



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/11/2011

Agenda Placement: 7B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer - Director
Environmental Management
REPORT BY: WILLIAMDOUGLAS CALHOUN, ENVIRONMENTAL HEALTH SUPV - 253-4839
SUBJECT: Minor ammendment to the current Abandoned Vehicle Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance amending Section 8.20.060 of the Napa County Code relating to alternative enforcement procedures for the abatement of abandoned vehicles.

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

The Napa County Department of Environmental Management (DEM) is responsible for enforcing the provisions of Chapter 8.20 of County Code, also known as the Abandoned Vehicle Ordinance. In order to meet the needs of the citizens of Napa County and to keep costs low for taxpayers, the proposed ordinance authorizes the DEM Director to contract with persons or entities to remove abandoned vehicles, be it a towing firm or property owners who have received the appropriate certificate from DEM that the vehicle is abandoned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the

proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

California Vehicle Code Section 22660 authorizes a county to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles. Napa County has adopted such an ordinance, found in Chapter 8.20 of the County Code, entitled "Abandoned Vehicles". Municipalities within the county have their own abandoned vehicle programs, and as such this ordinance applies only to the unincorporated county.

While the ordinance already allows the County to directly contract with a towing company and pay for the towing and disposal of junk vehicles, the proposed change will clearly also allow DEM to issue "Certificates of Destruction" directly to cooperative property owners. In these situations the property owner can directly arrange for the removal of the vehicle, therefore reducing liability to the County, reducing costs to the Abandoned Vehicle Abatement Fund (AVAF), and serving citizens in a timely manner.

Typically, a car tow administered through the AVAF costs \$75.00 for towing, as well as the staff time and expenses in processing the paperwork. The AVAF is a state fund created from vehicle registration fees which reimburses the county, at least in part, for administering the Abandoned Vehicle program. When a cooperative property owner is available, our ability to allow the property owner to coordinate this disposal effort is a time and cost savings to the County.

As presently worded, the ordinance arguably does not authorize DEM to contract out on an individualized basis for the removal of abandoned vehicles from private or public property, but rather implies such removal must be done by either contract or a franchise entered into by the Board of Supervisors. The proposed ordinance would explicitly give the Director of Environmental Management, or the director's designee, the ability to contract with persons or entities for the removal of abandoned vehicles, without the necessity of obtaining Board authority for such removals. This will result in a more streamlined and efficient method of causing the removal of abandoned vehicles. It will also enable the Director to authorize private property owners to contract with towing companies for removal of abandoned vehicles from their property following applicable vehicle disposition procedures.

This change has been coordinated with the Sheriff's Office and California Highway Patrol, who also assist in this program. Specifically, the following amendment (underlined) to County Code Section 8.20.060 is proposed:

8.20.060 Alternative enforcement procedure. The board of supervisors or director of environmental management may contract with or grant a franchise to any person, firm or entity, or more than one thereof, to authorize the same 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 chapter. The board of supervisors or director of environmental management may likewise authorize such entry and removal by designated county personnel.

The first reading of the ordinance and a unanimous vote of intent to adopt the ordinance was completed on December 14, 2010.

SUPPORTING DOCUMENTS

- A . Ordinance - Tracking
- B . Ordinance - Clean

CEO Recommendation: Approve

Reviewed By: Helene Franchi