



CITY COUNCIL REPORT

REVISED

11A

DATE: NOVEMBER 16, 2021

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: NEIL H. GANG, CHIEF OF POLICE

**SUBJECT: ABANDONED VEHICLE ABATEMENT FEE REAUTHORIZATION
AND ELECTION**

RECOMMENDATION

It is recommended that the City Council approve a Resolution to reauthorize the Abandoned Vehicle Abatement to collect fees from a County fee collected for every vehicle registered in the County.

BACKGROUND

In 1991, Contra Costa County and the cities within the County created the Contra Costa County Abandoned Vehicle Abatement Service Authority (Authority). The purpose of creating the Authority was to collect revenue from the State to remove abandoned vehicles from the community. All cities within the County participate in the Authority and are represented by city staff. The County is represented by the County Department of Conservation and Development, which also provides administrative support to the Authority.

For the past thirty (30) years, this partnership between the County and the cities has generated millions of dollars in revenue to remove abandoned vehicles from communities in Contra Costa County. In the fiscal year ending June 30, 2020, The Authority received approximately \$1.1 M and facilitated the removal of 1,228 abandoned vehicles within Contra Costa County.

DISCUSSION

Revenue received by the Authority from the State comes from a \$1 fee (Fee) collected for each vehicle, and an additional \$2 fee collected for certain commercial vehicles, registered in the County. State law requires this Fee be reauthorized at the local level every ten (10) years. Reauthorization requires approval by the County Board of Supervisors, by a two-thirds vote, and approval by a majority of the cities having a majority of the incorporated population within the county. The Fee is set to expire on April 30, 2022. This resolution would authorize the extension of the Fee until April 30, 2032.

The Fee also needs to be reauthorized by the voters of Contra Costa County. In 2010, the voters of California approved Proposition 26, which amended the definition of a “tax.” The Fee collected to fund the Authority’s activities is a special tax under Prop 26, and that extension of the Fee requires an election and approval by two-thirds (2/3) of County voters. Therefore, this resolution would authorize the Authority to submit a ballot measure to the County for inclusion on the June 7, 2022 election ballot, which is the next available election date. The cost of the election will be paid for from the revenues of the Authority.

To date, at least seven (7) other counties have proposed similar tax measure for abandoned vehicle abatement programs. Five measures have passed (Amador, Butte, Calaveras, Humboldt, Mendocino), and two measures have failed (Fresno and San Benito) resulting in program termination. At least five (5) counties have voluntarily terminated their programs (Orange, Napa, San Diego, San Mateo, Shasta). Several more counties are considering ballot measures during the current the 10-year reauthorization period. In the event a local measure to extend the Fee is not passed on the June 7, 2022

FISCAL IMPACT

None

RESOLUTION NO. 2021 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, EXTENDING THE ABANDONED VEHICLE ABATEMENT PROGRAM AND ASSOCIATED FEE SUBJECT TO VOTER APPROVAL

WHEREAS, California Vehicle Code Sections 22710 and 9250.7 authorized the establishment of the Contra Costa County Abandoned Vehicle Abatement Service Authority (“Authority”), which was formed in 1991, and authorized the imposition of a fee on vehicles registered in Contra Costa County (“AVA Fee”);

WHEREAS, collected AVA Fees are used exclusively in the Contra Costa County Abandoned Vehicle Abatement Program (“Program”), to abate, remove, and dispose of any abandoned, wrecked, dismantled, or inoperative vehicles or vehicle parts as public nuisances, whether on public or private property, and to combat neighborhood blight and decay;

WHEREAS, California Vehicle Code Sections 22710 and 9250.7 allow an extension of the AVA Fee in increments of up to 10 years;

WHEREAS, California Vehicle Code Sections 22710 and 9250.7 require a county’s board of supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county, to adopt resolutions approving the extension of the AVA Fee;

WHEREAS, Proposition 26, adopted by the voters of California in 2010, defined “tax” in a manner resulting in the classification of the AVA Fee as a special tax subject to voter approval; and

WHEREAS, the current AVA Fee sunsets on April 30, 2022, and without an extension of the AVA Fee, the County and cities within the County will be unable to recover a significant portion of the costs of abating nuisance vehicles.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pinole, the following:

1. The City Council hereby extends the AVA Fee, and extends the authorization for the Authority to collect the AVA Fee, for a period of 10 years, subject to approval by the electors of the County.

2. The City Council hereby authorizes the Authority to order an election for Tuesday, June 7, 2022, and submit to the electors of Contra Costa County the question of whether the Program and AVA Fee, as authorized by Vehicle Code sections 9250.7 and 22710, shall be renewed for 10 years, as set forth more fully in the ballot measure below.

Measure __. Extension of the Abandoned Vehicle Abatement Program.

Shall the measure extending the Contra Costa County Abandoned Vehicle Abatement Program and associated annual fee, at a rate of one dollar per vehicle registered in Contra Costa County and an additional two dollars for certain commercial vehicles registered in Contra Costa County, which is estimated to generate \$1,100,000 annually for removing and disposing of abandoned and wrecked vehicles, until April 30, 2032, be adopted. Resolution No. _____ 2

3. Upon approval of the above measure by at least two-thirds of the registered voters voting on the measure, the Authority will be authorized to impose the AVA Fee.

4. The City Council hereby authorizes the Authority to take all administrative actions necessary in furtherance of ordering an election for the purpose of extending the Abandoned Vehicle Abatement Program and the AVA Fee.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the _____ by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the _____.

Heather Iopu
City Clerk