


TO: James L. App, City Manager
FROM: Ken Johnson, ES Chief 
SUBJECT: Weed Abatement Cost Recovery

DATE: February 5, 2013

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 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. 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 cleanup 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 on September 18, 2012 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 were declared a nuisance and ES was ordered to clean them up. 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 18, 2012 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 necessitated the City Council conduct a public hearing to consider objections to the nuisance declaration made on September 18, 2012 and order the superintendent (fire chief) to abate the nuisances. This hearing occurred on October 2, 2012.

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. 12-XXX 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. 13-XX

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 18, 2012, adopted Resolution 12-157, "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 October 2, 2012, 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 18, 2012, 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 5th day of February, 2013, 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>
025-603-002	428 Montebello Oaks	Federal Home Loan Mortgage	\$810.00
008-304-002	240 16 th Street	Edward R. Pimentel	\$810.00