



210 North Church St. Suite B.
Visalia, California 93291
Phone (559)623-0450
Fax (559)733-6720
www.tularecog.org

July 29, 2014

Srgt. Dennis Davidson
Research and Planning Section
Special Operations Unit
601 N. 7th Street
Sacramento, Ca. 95811

RE: Abandon Vehicle Abatement (AVA) Plan Update/Revision

Sargent Davidson,

Enclosed for your review is the Abandon Vehicle Abatement Plan for the Tulare County Association of Governments (acting as the Abandoned Vehicle Abatement Authority) as updated and revised.

The revision to the plan is to include voluntary abatements when the member agencies can provide proper documentation that the voluntary abatements were in fact abated by an agency certified vendor and include the VIN unless the VIN has been destroyed and must so be stated.

The member agencies also include letters acknowledging the plan policy and procedural changes.

The other items updated in the plan were of typographical nature and/or fell within the section "Appropriate Fiscal Controls of the Authority and Reporting Requirements" which are non-monetary and do not change the AVA program.

If you have any questions or require additional information please let me know.

Sincerely,

Leslie J Davis
Fiscal Manager
Tulare County Association of Governments

AVA Plan
(Updated)

THE
ABANDONED VEHICLE ABATEMENT
PLAN
OF THE
TULARE COUNTY
VEHICLE ABATEMENT AUTHORITY

ABANDONED VEHICLE ABATEMENT PLAN

As of September 25, 1991, the Tulare County Authority for the Abatement of Abandoned Vehicles was established by Joint Exercise of Powers Agreement. Said Agreement, which provides for the development and implementation of the Plan, is attached hereto (Section 1) and is included herein as if set out in full.

Each member jurisdiction currently operates a Vehicle Abatement program under existing local ordinances. Under the Authority Plan, each will continue operating independently through established procedures and separate contractual agreements as long as it is desired to do so, using the funding available through the Authority to enhance these programs and increase effectiveness.

The following is provided as required in the California Highway Patrol (CHP) "Guideline for the Development of Abandoned Vehicle Abatement Programs and Plans" and are incorporated herein:

Required Resolutions

Enclosed in Section 2, Resolutions, are copies of the following:

- a) Resolutions providing for the establishment of the Service Authority, including identification of its membership, and the imposition of the one dollar (\$1) registration fee pursuant to the requirements of subdivision (a) of Section 22710 and subdivision (a) of Section 9250.7.
- b) Resolution of approval of the Service Authority's Abandoned Vehicle Abatement Program and Plan, as required by subparagraph (1) of subdivision (d) of Section 22710.

Estimate of the Number of Abandoned Vehicles

The total number of vehicles estimated to be abandoned annually by the Authority is 2,740. An itemization of vehicles estimated for abatement by each member jurisdiction is provided in Section 3, Annual Estimates, of the Plan.

Ordinances (Disposal, Enforcement and Cost Recovery)

This Plan utilizes the local ordinances of each Authority member jurisdiction as set out in Section 4, Ordinances, and are incorporated herein as if set out in full.

Each member's ordinance establishes procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and meets all of the requirements of Section 22660 and 22661 of the Vehicle Code.

Also inclusive in member ordinances, pursuant to Section 25845 or 38773.5 of the Government Code, are strategies for recovery of costs of administration, removal and disposal.

Contractual Agreements

All Contractual Agreements currently in place by member jurisdictions are incorporated herein as if set out in full. Copies are included in Section 5, Contractual Agreements.

Appropriate Fiscal Controls of the Authority and Reporting Requirements

- a) The money received will be receipted and deposited into the Tulare County Treasurers Office specific trust fund number 402 for Abandoned Vehicle Abatement.

Funds are distributed to the members of the Authority based on population as specified in paragraph 4 of the Joint Powers Agreement. The warrants are issued through the Tulare County Auditor's Office by request.

Subsequently, the on –line-general-ledger (OLGL) reports are made available at any time by the Tulare County Auditor's Office accounting system, AFIN, which shows the occurrence of funds received and distributed.

- b) Forms and documents directing these transactions will be maintained in the offices of the Tulare County Association of Governments.

The Authority reports quarterly to the California Highway patrol with a quarterly report form prepared to show total Trust Fund money received to date, the quarterly distribution of funds to the members of the Authority, and a running total of funds distributed to members during the current fiscal year

- c) The Member Agencies complete quarterly status reports referred to as Form A and Form B included as an attachment to this plan. Form A reports revenues and costs; vehicles abated voluntarily and involuntarily., Reporting Form B provides information for the number of notices to abate, number of vehicles disposed and total expenditures for towing and storage. See Section 6

The Member Agencies will provide procedures that contain a provision for the proof of abatement on all voluntary and involuntary abatements as it relates to item 7, page 3 of the Joint Powers Agreement Number 16391. Additionally, payment for abatements from the trust fund will include voluntary abatements in addition to the involuntary abatements as long as the member agencies can provide proof of abatement from an agency approved certified vendor and the vendor documentation shows the VIN for verification; unless the VIN has been destroyed and must so be stated.

- d) Quarterly interval audits will be conducted by an internal accountant of the Authority. The Authority completes and submits quarterly financial reports to the Board of Directors of the Authority for review and authorization for submittal to the California Highway Patrol.

As provided in the Joint Exercise of Powers Authority, the Tulare County Authority for the Abatement of Abandoned Vehicles shall cease to exist when all of its funding has been expended.

**Joint
Power Agreement**

JOINT EXERCISE OF POWERS AGREEMENT

ESTABLISHING THE

TULARE COUNTY AUTHORITY

FOR THE

ABATEMENT OF

ABANDONED VEHICLES

JOINT EXERCISE OF POWERS AGREEMENT
ESTABLISHING THE TULARE COUNTY
SERVICE AUTHORITY FOR THE ABATEMENT
OF ABANDONED VEHICLES

THIS AGREEMENT, dated for convenience as of this 10th day of Sept., 1991, by and between the COUNTY OF TULARE, hereinafter referred to as the "County" and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA and WOODLAKE, or so many of said Cities as have executed this Agreement and which consist of the majority of the cities of Tulare County having a majority of the incorporated population within the County, hereinafter collectively referred to as the "Cities"; and by and between the County and Cities, collectively, and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, hereinafter referred to as "TCAG";

WITNESSETH:

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for a one dollar (\$1) vehicle registration fee to be imposed to fund any abandoned vehicle abatement program established by such Service Authority;

WHEREAS, the County and the Cities recognize it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

WHEREAS, the membership of a Service Authority is determined by concurrence of the board of supervisors and a majority vote of the cities within the county having a majority of the incorporated population;

TULARE COUNTY AGREEMENT NO. 16391

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have concurred in the establishment of a Service Authority;

WHEREAS, the County and the Cities had previously, on May 4, 1971, entered into a joint exercise of powers agreement establishing the Tulare County Association of Governments (TCAG) composed of the County and each of the Cities, which, inter alia, provides for the coordination and development of programs to assure compatible action between all levels of government within the County;

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of this Agreement;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

(1) There is hereby created an entity to be known as the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority").

(2) The membership of the Authority shall consist of the County and each of the Cities which have signed this Agreement. To the extent that membership is the same and identical to the membership of TCAG, TCAG shall be, and agrees to be, designated as the Authority and the governing Board of TCAG shall be the government Board of the Authority. The provisions of the Joint Exercise of Powers Agreement Establishing the Tulare County Association of Governments, dated May 4, 1971, and as amended from time to time thereafter, are hereby adopted and incorporated herein by reference as if set out in full except that the provisions herein shall control as to any conflicts.

(3) The representative of any City on the TCAG governing Board which City has not entered into this Agreement and the public members of the TCAG governing board appointed under the terms of the Joint Exercise of Powers Agreement Establishing the Tulare County Association of Governments shall not vote on Authority business and shall not be counted for the purpose of determining a quorum for Authority business.

(4) Any funds authorized to be collected by the Authority pursuant to this agreement shall be received by TCAG which will in turn disburse such monies to the County and to the member Cities in a proportionate share based on the ratio that the population of each member bears to the total population of all the members, as shown by the Department of Finance of the State of California for the preceding calendar year.

(5) The Authority may contract and may undertake any act convenient or necessary to carry out any law relating to the Authority.

(6) The Authority shall be staffed by city and county personnel.

(7) The abatement, removal, and disposal of public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property shall be undertaken through the enforcement of the County and city ordinances adopted to California Government Code section 25845 or section 38773.5 as such ordinances are amended to comply with California Vehicle Code section 22710 and the state regulations promulgated thereunder. The actual removal and disposal of vehicles shall be undertaken by the County or its subcontractors in the unincorporated areas and by each of the Cities or their respective subcontractors in the incorporated areas within their jurisdictions.

(8) As an alternative to paragraph no. 7, the Authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal of public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to California Vehicle code section 25845 or Government Code section 38773.5, or assumption by the Authority, of costs of administration and that removal and disposal.

(9) The money received by the Authority pursuant to Vehicle Code sections 9250.7 and 22710 shall be used only for abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

(10) The Authority shall adopt a plan to be submitted to the Department of the California Highway Patrol within the required time period as set out in the Guidelines of the California Highway Patrol.

(11) The Authority shall cease to exist on the date that all revenues received by the Authority pursuant to Vehicle Code sections 9250.7 and 22710 have been expended.

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(12) This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

COUNTY OF TULARE

By *Chad R. Gault*
Chairman, Board of Supervisors
"County"

ATTEST: LOUIS J. FERNANDEZ
County Executive/Clerk of the Board
of Supervisors of the County of Tulare



By *Linda Magain*
Deputy

TULARE COUNTY ASSOCIATION
OF GOVERNMENTS

By *L. Magain*
Chairman
"TCAG"

ATTEST:

By *[Signature]*
Executive Secretary

CITY OF DINUBA

ATTEST:

By *Emeline Fiegel*
City Clerk *deputy*

By *Roy J*
Mayor

CITY OF EXETER

ATTEST:

By *Betty J. Deady*
City Clerk *deputy*

By *Russ D Miller*
Mayor

CITY OF FARMERSVILLE

ATTEST:

By *Lucille Scott*
City Clerk

By *O. V. O.*
Mayor

CITY OF LINDSAY

ATTEST:

By *Billie Paul*
City Clerk

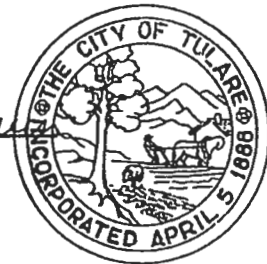
By *John J. Menden*
Mayor

CITY OF TULARE

ATTEST:

By *Liane Davis*
Chief Dep. City Clerk

By *Maurice M. G.*
Mayor



CITY OF PORTERVILLE

ATTEST:

By [Signature]
City Clerk

By [Signature]
Mayor

CITY OF VISALIA

ATTEST:

By [Signature]
City Clerk

By [Signature]
City Manager



CITY OF WOODLAKE

By [Signature]
City Clerk

By [Signature]
Mayor

Approved as to form:
County Counsel

By [Signature]
Deputy

JOINT EXERCISE OF POWERS AGREEMENT
ESTABLISHING THE TULARE COUNTY
SERVICE AUTHORITY FOR THE ABATEMENT
OF ABANDONED VEHICLES

THIS AGREEMENT, dated for convenience as of this 25th day of September, 1991, by and between the COUNTY OF TULARE, hereinafter referred to as the "County" and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA and WOODLAKE, or so many of said Cities as have executed this Agreement and which consist of the majority of the cities of Tulare County having a majority of the incorporated population within the County, hereinafter collectively referred to as the "Cities"; and by and between the County and Cities, collectively, and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, hereinafter referred to as "TCAG";

W I T N E S S E T H:

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for a one dollar (\$1) vehicle registration fee to be imposed to fund any abandoned vehicle abatement program established by such Service Authority;

WHEREAS, the County and the Cities recognize it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

WHEREAS, the membership of a Service Authority is determined by concurrence of the board of supervisors and a majority vote of the cities within the county having a majority of the incorporated population;

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have concurred in the establishment of a Service Authority;

WHEREAS, the County and the Cities had previously, on May 4, 1971, entered into a joint exercise of powers agreement establishing the Tulare County Association of Governments (TCAG) composed of the County and each of the Cities, which, inter alia, provides for the coordination and development of programs to assure compatible action between all levels of government within the County;

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of this Agreement;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

(1) There is hereby created an entity to be known as the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority").

(2) The membership of the Authority shall consist of the County and each of the Cities which have signed this Agreement. To the extent that membership is the same and identical to the membership of TCAG, TCAG shall be, and agrees to be, designated as the Authority and the governing Board of TCAG shall be the government Board of the Authority. The provisions of the Joint Exercise of Powers Agreement Establishing the Tulare County Association of Governments, dated May 4, 1971, and as amended from time to time thereafter, are hereby adopted and incorporated herein by reference as if set out in full except that the provisions herein shall control as to any conflicts.

(3) The representative of any City on the TCAG governing Board which City has not entered into this Agreement and the public members of the TCAG governing board appointed under the terms of the Joint Exercise of Powers Agreement Establishing the Tulare County Association of Governments shall not vote on Authority business and shall not be counted for the purpose of determining a quorum for Authority business.

~~(4) Any funds authorized to be collected by the Authority pursuant to this agreement shall be received by TCAG which will in turn disburse such monies to the County and to the member Cities in a proportionate share based on the ratio that the population of each member bears to the total population of all the members, as shown by the Department of Finance of the State of California for the preceding calendar year.~~

Amended 5/20/96

(5) The Authority may contract and may undertake any act convenient or necessary to carry out any law relating to the Authority.

(6) The Authority shall be staffed by city and county personnel.

(7) The abatement, removal, and disposal of public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property shall be undertaken through the enforcement of the County and city ordinances adopted to California Government Code section 25845 or section 38773.5 as such ordinances are amended to comply with California Vehicle Code section 22710 and the state regulations promulgated thereunder. The actual removal and disposal of vehicles shall be undertaken by the County or its subcontractors in the unincorporated areas and by each of the Cities or their respective subcontractors in the incorporated areas within their jurisdictions.

(8) As an alternative to paragraph no. 7, the Authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal of public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to California Vehicle code section 25845 or Government Code section 38773.5, or assumption by the Authority, of costs of administration and that removal and disposal.

(9) The money received by the Authority pursuant to Vehicle Code sections 9250.7 and 22710 shall be used only for abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

(10) The Authority shall adopt a plan to be submitted to the Department of the California Highway Patrol within the required time period as set out in the Guidelines of the California Highway Patrol.

(11) The Authority shall cease to exist on the date that all revenues received by the Authority pursuant to Vehicle Code sections 9250.7 and 22710 have been expended.

/// NDS. 12, 13 & 14
/// added 5/20/96
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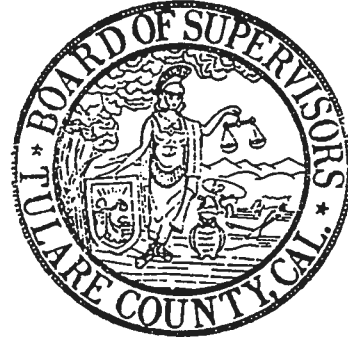
(12) This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

COUNTY OF TULARE

By *Chad R. Gould*
Chairman, Board of Supervisors
"County"

ATTEST: LOUIS J. FERNANDEZ
County Executive/Clerk of the Board
of Supervisors of the County of Tulare



By *Linda Magarin*
Deputy

TULARE COUNTY ASSOCIATION
OF GOVERNMENTS

By *[Signature]*
Chairman
"TCAG"

ATTEST:

By *[Signature]*
Executive Secretary

CITY OF DINUBA

ATTEST:

By *Evelyn J. Jeger*
City Clerk *Deputy*

By *Ray J.*
Mayor

CITY OF EXETER

ATTEST:

By *Betty J. Darby*
City Clerk *Deputy*

By *Russ D. Miller*
Mayor

CITY OF FARMERSVILLE

ATTEST:

By *Lyall Scott*
City Clerk

By *O. U. O.*
Mayor

CITY OF LINDSAY

ATTEST:

By *Billi Paul*
City Clerk

By *John A. Mays*
Mayor

CITY OF TULARE

ATTEST:

By *Diane Davis*
Chief Dep. City Clerk

By *Maurice M. D.*
Mayor



CITY OF PORTERVILLE

ATTEST:

By *[Signature]*
City Clerk

By *[Signature]*
Mayor

CITY OF VISALIA

ATTEST:

By *[Signature]*
City Clerk

By *[Signature]*
City Manager



CITY OF WOODLAKE

By *[Signature]*
City Clerk

By *[Signature]*
Mayor

Approved as to form:
County Counsel

By *[Signature]*
Deputy

Amendment

JPA & TCAG

Board of Supervisors Agenda Item

Date: May 7, 1996

**Tulare County
Planning and Development
Department**

Tulare County Courthouse
Civic Center Rm. 111

Visalia, CA 93291-4583

209-733-6254 (Planning)

209-733-6282 (Building Permits)

209-730-2604 (AU)

SUBJECT:

Amendment to the Joint Powers Agreement with the Tulare County Association of Governments (TCAG) establishing TCAG as the Service Authority for Tulare County's Abandoned Vehicle Abatement Program in order to incorporate and implement recent changes to sections 9250.7, 9250.14 and 22710 of the California Vehicle Code.

REQUEST(S):

That the Board approve the attached amendment to the JPA with TCAG and authorize the Chairman of the Board to sign said agreement. *(A/c 16391)*

SUMMARY:

On September 25, 1991 TCAG and all member agencies signed a Joint Powers Agreement that established an Abandoned Vehicle Abatement program in Tulare County and made TCAG the Service Authority administering it. This allowed the Department of Motor Vehicles to start collecting a \$1 surcharge on vehicle registrations for abandoned vehicle abatement purposes. The California Highway Patrol is the State Agency that manages this program. This money is sent to TCAG and in turn is distributed to TCAG member agencies based on each agencies percentage of the total population. The amount varies each year but is approximately \$260,000.

On October 12, 1995 the Governor signed Assembly Bill 135 (see attached) and it became effective on January 1, 1996. This law makes significant changes in the Abandoned Vehicle Abatement program. It extends the length of the program, the way funds are distributed, the disposition of funds not spent, changes reporting requirements, adds penalties for late reports and redefines what constitutes an abandoned vehicle abatement.

The Changes

1. The first change as result of this legislation is the length of the program. Originally it was a five year program which would have expired in 1996. That has been changed to ten years. This means ten years from the start of the program within Tulare County, so the program will now continue until September 25, 2001.
2. Another provision of the new legislation is that any program money not expended within 90 days after the end of the year (fiscal year) has to be returned to the State. In addition, a quarterly report is now required or funding will be withheld. In the past a quarterly report

George E. Finney, Director
Mary E. Beatle, Assistant Director



was encouraged but funding could not be withheld if it wasn't done. Along with these requirements comes increased accountability standards by the CHP and the possibility of a CHP program audit.

3. The most significant change to the program is in the method of disbursing the funds. In the past, funds were distributed on the basis of each agency's percentage of the overall population. The new law requires that they be disbursed based on each agency's percentage of the total number of abatements! This means that the amounts received by each jurisdiction may change drastically. For instance, Tulare County has 40% of the population, but through the third quarter of last year (calendar year) the County had 54% of the total abatements.
4. Also changed is the definition of what constitutes an 'abatement'. In the past any vehicle removed by the jurisdiction was an abatement, but, if the vehicle owner removed the vehicle it was not. This meant that while a lot of vehicles may have been cited as possibly abandoned many did not count as an actual abatement because they were removed by the owners or someone other than the local agency. For instance, the City of Farmersville investigated 82 vehicles as possibly being abandoned through the first 3 quarters of 1995, but only 11 of those were actually removed by Farmersville. Now, however, any vehicle that is cited as possibly being abandoned will count as an abatement, even if someone besides the local agency removes it. Because this leaves open the possibility of an agency citing many cars unnecessarily in order to build a large number of abatements and therefore a higher percentage of the funds, the CHP has also imposed an Abandoned Vehicle Abatement Report form. The information required by this form includes the reason the local official has for believing the vehicle is abandoned and a picture of the vehicle cited. These forms must be kept for a year and may be inspected by the CHP.

Because of these changes, the CHP requires that the Joint Powers Agreement governing the Service Authority be revised to reflect current law. In accordance with this requirement, TCAG staff prepared the amendment to the current JPA included as attachment A. This amendment addresses the changes necessary under current law. It has been reviewed by TCAG's legal counsel and should meet the new requirements. At their March 18, 1996 meeting, the TCAG Board of Governors approved the distribution of this proposed amendment to each jurisdiction for their review and approval. The CHP requires changes to the JPA to be made by June 30, 1996.

FINANCING:

This amendment will change the method of distributing AVA funds to conform with current law, but no additional funding from the County will be required.

ALTERNATIVES:

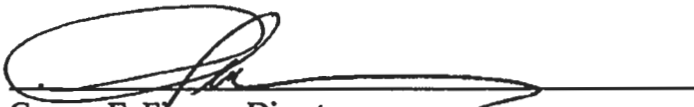
1. Do not adopt the proposed amendment. The County would no longer be a part of the AVA program and would not receive any of the funds currently being collected.

2. Recommend changes to the amendment. This would lengthen the amount of time it would take to adopt changes to the JPA, as each TCAG member would have to review the changes and decide if they would adopt them.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Each City within the County is currently considering adopting this amendment. TCAG reviewed and approved the distribution of the amendment.

ADMINISTRATIVE SIGN-OFF:

A handwritten signature in black ink, appearing to read "G. Finney", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, thin tail extending to the right.

George E. Finney, Director

CONTACT PERSON:

If additional information is required on this agenda item, please contact Mark Clark (Extension 3-6790).

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P. O. Box 942898
Sacramento, California 94298-0001
(916) 445-3263
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



February 14, 1996

File No.: 060.A7116.061.letter.doc

Mr. Mark Clark, Program Coordinator, AVA
Tulare County Association of Governments
221 S. Mooney Boulevard, Room 111
Visalia, CA 93291



Dear Mr. Clark:

The purpose of this correspondence is to assist your Service Authority with implementation of the requirements mandated by Assembly Bill (AB) 135.

On December 5, 1995, the California Highway Patrol (CHP) hosted an Abandoned Vehicle Abatement (AVA) Program meeting for the purpose of discussing the impact of AB 135 on the AVA Program. As a result of the meeting, the CHP was requested to research and address the following issues:

Implementation:

The provisions of AB 135 became effective January 1, 1996. As a result, the CHP is in the process of updating Highway Patrol Handbook (HPH) 87.1, Abandoned Vehicle Abatement Program Guidelines, to conform with the requirements mandated by the decree of AB 135. It is anticipated that the handbook will be ready for purchase through our Publications Unit, (916) 657-7252, no later than July 1, 1996. Although the revisions to HPH 87.1 are not complete, Service Authorities and their participating jurisdictions will be required to comply with the new provisions as mandated by law. Therefore, Service Authorities will be required to revise their plans for submission to the CHP no later than June 30, 1996. The revisions will need to comply with the procedures contained in this correspondence and the enclosed meeting minutes.

