

**JOINT POWERS AGREEMENT FOR
KINGS COUNTY ABANDONED VEHICLE ABATEMENT
SERVICE AUTHORITY**

I. PARTIES:

The parties to this Agreement are the County of Kings and those Cities within the County that have elected to create and participate in the Kings County Abandoned Vehicle Abatement Service Authority as provided herein.

II. PURPOSE AND AUTHORITY:

The purpose of this Agreement is to establish a Service Authority for the Abatement of Abandoned Vehicles in Kings County pursuant to Section 22710 of the California Vehicle Code (CVC).

III. CREATION:

Upon the effective date of this Agreement, there is hereby created, the Kings County Abandoned Vehicle Abatement Service Authority ("Authority") as a separate public agency and distinct from the member jurisdictions to implement this agreement in accordance with Section 22710 CVC.

IV. MEMBERSHIP IN THE AUTHORITY:

Membership in the Authority will be open to all Cities who, by an approved resolution of their City Council, agree to participate in the Authority. In addition, the County of Kings shall be entitled to membership; also by an approved resolution of its Board of Supervisors.

V. BOARD OF DIRECTORS:

- a. The Kings County Association of Governments (KCAG) serving as the Kings County Abandoned Vehicle Abatement Service Authority shall be governed, in all matters relating to the Authority, by a member Board of Directors. The Authority's Board of Directors shall consist of a representative of each participating jurisdiction, made up of those KCAG Commission members who represent participating jurisdictions of the Authority. The County representative shall be appointed by the Board of Supervisors. City representatives appointed to the Board shall be selected by their respective City Council. Individual terms shall be at the discretion of each respective jurisdiction.
- b. The duties of the Board of Directors will include, but are not limited to, preparing and recommending to the County Board of Supervisors and City Councils action regarding the Abandoned Vehicle Abatement Program; preparing and submitting a Service Plan to the State of California, California Highway Patrol (CHP); conducting and reporting the results of any survey, study or analysis pertaining to the Program; managing the financial affairs of the Authority; modifying and/or approving quarterly and annual reports for submittal to the State Controller; and disbursement of funds.

VI. VOTING RIGHTS:

Each member of the Authority shall be entitled to one vote in forming the Authority and selecting the Board of Directors.

VII. POWERS AND DUTIES:

- a. Contracts and Acts: Pursuant to Section 22710(b) CVC, the Authority may contract and may undertake any act convenient or necessary to carry out any law relating to the Authority. The Authority shall be staffed with existing personnel of the City, County or county transportation commission.
- b. Ordinance: Each member jurisdiction of the Authority shall certify that their local ordinances comply with Sections 22660 and 22661 CVC for the abatement, removal, and disposal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, from private or public property. Additionally, local ordinances may include a system for the recovery of expended funds pursuant to Section 22710(c)(1) CVC and 25845 or 38773.5 of the Government Code.
- c. Program and Plan: Pursuant to Section 22710(d) CVC, an Abandoned Vehicle Abatement Program and Plan of a Service Authority shall be implemented with the County of Kings and a majority of the Cities having a majority of the incorporated population. The program and plan shall be consistent with guidelines prepared by the CHP.
- d. Restriction: The manner of exercising powers granted the Authority by this Agreement shall be subject to the same restrictions as are imposed upon the County of Kings in its exercise of similar powers.

VIII. FEE:

Pursuant to Section 9250.7 CVC, the Authority hereby imposes an annual service fee of one dollar (\$1.00) on vehicles registered to an owner with an address in Kings County, including the incorporated Cities, provided the Abandoned Vehicle Abatement Program and Plan, referred to in Section VII. c, above, is approved by the County and a majority of the Cities having a majority of the incorporated population in compliance with Section 22710(d) CVC. Collection of the one dollar (\$1.00) registration fee shall remain in effect for a period not to exceed 10 years from the initial date of collection (June 1, 1997), as required pursuant to Section 9250.7(c) CVC. If any funds received by the Authority pursuant to Section 9250.7(a) CVC are not expended to abate abandoned vehicles pursuant to an approved abandoned vehicle abatement program within 90 days of the close of the fiscal year in which funds were received and the amount of the funds exceed the amount expended by the authority in the previous fiscal year, the one dollar (\$1.00) registration fee shall be suspended for one year, commencing the following January 1st in accordance with Section 9250.7(b) CVC.

IX. MEETINGS:

The Authority and the Board of Directors shall meet at least annually to carry out the purpose and duties of the Authority. No meeting shall be conducted with less than a majority of all participating members, which represents a quorum, and any votes of the Authority will be by a majority of that quorum.

X. STAFF:

Pursuant to Section 22710(b) CVC, the Authority shall be staffed by existing personnel of the City, County, or county transportation commission.

