



**OFFICE OF THE CITY CLERK**

CITY HALL

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**CITY COUNCIL STAFF REPORT**

Meeting: August 1, 2017

Subject

Hearing to approve assessment of fees on private parcels for the annual weed abatement program

Recommended Action

Conduct hearing and adopt the Draft Resolution approving the assessment of fees on private parcels for the annual weed abatement program

Discussion

Chapter 9.08 of the Cupertino Municipal Code requires property owners to remove or destroy weeds on their property for fire protection. The weed abatement process is in place to notify the property owners of this responsibility, authorize the County to remove the weeds if the property owner doesn't, and allow the County to recover the costs of abatement.

In addition, the Cupertino Municipal Code Section 16.40.480 requires property owners in the locally adopted Wildland-Urban Interface Fire Area to maintain effective defensible space by removing brush, flammable vegetation and combustible growth when required by the fire code official due to steepness of terrain or other conditions. The Cupertino brush abatement program is a separate program from the County Weed Abatement Program and authorizes the County Fire Department to remove the brush if the property owner doesn't and to recover the costs of abatement. This year there were no parcels on the list.

The assessment process includes both the County Weed Abatement Program and the Cupertino brush abatement program. The process consists of eight steps that begin in November and go through August of each year. At this time the process is at Step No. 8 on the list. Attached is a copy of the draft resolution showing the list of properties on the Assessment Report.

1. County prepares a list of all properties that have been non-compliant in removing weeds in the last three years and provides that list to the City (Nov).
2. City Council adopts a resolution declaring weeds a nuisance and setting a hearing date to hear objections by property owners to having their name on the list (Nov-Dec).

3. County sends notice to the property owners on the list notifying them of the hearing date and explaining that they must remove weeds by the abatement deadline of April 30 or it will be done for them, and the cost of the abatement plus administrative costs assessed to their property (Dec).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution ordering abatement (Jan).
5. County sends a courtesy letter to property owners on the list notifying them again of the abatement deadline and noting that they will work with the property owner to be sure the weeds are removed (Jan).
6. After April 30, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County makes a list of all costs associated with the abatement and provides that list to the City (June-July).
7. City notifies the property owners on the assessment list notifying them of the hearing date. (July-Aug).
8. City Council holds a hearing, notes any disputes, and adopts a resolution putting a lien assessment on the properties to allow the County to recover the cost of weed abatement (July-Aug).

#### Fiscal Impact

Any fees waived by the Council will be billed to the City by the County to cover their cost of servicing the property.

#### Sustainability Impact

None

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Prepared by: Kirsten Squarcia, Deputy City Clerk

Reviewed by: Grace Schmidt, City Clerk

Approved for Submission by: David Brandt, City Manager

#### Attachments:

A - Draft Resolution

B - Assessment Report