Reporting Requirements:

Enclosed are copies of the approved Quarterly Status Report Formats to be completed by a Service Authority and their jurisdictions. The reports shall be completed according to the instructions on the reverse side of the forms. Additionally, Service Authorities shall submit the reports to the Department's newly formed Field Services Section (FSS). Reports should

be mailed to the above address and shall be sent no later than 90 days following the end of the quarter in accordance with Section 22710 of the California Vehicle Code (CVC).

Abandoned Vehicle Abatement Report:

An Abandoned Vehicle Abatement Report must be completed for each vehicle marked for abatement by a participating jurisdiction. As a minimum, the report shall include the information listed on the enclosed sample AVA Report. Jurisdictions may utilize the enclosed report or revise their existing report for use in their AVA operations.

Initial Investigation:

The current AVA Program was established in 1991 for the purpose of removing unsightly and potentially dangerous abandoned vehicles from private and public property. Employees of participating jurisdictions are responsible for evaluating vehicles to determine whether a vehicle qualifies for abatement under the AVA Program. When conducting an initial investigation of a complaint of an abandoned vehicle, the employee should handle the complaint in accordance with the following:

- Declare the vehicle a hazard to public health, safety, and welfare, and immediately abate the vehicle pursuant to Section 22669(d) CVC. This Section shall only apply when the vehicle is parked, resting, or otherwise immobilized on any highway or public right-of-way, and the vehicle lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways.
- Mark the vehicle (place a violation notice on the vehicle) for removal pursuant to Section 22669(b) CVC. The employee must be able to articulate how the vehicle was determined to be abandoned (e.g., vehicle covered by graffiti, interior components missing, registration expired for more than one year, etc.). A vehicle removed under these circumstances qualifies as an abatement pursuant to Section 22710(f) CVC.
- Mark the vehicle for removal pursuant to a county and/or city ordinance established pursuant to Section 22660 CVC. A vehicle parked on private or public property qualifies for abatement under local ordinance. Notifications to the property owner and registered owner shall be conducted in compliance with local ordinance. The abatement of a vehicle tagged under this Section qualifies as an abatement pursuant to Section 22710(f) CVC.

Mr. Clark
Page 3
February 14, 1996

- Mark the vehicle for violation of a local ordinance which prohibits a vehicle from being parked or left standing upon a highway for 72 or more consecutive hours. A vehicle so marked is not deemed abandoned under the authority of an AVA Program adopted pursuant to Section 22710 CVC and does not qualify as an abandoned vehicle for abatement purposes. However, a jurisdiction may charge the AVA Program for the time spent on conducting the initial investigation into a complaint of an abandoned vehicle.

Guidelines for Major Purchases:

Section 22710 CVC requires the CHP to establish guidelines for the AVA Program. The CHP proposed guidelines for major purchases to satisfy the requirements of Section 22710 CVC, as well as address concerns expressed by the Legislature regarding the potential fiscal abuse. AVA Program Plans shall be consistent with the guidelines contained in HPH 87.1 and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and **appropriate fiscal controls**. As a result of these requirements, guidelines will require participating jurisdictions to request approval from their Service Authority for any Major Purchases exceeding \$2,500. These requests shall include a detailed justification. When evaluating a request, Service Authorities shall ensure the funds are being expended in accordance with Section 22710 (c)(2) CVC and are justified expenses for the benefit of the AVA Program. These guidelines will be incorporated into HPH 87.1.

Several other issues specific to the AVA Program were discussed at the meeting. A copy of the minutes have been enclosed for your review.

Thank you for your participation as a Service Authority in the statewide AVA Program. The Program has proven to be a cost-effective method of abating abandoned vehicles. Should you have any comments or questions, please contact Ms. Debra Kapitan of FSS at (916) 323-1483.

Sincerely,


F. L. DENNO, Chief
Enforcement Services Division

Enclosures

Assembly Bill No. 135

CHAPTER 819

An act to amend Sections 9250.7, 9250.14, and 22710 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor October 12, 1995. Filed
with Secretary of State October 13, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 135, Rainey. Vehicles: registration fees.

(1) Existing law, in addition to the other fees imposed for the registration of a vehicle, imposes, with certain exceptions, an additional fee of \$1, and continuously appropriates the money to fund local programs relating to vehicle theft crimes. Existing law requires, in order for a program to be eligible for funding, that more than $1/2$ of all the personnel time and other resources funded be expended on an annual basis for specified purposes. These provisions are to be repealed as of January 1, 1996.

This bill would delete those funding eligibility requirements.

The bill would extend the repeal date to January 1, 2000, and would thus extend the fee and continuous appropriation to that date, thereby making an appropriation. The bill would make other changes consistent with the extension of that repeal date.

(2) Existing law, in addition to the other fees imposed for the registration of a vehicle, imposes, with certain exceptions, an additional fee of \$1, and continuously appropriates the money to fund specified vehicle abatement programs. These provisions are required to terminate not later than 5 years from the date that actual collection of the fee commenced.

This bill would extend the period specified above to 10 years and thus would extend the fee and continuous appropriation for that period, thereby making an appropriation.

(3) Under existing law, a service authority that receives funds is required to conform its abandoned vehicle abatement program with the Department of Motor Vehicles' guidelines.

This bill would require the guidelines to include provisions requiring each service authority to provide the department with a quarterly report regarding the disbursement of funds received by the service authority and the number of vehicles abated pursuant to the program and would prohibit the Controller from making an allocation of funds to a service authority that fails to provide a quarterly report. The bill would prohibit a governmental agency from receiving any funds from a service authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle

abatement program unless that governmental agency has submitted to the service authority a quarterly report, as prescribed, and would limit funds received from the service authority to that percentage of the total funds collected by the service authority that is equal to the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all agencies that are members of the service authority.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 9250.7 of the Vehicle Code is amended to read:

9250.7. (a) A service authority established under Section 22710 may impose a service fee of one dollar (\$1) on vehicles registered to an owner with an address in the county that established the service authority. The fee shall be paid to the department at the time of registration, or renewal of registration, or when renewal becomes delinquent, except on vehicles that are expressly exempted under this code from the payment of registration fees.

(b) The department, after deducting its administrative costs, shall transmit, at least quarterly, the net amount collected pursuant to subdivision (a) to the Treasurer for deposit in the Abandoned Vehicle Trust Fund, which is hereby created. All money in the fund is continuously appropriated to the Controller for allocation to a service authority that has an approved abandoned vehicle abatement program pursuant to Section 22710, and for payment of the administrative costs of the Controller. After deduction of its administrative costs, the Controller shall allocate the money in the Abandoned Vehicle Trust Fund to each service authority in proportion to the revenues received from the fee imposed by that authority pursuant to subdivision (a). Any funds received by a service authority pursuant to this section that 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 the funds were received, shall be returned to the Controller for deposit in the Motor Vehicle Account in the State Transportation Fund.

(c) The fee imposed by a service authority shall remain in effect only for a period of ten years from the date that the actual collection of the fee commenced.

SEC. 2. Section 9250.14 of the Vehicle Code is amended to read:

9250.14. (a) In addition to any other fees specified in this code and the Revenue and Taxation Code, upon the adoption of a resolution by any county board of supervisors, a fee of one dollar (\$1) shall be paid at the time of registration or renewal of registration of every vehicle registered to an address within that county except

those expressly exempted from payment of registration fees. The fees, after deduction of the administrative costs incurred by the department in carrying out this section, shall be paid quarterly to the Controller.

(b) Notwithstanding Section 13340 of the Government Code, the money paid to the Controller is continuously appropriated, without regard to fiscal years, for the administrative costs of the Controller, and for disbursement by the Controller to each county that has adopted a resolution pursuant to subdivision (a), based upon the number of vehicles registered, or whose registration is renewed, to an address within that county.

(c) Except as otherwise provided in this subdivision, money allocated to a county pursuant to subdivision (b) shall be expended exclusively to fund programs that enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes. In any county with a population of 200,000 or less, the money shall be expended exclusively for those vehicle theft crime programs and for the prosecution of crimes involving driving under the influence of alcohol or drugs in violation of Section 23152 or 23153, or vehicular manslaughter in violation of Section 191.5 or subdivision (c) of Section 192 of the Penal Code, or any combination of those crimes.

(d) No money collected pursuant to this section shall be expended to offset a reduction in any other source of funds, nor for any purpose not authorized under this section.

(e) Any funds received by a county prior to January 1, 1996, pursuant to this section that are not expended to deter, investigate, or prosecute crimes pursuant to subdivision (c) shall be returned to the Controller, for deposit in the Motor Vehicle Account in the State Transportation Fund. Those funds received by a county after January 1, 1996, shall be expended in accordance with this section.

(f) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2000, deletes or extends that date.

SEC. 3. Section 22710 of the Vehicle Code is amended to read:

22710. (a) A service authority for the abatement of abandoned vehicles may be established, and a one dollar (\$1) vehicle registration fee imposed, in any 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.

(b) 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 by existing personnel of the city, county, or county transportation commission.

(c) (1) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the service authority, of costs of administration and that removal and disposal. The actual removal and disposal of vehicles shall be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(2) The money received by an authority pursuant to Section 9250.7 and this section shall be used only for the abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

(d) (1) An abandoned vehicle abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) The department shall provide guidelines for abandoned vehicle abatement programs. An authority's abandoned vehicle abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls.

The department's guidelines provided pursuant to this paragraph shall include, but not be limited to, requiring each service authority receiving funds from the Abandoned Vehicle Trust Fund to report to the department on a quarterly basis, in a manner prescribed by the department, the manner that the funds were disbursed, and the number of vehicles abated, pursuant to an approved abandoned vehicle abatement program. The report shall be submitted to the department not later than 90 calendar days following the end of the previous quarter.

(3) After a plan has been approved pursuant to paragraph (1), the service authority shall, not later than August 1 of the year in which the plan was approved, submit it to the department for review, and the department shall, not later than October 1 of that same year, either approve the plan as submitted or make recommendations for revision. After the plan has received the department's approval as being consistent with the department's guidelines, the service authority shall, not later than January 1 of the following year, submit it to the Controller.

(4) Except as provided in subdivision (e), the Controller shall make no allocations for a calendar year to a service authority for which an approved plan was not received on or before January 1 of that year, when a county has failed to provide its quarterly report as required in paragraph (2).

(5) 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. The governmental agency shall receive that percentage of the total funds collected by the service authority that is equal to the percentage of vehicles abated by the agency of the total number of abandoned vehicles abated by all agencies that are members of the service authority.

(e) Any plan that has been submitted to the Controller pursuant to subdivision (d) may be revised pursuant to the procedure prescribed in that subdivision, including compliance with any dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed. Compliance with that procedure shall only be required if the revisions are substantial. A service authority that is newly formed and has not complied with subdivision (d) may so comply after the dates specified in subdivision (d) by submitting an approved plan on or before those dates in the year in which the plan is submitted.

(f) For purposes of this section, "abandoned vehicle abatement" means 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.

(g) A service authority shall cease to exist on the date that all revenues received by the authority pursuant to this section and Section 9250.7 have been expended.

Abandoned Vehicle Abatement Funding for 1995

	1/1-3/31	4/1-6/30	7/1-9/30	10/1-12/31	YTD
Funds Received By TCAG	\$69,478.79	\$71,047.70	\$67,489.40	\$62,146.46	\$270,162.35
Funds Retained For Administration	\$694.79	\$710.48	\$674.89	\$621.46	\$2,701.62
Funds Remaining For Distribution	\$68,784.00	\$70,337.22	\$66,814.51	\$61,525.00	\$267,460.73

JURISDICTION	Funds Distributed To Members By Quarter				
	1/1-3/31	4/1-6/30	7/1-9/30	10/1-12/31	YTD
Dinuba	\$2,816.54	\$2,880.15	\$2,735.90	\$2,519.31	\$10,951.89
Exeter	\$1,642.02	\$1,679.09	\$1,595.00	\$1,468.73	\$6,384.84
Farmersville	\$1,355.60	\$1,386.21	\$1,316.78	\$1,212.54	\$5,271.13
Lindsay	\$1,741.56	\$1,780.88	\$1,691.69	\$1,557.76	\$6,771.89
Porterville	\$6,676.13	\$6,826.88	\$6,484.97	\$5,971.57	\$25,959.55
Tulare	\$7,727.10	\$7,901.59	\$7,505.85	\$6,911.63	\$30,046.17
Visalia	\$17,776.15	\$18,177.55	\$17,267.16	\$15,900.17	\$69,121.04
Woodlake	\$1,214.62	\$1,242.04	\$1,179.84	\$1,086.43	\$4,722.93
Tulare County - Unincorporated	\$27,834.30	\$28,462.83	\$27,037.32	\$24,896.85	\$108,231.29
TOTAL	\$68,784.00	\$70,337.22	\$66,814.51	\$61,525.00	\$267,460.73

March 1996 - February 1997 Abandoned Vehicle Abatement



Yearly Schedule of Events

March 96						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
(31)						

March

- 31 * End of Quarter
- * Consolidated Report Due to State

September 96						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	(30)					

April

- 30 * 1st Quarter Report Due to TCAG (Jan, Feb, Mar)

May

- 31 * Approximate Date of Funds Disbursement

April 96						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	(30)				

June

- 30 * End of Quarter
- * Consolidated Report Due to State

October 96						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	(31)		

July

- 31 * 2nd Quarter Report Due to TCAG (April, May, June)

August

- 31 * Approximate Date of Funds Disbursement

May 96						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	(31)	

September

- 30 * Unexpended Funds Returned to State
- Any funds received by a Service Authority that have not been expended on Abandoned Vehicle Abatement activities must be returned to State.
- * End of Quarter
- * Consolidated Report Due to State

November 96						
S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	(30)

October

- 31 * 3rd Quarter Report Due to TCAG (July, Aug, Sept)

June 96						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
(30)						

November

- 30 * Approximate Date of Funds Disbursement

December 96						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	(31)				

December

- 31 * End of Quarter
- * Consolidated Report Due to State

July 96						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	(31)			

January

- 31 * 4th Quarter Report Due to TCAG (Oct, Nov, Dec)

January 97						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	(31)	

February

- 28 * Approximate Date of Funds Disbursement

August 96						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	(31)

February 97						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	(28)	

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF amending the Joint Powers Agreement between the Board of Supervisors and the Tulare County Association of Governments establishing a Tulare County Service Authority for the Abatement of Abandoned Vehicles.)

RESOLUTION NO. 96-0379
AGREEMENT NO. 16391-A

UPON MOTION OF SUPERVISOR Sanders, SECONDED BY SUPERVISOR Maze, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS AT AN OFFICIAL MEETING HELD MAY 7, 1996, BY THE FOLLOWING VOTE:

- AYES: Supervisors Sanders, Richmond, Maze, Harness and Maples
- NOES: None
- ABSTAIN: None
- ABSENT: None

g/Dev
Auditor
CAO
FN 11049

5/8/96
jm



ATTEST: THOMAS F. CAMPANELLA
ADMINISTRATIVE OFFICER/CLERK
BOARD OF SUPERVISORS

By: *Janice M. ...*
Deputy Clerk

The amendment to the Joint Powers Agreement establishing the Tulare County Association of Governments as the Tulare County Service Authority for the Abatement of Abandoned Vehicles, in order to incorporate and implement recent changes to sections 9250.7, 9250.14, and 22710 of the California Vehicle Code, shown in attachment A is approved and the Chairman of the Board is authorized to sign said amendment on behalf of the County.

S570551

COUNTY OF TULARE

C57056

08/02/96 10:24

BOARD OF SUPERVISORS AGENDA IN: X

FUNC	FILE	DATE	FILM LOC	SUBJECT ITEM
_	0011049	05/07/96		***** ABANDONED VEHICLE ABATEMENT PROGRAM JOINT POWERS AGREEMENT A/C 16391-A TCAG PLANNING & DEVELOPMENT RESOL 96-0379 CITY OF EXETER (07/30/96) A/C 18313 RESOL 96-0665

END OF FILE

FUNC: A=ADD SUB C=CHG DS=DEL SUB DF=DEL FILE I=INSERT SUB T=TOTL FILE L=LOCATE
 CLEAR=EXIT PF2=MENU PF4=ADD PF7=BACKWARD PF8=FORWARD PF9=START CURR YR

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF Agreement with)
the City of Exeter) RESOLUTION NO. 96-0665
) AGREEMENT NO. 18313
)

UPON MOTION OF SUPERVISOR SANDERS, SECONDED BY SUPERVISOR
MAPLES, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 30, 1996, BY THE
FOLLOWING VOTE:

AYES: Supervisors Sanders, Richmond, Maze, Harness and Maples
NOES: None
ABSTAIN: None
ABSENT: None



ATTEST: THOMAS F. CAMPANELLA
ADMINISTRATIVE OFFICER/CLERK
BOARD OF SUPERVISORS

BY: *Jessica M. [Signature]*
Deputy Clerk

Approved an agreement with the City of Exeter for services related to the abatement of
abandoned vehicles.

Plng/Dev
Auditor
Ins/Risk
FN 11049

7/30/96
jm

**AGREEMENT FOR ABANDONED
VEHICLE ABATEMENT SERVICES**

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This Agreement, made and entered into this 31 day of July, by and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the City of EXETER, hereinafter referred to as "the City";

WITNESSETH

WHEREAS, it is necessary and convenient to the City to contract for the services of personnel having familiarity with and experience in the enforcement of local ordinances complying with Vehicle Code Section 22710 and the state regulations promulgated thereunder for the abatement, removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, from private or public property; and

WHEREAS, the County maintains a staff having the needed experience; and

WHEREAS, the County is agreeable to performing certain functions and providing personnel for performance as herein described; and

WHEREAS, the County is authorized to provide such services to the City pursuant to Government Code section 23008 if the City reserves sufficient funds;

NOW, THEREFORE, IT IS AGREED as follows:

1. The County agrees to provide personnel, materials, forms, and transportation, and to provide facilities within the building facilities presently maintained by the County to assist the City, under the supervision and direction of the City of Exeter, to enforce the City Ordinance (hereinafter referred to as the "City Ordinance") for the abatement, removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property adopted by the City in compliance with Vehicle Code Section 22710 and the state regulations promulgated thereunder to the extent that such ordinance is similar or identical to that adopted by the County.

///

TULARE COUNTY AGREEMENT NO. 18313

1 2. The County will perform inspections at the direction of the City of _____
2 Exeter _____, post and mail notices and perform administrative and clerical
3 work and such other related duties as may, from time to time, be assigned by the City _____
4 of Exeter _____ and are necessary and convenient to carry out enforcement of the
5 City Ordinance. The actual removal and disposal of the such vehicles or parts shall be
6 undertaken by City personnel or the City's subcontractors.

7 3. The County will not be required to maintain offices or facilities within
8 the City boundaries. The County shall make such personnel available as are necessary
9 to carry out the functions herein described, and provide the necessary transportation,
10 office space, utilities and clerical support as is appropriate and as allowed by the County's
11 workload for such personnel.

12 4. The City shall reserve the funds required by Government Code section
13 23008 and shall pay to the County for all such services rendered pursuant to this
14 agreement, fees and payments as are specified on the attached Exhibit "A" within thirty
15 (30) days of the receipt of billing invoices.

16 5. The scheduling of such services, the assignment and discipline of
17 employees, and other matters incident to the clerical support for the performance of such
18 services shall remain under the supervision and control of the County.

19 6. The County shall have the full cooperation and support of the City, its
20 officers, agents and employees, to perform the duties assigned by the City _____ of _____
21 Exeter _____.

22 7. Stationery, notices, forms, and other supplies to be issued in the name
23 of the City shall be supplied by the City at its own cost and expense.

24 8. County personnel shall perform services as employees of the County,
25 performing on contract for the City and no such County employee providing such services
26 pursuant to this Agreement shall have any right or entitlement to any City pension, Civil
27 Service, or any other such status or right with regard to the City.

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1 9. While actually engaged in performing any such services, inspections,
2 or other duties pursuant to this Agreement, County personnel shall be deemed to be
3 officers of the City. The City shall provide necessary authority for the County personnel to
4 issue citations and/or enter private or public property to examine vehicles and obtain
5 information concerning the ownership and identity of vehicles subject to abatement under
6 the City Ordinance and the City shall provide any necessary enforcement support,
7 including obtaining inspection warrants when appropriate. In the event that abatement or
8 removal is necessary to correct a violation or remove a nuisance under the City
9 Ordinance, the City shall contract for such abatement or removal. The City shall defend
10 the County, its officers, agents and employees, indemnify them and hold them harmless
11 from any and all actions taken in connection with the abatement and/or removal of
12 vehicles or the parts thereof.

13 10. Except as herein provided, the City shall have no responsibility for the
14 payment of any salaries, wages or other compensation to any County personnel
15 performing services for the City pursuant to this Agreement. The City shall defend the
16 County, its officers, agents and employees, indemnify them and hold them entirely free
17 and harmless from any and all liability, claims, actions, or damage arising out of the
18 performance of any duties pursuant to this Agreement.

19 11. This Agreement shall become effective when it has been executed by
20 both parties, shall be amended biennially to reflect increases incurred by the County in
21 the cost of providing services to the City, and shall continue in effect until terminated by

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23 ///
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1 either party by delivering a written notice of intention to terminate to the other party at
2 least ninety (90) days prior to the date of termination.

3 IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be
4 executed as of the day and year first above written.

5 COUNTY OF TULARE

6 By *Malcolm...*
7 Chairman, Board of Supervisors

8 "County"

9 ATTEST: THOMAS F. CAMPANELLA
10 County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare



11 By *Jarvis McFarlin*
12 Deputy

13 City of Exeter

14 By *Alvin...*

15 Title Mayor

16 "City"

17 Attest:
City Clerk/City of Exeter



18 By *Betty J. Darby*
19 Deputy

21 Approved as to form:
22 County Counsel

23 By _____
Deputy

Approved as to form:
City Attorney

By *...*
Deputy

27 LPD/960290/JJR.16859
May 14, 1996

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EXHIBIT "A"

As payment in full for the services furnished to the City pursuant to the attached Agreement, the City shall pay to the County, upon receipt of statements from the County, the following:

- (1) The sum of Fifty-six Dollars (\$56.00) per hour for the number of hours of service provided by County inspectors performing duties for the City pursuant to this Agreement; said sum to include the cost of office space, utilities, secretarial and other administrative services costs; and
- (2) The sum of Twenty-seven Cents (\$.27) per mile for each mile traveled by such County inspector in performing duties for the city pursuant to this Agreement; and
- (3) The actual cost to the County of all ordinary and special supplies, forms, stationary, notices, postage, publication, and other costs incurred during the performance of services pursuant to this Agreement.

**Tulare County
Planning and Development
Department**

Tulare County Courthouse

Civic Center Rm. 111

Visalia, CA 93291-4593

209-733-6254 (Planning)

209-733-6282 (Building Permits)

209-730-2604 (Fax)

BOARD OF SUPERVISORS AGENDA ITEM

DATE: July 30, 1996

SUBJECT:

Agreement for Abandoned Vehicle Abatement Services for the City of Exeter, attached.

REQUEST:

That the Board of Supervisors approve an agreement with the City of Exeter for services related to the abatement of abandoned vehicles.

