



## OFFICE OF THE CITY CLERK

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## CITY COUNCIL STAFF REPORT

Meeting: May 3, 2022

### Subject

Consideration of Amended and Restated Agreement with the County of Santa Clara for Weed Abatement Services

### Recommended Action

Authorize the City Manager to execute an Amended and Restated Agreement with the County of Santa Clara to continue the Weed Abatement Program in Cupertino

### Discussion

The Santa Clara County Department of Agriculture and Environmental Management administers the Cupertino Weed Abatement Program and provides for the abatement of public nuisance hazardous weeds and brush on private properties. An Agreement between the City and the County for the Abatement of Weeds was previously entered into on March 1, 1976, and amended on May 4, 1981, February 15, 1983, January 14, 1996, August 18, 1998, September 7, 1999, January 12, 2001, and March 2, 2010 (Attachment B). The agreement provides for the County to recover its service costs in managing the City's weed abatement program. The agreement has been periodically amended to modify the charge for the County's program costs.

On March 28, 2022, the County submitted an Amended and Restated Agreement in order to obligate all program participants to reimburse it for any shortfalls in the program (Attachment A). The proposed agreement will apply to the County's unincorporated areas and 12 contract cities participating in the County Program. These cities include Campbell, Cupertino, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Gilroy, Palo Alto, San Jose, Santa Clara, Saratoga, and Unincorporated Santa Clara County. The County has set forth a cap for each jurisdiction for Fiscal Year (FY) 2022 that is proportional to each jurisdiction's program cost. Cupertino's percentage of the overall program for FY 2022 is 6.9%, with a maximum shortfall this year of \$46,574.24. Cupertino's percentage is based on the number of parcels that will be serviced (inspected) by the County in the 2022 season. The percentages will be re-evaluated annually

according to the number of parcels served. Cupertino would not be subject to any amount over the estimated percentage of properties in the program. In 2021, Cupertino's percentage of the overall program was 6.5% and the cost to operate in Cupertino was \$43,874.29. The County recovered all costs and the City was not required to pay any of this amount.

If approved, the agreement would continue until terminated or until superseded by any subsequent amendments. As an alternative to approval of the agreement, Cupertino can choose to independently run the program which would be more costly.

#### Fiscal Impact

A maximum shortfall this year of \$46,574.24 to fund Cupertino's percentage of the County's cost to operate the Weed Abatement Program for FY 2022.

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Prepared by: Kirsten Squarcia, City Clerk

Reviewed by: Michael Woo, Senior Assistant City Attorney

Approved for Submission by: Dianne Thompson, Assistant City Manager

#### Attachments:

A - Draft Agreement

B – Seventh Amendment to Agreement for the Abatement of Weeds