

Memorandum

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Ristow

**SUBJECT:** SEE BELOW

**DATE:** June 14, 2021

Approved



Date

06/17/21

**SUBJECT: EXTENSION OF ABANDONED VEHICLE ABATEMENT SERVICE  
AUTHORITY PROGRAM**

## **RECOMMENDATION**

Adopt a resolution authorizing the City of San Jose to continue its participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) program and the extension for a fourth 10-year term, beginning May 1, 2022, of the collection of the vehicle registration fee by the California Department of Motor Vehicles.

## **OUTCOME**

The proposed resolution will:

- Continue the City's participation in the Santa Clara County AVASA program for a 10-year term beginning May 1, 2022; and
- Extend the collection, by the Department of Motor Vehicles (DMV), of a one-dollar vehicle registration fee for this purpose; and
- Secure continued reimbursement funding to help offset the cost of removing abandoned vehicles within the City of San Jose

## **BACKGROUND**

Sections 9250.7 and 22710 of the California Vehicle Code provide for the establishment of a service authority for abandoned vehicle abatement if the County Board of Supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within a county adopt resolutions supporting such action. This program imposes an annual vehicle registration fee of one dollar on the registered vehicles within Santa Clara County. Revenue collected by the DMV is used to reimburse participating agencies with 50% of collected revenue

being distributed based on a jurisdiction 's population percentage within the county and the other 50% being distributed based on the jurisdiction 's percentage of vehicles abated countywide.

In 1991, Santa Clara County established the AVASA program and the Council adopted a resolution authorizing the City of San Jose's participation. This service authority was established to provide law and code enforcement agencies with resources to facilitate the proper removal and disposal of abandoned vehicles. Participation in the AVASA program is approved in 10-year terms. The Council previously adopted a resolution in 2011 to extend the AVASA program through April 30, 2021 and the City of San Jose now needs to adopt another resolution to continue participating in the program.

## **ANALYSIS**

One of the most frequent requests for service received by City staff relates to concerns regarding blighted, hazardous or unsafe conditions related to wrecked, dismantled, or inoperable vehicles which have been abandoned on both public and private property. In FY 19-20, over 52,600 vehicle abatement service requests were received by the Department of Transportation (DOT) requesting assistance with, and the removal of vehicles abandoned on public streets. Unless removed these types of vehicles can pose a health and safety hazard and are a public nuisance. The Department of Planning, Building and Code Enforcement (PBCE) is responsible for removing vehicles inappropriately stored on private property and received 222 complaints about inoperable vehicles on private property in FY 19-20.

Over the last 10 years, DOT and PBCE have abated over 75,500 vehicles and the City has collected approximately \$6.9 million dollars from the AVASA reimbursement program. Countywide during the same time period there have been approximately 167,800 vehicles abated and over \$14.9 million dollars reimbursed as a result of the AVASA program. Through the second quarter of FY 20-21, the City has received reimbursements of approximately \$232,800 for the abatement of approximately 146 abandoned/inoperable vehicles from public and private property. There is strong support for the vehicle abatement program throughout the City and continuation of the program is encouraged.

Currently all cities within Santa Clara County are active participants in the AVASA program and all city and County representatives have indicated that resolutions authorizing continued participation in the AVASA program and continuance of the one-dollar registration fee will be requested of their respective City Councils and the Board of Supervisors. To continue to participate in the AVASA program all agencies must provide the DMV certified copies of adopted resolutions outlining their commitment to the program by August 1, 2021.

The proposed resolution will extend the Santa Clara County AVASA program until April 30, 2032, continue the City's participation in the AVASA program, and DMV 's continued collection of the one-dollar vehicle registration fee. There are approximately 39 other counties within California that will also be seeking continuation of their respective programs and, therefore, the

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Santa Clara County AVASA Board of Directors is attempting to have all resolutions adopted by July 1, 2021, to ensure that DMV receives all certified resolutions by August 1, 2021.

### **CONCLUSION**

Continuation of the City's participation in the AVASA program will enable the City to be eligible for continued reimbursement from the State for costs associated with the abatement of abandoned and inoperable vehicles.

### **EVALUATION AND FOLLOW-UP**

City staff meets quarterly with the Santa Clara County Abandoned Vehicle Abatement Service Authority, as do representatives of other cities within the County. AVASA funds are tracked and each city's percentage of AVASA funds are distributed and reported for verification by all AVASA participants.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San Jose energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council agenda website for the June 22, 2021 City Council Meeting.

### **COORDINATION**

This report was coordinated with the City Attorney's Office and the City Manager's Budget Office.

### **COMMISSION RECOMMENDATION/INPUT**

This memorandum does not have input from a board or commission.

## **POLICY ALTERNATIVES**

If the Council chooses not to approve the recommended action, it would result in the termination of participation in the AVASA program on April 30, 2022 and result in the City's inability to receive any further State reimbursement for costs associated with the abatement of abandoned vehicles.

## **FISCAL/POLICY ALIGNMENT**

Continuing the City's participation in the AVASA program supports the adopted City Service Area outcomes related to providing a safe, healthy, attractive and livable community.

## **COST SUMMARY/IMPLICATIONS**

There is no net cost to the City General Fund as a result of approving the recommended action. Through participation in the AVASA program, the State reimburses the County and all participating incorporated cities for expenses related to removal of abandoned vehicles from public and private property. Over the last 10-year increment, City staff has abated over 75,500 vehicles and received reimbursement of approximately \$6.9 million dollars from the AVASA program.

In FY 20-21, an estimated \$500,000 will be reimbursed to the City offsetting approximately \$1.7 million in vehicle abatement expenses. If the City does not continue its participation in the program beyond April 30, 2022, the City would forego reimbursement of any subsequent vehicle abatement expenses. It is also unknown whether the AVASA program would continue on a Countywide basis without San Jose's participation given the City's population represents more than a majority of the incorporation population in the County.

## **CEQA**

Not a Project, File No. PP17-010, City organizational and administrative activities resulting in no changes to the physical environment.

/s/

JOHN RISTOW

Director of Transportation

For questions, please contact Heather Hoshii, Division Manager, at (408) 973-4131.