

CHAPTER 2

REQUIREMENTS FOR PARTICIPATING SERVICE AUTHORITIES

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CHAPTER 2

REQUIREMENTS FOR PARTICIPATING SERVICE AUTHORITIES

1. GENERAL REQUIREMENTS.

a. Establishment of a Service Authority. Section 2710 of the California Vehicle Code (VC) states a Service Authority (hereinafter referred to as “Authority”) for the abatement of abandoned vehicles may be established in any 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 the imposition of the vehicle registration fee to be used in funding the Abandoned Vehicle Abatement (AVA) Program. In the event of a conflict with other provisions of law, this section shall govern the disbursement of money implementation of the abandoned vehicle abatement program.

b. Service Fee. Section 9250.7 VC states an Authority established pursuant to the provisions of Section 22710 VC may impose a fee of one dollar (\$1) on vehicles registered to an owner with an address in the county that established the Authority.

(1) The fee shall be paid to the Department of Motor Vehicles (DMV) at the time of registration, or renewal of registration, or when renewal becomes delinquent, except on vehicles that are expressly exempted from the payment of registration fees.

(2) The fee imposed by an Authority will remain in effect for a period of ten years from the date the actual collection of the fee commenced. The Authority may elect to extend the fee in increments of up to ten years, by adopting resolutions by the county board of supervisors and the cities participating in the AVA Program, providing for the extension of the fee (refer to Annex A).

(3) The DMV will deduct its administrative costs from the fees and transmit the net amount collected to the State Controller’s Office (SCO), at least quarterly, for deposit in the Abandoned Vehicle Trust Fund, which was created by this legislation.

c. Abandoned Vehicle Trust Fund. All money in the fund is continuously appropriated to the SCO for allocation to an Authority that has an approved AVA plan as required by the provisions of Section 22710 VC.

(1) The DMV will deduct administrative costs, at least quarterly and transmit the net amount to the SCO for deposit in the Abandoned Vehicle Trust Fund.

- (2) The SCO will deduct administrative costs from the fund.
- (3) The SCO shall allocate money in the Abandoned Vehicle Trust Fund to each Authority in proportion to the revenues received from the fee imposed by the Authority.
- d. Membership. Section 22710 VC states that the membership of the Authority shall be determined by concurrence of the board of supervisors and a majority vote of the cities within the county having a majority of the incorporated population.
- e. Service Authority Staffing. Section 22710(b) VC states that the Authority shall be staffed by existing county and city personnel.
- f. Authorization Granted to the Service Authority. Section 22710 VC authorizes the Authority to do the following:
- (1) Notwithstanding any other provision of law, adopt an ordinance establishing procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property; and for the recovery, pursuant to Sections 25845 or 38773.5 of the California Government Code (GC), or assumption of costs of administration, removal, and disposal.
- g. Removal and Disposal of Vehicles. Section 22710 VC requires the actual removal and disposal of vehicles only be undertaken by a county or city, pursuant to a contract with the Authority.
- (1) This includes subcontracting for towing, dismantling, and disposal services.
- (2) The CHP has prepared a sample AVA report (Refer to Chapter 3, Annex B) which may be used for vehicles marked for abatement by a participating jurisdiction. An Authority may revise the sample report for use in their AVA operations or use the CHP 180, Vehicle Report. As a minimum, an AVA Report shall include the information listed on the sample.
- h. Authorized Expenditures. The money received by an Authority pursuant to Sections 22710 and 9250.7 VC shall only be used for the abatement, removal, and disposal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.
- i. Approval of the Authority's Abandoned Vehicle Abatement (AVA) Plan. The following are requirements relating to the approval of an Authority's AVA plan:

(1) The CHP shall provide guidelines for the AVA plan and the AVA plan shall be consistent with those guidelines.

(2) Once the Authority's plan has been approved by the county and the required cities having a majority of the incorporated population, the Authority shall submit the plan to the CHP for approval no later than August 1st, of the year in which the plan was approved by the county.

(3) The CHP shall review the plan and make recommendations for revisions, if necessary, by October 1st, or approve the plan as submitted.

(4) If the plan requires revisions, the Authority shall make the revisions and resubmit it to the CHP as soon as possible.

(5) After the plan has been approved by the CHP, as being consistent with the guidelines, the Authority shall submit it to the SCO by the following January 1st.

(6) Any plan that has been submitted to the SCO pursuant to Section 2271(d) VC may be revised pursuant to the procedure prescribed in that subdivision, including compliance with any dates for submission to the CHP and SO, in the year in which the revisions are proposed by the Authority. Compliance with that procedure shall only be required if the revisions are substantial.

j. Disbursement of Funds by the State Controller. The SCO shall allocate the money in the Abandoned Vehicle Trust Funds to each Authority in proportion to the revenues received from the fee imposed by the Authority. The Authority shall disburse the money in the Abandoned Vehicle Trust Fund to each of its jurisdictions based on the percentage of abandoned vehicles abated as reported on their formula.

(1) The money received by a service authority pursuant to Sections 9250.7 and 22710 VC, 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.

