



Agenda Date: 7/31/2007  
Agenda Placement: 6B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Steven Lederer - Director  
Environmental Management  
**REPORT BY:** Belinda Yamate, Secretary, 253-4471  
**SUBJECT:** Non-exclusive Abandoned Vehicle Enforcement Franchise Agreements

---

### **RECOMMENDATION**

Director of Environmental Management requests approval of and authorization for the Chair to sign a Non-Exclusive Abandoned Vehicle enforcement Franchise Agreement with A & A Towing for the term July 31, 2007 through June 30, 2008 with an annual renewal to provide removal of vehicles and parts declared to be a nuisance pursuant to Chapter 8.20 of the County Code.

### **EXECUTIVE SUMMARY**

County Code Chapter 8.20, Abandoned Vehicles, delegates the administration and enforcement of the abandoned vehicle program to the Director of Environmental Management. In order to facilitate removal of abandoned vehicles the department desires to enter into contracts with a number of local towing companies to remove and dispose of vehicles which are determined to be abandoned or inoperative.

County Code Section 8.20.060 allows the Board of Supervisors to contract with or grant a franchise to any person, firm or entity (or with more than one person, firm or entity) authorizing them to enter upon private or public property to remove or cause the removal of a vehicle declared to be a nuisance pursuant to Chapter 8.20.

Rather than enter into individual contracts for each tow, the Director of Environmental Management, with County Counsel's concurrence, has determined that nonexclusive abandoned vehicle enforcement agreements with the local tow companies will facilitate effective and timely removal of abandoned, wrecked, dismantled or otherwise inoperative vehicles that have been determined to be a public nuisance.

The Board previously authorized nine (9) contracts with tow companies on April 10, 2007. This Board item is to authorize one additional tow company.

### **FISCAL IMPACT**

|                                   |   |
|-----------------------------------|---|
| Is there a Fiscal Impact?         | Yes   |
| Is it currently budgeted?         | Yes   |
| Where is it budgeted?             | Environmental Management  |
| Is it Mandatory or Discretionary? | Discretionary   |
| Discretionary Justification:      | County Code Chapter 8.20, Abandoned Vehicles, delegates administration of the abandoned vehicle program to the Director of Environmental Management and makes abatement action mandatory when vehicles are determined to be a public nuisance. Approval of the Nonexclusive Abandoned Vehicle Contracts however, is a discretionary action for the Board.   |
| Is the general fund affected?     | Yes   |
| Future fiscal impact:             | This expense is already accounted for in our current budget and is expected to remain relatively consistent in future fiscal years.   |
| Consequences if not approved:     | If these nonexclusive abandoned vehicle contracts are not approved the Department of Environmental Management will continue to contract individually with each tow company for each abandoned vehicle tow which is inefficient and time consuming from a staff perspective and therefore results in increased staff effort and diversion of attention from other programs.  |
| Additional Information:           | The Abandoned Vehicle Program receives partial reimbursement from the Abandoned Vehicle Fund (a State funded and NCTPA administered account created by a \$1.00 per vehicle fee paid by car owners to the Department of Motor Vehicles when cars located within the county are registered). The formula for County reimbursement has several variables, the main one being the number of successful abandoned vehicle abatements each quarter. As an example, using the numbers from last year, Environmental Management successfully abated 68 abandoned vehicles. The total cost (including staff time) for the year was \$30,236; of that amount \$5,124 was the cost of the tows. Reimbursement for the year was \$17,362. It should be noted that the cost to the County General Fund (i.e. our total expense minus the State reimbursement) is already included in the Department budget and will not increase due to approval of these contracts. These contracts simply provide a more efficient process for having the tow companies available on a preapproved basis rather than contracting with each company for individual tows as is done now as the need arises. Over time these contracts will decrease our programmatic (staff time) costs needed to manage the program. |

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

County Code Chapter 8.20, Abandoned Vehicles, Section 8.20.050, delegates the administration and enforcement of the abandoned vehicle program to the Director of Environmental Management.

Once the director has determined that an abandoned, wrecked, dismantled or inoperative vehicle or vehicle parts is considered a public nuisance, the director may order removal of the vehicle or vehicle parts. Upon removal, the vehicle must be disposed of according to Article 2 of Chapter 10 of Division 11 of the California Vehicle Code.

The County does not have the storage space for towed vehicles and is not equipped to conduct the required noticing and lien sales for said vehicles. However, Napa County Code Section 8.20.060 allows the Board of Supervisors to contract with or grant a franchise to any person, firm or entity, or more than one person, firm or entity, to authorize them to enter upon private or public property to remove or cause the removal of a vehicle or vehicle parts declared to be a nuisance pursuant to Chapter 8.20.

Rather than enter into individual contracts for each tow, the Director of Environmental Management, with the concurrence of County Counsel and in cooperation with local tow companies, has determined that nonexclusive abandoned vehicle enforcement franchise agreements with the local tow companies will facilitate effective and timely removal of abandoned, wrecked, dismantled or otherwise inoperative vehicles that have been determined to be a public nuisance.

With these contracts, upon direction from Environmental Management staff, the tow contractors will remove the abandoned, wrecked, dismantled or otherwise inoperative vehicles which County has determined to be a public nuisance and shall be responsible for storing the vehicles and disposing of them in accordance with the procedures set out in Article 2, Chapter 10, Division 11 (commencing with Section 22850) of the California Vehicle Code.

As requested by the tow companies, the Department of Environmental Management has established geographic tow areas similar to those areas utilized by the California Highway Patrol. Each tow company will indicate to the department those geographic tow areas in which they wish to participate. Additionally the Department of Environmental Management will utilize a rotational call out system for each geographic area to ensure fair distribution of tows among the contracted tow companies.

The tow companies will receive compensation for towing vehicles from public or private property to a legal storage site in the amount of \$75 per car truck or motorcycle, \$75 plus disposal cost for a boat on a trailer, \$150 plus disposal cost for a pull behind travel trailer and \$250 plus disposal cost for a recreational vehicle (with motor). Disposal costs may include labor if deemed appropriate by County. Vehicles towed greater than 30 miles will receive an additional \$1.00 per mile after traveling 30 miles.

The Board previously authorized nine (9) contracts with tow companies on April 10, 2007. This Board item is to authorize one additional tow company.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi