



City of Palo Alto

City Council Staff Report

(ID # 12291)

Report Type: Consent Calendar

Meeting Date: 6/21/2021

Summary Title: County Abandoned Vehicle Program

Title: Adoption of a Resolution Making Required Findings to Continue Palo Alto's Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Program for a Fourth 10-year Term and Continue Collection of a \$1 Fee to Fund the Authority

From: City Manager

Lead Department: Police

Recommendation

Staff recommends that Council adopt the attached resolution approving the extension of the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) for a fourth 10-year term beginning May 1, 2022, and approve the continued collection of a \$1 vehicle registration fee to fund the service authority.

Background

In 1991, Santa Clara County established the Abandoned Vehicle Abatement Service Authority (AVASA) and the City Council adopted a resolution authorizing the City of Palo Alto's participation in the managed program. The City of Palo Alto has participated in this program ever since, with City Council adopting similar 10-year participation authorization resolutions in 2002 and 2011. The current agreement, from CMR 1856, expires on April 30, 2022. AVASA personnel have indicated to staff that the new resolution is due to them by July 1, 2021 in order for them to meet their deadline to continue the service authority without interruption. All cities in Santa Clara County currently participate in AVASA, and as of this writing, staff believes that all cities in Santa Clara County have adopted resolutions (or will be adopting resolutions in the immediate future) to continue their participation for another ten years.

There are currently 37 counties in California that administer abandoned vehicle abatement authorities. These authorities provide funds to law enforcement agencies to facilitate the proper removal and disposal of abandoned vehicles. Sections 9250.7 and 22107 of the California Vehicle Code provide for the establishment of a service authority for abandoned vehicle abatement if a County Board of Supervisors and a majority of the cities within that county adopt resolutions supporting such action. The program imposes an annual vehicle registration fee of one dollar on vehicles registered to owners with an address in each county.

Revenue collected by the California Department of Motor Vehicles is used to reimburse AVASA participating agencies based on the following formula: fifty (50) percent based on the jurisdiction's population percentage relative to the rest of the county, and the other fifty (50) percent based on a jurisdiction's percentage of vehicles abated county-wide. As of this writing, Palo Alto has 3% of the county's population. A city does not have to participate in the program to remove abandoned vehicles from public spaces, but it does have to participate for the potential to receive funding.

The AVASA program is separate and distinct from the program where staff enforces the City's 72-hour parking ordinance:

- Under the terms of the AVASA program, an abandoned vehicle specifically refers to vehicles that have 1) not moved for at least 10 days, or 2) vehicles that meet the criteria of being a "hazard to public health, safety, and welfare," which means the vehicle is parked on a public roadway and is missing an engine, wheels, tires, or any other part or equipment necessary to operate safely on the highway pursuant to Vehicle Code section 22669(d).
- The City's 72-hour parking ordinance applies to vehicles that have not moved in at least 72 hours. Additionally, the City's ordinance does not have any component that requires the vehicle to present a "hazard to public health, safety, or welfare." Enforcement of the City's ordinance is done to ensure simply that vehicles parked on Palo Alto streets are moving every three days.

Since the last renewal of AVASA by City Council in 2011, AVASA procedures have been revised to preclude cities from requesting reimbursements for vehicles abated (i.e. towed) simply for 72-hour parking violations. Currently, the only towing costs reimbursed by AVASA are for those few tows that meet the specific requirements of Vehicle Code section 22669(d); that is, those vehicles that present a hazard to public health, safety, and welfare. There are very few vehicles in Palo Alto that meet this criteria; in 2020, for example, there were only five vehicles towed under this section and reimbursed by AVASA as a result. None of those vehicles were occupied at the time or being used as a residence.

Additionally, AVASA continues to reimburse cities for staff time expenses associated with marking *all* potentially abandoned vehicles (i.e. those that may be violating the City's 72-hour ordinance), as each of those vehicles is evaluated by staff to see if they are a hazard to public health, safety, and welfare. As stated above, the vast majority of reported abandoned vehicles in Palo Alto do not meet that criteria (only five did in 2020). AVASA also reimburses for other administrative costs associated with abandoned vehicle enforcement programs.