(2) The SCO shall make no allocations for a fiscal year when the SCO makes a determination to suspend an Authority for one of the following:

(a) An Authority has an excess of revenue fees.

(b) Fee revenues are inconsistent with a service authority plan which has been approved by the CHP.

(c) An Authority has not submitted a fiscal year-end report.

k. Dissolution of a Service Authority. An Authority shall cease to exist on the date that all revenues received by the Authority pursuant to Sections 22710 and 9250.7 VC have been expended.

2. ABANDONED VEHICLE ABATEMENT PROGRAM CLARIFICATION.

a. Section 22710(f) VC provides a definition of an abandoned vehicle abatement. As defined, a vehicle marked as abandoned, by a member of a participating Authority, which is voluntarily moved or relocated by the property owner or registered owner of the vehicle qualifies as abatement. Subsequently, it is the responsibility of the Authorities to supervise their AVA Program to ensure the participating jurisdictions are not arbitrarily marking vehicles for abatement which do not qualify in order to artificially inflate their AVA Program count.

b. A vehicle removed for the following reasons shall not qualify as an abated vehicle pursuant to the AVA Program:

(1) A vehicle cited for a 72-hour parking violation of a local ordinance authorizing its removal pursuant to Section 22651(k) VC.

(2) A vehicle cited for expired registration longer than six (6) months pursuant to Section 22651(o) VC.

c. Section 22710(c) VC restricts the money received by an Authority, pursuant to Section 9250.7 VC to be used only for the **abatement, removal, or disposal** of any abandoned, wrecked, dismantled, or inoperative vehicle or part from public or private property when the vehicle is deemed a public nuisance. The money received shall not be used to offset the costs of vehicles towed under authorities other than an ordinance adopted pursuant to Section 22710 or when costs are recovered under Section 22850.5 VC. Assignment of a vehicle to the AVA Program occurs only under one of the following circumstances:

(1) The abandoned vehicle is located on **public or private property** and issued a 10-day notice of intention to abate pursuant to Section 2266.1(d) VC and is removed after the 10-day period has elapsed.

(a) 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 VC of the jurisdiction in which the abandoned vehicle is located and that notice has expired.

(2) The vehicle is parked, resting, or otherwise immobilized on **any highway or public right-of-way** and lacks an engine, transmission, wheels, tires, or any

other part or equipment necessary to operate safely on the highway pursuant to Section 22669(d) VC.

(3) The vehicle is located upon **a parcel zoned for agricultural use or not improved with a residential structure containing one or more dwelling units**, and is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed. **Additionally**, the vehicle must be valued at less than two hundred dollars by a person specified in Section 22855 VC, and is determined by the local agency to be a public nuisance, presenting an immediate threat to public health and safety, provided the property owner has signed a release authorizing removal and waiving further interest in the vehicle pursuant to Section 22661(c) VC.

ANNEX A

**ABANDONED VEHICLE ABATEMENT PROGRAM EXTENSION RESOLUTION
(SAMPLE)**

For Agenda of:

ITEM #

To:

Subject: Adoption of Resolutions Extending the Abandoned Vehicle Abatement Program

RECOMMENDATION:

Adopt the attached resolution extending the abandoned vehicle abatement program until _____.

DISCUSSION:

In 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle service authorities, pursuant to the provisions of Section 22710 VC. In _____, the _____ was formed and imposed a one dollar annual vehicle registration fee on vehicles registered to an owner with an address in the County of _____.

Vehicle registration fees are collected by the Department of Motor Vehicles and allocated to _____ by the State Controller's Office pursuant to Section 9250.7 VC. Fees are then allocated to _____ participating entities on the basis of percentage of vehicles abated in relation to the total vehicles abated by the _____ as a whole. The current participating entities are the County of _____, and the Cities of _____, _____, _____. Since the inception of the program the _____ has received _____, which has allowed staff to abate approximately _____ of vehicles.

The current program is set to expire in _____. New legislation allows the local service authorities to extend the programs every 10 years with the approval of the County and a majority of the cities comprising a majority of the population of the incorporated areas. Adoption of the attached resolution is the first step towards the extension of this important program.

ANNEX A

ABANDONED VEHICLE ABATEMENT PROGRAM EXTENSION RESOLUTION

(SAMPLE)

(Continued)

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE ABANDONED
VEHICLE ABATEMENT PROGRAM UNTIL APRIL 2012**

WHEREAS, the _____ was formed in _____; and

WHEREAS, the _____ program has contributed _____ and allowed for
the abatement of _____ abandoned vehicles in _____

WHEREAS, the _____ program is set to expire in _____; and

WHEREAS, new legislation allows for an extension of the program with the approval of
the County and a majority of the cities comprising a majority of the population of the
incorporated areas; and

WHEREAS, it is desirable to the _____ to have the program continue;

THEREFORE, BE IT RESOLVED, that the _____ supports the extension of
the _____ program until April, 2012

On a motion by Member _____, seconded by Member _____, the
foregoing resolution was passed and adopted by the Governing Body of the
_____.

AYES:

NOES:

ABSENT: _____