

**The Cities and County of Contra Costa  
Abandoned Vehicle Abatement Service Authority**

**July 22, 2021  
1:00 p.m.**

**Via ZOOM**

<https://cccounty-us.zoom.us/j/85101558876?pwd=YXJKcjRYRHJxNXdHV3hUdXhaY2RCUT09>

Meeting ID: 851 0155 8876  
Password: 991381

**MEETING AGENDA**

- 1. CALL TO ORDER**  
(Chairman, Jason Crapo)
- 2. INTRODUCTIONS**
- 3. PUBLIC COMMENT: Items not on the agenda (3 minutes/speaker)**
- 4. APPROVAL OF MINUTES: Authority meeting held on November 4, 2020**  
Attachment 4A: Minutes of November 4, 2020 meeting
- 5. ADOPT Resolution 2021-1 reauthorizing the Abandoned Vehicle Abatement Program and associate fee for a period of 10 years, continuing to April 30, 2032, subject to adoption of the requisite resolutions by the County and cities approving the extension and approval by the electors of the County.**  
(Jason Crapo)
  - a. Receive staff report reauthorizing the Abandoned Vehicle Abatement Program**  
Attachment 5A: Staff Report  
Attachment 5B: Authority Resolution 2021-1  
Attachment 5C: Sample City Council Resolution  
Attachment 5D: Sample City Council Staff Report
- 6. AUTHORIZZE County staff, acting in their capacity as staff to the Authority, to hold all revenues received by the Authority in the fiscal year 2021/22 in reserve until all costs incurred by the Authority associated with the June 7, 2022 election are known and paid.** (Jason Crapo)
  - a. Receive staff report Placing Revenues in Reserve to Pay for Costs of Election**  
Attachment 6A: Staff Report
- 7. Next meeting will be November 2021.** (Jason Crapo)
- 8. ADJOURN**

**The Cities and County of Contra Costa  
Abandoned Vehicle Abatement Service Authority**

**November 4, 2020  
10:00 a.m.**

**Via ZOOM**

<https://cccouny-us.zoom.us/j/91203537159>

**ANNOTATED MINUTES**

**1. CALL TO ORDER**

(Chairman, Jason Crapo)

*Present: Jason Crapo, Theresa Sanchez (City of San Ramon), Anne Hardaway for Wendy  
Schwartzenger (City of Concord), Alicia Ramos for Jose Delatorre (City of El Cerrito),  
Powell Meads for Trevor Schnitzius (City of Antioch), Karen Burnes (City of Pittsburg), Eugene  
Lew (City of Pinole)*

**2. INTRODUCTIONS**

**3. PUBLIC COMMENT: Items not on the agenda (3 minutes/speaker)**

*No Comments*

**4. APPROVAL OF MINUTES: Authority meeting held on November 6, 2019**

*Attachment 4A: Minutes of November 6, 2019 meeting*

*Motion made by Theresa Sanchez to Receive and approve Minutes from Annual Meeting on  
November 6, 2019.*

*Motion was 2nd by Eugene Lew and unanimously approved by Board 7 Ayes 0 Nays 0  
Abstentions*

**5. ELECTION OF THE BOARD OF DIRECTORS**

**a. Receive staff report reviewing procedure for selecting individuals to serve on the  
Board of Directors as described in the Authority's Joint Powers Agreement** (Joe

*Losado) Staff report given by Joe Losado reviewing the procedure for selecting individuals to serve on  
the Board of Directors as described in the Authority's Joint Powers Agreement.*

**b. Board opens meeting to general membership and receives nominations** (Jason  
Crapo)

*Board Chair opens the meeting to the general membership and received the following nominations:  
**West** – Joseph Vasquez (Hercules), Alma Causey (Richmond); **Central** – Theresa Sanchez (San  
Ramon), Brian South (Moraga); **East** – Myla Rivers (Pittsburg), Robbie Portillo-Bienemann  
(Brentwood)*

**c. Vote - general membership**

*Voting of new Board Members is opened to the general membership to vote for two nominees from  
each of their respective regions (East, Central and West). Each region unanimously voted the  
following candidates from their region **West** – Joseph Vasquez (Hercules), Alma Causey (Richmond);*

*Central – Theresa Sanchez (San Ramon), Brian South (Moraga); East – Myla Rivers (Pittsburg), Robbie Portillo-Bienemann (Brentwood)*

**d. New Board members are selected and impaneled.**

*New Board members impaneled West – Joseph Vasquez (Hercules), Alma Causey (Richmond); Central – Theresa Sanchez (San Ramon), Brian South (Moraga); East – Myla Rivers (Pittsburg), Robbie Portillo-Bienemann (Brentwood)*

**e. Board of Directors to select a Chairperson** (Jason Crapo)

*Motion made by Theresa Sanchez to select Mr. Crapo as Chairperson. The motion was 2<sup>nd</sup> by Myla Rivers and unanimously approved by Board 7 Ayes 0 Nays 0 Abstentions*

