



# City of Morgan Hill

## Legislation Text

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### **CITY COUNCIL STAFF REPORT** **MEETING DATE: FEBRUARY 1, 2017**

PREPARED BY: Anthony Eulo, Program Administrator/Community Services Department  
APPROVED BY: City Manager

### **RESOLUTIONS AUTHORIZING THE SANTA CLARA COUNTY CONSUMER AND ENVIRONMENTAL PROTECTION AGENCY TO ABATE WEEDS**

#### **RECOMMENDATION(S)**

1. Open/Close public hearing;
2. Adopt Resolution "A" authorizing the County Consumer and Environmental Protection Agency to Abate Weeds, excluding Parcel Numbers struck out of the attached list; and
3. Adopt Resolution "B" authorizing the County Consumer and Environmental Protection Agency to Abate Weeds, excluding Parcel Numbers struck out of the attached list.

#### **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

##### **Ongoing Priorities**

Enhancing public safety  
Protecting the environment

#### **REPORT NARRATIVE:**

On December 7, 2016, the Council adopted Resolution 16-193 declaring hazardous vegetation growing in the City of Morgan Hill to be a public nuisance. The Resolution further established February 1, 2017 as the date for a public hearing on properties proposed for inclusion in the 2017 Hazardous Vegetation Program. Program notices (as attached) have been mailed to property owners in Morgan Hill whose properties have been identified as having, or potentially having, a problem with hazardous vegetation. In addition, notices of this public hearing have been published in the newspaper per Government Code Section 39566. The purpose of this hearing is to allow property owners to object to having their property in the 2017 Hazardous Vegetation Management Program and to have the City Council consider these objections. The list of properties in the Program has been posted at City Hall for over ten days prior to this public hearing.

The City controls the growth of hazardous vegetation under the authority set out in Chapter 8.20 of the Morgan Hill Municipal Code and in Government Code Sections 39560 and following. The City has

a contract with the Santa Clara County Consumer and Environmental Protection Agency (Agency) which provides for abatement of the property if the property owner does not maintain the property as required. If the work is completed by the Agency's contractor, costs for the work are assessed to the property owner. Properties on the Hazardous Vegetation Program List have been inspected by Agency staff and have been found to have unsafe vegetation during the growing season. Once a property is added to the Program, it remains on the program for a minimum of three years.

**COMMUNITY ENGAGEMENT: Empower**

The hazardous vegetation abatement program relies on a full range of community engagement approaches. Much of it begins when the County Program or City Fire Department informs a property owner that a hazardous situation has been observed on their property. The owner is given several months during which he or she may consult and work together with program staff to understand the situation and the needed remedies. Ultimately, each property owner is invited and empowered to remedy the situation themselves in order to minimize their program charges while maintaining public safety. In addition, many of the properties on the original list get onto the list as a result of a complaint from a community member about a hazardous situation.

**ALTERNATIVE ACTIONS:**

The Council can choose to adopt the resolutions as presented or to exclude any of the properties on the list. In addition, the Council can choose to delay action on these resolutions. Delaying action could ultimately provide the affected property owners with less notice and time to plan for abating their hazardous vegetation.

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The Council adopted the annual resolution in December. This hearing and the abatement schedule are consistent with the actions taken by the Council for over a decade. The agreement with the County was amended by the Council on November 16, 2016 to shift fiscal responsibilities from the County to the jurisdictions participating in the program.

**FISCAL AND RESOURCE IMPACT:**

The Hazardous Vegetation Program is user fee supported. The per-lot assessment includes costs for doing the weed and brush control work plus overhead county costs to administer the program. The City does not retain any revenues for this activity. In addition to charges for failed inspections and actual abatement work, an annual inspection fee of \$60 is charged to all property owners in the program. These fees are communicated to the property owners when they are annually notified about the program. The actual total charge per parcel will vary based on whether or not the property owner abated their own weeds and whether or not they did so before the County's inspection. The County returns the actual proposed assessment list to the City in the summer for Council consideration and adoption in July.

<i><b>Item</b></i>	<i><b>Current Fee</b></i>
Annual Inspection and Administration	\$60 annually
Failed Inspection (only charged if property fails inspection)	\$485

Abatement Administration (only charged if County abates weeds)    \$434

As the County has found that its revenues in the past were not always adequate to support the program, the Board of Supervisors has adopted a fee schedule designed to achieve full cost recovery and has shifted ultimate fiscal responsibility to participating jurisdictions. If the County determines that programwide revenues in a given year were insufficient to cover programwide costs, the jurisdictions participating in the program will be billed for their prorata share of the shortfall.

Administering this program is an activity anticipated in the Community Services Department work program and budget.

**CEQA (California Environmental Quality Act):**

Categorical Exemption

These activities are categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations, Title 21, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment.)

**LINKS/ATTACHMENTS:**

Resolutions with Related Property Lists

Sample Mailed Customer Notification