

**Council Meeting: August 9, 2011****SUBJECT: Participation in the Santa Clara County Abandoned Vehicle Abatement Authority****REPORT IN BRIEF**

The California Vehicle Code, Sections 9250.7 and 22710, authorize the establishment of a service authority for the abatement of abandoned vehicles in Santa Clara County. It also provides for the imposition of a one-dollar vehicle registration fee, if the Board of Supervisors, 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.

The funds collected by the authority are used to reimburse member cities for costs related to the abatement of abandoned vehicles. The reimbursement is based on city population and the number of abandoned vehicles abated. The reimbursement can be used to cover personnel costs and most other costs related to the abatement of vehicles.

Since the criteria needed for the formation of the Abandoned Vehicle Abatement Service Authority ("AVASA") have already been met, the attached resolution is necessary for the City of Sunnyvale to continue to participate in the AVASA program during the next 10 years.

Staff recommends Council adopt the attached resolution to establish and participate in the Santa Clara County Abandoned Vehicle Abatement Service Authority.

**BACKGROUND**

Sections 9250.7 and 22710 of the California Vehicle Code provide for the establishment of a service authority for abandoned vehicle abatement if the County Board of Supervisors and a majority of the cities having a majority of the incorporated population within a county adopt resolutions supporting such action. On October 29, 1991, the City Council adopted a resolution in Report To Council #91-508 authorizing the City of Sunnyvale's participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority ("AVASA"). This service authority was established on May 1, 1992 for a term of 10 years to provide County law enforcement agencies with resources to facilitate the proper removal and disposal of abandoned vehicles. On January 15, 2002, the City Council extended the City's participation in AVASA for an

additional 10 year period by adopting a subsequent Resolution in Report to Council #02-029. Santa Clara County's current AVASA Program sunsets on April 30, 2012.

Pursuant to CVC Section 9250.7, this program imposes an annual vehicle registration fee of one dollar on the vehicles registered to an owner with an address in Santa Clara County. Revenue collected by the Department of Motor Vehicles in Santa Clara County is used to reimburse participating agencies in the County based on a formula that allocates 50% of available funding based on the jurisdiction's population percentage and the other 50% based on a jurisdiction's percentage of vehicles abated county-wide.

### **EXISTING POLICY**

Report To Council #91-508 – Resolution authorizing the City of Sunnyvale's participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority ("AVASA").

Report To Council #02-029 – Resolution authorizing the City of Sunnyvale's participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority ("AVASA").

Chapter 3 - Land Use and Transportation (LT) Policy LT-4.4, Preserve and enhance the high quality character of residential neighborhoods. *(Previously LUTE Policy N1.4)*

Chapter 6 - Safety and Noise, Police and Fire Services and Emergency Response (SN) Policy SN-3.4, Reduce crime and fear by strengthening the police/community partnership. *(Previously Law Enforcement Policy 4.1A.4)*

### **DISCUSSION**

One of the most frequent non-emergency calls for service received by the Sunnyvale Department of Public Safety concerns abandoned vehicles. Residents contact the Police Department to request the removal of wrecked, dismantled, or inoperative vehicles which have been abandoned on both public and private property. Unless removed, these vehicles pose a health and safety hazard and are a public nuisance. Adoption of a Resolution by the City Council is required for overall continuation of the AVASA Program and for the City's continued participation in the program.

Section 9250.7 of the California Vehicle Code which authorizes the extension of the service fee for each Service Authority in increments of 10 years if the County Board of Supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county, adopt resolutions providing for the extension of the fee. The County of Santa Clara and 15 of its cities and towns are currently participating in this program. Adoption of this resolution would reauthorize the City's participation in the

AVASA Program until April 30, 2022. The AVASA Board of Directors are attempting to get all resolutions passed and have certified copies forwarded on to the California Highway Patrol in Sacramento no later than November 1, 2011. This would assure a seamless transition of the AVASA Program beyond the current Sunnyvale Resolution 103-02's sunset date of March 31, 2012. There are approximately 39 other counties that will also be seeking continuation of their respective programs during this same time period.

Over the last 10 years, FY 2001-2010, City staff has abated 40,298 vehicles and collected \$1,933,435 from AVASA for its expenses related to the removal of abandoned, wrecked, dismantled, or inoperative vehicles from public and private property. Countywide there have been 206,674 vehicles abated and \$14.2 million dollars received.

On April 4, 2011, the City of Gilroy passed Resolution 2011-18 "Approving the Extension of Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority." Additional cities are in the process of their approvals with their governing bodies.

On June 21, 2011, the Santa Clara County Board of Supervisors passed a resolution under Board Transmittal S001 06211 declaring their support of continuing the AVASA Program for another 10 years effective April 2012.

### **FISCAL IMPACT**

This program provides State reimbursement for ongoing costs the City will incur for vehicle abatement whether or not the City participates in the AVASA Program. The reimbursement amount fluctuates with changes in the total number of vehicles and changes in the local population. During FY 2009/10 \$191,190 was received by the City. The AVASA reimbursement is incorporated in the budget annually and a \$185,000 reimbursement has been included for FY 2011/12. The reimbursement amount is sufficient to cover the direct costs of vehicle abatement.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

**ALTERNATIVES**

1. Council adopts the resolution agreeing to participate in the Santa Clara County Abandoned Vehicle Abatement Authority until April 30, 2022.
2. Council does not adopt the resolution.

