



**OFFICE OF THE CITY CLERK**

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**CITY COUNCIL STAFF REPORT**

Meeting: July 22, 2024

Subject

Approval of lien assessment and collection of fees on private parcels resulting from abatement of public nuisance (weeds and/or brush) for the annual Weed and Brush Abatement Programs.

Recommended Action

1. Conduct a public hearing to consider objections from any property owners listed on the assessment report; and
2. Adopt Resolution No. 24-\_\_\_ approving the lien assessment and collection of fees on private parcels for the annual Weed and Brush Abatement Programs.

Reasons for Recommendation

The lien assessment and collection process includes both the Weed Abatement Program and the Brush Abatement Program. The primary function of these programs is to work with property owners to ensure that brush, dry weeds and dead vegetation are cleared before the start of the fire season. Only properties that have not met the requirements of the two programs are listed in the assessment report. On July 9, 2024, the County filed with the City the report and assessment list of all costs associated with the abatement of weeds, brush, and/or combustible debris (Attachment B - Assessment Report). On July 11, 2024, the City Clerk’s Office mailed notification letters to the property owners identified on the Assessment Report informing them of the hearing date (Attachment D - City Mailed Hearing Notice). If Council adopts the Draft Resolution (Attachment A) approving the lien assessment and collection of fees on private parcels, the County will be able to achieve full cost recovery through an assessment of the property tax bill for each parcel.

*Weed Abatement Program*

The Weed Abatement Program is conducted in partnership with the Santa Clara County Department of Agriculture. Chapter 9.08 of the Cupertino Municipal Code and requires property owners to remove or destroy hazardous weeds on their property for fire protection. Properties that are not in compliance with the program requirements are required to correct the conditions within a set deadline. If the property owner does not

remove the weeds by the deadline, then the County is authorized to do so and to recover the cost of abatement from the property owner.

#### *Weed Abatement Program Process for Initial Inspection Fees*

Every property in the Weed Abatement Program receives an initial inspection by the County after April 30 to determine if weeds have been properly abated. All parcels in the program are subject to a County administrative fee (initial inspection fee) to cover the County's cost of servicing the property. The County's inspection fee for the 2024 season is \$96. This hearing will consider approval of a lien assessment and collection of fees on any properties that incurred costs for the County to abate nuisance (Attachment B – Assessment Report). If adopted, the draft resolution approving the lien assessments and allows the County to collect fees on private parcels for the annual Weed and Brush Abatement Programs; and

#### *Brush Abatement Program*

The Brush Abatement Program is managed by the Santa Clara County Fire Department and is separate from the Weed Abatement Program. Section 16.40.200 of the Cupertino Municipal Code requires property owners in the locally adopted Wildland-Urban Interface Fire Area (WUI) to maintain effective defensible space by removing brush, flammable vegetation and combustible growth as required by the fire code official due to steepness of terrain or other conditions. The County is authorized to remove the brush if the property owner does not do so and to recover the cost of abatement from the property owner. This year there were no parcels from the Brush Abatement Program on the assessment report.

#### Process for Weed Abatement Program Outlined

The process consists of nine steps that begin in November and go through August of each year. The steps in the process are outlined below. At this time the process is at Step No. 9.

1. County prepares a report of all properties that have been non-compliant in removing weeds in the last three years and provides that report to the City and the City sets a January hearing date (November-December)
2. County sends a notice to the property owners on the report notifying them of the hearing date and explaining that they must remove or destroy weeds by the abatement deadline of April 30, 2024 or it will be done for them, with cost of the abatement plus administrative costs assessed to their property (December).
3. City sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline. (January).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution declaring weeds a public nuisance and ordering abatement (January) (Attachment C – Adopted Resolution Ordering Abatement).

5. County sends a courtesy letter to property owners listed on the report, notifying them again of the abatement deadline, and noting that they will work with the property owner to be sure the weeds are removed (January-February).
6. City sends a courtesy letter to property owners listed on the report, reminding them of the abatement deadline (March).
7. After April 30, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the property fails the inspection. The County makes a report of all costs associated with the abatement and provides that report to the City (June-July) (Attachment B - Assessment Report).
8. City notifies the property owners listed on the assessment report, notifying them of the hearing date. (July-August) (Attachment D – City Mailed Hearing Notice)
9. City Council holds a hearing, considers any disputes, and adopts a resolution placing a lien assessment on the properties to allow the County to recover the cost of weed and/or brush abatement (July-August) (Attachment A – Draft Resolution).

#### Fiscal Impact

There is no fiscal impact. The Santa Clara County Department of Agriculture service expenses are recovered through the Weed Abatement Program administrative fees charged to property owners. On November 21, 2023, the Council approved service level reductions defunding the Weed Abatement subsidy of \$8,600 annually. All parcels in the Weed Abatement Program are subject to a county administrative fee (initial inspection fee). In previous years, the administrative fee would be waived for any property that was abated before the April 30 deadline. The waived fees would be billed to the City by the County to cover their cost of servicing the property. The City will no longer cover these costs.

#### Sustainability Impact

No sustainability impact.

#### California Environmental Quality Act

The weed abatement program is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15304 (minor alterations to land) and section 15321 (enforcement actions by regulatory agencies).

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Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Pamela Wu, City Manager

Attachments:

- A - Draft Resolution and Exhibit A
- B - Assessment Report (Exhibit A)
- C – Adopted Resolution Ordering Abatement
- D – City Mailed Hearing Notice