SUMMARY:

The Building Inspection Division of the Planning and Development Department has personnel with expertise and experience in the enforcement of local ordinances for the abatement, removal and disposal of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, from private or public property. The City of Exeter has requested that the County provide assistance in undertaking investigations, inspections, notices and administrative duties related to abandoned vehicle abatement. In exchange the City agrees to reimburse the County from funds for the abatement of abandoned vehicles received from TCAG (Abandoned Vehicle Abatement Authority). Since these additional services will coincide with the building inspections and substandard inspections that we now conduct in the City of Exeter, there will be no substantial additional cost to the County

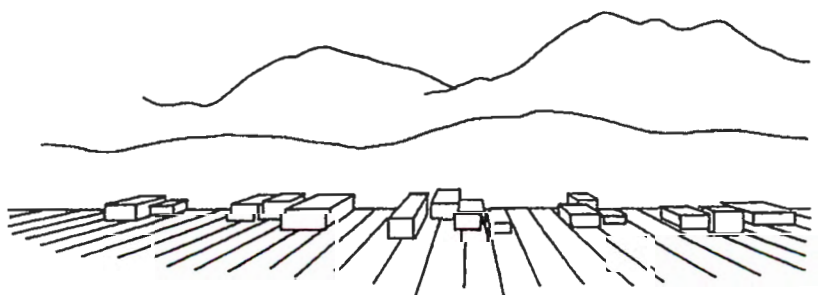
FINANCING:

City of Exeter - see Agreement.

ALTERNATIVES

None proposed.

George E. Finney, Director
Mary E. Beatle, Assistant Director



INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

None

SIGNATURE REQUIREMENTS:

Chairman, Board of Supervisors
County Administrative Office/Clerk of the Board of Supervisors
of the County of Tulare
City of Exeter, Mayor
City Clerk/City of Exeter
City Attorney

ADMINISTRATIVE SIGN-OFF:


George E. Finney, Director

CONTACT PERSON:

Please contact Dave Dean at extension 3-6282 if additional information is required on this agenda item.

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF amending the Joint Powers Agreement between the Board of Supervisors and the Tulare County Association of Governments establishing a Tulare County Service Authority for the Abatement of Abandoned Vehicles.)

RESOLUTION NO. 96-0379
AGREEMENT NO. 16391-A

UPON MOTION OF SUPERVISOR Sanders, SECONDED BY SUPERVISOR Maze, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS AT AN OFFICIAL MEETING HELD MAY 7, 1996, BY THE FOLLOWING VOTE:

- AYES: Supervisors Sanders, Richmond, Maze, Harness and Maples
- NOES: None
- ABSTAIN: None
- ABSENT: None

g/Dev
Auditor
CAO
FN 11049
5/8/96
jm



ATTEST: THOMAS F. CAMPANELLA
ADMINISTRATIVE OFFICER/CLERK
BOARD OF SUPERVISORS

By: *Janice McFarlin*
Deputy Clerk

The amendment to the Joint Powers Agreement establishing the Tulare County Association of Governments as the Tulare County Service Authority for the Abatement of Abandoned Vehicles, in order to incorporate and implement recent changes to sections 9250.7, 9250.14, and 22710 of the California Vehicle Code, shown in attachment A is approved and the Chairman of the Board is authorized to sign said amendment on behalf of the County.

**AMENDMENT TO THE
 THE JOINT EXERCISE OF POWERS AGREEMENT
 ESTABLISHING THE TULARE COUNTY
 SERVICE AUTHORITY FOR THE ABATEMENT OF
 ABANDONED VEHICLES.**

THIS AMENDMENT TO the Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles dated September 25, 1991 is entered into this 7th day of May, 1996, by and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA and WOODLAKE, or so many of said cities as have executed this Agreement and which consist of the majority of the cities of Tulare County having a majority of the incorporated population within the County, hereinafter collectively referred to as the "Cities", and by and between the County and Cities, collectively, and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, hereinafter referred to as "TCAG";

WITNESSETH

WHEREAS, the Parties hereto into entered into the Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles dated September 25, 1991; and

WHEREAS, the Parties desire to amend said agreement in order to incorporate and implement recent changes to sections 9250.7, 9250.14 and 22710 of the California Vehicle Code.

NOW THEREFORE BE IT AGREED as follows:

- 1) Paragraph No. 4 of the Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles dated September 25,

27 1991 is hereby amended to read as follows:

28 4) Any funds authorized to be collected by the Authority
29 pursuant to this agreement shall be received by TCAG quarterly
30 which will in turn disburse such monies to the County and
31 member Cities in a proportionate share based on the ratio that
32 the number of vehicle abatements of each member bears to the
33 total number of vehicle abatements of all members for that
34 quarter, as shown by the Quarterly Reports that each member
35 agency files with the Authority and as otherwise provided by
36 law. The monies disbursed shall be spent or disbursed by the
37 County and member Cities as provided by law.

38
39 2) Paragraphs Nos. 12, 13, and 14 are hereby added to the Joint Exercise of Powers
40 Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned
41 Vehicles dated September 25, 1991 to read as follows:

42 (12) For the purposes of this agreement, "abandoned vehicle
43 abatement" means the removal of a vehicle from public or private
44 property by towing or any other means after the vehicle has been
45 marked as abandoned by an official of a government agency that is a
46 member of the Authority.

47 (13) Each member agency shall file a Quarterly Report, on a form
48 specified by the California Highway Patrol, with the Authority within
49 30 days of the end of the quarter.

50 (14) Each member agency shall keep a record of each vehicle
51 investigated, on a form specified by the California Highway Patrol, for
52 not less than one (1) full year after the investigation takes place.

53
54 3) Except as provided herein, all of the terms and conditions of the Joint Exercise of
55 Powers Agreement Establishing the Tulare County Service Authority for the Abatement of
56 Abandoned Vehicles dated September 25, 1991 shall remain in full force and effect.

57 4) This Amendment to the Joint Exercise of Powers Agreement Establishing the
58 Tulare County Service Authority for the Abatement of Abandoned Vehicles dated September 25,
59 1991 may be executed in one or more counterparts, each of which shall be deemed an original, but
60 all of which together shall constitute one and the same instrument.

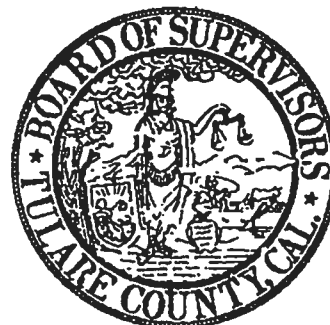
61 IN WITNESS WHEREOF, the parties have executed this agreement as of the day an year
62 first above written.

COUNTY OF TULARE

By *Mae Robinson*
Chairman, Board of Supervisors
"County"

ATTEST: **THOMAS F. CAMPANELLA**
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By *Janice McFallin*
Deputy



TULARE COUNTY ASSOCIATION
OF GOVERNMENTS

By *Bill Mc...*
Chair
"TCAG"

ATTEST:

By _____
Executive Secretary

CITY OF DINUBA

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF EXETER

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF FARMERSVILLE

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF LINDSAY

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF PORTERVILLE

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF TULARE

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF VISALIA

ATTEST:

By _____
City Clerk

By _____
Mayor

CITY OF WOODLAKE

ATTEST:

By _____
City Clerk

By _____
Mayor

Approved as to form:
County Counsel

By _____
Deputy

Resolutions

JURISDICTIONAL
RESOLUTIONS

APPROVING ESTABLISHMENT

OF THE

TULARE COUNTY AUTHORITY

1
2 BEFORE THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS
3 COUNTY OF TULARE, STATE OF CALIFORNIA

4 IN THE MATTER OF Establishing a Service Authority)
5 for the Abatement of Abandoned Vehicles; of Authori-) RESQUTION NO. 676
6 zing the Imposition of a One Dollar Registration Fee)
7 by the Authority; and of Approving a Joint Exercise)
8 of Powers Agreement to Govern Said Service Authority)

9 WHEREAS, California Vehicle Code section 22710 authorizes the
10 establishment of a Service Authority for the abatement of abandoned ve-
11 hicles and for the imposition of a one dollar (\$1) vehicle registration
12 fee to fund an abandoned vehicle abatement program established by such
13 Service Authority; and

14 WHEREAS, the Tulare County Association of Governments recog-
15 nizes that it is desirable to establish a Service Authority and to de-
16 velop a program and plan for the abatement of abandoned vehicles in both
17 the incorporated and unincorporated areas of the County of Tulare; and

18 WHEREAS, the Tulare County Board of Supervisors and the major-
19 ity of the cities within the County having the majority of the incorpo-
20 rated population have concurred in the establishment of a Service
21 Authority; and

22 WHEREAS, the County and the Cities had previously, on May 4,
23 1971, entered into a joint exercise of powers agreement establishing the
24 Tulare County Association of Governments (TCAG) composed of the County
25 and each of the Cities, which, inter alia, provides for the coordination
26 and development of programs to assure compatible action between all lev-
27 els of government within the County; and

28 WHEREAS, the County and the Cities have the power, under Cali-
fornia Vehicle Code section 22710, to enter into and carry out the terms
and conditions of an Agreement establishing a countywide Abandoned Vehi-
cle Abatement Authority;

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NOW THEREFORE, BE IT RESOLVED as follows:

1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

2. That such Authority be authorized to impose a one dollar (\$1) registration fee to fund an abandoned vehicle abatement program;

3. That the Tulare County Association of Governments enter into a joint exercise of powers agreement with the County of Tulare and each of the cities in the County which, by resolution, choose to enter into such agreement to establish a Service Authority;

4. That, to the extent that membership is the same and identical to the membership of TCAG, TCAG shall be, and agrees to be, designated as the Authority and the governing Board of TCAG shall be the governing Board of the Authority; and

5. That the agreement attached hereto and entitled "Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles" is hereby approved and, upon approval of the same by a majority of the Cities within the County having the majority of the incorporated population and the County of Tulare, the Chairman of the Tulare County Association of Governments is authorized to execute such agreement upon behalf of TCAG.

UPON MOTION OF MEMBER Harness, SECONDED BY MEMBER Gould, THE FOLLOWING WAS ADOPTED BY THE TCAG BOARD OF GOVERNORS, AT A REGULAR MEETING HELD SEPTEMBER 16, 1991, BY THE FOLLOWING VOTE:

AYES: Gould, Magoon, Mangine, Harness, Millard, Miller, Hendricks, Vanderslice, Leavitt, Retherford, Perch, Sullivan

NOES: None

ABSTAIN: None

ABSENT: Buckley, Villicana, Zimmerman, Berg

ATTEST: GEORGE E. FINNEY,
EXECUTIVE SECRETARY
TULARE COUNTY ASSOCIATION OF GOVERNMENTS

BY: 

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BEFORE THE CITY COUNCIL

CITY OF DINUBA

COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing a)	
Service Authority for the Abatement)	
of Abandoned Vehicles, of Authorizing)	RESOLUTION NO. 91-56
the Imposition of a One Dollar Vehicle)	
Registration Fee by the Authority and)	
of Approving a Joint Powers Agreement)	
Establishing such an Authority)	

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the City Council of the City of Dinuba recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a Service Authority be established to develop a

1 program and plan for the abatement of abandoned vehicles in the County
2 of Tulare;


3 2. That such Authority be authorized to impose a one dollar
4 (\$1) registration fee to fund an abandoned vehicle abatement program;

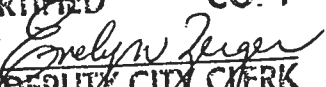
5 3. That the City of Dinuba enter into a joint exercise
6 of powers agreement with the County of Tulare and each of the cities
7 in the County which, by resolution, choose to enter into such agreement
8 to establish a Service Authority; and

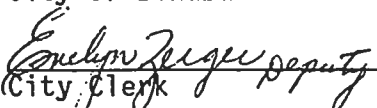
9 4. That the agreement attached hereto and entitled "Joint
10 Exercise of Powers Agreement Establishing the Tulare County Service
11 Authority for the Abatement of Abandoned Vehicles" is hereby approved
12 and, upon approval of the same by a majority of the Cities within the
13 County having the majority of the incorporated population and the
14 County of Tulare, the mayor of the City of Dinuba is authorized to
15 execute such agreement upon behalf of the City.

16 The FOREGOING RESOLUTION was adopted upon motion of
17 Councilmember Lankford, seconded by Vice Mayor Millard,
18 at a regular meeting of the City Council held on September 10, 1991,
19 by the following vote:

20 AYES: de la Montanya, Lankford, Millard, Westmoreland, Fudge
21 NOES: None
22 ABSTAIN: None
23 ABSENT: None

24 BY: 
Mayor
City of Dinuba

25 CERTIFIED COPY
26 BY 
DEPUTY CITY CLERK

27 ATTEST: 
City Clerk

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BEFORE THE CITY COUNCIL
CITY OF EXETER
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing a)
Service Authority for the Abatement)
of Abandoned Vehicles, of Authorizing) RESOLUTION NO. 91-23
the Imposition of a One Dollar Vehicle)
Registration Fee by the Authority and)
of Approving a Joint Powers Agreement)
Establishing such an Authority)

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the City Council of the City of Exeter recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

STATE OF CALIFORNIA)
COUNTY OF TULARE) SS:
CITY OF EXETER)

I, BETTY J. DARBY, DEPUTY CITY CLERK OF THE CITY OF EXETER, DO
HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF
RESOLUTION NO: 91-23, PASSED AND ADOPTED BY THE CITY COUNCIL
OF THE CITY OF EXETER AT A REGULAR MEETING THEREOF HELD ON THE
10TH DAY OF SEPTEMBER, 1991, BY THE FOLLOWING VOTE:

AYES: BROOKS, DUTSCH, MILLER, STEARNS, TORRES
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

DATE: SEPTEMBER 13, 1991


DEPUTY CITY CLERK

1 BEFORE THE CITY COUNCIL

2 CITY OF FARMERSVILLE

3 COUNTY OF TULARE, STATE OF CALIFORNIA

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5 In the Matter of Establishing a)
 6 Service Authority for the Abatement)
 of Abandoned Vehicles, of Authorizing)
 the Imposition of a One Dollar Vehicle)
 7 Registration Fee by the Authority and)
 of Approving a Joint Powers Agreement)
 8 Establishing such an Authority)

RESOLUTION NO. 91-20

9 WHEREAS, California Vehicle Code section 22710 authorizes the

10 establishment of a Service Authority for the abatement of abandoned vehi-

11 cles and for the imposition of a one dollar (\$1) vehicle registration fee

12 to fund an abandoned vehicle abatement program established by such Service

13 Authority; and

14 WHEREAS, the City Council of the City of FARMERSVILLE recognizes

15 that it is desirable to establish a Service Authority and to develop a pro-

16 gram and plan for the abatement of abandoned vehicles in both the incorpo-

17 rated and unincorporated areas of the County of Tulare; and

18 WHEREAS, the membership of such a Service Authority shall be

19 determined by concurrence of the Board of Supervisors of the County of

20 Tulare and a majority vote of the cities within the County having a majori-

21 ty of the incorporated population; and

22 WHEREAS, the County and the Cities have the power, under Califor-

23 nia Vehicle Code section 22710, to enter into and carry out the terms and

24 conditions of an Agreement establishing a countywide Abandoned Vehicle

25 Abatement Authority;

26 NOW, THEREFORE, BE IT RESOLVED as follows:

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28

1 1. That a Service Authority be established to develop a program
2 and plan for the abatement of abandoned vehicles in the County of Tulare;

3 2. That such Authority be authorized to impose a one dollar
4 (\$1) registration fee to fund an abandoned vehicle abatement program;

5 3. That the City of FARMERSVILLE enter into a joint exer-
6 cise of powers agreement with the County of Tulare and each of the cities
7 in the County which, by resolution, choose to enter into such agreement to
8 establish a Service Authority; and

9 4. That the agreement attached hereto and entitled "Joint Exer-
10 cise of Powers Agreement Establishing the Tulare County Service Authority
11 for the Abatement of Abandoned Vehicles" is hereby approved and, upon ap-
12 proval of the same by a majority of the Cities within the County having the
13 majority of the incorporated population and the County of Tulare, the mayor
14 of the City of FARMERSVILLE is authorized to execute such agreement
15 upon behalf of the City.

16 The FOREGOING RESOLUTION was adopted upon motion of _____
17 Taylor, seconded by Crisswell, at a regular meet-
18 ing of the City Council held on September 12, 1991, by the following
19 vote:

20 AYES: Taylor, Crisswell, Cornelison

21 NOES: Rowlett, Vanderslice

22 ABSTAIN: None

23 ABSENT: None

24 BY: 

25 MAYOR

26 CITY OF Farmersville

27 ATTEST: 

28 City Clerk

RESOLUTION NO. 91-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY IN THE MATTER OF ESTABLISHING A SERVICE AUTHORITY FOR THE ABATEMENT OF ABANDONED VEHICLES, OF AUTHORIZING THE IMPOSITION OF A ONE-DOLLAR VEHICLE REGISTRATION FEE BY THE AUTHORITY AND OF APPROVING A JOINT POWERS AGREEMENT ESTABLISHING SUCH AN AUTHORITY.

At a meeting of the Lindsay City Council held the 23rd day of September, 1991, in the Council Chambers at City Hall, 251 East Honolulu, Lindsay, California, at the hour of 7:00 p.m. of said day, upon motion by Councilman SAUCEDO, seconded by Councilwoman HENDRICKS, the following resolution was adopted:

WHEREAS, California Vehicle Code §22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one-dollar (\$1.00) vehicle registration fee to fund an Abandoned Vehicle Abatement Program established by such Service Authority; and

WHEREAS, the City Council fo the City of Lindsay recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code §22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;
2. That such Authority be authorized to impose a one-dollar (\$1.00) registration fee to fund an Abandoned Vehicle Abatement Program;
3. That the City of Lindsay enter into a joint exercise of powers agreement with the County of Tulare and each of the cities in the County which, by resolution, choose to enter into such agreement to establish a Service Authority; and

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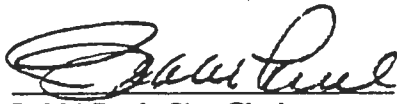
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4. That the agreement attached hereto and entitled "Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of abandoned Vehicles" is hereby approved and, upon approval of the same by a majority of the cities within the county having the majority of the incorporated population and the County of Tulare, the Mayor of the City of Lindsay is authorized to execute such agreement on behalf of the City.

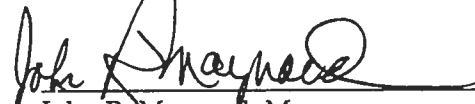
PASSED AND ADOPTED by the City Council of the City of Lindsay this 23rd day of September, 1991, by the following vote:

AYES: BUGNI, HENDRICKS, SAUCEDO, MAYNARD.
NOES: None.
ABSENT: SERDA.
ABSTAIN: None.

ATTEST:


Bobbi Paul, City Clerk

CITY COUNCIL OF THE CITY OF LINDSAY


John R. Maynard, Mayor

CITY CLERK CERTIFICATION

I, Bobbi Paul, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution made and entered into by the City Council of the City of Lindsay at its regular meeting duly called and held the 23rd day of September, 1991, as the same appears of record and on file in my office. Witness my hand and official seal of the City of Lindsay.

Bobbi Paul, City Clerk

Date: -----

RESOLUTION NO. 129-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING A SERVICE AUTHORITY FOR THE ABATEMENT OF ABANDONED
VEHICLES AND AUTHORIZING THE IMPOSITION OF A ONE DOLLAR VEHICLE
REGISTRATION FEE BY THE AUTHORITY AND APPROVING A JOINT POWERS
AGREEMENT ESTABLISHING SUCH AN AUTHORITY

WHEREAS, California Vehicle Code Section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, The City Council of the City of Porterville recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the Cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code Section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Porterville as follows:

1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;
2. That such Authority be authorized to impose a one dollar (\$1) registration fee to fund an abandoned vehicle abatement program;

3. That the City of Porterville enter into a joint exercise of powers agreement with the County of Tulare and each of the Cities in the County which, be resolution, choose to enter into such agreement to establish a Service Authority; and

4. That the Agreement attached hereto and entitled "Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles" is hereby approved and, upon approval of the same by a majority of the Cities within the County having the majority of the incorporated population and the County of Tulare, the Mayor of the City of Porterville is authorized to execute such Agreement upon behalf of the City.

Original Signer

Boyd K. Leavitt, Mayor

ATTEST:

Original Signer

C.G. Huffaker, City Clerk

STATE OF CALIFORNIA)

(SS

COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 17th day of September, 1991.

THAT said resolution was duly passed and adopted by the following vote:

AYES: COUNCILMEN: Lok, Nicholson, Gibbons, Gifford, Leavitt
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

Georgia Hawley
Georgia Hawley, Deputy City Clerk

BEFORE THE CITY COUNCIL
 CITY OF TULARE
 COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing a)	
Service Authority for the Abatement)	
of Abandoned Vehicles, of Authorizing)	RESOLUTION NO. 3767
the Imposition of a One Dollar Vehicle)	
Registration Fee by the Authority and)	
of Approving a Joint Powers Agreement)	
Establishing such an Authority)	

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the City Council of the City of TULARE recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

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1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

2. That such Authority be authorized to impose a one dollar (\$1) registration fee to fund an abandoned vehicle abatement program;

3. That the City of TULARE enter into a joint exercise of powers agreement with the County of Tulare and each of the cities in the County which, by resolution, choose to enter into such agreement to establish a Service Authority; and

4. That the agreement attached hereto and entitled "Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles" is hereby approved and, upon approval of the same by a majority of the Cities within the County having the majority of the incorporated population and the County of Tulare, the mayor of the City of TULARE is authorized to execute such agreement upon behalf of the City.

The FOREGOING RESOLUTION was adopted upon motion of COUNCIL MEMBER RETHERFORD, seconded by COUNCIL MEMBER HOLSCHER, at a regular meeting of the City Council held on September 3, 1991, by the following vote:

AYES: COUNCIL MEMBERS RETHERFORD, HOLSCHER, MATHIS, SMITH & MAYOR GREEN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



BY: Maurice M Green
MAYOR
CITY OF TULARE

ATTEST: Chris Oriza
DEPUTY City Clerk

RESOLUTION NO. 91108

ESTABLISHING A SERVICE AUTHORITY FOR
THE ABATEMENT OF ABANDONED
VEHICLES

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the City Council of the City of Visalia recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

2. That such Authority be authorized to impose a one dollar (\$1) registration fee to fund an abandoned vehicle abatement program;

3. That the City of Visalia enter into a joint exercise of powers agreement with the County of Tulare and each of the cities in the County which, by resolution, choose to enter into such agreement to establish a Service Authority; and

4. That the agreement attached hereto and entitled "Joint Exercise of Powers Agreement Establishing the Tulare County Service Authority for the Abatement of Abandoned Vehicles" is hereby approved and, upon approval of the same by a majority of the Cities within the County having the majority of the incorporated population and the County of Tulare, the mayor of the City of Visalia is authorized to execute such agreement upon behalf of the City.

PASSED AND ADOPTED: September 16, 1991

LESLIE B. CAVIGLIA, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 91-108 passed and adopted by the Council of the City of Visalia at a regular meeting held on September 16, 1991.