Over the past ten years (calendar years 2011 to 2020), the City has received \$408,285 in AVASA funds to offset the costs associated with abandoned vehicle enforcement. Staff project AVASA revenues to be approximately \$37,000 annually moving forward.

Discussion

Approving the extension of participation is required for the program to continue. Adoption of the attached resolution would also be required and would reauthorize the City's participation in the AVASA program through April 30, 2032. As of this writing, AVASA has indicated that all cities in the county intend to continue the program.

Resource Impact

The City is already committed, through budget, to removing unoccupied, abandoned and visibly inoperable vehicles from public spaces regularly. Continued participation in this program will continue to help the City recover associated costs.

The Police Department receives between 1,000 and 1,500 complaints from the community about abandoned vehicles annually, and Community Service Officers (CSOs) respond to each complaint evaluate the vehicle and enforce the law. CSOs also proactively mark all vehicles on El Camino Real on a weekly basis to ensure they are complying with the law as well, and that vehicles there do not fall under the criteria of Vehicle Code section 22669(d) for abatement.

It is important to note that the City's enforcement efforts with regards to potentially abandoned vehicles balance public health and safety concerns with compassionate support of those who may be living in their vehicles. The City's approach includes offering information on available social service resources, and personal contacts with vehicle owners or occupants whenever possible to encourage voluntary compliance with the Vehicle Code; towing is a measure of last resort. Any vehicles towed pursuant to Vehicle Code section 22669(d) must be unoccupied and not being actively lived in for staff to initiate a tow.

Stakeholder Engagement

Staff has coordinated with County of Santa Clara AVASA staff in preparation of this resolution.

Environmental Review

Adoption of this resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that it will not have a significant effect on the environment.

Attachments:

- Attachment A - Resolution Continuing the County Service Authority for Abandoned Vehicles and \$1 Registration Fee

Resolution No. _____

Resolution of the Council of the City of Palo Alto Approving Palo Alto's Continued Participation by Extension of the Santa Clara County Abandoned Vehicle Abatement (AVASA) Program and Approving the Authority for the California Department of Motor Vehicles to Collect the Vehicle Registration Fee for Distribution to the Santa Clara County Abandoned Vehicle Abatement Service Authority

RECITALS

A. California Vehicle Code section 22710 authorizes the establishment of a service authority for the abatement of abandoned vehicles in a county and the imposition of a one dollar (\$1.00) vehicle registration fee, if the Santa Clara County Board of Supervisors, by a two-third vote, and a majority of the cities having a majority of the incorporated population within the county have adopted resolutions providing for the establishment, or in this case the continuation, of the authority and the imposition of the fee; and,

B. On November 4, 1991, the Council approved Resolution No. 7039 authorizing the establishment of a service authority within Santa Clara County, thereby making funds 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,

C. The Council has approved subsequent resolutions approving the continuation of the service authority and the imposition of the fee (see Resolutions 8121 and 9196);

D. The number of vehicles abandoned on public and private property is not declining, and it is increasingly difficult for the City to sufficiently fund programs to abate abandoned vehicle nuisances;

E. The City of Palo Alto has established a plan for abatement of abandoned vehicles pursuant to Chapter 10.34 of the Palo Alto Municipal Code; and,

F. California Vehicle Code section 9250.7(g) authorizes the vehicle abatement registration fee to be imposed by a service authority only for a period of ten (10) years from the date that the collection of the fee commenced, provided, however that the fee may be extended in increments of up to ten (10) years by two-thirds vote of the County Board of Supervisors and a majority of the cities having a majority of the incorporated population within the county adopting resolutions providing for the extension of the fee;

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. The City Council of the City of Palo Alto hereby approves the extension for an additional period of ten (10) years the collection by the California Department of Motor Vehicles for distribution to the Santa Clara County Abandoned Vehicle Abatement Service Authority that vehicle abatement fee authorized by California Vehicle Code section 22710.

SECTION 2. This Resolution shall be effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

Chief of Police

Director of Administrative Services