**RECOMMENDATION**

Staff recommends Alternative #1.

Adoption of a resolution that:

- a) Requests the extension of the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) for another 10 year term beginning March 31, 2012;
- b) Authorizes the City Manager's continued participation as a member of the Santa Clara County AVASA; and
- c) Approves the continuation of the City's participation in the existing "Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority" and the collection, by the Department of Motor Vehicles, of a one dollar (\$1.00) vehicle registration fee for this purpose.

Reviewed by:

Dayton Pang, Director, Public Safety  
Prepared by: Steve Drewniany, Deputy Chief  
Michelle Tani, Administrative Aide

David Khan, City Attorney

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

- A. Resolution
- B. Existing Agreement (2002-2012) For Santa Clara County Abandoned Vehicle Abatement Authority
- C. Original Agreement (1992-2002) For Santa Clara County Abandoned Vehicle Abatement Service Authority
- D. FY2001 – 2010 AVASA Allocations

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE APPROVING THE ESTABLISHMENT OF AND PARTICIPATION IN THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY**

WHEREAS, Chapter 9.24 of the Sunnyvale Municipal Code pertains to the abatement of abandoned vehicles; and

WHEREAS, the City of Sunnyvale desires to establish a more efficient and cost-effective method of removing abandoned vehicles from city streets and private property within the City; and

WHEREAS, California Vehicle Code section 9250.7 and 22710 authorizes the establishment of a service authority for the abatement of abandoned vehicles in Santa Clara County and the imposition of a one dollar (\$1.00) vehicle registration fee, if the Board of supervisors, 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 fee; and

WHEREAS, the establishment of a service authority makes funding available to the City for abatement activities through the imposition of a one dollar (\$1.00) per vehicle annual registration fee on all vehicles registered in Santa Clara County; and

WHEREAS, the number of vehicles abandoned on public and private property is constantly increasing, and it is increasingly difficult for the City to sufficiently fund programs to abate abandoned vehicle nuisances; and

WHEREAS, participation in the Service Authority, including the imposition of the one dollar (\$1.00) per vehicle annual registration fee, would substantially benefit the public at large and the residents of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

1. The City joins as a member agency, with other jurisdictions with the County of Santa Clara, the Santa Clara County Abandoned Vehicle Abatement Service Authority. The City intends to participate for another ten-year period effective March 31, 2012 through April 30, 2022.

2. The City Manager is authorized to execute the Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority and any other such Resolutions\Santa Clara County Abandoned Vehicle Abatement Service Authority documents or agreements as are necessary to perform the obligations and duties set forth in the Service Authority Agreement.

3. The City Manager is authorized to appoint the City's representatives to the Service Authority and/or its Board of Directors as are provided in the Agreement.

4. City staff as selected by the City Manager or designated representative is hereby directed to perform such services and undertake such actions as are authorized by the Agreement and as may be required for the formation and administration of the Service Authority.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David Kahn, City Attorney

**RESOLUTION NO. 103-02**

**RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE APPROVING THE ESTABLISHMENT OF AND PARTICIPATION IN THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY**

WHEREAS, Chapter 9 .24 of the Sunnyvale Municipal Code pertains to the abatement of abandoned vehicles; and

WHEREAS, the City of Sunnyvale desires to establish a more efficient and cost-effective method of removing abandoned vehicles from city streets and private property within the City; and

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a service authority for the abatement of abandoned vehicles in Santa Clara County and the imposition of a one dollar (\$1.00) vehicle registration fee, if the Board of supervisors, 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 fee; and

WHEREAS, the establishment of a service authority makes funding available to the City for abatement activities through the imposition of a one dollar (\$1.00) per vehicle annual registration fee on all vehicles registered in Santa Clara County; and

WHEREAS, the number of vehicles abandoned on public and private property is constantly increasing, and it is increasingly difficult for the City to sufficiently fund programs to abate abandoned vehicle nuisances; and

WHEREAS, participation in the Service Authority, including the imposition of the one dollar (\$1.00) per vehicle annual registration fee, would substantially benefit the public at large and the residents of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

1. The City joins as a member agency, with other jurisdictions with the County of Santa Clara, the Santa Clara County Abandoned Vehicle Abatement Service Authority. The City intends to participate for another ten-year period effective April 1, 2002 through March 31, 2012.

2. The City Manager is authorized to execute the Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority and any other such

documents or agreements as are necessary to perform the obligations and duties set forth in the Service Authority Agreement.

3. The City Manager is authorized to appoint the City's representatives to the Service Authority and/or its Board of Directors as are provided in the Agreement.

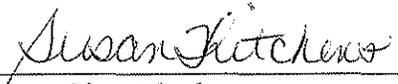
4. City staff as selected by the City Manager or designated representative is hereby directed to perform such services and undertake such actions as are authorized by the Agreement and as may be required for the formation and administration of the Service Authority.