Dated: September 17, 1991

LESLIE B. CAVIGLIA, CITY CLERK


By Susan K. Vandegrift, Deputy



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BEFORE THE CITY COUNCIL

CITY OF Woodlake

COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing a)
Service Authority for the Abatement)
of Abandoned Vehicles, of Authorizing)
the Imposition of a One Dollar Vehicle)
Registration Fee by the Authority and)
of Approving a Joint Powers Agreement)
Establishing such an Authority)

RESOLUTION NO. 91-15

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the City Council of the City of Woodlake recognizes that it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors of the County of Tulare and a majority vote of the cities within the County having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

1 1. That a Service Authority be established to develop a program
2 and plan for the abatement of abandoned vehicles in the County of Tulare;

3 2. That such Authority be authorized to impose a one dollar
4 (\$1) registration fee to fund an abandoned vehicle abatement program;

5 3. That the City of Woodlake enter into a joint exer-
6 cise of powers agreement with the County of Tulare and each of the cities
7 in the County which, by resolution, choose to enter into such agreement to
8 establish a Service Authority; and

9 4. That the agreement attached hereto and entitled "Joint Exer-
10 cise of Powers Agreement Establishing the Tulare County Service Authority
11 for the Abatement of Abandoned Vehicles" is hereby approved and, upon ap-
12 proval of the same by a majority of the Cities within the County having the
13 majority of the incorporated population and the County of Tulare, the mayor
14 of the City of Woodlake is authorized to execute such agreement
15 upon behalf of the City.

16 The FOREGOING RESOLUTION was adopted upon motion of Gomez
17 _____, seconded by Rivas _____, at a regular meet-
18 ing of the City Council held on 23rd day Sept., 1991, by the following
19 vote:

20 AYES: Councilmember Gomez, Rivas, Martin & Villicana

21 NOES:

22 ABSTAIN:

23 ABSENT: Councilmember Rodriquez

24 BY: Gloria Villicana

25 MAYOR
26 CITY OF Woodlake

27 ATTEST: Paul D. [Signature]

28 City Clerk



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BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing a)
Service Authority for the Abatement)
of Abandoned Vehicles, of Authorizing) **RESOLUTION NO. 91-1045**
the Imposition of a One Dollar Vehicle)
Registration Fee by the Authority and)
of Approving a Joint Powers Agreement)
Establishing such an Authority)

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the County recognizes it is desirable to establish a Service Authority and to develop a program and plan for the abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare; and

WHEREAS, the membership of such a Service Authority shall be determined by concurrence of the Board of Supervisors and a majority vote of the cities within the county having a majority of the incorporated population; and

WHEREAS, the County and the Cities have the power, under California Vehicle Code section 22710, to enter into and carry out the terms and conditions of an Agreement establishing a countywide Abandoned Vehicle Abatement Authority;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a Service Authority be established to develop a program and plan for the abatement of abandoned vehicles in the County of Tulare;

1 2. That such Authority be authorized to impose a one dollar (\$1)
2 registration fee to fund an abandoned vehicle abatement program;

3 3. That the County enter into a joint exercise of powers agreement
4 with each of the cities in the County which, by resolution, choose to enter into
5 such agreement to establish a Service Authority; and
6

7 4. That the agreement attached hereto and entitled "Joint Exercise
8 of Powers Agreement Establishing the Tulare County Service Authority for the
9 Abatement of Abandoned Vehicles" is hereby approved and, upon approval of
10 the same by a majority of the Cities within the County having the majority of the
11 incorporated population, the Chairman of the Board of Supervisors is authorized
12 to execute such agreement upon behalf of the County.
13

14 The FOREGOING RESOLUTION was adopted upon motion of Supervisor
15 Harness , seconded by Supervisor Buckley , at a regular meeting of the
16 Board of Supervisors held on Sept. 10 , 1991, by the following vote:

17 AYES: Supervisors Gould, Magoon, Manginge, Harness & Buckley

18 NOES: None

19 ABSTAIN: None

20 ABSENT: None
21



23 ATTEST:

24 LOUIS J. FERNANDEZ
25 COUNTY EXECUTIVE/CLERK
26 BOARD OF SUPERVISORS

27 By: *J. J. M. M. M.*
28 Deputy Clerk

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ig/Dev
7705

11/91

Resolution Plan Update 2014-156

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVAL OF ABANDONED VEHICLE)	
ABATEMENT PLAN UPDATE AND)	Resolution No. 2014-156
SUBMISSION TO CALIFORNIA)	
HIGHWAY PATROL FOR APPROVAL)	

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, the Tulare County Association of Governments, acting as the Authority, will update the plan to incorporate the count and payment for voluntary abatements to the members agencies; and

WHEREAS, the Cities/County could establish with proper documentation that the voluntary abatements were in fact abated by an agency certified vendor; and

WHEREAS, abated vehicle documentation must include the VIN unless the VIN has been destroyed; and

WHEREAS, the Tulare County Association of Governments, acting as the Authority, requires submission of procedure updates from member agencies;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to update the plan and submit to the California Highway Patrol for approval.

The foregoing Resolution was adopted upon motion of Member Vander Poel, seconded by Member Link, at a regular meeting held on the 21st day of July, 2014 by the following vote:

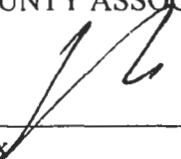
AYES: Ishida, Vander Poel, Cox, Worthley, Ennis, Allwardt, Gurrola, Vejvoda, Link, Mendoza, Holscher, Stammer, Townsend

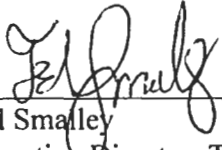
NOES:

ABSTAIN:

ABSENT: Hinesly, Gomez, Kimball

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



Phil Cox
Chair, TCAG

Ted Smalley
Executive Director, TCAG

Member Agency Plan Update



City of Lindsay

DEPARTMENT OF PUBLIC SAFETY

P.O. BOX 369 • LINDSAY, CALIFORNIA 93247 • (559) 562-2511
FAX (559) 562-7126



Tulare County Association of Governments

June 27, 2014

City of Lindsay

Department of Public Safety

Regarding Abandoned Vehicle Abatement

The City of Lindsay Department of Public Safety requires documentation from the wrecking yard of proof of vehicle destruction for purposes of submittal to the Tulare County Association of Governments for funding. This procedure is required in the event an abandoned vehicle in disrepair is abated and removed from property.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Hughes", written over a dotted line.

Lieutenant Chris Hughes



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Michael C. Spata	Planning
Britt L. Fussel	Public Works
Roger Hunt	Administration

JAKE RAPER JR., AICP, DIRECTOR

MICHAEL C. SPATA, ASSOCIATE DIRECTOR

June 26, 2014

Dear Leslie,

Below is the list of Policy changes for the Abandoned Vehicle Abatement Program (AVA). Please contact me with any further question.

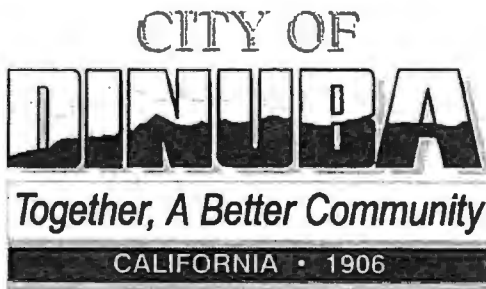
AVA Policy changes:

- #1. Voluntary tows will be reimbursed.
- #2. In order for voluntary tows to be reimbursed, all notifying correspondence must be sent to the vehicle owner and the property owner (typical required AVA notification)
- #3. Quarterly AVA reimbursements will be paid; the in-house paper work must include a tow slip from a licensed tow company. Towing can be initiated by county staff, owner of the property, or vehicle owner.

Thank you,

A handwritten signature in black ink, appearing to read "Dennis Lehman", with a long horizontal flourish extending to the right.

Dennis Lehman
Building and Housing Manager



City Manager's Office
559/591-5904

City Attorney
559/437-1770

Administrative Services
559/591-5900

Development Services
559/591-5906

Public Works Services
559/591-5924

Engineering Services
559/591-5924

Parks & Community Services
559/591-5940

Fire/Ambulance Services
559/591-5931

Police Services
559/591-5914

June 27, 2014

Leslie J. Davis
Fiscal Manager
Tulare County Association of Governments
210 N. Church St., Ste. B
Visalia, CA 93291

RE: Abandoned Vehicle Abatement Program

Dear Ms. Davis:

This letter shall serve to provide information as to how the City of Dinuba will handle voluntary abatements through the subject program. When a vehicle nuisance is identified, City Staff will make contact with the property owner and will request that the vehicle be abated or stored in a manner consistent with our Municipal Code. If the property owner chooses to abate the vehicle then he/she will be asked to provide proof that the vehicle was taken to a certified wrecking yard. This confirmation will ensure that the vehicle was not just simply moved to another location or City and therefore continue to create a nuisance. All vehicles abated voluntarily will be identified as such in the quarterly AVA report.

If you have any questions regarding this matter please contact Rick Hartley, Building Official at (559) 591-5924.

Sincerely,

Blanca Beltran
Public Works Director

PUBLIC WORKS



TULARE POLICE DEPARTMENT

Jerry Breckinridge
Chief of Police

Leslie J Davis
Fiscal Manager
Tulare County Association of Governments

Procedure for Vehicle Abatement

The Tulare Police Department utilizes Tulare municipal code 4.36, this is the abandoned, wrecked vehicles section. In the event the abandoned or wrecked vehicle has not been removed pursuant to following the proper time lines, then the abandoned or wrecked vehicle will be removed by officers. All **involuntary abatements** will be recorded and forwarded to the A.V.A coordinator, with proof of abatement.

The **voluntary abatement** of abandoned or wrecked vehicles will be recorded on the quarterly report, only when proper proof of abatement has been received from the owner. Any vehicle that are properly stored or complied will not be claimed as abatements.

Contact: Sergeant Greg Merrill for any questions.
Tulare Police Department
559-685-2300 Ext: 2317

Jerry Breckinridge
Chief of Police
Tulare Police Department

The police and the community; working together for a safer Tulare.

260 South 'M' Street, Tulare, California 93274-4127 • Telephone (559) 684-4238 • FAX: (559) 686-3457



Exeter Police Department

*100 N. C Street
Exeter, CA 93221
(559) 592-3103
Fax: (559) 592-3346*

July 1, 2014

Ms. Leslie Davis
Fiscal Manager
Tulare County Association of Government
210 N. Church # B
Visalia, Ca. 93291

The City of Exeter has a Vehicle Abatement Program as follows:

We enforcement Exeter Municipal Code (EMC) 10.24.030 which states no vehicle shall be left standing on the roadway for more than seventy-two (72) hours. If a vehicle is found to be in violation a Courtesy Notice is issued notifying the owner of the violation. If after an additional seventy-two (72) it has not been moved a parking citation is issued. If it is not moved after that it is towed by a city contracted tow company. It is then reported on our quarterly AVA report.

We also enforce EMC 10.40.010 which relates to abandon, disabled, or inoperative vehicles on the roadway or private property. If the vehicle is on the roadway we follow the procedure as outlined above. If it is on private property we issue a Vehicle Abatement Notice giving both the vehicle owner and the property owner fifteen (15) days to abate the vehicle. Both individuals are given an opportunity to challenge the abatement by appearing before the Chief of Police within the fifteen (15) day period. If an appeal is not requested and the Vehicle is not moved the vehicle is impounded by a city contracted tow company. The vehicle is then reported on our quarterly AVA report.

All vehicles abated by owner compliance or by impound is also reported on the quarterly AVA report.

Respectfully submitted,

Bill Phillips
Exeter Police Dept.
Code Enforcement Officer

CITY of WOODLAKE POLICE DEPARTMENT



MIKE MARQUEZ
CHIEF OF POLICE

Leslie Davis
Fiscal Manager
210 N Church St
Visalia, CA 93291

Vehicle Abatement Procedures for Woodlake

The Woodlake Police Department abatement process is dictated by Woodlake Municipal Code 10.08.120. When a vehicle has not been properly removed pursuant to Woodlake's code, the vehicle is removed by Woodlake officers. All involuntary abatements will be recorded and sent to the AVA coordinate along with proof of abatement.

The voluntary abatement of abandoned vehicles will be recorded on the quarterly report when proper proof of abatement has been received from the owner. Please contact Lieutenant Jose Aguayo at 559-564-3347 with any questions or concerns that you may have regarding the City's abatement process.

A handwritten signature in black ink, appearing to read "Michael Marquez".

Michael Marquez
Chief of Police
City of Woodlake



July 9, 2014

Tulare County Association of Governments
Attn: AVA Program Coordinator
210 N. Church St., Suite B
Visalia, CA 93291

Dear AVA Program Coordinator,

This letter is to confirm the City's procedures for involuntary and voluntary abatements submitted to your office for reimbursement by our Police Department and Neighborhood Preservation Division.

Involuntary abatements will be documented and submitted for reimbursement pursuant California Vehicle Code Sections 22524 and 22669. In similar fashion, effective July 1, 2014, voluntary abatements submitted for reimbursement will have documentation from the vehicle owner under penalty of perjury that the vehicle has been abated and will no longer be used on public streets. Vehicles are identified by license plate number or vehicle identification number (when possible).

Please contact Chris Tavarez, Administrative Services Manager at (559) 713-4540 or ctavarez@ci.visalia.ca.us if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Young".

Chris Young
Community Development Director

CT

Copies to:

Chris McClain, Sergeant
Chris Tavarez, Administrative Services Manager
Renee Nagel, Finance Director
Tracy Robertshaw, Neighborhood Preservation Manager

CITY OF VISALIA
COMMUNITY DEVELOPMENT
315 E. ACEQUIA AVENUE
VISALIA, CA 93291

**Annual
Estimates**

JURISDICTIONAL
ANNUAL ESTIMATES

REGARDING
ABANDONED VEHICLE ABATEMENT

**ESTIMATED NUMBER OF VEHICLES
TO BE ABATED ANNUALLY**

City of Dinuba	300
City of Exeter	100
City of Farmersville	100
City of Lindsay	200
City of Porterville	150
City of Tulare	100
City of Visalia	1200
City of Woodlake	350
County of Tulare	240
Total	2,740

Ordinances

TULARE COUNTY AUTHORITY

ORDINANCES

GOVERNING

ABANDONED VEHICLE ABATEMENT

10.32.200 Effect of curb color limitations. A. The limitations in red zones apply at all times.

B. The limitations in the yellow and green zones apply between the hours of eight a.m. and six p.m. daily except Sundays and holidays.

C. The limitations in white zones apply at all times unless indicated otherwise by words printed within the curb markings or by an adjacent sign. (Ord. 375 §2(part), 1964: prior code §6141.2).

10.32.210 Signs limiting parking. A. The city council may by ordinance or resolution authorize the erection or maintenance of signs prohibiting the parking or standing of vehicles on certain streets or portions of streets during all or certain hours of any day or certain days.

B. The prohibited parking indicated by such signs shall be deemed applicable to all points between intersecting streets in any block in which any such sign is erected, unless otherwise indicated by such sign. (Ord. 400 §1(part), 1965: Ord. 375 §2(part), 1964: prior code §6141.3).

10.32.215 Use of streets for storage of vehicles prohibited. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two hours. Any such vehicle so parked in violation hereof may be removed by any regularly employed and salaried officer of the police department. (Ord. 529 §1, 1974).

10.32.220 Effect of Vehicle Code on Sections 10.32.190, 10.32.200 and 10.32.210. If any provision of Sections 10.32.190, 10.32.200 or 10.32.210 is in conflict with the Vehicle Code of the state, the provisions of the Vehicle Code shall control. (Ord. 375 §2(part), 1964: prior code §6141.4).

10.32.230 Parking contrary to curb color limitations. It is unlawful to stop, stand or park any vehicle, or to cause or permit a vehicle to be stopped, to stand or be parked contrary to or in violation of the prohibitions or directions indicated by any color painted on a curb or curb color zone in the city or by the words printed within such curb markings or shown on an adjacent sign, as established or approved pursuant to any ordinance or resolution provided by Section 10.32.190. (Ord. 400 §1(part), 1965: prior code §6141.5).

10.32.240 Parking contrary to signs. It is unlawful to stop, stand or park a vehicle, or to cause or permit a vehicle to be stopped, or stand or be parked contrary to or in violation of the notice on any sign erected and maintained pursuant to the provisions of Section 10.32.210 (A). (Ord. 400 §1(part), 1965: prior code §6141.6).

ORDINANCE NO. 318

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EXETER
DEFINING AND PROVIDING FOR THE DISPOSAL
OF ABANDONED VEHICLES FROM PRIVATE
OR PUBLIC PROPERTY

The City Council of the City of Exeter does hereby ordain as follows:

SECTION 1. DECLARATION OF NUISANCE.

Pursuant to the determination made and the authority granted by the State Legislature under section 22660 of the Vehicle Code of the State of California to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private and public property as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

SECTION 2. DEFINITIONS:

Except where the context otherwise requires, the following definitions shall govern the construction of this Ordinance:

(a) "Administrative Costs" means the costs to the City, and to the County when acting on behalf of the City pursuant to an agreement, of performing the acts required under this Ordinance. The City Council hereby determines that the administrative costs are in the amount of Twenty Dollars (\$20.00) for each vehicle removed if the vehicle is removed without a hearing pursuant to section 10 of this Ordinance. In those cases in which the Police Chief conducts a hearing pursuant to section 11 of this Ordinance, he shall fix and determine the administrative costs which shall be the actual cost of performing acts pertaining to the specific vehicle which is the subject of the hearing.

(b) "Cost of removal" means the actual cost to the City of having the vehicle removed. Said cost of removal shall be fixed and determined by resolution.

(c) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "highway" includes streets.

(d) "Public property" does not include "highway".

(e) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this Ordinance apply to a part or portion of a vehicle which is less than a whole vehicle.

SECTION 3. EXCEPTIONS:

This Ordinance shall not apply to either of the following:

(a) A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property.

(b) A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with section 22650) of Division 11 of the Vehicle Code of the State of California and this Ordinance.

SECTION 4. OTHER LAWS AND ORDINANCES: This Ordinance is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory statutes and ordinances heretofore or hereafter enacted by the State, the City, or any other legal entity or agency having jurisdiction.

SECTION 5. ENFORCEMENT: Except as otherwise provided herein, the provisions of this Ordinance shall be administered and enforced by the Chief of Police and the employees in his department or other persons authorized by him to administer and enforce this Ordinance. The City Council may by agreement transfer enforcement of this Ordinance to the County of Tulare. The County offices to whom the enforcement is so transferred shall enjoy the rights and perform the duties of the Chief of Police created by this Ordinance. No such agreement shall effect the duty of the Chief of Police to conduct the hearing prescribed by section 12 of this Ordinance or the right to appeal to the City Council pursuant to section 14 of this Ordinance.

SECTION 6. ENTERING PROPERTY:

(a) The Chief of Police, the employees in his department and other persons authorized by him or a County officer authorized by agreement to enforce this Ordinance, and persons authorized by him, may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this Ordinance.

(b) If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this Ordinance, such person may enter upon private or public property to remove such vehicles.

(c) Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons mentioned in this section upon private or public property to carry out the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property.

SECTION 7. VOLUNTARY COMPLIANCE: If it appears to the Chief of Police that an abandoned, wrecked, dismantled or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to section 8 of this Ordinance.

SECTION 8. NOTICE OF INTENTION TO ABATE: If the Chief of Police cannot secure voluntary removal of the vehicle, pursuant to section 7 of this ordinance, he shall give written notice of intention to abate and remove the vehicle. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

SECTION 9. REQUEST FOR HEARING: The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Chief of Police not more than ten (10) days after the date on which the notice of intention described in section 8 of this Ordinance was mailed by the Chief of Police. If the owner of the land on which the vehicle is located files with the Chief of Police a sworn statement denying responsibility for the presence of the vehicle on his land within said ten (10) day period, said statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request.

SECTION 10. FAILURE TO REQUEST HEARING: REMOVAL: COSTS: If no hearing is requested within the time limits specified in section 9 of this Ordinance, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. In addition, the owner shall be required to pay the administrative costs and the cost of removal, in the amounts set forth in Section 2 of this Ordinance. The Chief of Police shall send a request for payment of said costs to the owner of the property by regular mail and if he does not pay said costs within thirty (30) days after the date on which the letter was mailed, the procedure set forth in subsection (c) of Section 18 of this Ordinance shall be followed.

SECTION 11. PUBLIC HEARING: If a public hearing has been requested in accordance with the provisions of section 9 of this Ordinance, a public hearing shall be held on the question of abatement and removal of a vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The Chief of Police shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized County assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. Said notices shall be mailed at least ten (10) days before the date of the hearing.

SECTION 12. CONDUCT OF HEARING: The public hearings under this Ordinance shall be conducted by the Chief of Police. The Chief of Police shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

SECTION 13. DECISION BY CHIEF OF POLICE:

(a) At the conclusion of the public hearing, the Chief of Police may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. He may also determine the amount of the administrative costs, in accordance with Section 2 of this Ordinance and may determine that the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.

(b) If it is determined by the Chief of Police that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the Chief of Police shall not assess administrative costs or the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

(c) The Chief of Police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the

purposes of this Ordinance. He may delay the time for removal of the vehicle if, in his opinion, the circumstances justify it.

(d) The Chief of Police shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed.

SECTION 15. REMOVAL OF VEHICLE:

(a) At any time after the Chief of Police orders an abandoned, wrecked, dismantled or inoperative vehicle to be removed, pursuant to Section 13 of this Ordinance, any interested party may cause such vehicle to be removed. If the Chief of Police has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the City, only the administrative costs shall thereafter be collected from the owner of the land.

(b) If no appeal has been filed, and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the Chief of Police was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site.

(c) If an appeal has been filed, and the vehicle had not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the City Council was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site.

SECTION 16. RECONSTRUCTION OF VEHICLES: After a vehicle has been removed pursuant to the provisions of this Ordinance, it shall not hereafter be reconstructed or made operable.

SECTION 17. NOTICE TO DEPARTMENT OF MOTOR VEHICLES: Within five (5) days after the date of removal of the vehicle pursuant to the provisions of this Ordinance, the Chief of Police shall give notice of the removal to the Department of Motor Vehicles of the State of California identifying the vehicle removed and transmit to said Department any evidence of registration available, including, but not limited to, registration certificates, certificates of title and license plates.

SECTION 18. COLLECTION OF COSTS:

(a) If the Chief of Police has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.

(b) If any interested party has caused the vehicle to be removed from the property without cost to the City, and the Chief of Police has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Chief of Police shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.

(c) If the costs referred to in subsections (a) and (b) of this section are not paid within thirty (30) days after the date on which the notice referred to therein is mailed to the owner of the property, the City Council may direct the County Auditor to place the unpaid costs on the City tax roll as a special assessment against the property pursuant to Section 38773.5 of the Government Code of the State of California. The assessment shall be collected at the same time and in the same manner as Ordinary City taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to such special assessment.

SECTION 19. REPEALING OF ORDINANCES..

