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DATE: October 7, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Jessica Power, Fire Marshal  
Jeff Schach, Fire Chief

SUBJECT: Public Hearing and Action to Adopt a Resolution Confirming the Cost of Abatement of Hazardous Vegetation and Rubbish and Confirming Approval of the Forwarding of Unpaid Bills to the County Assessor's Office for Collection as Assessments

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### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Resolution confirming the cost of abatement of hazardous vegetation and rubbish and confirming approval of the forwarding of unpaid bills to the County Assessor's Office for collection as assessments.

### **BACKGROUND**

The City has an effective hazardous vegetation and rubbish abatement program, as authorized in Chapter 10.70 of the Petaluma Municipal Code. Under this program, the clearing of public and private property, depending on weather, must be accomplished by mid-May or early June of any given year and maintained until the first major rains of fall. This greatly reduces the fuel/fire load available and significantly reduces the threat and risk from fire.

Property owners are encouraged to remove overgrown weeds and/or combustible vegetation growing upon their properties themselves or by a contractor of their choosing. When this does not occur in a timely manner, the City's hazardous vegetation and rubbish contractor, under the direction of the Fire Marshal's Office, conducts the abatement. During the 2024 Hazardous Vegetation and Rubbish Abatement Season, properties (City and private) identified as requiring abatement and respective owners were notified by mail to abate hazardous vegetation and rubbish with a removal deadline of May 31, 2024. Property inspections began June 1, 2024.

### **DISCUSSION**

A public hearing was held on April 8, 2024, for the benefit of the affected parcels listed on the original hazardous vegetation and rubbish master list. A subsequent hearing was held on July 1, 2024 for additional parcels that were added to the list by inspectors in the field.

Of the affected parcels notified, a total of twenty-six (26) parcels were abated in 2024 by the City's contractor during the hazardous vegetation and rubbish abatement season. Invoices for service were issued to the private parcel owners. Pursuant to Chapter 10.70 of the Petaluma Municipal Code, failure to remit payment will result in any unpaid amounts being attached to that specific parcel's future property tax bill by the County Assessor's Office. For the 2024 hazardous vegetation and rubbish abatement season there were sixteen (16) parcels that were abated that failed to remit payment for a total amount of \$15,971.00. None of these 16 parcels are within 500 feet of any Council Members' property.

If the invoices remain unpaid, they will be forwarded to the Assessor's Office. Chapter 10.70 of the Petaluma Municipal Code requires that the City Council hold a public hearing to hear objections by private owners about the cost of abatement performed on their property.

It is recommended that the City Council consider any objections or comments offered at the public hearing and adopt the attached Resolution confirming the approval of the forwarding of any unpaid hazardous vegetation and rubbish abatement bills to the County Assessor's Office.

### **PUBLIC OUTREACH**

This agenda item appeared on the City's tentative agenda document on September 16, 2024 which was a publicly noticed meeting. On April 8 and July 1, 2024, the City Council held public hearings to hear any objections to the list of affected parcels. There were no objections. All property owners on the original and additional lists were notified by letter mailed via USPS of the hazardous vegetation and rubbish abatement deadline and that failure to remit fees due would result in a special assessment placed on a secured property tax roll. All invoices mailed to property owners after abatement stated amount due and that amounts not received by the due date would be referred to the County Tax Assessor's Office for payment. Additionally, for this hearing the City complied with the noticing requirements of Government Code Section 39575 requiring a copy of the cost report to be posted at City Hall.

### **COUNCIL GOAL ALIGNMENT**

The proposed action supports the following City Council Goals, Objectives, and Workplan Items:

A Safe Community that Thrives

OBJECTIVE 1: maintain and enhance public safety and prepare for emergencies and disasters, through crime and fire prevention and traffic safety.

Workplan Item #74. Evaluate all City facilities, including Police and Fire stations and corporation yard facilities; and develop maintenance and replacement recommendations.

Workplan Item #78. Improve public safety through proactive crime and fire prevention activities.

### **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

There are no climate action or sustainability impacts associated with this item.

### **ENVIRONMENTAL REVIEW**

Compliance with the California Environmental Quality Act (CEQA) for the 2024 hazardous vegetation and rubbish abatement program was already analyzed at the April 8, 2024 City Council meeting and the statute of limitations has run out. Regardless, this action of confirming the hazardous vegetation and rubbish abatement cost report and forwarding the costs to the County to assess is exempt from CEQA because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is a fiscal and administrative activity pursuant to CEQA Guideline section 15378.

### **FINANCIAL IMPACTS**

The hazardous vegetation and rubbish abatement program is designed to recover the majority of costs. For 2024, the total program charges were \$27,914.00, including \$21,664.00 for services provided by the City's hazardous vegetation and rubbish abatement contractor, and \$6,250.00 in administrative fees. The total program cost including staff time managing the program in its entirety was \$52,261.68. For the 2024 hazardous vegetation and rubbish abatement season there were sixteen (16) parcels that were abated that failed to remit payment for a total amount of \$15,971.00. If the invoices remain unpaid, they will be forwarded to the Assessor's office. Unpaid invoices are forwarded to the County Assessor's Office to be attached to that specific parcel's future property tax bill as a special assessment.

### **ALTERNATIVES**

The alternative to the item would be to not conduct the public hearing and not place a lien for the cost of abatement, which may encourage property owners in the future to not perform hazardous vegetation and rubbish abatement on their own properties.

### **ATTACHMENTS**

1. Resolution with Exhibit A
2. Cost Report