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OAKLAND

2013 APR 11 AM 8:51

AGENDA REPORT

TO: Deanna J. Santana
City Administrator

FROM: Howard A. Jordan
Chief of Police

SUBJECT: Alameda County Abandoned Vehicle
Abatement Authority (AVA)

DATE: March 21, 2013

City Administrator
Approval

Deanna Santana

Date

4/8/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff Recommends That The City Council approve a resolution authorizing: 1) the extension of the Alameda County Vehicle Abatement Authority (AVA) until May 31, 2023; 2) the City Administrator or her Designee to continue the Oakland Police Department's participation in the AVA; and 3) authorizing the City Administrator or her Designee to accept the City Of Oakland's share of California State Vehicle Registration Service Fee Funds as authorized by Vehicle Code Section 9250.7 and distributed through the AVA.

EXECUTIVE SUMMARY

Staff has prepared a report and resolution authorizing OPD's participation in the AVA Authority and the acceptance of Oakland's share of California state vehicle registration service fee funds.

The City Council authorized the participation of OPD and the acceptance of Oakland's share of California state vehicle registration service fee funds beginning in 1992 through 2013 with the passage of Resolutions No. 68678, 72853, and 77419 C.M.S.

The objective of this program is to reduce the number of abandoned vehicles (on private property) from Oakland neighborhoods, thus also reduce blight.

OUTCOME

Staff will continue to operate the Vehicle Abatement Program in the City of Oakland in accordance with OPD's policy.

Item: _____
Public Safety Committee
April 23, 2013

BACKGROUND/LEGISLATIVE HISTORY

In 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle abatement authorities, pursuant to the provisions of Section 22710 of the Vehicle Code. In 1993, AVA was formed, which allowed for the collection of a one dollar (\$1.00) annual vehicle registration service fee on vehicles registered in Alameda County. All cities and the unincorporated County are participating members of the AVA. The current program is set to expire in May 2013.

The AVA Program is designed to remove vehicles abandoned on private property that create blight and negatively impact the quality of life. The City of Oakland has been an active participant in this twenty year old program.

Vehicle registration fees are collected by the Department of Motor Vehicles and allocated to the AVA by the State Controller's Office pursuant to Section 9250.7 VC. Fees are then allocated to the AVA participating agencies based on an adopted formula involving their individual percentage of vehicles abated, population and land area in relation to the totals for these factors in the AVA as a whole.

Through the AVA, the City of Oakland receives approximately \$325,000, which it uses to support staff the respond to complaints of abandoned vehicles and abate the blight. The City of Oakland expects to continue to receive approximately \$325,000 per year for the next ten years and will use it to continue to support staff in this abatement effort.

The last implementation of the program was approved by the City Council on September 10, 2002 by Resolution No. 77419 C.M.S. The City Council's approval for the City to participate in the AVA is expiring in May 31, 2013; therefore the City is seeking an extension of this approval.

ANALYSIS

Since inception of the AVA, the City of Oakland received approximately \$6.5 million; representing about 39% of the total share AVA receives from the State to administer the program. The individual cities' shares are based on a formula set forth by the AVA. According to AVA, the 39% formula that applies to the City of Oakland has remained constant during the life of this program thus far.

Item: _____
Public Safety Committee
April 23, 2013

<i>Revenues and Expenditures To Date</i>	
Revenue	6,501,583
Expenditures	6,443,269
Net Difference (Over)/Under	58,314

In the last twelve quarters (4th Quarter 2009 through 3rd Quarter 2012), the following figures were submitted to the AVA:

<i>Time Period</i>	<i>Vehicles Abated</i>
4Q 2009	1,379
1Q 2010	2,672
2Q 2010	1,774
3Q 2010	2,095
4Q 2010	1,676
1Q 2011	1,776
2Q 2011	1,799
3Q 2011	1,571
4Q 2011	1,769
1Q 2012	3,149
2Q 2012	922
3Q 2012	1,607
Total	22,189

Had the Department not continued to receive this type of external funding during the above listed time period (3 years), a total 22,189 vehicles would have gone unabated and added blights to our community, thus potentially impacting the citizens in a negative manner.

POLICY ALTERNATIVES

<i>Alternative #1</i>	Accept the AVA funding
<i>Pros</i>	The ability to address abandoned vehicle and blight in Oakland neighborhoods continues
<i>Cons</i>	
<i>Alternative #2</i>	Do not accept the AVA funding
<i>Pros</i>	
<i>Cons</i>	Reduction in the Department's ability to address abandoned vehicles in the City of Oakland which may result in an increase in blight in the neighborhoods

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

Item: _____
 Public Safety Committee
 April 23, 2013

COORDINATION

Staff has consulted with OPD Fiscal, the City Attorney's Office and the Budget Office for the preparation of this report.

