



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: July 20, 2021

Subject

Hearing to consider 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

Conduct a hearing to consider objections from any property owners listed on the revised assessment report; and adopt the Draft Resolution approving the lien assessment and collection of fees on private parcels for the annual Weed and Brush Abatement Programs to allow the County to recover the cost of abatement.

Discussion

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.

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 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. If a property listed is abated before the April 30 deadline then the County administrative fee (initial inspection fee) is waived.

Weed Abatement Program New 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. The County's inspection fee for the 2021 season is \$84. On November 2, 2020, the City Council modified the Weed Abatement Program process so the City will pay the initial inspection cost if a property passes the initial inspection by the April 30 deadline. The City Council approved a budget appropriation to cover these costs as well as to supplement outreach for the Program. This year 94 properties were found to be compliant and passed the initial inspection (Attachment C – Passed Inspection Report). The total cost for those properties was \$7,896, which is within the \$8,886 budget appropriation. Accordingly, the inspection costs will be paid by the City and those properties have been removed from the Revised Assessment Report and are not included for consideration at this hearing. This hearing will consider approval of a lien assessment and collection of fees on properties that did not pass the initial inspection and thus incurred costs for the County to abate the nuisance.

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 and Brush Abatement Programs Outlined

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 July 2, 2021, 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 6, 2021, the City Clerk's Office mailed notification letters to the property owners on the list, informing them of the hearing date (Attachment F – City Mailed Hearing Notice). On July 14, 2021, the County filed with the City a report of properties that passed inspection and the costs associated with the initial inspection for payment by the City (Attachment C – Passed Inspection Report). The County also filed with the City a Revised Assessment Report of properties that did not pass inspection and the associated abatement costs (Attachment D).

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 (Nov)
2. City Council adopts a resolution declaring properties as having potential fire hazards or other potential nuisances from weeds and sets hearing to declare public nuisance and to consider objections for proposed removal (Nov-Dec).

- 3.1 County sends 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, 2021 or it will be done for them, with cost of the abatement plus administrative costs assessed to their property (Dec).
- 3.2 City sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline. If a property is abated before the April 30 deadline then the initial inspection fee will be waived. (Jan).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution declaring weeds a public nuisance and ordering abatement (Jan) (Attachment E - Adopted Resolution Ordering Abatement).
- 5.1 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 (Jan-Feb).
- 5.2 City sends a courtesy letter to property owners listed on the report, reminding them of the abatement deadline and that the initial inspection fee will be waived if the property is abated before the deadline (Mar).
6. 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). The County also provides a report of costs associated with the initial inspection fee for compliant properties, for payment by the City (Attachment C – Passed Inspection Report) and a Revised Assessment Report that includes properties that failed the inspection and associated costs proposed to be assessed (Attachment D).
7. City notifies the property owners listed on the assessment report, notifying them of the hearing date. (July-Aug) (Attachment F – City Mailed Hearing Notice).
8. 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-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. The initial inspections costs amount for compliant properties is \$7,896. These costs are funded by the General Fund. Material costs for supplemental mailings by the City is approximately \$300.

Sustainability Impact

There is no sustainability impact.

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A - Draft Resolution and Exhibit A-1 (Revised Assessment Report)

B - Assessment Report

C – Passed Inspection Report

D – Revised Assessment Report

E - Adopted Resolution Ordering Abatement

F – City Mailed Hearing Notice