



Napa County Transportation and Planning Agency Addendum Agenda

625 Burnell Street
Napa, CA 94559

Technical Advisory Committee

All materials relating to an agenda item for an open session of a regular meeting of the Technical Advisory Committee (TAC) which are provided to a majority or all of the members of the TAC by TAC members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the TAC, 625 Burnell Street, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for NCTPA holidays. Materials distributed to a majority or all of the members of the TAC at the meeting will be available for public inspection at the public meeting if prepared by the members of the TAC or staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may speak to the TAC on any item at the time the TAC is considering the item. Please complete a Speaker's Slip, which is located on the table near the entryway, and then present the slip to the TAC Secretary. Also, members of the public are invited to address the TAC on any issue not on today's agenda under Public Comment. Speakers are limited to three minutes.

This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact the Administrative Assistant, at (707) 259-8631 during regular business hours, at least 48 hours prior to the time of the meeting.

This Agenda may also be viewed online by visiting the NCTPA website at www.nctpa.net, click on Minutes and Agendas – TAC or go to <http://www.nctpa.net/technical-advisory-committee-tac>.

Note: Where times are indicated for agenda items they are approximate and intended as estimates only, and may be shorter or longer, as needed.

Thursday, July 9, 2015

2:00 PM

NCTPA/NVTA Conference Room

****ADDENDUM****

7. REGULAR AGENDA ITEMS

7.6 15-127 Abandoned Vehicle Abatement Authority Fee Program Sunset and Renewal (Antonio Onorato)

7.7 Legislative Update* (Kate Miller)

7.8 NCTPA Board Meeting Agenda July 15, 2015* (Kate Miller)



July 9, 2015
TAC Agenda Item 7.6
Continued From: New

Action Requested: INFORMATION/ACTION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY TAC Agenda Letter

TO: Technical Advisory Committee (TAC)
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Program Manager- Finance
(707) 259-8779 / Email: aonorato@nctpa.net
SUBJECT: Abandoned Vehicle Abatement Authority Fee Program Sunset and
Renewal

RECOMMENDATION

That the TAC provide a recommendation for the extension of the AVAA Program.

EXECUTIVE SUMMARY

The Napa County Abandoned Vehicle Abatement Authority AVAA Fee Program will sunset, by statute on May 31, 2016. Vehicle Code Section 9250.7(g) will allow Napa County to extend their sunset date for another 10 years if the Authority meets certain new obligations and informs the Department of Motor Vehicles no later than October 1, 2015 formally requesting an extension.

FISCAL IMPACT

Is there a Fiscal Impact? Yes. The AVAA program receives approximately \$134,000 per year for program costs, of which abatements are the largest portion.

BACKGROUND AND DISCUSSION

The AVAA program provides funding for enforcement, which authorizes the abatement, removal, or disposal of any abandoned, wrecked, dismantled, or inoperative vehicle or part from public or private property when the vehicles is deemed to be a public nuisance. A \$1 registration fee is imposed on all vehicles registered in the County.

In 1996 all of the Cities, Town and County agreed to designate the NCTPA as the Abandoned Vehicle Abatement Authority (AVAA). \$1 per registered vehicle is distributed to NCTPA Member Agencies for use in implementing their adopted vehicle

abatement ordinance. The program was renewed in 2006 by a majority of cities and the Board of Supervisors. This renewed program will sunset on May 31, 2016.

Since Fiscal Years 2007-08 (FY2008), the Authority has received \$971,519 from the State Controller's Office and has abated 2,011 vehicles with an average of 273 abatements per year. The Cities of Napa and American Canyon have the most robust abatement programs in the Authority. However, it's important to note that abatements have been decreasing steadily since FY2008, with FY2011 and FY2015 as exceptions.

Table 1: Payments to Jurisdictions (includes capital payments)

Juris	FY2015 (to Q2)	FY2014	FY2013	FY2012	FY2011	FY2010	FY2009	FY2008	Total
AmCan	\$7,502	\$14,177	\$12,655	\$12,098	\$13,447	\$19,153	\$15,179	\$13,494	\$107,705
Calistoga	3,022	6,245	5,000	5,126	3,614	4,032	3,553	3,574	\$34,166
Napa	34,095	70,084	87,470	91,661	75,614	82,139	84,383	85,564	\$611,010
Napa County	969	33,375	16,226	17,617	24,897	15,475	22,378	26,284	\$157,221
St. Helena	4,400	6,564	5,309	6,038	3,588	4,188	3,610	3,518	\$37,215
Yountville	968	5,181	4,734	3,622	2,385	2,687	2,352	2,270	\$24,199
TOTALS	\$50,955	\$135,628	\$131,395	\$136,162	\$123,545	\$127,674	\$131,455	\$134,705	\$971,519