COST SUMMARY/IMPLICATIONS

Currently, the Oakland Police Department has allocated (1) sworn police officer and (2) civilian employees to the AVA program. Historically speaking, this has been a "break-even" zero cost program for the City of Oakland.

SOURCE OF FUNDING:

All revenues and appropriations for overtime will be allocated in the Vehicle Abatement Unit Fund (2172), Traffic Enforcement Division Organization (107510), Traffic Enforcement Program (PS14), in the Project (P36000). The program will be managed by the Traffic Operations Section Commander.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The following is a historical data table of AVA abated vehicles for the City:

	<i>2010</i>	<i>2011</i>	<i>2012 (thru Sep)</i>
<i>Vehicles abated</i>	8,217	6915	5678

SUSTAINABLE OPPORTUNITIES

Economic: A cleaner City will attract new business ventures which in turn will provide greater tax revenues to the City.

Environmental: The expeditious removal of inoperable "junk" vehicles will enhance the environmental and aesthetic quality of life in the City of Oakland. In addition, removal of these visual eyesores will remove potential breeding ground for various types of vermin and rodents.


Social Equity: Failure to remove abandoned and inoperable vehicles can lead to a phenomenon known as "Broken Windows;" whereby "at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left un-repaired; all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one un-repaired broken window is a signal that no one cares. Untended property becomes fair game for

people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who probably consider themselves law abiding.”¹

For questions concerning this report, please contact Lt. Peter Lau at 510-777-8637.

Respectfully submitted,



 Howard A. Jordan
Chief of Police
Oakland Police Department

Prepared by:
Lt. Peter Lau
Special Operations Division
Oakland Police Department

¹ “Broken Window” by James Q. Wilson and George L. Kelling, The Atlantic Monthly, March 1982

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Armadillo
City Attorney

2013 APR 11 AM 8:31 **RESOLUTION No. _____ C.M.S.**

RESOLUTION AUTHORIZING:

- 1) **THE EXTENSION OF THE ALAMEDA COUNTY VEHICLE ABATEMENT AUTHORITY (AVA) UNTIL MAY 31, 2023;**
- 2) **THE CITY ADMINISTRATOR OR HER DESIGNEE TO CONTINUE THE OAKLAND POLICE DEPARTMENT'S PARTICIPATION IN THE AVA; AND**
- 3) **AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ACCEPT THE CITY OF OAKLAND'S SHARE OF CALIFORNIA STATE VEHICLE REGISTRATION SERVICE FEE FUNDS AS AUTHORIZED BY VEHICLE CODE SECTION 9250.7 AND DISTRIBUTED THROUGH THE AVA**

WHEREAS, pursuant to Vehicle Code Section 22710 (VC 22710), the Alameda County Abandoned Vehicle Abatement Authority (AVA) was formed as a service authority in 1993 for the abatement of abandoned vehicles; and

WHEREAS, the City of Oakland (City) is an active member in good standing of the AVA; and

WHEREAS, legislation signed by the Governor of the State of California on August 12, 2001 allows for a ten year extension of the AVA program; and

WHEREAS, the City Council has authorized participation of the Oakland Police Department and acceptance of the City's share of California state vehicle registration service funds collected by the AVA beginning in 1993 and subsequently reauthorized through 2013 with the passage of Resolutions Numbers 68678, 72853 and 77419; and

WHEREAS, during the AVA program's 19 plus years as authorized by Vehicle Code Section 9250.7, the City of Oakland has received a total of approximately \$6.5 million as its share of the collected service fee funds which allowed for the abatement of approximately 125,000 abandoned vehicle from Oakland neighborhoods; and

WHEREAS, the AVA program is set to expire in May 31, 2013; and

WHEREAS, approval by Alameda County and a majority of the cities comprising a majority of the population of the incorporated areas within the county is required in order to continue the AVA and annual collection of a one dollar (\$1.00) vehicle registration fee on vehicles registered within Alameda County; and

WHEREAS, it is a benefit to the City to have the AVA program continue and for the City of Oakland to remain an active participant in the program; now, therefore be it

RESOLVED: That the City Council authorizes the extension of the Abandoned Vehicle Abatement (AVA) program until May 31, 2023; and be it

FURTHER RESOLVED: That the City Council also authorizes the City Administrator to continue Oakland Police Department's participation in the AVA; and be it

FURTHER RESOLVED: That the City Council also authorizes the City Administrator or her designee to accept of the City’s share of California state vehicle registration fee funds as authorized by Vehicle Code Section 9250.7 and distributed through the AVA Program, and be it

FURTHER RESOLVED: That the City Council urges the Alameda County Board of Supervisors and all City legislative bodies within the County of Alameda to adopt similar legislation to extend this important program.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KAPLAN, KALB, GIBSON MCELHANEY, SCHAAF, REID, AND PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California