

CITIES, TOWN AND COUNTY OF BUTTE ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY PLAN

Butte County **Abandoned Vehicle Abatement (AVA) Authority**

Biggs
Chico
Gridley
Oroville
Paradise
Butte County

Revised October 2008



Abandoned Vehicle Abatement Authority

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**CITIES, TOWN AND COUNTY OF BUTTE
ABANDONED VEHICLE ABATEMENT
SERVICE AUTHORITY PLAN**

A. PURPOSE.

The purpose of this Plan is to establish operation of a Service Authority for the abatement of abandoned vehicles in Butte County pursuant to Vehicle Code section 22710. The Service Authority is to be known as the Butte County Abandoned Vehicle Abatement Service Authority (“Authority”).

The purpose of the Authority’s Plan shall be the exercising of certain operations as set forth below which will assure the citizens of the cities, town and County of Butte that abandoned vehicle abatement activities are conducted in a manner most consistent with the good of the general public.

B. AUTHORITY ORGANIZATION.

1. Membership in the Authority is open to all cities, town and the County adopting resolutions providing for the establishment of the Authority within Butte County and imposition of an additional one dollar (\$1) collected on motor vehicle registration fees.
2. Board of Directors. The Authority is to be governed by a Board of Directors. The Board of Directors will be composed of representatives from each of the membership cities, town and a County representative.
 - a. Each member city, town and the County shall have one representative on the Board of Directors. Each member city, town and the County shall select its own representative and shall inform Authority staff who its current representative is.
 - b. The Board of Directors shall be responsible for the administration and management of the Authority Plan.
 - c. Monetary distribution shall be with approval of all members of the Authority. Funds will be distributed in accordance with Vehicle Code § 22710 and any amendment thereto. Population figures used in calculating the disbursement of funds shall be population figures issued annually by the Department of Finance. These figures are normally available in the 2nd quarter of the calendar year and any adjustments in monetary allocations to members of the Authority will be made in the 1st quarter of the fiscal year.
 - d. Funds collected from non-participating cities will be distributed by the Authority to the participating members in accordance with Vehicle Code Section 22710.
 - e. Any change in method of distribution of funds will need a simple majority of approval of the participating members of the Authority and must follow the formula in Vehicle Code Section 22710.

C. RESOLUTIONS.

Annex A contains copies of the resolutions providing for the establishment of the Authority, the imposition of the \$1.00 registration fee, and the approval of this Plan, pursuant to Sections 22710(a) and 9250.7(a) of the Vehicle Code. Copies of the resolutions are on file with the Service Authority, the California Highway Patrol, and the State Controller's Office. The Authority is comprised of the following cities:

	<u>JURISDICTION</u>	<u>POPULATION*</u>
1.	City of Biggs	1,797
2.	City of Chico	66,767
3.	City of Gridley	5,635
4.	City of Oroville	13,034
5.	Town of Paradise	26,500
6.	County Unincorporated	93,268
	TOTAL COMBINED POPULATION	207,001
	TOTAL COUNTY POPULATION	207,001

*Figures based on California Department of Finance figures as of May 10, 2002.

Supplement C is the agreement for the establishment of the Butte County Abandoned Vehicle Abatement Service Authority by the cities, town and County.

D. ABANDONED VEHICLE ESTIMATES.

As required by Section 22710(d)(5) of the Vehicle Code, "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)."

Based on the definition that an abandoned vehicle can be left on a highway, public or private property, any vehicle tagged is a potential abandoned vehicle. However, many vehicles that are not towed are moved by the owner. Pursuant to Vehicle Code section 22710(c)(2)(A), such vehicles are deemed to have been abated. In Butte County, it is estimated that there will be a potential of 29,450 vehicles, which will become abandoned vehicles.

	<u>JURISDICTION</u>	<u>ESTIMATED NO. OF ABANDONED VEHICLES</u>
1.	City of Biggs	200
2.	City of Chico	4000
3.	City of Gridley	250
4.	City of Oroville	5000
5.	Town of Paradise	5000
6.	County Unincorporated	15000
	TOTAL	29450

E. **ORDINANCES.**

Each of the participating agencies have in place ordinances establishing procedures for the abatement, removal, or the disposal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, including highways, in accordance with the requirements of sections 22660 and 22661 of the Vehicle Code. This includes ordinances developed for recovery pursuant to sections 25845 or 38773.5 of the Government Code. These ordinances are on file with the Service Authority, the California Highway Patrol, and the State Controller's Office. Annex C contains the ordinances of the member agencies.