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

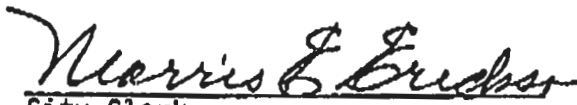
SECTION 20. EFFECTIVE DATE.

This Ordinance shall be published once in the Exeter Sun within 15 days of its passage and shall take effect 30 days after its passage.



John F. Good, Mayor

ATTEST:



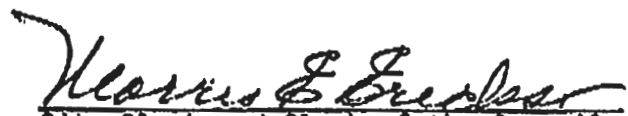
City Clerk

I, MORRIS E. ERICKSON, City Clerk of the City of Exeter and Clerk of the Council of said City, do hereby certify that the foregoing Ordinance No. 318 was duly adopted by the City Council of said City and was signed by the Mayor of said Council at a regular meeting of said City Council held on the 20th day of August, 1974, and was adopted by the following vote:

AYES: COUNCILMEN: Ellison, Goularte, Jarvis, Sanchez, Good

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: None



City Clerk and Clerk of the Council
of the City of Exeter



Chapter 10.64
ABANDONED VEHICLES

Sections:

- 10.64.010 Nuisance declaration.
- 10.64.020 Definitions.
- 10.64.030 Exceptions.
- 10.64.040 Other laws and ordinances.
- 10.64.050 Administration and enforcement.
- 10.64.060 Entering property.
- 10.64.070 Voluntary compliance.
- 10.64.080 Notice of intention to abate.
- 10.64.090 Hearing--Request.
- 10.64.100 Hearing--Failure to request.
- 10.64.110 Hearing--Notice.
- 10.64.120 Hearing--Conduct.
- 10.64.130 Decisions of chief of police.
- 10.64.140 Appeal.
- 10.64.150 Removal of vehicle.
- 10.64.160 Reconstruction of vehicles.
- 10.64.170 Notice to Department of Motor Vehicles.
- 10.64.180 Costs--Collection.
- 10.64.190 Costs--Payment by state.

10.64.010 Nuisance declaration. A. Pursuant to the determination made and the authority granted by the state legislature under Sections 22660 through 22664 of the Vehicle Code of the state to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private or public property as public nuisances, the city council makes the following findings and conclusions: The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on public or private property is found to create a condition tending to:

1. Reduce the value of private property;
2. Promote blight and deterioration;
3. Invite plundering;
4. Create fire hazards;
5. Constitute an attractive nuisance creating a hazard to the health and safety of minors;
6. Create a harborage for rodents and insects; and
7. Be injurious to the health, safety and general welfare.

B. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, except as expressly permitted in

this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 338 §14, 1989: Ord. 250 §1, 1982)

10.64.020 Definitions. Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

A. "Administrative costs" means the cost to the city of performing the acts required under this chapter except the actual removal of the vehicle. The city council shall from time to time, by resolution, determine the administrative costs for the removal of each vehicle removed by the city if the vehicle is removed without a hearing pursuant to Section 10.64.100 in those cases in which the chief of police conducts a hearing pursuant to Section 10.64.110, he shall fix and determine the administrative costs which shall be the actual costs to the city performing all of the acts pertaining to the specific vehicle which is the subject of the hearing except the actual removal of the vehicle.

B. "Cost of removal" means the actual cost to the city of having the vehicle removed. The city council shall from time to time, by resolution, determine the costs or removal.

C. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "highway" includes streets.

D. "Operative vehicle" means a vehicle which is currently registered and in condition to be legally operated upon a public street or highway within the state of California.

E. "Private property" means all real property in the city of Farmersville which is not publically owned.

F. "Private property visible from public streets" means all private property which can be seen while standing in a public street and which is not behind a six-foot high opaque fence/wall.

G. "Public property" does not include "highway."

H. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this chapter apply to a part or portion of a vehicle which is less than a whole. (Ord. 329 §15, 1988; Ord. 250 §2, 1982)

10.64.030 Exceptions. A. This chapter shall not apply to either of the following:

1. A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property.

2. A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or junkyard, or when such storage or parking is necessary to the

operation of a lawfully conducted business or commercial enterprise.

B. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10, commencing with Section 22650, of Division 11 of the Vehicle Code of the state and this chapter. (Ord. 250 §3, 1982)

10.64.040 Other laws and ordinances. This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall

supplement and be in addition to the other regulatory statutes and ordinances hereafter enacted by the state, the city, or any other legal entity or agency having jurisdiction. (Ord. 250 §4, 1982)

10.64.050 Administration and enforcement. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the chief of police and the employees in his department or other persons authorized by him to administer and enforce this chapter. (Ord. 250 §5, 1982).

10.64.060 Entering property. A. The chief of police, the employees in his department and other persons authorized by him may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter.

B. If the city enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this chapter, such person may enter upon private or public property to remove such vehicles.

C. Any person who in any way denies, obstructs, or hampers the entrance of the persons mentioned in this section upon private or public property to carry out the aforementioned duties, or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property shall be guilty of a misdemeanor and shall be punishable as provided in Section 19 and 19(a) of the Penal Code of the state. (Ord. 250 §6, 1982)

10.64.070 Voluntary compliance. If it appears to the chief of police that an abandoned, wrecked, dismantled or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appears advisable in each individual case prior to giving a notice of intention to abate pursuant to Section 10.64.080. (Ord. 250 §7, 1982)

10.64.080 Notice of intention to abate. A. If the chief of police cannot secure voluntary removal of the vehicle, pursuant to Section 10.64.070, he shall give written notice of intention to abate and remove the vehicle.

B. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle.

C. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing.

D. The notice of intention to abate shall be mailed,

by certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and a legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 250 §8, 1982)

10.64.090 Hearing--Request. A. The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled or inoperative vehicle and on the question of assessment of the administrative cost and cost of removal against the property on which it is located.

B. Such request for a hearing shall be in writing and shall be filed with the chief of police not more than ten days after the date on which the notice of intention described in Section 10.64.080 was mailed by the chief of police.

C. If the owner of the land on which the vehicle is located files with the chief of police a sworn statement denying responsibility for the presence of the vehicle on his land within said ten-day period, said statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request. (Ord. 250 §9, 1982)

10.64.100 Hearing--Failure to request. A. If no hearing is requested with the time limit specified in Section 10.64.090, the chief of police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard or refuse disposal site.

B. Except as otherwise provided in Section 10.64.190, the owner shall be required to pay the administrative costs and cost of removal as determined by the city council in accordance with Section 10.64.020.

C. The chief of police shall send a request for payment of said costs to the owner of the property by regular mail and if he does not pay the said costs within thirty days after the date on which the letter was mailed, the procedure set forth in subsection C of Section 10.64.180 shall be followed. (Ord. 250 §10, 1982)

10.64.110 Hearing--Notice. A. If a public hearing has been requested in accordance with the provisions of Section 10.64.090, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located.

B. The chief of police shall cause notice of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized county

assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. The notices shall be mailed at least ten days before the date of the hearing. (Ord. 250 §11, 1982)

10.64.120 Hearing--Conduct. A. The public hearing under this chapter shall be conducted by the chief of police.

B. The chief of police shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property.

C. The technical rules of evidence shall not be applicable to the hearing.

D. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing.

E. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. (Ord. 250 §12, 1982)

10.64.130 Decisions of chief of police. A. At the conclusion of the public hearing, the chief of police may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this chapter. He may also determine the amount of the administrative costs, in accordance with Sections 10.64.020 and 10.64.190 and may determine that all or a portion of the administrative costs and cost of removal are to be charged against the owner of the land on which the vehicle is located.

B. If it is determined by the chief of police that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the chief of police shall not assess administrative costs or the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

C. The chief of police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter. He may delay the time for removal of the vehicle, if, in his opinion, the circumstances justify it.

D. The chief of police shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed. (Ord. 250 §13, 1982)

10.64.140 Appeal. A. Within ten days, excluding Saturdays, Sundays and legal holidays, after notice of the

decision of the chief of police has been mailed to the interested parties, any person affected by the decision may file with the city clerk a written notice of appeal from said decision.

B. The city council shall thereafter set the matter for hearing.

C. The city clerk shall give written notice of the hearing to all of the persons mentioned in Section 10.64-.110.

D. At the time and place set for the hearing, the city council shall hear the matter de novo and all of the provisions of Section 10.64.120 shall be applicable to said hearing.

E. The decision of the city council after such hearing upon the appeal is final and conclusive as to all things involved in the matter. The city clerk shall give written notice of the decision of the city council to all of the persons to whom notice of the hearing was mailed. (Ord. 250 §14, 1982)

10.64.150 Removal of vehicle. A. At any time after the chief of police orders an abandoned, wrecked, dismantled, or inoperative vehicle to be removed, pursuant to Section 10.64.130, any interested party may cause such vehicle to be removed. If the chief of police has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the city, only the administrative costs shall thereafter be collected from the owner of the land.

B. If no appeal has been filed, and the vehicle has not been removed within ten days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the chief of police was mailed to the interested parties, the chief of police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site. (Ord. 250 §15, 1982)

10.64.160 Reconstruction of vehicles. After a vehicle has been removed pursuant to the provisions of this chapter, it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. (Ord. 250 §16, 1982)

10.64.170 Notice to Department of Motor Vehicles. Within five days after the date of removal of the vehicle pursuant to the provisions of this chapter, the chief of police shall give notice of the removal to the Department of Motor Vehicles of the state identifying the vehicle removed

and transmit to said department any evidence of registration available, including, but not limited to, the registration card, certificates of ownership and license plates. (Ord. 250 §17, 1982)

10.64.180 Costs--Collection. A. If the chief of police has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, he shall mail a notice to the owner of the property.

B. If any interested party has caused the vehicle to be removed from the property without cost to the city, and the chief of police has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the chief of police shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.

C. If the costs referred to in subsections A and B of this section are not paid within thirty days after the date on which the notice referred to therein is mailed to the owner of the property, the city council may direct the county auditor to place the unpaid costs on the tax roll as a special assessment against the property, or placed on the unsecured roll, pursuant to Section 25845 of the Government Code of the state. (Ord. 250 §18, 1982)

10.64.190 Costs--Payment by state. A. The city council may, from time to time, enter into agreements with the state through the California Highway Patrol, or such other agency of the state as shall be designated by the state, providing that the state shall pay all, or any portion, of the administrative costs and cost of removal. The city council shall from time to time determine by resolution whether such payment agreed upon is sufficient to pay all, or only a portion of said costs.

B. The amount assessed against the owner of land pursuant to Sections 10.64.130 and 10.64.180 shall be limited to the portion found by the city council to be not covered by such an agreement with the state. This limitation on the assessment shall apply to all cases assessed while said resolution is in effect. However, said limitation shall not apply to cases in which the written notice of intention to remove was mailed prior to the effective date of the resolution and the resolution increased the amount assessable. (Ord. 250 §19, 1982)

C. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "highway" includes streets.

D. "Public property" does not include "highway."

E. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this chapter apply to a part or portion of a vehicle which is less than a whole vehicle. (Ord. 365 §2.00, 1981)

8.08.020 Nuisance declared. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 365 §1.00, 1981)

8.08.030 Exceptions. A. This chapter shall not apply to:

1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

2. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when the storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

B. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter. (Ord. 365 §3.00, 1981)

4-9-1

4-9-1

CHAPTER 9

ABANDONED; WRECKED VEHICLES

SECTION:

- 4-9- 1: Nuisance Declared
- 4-9- 1.5: Definitions
- 4-9- 2: Exceptions
- 4-9- 3: Chapter Not Exclusive
- 4-9- 4: Enforcement
- 4-9- 5: Entering Property
- 4-9- 6: Voluntary Compliance
- 4-9- 7: Notice of Intention to Abate
- 4-9- 8: Request for Hearing
- 4-9- 9: Failure to Request Hearing; Removal; Costs
- 4-9- 10: Public Hearing
- 4-9- 11: Conduct of Hearing
- 4-9- 12: Decision by Fire Marshal
- 4-9- 13: Appeal
- 4-9- 14: Removal of Vehicle
- 4-9- 15: Reconstruction of Vehicles
- 4-9- 16: Notice to Department of Motor Vehicles
- 4-9- 17: Collection of Costs
- 4-9- 18: Costs; Payment by State

4-9-1: NUISANCE DECLARED: In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

4-9-2

4-9-5

- (B) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (Commencing with Section 22650) of Division 11 of the Vehicle Code and this Chapter.

4-9-3: CHAPTER NOT EXCLUSIVE: This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, Statutes, and ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction. (Ord. 802, 2-20-68, Eff. 3-20-76)

4-9-4: ENFORCEMENT: Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Fire Marshal and the employees in his department or other persons authorized by him to administer and enforce this Chapter. The City Council may by agreement transfer enforcement of this Chapter to the County of Tulare. The County Officers to whom the enforcement is so transferred shall enjoy the rights and perform the duties of the Fire Marshal created by this Chapter. No such agreement shall affect the duty of the Fire Marshal to conduct the hearing prescribed by Section 4-9-11 of this Chapter or the right to appeal to the City Council pursuant to Section 4-9-13 of this Chapter.

4-9-5: ENTERING PROPERTY:

- (A) The Fire Marshal, the employees in his department and other persons authorized by him or a County officer authorized by agreement to enforce this Chapter and persons authorized by him, may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this Chapter.
- (B) If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this Chapter, such person may enter upon private or public property to remove such vehicles.
- (C) Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons mentioned in this Section upon private or public property to carry out the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property.

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4-9-9

4-9-12

Marshal shall send a request for payment of said costs to the owner of the property by regular mail and if he does not pay the said costs within thirty (30) days after the date on which the letter was mailed, the procedure set forth in subsection C of Section 4-9-17 of this Chapter shall be followed.

4-9-10: PUBLIC HEARING: If a public hearing has been requested in accordance with the provisions of Section 4-9-8 of this Chapter, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The Fire Marshal shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized County assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. Said notices shall be mailed at least ten (10) days before the date of the hearing.

4-9-11: CONDUCT OF HEARING: The public hearings under this Chapter shall be conducted by the Fire Marshal. The Fire Marshal shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

4-9-12: DECISION BY FIRE MARSHAL:

(A) At the conclusion of the public hearing, the Fire Marshal may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. He may also determine the amount of the administrative costs, in accordance with Sections 4-9-1.5 and 4-9-18 of this Chapter, and may determine that all or a portion of the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.

4-9-14

4-9-17

of the decision of the Fire Marshal was mailed to the interested parties, the Fire Marshal shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site.

- (C) If an appeal has been filed, and the vehicle had not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the City Council was mailed to the interested parties, the Fire Marshal shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site.

4-9-15: RECONSTRUCTION OF VEHICLES: After a vehicle has been removed pursuant to the provisions of this Chapter, it shall not thereafter be reconstructed or made operable.

4-9-16: NOTICE TO DEPARTMENT OF MOTOR VEHICLES: Within five (5) days after the date of removal of the vehicle pursuant to the provisions of this Chapter, the Fire Marshal shall give notice of the removal to the Department of Motor Vehicles of the State of California indentifying the vehicle removed and transmit to said Department any evidence of registration available, including, but not limited to, registration certificates, certificates of title and license plates.

4-9-17: COLLECTION OF COSTS:

- (A) If the Fire Marshal has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.
- (B) If any interested party has caused the vehicle to be removed from the property without cost to the City, and the Fire Marshal has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Fire Marshal shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.
- (C) If the costs referred to in subsections A and B of this Section are not paid within thirty (30) days after the date on which the notice referred to therein is mailed

CITY OF VISALIA

ordinance shall, if done for the purpose of evading the provisions of this ordinance, constitute such interference or obstruction.

(f) PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this ordinance shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this State, any county or city, and it shall be unlawful for any said operator to violate any of the provisions of this ordinance except as otherwise permitted in this ordinance or by the Vehicle Code. (Ord 2390, '73)

(g) EXEMPTION OF CERTAIN VEHICLES.

(1) The provisions of this ordinance regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

(2) The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willful disregard of the safety of others.

(3) The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or deliver of United States mail. (Ord 2390, '73)

3002 CO (i) WHEN VEHICLES MAY BE REMOVED FROM STREETS. Any regularly employed and salaried officer of the Police Department of this City may remove or cause to be removed:

(1) Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours.

(2) Any vehicle which is parked or left standing upon a street or highway between the hours of 7:00 a.m. and 7:00 p.m. when such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal.

CITY OF VISALIA

- (4) In any area established by resolution of the Council as a no-parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (5) Upon, along or across any railway track in such manner as to hinder, delay or obstruct the movement of any car traveling upon such track.
- (6) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.
- (7) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking. (2390, '73)

11

3009 CO

- (e) **USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED.** No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours.
- (f) **PARKING FOR DEMONSTRATION.** No operator of any vehicle shall park said vehicle upon any street in this City for the principle purpose of advertising or displaying it for sale, unless authorized by resolution of the Council.
- (g) **REPAIRING OR GREASING VEHICLES ON PUBLIC STREETS.** No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this City. Temporary emergency repairs may be made upon a public street.
- (h) **WASHING OR POLISHING VEHICLES.** No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this City, when a charge is made for such service. (2390, '73)
- (i) **PARKING ADJACENT TO SCHOOLS**



VISALIA POLICE DEPARTMENT
303 South Johnson Street • Visalia, California 93291
Police Administration (209) 738-3238
Police Services (209) 738-3257

Date _____

Visalia Police Department
Subject: ABANDONED VEHICLE

The Visalia Police Department has reasonable cause to believe that the following described vehicle:

License No. _____

which is registered in your name, is abandoned at the following location:

If this vehicle is not removed within ten (10) days from the date of this letter, it will be removed by the Visalia Police Department at your expense, pursuant to California Vehicle Code Section(s) 22524 and 22669.

NOTE: Periodic use (minimum of every 72 hours by law) of the aforementioned vehicle will avoid action by our agency. If this is the case, you may discard this letter.

If you do not wish us to store the vehicle, please make arrangements to remove the vehicle within the ten (10) day period as specified.

If you no longer own this vehicle, please contact your local Department of Motor Vehicles and advise them of the new owner registration information.

Very truly yours,

Raymond W. Forsyth
Chief of Police

Watch Commander
738-3454

NOTICE OF STORED VEHICLE (22852 CVC)

DATE OF REPORT	DATE REMOVED	VPD 65 DEPARTMENTAL CASE NUMBER
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A. ATTENTION VEHICLE OWNER

The vehicle identified below, registered/owned in your name, has been stored pursuant to the provisions of the Vehicle Code by the

VISALIA POLICE DEPARTMENT-VISALIA, CA.

Under the provisions of Section 22852 of the Vehicle Code, you have a right to a hearing to determine the validity of this storage. If you desire to contest the validity of this storage you must request the hearing in writing, in person, or by telephone at the office identified as the "Storing Office" on this form. The vehicle storage hearing is an informal process to determine whether or not a vehicle has been stored lawfully.

Your request for a hearing must be received within ten (10) days from the date of this Notice. If you request a hearing it will be conducted within 48 hours of the request, excluding weekends and holidays. Your failure to request or attend a scheduled hearing shall satisfy the Post-Storage Validity Hearing requirements of Section 22852 of the Vehicle Code.

If the hearing determines the storage to be invalid, the **VISALIA POLICE** will be responsible for the towing and storage charges. If you have any questions, or if this vehicle is no longer owned by you, please contact the Storing Office of the **VISALIA POLICE DEP'**

YEAR AND MAKE	BODY STYLE	LICENSE NUMBER, STATE AND YEAR	ENGINE NUMBER
VEHICLE IDENTIFICATION NUMBER	ODOMETER READING	VEHICLE CONDITION (<i>x applicable items</i>)	
REMOVAL AUTHORIZED BY—I.D. NUMBER		DRIVEABLE: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	STRIPPED: <input type="checkbox"/> YES <input type="checkbox"/> NO
AUTHORIZATION FOR REMOVAL AND REASON FOR STORAGE		WRECKED: <input type="checkbox"/> YES <input type="checkbox"/> NO	LICENSE PLATES: <input type="checkbox"/> ONE <input type="checkbox"/> TWO <input type="checkbox"/> NONE

- 22651() VC
- 22669 VC
- OTHER:

**VISALIA POLICE DEPARTMENT
303 S. JOHNSON
VISALIA, CALIF. 93291
PHONE (209) 738-3222**

REGISTERED OWNER

STORING OFFICE

B. NOTICE TO DEPARTMENT OF JUSTICE (if appropriate)

We have been unable to give notice to the owner of record as required by Section 22852 of C.V.C., and the vehicle, after 120 hours of storage, has not been returned. **NOTE: Send to P. O. Box 13417, Sacramento, California 95813. (Section 22853, C.V.C.)**

C. CERTIFICATION

I hereby certify that notices with postage prepaid were deposited in the United States mail, and that these notices, of which this is a copy, were addressed to the persons named herein.

NAME AND TITLE	LOCATION	DATE DEPOSITED
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LEGAL OWNER

VEHICLE STORED AT

CITY OF VISALIA
POLICE DEPARTMENT

3230.1

DEPARTMENTAL ORDER NO. 10

EFFECTIVE: March 5, 1986

SUBJECT: Removal of Abandoned Vehicles

PURPOSE:

1. To establish a procedure for the removal of abandoned vehicles from the streets of the City of Visalia.
2. Reference is made to Section 22651(k) of the California Vehicle Code permitting the removal of vehicles left standing for 72 hours.
3. Reference is made to Section 3002(i)(1) of the Visalia City Ordinance Code stating that any regularly employed and salaried officer of the Police Department of this City may remove or cause to be removed, any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours.
4. Reference is made to Section 3009(e) of the City of Visalia Ordinance Code which prohibits parking on city streets for more than 72 consecutive hours.

PROCEDURE:

I. Police Officers and Community Service Officers

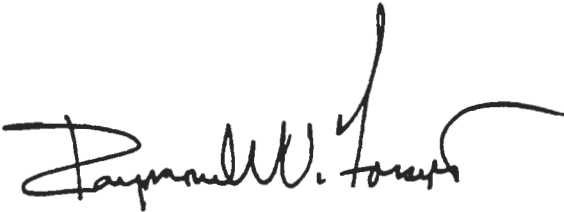
- A. The above officers while on patrol will be observant of vehicles parked on city streets which appear to have been abandoned and take the proper action stated below.
- B. Upon receiving a complaint from a citizen regarding possible abandoned vehicles, the dispatcher will direct such calls be handled by the on-duty or the next on-duty community service officer who will take the proper action stated below.
- C. Police officers will notify dispatch of any obviously abandoned vehicles and cause this information to be logged so that a community service officer can take proper action while on duty.
- D. Community service officers, upon observing an abandoned vehicle or upon receiving a complaint will:
 1. Complete VPD Form #16 (Notice of Abandoned Vehicle) which will include the odometer reading of the vehicle and a diagram of the position of the valve stem of each tire.

