

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
CONFIRMING THE 2018 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT AND THE ASSESSMENT**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, in accordance with the provisions of Section 8.15.080 of “The Code of the City of Santa Clara, California,” (“SCCC”) the Fire Chief duly published and posted a Notice to Destroy Weeds on January 10, 2018 giving notice to the designated property owners to remove all weeds from their property in abutting half of the street in fronts and alleys, if any, behind their property and between lot lines as extended, or weeds would be destroyed or removed and the nuisance abated by City authorities;

WHEREAS, the Notice to Destroy Weeds also advised that if the City is required to perform weed abatement, the cost of the destruction or removal, including an administrative fee, will be assessed upon the lots or lands from which weeds have been destroyed or removed, and such costs shall constitute a lien upon said lots until paid, or will be collected upon the next tax roll upon which general municipal taxes are collected;

WHEREAS, the City Council held a hearing on January 23, 2018 to consider all objections to the proposed destruction or removal of such weeds, and at the hearing, the City Council did, by Resolution No. 18-8489, order the County Agricultural Commissioner to abate nuisances designated under SCCC Chapter 8.15, or cause the same to be abated by having the weeds destroyed or removed by cutting, disking, chemical spraying, or any other method as may be determined by the City Manager or his designee;

WHEREAS, affected property owners have been requested to destroy or remove the weeds at the property owner’s expense and removal of weeds was required to have taken place prior to the inspection of the County Agricultural Commissioner or his authorized representatives;

WHEREAS, following said inspection which revealed that property owners had failed to remove the weeds, the County Agricultural Commissioner caused the weeds to be removed;

WHEREAS, the County Agricultural Commissioner sent the 2018 Weed Abatement Program Assessment Report to the City and filed the report with the City Clerk referring to each separate lot or parcel of land by description sufficient to identify it, together with the costs proposed to be assessed against it;

WHEREAS, pursuant to SCCC Section 8.15.080, the City Clerk timely posted the report and published the Notice of Hearing on the report which includes assessment for weed abatement and opportunity to object;

WHEREAS, the Notice of Hearing on report and assessment for weed abatement further specified the day, hour, and place as July 10, 2018 for when the assessment list and report would be presented to the City Council for consideration and confirmation and that any persons interested who have an objection to the report and assessment list may appear at the designated time and place to be heard; and,

WHEREAS, the hearing has been held, and the report has been considered by the City Council along with any other statements by staff, and all objections or protests have been heard and duly considered.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS

FOLLOWS:

1. That all of the protests or objections of every kind and nature to the 2018 Weed Abatement Program Assessment Report and Assessment List are hereby overruled or denied.
2. That the 2018 Weed Abatement Program Assessment Report of the County Agricultural Commissioner attached herein as Exhibit A is hereby confirmed.
3. That the list of the properties on the 2018 Weed Abatement Program Assessment Report shall be assessed in the amount listed with the property description on the report.
4. That pursuant to the provisions in SCCC Chapter 8.15, if the cost assessed against each of the properties is not paid with applicable property taxes, a lien shall be placed on the property. The lien shall continue until the assessment and any or all interest or penalties is paid, or until it

is discharged of record.

5. The City Manager or her designee and the Chief of the Fire Department, are hereby directed to provide a copy of this Resolution to the County Agricultural Commissioner of the County of Santa Clara, California, who shall enter the amount on the County Assessment Records opposite the description of the particular property, and the amount shall be collected together with all other taxes against the property.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

| | |
|------------|-------------|
| AYES: | COUNCILORS: |
| NOES: | COUNCILORS: |
| ABSENT: | COUNCILORS: |
| ABSTAINED: | COUNCILORS: |

ATTEST: _____
 JENNIFER YAMAGUMA
 ACTING CITY CLERK
 CITY OF SANTA CLARA

Attachments incorporated by reference:
 1. Exhibit A – 2018 Weed Abatement Program Assessment Report
 S:\Attorney\RESOLUTIONS\Form Resolution-City.doc