



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct the 2019 Weed Abatement Assessments Public Hearing and Adopt a Resolution to Confirm the Assessment Report
Category:	Public Hearings-Public Safety
Meeting Date:	8/9/2019
Staff Contact:	Albert Zamora, Deputy Fire Chief / Fire Marshal, 408-586-3371
Recommendation:	Conduct a Public Hearing and Adopt a Resolution Confirming the 2019 Weed Abatement Assessment Report and the Assessment List to be Entered into the Tax Assessment Rolls

Background:

On February 2, 1976, an Agreement was established and approved to abate weeds by the County of Santa Clara 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.

The major procedural functions to be performed by the County and / or City shall include but not be 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 adoption of a resolution, declare the weeds on the respective parcels of the land as a public 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. 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).
7. 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.

Analysis:

On March 5, 2019, the City Council adopted Resolution No. 8851 declaring noxious or dangerous weeds growing upon certain described property to be a public nuisance that must be abated by the removal of the weeds. If the public nuisance was not removed from the properties by the owner, the City contracted with the County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program (County) to remove the weeds and abate the nuisance. In accordance with Title V, Chapter 202 of the Milpitas Municipal Code, the County filed with the City Clerk a report and assessment list on weeds abated within the City as nuisances. 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 by the Fire Marshal's Office pursuant to Milpitas Municipal Code Section V-202-9.00.

The City's Municipal Code requires that the City Council hear the report together with any objections of the property owners liable to be assessed and 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. A copy of the assessment list and the proposed resolution confirming the weed abatement report are included in the Council's agenda packet.

Policy Alternative:

There are no policy alternatives other than what is outlined under the Recommendations section. Pursuant to the February 2, 1976 Agreement, the County under the provisions of the Health and Safety Code of the State of California and its ordinance has the authority to enforce the abatement of weeds. Likewise, the City under the California Fire Code and Milpitas Municipal Code, Title V, Chapter 202 has the authority to enforce the abatement of weeds.

The County and City will apply their respective standard operating procedures as well as best management practices that is afforded to each agency, and to the extent that ensures public safety with respect to the abatement of weeds.

Fiscal Impact:

At the first City Council meeting in August of each year during a public hearing, the City's municipal code provides 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 Confirming the 2019 Weed Abatement Assessment Report and the Assessment List to be entered into the Tax Assessment Rolls.

Attachment: Resolution + Exhibit A1 - 2019 Weed Abatement Assessment List of properties (Report for the City of Milpitas)