**6. Approve reimbursement to the Contra Costa County Department of Conservation and Development (DCD) and County Auditor-Controller for Administrative Costs in the amount of \$40,214.00 for services provided to the Authority in FY 19-20.**  
(Jason Crapo)

**a. Receive staff report describing expenditures for costs of services provided to Authority by the County in FY 19-20**

Attachment 6A: Administrative Costs for AVAP FY 19-20

Attachment 6B: Trust Fund Allocation to Member Agencies – Final 2019-2020

*Motion made by Myla Rivers to Approve reimbursement to the Contra Costa County Department of Conservation and Development (DCD) and County Auditor-Controller for Administrative Costs in the amount of \$40,214.00 for services provided to the Authority in FY 19 – 20. Motion 2<sup>nd</sup> by Robbie Portillo-Bienemann and unanimously approved by 7 Ayes 0 Nays 0 Abstentions*

**7. Approve reimbursement to DCD and County Auditor-Controller for administrative costs for services provided to the Authority for FY 20 – 21 in an amount not to exceed \$55,000 which represents 5% of Authority’s estimated gross revenues for FY 20 - 21.** (Jason Crapo)

**a. Receive staff report describing anticipated administrative expenditures in support of the Authority for FY 20-21**

Attachment 7A: Projected Cost Estimates/Administrative Budget for FY 20 – 21

*Motion made by Theresa Sanchez to Approve reimbursement to the Contra Costa County Department of Conservation and Development (DCD) and County Auditor-Controller for Administrative Costs in an amount not to exceed \$55,000 for services provided to the Authority in FY 20 – 21. Motion 2<sup>nd</sup> by Brian South and unanimously approved by 7 Ayes 0 Nays 0 Abstentions*

**8. Next audit will be March 2021 for FY 2019-2020.** (Jason Crapo)

**9. ADJOURN**

**Before the Board of the  
Cities and County of Contra Costa  
Abandoned Vehicle Abatement  
Service Authority**

Staff Report

**Subject: Approve Resolution 2021 - 1 to Reauthorize the Abandoned Vehicle Abatement Program Fee Subject to Approvals by the Board of Supervisors, City Councils and Voters of Contra Costa County**

Attachment(s): Resolution 2021 - 1; Sample Resolution for City Councils;  
Sample Staff Report for City Councils

The Authority is funded by a \$1 fee (AVAP Fee) collected on vehicles registered within the County (and an additional \$2 collected on certain commercial vehicles). State law requires counties having an abandoned vehicle abatement program (AVAP) to locally reauthorize AVAP Fees every ten years. The Contra Costa County AVAP Fee is currently authorized until April 30, 2022. The California Department of Motor Vehicles (DMV) has requested a resolution from the County AVAP by August 1, 2021 reauthorizing the AVAP Fee for another ten year period. 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. Staff recommends the Board of Directors adopt Resolution 2021 – 1, which would satisfy the request from DMV to authorize extension of the AVAP Fee until April 30, 2032, subject to approvals by the Board of Supervisors and City Council.

If Resolution 2021 – 1 is approved, staff from each member agency of the Authority will need to prepare and submit a resolution to their city councils or the County Board of Supervisors no later than November 1, 2021 to authorize extension of the AVAP Fee. Attached to this agenda item are a sample city resolution and a sample city staff report that County staff has prepared to assist city staff in presenting the required resolutions to their city councils.

Resolution 2021 - 1 also indicates that reauthorization of the AVAP Fee is subject to approval by the voters of the County. County has determined the AVAP Fee to be a tax subject to voter approval under Proposition 26, which was approved by California voters in 2010. The AVAP Fee meets the criteria of a special tax under Proposition 26 and is subject to approval by two-thirds of County voters. Therefore, the suggested resolution for city councils would

also authorize the Authority to place a ballot measure on the June 7, 2022 election ballot to authorize a ten year extension of the AVAP Fee to April 30, 2032.

If the required number of city councils adopt an authorizing resolution similar to the sample resolution attached to this staff report by November 1, 2021, the Authority will consider an action at its annual meeting later this fall to request the County to place a tax measure on the June 7, 2022 ballot to extend the AVAP Fee to April 20, 2032.

**RESOLUTION NO. 2021 - 1****RESOLUTION OF THE CONTRA COSTA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY REQUESTING EXTENSION OF THE ABANDONED VEHICLE ABATEMENT PROGRAM AND ASSOCIATED FEE**

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 ("Fee Resolutions");

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;

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; and

WHEREAS the Department of Motor Vehicles has requested that the Authority submit a letter of intent and resolution formally requesting the extension not later than August 1, 2021.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors ("Board") of the Contra Costa County Abandoned Vehicle Abatement Service Authority, the following:

1. The Authority Board hereby extends its authorization to collect the AVA Fee for a period of 10 years, subject to adoption of the required number of Fee Resolutions by the County and cities, and approval by the electors of the County.
2. Upon its receipt, no later than November 1, 2021, of the required number of adopted Fee Resolutions by the County and cities, the Authority Board will order an election and submit to the electors of Contra Costa County the question of whether the Program and AVA Fee shall be extended for 10 years.
3. The Chair of the Board, or designee, is authorized to take all administrative actions necessary in furtherance of the direction set forth in this Resolution.

