

**KINGS COUNTY ABANDONED VEHICLE ABATEMENT
PROGRAM AND SERVICE AUTHORITY PLAN
1998**

I. PROGRAM

Pursuant to California Vehicle Code (CVC) Section 22710(d)(2), an Abandoned Vehicle Abatement (AVA) Program and Plan must be developed and consistent with the California Highway Patrol (CHP) "Abandoned Vehicle Abatement Program Guidelines". In order to be consistent with the CHP Program Guidelines an AVA Plan must contain the following:

- The required Resolutions for establishing the AVA Program and Service Authority Plan;
- An estimate of the number of abandoned vehicles;
- Copies of applicable ordinances for abatement of abandoned vehicles;
- A disposal and enforcement strategy;
- A cost and recovery strategy;
- Appropriate fiscal controls; and
- Any contractual agreements that have been entered into to carry out the program.

II. SERVICE AUTHORITY PLAN

Section 22710 CVC provides for the establishment of a Service Authority for the abatement of abandoned vehicles. The County of Kings and all of the Cities within the County (City of Hanford, City of Corcoran, City of Lemoore, and City of Avenal) have elected to establish the Kings County Abandoned Vehicle Abatement Service Authority ("Authority") through the signed Authority Joint Powers Agreement. All member agencies have agreed to participate in the Authority as provided herein.

III. PURPOSE

The purpose of this document is to establish a Service Authority Plan for the abatement of abandoned vehicles in Kings County pursuant to Section 22710 CVC.

An abandoned vehicle abatement is defined as the removal of a vehicle from public or private property by towing or any other means after the vehicle has been marked as abandoned by an official of a governmental agency that is a member of the Authority. Voluntary removal from private or public property also qualifies as an abatement.

IV. RESOLUTIONS

Copies of each participating City's and the County's resolution providing for the establishment of the Authority including imposition of the one dollar (\$1.00) registration fee, pursuant to the requirements of Section 22710(a) and 9250.7(a) CVC are on file with the Kings County AVA Service Authority, the California Highway Patrol (CHP), and the State Controller's Office.

V. ESTIMATE OF THE NUMBER OF ABANDONED VEHICLES

As required by Section 22710(d)(2) CVC, it is estimated that there are in excess of 675 abandoned vehicles located throughout Kings county. This figure is based on actual and estimated abandoned vehicle counts supplied by all Authority participants.

VI. ORDINANCES

Each of the participating agencies have in place ordinances or Municipal Codes establishing procedures for the abatement, removal and disposal as public nuisances, abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private or public property, including highways, in accordance with the requirements of Sections 22660 and 22661 CVC. This includes ordinances developed for cost recovery pursuant to Section 25845 or 38773.5 of the Government Code.

VII. DISPOSAL AND ENFORCEMENT STRATEGY

Each of the participating agencies have in place abandoned vehicle abatement processing formats for the enforcement of Section 22523(a)(b) CVC. Statutory authority for removal of abandoned vehicles is Section 22669 CVC, as well as local ordinances adopted for the removal and disposal as public nuisances of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private or public property.

In accordance with Sections 22671 and 22851.3 CVC, each member will maintain a contractual agreement with a licensed auto dismantler and/or qualified tow company for the removal and disposal of abandoned vehicles and may employ such contractors for the abatement, removal, and disposal as public nuisances: abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property. Abated vehicles or parts thereof shall be disposed of by removal to a dismantler or to a scrapyards for processing as scrap, unless the vehicle qualifies for restoration pursuant to Section 5004 CVC.

VIII. COST RECOVERY STRATEGY

A. GENERAL: Participating agencies shall utilize the provisions of Section 22523 CVC to effect partial recovery of costs incurred in removal of an abandoned vehicle. Additionally, member cities have enacted ordinances relative to recovery in accordance with Section 25845 or 38773.5 of the Government Code.

B. FUNDING SYSTEM: It is the intent of the AVA participants to recover the cost of abandoned vehicle abatement activities from the Authority.