F. **DISPOSAL AND ENFORCEMENT.**

Each of the participating agencies have abandoned vehicle abatement processing formats or Standard Operating Procedures in place for the enforcement of Vehicle Code Section 22523, subdivisions (a) and (b). Statutory authority for the removal of abandoned vehicles is Vehicle Code Section 22669, as well as local ordinances adopted for the removal and disposal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

1. Procedures. The Authority will contract with the cities, town and County to use any of the following procedures to correct or secure compliance with the abandoned vehicle plan for the Authority. Those procedures may include:
 - a. Initial Enforcement Action.
 - b. Abandoned Vehicle Abatement.
 - c. Citation.
 - d. Injunction.
 - e. Nuisance Abatement.
 - f. Permit Revocation.

2. Initial Enforcement Action is defined as using whatever means necessary to encourage the voluntary correction of an abandoned vehicle violation so that other enforcement measures may be avoided by the Authority.

This may include a notice to responsible parties of the following:

- a. Explanation of the nature of the violations and any actions which the property owner and/or registered owner of the vehicle must take to correct the violations.
 - b. A time limit for correction of the violation pursuant to Section 22523 of the Vehicle Code and/or local abandoned vehicle ordinances.
 - c. A statement that any member of the Authority intends to charge the property owner for all administrative costs associated with the abatement of a vehicle.
3. A Time Line may be established that requires an abandoned vehicle violation, identified by a member of the Authority, to be corrected within a certain prescribed number of days. That time line may be extended by an Authority member if it appears likely that the responsible party will correct the violation within a reasonable time.

4. Abandoned Vehicle Abatement:

- a. Each Authority member shall employ the procedures set forth in the California Vehicle Code and/or any local ordinances to remove abandoned vehicles from public and/or private property and secure their proper disposal.
- b. Authority members may under authorization of the California Vehicle Code or local ordinance issue a citation to any person who violates these codes or ordinances. Issuance of a citation and penalties for the violation shall be pursuant to the California Vehicle Code and/or local ordinance.
- c. Authority members may initiate proceedings to secure injunctive relief to determine an abandoned vehicle violation as designated by local ordinance.
- d. Authority members may employ, under State law or local ordinance, abatement of an abandoned vehicle as a nuisance as defined below:
 1. Any condition declared by State law or local ordinance to be a nuisance.
 2. Any public nuisance known at common law or equity.
 3. Any condition dangerous to human life, unsafe or detrimental to the public health and safety.

- e. The Authority members may initiate proceedings to revoke the approval of any land use permit issued in a case where a use of that land has been established or is conducted in a manner which fails to observe a condition of approval that will lead to the accumulation of abandoned vehicles.

G. **DISPOSAL OF ABANDONED VEHICLES.**

Each Authority member will, after finding that a vehicle or parts thereof are in violation, cause the vehicle or parts to be disposed of by removal to a scrapyards for processing as scrap, or other final disposition consistent with State law or local ordinance. In accordance with Vehicle Code sections 22671 and 22851.3, each member will maintain a contractual agreement with a licensed auto dismantler and/or qualified tow company for the removal and disposal of abandoned vehicles and may employ such contractors for the abatement, removal and disposal as public nuisances of: abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property. Abated vehicles or parts thereof shall be disposed of by removal to a dismantler or to a scrap yard for processing as scrap, unless the vehicle qualifies for restoration pursuant to Section 5004 of the Vehicle Code. Pursuant to Vehicle Code section 22710(c)(2)(A), activity leading to the abatement, removal, or the disposal of an abandoned vehicle shall be reimbursed as an abatement even though the participating agency does not itself remove or dispose of the abandoned vehicle.

H. **COST RECOVERY STRATEGY.**

Participating agencies shall utilize the provisions of Section 22523 of the Vehicle Code to effect partial recovery of costs incurred in the removal of an abandoned vehicle. Additionally, member cities have enacted ordinances relative to recovery in accordance with Sections 25845 or 38773.5 of the Government Code. It is the intent of the abandoned vehicle abatement participants to recover the cost of abandoned vehicle abatement activities from the Service Authority.

1. **Definition of Costs Recoverable from the Service Authority.**
These are costs that include staff time expended and reasonably related to abandoned vehicle abatement cases where no permit is required, for items including but not limited to: investigation, site inspection, monitoring, reports, telephone contacts, correspondence, meetings with affected parties, supervision of investigative efforts, and computer time.
2. **Cost Accounting and Recovery Required.**
Each Authority member will maintain records of costs incurred in enforcement of the abandoned vehicle abatement program and attempt recovery of these costs. Staff time shall be calculated at an hourly rate as established by that member.

3. Method of Recovery.
As governed by existing State law, methods may include but are not restricted to release fees, citation, liening the vehicle and/or property owner, imposing a special assessment on real property, towing fees.

