



## Agenda Report

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21-902

Agenda Date: 7/13/2021

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### REPORT TO COUNCIL

#### **SUBJECT**

Action to adopt a Resolution Authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program

#### **COUNCIL PILLAR**

Deliver and Enhance High Quality Efficient Services and Infrastructure

#### **BACKGROUND**

In 1990, the California State Legislature enacted legislation allowing for the creation of a county-based service authority pursuant to the provisions of Section 22710 of the California Vehicle Code (CVC).

Section 22710 of the CVC states a Service 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 Service Authority and the imposition of the vehicle registration fee to be used in funding the Abandoned Vehicle Abatement (AVA) Program.

In 1992, Santa Clara County established a Service Authority, referred to as the Abandoned Vehicle Abatement Service Authority (AVASA), to provide law and code enforcement agencies within the county with the resources to facilitate the proper removal and disposal of abandoned vehicles. This includes abandoned, wrecked, dismantled or inoperative vehicles, or parts, from private or public property.

CVC Section 9250.7 states a Service Authority, pursuant to the provisions of CVC Section 22710, may impose a fee of one dollar (\$1) on vehicles registered to an owner with an address in the county. This annual fee is two dollars (\$2) for commercial motor vehicles.

Vehicle registration fees are collected by the California Department of Motor Vehicles and allocated to AVASA. In turn, fees are allocated to participating entities on the basis of percentage of vehicles abated by the Service Authority as a whole.

Previous City Council consideration on this topic took place in 1992, 2002 and 2012.

#### **DISCUSSION**

Abandoned vehicles are a public nuisance and pose a health and safety hazard in a community.

The State Controller's Office has advised the Service Authorities to submit their intent to participate in the AVA program no later than August 1, 2021. As a result, AVASA has asked member cities, towns

and the County Board of Supervisors to submit their respective Resolutions for participation no later than July 1, 2021 for the current 10-year cycle set to expire on April 30, 2022.

The City of Santa Clara has been an active participant in the Santa Clara County AVASA. From 2011 through 2020, the City of Santa Clara has removed 13,871 inoperative, wrecked or dismantled vehicles from throughout the City from both public and private property. During this timeframe, the City of Santa Clara has received \$1,020,487 in reimbursement for expenses related to the removal of abandoned vehicles.

The City of Santa Clara's metrics over this timeframe are as follows:

Year	Number of Vehicles Abated	Reimbursement Received through AVASA
2011	2,190	\$132,853.00
2012	1,397	\$110,912.19
2013	919	\$88,518.00
2014	1,909	\$121,630.75
2015	1,611	\$120,744.00
2016	1,500	\$103,632.97
2017	1,529	\$105,100.39
2018	1,950	\$108,417.30
2019	864	\$74,791.79
2020	2 *	\$53,887.06
<b>TOTAL</b>	<b>13,871</b>	<b>\$1,020,487.45</b>

*\*Due to the coronavirus pandemic, the City of Santa Clara temporarily suspended Abandoned Vehicle Abatement operations. While tow companies have been considered an essential business, the past Santa Clara County Public Health Department Health Orders did not allow for businesses that store, dismantle or dispose of towed vehicles to be open; as a result, there was no place to take an abandoned vehicle from mid-March through mid-July, 2020. The suspension of minor parking violations continued through October, 2020.*

Through the current period, AVASA has 100% participation from all member cities, towns and the County Board of Supervisors. County-wide, 167,832 vehicles have been abated over this timeframe resulting in \$14,917,099 in reimbursements.

The current 10-year cycle is set to expire on April 30, 2022. In order to continue to participate in the AVA program and receive reimbursement costs for services related to the removal of abandoned vehicles, AVASA is requesting that all cities pass a resolution to extend the program. Legislation allows AVASA to extend the program for up to 10-years, through April 30, 2032.

## **ENVIRONMENTAL REVIEW**

The purchase of supplies does not constitute a "project" within the meaning of the California

Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational policy making or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

The City of Santa Clara currently receives reimbursement funds from the County of Santa Clara, through the State Abandoned Vehicle Abatement Service Authority (AVASA) program.

Approval of this Resolution will allow the City of Santa Clara to continue to participate in the AVA program and receive the corresponding reimbursement costs for services through April 30, 2032.

**COORDINATION**

This report has been coordinated with the Finance Department and City Attorney's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

1. Adopt a Resolution authorizing the City Manager to Extend the Abandoned Vehicle Abatement Program

Reviewed by: Pat Nikolai, Chief of Police, Police Department

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Santa Clara County Abandoned Vehicle Abatement Service Authority Allowable Personnel Costs
2. Santa Clara County Abandoned Vehicle Abatement Service Authority Allowable Supply Costs
3. Santa Clara County Abandoned Vehicle Abatement Service Authority Number of Abated Vehicles by Agency by Year
4. Santa Clara County Abandoned Vehicle Abatement Service Authority Reimbursement Amount by Agency by Year
5. Resolution