1. Definition of Costs Recoverable from the Authority. These costs include staff time expended and reasonably related to abandoned vehicle abatement consistent with each participating jurisdiction's approved and adopted program and/or plan, including but not limited to costs associated with investigation, site inspection and monitoring, necessary reports, telephone contacts, correspondence and meetings with affected parties. Staff time shall be calculated at an hourly rate as established by each participant.

2. Major Purchases. Participating jurisdictions requesting Major Purchases exceeding \$2,500 must be submitted to the Authority for approval and include a detailed justification. Justified expenses are authorized in accordance with Section 22710 (c) (2) CVC and expended for the benefit of the AVA Program.
3. Cost Accounting and Recovery Required. Each AVA participant will maintain records of costs incurred while participating in the AVA Program and the Authority shall attempt recovery of those costs.
4. 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.
5. Disbursement of Funds.
 - a. The funds received by the Authority from the One Dollar (\$1.00) registration fee shall be used in accordance with Section 22710(c)(2) CVC, and shall be distributed to the cities and the County for their use in accordance with Section 22710(d)(5) CVC and with the terms of this Plan.
 - b. The funds will be disbursed quarterly, as received, and 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.
 - c. In the event a particular jurisdiction does not claim the full amount of its quarterly allotment based on funds received by the Authority, the "surplus funds" may be accumulated for the remainder of the current fiscal year. "Surplus funds" are those funds allotted to a jurisdiction in a fiscal quarter of the same fiscal year but are not claimed for that quarter.
 - d. Any funds not expended within 90 days of the close of the fiscal year in which the funds were received and the amount of those funds exceeds the amount expended by the Authority for the abatement of abandoned vehicles in the previous fiscal year, the one dollar (\$1.00) registration fee shall be suspended for one year, commencing the following January 1 in accordance with Section 9250.7(b) CVC and with terms of this Plan.
 - e. The quarterly disbursement of funds to each participating jurisdiction shall be based on the fiscal year beginning in July.
 - f. The Treasurer (Kings County Auditor/Controller) of the Authority will receive any funds distributed to the Authority by the State Controller and shall disburse said funds, including interest thereon, less any expenses resulting from contractual agreements for services and audits, to each member jurisdiction as authorized by the Board and by the terms of this Plan. The Treasurer shall report all receipts and disbursements to the Authority on a quarterly basis.

6. Failure to Submit Quarterly Reports

- a. Failure by the Authority to submit a quarterly report to the State Controller, within the prescribed time frame pursuant to Section 22710(d)(2) CVC, will result in the withholding of revenues by the State Controller's Office for one calendar year commencing on the following January.
- b. Participating agencies will not receive funds from the Authority for the AVA Program unless the jurisdiction submits a quarterly report to the Authority, as mandated by Section 22710(d)(5) CVC, stating the manner in which the funds were expended and the number of vehicles abated.

7. 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.

IX. REPORTING REQUIREMENTS:

A. Quarterly Reports to State Controller. In order to meet its obligation, the CHP requests that each Authority, established pursuant to the provisions of Sections 9250.7 and 22710 CVC, submit on a quarterly basis data relative to the operation of its Abandoned Vehicle Abatement Program to the State Controller's Office. The CHP has prepared Quarterly Status Report forms for the reporting requirements of the Authorities and jurisdictions. An Authority may submit their reports on forms approved by the CHP. These Quarterly Status Reports shall contain the required reporting information to satisfy the Legislature's intent of appropriate fiscal controls. These Quarterly Status Reports shall be submitted within 90 days of the end of each quarter to ensure ongoing funding from the State Controller's Office and meet the mandated legislative requirements. The report should contain the following information:

1. The gross amount of money received by the Authority from the Abandoned Vehicle Trust Fund during the quarter and the year-to-date.
2. An itemized statement of the Abandoned Vehicle Trust Fund monies expended by the Authority during the quarter and the year-to-date.
3. An accounting of money expended for major purchases.
4. An accounting of general fund subsidies.
5. An accounting of unexpended revenues from the Abandoned Vehicle Trust Fund.
6. An accounting of the total number of vehicles and parts thereof abated by the Authority during the quarter and the year-to-date from both private and public property.
7. An assessment of the effectiveness of the Authority's Abandoned Vehicle Abatement Program for the quarter and the year-to-date.