

MAR 08 2018

JOE PAUL GONZALEZ, COUNTY CLERK
BY *Michael Parsons*
DEPUTY CLERK
MICHAEL PARSONS

RESOLUTION NO. 2018-9

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BENITO COUNTY TO PLACE A MEASURE ON THE JUNE 5, 2018 BALLOT TO RENEW FEES PURSUANT TO VEHICLE CODE SECTIONS 9250.7 AND 22710 (ABANDONED VEHICLE ABATEMENT PROGRAM)

WHEREAS, the Sections 9250.7 and 22710 of the California Vehicle Code authorized the establishment of the San Benito County Abandoned Vehicle Abatement Program (“AVA”) for the abatement of abandoned vehicles and further authorized the imposition of a one (\$1.00) vehicle registration fee on vehicles registered in San Benito County when approved by the Board of Supervisors and a majority of cities having a majority of the incorporated population (referred to as the “AVA Fee”); and,

WHEREAS, in 1991, the San Benito County Board of Supervisors established the Service Authority, including the cities of Hollister and San Juan Bautista, for this program by the adoption of Resolution 91-89; and,

WHEREAS, the registration fees are used exclusively for the abatement, removal, and disposal of any abandoned, wrecked, dismantled, or inoperative vehicles or vehicle parts as public nuisances, on private or public property, to combat neighborhood blight and decay; and,

WHEREAS, the Abandoned Vehicle Abatement Program has contributed approximately \$1,000,000 for the abatement of abandoned vehicles within San Benito County since 1991; and,

WHEREAS, the AVA Program has allowed for the abatement of approximately 6,000 abandoned vehicles and/or parts thereof since its establishment in 1991; and,

WHEREAS, the Abandoned Vehicle Abatement Program is essential to reducing crime, maintaining property values, reducing blight and the physical and aesthetic deterioration of our community; and,

WHEREAS, without continuing the AVA Program, the County will be unable to recover a significant portion of the costs of abating nuisance vehicles; and,

WHEREAS, California Vehicle Code Section 9250.7(h) allows each California County to extend their sunset date for the program in 10-year increments with a two-thirds vote of the Board of Supervisors and approval of a majority of the cities with the majority of the incorporated population; and,

WHEREAS, Proposition 26, adopted by the voters of California in 2010, altered the definition of a fee and resulted in the classification of the AVA fee as a special tax subject to voter approval by a two-thirds vote of the voters voting in an election on the issue; and,

WHEREAS, because the fee was not approved in 2014, the prior AVA fee was terminated, as such the County has been unable to recover a significant portion of the costs of abating nuisance vehicles and has reduced services previously provided through the Abandoned Vehicle Program; and,

NOW, THEREFORE, BE IT RESOLVED, by the San Benito County Board of Supervisors as follows:

1. The San Benito County Board of Supervisors, by at least a two-thirds vote, does hereby extend the authorization to collect the AVA Fee for a period of ten (10) years, subject to approval by the electors of the County, and subject to the approval of the governing bodies of the incorporated cities.

2. The San Benito County Board of Supervisors hereby approves the inclusion of a ballot measure on the June 5, 2018, San Benito County election ballot and hereby submits to the electors of San Benito County the question of whether the AVA Fee, as authorized by Vehicle Code sections 9250.7 and 22710, shall be renewed for 10 years.

3. The question to be submitted to the County voters at said election shall be:

Measure ____, Renewal of the Abandoned Vehicle Abatement Program

Shall an ordinance reauthorizing the San Benito County Vehicle Abatement Program and imposing associated vehicle registration fees (\$1.00 per vehicle and an additional \$2.00 for certain commercial vehicles) for a ten-year term under California Vehicle Code Sections 9250.7 and 22710, or any successor statutes thereto, for the purposes of removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles, be adopted?

YES []

NO []

4. The San Benito County Clerk-Auditor-Recorder is designated as the Elections Official for said AVA Fee election and is hereby requested to consolidate the election with any and all other elections to be held on June 5, 2018, within San Benito County. The San Benito County Clerk-Auditor-Recorder is hereby authorized and directed to provide all notices and take all other actions necessary to holding said election, including (but not limited to) providing notices of times within which arguments for and against the tax measure are to be submitted. The costs of said election are to be paid by the County, regardless of the election outcome.

5. Said election shall be held and conducted pursuant to the procedures specified in Part 3 of Division 10 of the Elections Code commencing at Section 10400.