2. Cause to be made a DMV check for the registered owner and, if possible, an attempt to notify the owner, informing the owner that the vehicle is to be moved within 72 hours or it will be removed.
3. Leave the top portion of the abandoned vehicle form with the vehicle.
4. Submit the bottom portion of the abandoned vehicle form to his supervisor at the end of his tour of duty.

II. Patrol Supervision

- A. Upon receiving a completed abandoned vehicle form, will review it for accuracy and then forward it to Services for follow-up.
- B. Upon receiving a completed abandoned vehicle form back from Services, will cause to be made the removal of the vehicle under Section 22651(k) CVC.

NOTE: A form letter shall be sent to the registered owner of a suspected abandoned vehicle and a ten day period will be given before follow-up is initiated for the towing of said vehicle.



Raymond W. Forsyth
Chief of Police

CITY OF VISALIA

ARTICLE 5. INOPERATIVE OR ABANDONED VEHICLES (2280) (8603)

SECTION 4080. PARKING AND STORING PROHIBITED. It shall be unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an inoperative, abandoned, wrecked, or dismantled condition upon any private property or public property not including highways within the City for a period in excess of 10 days unless such vehicle or part thereof is completely enclosed within a building or located behind a solid fence 6 feet in height in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is store or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. (2052, 8603, 2280)

SECTION 4081. PENALTIES. It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an inoperative, abandoned, wrecked or dismantled vehicle or part thereof or refuse to abate such wrecked or dismantled vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Ordinance or State law where such law is applicable. Notwithstanding the classification of a violation of this Article as a misdemeanor, at the time an action is commenced to enforce the provisions of this Article, the Trial Court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction pursuant to Section 19(c) of the California Penal Code. (2052, 2280, 8603)

Any person convicted of a misdemeanor under this Article shall be punished by (1) A fine not to exceed Five Hundred Dollars (\$500.00) and/or 30 days in the County jail for a first violation; (2) A fine not exceeding One Thousand Dollars (\$1,000.00) and/or 90 days in the County jail for a second violation of this Article within one (1) year; and (3) A fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) and/or 6 months in the County jail for each additional violation of this Article within one (1) year. Each day that a violation continues shall be regarded as a new and separate offense.

Any person convicted of any infraction of this Article shall be punished by (1) a fine not exceeding Fifty Dollars (\$50.00) for a first violation; (2) a fine not exceeding One Hundred Dollars (\$100.00) for the second violation of this Article within one (1) year; and (3) a fine not exceeding Two Hundred Fifty Dollars (\$250.00) for each additional violation of this Article within one (1) year. Each day that a violation continues shall be regarded as a new and separate offense.

SECTION 4082. PUBLIC NUISANCE; DEFINITIONS. In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove inoperative, abandoned, wrecked, or dismantled vehicles or parts thereof as public nuisances, the City Council of the City of Visalia hereby makes the following findings and declarations:

The accumulation and storage of inoperative, abandoned, wrecked or dismantled vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an inoperative, abandoned, wrecked or dismantled vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Ordinance. (2052, 2280, 8603)

As used in this ordinance:

- (a) The term "vehicle" means a device by which any person or property may be propelled, moved, or drawn upon an highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (2052, 8603)
- (b) The term "highway" means a way or place of whatever nature, public maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets. (2052, 2280, 8603)
- (c) The term "public property" does not include "highway." (2052, 2280, 8603)
- (d) The term "owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located as shown on the last equalized assessment roll. (2280, 8603)
- (e) The term "owner of the vehicle" means the last registered owner and legal owner of record. (2280, 8603)

SECTION 4083. EXCEPTION. This ordinance shall not apply to:

- (a) A vehicle or part thereof which is completely within a building in a lawful manner where it is not visible from the street or other public or private property; or located behind a solid fence six (6) feet in height where it is not visible from the street or other public or private property. (8603)
- (b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard. (8603)

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this ordinance. (2052, 2280, 8603)

SECTION 4084. SUPPLEMENT TO OTHER CODES. This ordinance is not the exclusive regulation of inoperative, abandoned, wrecked or dismantled vehicles within the City of Visalia. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction, (2052, 2280, 8603)

SECTION 4085. ENFORCEMENT. Except as otherwise provided herein, the provisions of the ordinance shall be administered and enforced by the Director of Fire and Emergency Management (hereinafter referred to as "Fire Chief" or "Enforcement Officer"). In the enforcement of this ordinance such Enforcement Officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this ordinance. (2052, 2280, 8603)

SECTION 4086. FRANCHISE. When the City council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this ordinance. (2052, 2280, 8603)

SECTION 4087. ADMINISTRATIVE COSTS. The Enforcement Officer shall keep an accounting of the costs of abating any such nuisance. Such costs may be recovered as administrative costs under this ordinance and, together with the costs incurred for the removal of the vehicle or parts thereof, may become a special assessment against the parcel of said land pursuant to Section 22660 of the California Vehicle Code and Section 38773.5 of the California Government Code. (2052, 2280, 8603)

SECTION 4088. NOTICE OF INTENTION. Upon discovering the existence of an inoperative, abandoned, wrecked or dismantled vehicle, or part thereof, on private property or public property within the City, the Fire Chief shall have the authority to cause the abatement and removal thereof in accordance with the procedure described herein. A ten (10) day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. (2280, 8603)

The ten (10) day notice of intention to abate or remove shall contain a statement of the hearing rights of the owner of the land and owner of the vehicle, including the right of the owner of the land to appear in person at a hearing on the question of abatement and removal, or to submit a sworn, written statement denying responsibility for the presents of the vehicle on the land, with his reasons for such denial in lieu of appearing. (8603)

SECTION 4089. NOTICE OF HEARING. Upon request by the owner of the vehicle or owner of the land, either received by the Enforcement Officer within ten (10) days after the mailing of the notices of intention to

abate and remove are made at the time of signing a release waiving any interest in the vehicle, or parts thereof, a public hearing shall be held by the Fire Chief on the question of abatement and removal of the vehicle, or part thereof, as an inoperative, abandoned, wrecked or dismantled vehicle, and the assessment of the administrative costs and the cost of the removal of the vehicle or part thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, such statement shall be construed as a request for a hearing within such ten (10) day period which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for a hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the City of Visalia shall have the authority to abate and remove the vehicle or part thereof as a public nuisance without holding a public hearing. (2280, 8603)

SECTION 4090. PUBLIC HEARING. All hearings under this ordinance shall be held before the Fire Chief who shall hear all facts and testimony he or she deems pertinent. Said facts and testimony may include testimony on the condition that the vehicle or part thereof and the circumstances concerning its location on the said private property or public property. The Fire Chief shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle or part thereof is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his or her reasons for such denial.

The Fire Chief may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purpose of this ordinance. He or she may delay the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. At the conclusion of the public hearing the Fire Chief may find that a vehicle or a part thereof is inoperative, abandoned, wrecked or dismantled on private or public property and order the same and remove from the property as a public nuisance and disposed of as hereinafter provided and determined that the administrative costs and the costs of removal be charged against the owner of the land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and vehicle number of the vehicle, if available, at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and he has not subsequently acquiesced in its presence, the Fire Chief shall not assess costs of

administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner. (2280, 8603)

SECTION 4091. REMOVAL OF VEHICLE. Five (5) days after the order declaring the vehicle or part thereof to be a public nuisance, or five (5) days from the date of mailing of notice of the decision of such hearing, the vehicle or parts thereof may be disposed by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (2052, 2280, 8603)

SECTION 4092. NOTICE OF REMOVAL. Within five (5) days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (2052, 2280, 8603)

SECTION 4093. PLACING COST OF TAX ROLL. If the administrative costs and cost of removal which are charged against the owner of a parcel of land pursuant to Section 4090 are not paid within thirty (30) days of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the Tax Collector for collection. Said assessment shall have the same priority as other City taxes. (2052, 2280, 8603)

ORDINANCE NO 453

AN ORDINANCE OF THE CITY OF WOODLAKE, COUNTY OF TULARE, STATE OF CALIFORNIA, PROVIDING FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES OR PARTS THEREOF FROM PRIVATE PROPERTY NOT INCLUDING HIGHWAYS AND RECOVERY OF COSTS OF ADMINISTRATION THEREOF AS AUTHORIZED BY SECTION 22660 VEHICLE CODE, AND REPEALING ORDINANCE NO. 267 AND 398.

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS FOLLOWS:

Section 1: Declaration of Nuisance

Pursuant to the determination made and the authority granted by the State Legislature under Section 22660 of the Vehicle Code of the State of California to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private and public property as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

Section 2 Definitions:

Except where the context otherwise requires, the following definitions shall govern the construction of this Ordinance:

- (a) "Administrative Costs" means the costs to the City, and to the County when acting on behalf of the City pursuant to an

agreement, of performing the acts required under this Ordinance, except the actual removal of the vehicle. The City Council may, from time to time, by resolution, determine the administrative costs for the for the removal of each vehicle removed by the City if the vehicle is removed without a hearing pursuant to Section 10 of this Ordinance. In computing such costs, the City Council shall deduct any amounts received as income from the removal of a vehicle. When the acts required by this Ordinance are performed by the County acting on behalf of the City, the Administrative costs, if the vehicle is removed without a hearing, shall be that amount to be determined from time to time by the Board of Supervisors to be the administrative costs of removal of abandoned vehicles from unincorporated areas of Tulare County rather than the amount determined by the City Council. In those cases in which the Police Chief conducts a hearing pursuant to Section 11 of this Ordinance, he shall fix and determine the administrative costs which shall be the actual cost of performing acts pertaining to the specific vehicle which is the subject of the hearing.

(b) "Cost of Removal" means the actual cost to the City of having the vehicle removed. The City Council may from time to time, by resolution, determine the cost of removal.

(c) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term highway includes streets.

(d) "Public property" does not include "highway".

(e) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this Ordinance apply to a part or portion of a vehicle which is less than a whole vehicle.

Section 3: Exceptions

This ordinance shall not apply to either of the following:

(a) A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property.

(b) A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard, or when such storage or parking is necessary to the operation of a lawfully

conducted business or commercial enterprise.

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State of California and this ordinance.

Section 4: Other Laws and Ordinances

This ordinance is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory statutes and ordinances heretofore or hereafter enacted by the State, the City, or any other legal entity or agency having jurisdiction.

Section 5: Enforcement

Except as otherwise provided herein, the provisions of this Ordinance shall be administered and enforced by the Chief of Police and the employees in his department or other persons authorized by him to administer and enforce this ordinance. The City Council may by agreement transfer enforcement of this ordinance to the County of Tulare. The County officers to whom the enforcement is so transferred shall enjoy the rights and perform the duties of the Chief of Police created by this ordinance. No such agreement shall affect the duty of the Chief of Police to conduct the hearing prescribed by Section 12 of this ordinance.

Section 6: Entering Property

(a) The Chief of Police, the employees in his department and other persons authorized by him or a County Officer authorized by agreement to enforce this ordinance, and persons authorized by him, may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this ordinance.

(b) If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this ordinance, such person may enter upon private or public property to remove such vehicles.

(c) Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons

mentioned in this Section upon private or public property to carry out the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property.

Section 7: Voluntary Compliance

If it appears to the Chief of Police that an abandoned, wrecked, dismantled or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to Section 8 of this ordinance.

Section 8: Notice of Intention to Abate

If the Chief of Police cannot secure voluntary removal of the vehicle, pursuant to Section 7 of this ordinance, he shall give written notice of intention to abate and remove the vehicle. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of the record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

Section 9: Request for Hearing

The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Chief of Police not more than ten (10) days after the date on which the notice of intention described in Section 8 of this ordinance was mailed by the Chief of Police. If the owner of the land on which the vehicle is located files with the Chief

of Police a sworn statement denying responsibility for the presence of the vehicle on his land within said ten (10) day period, said statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request.

Section 10: Failure to Request Hearing: Removal: Costs:

If no hearing is requested within the time limits specified in Section 9 of this ordinance, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. In addition, the owner shall be required to pay the administrative costs and the cost of removal, in the amounts set forth in Section 2 of this ordinance. The Chief of Police shall send a request for payment of said costs to the owner of the property by regular mail and if he does not pay said costs within thirty (30) days after the date on which the letter was mailed, the procedure set forth in Subsection (c) of section 13 of this ordinance shall be followed.

Section 11: Public Hearing

If a public hearing has been requested in accordance with the provisions of Section 9 of this ordinance, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The Chief of Police shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized County Assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. Said notices shall be mailed at least ten (10) days before the date of the hearing.

Section 12: Conduct of Hearing:

The public hearings under this ordinance shall be conducted by the Chief of Police. The Chief of Police shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the

hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

Section 13: Decision by Chief of Police

(a) At the conclusion of the public hearing, the Chief of Police may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. He may also determine the amount of the administrative costs, in accordance with Section 2 of this ordinance, and may determine that the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.

(b) If it is determined by the Chief of Police that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the Chief of Police shall not assess administrative costs or the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

(c) The Chief of Police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this ordinance. He may delay the time for removal of the vehicle if, in his opinion, the circumstances justify it.

(d) The Chief of Police shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed.

Section 14: Appeal

Within ten (10) days, excluding Saturdays, Sundays and legal holidays, after notice of the decision of the Chief of Police has been mailed to the interested parties, any person affected by the decision may file with the City Clerk a written notice of appeal from said decision. The City Council shall thereafter set the matter for hearing. The City Clerk shall give written notice of the hearing to all of the persons mentioned in Section 11 of this ordinance. At the time and place set for the hearing, the City Council shall hear the matter de novo and all of the provisions of Section 12 of this ordinance shall be applicable to said hearing. The decision of the City Council after such hearing upon the appeal is final and conclusive as to all things involved in the matter. The City Clerk shall give written notice of the decision of the City Council to all of the persons to whom notice of the hearing was mailed.

Section 15: Removal of Vehicle

(a) At any time after the Chief of Police orders an abandoned, wrecked, dismantled or inoperative vehicle to be removed, pursuant to Section 13 of this ordinance, any interested party may cause such vehicle to be removed. If the Chief of Police has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the City, only the Administrative costs shall thereafter be collected from the owner of the land.

(b) If no appeal has been filed, and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the Chief of Police was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site.

(c) If an appeal has been filed, and the vehicle had not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the City Council was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site.

Section 16: Reconstruction of Vehicles

After a vehicle has been removed pursuant to the provisions of this ordinance, it shall not thereafter be reconstructed or made operable.

Section 17: Notice to Department of Motor Vehicles

Within five (5) days after the date of removal of the vehicle pursuant to the provisions of this ordinance, the Chief of Police shall give notice of the removal to the Department of Motor Vehicles of the State of California identifying the vehicle removed and transmit to said Department any evidence of registration available, including, but not limited to, registration certificates, certificates of title and license plates.

Section 18: Collection of Costs

(a) If the Chief of Police has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is

located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property of the total costs to be paid by the owner of the property.

(b) If any interested party has caused the vehicle to be removed from the property without cost to the City, and the Chief of Police has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Chief of Police shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.

(c) If the costs referred to in Subsections (a) and (b) of this Section are not paid within thirty (30) days after the date on which the notice referred to therein is mailed to the owner of the property, the City Council may direct the County Auditor to place the unpaid costs on the City tax roll as a special assessment against the property pursuant to Section 38773.5 of the Government Code of the State of California. The Assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to such special assessment.

Section 19. Ordinance No. 267 and 398 are hereby repealed.

Section 20. This Ordinance shall be published once in the Woodlake Echo, a newspaper of general circulation published in the City of Woodlake, and shall be in full force and effect thirty (30) days after such an adoption.

Passed and adopted at a regular meeting of the City Council of the City of Woodlake held on the 26 day of MARCH 1990 by the following vote:

AYES: Councilmembers Reynoso, Rodriquez, Diamond & Blyleven

NOES:

ABSENT:

ABSTAIN:



ATTEST:

[Handwritten Signature]
MAYOR
[Handwritten Signature]
CITY CLERK

CHAPTER 5. ABANDONED VEHICLES
(Added by Ord. No. 1392, effective 7-9-70.)

SECTION 4500. DECLARATION OF NUISANCE: Pursuant to the determination made and the authority granted by the State Legislature under Sections 22660-22664 of the Vehicle Code of the State of California to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private and public property as public nuisances, the Board of Supervisors hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 2042, effective 8-25-77.)

SECTION 4501. DEFINITIONS: Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- (a) "Administrative Costs" means the costs to the County of performing the acts required under this Chapter, except the actual removal of the vehicle. The Board of Supervisors shall from

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time to time, by resolution, determine the administrative costs for the removal of each vehicle removed by the County if the vehicle is removed without a hearing pursuant to section 4506.7 of this Chapter. In those cases in which the Planning and Development Director conducts a hearing pursuant to section 4507 of this Chapter, he shall fix and determine the administrative costs which shall be the actual costs to the County of performing all of the acts pertaining to the specific vehicle which is the subject of the hearing except the actual removal of the vehicle.

- (b) "Cost of Removal" means the actual cost to the County of having the vehicle removed. The Board of Supervisors shall from time to time, by resolution, determine the cost of removal.
- (c) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "highway" includes streets.
- (d) "Public property" does not include "highway."
- (e) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this Chapter apply to a part or portion of a vehicle which is less than a whole vehicle. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 1477, effective 12-30-71; amended by Ord. No. 1497, effective 4-20-72; amended by Ord. No. 1659, effective 10-30-73; amended by Ord. No. 1787, effective 1-2-75; amended by Ord. No. 1821, effective 5-29-75; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4502. EXCEPTIONS: This Chapter shall not apply to either of the following:

- (a) A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property.
- (b) A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State of California and this Chapter. (Added by Ord. No. 1392, effective 7-9-70.)

SECTION 4503. OTHER LAWS AND ORDINANCES: This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the County of Tulare. It shall supplement and be in addition to the other regulatory statutes and ordinances hereafter enacted by the State, the County, or any other legal entity or agency having jurisdiction. (Added by Ord. No. 1392, effective 7-9-70.)

SECTION 4504. ENFORCEMENT: PLANNING AND DEVELOPMENT DIRECTOR: Except as otherwise provided herein, the provisions in this Chapter shall be administered and enforced by the Planning and Development Director and the employees in his department or other persons authorized by him to administer and enforce this Chapter. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4505. ENTERING PROPERTY:

- (a) The Planning and Development Director, the
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employees in his department and other persons authorized by him may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this Chapter.

- (b) If the County enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this Chapter, such person may enter upon private or public property to remove such vehicles.
- (c) Any person who in any way denies, obstructs, or hampers the entrance of the persons mentioned in this section upon private or public property to carry out the aforementioned duties, or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property shall be guilty of an infraction and shall be punishable as provided in section 106 of this Ordinance Code. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1452, effective 8-19-71; amended by Ord. No. 1918, effective 4-29-76; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4506. VOLUNTARY COMPLIANCE: If it appears to the Planning and Development Director that an abandoned, wrecked, dismantled or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to section 4506.3 of this Chapter. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4506.3. NOTICE OF INTENTION TO ABATE: If the Planning and Development Director cannot secure voluntary removal of the vehicle, pursuant to section 4506 of this Chapter, he shall give written notice of intention to abate and remove the vehicle. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. (Added by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4506.5. REQUEST FOR HEARING: The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Planning and Development Director not more than ten (10) days after the date on which the notice of intention described in section 4506.3 of this Chapter was mailed by the Planning and Development Director. If the owner of the land on which the vehicle is located filed with the Planning and Development Director a sworn statement denying responsibility for the presence of the vehicle on his land within said ten (10) day period, said

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statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request. (Added by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4506.7. FAILURE TO REQUEST HEARING: REMOVAL: COSTS: If no hearing is requested within the time limit specified in section 4506.5 of this Chapter, the Planning and Development Director shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. Except as otherwise provided in section 4514 of this Chapter, the owner shall be required to pay the administrative costs and the cost of removal, as determined by the Board of Supervisors in accordance with section 4501 of this Chapter. The Planning and Development Director shall send a request for payment of said costs to the owner of the property by regular mail and if he does not pay the said costs within thirty (30) days after the date on which the letter was mailed, the procedure set forth in subsection (c) of section 4513 of this Chapter shall be followed. (Added by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 1821, effective 5-29-75; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4507. PUBLIC HEARING: If a public hearing has been requested in accordance with the provisions of section 4506.5 of this Chapter, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The Planning and Development Director shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized County assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. Said notices shall be mailed at least ten (10) days before the date of the hearing. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4508. CONDUCT OF HEARING: The public hearings under this chapter shall be conducted by the Planning and Development Director. The Planning and Development Director shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

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SECTION 4509. DECISION BY PLANNING AND DEVELOPMENT
DIRECTOR:

- (a) At the conclusion of the public hearing, the Planning and Development Director may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. He may also determine the amount of the administrative costs, in accordance with sections 4501 and 4514 of this Chapter, and may determine that all or a portion of the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.
- (b) If it is determined by the Planning and Development Director that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the Planning and Development Director shall not assess administrative costs or the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.
- (c) The Planning and Development Director may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this Chapter. He may delay the time for removal of the vehicle if, in his opinion, the circumstances justify it.
- (d) The Planning and Development Director shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 1821, effective 5-29-75; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4510. APPEAL: Within ten (10) days, excluding Saturdays, Sundays and legal holidays, after notice of the decision of the Planning and Development Director has been mailed to the interested parties, any person affected by the decision may file with the Clerk of the Board of Supervisors a written notice of appeal from said decision. The Board of Supervisors shall thereafter set the matter for hearing. The Clerk of the Board of Supervisors shall give written notice of the hearing to all of the persons mentioned in section 4507 of this Chapter. At the time and place set for the hearing, the Board of Supervisors shall hear the matter de novo and all of the provisions of section 4508 of this Chapter shall be applicable to said hearing. The decision of the Board of Supervisors after such hearing upon the appeal is final and conclusive as to all things involved in the matter. The Clerk of the Board of Supervisors shall give written notice of the decision of the Board to all of the persons to whom notice of the hearing was mailed. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4511. REMOVAL OF VEHICLE:

- (a) At any time after the Planning and Development Director orders an abandoned, wrecked, dismantled or inoperative vehicle to be removed, pursuant to section 4509 of this Chapter, any interested party may cause such vehicle to be removed. If the Planning and Development Director has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the County, only the administrative costs shall thereafter be collected from the owner of the land.
- (b) If no appeal has been filed, and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal

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holidays, after the notice of the decision of the Planning and Development Director was mailed to the interested parties, the Planning and Development Director shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site.

- (c) If an appeal has been filed, and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the Board of Supervisors was mailed to the interested parties, the Planning and Development Director shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4511.5. RECONSTRUCTION OF VEHICLES: After a vehicle has been removed pursuant to the provisions of this Chapter, it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code of the State of California, in which case the vehicle may be reconstructed or made operable. (Added by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 1914, effective 4-22-76.)