PASSED AND ADOPTED this \_\_\_ day of July 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ 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 \_\_\_\_\_, 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?

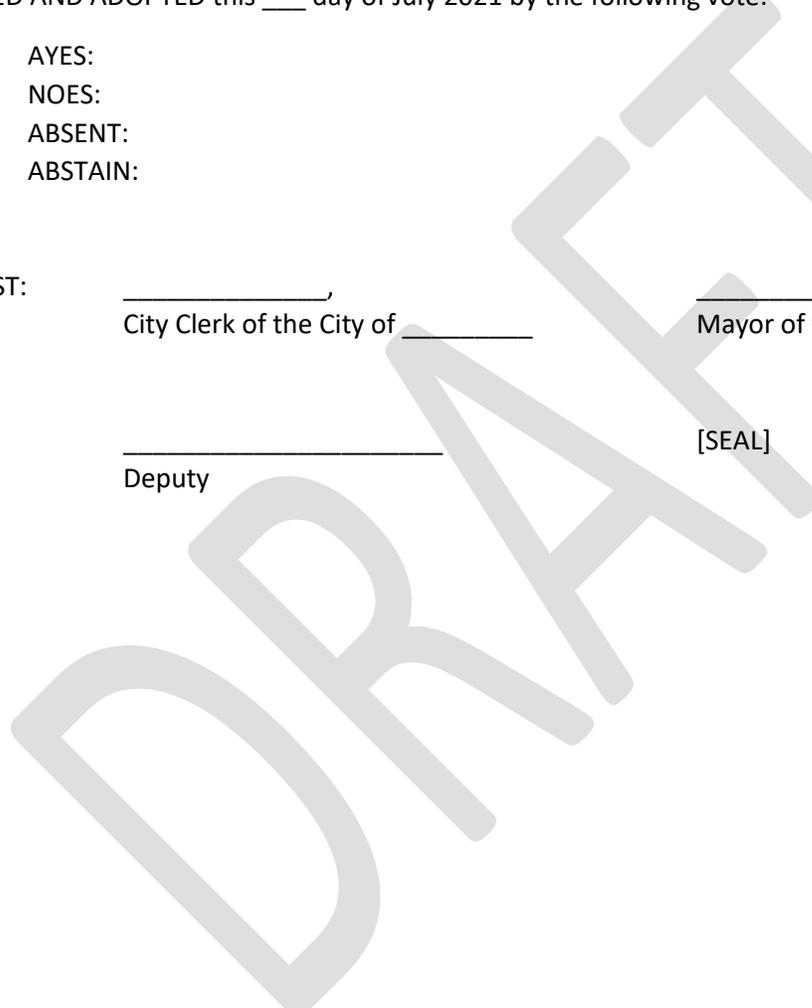
- 3. Upon approval of the above measure by at least two-thirds of the registered voters voting on the measure, the Authority will be authorized to impose the AVA Fee.
- 4. The City Council hereby authorizes the Authority to take all administrative actions necessary in furtherance of ordering an election for the purpose of extending the Abandoned Vehicle Abatement Program and the AVA Fee.

PASSED AND ADOPTED this \_\_\_\_ day of July 2021 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: \_\_\_\_\_, \_\_\_\_\_  
City Clerk of the City of \_\_\_\_\_ Mayor of the City of \_\_\_\_\_

By: \_\_\_\_\_ [SEAL]  
Deputy



## **Abandoned Vehicle Abatement Fee Reauthorization and Election**

### **Sample Staff Report for City Council Resolution**

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 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.

Revenue received by the Authority from the State comes from a \$1 fee (Fee) collected for each vehicle, and an additional \$2 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 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 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 ballot, the Authority will cease to operate and will be discontinued.

**Before the Board of the  
Cities and County of Contra Costa  
Abandoned Vehicle Abatement  
Service Authority**

Staff Report

**Subject: Placing Revenues in Reserve to Pay for Costs of Election**

The County Elections Office estimates the cost of placing a measure on the June 7, 2022 election ballot to reauthorize and extend the AVAP Fee to April 30, 2032 to be in the range of \$426,000 to \$568,000. The actual cost will not be known until after the election is completed. The Elections Office expects to invoice the Authority for the cost of the election in August 2022.

The cost of the election will be paid from the fiscal year 2021-22 revenues of the Authority. The estimated cost of the election provided by the Elections Office represents a significant portion of the total estimated revenues of the Authority for the current fiscal year. Therefore, to ensure there are sufficient funds available to pay for the cost of the election, staff recommends the Board of Directors authorize staff to place all revenues received by the Authority in the current fiscal year (FY 2021-22) in reserve to be used to pay for the cost of the election once the Authority is invoiced for these costs. Once the costs of the election are paid, remaining revenues will be distributed to the member agencies of the Authority according to the Authority's approved budget. Staff will present a detailed budget for the current fiscal year to the Board of Directors for consideration at its annual meeting this fall.