# Staff Report

Meeting Date: March 4, 2025

To: Siskiyou County Board of Supervisors

From: Hailey Lang, Planning Director

Subject: Presentation on the California Highway Patrol (CHP) Abandoned Vehicle Abatement (AVA) Program at the request of Supervisor Harris

## Background

The California Highway Patrol's (CHP) Abandoned Vehicle Abatement (AVA) Program was designed to provide guidance to counties who wish to develop and administer AVA Authorities. The AVA Program is recognized as a means to remove abandoned vehicles that create a public nuisance and a health or safety hazard. Currently, there are thirty-seven counties in the State of California participating in the AVA program.

The Abandoned Vehicle Abatement Program (AVA) was originally implemented by legislation and adopted by the State in 1990. The California Department of Motor Vehicles collects one dollar from each passenger vehicle registered in a participating County and three dollars for larger commercial vehicles to fund the Program. The purpose of this program is to remove abandoned vehicles in public rights-of-way. The program allows local entities to remove abandoned vehicles with the cost coming from fees collected from all registered vehicles in the county.

For Siskiyou County to have this program, the County would need to create an “Abandoned Vehicle Abatement Service Authority”, (i.e., a Joint Powers Authority) comprised of representatives from the County and the incorporated cities that have majority of the incorporated population (e.g. Yreka, Weed, Dunsmuir, Mount Shasta, and Montague) pursuant to Section 22710 California Vehicle Code:

***22710.****(a) A service authority for the abatement of abandoned vehicles may be established, and a one dollar ($1) vehicle registration fee imposed, in a county if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county have adopted resolutions providing for the establishment of the authority and imposition of the fee. The membership of the authority shall be determined by concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.*

Further, besides the approval of the Board and sufficient city councils, it appears the fee itself would be a special tax, as defined under Cal. Constitution Article XIIIC, and would necessarily need to be approved by a two-thirds vote as a ballot measure before the voters.

Key steps and requirements that would need to be taken in order for the County to establish an AVA program:

1. Board of Supervisors (BOS) to provide direction to staff to develop program.
	1. Draft a resolution for Board approval to adopt the AVA program.
	2. If the resolution is approved, direct staff to contact the incorporated areas of the County for a corresponding resolution to adopt the AVA program.
	3. If the Board and a sufficient number of incorporated areas adopt the resolution (“a majority of the cities having a majority of the incorporated population”), than a ballot measure would be drafted and presented to the Board for potential approval and inclusion upon the ballot of the next available election.
	4. If BOS approves, they will direct staff to draft the required resolutions and place such a measure on an upcoming regularly scheduled election ballot, or BOS will need to decide if they have the budget to pay for a special election and decide what the date would be.
2. BOS to select a Supervisor to author the ballot measure.
3. BOS to direct Clerk to put measure on ballot (cost to put measure on ballot is estimated at $174,946-$185,847, per Laura Bynum).
4. Measure to be passed by the voters, by a two-thirds (2/3) vote in order to establish the fee to support a Service Authority; and a $1-$3 is an added tax on vehicle registration.
5. An Abandoned Vehicle Abatement (AVA) program, and a Service Authority Plan, also must be approved by the Board of Supervisors and sufficient city councils with the same voting requirements as above. The program must also be approved by the DMV and State Controller
6. If passed, BOS would need to approve and pass a local ordinance memorializing this program, including what staff would be responsible for carrying the program out, including legal representation.
7. Form an AVA Service Authority with representatives from the county and cities to serve on the Board.
8. There is a cost sharing formula that must be calculated between the jurisdictions in order to operate the Abandoned Vehicle Abatement Service Authority (AVASA) and Service Authority Plan. (The service fee of registered vehicles within the County would go to the State, CHP, and the AVASA is reimbursed from the money collected for actual vehicles removed. The AVASA would also go after the property owner or vehicle owner to recover costs. To view last year’s allocation to the counties that participate in the program, view Attachment A.)
9. The fee for the program sunsets after 10 years and thereafter the service authority ceases when all revenues have been expended. The program can be renewed.
10. Financial management of the program must be met through Vehicle Code 9250.7. Staffing to manage this program would be existing County and City personnel.

In summary, this effort would require multi-jurisdictional support to initiate and then approval by the voters, the Department of Motor Vehicles (DMV) and the State Controller to implement.

## Recommended Motion

* Provide any direction to staff on the potential establishment of an AVA program.

## Attachments

1. State Allocation List