4. Audit.
The Service Authority and their jurisdictions shall conduct annual audits to ensure that funds are being spent in compliance with Sections 9250.7 and 22710 of the Vehicle Code. Audits may be performed by the City or County Auditor/Controller or shall be contracted with a Certified Public Accountant or public accountant pursuant to Section 6505 of the Government Code, to make an annual audit of the accounts and records of every agency or entity.

I. **CONTRACTUAL AGREEMENTS.**

Authority members may employ contractors for the abatement, removal and disposal, as a public nuisance, of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private or public property.

J. **APPROPRIATE FISCAL CONTROLS.**

The Authority Board of Directors shall adopt an annual budget and shall set appropriate revenue amounts to be earmarked to each participating member agency. These amounts are to be based on the total revenue to be realized, including interest, by the annual assessment of \$1.00 per registered vehicle in the County. These amounts will be less those costs for contracted services that the Service Authority might incur. Furthermore, the administrative costs of the California Department of Motor Vehicles and State Controller's office will be debited prior to distribution.

Each member agency shall account for funds received from the Authority using Generally Accepted Accounting Principles (GAAP). Each agency shall maintain records identifying the total number of vehicles or parts thereof abated.

1. Disbursement of Funds:

(a) The money received by a Service Authority pursuant to Section 9250.7 of the Vehicle Code shall be distributed to the cities, town and the county for their use in accordance with Section 22710 (d)(5) of the Vehicle Code.

(b) The funds will be disbursed quarterly, as received, and based upon the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all agencies that are members of the Service Authority.

(c) The quarterly disbursement of funds to each participating jurisdiction shall be based on the fiscal year beginning in July.

(d) The Treasurer of the Service Authority will receive any funds distributed to the Service Authority by the State Controller and shall disburse said funds, including interest thereon, less any expenses resulting from contractual agreements to conduct audits and cover administrative expenses, to each member jurisdiction as authorized by the Board and by the terms of the this Plan and the Joint Powers Agreement.

(e) Any funds received by the Service Authority that are not expended to abate abandoned vehicles pursuant to an approved Abandoned Vehicle Abatement Program within 90 days of the close of the fiscal year in which the funds were received, shall be returned to the State Controller's Office (SCO) for deposit in the Motor Vehicle Account in the State Transportation Fund.

2. Major Purchases.

Major purchases exceeding \$2,500 require prior approval from the Authority. Requests shall include a detailed justification. When evaluating a request, the Authority shall ensure the funds are being expended in accordance with Section 22710 of the Vehicle Code and are justified expenses for the benefit of the Abandoned Vehicle Abatement Program. For major purchases which will be utilized by other programs, the Abandoned Vehicle Abatement monies will be approved based on the percentage of estimated usage by the Abandoned Vehicle Abatement Program.

K. **REPORTING REQUIREMENTS.**

In order to meet its obligation, the State Controller's Office requests that each Service Authority, established pursuant to Vehicle Code sections 9250.7 and 22710, submit on an annual basis, data required by Vehicle Code section 9250.7, subdivision (c).

Member Agencies.

The member agencies shall provide annual reports in a format similar to that contained in Appendix 3 to Annex D, of this Plan. That form will be used for the annual report by the member agencies. This report is due at the Butte County Development Services Department no later than July 31 each year. Failure to submit a report by July 31 will result in that member agency being ineligible for funds for that year, unless the deadline of July 31 is waived by the Board of Directors.

Authority Reports to the State Controller's Office.

The Authority will generate and submit to the State Controller's Office the reports required by Vehicle Code Section 9250.7, subdivision (c). The report shall be on a form similar to the draft form provided by the State Controller's Office and shown in Appendix 4 to Annex D of this Plan. When a final form is adopted by the State Controller's Office, that form will be used. The annual report will be submitted to the State Controller's Office no later than October 31 each year. The report shall contain the following information:

1. The total revenues received by the service authority for the previous fiscal year.
2. The total expenditures by the service authority for the previous fiscal year.
3. The total number of vehicles abated during the previous fiscal year.
4. The average cost per abatement during the previous fiscal year.
5. Any additional, unexpended fee revenues for the service authority for the previous fiscal year.

L. **ASSESSMENT OF THE PROGRAM.**

The Authority Board of Directors will issue a report annually on the effectiveness of the Authority

M. **UPDATES TO ANNEXES.**

On occasion, events may occur that require revisions to the annexes contained herein. When such revisions are necessary, they will be forwarded to the CHP. Service Authority Board approval will not be required for updates to the annexes.

N. **UPDATES TO THE AUTHORITY PLAN.**

On occasion, events may occur that require revision to the Authority Plan. When a revision is necessary, the revised Plan will be submitted to the Board of Directors of the Authority for review and approval prior to submission to the CHP.

Note: Attached to this document is the Butte County Abandoned Vehicle Abatement Service Authority Clerk's Certification of Action.