



Legislation Text

File #: 21-1074, **Version:** 1

Supervisor Thomas, member of the Abandoned Vehicle Abatement Service Joint Powers Authority, recommending the Board adopt and authorize the Chair to sign Resolution **103-2021** extending the sunset date to maintain the Abandoned Vehicle Abatement fee with the California Department of Motor Vehicles, which provides for the statutorily authorized one-dollar (\$1.00) vehicle registration fee. (4/5 vote required)

DISCUSSION / BACKGROUND

In 1991, pursuant to Vehicle Code § 22710, the County, the City of Placerville, and the City of South Lake Tahoe formed a Joint Powers Authority for the abatement of abandoned vehicles. With the concurrence of its members and pursuant to Vehicle Code §§ 9250.7 and 22710, the Authority imposed a \$1 fee on all vehicles registered to an owner with an address in the County. The fee is collected by the Department of Motor Vehicles at the time of registration or renewal of registration. Collection of the fee commenced on May 1, 1992. Fee revenue can be used “only for the abatement, removal, or the disposal as a public nuisance of any abandoned, wrecked, dismantled, or inoperative vehicle or part of the vehicle from private or public property.” (Veh. Code, § 22710(c)(2) (A).)

The statute authorizing the fee provides that the fee shall remain in effect only for a period of 10 years from the date that the actual collection of the fee commenced unless later extended in increments of up to 10 years. Accordingly, the County and the cities of Placerville and South Lake Tahoe passed resolutions extending the fee in 2002 and again in 2011, resulting in the fee being authorized through April 30, 2022.

Although the fee is authorized through April 30, 2022, the DMV has requested that the County take action on the reauthorization now. Providing early notice of reauthorization to the DMV will (1) ensure that the DMV has sufficient time to process the extension prior to April 2022 and (2) allow the DMV to spread the cost of processing the extension among all participating jurisdictions. Both the City of Placerville and the City of South Lake Tahoe have adopted resolutions reauthorizing the fee for another ten years.

Since the time that the \$1 abandoned vehicle abatement fee was first imposed, the law regarding taxes and fees has changed. The change most relevant to this discussion occurred with the passage of Proposition 26 in 2010. Proposition 26 changed the way that new taxes and fees are analyzed by (1) defining all levies, charges, or exactions imposed by the government as taxes unless within one of seven enumerated exceptions and (2) placing the burden on the government to prove that the levy, charge, or exaction is not a tax. (Cal. Const., Art. 13C, § 1.) The subject fee falls within the following exception: “A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof. (Cal. Const., art. 13C, § 1.)

The City of Placerville and the City of South Lake Tahoe have both approved reauthorizing the fee by

Resolution and are attached to this item. As the County's representative on the AVA JPA, I am asking the Board to have the Chair sign the attached Resolution to reauthorize the \$1 Abandoned Vehicle Abatement Fee.

ALTERNATIVES

The Board could choose not to approve the Resolution, which would discontinue the collection of the fee.

PRIOR BOARD ACTION

9/27/2011, Legistar item 11-1101, Resolution #165-2011

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Abandoned Vehicle Abatement JPA, Cities of Placerville & South Lake Tahoe, Sheriff's Department

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

Provide executed Resolution to the Secretary of the AVA JPA, Tania Donnelly, EDC Sheriff's Department

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Supervisor Wendy Thomas