

RESOLUTION NO. 23-063

A RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO PLACE A MEASURE ON THE MARCH 5, 2024 BALLOT TO EXTEND THE COLLECTION OF THE ABANDONED VEHICLE ABATEMENT FEE FOR A PERIOD OF 10 YEARS, PURSUANT TO VEHICLE CODE SECTIONS 9250.7 AND 22710

WHEREAS, sections 22710 and 9250.7 of the California Vehicle Code authorized the establishment of the Mendocino County Abandoned Vehicle Authority (“AVA”) in 1991 and the imposition of a fee on vehicles registered in Mendocino County, referred to as the AVA Fee; and

WHEREAS, these 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, Senate Bill 106, Chapter 175 of the Statutes of 2001, amended California Vehicle Code Sections 22710 and 9250.7 to allow an extension of the registration fees in increments of up to 10 years; and

WHEREAS, Senate Bill 106 requires a County’s Board of Supervisors, by a two-thirds vote, and the majority of cities with the majority of the incorporated population within the county to adopt resolutions approving an extension of the registration fees; 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; and

WHEREAS, the Board previously approved Resolution 12-104 on July 24, 2012, authorizing the placement of Measure G on the November 6, 2012, ballot to extend the collection of registration fees for a period of ten (10) years pursuant to 9250.7 VC and 22710 VC, which attained eighty (80) percent voter approval, and

WHEREAS, the current AVA Fee collection will sunset on April 30, 2024, and the County and cities within the County will be unable to recover a significant portion of the costs of abating nuisance vehicles; and

WHEREAS, the requisite number of cities have submitted resolutions to the County of Mendocino in support of the extension of the AVA Program, the Service Authority and renewal of the Annual Service Fee of one dollar on registered vehicles.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Supervisors 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.
2. The Board hereby orders that the question of whether the AVA Fee, as authorized by Vehicle Code sections 9250.7 and 22710, shall be renewed for ten (10) years, be submitted to a vote of the qualified electors of the County of Mendocino at the March 5, 2024, election.
3. There shall be included on the ballot to be marked by all Mendocino County voters, in addition to any other matters required by law, a ballot measure in substantially the following form:

MEASURE __. Renewal of the Abandoned Vehicle Abatement Program. Should the Mendocino County Abandoned Vehicle Abatement Program and associated fees (one dollar (\$1) per vehicle and an additional two dollars (\$2) for certain commercial vehicles) be renewed for a ten-year term for purposes of removal and disposal of abandoned and wrecked vehicles?	YES	
	NO	

A mark in the voting square after “YES” shall be counted in favor of the adoption of the proposed measure. A mark in the voting square after “NO” shall be counted against the adoption of the proposed measure.

4. The purpose of the election shall be for the voters in Mendocino County to vote on a measure as described herein.
5. The ballot to be used at the election shall be, both as to form and matter contained therein, such as may be required by law.
6. The County Clerk is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct this election.
7. The County Clerk shall fix and determine dates for submission of arguments for or against said proposed ordinance pursuant to the provisions of the Elections Code.
8. The County Clerk is further directed to take the necessary and appropriate action to provide the election officers, polling places, and voting precincts.
9. In accordance with Elections Code §9160, the elections official shall transmit a copy of the measure to the County Auditor and County Counsel.
10. In accordance with the provisions of the Elections Code of the State of California, the County Counsel is directed to prepare an impartial analysis of the measure and the County Auditor is directed to prepare a fiscal impact statement.
11. The polls for this election shall be open during the hours required by law and this election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law for the holding of County initiative elections.
12. Notice of the time and place of holding this election together with any other notices required by law shall be given by the County Clerk.
13. Arguments for and against the measure may be submitted in conformity with Elections Code §9161. et seq.
14. The County Registrar of Voters is hereby requested to consolidate the election with any and all other elections to be held on March 5, 2024, within Mendocino County. The Board of Supervisors requests the County Registrar of Voters to render all services specified under law, for which services the Board agrees to reimburse upon full presentation of a bill for such services.
15. The Clerk of the Board and the Chief Executive Officer are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the general election and appropriate all monies necessary for the Clerk of the Board, County Executive

Officer and County Clerk to prepare and conduct the general election in a manner consistent with state and local laws.

16. Upon approval of this measure by at least two-thirds of the registered voters voting on the measure, the Board will be authorized to impose the AVA Fee and submit this Resolution, together with certified results of the election, to the Department of Motor Vehicles to implement the charge without further action for an additional ten (10) years.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Gjerde, and carried this 28th day of March, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy