



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	2021 Weed Abatement Public Hearing and Adopt a Resolution to Abate the Weeds
Category:	Public Hearings - Public Safety
Meeting Date:	3/2/2021
Staff Contact:	Albert Zamora, Deputy Fire Chief / Fire Marshal, (408) 586-3371
Recommendation:	Conduct a Public Hearing and adopt a resolution directing the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

Background:

On February 2, 1976, both the City of Milpitas and the County of Santa Clara entered into an Agreement for the County to abate weeds for the City of Milpitas. The purpose of the Agreement is to promote the efficiency and economy of operations in the abatement of weeds by the City and the County.

Per the agreement, the major procedural functions to be performed by the County and / or City shall include but are not limited to:

1. The County shall prepare the list of parcels requiring abatement of weeds in the City and transmit the said list to the City for review and approval for processing.
2. The County shall prepare the notice of weed abatement and cause such notice to be mailed to the owners of the parcels requiring weed abatement.
3. The City Council shall conduct public hearings on the proposed removal of weeds pursuant to the provisions of the City Ordinance when the City Fire Marshal presents such appropriate resolutions for adoption. The City Council may by resolution declare the weeds on the respective parcels of the land as nuisance, and make the determination to proceed with the abatement of weeds, and authorize the performance of the service to remove the weeds in accordance with the aforementioned Agreement.
4. Upon proper authorization by the City, the County shall remove the weeds on the designated properties.
5. The County shall render to the City an itemized assessment report for the cost of the weed abatement services performed per the respective parcels.
6. The City Council, after a public hearing, shall require the County Assessor's Office to include the costs of the weed abatement services performed for the City for the current year, as a special assessment on bills for taxes levied against the affected parcels. Such special assessments shall be liens on the respective properties.
7. Pursuant to California Health and Safety Code 14915, a copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such

confirmation, and the auditor shall enter the amounts of the assessments against the respective parcels of land as they appear on the current assessment roll, (Amended by Stats. 1939, Ch. 354).

The City of Milpitas is the Authority Having Jurisdiction (AHJ) relative to the enforcement and abatement of overgrown vegetation and weeds throughout the city limits, both public and private, except for the following agencies:

1. **California Department of Transportation** – On / Off ramps, certain areas under joint contractual agreements between City of Milpitas Public Works Department and Cal-Trans, embankments, and right of ways along the 880 and 680 Freeways.
2. **Santa Clara Valley Water District** – All creeks and associated tributary waterways.
3. **San Jose Roads and Airports** – Medium strip along Montague Expressway after the Freeway 680 Overpass (heading east bound) to Dempsey Rd.

Analysis:

On February 2, 2021, the City Council adopted Resolution No. 9038 declaring weeds on certain described properties (see Exhibit A of the attached Resolution) to be a public nuisance, and to set a public hearing for March 2, 2021. A copy of the resolution was forwarded to the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program (County). Furthermore, a notice for the public hearing was sent by the City Clerk's Office to the local newspaper for publication, as well as mailed to the affected property owners of the proposed abatement by the City of Milpitas and the County. The purpose of the public hearing is for the parcel owners who object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the City Council's agenda packet along with a resolution directing the County to abate the weeds.

Fiscal Impact:

At the first City Council meeting in August or earlier of each year during a public hearing, the City's municipal code requires that the City Council hear the assessment report for the list of weeds abated within the City, together with any objections of the property owners liable to be assessed, and to make such modifications on the proposed assessment as it deems necessary. Following adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes.

California Environmental Quality Act:

This project is exempt from CEQA.

Recommendations:

1. Open the Public Hearing for public comment and close the Public Hearing.
2. Adopt a resolution directing the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

Attachment:

Resolution with attached Exhibit A - 2021 Weed Abatement Program Commencement Report (46 parcels) for the City of Milpitas