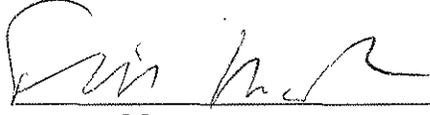
Adopted by the City Council at a regular meeting held on January 15, 2002, by the following vote:

AYES: VALERIO, VORREITER, WALKER, MILLER, RISCH, HOWE, FOWLER  
NOES: NONE  
ABSENT: NONE

ATTEST:

APPROVED:

  
\_\_\_\_\_  
City Clerk  
(SEAL)

  
\_\_\_\_\_  
Mayor

RESOLUTION NO. 199-91

RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE  
APPROVING THE ESTABLISHMENT OF AND PARTICIPATION IN THE  
SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE  
AUTHORITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
THE AGREEMENT FOR SANTA CLARA COUNTY ABANDONED VEHICLE  
ABATEMENT SERVICE AUTHORITY

WHEREAS, Chapter 9.24 of the Sunnyvale Municipal Code pertains to the abatement of abandoned vehicles; and

WHEREAS, the City of Sunnyvale desires to establish a more efficient and cost-effective method of removing abandoned vehicles from City streets and private property within the City; and

WHEREAS, California Vehicle Code Section 22710 authorizes the establishment of a service authority for the abatement of abandoned vehicles in Santa Clara County and the imposition of a one dollar (\$1.00) vehicle registration fee, if the Board of Supervisors, 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 fee; and

WHEREAS, the establishment of a service authority makes funding available to the City for abatement activities through the imposition of a one dollar (\$1.00) per vehicle annual registration fee on all vehicles registered in Santa Clara County; and

WHEREAS, the number of vehicles abandoned on public and private property is constantly increasing, and it is increasingly difficult for the City to sufficiently fund programs to abate abandoned vehicle nuisances; and

WHEREAS, participation in the Service Authority, including the imposition of the one dollar (\$1.00) per vehicle annual registration fee, would substantially benefit the public at large and the residents of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. The City joins as a member agency, with other jurisdictions with the County of Santa Clara, the Santa Clara County Abandoned Vehicle Abatement Service Authority.

SECTION 2. The City Manager is authorized to execute the Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority and any other such documents or agreements as are necessary to perform the obligations and duties set forth in the Service Authority Agreement.

SECTION 3. The City Manager is authorized to appoint the City's representatives to the Service Authority and/or its Board of Directors as are provided in the Agreement.

SECTION 4. City staff as selected by the City Manager or designated representative is hereby directed to perform such services and undertake such actions as are authorized by the Agreement and as may be required for the formation and administration of the Service Authority.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 29th day of October, 1991, by the following called vote:

AYES: PARKER, WALDMAN, CASTILLO, STONE, HANLON, KAWCZYNSKI,  
NAPIER  
NOES: NONE  
ABSENT: NONE

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk (SEAL)

THIS IS TO CERTIFY that the attached Resolution No. 199-91  
is the original resolution passed and adopted by the City Council of the City of Sunnyvale  
at a regular meeting hereof held on the 29th day of October .

WITNESS my signature and the official Seal of said City of Sunnyvale this day of  
November 1, 1991

  
Carol Ann Butler  
Carol Ann Butler, Deputy City Clerk



**COUNTY OF SANTA CLARA**  
**ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY**  
Last Ten Years of Abandoned Vehicle Abatement –

FY2001 / FY2010 City of Sunnyvale Allocations

FY Year	Vehicles Abated	Funds Received
2001	2,674	\$151,818.51
2002	5,509	\$216,182.48
2003	5,583	\$217,947.81
2004	4,675	\$197,745.22
2005	3,712	\$184,633.17
2006	3,538	\$181,582.40
2007	3,765	\$187,299.92
2008	3,454	\$186,879.88
2009	3,929	\$218,155.57
2010	3,459	\$191,190.07
Grand Totals:	<b>40,298</b>	<b>\$1,933,435.03</b>



**COUNTY OF SANTA CLARA**  
**ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY**  
Last Ten Years of Abandoned Vehicle Abatement - FY2001 / FY2010

<u>Agency</u>	<u>Vehicles Abated</u>	<u>Funds Received</u>
County (Unincorporated)	4,784	\$568,301.77
Campbell	13,681	\$644,378.46
Cupertino	1,955	\$282,413.95
Gilroy	13,815	\$674,498.76
Los Altos	770	\$139,809.07
Los Altos Hills	129	\$38,313.11
Los Gatos	3,657	\$247,652.38
Milpitas	9,061	\$572,769.24
Monte Sereno	113	\$18,113.53
Morgan Hill	4,022	\$285,982.86
Mountain View	2,973	\$398,672.79
Palo Alto	6,091	\$458,249.43
San Jose	92,289	\$6,952,967.95
Santa Clara	12,346	\$864,954.74
Saratoga	690	\$147,659.92
Sunnyvale	40,298	\$1,933,435.03
<b>Grand Totals:</b>	<b>206,674</b>	<b>\$14,228,172.99</b>