



Agenda Report

22-1632

Agenda Date: 1/11/2022

REPORT TO COUNCIL

SUBJECT

Action on Adoption of a Resolution Declaring Weeds a Public Nuisance; Approval of the Amended and Restated Agreement between Santa Clara County and the City of Santa Clara for Weed Abatement Services; and Setting February 8, 2022 for Public Hearing

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

The City of Santa Clara has deemed the overgrowth of weeds on properties within the City a public nuisance. The City mandates that property owners conduct weed abatement activities through their own means in a timely manner. However, there are some property owners that, even with proper notification, do not comply with the weed abatement orders. As outlined in California Government Code Sections 39501 et seq., and the City's Municipal Code Chapter 8.15, the City authorizes the Fire Department to abate weeds on any non-compliant property.

The County of Santa Clara has administered the Weed Abatement program for 13 jurisdictions within Santa Clara County, including the City of Santa Clara, since 1976. In 2021, the County requested a restated agreement between the County and the City of Santa Clara for Weed Abatement Services in order for the County to fully recover its service costs in administering the City's weed abatement program and to make other clarifying changes. There have been 8 previous approved agreements between the parties since the program's inception. The County has requested an amendment to the existing agreements where the participating jurisdictions would take part in the program and bear the financial burden of any future financial shortfalls. Note that not every year has shortfalls. In years where there are excess amounts of fees collected, these are put forward to the upcoming year's budget to offset operating costs.

As proposed, in the event that the amount of reimbursement through the assessment process is not sufficient for the costs of the program, the County will invoice the City and the other participating jurisdictions on a pro-rata share basis. The pro-rata share formula developed by the County is based on the percentage of work performed within each of the jurisdictions.

DISCUSSION

The Fire Department requests to commence the 2021-2022 Weed Abatement Program for the forthcoming season, and approve the Amended and Restated Agreement between the County and the City of Santa Clara for Weed Abatement Services. It is requested that the City Council, in accordance with Section 8.15.030 of the City Code, adopt the attached Resolution declaring weeds to be a public nuisance. Additionally, and as required by SCCC 8.15.030-040, the Fire Department requests that Council authorize the posting of a Notice to Destroy Weeds with a Public Hearing

scheduled for February 8, 2022, to hear public input regarding the proposed destruction and/or removal of weeds from non-compliant properties.

ENVIRONMENTAL REVIEW

Santa Clara County has determined the Weed Abatement Program to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Guideline 15308.

FISCAL IMPACT

The County's costs of abatement are assessed to the parcel owner and are managed by the County. Costs include inspection, correspondence, abatement services, and cost recovery collection.

In the event of a potential financial shortfall in the program, the Fire Department will absorb the City's pro-rata share costs in its Community Risk Reduction Division's Operating Budget. The City's pro-rata share costs are estimated to be a few thousand dollars, based on the number of parcels and the number of participating jurisdictions in the program. To date, and over approximately 46 years, this has not occurred. The Amended and Restated Agreement between the County and the City for Weed Abatement currently under consideration by the council provides for a mechanism to recover the shortfall from the 13 participating jurisdictions.

COORDINATION

This report has been coordinated by the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

1. Adopt a Resolution Declaring Weeds a Nuisance;
2. Approve the Amended and Restated Agreement Between The County of Santa Clara and The City of Santa Clara for Weed Abatement Services; and
3. Set February 8, 2022 as the date for the required Public Hearing on the Notice to Destroy Weeds.

Reviewed by: Ruben Torres, Fire Chief

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution Declaring Weeds a Nuisance
2. Amended and Restated Agreement Between The County of Santa Clara and The City of Santa Clara for Weed Abatement Services
3. Public Notice to Destroy Weeds