SECTION 4512. NOTICE TO DEPARTMENT OF MOTOR VEHICLES:
Within five (5) days after the date of removal of the vehicle pursuant to the provisions of this Chapter, the Planning and Development Director shall give notice of the removal to the Department of Motor Vehicles of the State of California identifying the vehicle removed and transmit to said Department any evidence of registration available, including, but not limited to, the registration card, certificates of ownership and license plates. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1420, effective 12-8-70; amended by Ord. No. 2042, effective 8-25-77; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4513. COLLECTION OF COSTS:

- (a) If the Planning and Development Director has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.
- (b) If any interested party has caused the vehicle to be removed from the property without cost to the County, and the Planning and Development Director has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Planning and Development Director shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.
- (c) If the costs referred to in subsections (a) and (b) of this section are not paid within thirty (30) days after the date on which the notice referred to therein is mailed to the owner of the property, the Board of Supervisors may direct the County Auditor to place

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the unpaid costs on the County tax roll as a special assessment against the property, or placed on the unsecured roll, pursuant to section 25845 of the Government Code of the State of California. (Added by Ord. No. 1392, effective 7-9-70; amended by Ord. No. 1696, effective 5-10-74; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2807, effective 12-10-87.)

SECTION 4514. COSTS: PAYMENT BY STATE:

- (a) The Board of Supervisors may, from time to time, enter into agreements with the State of California, through the California Highway Patrol, or such other agency of the State as shall be designated by the State, providing that the State shall pay all, or any portion, of the administrative costs and cost of removal. The Board of Supervisors shall, from time to time, determine by resolution whether such payment agreed upon is sufficient to pay all, or only a portion, of said costs.
- (b) The amount assessed against an owner of land pursuant to sections 4509 and 4513 of this Chapter shall be limited to the portion found by the Board of Supervisors to be not covered by such an agreement with the State of California. This limitation on the assessment shall apply to all cases assessed while said resolution is in effect. However, said limitation shall not apply to cases in which the written notice of intention to remove was mailed prior to the effective date of the resolution and the resolution increases the amount assessable. (Added by Ord. No. 1821, effective 5-29-75.)

Contractual Agreements

JURISDICTIONAL
CONTRACTUAL AGREEMENTS

FOR THE
ABATEMENT OF ABANDONED VEHICLES

AGREEMENT

THIS AGREEMENT, made and entered into as of this 27th day of November, 1990, by and between the CITY OF EXETER, hereinafter referred to as the "City," and LARRY JONES, doing business as LARRY'S TOW SERVICE, referred to as "Contractor."

W I T N E S S E T H:

WHEREAS, the City of Exeter has enacted City Ordinance Number 10.40.010, which provides for the removal and dismantling of abandoned, wrecked, dismantled, or inoperative vehicles on public and private property within the incorporated area of the City; and

WHEREAS, the Contractor is a duly licensed automobile dismantler with sufficient equipment to fulfill the City's requirements for removal and dismantling of abandoned vehicles and is desirous of providing such services to the City;

NOW, THEREFORE, IT IS AGREED as follows:

1. Scope of Agreement. The Contractor shall provide to the City, from time to time, the services of removal, disposal and dismantling of abandoned, wrecked, dismantled or inoperative vehicles located on private or public property in the incorporated area of the City outlined on the hereto attached map, not including highways.

2. Orders for Removal. The Contractor shall remove vehicles pursuant to this Agreement only upon written orders given to the Contractor by the Chief of Police. Such orders shall be given only after satisfaction of all procedural requirements of City Ordinance Number 10.40.010. The Chief of Police will endeavor, when he determines that it is practical, to order vehicles to be picked up in groups in order to allow the Contractor to make more sufficient use of his transportation vehicles.

3. Term. This Agreement shall take effect on January 1, 1991, and shall terminate on December 31, 1995.

4. Rights of Contractor, Rights of Owners to Remove. The Contractor shall have the right to remove all vehicles from the incorporated area of the City shown on the Map attached hereto, pursuant to the provisions of City Ordinance Number 10.40.010. The Contractor understands that the owner of the vehicle and/or the owner of the land have the right to voluntarily remove and dispose of such a vehicle, and such persons have the right to remove such vehicle at any time prior to the time that the Contractor actually removes the vehicle.

5. Services Provided by Contractor. The Contractor shall provide, maintain and operate adequate equipment to fulfill the requirements of the City under this Agreement, and said equipment shall be capable of removing at least ten (10) vehicles

each week pursuant to this Agreement. All equipment of the Contractor used to carry out the provisions of this Agreement shall be neatly painted and maintained, and each piece of equipment shall have the name and address of the Contractor designated thereon at a location where it can be easily read.

6. Compliance with Laws. In carrying out its duties under this Agreement, the Contractor agrees to comply with all provisions of Law including, but not limited to, the laws applicable to operation of its vehicles and dismantling yard.

7. Time and Method of Removal, Notice. The Contractor agrees to remove vehicles promptly and, in any event, no later than five (5) days after the written order of removal is received from the Chief of Police. When removing a vehicle, the Contractor shall leave the property on which it was located free of glass, vehicle parts, and other debris from the vehicle being removed. The Contractor shall notify the Chief of Police in writing within three (3) days after a vehicle has been removed.

8. Disposal of Vehicles. Vehicles ordered to be removed by the Chief of Police shall become the property of the Contractor after he has picked them up and he shall be responsible for making appropriate dispositions of such vehicle. In accordance with the provisions of said Ordinance Code, such vehicles shall not thereafter be reconstructed or made operable.

9. Consent of Property Owners. The Contractor is not required to obtain the permission of the owner of property upon which a vehicle to be removed is located before entering the property and removing the vehicle. However, the Contractor shall not forcibly enter the property nor continue its operations if force or threat of force is encountered. The Contractor will immediately report any such incident to the Chief of Police for further instructions.

10. Independent Contractor. It is understood and agree that the Contractor while performing all of the services required under this Agreement is acting as an independent contractor and is not acting as an employee or agency of the City of Exeter.

11. Records. The Contractor agrees to maintain complete records on all vehicles removed pursuant to this Agreement and their final disposition.

12. Removals for Other Parties. Nothing in this Agreement is intended to prohibit the Contractor from soliciting automobile removal, salvage and dismantling business from other political subdivisions or from private individuals. However, in doing so, the Contractor shall not directly or indirectly suggest, state or imply that such removal is required by State Law or City Ordinance.

17. Definition of "Vehicle". The term "vehicle," as used in this Agreement, also applies to a part or portion of a vehicle which is less than a whole vehicle. For example, if the Chief of Police orders the removal of a portion of a vehicle which has been abandoned, it shall be treated the same as if it were a whole vehicle under all the terms and conditions of this Agreement.

18. Default. If either party fails to carry out any of its obligations under this Agreement in full conformity with the terms and conditions of this Agreement, the other party may give written notice of such failure to the defaulting party. If the defaulting party fails to correct such default within fifteen (15) days after receipt of such notice, the party giving the notice may terminate this Agreement, and may avail the defaulting party.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first written above.

LARRY JONES
DBA: Larry's Tow Service

BY: Larry Jones

CITY OF EXETER

BY: Carroll J. Miller
MAYOR



September 9, 1991

George Finney
Executive Secretary, General Association
Tulare County Association of Governments
Room 111 Courthouse
Visalia, CA 93291-4593

Re: Abandoned Vehicle Abatement Plan

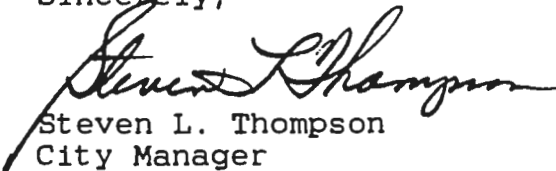
Dear Mr. Finney:

As per your request, the following information is provided:

1. A copy of the City's Municipal Code Chapter on Abandoned Vehicles is enclosed.
2. The City does not have any contractual agreements currently in place for the disposal of abandoned vehicles. After the administrative process has been completed, a local towing company is contacted for the removal and subsequent disposal of the vehicles.
3. It is estimated that there are approximately 80 - 100 vehicles to be abated annually.

Please do not hesitate to contact my office if additional information is required.

Sincerely,


Steven L. Thompson
City Manager

cc: Garry Meek, Chief of Police

AGREEMENT

1 THIS AGREEMENT, made and entered into as of this Sept. 28, 1987 by
2 and between the CITY OF WOODLAKE, hereinafter referred to as the "City," and
3 Gregory Prins, President, doing business as G & J Auto Dismantling Inc., here-
4 inafter referred to as "Contractor."

W I T N E S S E T H:

5
6
7 WHEREAS, the City of Woodlake has enacted City Ordinance Number 267 and
8 291, which provide for the removal and dismantling of abandoned, wrecked, dis-
9 mantled, or inoperative vehicles on public and private property within the in-
10 corporated area of the City; and

11 WHEREAS; the Contractor is a duly licensed automobile dismantler with
12 sufficient equipment to fulfill the City's requirements for removal and dismant-
13 ling of abandoned vehicles and is desirous of providing such services to the
14 City;

15 NOW, THEREFORE, IT IS AGREED as follows:

16 1. Scope of Agreement. The Contractor shall provide to the City from
17 time to time, the services of removal, disposal and dismantling of abandoned,
18 wrecked, dismantled or inoperative vehicles located on private or public pro-
19 perty in the incorporated area of the City outlined on the hereto attached map,
20 not including highways.

21 2. Orders for Removal. The Contractor shall remove vehicles pursuant to
22 this agreement only upon written orders given to the Contractor by the Chief of
23 Police. Such orders shall be given only after satisfaction of all procedural
24 requirements of City Ordinance Number 267 and 291. The Chief of Police will
25 endeavor, when he determines that it is practical, to order vehicles to be
26 picked up in groups in order to allow the Contractor to make more efficient use
27 of his transportation vehicles.

28

1 3. Term. This Agreement shall take effect Sept. 28, 1987 and shall
2 terminate on September 28, 1989.

3 4. Exclusive Rights of Contractor, Rights of Owners to Remove. The Con-
4 tractor shall have the exclusive right to remove all vehicles from the incor-
5 porated area of the City shown on the Map attached hereto, pursuant to the pro-
6 visions of City Ordinance Number 267 and 291 and the City shall not contract
7 with any other person to perform such services in the City during the terms of
8 this Agreement within said incorporated area of the City. However, the Contrac-
9 tor understands that the owner of the vehicle and/or the owner of the land have
10 the right to voluntarily remove and dispose of such a vehicle, and such persons
11 have the right to remove such vehicle at any time prior to the time that the
12 Contractor actually removes the vehicle.

13 5. Services Provided by Contractor. The Contractor shall provide, main-
14 tain and operate adequate equipment to fulfill the requirements of the City
15 under this Agreement, and said equipment shall be capable of removing at least
16 (10) vehicles each week pursuant to this Agreement. All equipment of the Con-
17 tractor used to carry out the provisions of this Agreement shall be neatly
18 painted, and maintained, and each piece of equipment shall have the name and
19 address of the Contractor designated thereon at a location where it can be
20 easily read.

21 6. Compliance with Laws. In carrying out its duties under this Agree-
22 ment, the Contractor agrees to comply with all provisions of law including,
23 but not limited to, the laws applicable to operation of its vehicles and dis-
24 mantling yard.

25 7. Time and Method of Removal, Notice. The Contractor agrees to remove
26 vehicles promptly and in any event, no later than five (5) days after the
27 written order of removal is received from the Chief of Police. When removing
28 a vehicle, the Contractor shall leave the property on which it was located free

1 of glass, vehicle parts and other debris from the vehicle being removed. The
2 Contractor shall notify the Chief of Police in writing within three (3) days
3 after a vehicle has been removed.

4 8. Disposal of Vehicle. Vehicles ordered to be removed by the Chief of
5 Police shall become the property of the Contractor after he has picked them up
6 and he shall be responsible for making appropriate disposition of such vehicle.
7 In accordance with the provisions of said Ordinance Codes such vehicles shall
8 not thereafter be reconstructed or made operable.

9 9. Consent of Property Owners. The Contractor is not required to obtain
10 the permission of the owner of property upon which a vehicle to be removed is
11 located before entering the property and removing the vehicle. However, the
12 Contractor shall not forcibly enter the property nor continue its operation if
13 force or threat is encountered. The Contractor will immediately report any
14 such incident to the Chief of Police for further instructions.

15 10. Independent Contractor. It is understood and agreed that the Contrac-
16 tor while performing all of the services required under this Agreement is act-
17 ing as an independent contractor and is not acting as an employee or agent of
18 the City of Woodlake.

19 11. Records. The Contractor agrees to maintain complete records on all
20 vehicles removed pursuant to this Agreement and their final disposition.

21 12. Removals for Other Parties. Nothing in this Agreement is intended to
22 prohibit the Contractor from soliciting automobile removal, salvage and dis-
23 mantling business from other political subdivisions or from private indivi-
24 duals. However, in doing so, the Contractor shall not directly or indirectly
25 suggest, state or imply that such removal is required by State Law or City
26 Ordinance. This Agreement does not apply in any way to vehicles which are re-
27 moved, salvaged, or dismantled at the request of other political subdivisions
28 or private individuals, and the City shall have no responsibility whatsoever

1 in connection with any such transactions undertaken by the Contractor.

2 13. Indemnity by Contractor. The Contractor hereby assumes all risks
3 incident to, or in connection with, its operations under this Agreement and
4 shall be sole responsible for all accidents or injuries to persons or pro-
5 perty alleged to have been caused by its operations pursuant to this Agreement,
6 and the Contractor shall indemnify, defend and save harmless the City from any
7 and all claims, suits, losses or damages for injuries to persons or property
8 arising out of the operations of the Contractor, its agents and employees,
9 under this Agreement, provided, however, that his undertaking shall not apply
10 to claims, suits, losses or damages arising out of the careless, negligent or
11 impropriety acts or omissions of the City and its officers, employees and
12 agents.

13 14. Indemnity by City. The City hereby agrees to indemnify and save
14 harmless the Contractor against and from any claims by any person arising out
15 of the failure of the City to strictly comply with the procedural requirements
16 of said Ordinance Codes and State Law, and for conversion of personal property
17 or trespass upon real property if such act has been performed in compliance
18 with the Contractors's duties under this Agreement.

19 15. Liability Insurance. Before commencing any work under this Agree-
20 ment, the Contractor shall file with the City a policy, or a certificate of
21 comprehensive public liability insurance, covering personal injuries, including
22 wrongful death, and claims for property damage, including vehicle coverage that
23 arise out of the performance of this Agreement. Said insurance shall be in a
24 combined limit of \$250,000 dollars for each occurrence.

25 Said insurance policy shall be issued by a company licensed to transact
26 business in the State of California and shall name the Contractor, the City,
27 and the officers and employees of the City as additional insureds and shall
28 protect them against claims arising from operations under this Agreement. Said

1 policy or certificate shall state that the City will be given at least (30)
2 days notice by the insurance company prior to cancellation of the policy or
3 any material change in the policy.

4 16. Time of Essence. Time shall be of the essence in this Agreement
5 and all duties shall be performed within the time limits set forth herein.

6 17. Definition of "Vehicle". The term "vehicle" as used in this Agree-
7 ment, also applies to a part or portion of a vehicle which is less than a
8 whole vehicle. For example, if the Chief of Police orders the removal of a
9 portion of a vehicle which has been abandoned, it shall be treated the same
10 as if it were a whole vehicle under all the terms and conditions of this Agree-
11 ment.

12 18. Default. If either party fails to carry out any of its obligations
13 under this Agreement in full conformity with the terms and conditions of this
14 Agreement, the other party may give written notice of such failure to the de-
15 faulting party. If the defaulting party fails to correct such default within
16 fifteen (15) days after receipt of such notice, the party giving the notice
17 may terminate this Agreement, and may avail the defaulting party.

18 IN WITNESS WHEREOF, this Agreement has been executed as of the date first
19 written above.

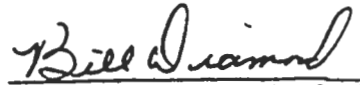
20
21 Gregory Prins, President

CITY OF WOODLAKE

22 As "G & J Auto Dismantling"

23 By  PRES.
24 "Contractor"

25 Gregory Prins, President
26 as "G & J AUTO DISMANTLING"

27 By 
28 Mayor, City of Woodlake
BILL DIAMOND

AGREEMENT

THIS AGREEMENT, made and entered into as of this
by and between the City of Visalia, Fire & Emergency Management and _____
G & J AUTO DISMANTLING hereinafter referred to as "Contractor."

W I T N E S S E T H:

WHEREAS, the City of Visalia has enacted sections 4080-4093 of the Ordinance Code of the City of Visalia, which provide for the removal and dismantling of abandoned, wrecked, dismantled, or inoperative vehicles on public and private property within the city limits of the City of Visalia; and

WHEREAS, the Contractor is a duly licensed automobile dismantler with sufficient equipment to fulfill the City's requirements for removal and dismantling of abandoned vehicles and is desirous of providing such services to the City of Visalia;

NOW, THEREFORE, IT IS AGREED as follows:

1. Scope of Agreement: The Contractor shall provide to the City, from time to time, the services of removal, disposal and dismantling of abandoned, wrecked, dismantled or inoperative vehicles located on private or public property in the City Limits of the City of Visalia, not including highways, pursuant to sections 4080-4093 of the Ordinance Code of the City of Visalia.

2. Orders for Removal: The Contractor shall remove vehicles pursuant to this Agreement only upon written orders given to the Contractor by the Director of Fire and Emergency Management or his representative. Such orders shall be given only after satisfaction of all procedural requirements of sections 4080-4093 of said Ordinance Code. The Director of Fire and Emergency Management or his representative will endeavor, when he determines that it is practical, to order vehicles to be picked up in groups in order to allow the Contractor to make more efficient use of his transportation vehicles.

3. Term: This Agreement shall take effect Sept. 24, 1986 and shall terminate upon 10 days written notice by either party.

4. Rights of Contractor, Rights of Owner to Remove: The Contractor shall have the right to remove vehicles from the City Limits of the City of Visalia as ordered by Fire and Emergency Management or his representative, pursuant to the provisions of sections 4080-4093 of said Ordinance Code. The Contractor understands that the owner of the vehicle and/or the owner of the land have the right to voluntarily remove and dispose of such a vehicle, and such persons have the right to remove such vehicle at any time prior to the time that the Contractor actually removes the vehicle. Such persons, when voluntarily removing a vehicle, have the right to do the work themselves or have it done by other persons.

5. Services Provided by Contractor: The Contractor shall provide, maintain and operate adequate equipment to fulfill the requirements of the City under this agreement, and said equipment shall be capable of removing at least ten (10) vehicles each week pursuant to this Agreement. All equipment of the Contractor used to carry out the provisions of this Agreement shall be neatly painted, and maintained, and each piece of equipment shall have the name and address of the Contractor designated thereon at a location where it can be easily read.

6. Compliance with Laws: In carrying out its duties under this Agreement, the Contractor agrees to comply with all provisions of law including, but not limited to, the laws applicable to operation of its vehicles and dismantling yard.

7. Time and Method of Removal, Notice: The Contractor agrees to remove vehicles promptly and, in any event, no later than five (5) days after the written order of removal is received from the Director of Fire and Emergency Management or his representative. When removing a vehicle, the Contractor shall leave the property on which it was located free from glass, vehicle parts and other debris from the vehicle being removed.

8. Disposal of Vehicle: Vehicles ordered to be removed by the Director of Fire and Emergency Management or his representative shall become the property of the Contractor after he has picked them up and he shall be responsible for making appropriate disposition of such vehicle. In accordance with the provisions of said Ordinance Code, such vehicles shall not thereafter be reconstructed or made operable.

9. Consent of Property Owners: The Contractor is not required to obtain the permission of the owner of property upon which a vehicle to be removed is located before entering the property and removing the vehicle. However, the Contractor shall not forcibly enter the property nor continue its operations if force or threat of force is encountered. The Contractor will immediately report any such incident to the Director of Fire and Emergency Management or his representative for further instructions.

10. Independent Contractor: It is understood and agreed that the Contractor while performing all of the services required under this Agreement is acting as an independent contractor and is not acting as an employee or agent of the City of Visalia.

11. Records: The Contractor agrees to maintain complete records on all vehicles removed pursuant to this Agreement and their final disposition.

12. Removal for Other Parties: Nothing in this Agreement is intended to prohibit the Contractor from soliciting automobile removal, salvage and dismantling business from other political subdivisions or from private individuals. However, in doing so, the Contractor shall not directly or indirectly suggest, state or imply that such removal is required by State law or City Ordinance. This Agreement does not apply in any way to vehicles which are removed, salvaged, or dismantled pursuant to the jurisdiction of other political subdivisions or private individuals, and the City shall have no responsibility whatsoever in connection with any such transactions undertaken by the Contractor.

13. Indemnity by Contractor: The Contractor hereby assumes all risks incident to, or in connection with, its operations under this Agreement and shall be solely responsible for all accidents or injuries to persons or property alleged to have been caused by its operations pursuant to this Agreement, and the Contractor shall indemnify, defend and save harmless the City of Visalia from any and all claims, suits, losses or damages for injuries to persons or property arising out of the operations of the Contractor, its agents and employees, under this Agreement, provided, however, that this undertaking shall not apply to claims, suits, losses or damages arising out of the careless, negligent or improper acts or omissions of the City and its officers, employees and agents.

14. Indemnity by the City: The City hereby agrees to indemnify and save harmless the Contractor against and from any claims by any person arising out of the failure of the City to strictly comply with the procedural requirements of said Ordinance Code and State Law, and for conversion of personal property if such act has been performed in compliance with the Contractor's duties under this Agreement.

15. Liability Insurance: Before commencing any work under this Agreement, the Contractor shall file with the City of Visalia a policy, or a certificate of comprehensive public liability insurance, covering personal injuries, including wrongful death, and claims for property damage, including vehicle coverage that arise out of the performance of this Agreement. Said insurance shall be a combined limit of \$ 300,000 dollars for each occurrence.

Said insurance policy shall be issued by a company licensed to transact business in the State of California and shall name the Contractor, the City, and the officers and employees of the City, as additional insureds and shall protect them against claims arising from operations under this Agreement. Said insurance policy shall be issued at the expense of the Contractor and shall be maintained by the Contractor during the entire life of this Agreement. Said policy or certificate shall state that the City will be given at least thirty (30) days notice by the insurance company prior to cancellation of the policy or any material change in the policy.

16. Time of Essence: Time shall be of the essence in this Agreement and all duties shall be performed within the time limits set forth herein.

17. Definition of "Vehicle": The term "Vehicle," as used in this Agreement, also applies to a part or portion of a vehicle which is less than a whole vehicle as defined in Section 4082 of the City Ordinance Code.

18. Default: If either party fails to carry out any of its obligations under this Agreement in full conformity with the terms and conditions of this Agreement, the other party may give written notice of such failure to the

defaulting party. If the defaulting party fails to correct such default within fifteen (15) days after receipt of such notice, the party giving the notice may terminate this Agreement, and may avail itself of an action for damage, or any other available remedies, against the defaulting party.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first written above.

