

**TO:** James L. App, City Manager  
**FROM:** Ken Johnson, ES Chief  
**SUBJECT:** **Weed Abatement and Cost Recovery**  
**DATE:** October 19, 2010

---

**NEEDS:** For the City Council to review and approve the cost report associated with the abatement of weeds and noxious growth on properties previously declared by the Council to be a nuisance. The City will then recover all costs associated with the abatement of weeds on the next available County Assessment Roll.

**FACTS:**

1. City and State Codes require property owners to maintain their property in a fire safe condition.
2. Each year, Emergency Services (ES) notifies the residents and property owners of the need to clear all weeds from their properties by June 1, 2010. The City Council has held a public hearing to identify specific properties and to order their clean up.
3. ES subsequently identified properties that have not been cleaned up, and pursuant to previous Council action, has cleaned up those properties.
4. The costs associated with the clean up of those properties are identified in the Resolution as Exhibit "A".
5. The City Council declared these properties as public nuisances at its regular meeting of September 7, 2010 and ordered the superintendent to make final notice to all affected property owners of record.
6. Affected property owners were notified by mail and their properties were posted.

**ANALYSIS &**

**CONCLUSION:** Through its delegated authority, ES works to eliminate community fire hazards created by dry vegetation (weeds and other noxious growths). This work includes public information campaign, early warning letters to recurring problem properties, registered letters to owners found in violation and administrative citations.

Based upon prior City Council action, the subject properties have been declared a nuisance and ES has been ordered to clean up the subject properties. That work has now been completed and the cost report

identifying the costs associated with each property is attached to the Resolution as Exhibit “A”.

At its September 7, 2010 meeting, the City Council declared those properties listed in Exhibit “A” as public nuisances and ordered that property owner notifications be made. These notifications were made by mail and the properties were posted.

Elimination of the hazards necessitates the City Council conduct a public hearing to consider objections to the nuisance declaration made on September 7, 2010 and order the superintendent (fire chief) to abate the nuisances.

Costs associated with City ordered work will be recouped via tax assessments on the negligent properties.

**POLICY**

**REFERENCE:** Government Code § 39571

**FISCAL**

**IMPACT:** Recovery of costs associated with weed abatement performed by ES. That amount identified in the attached exhibit.

**OPTIONS:**

- a. Adopt Resolution No. 10-xx confirming the cost report attached as Exhibit “A” and ordering that this be placed as a special tax on the next available County Assessment Roll.
- b. Amend, modify or reject above option.

**RESOLUTION NO. 10-xxx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES CONFIRMING THE COST REPORT RE ABATEMENT OF WEEDS OR NOXIOUS GROWTH ON PROPERTIES WITHIN THE CITY BOUNDARY AND PLACING SPECIAL ASSESSMENT ON THE SUBJECT PROPERTIES**

**WHEREAS**, the City Council of El Paso de Robles (“City”) on September 7, 2010, adopted Resolution 10-127, “A Resolution of the City Council of the City of Paso Robles Making Declaration of Public Nuisances Relating to Weed Abatement Within the City and Setting Public Hearing for 2010 Weed Abatement”; and

**WHEREAS**, the City Council held a public hearing on September 21, 2010, to consider all objections to abatement of the Declaration of Nuisance; and

**WHEREAS**, Notice has been given as required by Govt. Code § 39575, which requires a copy of the report to be at least three (3) days prior to its submission to the legislative body at or near the chamber of the legislative body with notice of the time of submission.

**WHEREAS**, the City Council on September 21, 2010, ordered the cleanup of properties: and

**WHEREAS**, the costs incurred by the City in terms of eradication of weeds, or other noxious growth, on specific properties are identified and attached as Exhibit “A” to this Resolution; and

**WHEREAS**, the City desires to have the costs associated with the cleanup of these individual properties collected as a special assessment as a part of the regular property tax bills collected by the County of San Luis Obispo; and

**WHEREAS**, the City has set a public hearing for confirmation of this report; and

**WHEREAS**, the subject report has been reviewed by the City Council, including any public testimony in regards to same.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED**

that:

1. The above recitals are true and correct.
2. The City Council of the City of El Paso de Robles, hereby confirms the costs associated with each lot as identified in Exhibit “A”.
3. Orders pursuant to Govt. Code § 39577 orders the superintendent to forward said costs to the San Luis Obispo County Assessor’s Office for collection with the regular property taxes in the next available year.

**PASSED** by the City Council of the City of El Paso de Robles at its regular meeting on the 19th day of October, 2010, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

---

Duane Picanco, Mayor

---

Caryn Jackson, Deputy City Clerk

**EXHIBIT A**

<u>A.P.N.</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>	<u>COST</u>
025-422-014	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-015	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-016	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-017	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-018	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-019	Experimental Station	Paso Robles VII, LLC	\$726.00
025-422-020	Experimental Station	Paso Robles VII, LLC	\$726.00
009-351-017	621 Tucker Ave.	American Home Mort.	\$726.00
009-072-043	28 Hilltop Dr.	John V. Wachtel	\$726.00