Table 2: Vehicle Abatements by Jurisdictions

Juris	FY2015 (to Q2)	FY2014	FY2013	FY2012	FY2011	FY2010	FY2009	FY2008	Total
AmCan	75	6	5	8	21	38	37	50	240
Calistoga	39	4	4	5	10	5	5	9	81
Napa	21	50	86	105	329	167	248	419	1,425
Napa County	2	30	4	5	45	4	43	104	237
St. Helena	4	4	4	6	5	5	4	5	37
Yountville	103	4	5	4	5	4	4	6	135
TOTALS	100	98	108	133	415	223	341	593	2,011

Current Program

For the last 10 years, the AVAA program has been used to pay for jurisdictional costs for motor vehicle abatements. These costs include administration, materials, abatements, and capital purchases. Table 1 above summarizes the payments each jurisdiction has received Since FYE 2008. Table 2 summarizes the vehicles abated in each jurisdiction.

Proposition 26

In November 2010, years after the original establishment of Napa County's AVAA program, Proposition 26 was approved by the voters of California. County Counsel has advised that Prop. 26 applies to an extension of the AVAA program and therefore, approval by 2/3 of the voting electorate is now required to extend the AVAA program for an additional 10 year period. Approval by a majority of cities having a majority of the incorporated population within the county and a 2/3 vote by the Board of Supervisors is required to place the issue on the ballot.

Ballot Initiative

Other AVAA programs have been researched by NCTPA staff to determine how they addressed the requirement of the 2/3 voter majority for a program extension. Some counties do not need to address the issue until later since their current program does not sunset until after 2016. A few counties such as Mendocino, Humboldt and Calaveras took the matter to the electorate, and were successful. Some larger counties such as Orange, San Diego, and San Mateo decided to terminate the program rather than seek voter approval. NCTPA counsel is advising that NCTPA place this renewal of the AVAA fee on the first countywide election held or the Board may wish to recommend a special election. Alternatively, it could go to the voters as a new tax in November 2016. The cost of placing this initiative on the ballot will be approximately \$120,000 (reference- Measure T). Since the AVAA funds are 100% pass through to the respective jurisdictions, staff is recommending any expenditures for the program renewal to be placed in the next election be borne by the jurisdictions.

New Program Constraints

In the past, eligible program costs included administration, materials, personnel, capital purchases, and abatements. Administrative costs and capital purchases for the program will no longer be eligible.

Any renewed program will only allow vehicle abatements as an eligible cost. In accordance with Section 22710(f) California Vehicle Code (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 Service Authority." No other costs will be available for reimbursements by the Authority.

Alternatives

Allow the program to sunset, and let each jurisdictions plan their own vehicle abatements and cost recovery.

SUPPORTING DOCUMENTS

Attachments:

- (1) Abandoned Vehicle Abatement Authority (AVAA) Fee Program

DEPARTMENT OF MOTOR VEHICLES

REGISTRATION OPERATIONS DIVISION

P.O. BOX 825393

SACRAMENTO, CA 94232-5393



JUN 12 2015

**ATTACHMENT 1
TAC AGENDA ITEM 7.6
JULY 9, 2015**

June 5, 2014

Kate Miller, Deputy Executive Director
Napa County Transportation Planning Agency
625 Burnell Street
Napa, CA 94559

Re: Napa County Abandoned Vehicle Abatement (AVA) Fee Program
Sunset Date Notification

Dear Ms. Miller:

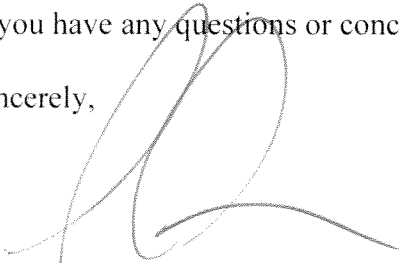
The Napa County AVA Fee Program sunsets, by statute, on May 31, 2016. California Vehicle Code Section 9250.7(g) allows each California county to extend their sunset date for the program in 10-year increments. Each county, however, is required to submit a new resolution to the Department of Motor Vehicles (DMV) formally requesting the extension.

If you intend to maintain the AVA Fee in your jurisdiction, it is critical that DMV receive your formal request, and a copy of your new resolution, **no later than October 1, 2015**. Otherwise, we will initiate programming to discontinue collection of the AVA fee for Napa County, effective June 1, 2016. Please note that your county may still receive funds for fees due through May 31, 2016, for customers that pay late or for multiple years. Please send the requested documents to:

Department of Motor Vehicles
Registration Operations Division
2415 First Avenue, M/S D148
Sacramento, CA 95818-2606
Attn: Al Tolentino

If you have any questions or concerns, please contact Al Tolentino, of my staff, at (916) 657-2690.

Sincerely,



ANDREW CONWAY, Branch Chief
Registration Operations Division