6. For the purposes of this election, the "County Voters" shall include all voters in the County, including voters in the incorporated areas of the County.

7. The Board hereby authorizes and directs the Clerk of the Board of Supervisors to file with the San Benito County Clerk-Auditor-Recorder certified copies of this resolution.

8. The San Benito County Clerk-Auditor-Recorder shall transmit a copy of the measure to County Counsel in accordance with California Elections Code 9160.

9. County Counsel is directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9160(b). The analysis may not exceed 500 words in length and shall be filed with the County Clerk-Auditor-Recorder.

10. The Board of Supervisors hereby directs the County Clerk-Auditor-Recorder, as County Auditor, to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the County pursuant to Elections Code Section 9160(c). The County Clerk-Auditor-Recorder shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the County if the proposed measure is adopted. The fiscal impact statement may not exceed 500 words in length.

11. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted. The County hereby adopts the provisions of California Elections Code Sections 9161 through 9167 regarding the acceptance of arguments relating to ballot measures. Any arguments for and against the measure shall be filed in accordance with this resolution and applicable provisions of law.

12. Any and all members of the Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election referenced herein, including a rebuttal argument.

13. The County Administrative Officer, or designee, is authorized to take all administrative actions necessary to accomplish the orders set forth in this Resolution.

14. Upon completion of the vote count for this measure, the San Benito County Clerk-Auditor-Recorder will prepare a certified statement of the results of the election and submit it to the San Benito County Board of Supervisors. The San Benito County Board of Supervisors will declare the results of the election as to this measure.

15. Upon approval of the measure by at least two-thirds of the registered voters voting on the measure, the San Benito County Board of Supervisors will be authorized to impose the AVA fee without further action for an additional ten years.

16. This resolution shall take effect on and after its adoption.

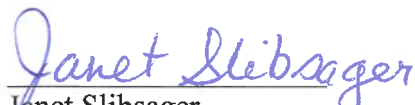
17. The proposed ordinance to be presented to the voters is set forth in Exhibit 1.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of San Benito on the 6th day of March 2018 by the following vote:

AYES:	Supervisors:	<i>Botelho, Delacruz, Medina, Rivas</i>
NOES:	Supervisors:	<i>Muehzer</i>
ABSTAIN:	Supervisors:	<i>none</i>
ABSENT:	Supervisors:	<i>none</i>


Anthony Botelho, Chair
Board of Supervisors

ATTEST:


Janet Slibsager,
Clerk of the Board

APPROVED AS TO LEGAL FORM:



Barbara Thompson,
County Counsel

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA TO APPROVING AND IMPOSING A FEE TO OPERATE THE ABANDONED VEHICLE PROGRAM, WHICH WOULD BE A SPECIAL TAX PURSUANT TO STATE LAW

THE PEOPLE OF THE COUNTY OF SAN BENITO ORDAIN AS FOLLOWS:

SECTION 1. Article VI of Chapter 5.03 shall be added to the San Benito County Code as follows:

Article VI

ABANDONED VEHICLE ABATEMENT PROGRAM AND FEE

5.03.300 – Abandoned Vehicle Abatement Program and Fee

Upon the approval by the governing bodies of San Benito County and a majority of the cities having a majority of the incorporated population within the county, there shall be imposed the following fee which is considered a special tax under California law, for a period of ten years:

Vehicle registration fees in the amount of \$1.00 per vehicle and an additional \$2.00 for certain commercial vehicles for a ten-year term under California Vehicle Code Sections 9250.7 and 22710, or any successor statutes thereto, for the purposes of removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption by a majority of the electorate voting on the ordinance at the June 5, 2018 election. Section 1 of this ordinance shall be codified.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof.

SECTION 4. CAPTIONS. The titles and headings of this article and the sections thereunder are not part of this ordinance and shall have no effect upon the construction or interpretation of any part thereof.

SECTION 5. IDENTIFICATION OF TAX AND STATEMENT OF FACTS ON HOW TAX REVENUE CAN BE SPENT. The tax imposed by this ordinance is a special tax,

and can only be used to fund the abandoned vehicle program. The revenues from the Abandoned Vehicle Fee can only be spent on the following specific purpose:

For costs and expenses associated with maintaining the abandoned vehicle program, including for the removal and disposal of abandoned, wrecked, dismantled, or inoperative vehicles.

This section shall constitute a legally binding and enforceable limitation on how the revenue from the tax imposed by this Ordinance can be spent.