BY _____
Director of Fire & Emergency
Management
City of Visalia

BY *[Signature]*

BY *[Signature]*
Contractor

734-4554
BOLNIE

AVA

Extension Program



210 N. Church Street, Suite B
Visalia, California 93291
Phone (559)624-7274
Fax (559)737-4246
www.tularecog.org

March 22, 2012

Al Tolentino
Department of Motor Vehicles
Registration Operations Division
2415 1st Avenue, M/S D148
Sacramento, CA 95818-2606

Re: Extension of Sunset Date for Abandoned Vehicle Abatement (AVA) Program

Dear Mr. Tolentino:

In 1991, Tulare County Board of Supervisors (TCAG) was established as the Service Authority for the County's Abandoned Vehicle Abatement (AVA) Program authorized by Sections 9250.7 and 22710 of the Vehicle Code. The sunset date for collection of the AVA service fee for Tulare County is currently April 30, 2012.

In accordance with legislation allowing the extension of this sunset date (SB 106), the TCAG Board of Supervisors authorized TCAG to proceed with the extension process.

I had written to you on August 23, 2011, requesting that the 10-year AVA extension be programmed for Tulare County and the eight member cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake.

Following that request, the cities and the county voted on the extension. The county and the majority of the cities approved the extension. Following their approval, the Tulare County Association of Governments (TCAG) Board voted and approved the extension.

A copy of the TCAG Board resolution is attached to this letter.

Sincerely,

Michal Mierzwinski
TCAG Staff

BEFORE THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENDING)
THE PERIOD FOR COLLECTION) RESOLUTION NO. 12-028
OF THE SERVICE FEE FOR THE)
ABANDONED VEHICLE ABATEMENT))
PROGRAM IN TULARE COUNTY)
TO APRIL 30, 2022)

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designated the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

WHEREAS, the Tulare County Board of Supervisors, by a two-thirds vote, and the majority of the cities within the County having the majority of the incorporated population have concurred in the extension of the fee for a 10 year increment; and

WHEREAS, the Tulare County Association of Governments, acting as the Authority, recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of the County of Tulare;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program in the county for a 10 year increment with a new sunset date of April 30, 2022.

The foregoing resolution was adopted upon motion of Member Worthley, seconded by Member Ishida, at a regular meeting on the 19th day of March, 2012, by the following vote:

AYES: Ishida, Vander Poel, Worthley, Ennis, Hinesly, Allwardt, Boyer, Kimball,
Vejoda, Link, Sparks, Townsend

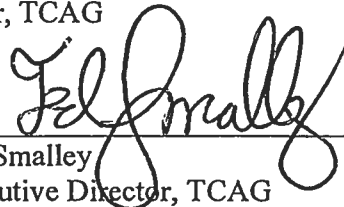
NOES: Irish

ABSENT: Mendoza, McKittrick, Cox

TULARE COUNTY ASSOCIATION
OF GOVERNMENTS



Pete Vander Poel
Chair, TCAG



Ted Smalley
Executive Director, TCAG

RESOLUTION NO. 2011-230

BEFORE THE CITY COUNCIL CITY OF FARMERSVILLE

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENDING THE SUNSET DATE FOR COLLECTION OF THE SERVICE FEE FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM IN TULARE COUNTY TO APRIL 30, 2022

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Assor

ments as the Authority; and
the Code section 9250.7 had previously provided that the fee
impr Farmersville remain in effect only for a period of 10 years from the date
the nenced; and

he fee for the Authority commenced May 1, 1992, was re-
authorized through and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Farmersville recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

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NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

The foregoing resolution was adopted upon motion of Councilmember Boyer, seconded by Councilmember Miller, at a regular meeting on the 12th day of December, 2011, by the following vote:

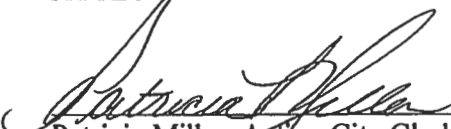
AYES:	3	Boyer, Miller, Benavides
NOES:	1	Rowlett
ABSENT:	1	Santana
ABSTENTION:	0	

BY:



Don Rowlett, Mayor
City of Farmersville

ATTEST:



Patricia Miller, Acting City Clerk

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BEFORE THE CITY COUNCIL
CITY OF EXETER
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENDING)
THE SUNSET DATE FOR) RESOLUTION NO. 2011-85
COLLECTION OF THE SERVICE FEE)
FOR THE ABANDONED VEHICLE)
ABATEMENT PROGRAM IN TULARE)
COUNTY TO APRIL 30, 2022)

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and



The City of Exeter

OFFICE OF THE CITY ADMINISTRATOR
PHONE (559) 592-9244 • FAX (559) 592-3556

POST OFFICE BOX 237
137 N. F STREET, EXETER, CALIFORNIA 93221

December 1, 2011

FAX TO: Michal Mierzwinski
Accountant II
TCAG, Tulare County

FROM: Sandy Guillen, Deputy City Clerk

SUBJECT: Resolution on Abandoned Vehicle Abatement Program
Sunset Extension

Attached is the resolution adopted and approved by the City of Exeter, City Council at a regular meeting on October 25, 2011.

If you have any questions, please call City of Exeter at 592-9244 ex. #3.

Thank you.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF REESTABLISHMENT)
OF TULARE COUNTY SERVICE) Resolution No. 2011-0813
AUTHORITY FOR THE ABATEMENT OF)
ABANDONED VEHICLES)

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY
SUPERVISOR COX, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 1, 2011, BY THE
FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS



BY: *Deivise A. Ybarra*
Deputy Clerk

Approved an extension of the sunset date for the collection of the service fee for the
Abandoned Vehicle Abatement program in Tulare County to April 30, 2022.


DAY
11/1/11



RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: November 1, 2011

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud-308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Reestablishment of Tulare County Service Authority for the Abatement of Abandoned Vehicles

REQUEST(S):
That the Board of Supervisors:
Approve an extension of the sunset date for the collection of the service fee for the Abandoned Vehicle Abatement program in Tulare County to April 30, 2022.

SUMMARY:
In 1991, the Tulare County Association of Governments (TCAG) was established as the service authority for the County's Abandoned Vehicle Abatement (AVA) program through the adoption of a Joint Powers Agreement (JPA) between Tulare County and the cities pursuant to California Vehicle Code Section 22710. The AVA program is funded by a \$1 service fee collected by the Department of Motor Vehicles (DMV) at the time of registration. Funds are distributed to the cities and Tulare County each quarter based on population and the number of vehicles abated by each Agency. Section 9250.7 of the California Vehicle Code provides that the collection fee would terminate no later than ten years from the actual collection the fee was commenced. In accordance with this provision, the current sunset date (SB 106) for Tulare County is April 30, 2012.

Legislation allowing the extension of the sunset date (SB106) was passed in August 2001. This bill authorizes the extension of the fee collection in increments of up to 10 years each if the Board of Supervisors, by a 2/3rds vote, and a majority of the cities having a majority of the incorporated population within the county, adopts resolution providing for the extension of the fee.

SUBJECT: Reestablishment of Tulare County Service Authority for the Abatement of Abandoned Vehicles

DATE: November 1, 2011

Participation in this State Program provides funding specifically for the abatement of recognized hazards and nuisance of abandoned, wrecked, inoperative and dismantled vehicles. The TCAG Board acts as the service authority and administers the distribution of funds from the state to the Cities, County and coordination of the required reporting and accounting. A JPA provides for this approach.

FISCAL IMPACT/FINANCING:

Section 9250.7 of the California Vehicle Code states that a Service Authority may impose a fee of one dollar (\$1) on vehicles registered to an owner with an address in the county which established the Service Authority. There are approximately 320,000 such vehicles in Tulare County (including the 8 cities).

Tulare County received on an average of \$80,597 for the last three years.

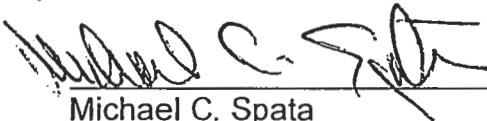
The fees are paid to the DMV at the time of registration or renewal. Said fee will remain in effect for an additional 10 year period if the Resolution is adopted.

The fees will continue to be transmitted quarterly, less DMV administrative fee's of 1%, to the State Controller for allocation to the Service Authority through the County Abandoned Abatement Trust Fund. The funds will then be distributed by TCAG to the members of the Authority.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life Initiative to promote natural resource management strategies that ensures environmental preservation and economic development. The extension of the AVA provides a method for the County to fund vehicle abatement throughout the County.

ADMINISTRATIVE SIGN-OFF:



Michael C. Spata
Assistant Director – Planning

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER-OF-REESTABLISHMENT)
OF TULARE COUNTY SERVICE) Resolution No. _____
AUTHORITY FOR THE ABATEMENT OF) Agreement No. _____
ABANDONED VEHICLES)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

Approved an extension of the sunset date for the collection of the service fee for the Abandoned Vehicle Abatement program in Tulare County to April 30, 2022.

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RESOLUTION 11-71

**A RESOLUTION OF THE CITY COUNCIL CITY OF TULARE COUNTY OF
TULARE, STATE OF CALIFORNIA, IN THE MATTER OF EXTENDING THE
SUNSET DATE FOR COLLECTION OF THE SERVICE FEE FOR THE ABANDONED
VEHICLE ABATEMENT PROGRAM IN TULARE COUNTY TO APRIL 30, 2022**

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

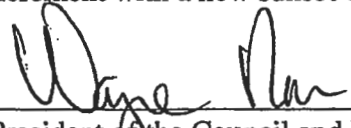
WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each if the Board of Supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Tulare recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1)

1 registration fee to fund the abandoned vehicle abatement program within both the incorporated
2 and unincorporated areas of Tulare County for a 10-year increment with a new sunset date of
3 April 30, 2022.

11/15/11


President of the Council and Ex-Officio
Mayor of the City of Tulare

8 ATTEST:

9
10 STATE OF CALIFORNIA)
11 COUNTY OF TULARE) ss.
12 CITY OF TULARE)

13
14 I, Don Dorman, City Clerk of the City of Tulare, certify the foregoing is the full and true
15 Resolution 11-79 passed and adopted by the Council of the City of Tulare at a regular meeting
16 held on November 15, 2011, by the following vote:

17
18 Aye(s) Mark Watter, David Macedo, Craig Veivodaj, Wayne Ross

19 Noe(s) NA Absent/Abstention(s) Skip Barwick

20
21 Dated: 11-15-11

DON DORMAN, CITY CLERK


By Roxanne Yoder, Chief Deputy



COPY

RESOLUTION 2011-71

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE EXTENSION OF THE SUNSET DATE
FOR THE COLLECTION OF THE SERVICE FEE FOR THE ABANDONED
VEHICLE ABATEMENT PROGRAM IN TULARE COUNTY TO APRIL 30, 2022**

WHEREAS, the City of Visalia (hereinafter referred to as "City") is a municipal corporation and charter law city organized and existing pursuant to the laws of the State of California; and,

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Visalia recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that that the Tulare County Association of Governments, acting as the Authority for the Abatement of Abandoned Vehicles, be authorized to extend the

imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

PASSED AND ADOPTED: 11/7/11

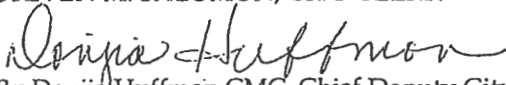
STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2011-71 passed and adopted by the Council of the City of Visalia at a regular meeting held on November 7, 2011.

Dated: November 9, 2011

STEVEN M. SALOMON, CITY CLERK


By Donjia Huffmon CMC, Chief Deputy City Clerk



City Manager's Office
559/591-5904

City Attorney
559/437-1770

Administrative Services
559/591-5900

Development Services
559/591-5906

Public Works Services
559/591-5924

Engineering Services
559/591-5924

Parks & Community Services
559/591-5940

Fire/Ambulance Services
559/591-5931

Police Services
559/591-5914

Education, Resources & Housing Services
559/596-2170

October 27, 2011

TCAG
5955 South Mooney Blvd.
Visalia, CA 93277

Re: Resolution 2011-46

Dear Michal,

Enclosed you will find the City of Dinuba's 10 year extension for the Abandon Vehicle Abatement Program Resolution 2011-46. If additional paperwork is required please don't hesitate to let us know.

I can be reached at (559) 591-5906.

Sincerely,

Elva Patino
Fiscal Analyst II

enc.

RECEIVED
TULARE COUNTY
OCT 31 2011

TCAG

RESOLUTION NO. 2011-46
BEFORE THE CITY COUNCIL OF THE CITY OF DINUBA
COUNTY OF TULARE, STATE OF CALIFORNIA, IN THE MATTER
OF EXTENDING THE SUNSET DATE FOR COLLECTION OF THE
SERVICE FEE FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM
IN TULARE COUNTY TO APRIL 30, 2022

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Dinuba recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1) registration fee to

fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

The foregoing resolution was adopted upon motion of Councilmember HINESLY, seconded by Councilmember ^{MORALES} _____, at a regular meeting on the 25 day of OCTOBER, 2011, by the following vote:

AYES: HARNESS, HINESLY, SMITH, MORALES, GONZALEZ

NOES: NONE

ABSENT: NONE

BY:



Mayor
City of Dinuba

ATTEST:



Deputy City Clerk

CERTIFIED COPY
BY 
DEPUTY CITY CLERK

STATE OF CALIFORNIA
COUNTY OF TULARE
CITY OF WOODLAKE

I, Irene Zacarias, City Clerk of the City of Woodlake, certify that the foregoing is the full and true copy of Resolution 12-02 passed by Councilmembers R. Gonzales Jr., Martinez, Ortiz, Mendoza & G. Gonzalez Jr. at their regular City Council meeting held on February 13, 2012.


Irene Zacarias City Clerk

February 21, 2012

RECEIVED
TULARE COUNTY
FEB 22 2012

TCAG

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BEFORE THE CITY COUNCIL
CITY OF WOODLAKE
COUNTY OF TIJLARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENDING)
THE SUNSET DATE FOR) RESOLUTION NO. 12-02
COLLECTION OF THE SERVICE FEE)
FOR THE ABANDONED VEICLLE)
ABATEMENT PROGRAM IN TULARE)
COUNTY TO APRIL 30, 2022)

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April30, 2002 and will sunset on April30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

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WHEREAS, the City of Woodlake recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30,2022.

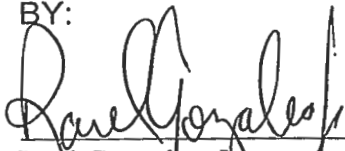
The foregoing resolution was adopted upon motion of Councilmember Martinez seconded by Councilmember Mendoza at a regular meeting on the 13 day of February 2012, by the following vote:

AYES: R. Gonzales, Ortiz, Maftinez, Mendoza & G. Gonz lez Jr.

NOES:

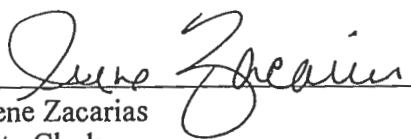
ABSENT:

ABSTAIN:

BY:


Raul Gonzales, Jr.
Mayor, City of Woodlake



ATTEST:


Irene Zacarias
City Clerk

Tulare County Abandoned Vehicle Abatement Service Authority

Report on Allocations for Fiscal Year, July 1-June 30

2008-2009

\$ 333,804.59 Authority's allocation of Abandoned Vehicle Abatement Funds from State						
\$ 3,338.05 1% administration fee levied by the Tulare County Association of Governments						
\$ 330,466.54 Funds distributed to Local Jurisdictions by the Authority this fiscal year						
Local Jurisdiction	Population as of 1/1/2008	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Total of Quarterly Funding Allocations Based on Abatements	Total Funding Allocation for Year
-	0	0.00%	\$ -	-	\$ -	\$ -
Dinuba	20,993	4.82%	\$ 7,969.47	84	\$ 3,460.42	\$ 11,429.89
Exeter	10,656	2.45%	\$ 4,045.283	416	\$ 18,239.292	\$ 22,284.57
Farmersville	10,524	2.42%	\$ 3,995.17	11	\$ 455.75	\$ 4,450.92
Lindsay	11,546	2.65%	\$ 4,383.15	30	\$ 1,307.34	\$ 5,690.49
Porterville	51,638	11.86%	\$ 19,603.07	727	\$ 30,444.77	\$ 50,047.84
Tulare	57,375	13.18%	\$ 21,780.98	458	\$ 21,087.38	\$ 42,868.36
Visalia	120,958	27.79%	\$ 45,918.67	999	\$ 43,291.78	\$ 89,210.45
Woodlake	7,489	1.72%	\$ 2,843.01	22	\$ 891.78	\$ 3,734.80
Unincorporated	144,075	33.10%	\$ 54,694.46	1,062	\$ 46,054.76	\$ 100,749.22
TOTALS	435,254	100.00%	\$ 165,233.27	3809	\$ 165,233.27	\$ 330,466.54

Tulare County Abandoned Vehicle Abatement Service Authority

Report on Allocations for Fiscal Year, July 1-June 30

2009-2010

\$ 325,739.85 Authority's allocation of Abandoned Vehicle Abatement Funds from State						
\$ 3,257.40 1% administration fee levied by the Tulare County Association of Governments						
\$ 322,482.45 Funds distributed to Local Jurisdictions by the Authority this fiscal year						
Local Jurisdiction	Population as of 1/1/2009	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Total of Quarterly Funding Allocations Based on Abatements	Total Funding Allocation for Year
-	0	0.00%	\$ -	-	\$ -	\$ -
Dinuba	21,237	4.81%	\$ 7,756.35	-	\$ -	\$ 7,756.35
Exeter	10,665	2.42%	\$ 3,895.157	549	\$ 24,580.404	\$ 28,475.56
Farmersville	10,771	2.44%	\$ 3,933.87	1	\$ 51.44	\$ 3,985.31
Lindsay	11,684	2.65%	\$ 4,267.32	14	\$ 675.39	\$ 4,942.71
Porterville	52,056	11.79%	\$ 19,012.31	613	\$ 29,478.07	\$ 48,490.38
Tulare	58,506	13.25%	\$ 21,368.03	258	\$ 12,371.73	\$ 33,739.76
Visalia	123,670	28.01%	\$ 45,167.75	1,761	\$ 83,819.49	\$ 128,987.24
Woodlake	7,769	1.76%	\$ 2,837.46	15	\$ 728.11	\$ 3,565.56
Unincorporated	145,123	32.87%	\$ 53,002.98	217	\$ 9,536.60	\$ 62,539.58
TOTALS	441,481	100.00%	\$ 161,241.23	3428	\$ 161,241.23	\$ 322,482.45

Tulare County Abandoned Vehicle Abatement Service Authority

Report on Allocations for Fiscal Year, July 1-June 30 (ESTIMATED)

2010-2011

\$ 320,389.47 Authority's allocation of Abandoned Vehicle Abatement Funds from State						
\$ 3,203.89 1% administration fee levied by the Tulare County Association of Governments						
\$ 317,185.58 Funds distributed to Local Jurisdictions by the Authority this fiscal year						
Local Jurisdiction	Population as of 1/1/2010	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Total of Quarterly Funding Allocations Based on Abatements	Total Funding Allocation for Year
-	0	0.00%	\$ -	-	\$ -	\$ -
Dinuba	21,542	4.81%	\$ 7,629.07	-	\$ -	\$ 7,629.07
Exeter	10,752	2.40%	\$ 3,807.808	-	\$ -	\$ 3,807.81
Farmersville	10,971	2.45%	\$ 3,885.37	3	\$ 152.90	\$ 4,038.27
Lindsay	11,800	2.64%	\$ 4,178.96	-	\$ -	\$ 4,178.96
Porterville	52,960	11.83%	\$ 18,755.72	486	\$ 23,699.22	\$ 42,454.94
Tulare	59,535	13.29%	\$ 21,084.25	121	\$ 6,027.93	\$ 27,112.18
Visalia	125,971	28.13%	\$ 44,612.48	2,029	\$ 101,822.30	\$ 146,434.78
Woodlake	7,927	1.77%	\$ 2,807.34	4	\$ 217.46	\$ 3,024.80
Unincorporated	146,356	32.68%	\$ 51,831.80	473	\$ 26,672.97	\$ 78,504.78
TOTALS	447,814	100.00%	\$ 158,592.79	3116	\$ 158,592.79	\$ 317,185.58



5955 S. Mooney Blvd.
Visalia, California 93277
Phone (559)624-7274
Fax (559)733-6720
www.tularecog.org

August 30, 2011

Mr. William Lewis, City Administrator
City of Woodlake
350 N. Valencial Blvd.
Woodlake, CA 93286

Re: Abandoned Vehicle Abatement Program Sunset Extension

Dear Mr. Lewis:

In 1991, TCAG was established as the Service Authority for the county's Abandoned Vehicle Abatement (AVA) program through the adoption of a Joint Powers Agreement between Tulare County and the cities. The AVA program is funded by a \$1.00 service fee collected by the Department of Motor Vehicles at the time of registration. Funds are distributed to the cities and Tulare County each quarter based on population and the number of vehicles abated by each agency. Sections 9250.7 and 22710 of the Vehicle Code provided that collection of the fee would terminate not later than ten years from the date the fee was initially collected. In accordance with this provision, the sunset date for Tulare County is April 30, 2012.

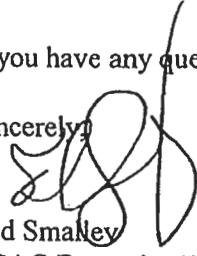
Legislation allowing the extension of this sunset date (SB 106) was passed in August 2001. This bill authorizes the extension of the fee collection in increments of up to 10 years each if the County Board of Supervisors (by a 2/3rds vote) and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee. TCAG staff has been advised that the resolutions would need to be received by the DMV no later than November 2012 to prevent a break in funding.

Enclosed is a boilerplate resolution that may be used to continue the AVA program. Please note that the resolution must include the current sunset date (4/30/12) and the new sunset date (4/30/22) for the AVA program.

Also enclosed are a copy of SB 106 and spreadsheets summarizing the number of vehicles abated and AVA funds allocated during the last three years.

If you have any questions, please feel free to contact Michal Mierzwinski of my staff at (559) 624-7272.

Sincerely,



Ted Smalley
TCAG Executive Director

RESOLUTION NO. 11-75
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY
EXTENDING THE SUNSET DATE OF 4/30/2012 FOR COLLECTION OF THE
SERVICE FEE FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM
IN TULARE COUNTY TO APRIL 30, 2022 .

At a regularly scheduled meeting of the City Council of the City of Lindsay, held on the 25th day of October 2011, at 6:00 p.m. in the Council Chambers of City Hall, Lindsay California 93247, the following resolution was adopted:

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each 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 adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Lindsay recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 25th day of October 2011.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY


Carmela Wilson, City Clerk


Ed Murray,

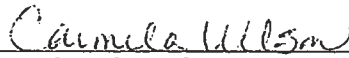
CITY OF LINDSAY)
COUNTY OF TULARE)
STATE OF CALIFORNIA) CITY CLERK CERTIFICATION

I, Carmela Wilson, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution No. 11-75 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 25th day of October 2011, on motion of SALINAS, second of KIMBALL, by the following vote, as the same appears of record and on file in my office:

AYES: SALINAS, KIMBALL, PADILLA, MURRAY.
NOES: None.
ABSENT: VELASQUEZ.
ABSTAIN: None.

WITNESS my hand and Corporate City Seal of Lindsay this 25th day of October 2011.

OFFICE OF THE CITY CLERK OF LINDSAY



Carmela Wilson, City Clerk