

RESOLUTION NO. 3557-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONCURRING IN ESTABLISHMENT AND OPERATION OF MENDOCINO COUNTY ABANDONED VEHICLE ABATEMENT PROGRAM UPON VOTER APPROVAL OF COUNTY REGISTRATION FEE

WHEREAS, the Abandoned Vehicle Abatement Program is a State of California program whereby counties and incorporated communities can receive funding to help defray the costs of removing abandoned vehicles within their jurisdictions; and

WHEREAS, in 1991, the City of Fort Bragg ("City") adopted Resolution 1863-91 supporting the establishment of the Mendocino County Abandoned Vehicle Abatement Service Authority and the County duly adopted the Authority and a fee to fund the Authority; and

WHEREAS, in 2001, the City adopted Resolution 2531-2001 supporting the extension of the fee for an additional ten years through April 30, 2012; and

WHEREAS, the County desires to continue administering the Authority and imposing the fee; and

WHEREAS, the passage of Proposition 26 added a new definition of "tax" under the California Constitution and County Counsel has opined that the Authority's fee is a tax requiring voter approval; and

WHEREAS, pursuant to Section 22710(h) of the California Vehicle Code, the County is requesting a majority of the cities consisting of a majority of the incorporated population of the County adopt resolutions agreeing to the continuation of the Authority and imposition of the fee upon approval of the voters; and

WHEREAS, the City has determined that supporting an extension of the Authority and imposition of the fee will assist in the abatement of nuisance vehicles in the City; and

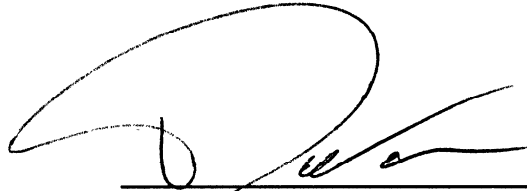
WHEREAS, the decision to establish and operate the Authority, and authorize a ballot measure approving the fee, is subject to the discretion of the County Board of Supervisors and, therefore, this Resolution is not subject to environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby:

1. Concur in the establishment and operation of the Mendocino County Abandoned Vehicle Abatement Program and in the imposition of a fee upon approval of the voters at an election to be scheduled by the Mendocino County Board of Supervisors; and
2. Direct the City Clerk to transmit a certified copy of this Resolution to the Clerk of the County Board of Supervisors.

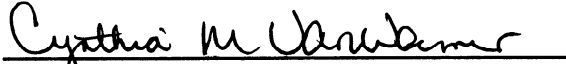
The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of July, 2012, by the following vote:

- AYES:** Councilmembers Courtney, Deitz, Gjerde, Hammerstrom, and Mayor Turner.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk