations for revision. After the plan has received the department's approval as being consistent with the department's guidelines, the service authority shall submit it to the Controller.

(4) Except as provided in subdivision (e), the Controller shall not make an allocation for a fiscal year, commencing on July 1 following the Controller's determination to suspend a service authority when a service authority has failed to comply with the provisions set forth in Section 9250.7.

(5) A governmental agency shall not receive funds from a service authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the governmental agency has submitted an annual report to the service authority stating the manner in which the funds were expended, and the number of vehicles abated. The governmental agency shall receive that percentage of

the total funds collected by the service authority that is equal to its share of the formula calculated pursuant to paragraph (6).

(6) Each service authority shall calculate a formula for apportioning funds to each governmental agency that receives funds from the service authority and submit that formula to the Controller with the annual report required pursuant to paragraph (2). The formula shall apportion 50 percent of the funds received by the service authority to a governmental agency based on the percentage of vehicles abated by that governmental agency of the total number of abandoned vehicles abated by all member agencies, and 50 percent based on population and geographic area, as determined by the service authority. When the formula is first submitted to the Controller, and each time the formula is revised thereafter, the service authority shall include a detailed explanation of how the service authority determined the apportionment between per capita abatements and service area.

(7) Notwithstanding any other provision of this subdivision, the Controller may allocate to the service authority in the County of Humboldt the net amount of the abandoned vehicle abatement funds received from the fee imposed by that authority, as described in subdivision (b) of Section 9250.7, for calendar years 2000 and 2001.

(e) A plan that has been submitted to the Controller pursuant to subdivision (d) may be revised pursuant to the procedure prescribed in that subdivision, including compliance with any dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed by the service authority. Compliance with that procedure shall only be required if the revisions are substantial.

(f) For purposes of this section, "abandoned vehicle abatement" means the removal of a vehicle from public or private property by towing or any other means after the vehicle has been marked as abandoned by an official of a governmental agency that is a member of the service authority.

(g) A service authority shall cease to exist on the date that all revenues received by the authority pursuant to this section and Section 9250.7 have been expended.

(h) In the event of a conflict with other provisions of law, this section shall govern the disbursement of money collected pursuant to this section and from the Abandoned Vehicle Trust Fund for the implementation of the abandoned vehicle abatement program.

22711. Notwithstanding any other provision of law, the California Highway Patrol, any city, county, or city and county which has an abandoned vehicle abatement program, and any service authority established under Section 22710, upon satisfying all applicable reporting requirements provided in this chapter, may, with the consent of the Director of Corrections, transport any abandoned vehicle to, and dispose of any abandoned vehicle at, any institution under the jurisdiction of the director which has a program established pursuant to Section 2813.5 of the Penal Code.

RESOLUTION NO. 2001-162

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
EXTENDING THE MARIN COUNTY ABANDONED VEHICLE SERVICE AUTHORITY
VEHICLE REGISTRATION FEE UNTIL APRIL 2012

WHEREAS, The Marin County Abandoned Vehicle Abatement Program ("AVAP") Service Authority was formed in 1991 pursuant to California Vehicle Code Section 22710; and

WHEREAS, pursuant to California Vehicle Code Section 9250.7, the Service Authority imposes a one dollar (\$1) annual service fee on motor vehicles registered to owners residing in Marin County; and

WHEREAS, existing authority to collect the one dollar (\$1) AVAP service fee is set to expire in April 2002; and

WHEREAS, California Vehicle Code Section 9250.7 has been amended to allow for a ten (10) year extension of the AVAP service fee upon approval by two-thirds of the members of the Board of Supervisors and subsequent confirmation by the city councils of a majority of the incorporated cities in the County comprising a majority of the incorporated population; and

WHEREAS, the Board of Supervisors has adopted a resolution authorizing extension of the AVAP service fee; and

WHEREAS, it is desirable to the residents of the County of Marin that the AVAP vehicle abatement program continue;

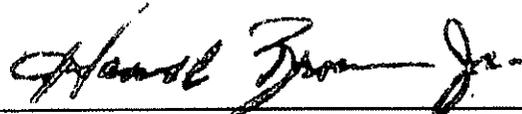
THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors confirms that the \$1 (one dollar) AVAP service fee shall be extended until April 2012.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 11th day of December, 2001, by the following vote:

AYES: SUPERVISORS Cynthia L. Murray, John B. Kress, Steve Kinsey, Annette Rose,
Harold C. Brown, Jr.

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:


CLERK

The foregoing instrument is a correct copy of the original on record in this office.
MARK RIESENFELD, Clerk
of the Board of Supervisors
of the County of Marin
State of California

By 
Deputy Clerk