XI. AUDIT:

The Authority and their jurisdictions shall conduct annual audits to ensure that funds are being spent in compliance with Sections 9250.7 and 22710 CVC. Audits may be performed by the City or County Auditor/Controller or shall be contracted with a certified public accountant or public accountant pursuant to Government Code Section 6505, to make an annual audit of the accounts and records of every agency.

XII. FUNDS:

The funds received by the Authority from the one dollar (\$1.00) registration fee shall be used in accordance with Section 22710(d)(5) CVC: "No governmental agency shall receive any funds from a Service Authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the governmental agency has submitted a quarterly report to the Service Authority stating the manner in which the funds were expended, and the number of vehicles abated. Each member agency shall receive that percentage of the total funds collected by the Authority fixed on a formula derived by the Authority to apportion 50% of those funds to a member agency based on the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all member agencies, and 50% based on population and geographic area, as determined by the Authority for its member agencies."

XIII. DEBTS AND LIABILITIES:

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of the member jurisdictions, or any of them individually. Any participating member of the Authority shall defend, indemnify, save and hold harmless the Authority and any other participating members from any and all claims, costs, liability for any damages, sickness, death or injury to person(s) or property, including without limitation all consequential damages, arising from or connected with the operations or services of that member or its agents, servants, or employees required under this Agreement save and except claims or litigation arising through the negligence or willful misconduct of the Authority or its officers or employees, and will make good to and reimburse the Authority for any expenditures, including reasonable attorney's fees, the Authority may make because of the operations or services of that member or its agents, servants, or employees and, if requested by the Authority, defend any such suits at the sole cost and expense of the involved participating member.

XIV. AUTHORITY COSTS:

The Authority will contract, via this Agreement, with each individual member, and may undertake actions that are required by law relating to the performance of duties in the removal of abandoned vehicles from public and private property and public roadways and the cost associated with these duties. Any costs incurred in the operation of the Authority must be approved by a simple majority vote of the Board of Directors.

XV. AMENDMENT:

This agreement may be amended in writing upon a simple majority vote of all member jurisdictions.

XVI. TERMINATION BY MEMBERS:

Subject to Section 22170 CVC, a member's participation under this agreement may be terminated by member jurisdictions as follows:

- a. Individual Member Jurisdictions: A member jurisdiction may terminate its participation in this agreement and the Authority immediately by providing written notice to the County any time before the Abandoned Vehicle Abatement Program and Plan is approved pursuant to Section 22710 (d) CVC. Notice to the County shall be delivered to the Kings County Planning Agency, 1400 W. Lacey Blvd., Hanford, CA 93230.

After the Abandoned Vehicle Abatement Program and Plan has been approved, a member jurisdiction may terminate its participation in this Agreement and the Authority by providing 30 days' written notice of such termination to the Authority and the other member jurisdictions. However, termination shall not relieve a member of its duties and obligations in relation to any funds received from the Authority. Members shall still be required to comply with the Abandoned Vehicle Abatement Program and Plan, Section 22710 CVC, this Agreement and the rules of the Authority as they relate to funds received. Notice of termination may be rescinded upon written notice to the Authority and the other member jurisdictions at any time before the effective date of termination.

- b. Majority: This Agreement may be terminated at any time by a simple majority of the member jurisdictions voting to dissolve the Authority.

XVII. NEW MEMBER:

A jurisdiction may choose to enter into the Authority by giving a Notice of Submission, which is to be in resolution form, and approved by a majority vote of that jurisdiction's governing Council or Board. This resolution is to be received no later than April 1st by the Authority. Upon approval from the CHP, distribution of funds to the new jurisdiction will be in accordance to rules previously approved in this Agreement. Appropriation of the one dollar (\$1.00) fee will commence on June 1st of the new fiscal year and be distributed thereafter on a quarterly basis by the State Controller's Office.

XVIII. TERMINATION:

The Authority shall cease to exist on the date that all revenues received by the Authority, pursuant to Section 9250.7 and 22710(5)(a) CVC, have been expended.

XIV. COUNTERPARTS:

This Agreement may be executed in counterparts which, taken together, shall constitute one and the same Agreement.

X. SOLE AND ONLY AGREEMENT:

This Agreement shall be the sole and only agreement in and between the county and all cities as participating members of the Kings County Abandoned Vehicle Abatement Program and Service Authority.

XXI. EFFECTIVE DATE:

This Agreement becomes effective upon its approval by the County Board of Supervisors by two-thirds vote, and a majority of the Cities having a majority of the incorporated population within the County.

Mayor, City of Avenal Date

Mayor, City of Corcoran Date

Mayor, City of Hanford Date

Mayor, City of Lemoore Date

Chairman, Kings County Board of Supervisors Date

Chairman, Kings County Association of Governments Date