



DATE: October 2, 2023

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 Weeds and Confirming Approval of the Forwarding of Unpaid Bills to the County Assessor's Office for Collection as Assessments

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution confirming the cost of abatement of weeds 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 weed abatement program. The weed abatement program is permitted by California Government Code section 39560 et. seq. 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 weed contractor, under the direction of the Fire Marshal's Office, conducts the abatement. During the 2023 Weed Abatement Season, properties (City and private) identified as requiring abatement and respective owners were notified by mail to abate weeds. The weed removal deadline was May 31, 2023. Property inspections began June 1, 2023.

DISCUSSION

A public hearing was held on April 17, 2023, for the benefit of the affected parcels listed on the original weed master list. Of the affected parcels notified, a total of forty-one (41) parcels were abated in 2023 by the City's weed contractor during the weed season. Invoices for service were

issued to the private parcel owners. Pursuant to Government Code Section 39573 and municipal weed abatement regulations, 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 2023 weed abatement season there were twenty-five (25) parcels that were abated that failed to remit payment for a total amount of \$19,175.88. None of these 25 parcels are within 500 feet of any Council Members' property.

If the invoices remain unpaid, they will be forwarded to the Assessor's Office. State law requires that the City Council hold a public hearing to hear objections by private owners about the cost of weed abatement performed on their property. (Government Code Section 39576).

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 weed abatement bills to the County Assessor's Office.

PUBLIC OUTREACH

On April 3, 2023, the City Council approved Resolution No. 2023-042 N.C.S. which declared that weeds growing upon parcels of public and private property are a public nuisance requiring abatement and set for April 17, 2023, and, if necessary, July 17, 2023, as Public Hearing dates. On April 17, 2023, a Public Hearing was held to hear any objections on the original affected parcels weed abatement list. There were no objections. A second hearing on July 17, 2023, held to hear any objections to the one (1) additional parcel that was noticed. There were no objections. All property owners on the original weeds master list and additional list were notified by letter mailed via USPS of the weed 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 which required 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 is no climate action or sustainability impacts associated with this item.

ENVIRONMENTAL REVIEW

Compliance with the California Environmental Quality Act (CEQA) for the 2023 weed abatement program was already analyzed at the April 17, 2023 City Council meeting and the statute of limitations has run out. Regardless, this action of confirming the weed 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 weed abatement program is designed to recover the majority of costs. For 2023, the total program charges were \$47,128.88, including \$36,808.88 for services provided by the City's weed abatement contractor, and \$10,320.00 in administrative fees. The total program cost including staff time managing the program in its entirety was \$80,582.84. For the 2023 weed abatement season there were twenty-five (25) parcels that were abated that failed to remit payment for a total amount of \$19,175.88. 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. (Government Code Section 39577).

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 weed and rubbish abatement on their own properties.

ATTACHMENTS

1. Resolution with Exhibit A
2. Cost Report