



MEETING DATE: 8/2/04  
ITEM NO. 21

## COUNCIL AGENDA REPORT

DATE: July 13, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: ABATEMENT OF HAZARDOUS VEGETATION (WEEDS)

- A. CONDUCT PUBLIC HEARING TO CONSIDER THE REPORT OF THE COUNTY FIRE MARSHAL (AVAILABLE IN THE TOWN CLERK'S OFFICE) ON THE ABATEMENT OF HAZARDOUS VEGETATION (WEEDS) FOR THE 2003-2004 SEASON.
- B. ADOPT RESOLUTION APPROVING SAID REPORT (AVAILABLE IN TOWN CLERK'S OFFICE).

### RECOMMENDATION:

1. Conduct public hearing to consider the report of the County Fire Marshal (available in the Town Clerk's office) on the abatement of hazardous vegetation (weeds) for the 2003-2004 season.
2. Adopt resolution approving said report (available in Town Clerk's office).

### DISCUSSION:

Hazardous Vegetation (weeds) poses a serious fire danger during the summer months and should be controlled by individual property owners. To ensure that hazardous vegetation (weeds) is eliminated, the Town Council established a Hazardous Vegetation (Weed) Abatement Program in cooperation with the Santa Clara County Fire Marshal's Office. This program, which is similar to those in neighboring jurisdictions, is modeled after the Town's nuisance abatement process. It begins each year in late fall with the adoption of a resolution declaring hazardous vegetation (weeds) to be a public nuisance, and ends the following summer with a public hearing to confirm charges against properties on which weeds were abated by the County's contractor.

PREPARED BY:

JOHN E. CURTIS

Director of Parks and Public Works

Reviewed by: PSJ Assistant Town Manager AV Attorney \_\_\_\_\_ Clerk \_\_\_\_\_ Finance  
\_\_\_\_\_ Community Development Revised: 7/13/04 7:39 am

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MAYOR AND TOWN COUNCIL

SUBJECT: ABATEMENT OF HAZARDOUS VEGETATION (WEEDS)

July 13, 2004

Earlier this year, the County Fire Marshal inspected properties in the Town and notified the owners of those on which hazardous vegetation (weeds) was observed to remove the weeds in accordance with fire safety standards. Properties not cleared by the owners before a specified date were subsequently cleared by a contractor hired by the County Fire Marshal. Questions related to the work performed and the cost of said work should be directed to:

**Debbie Craver, Program Coordinator  
Hazardous Vegetation Management  
Office of the Santa Clara County Fire Marshal's Office  
70 West Hedding, San Jose, CA 95110  
(408) 299-5769**

Upon completion of the work, the Fire Marshal prepares a report documenting the properties that were cleared and the costs for administering and performing the work. The report is then filed with the Town for review and approval at a public hearing. Once approved, the report is filed with the County Tax Collector for placement of the charges on the ensuing property tax roll.

CONCLUSION:

The properties identified in the 2003-2004 report (available in the Town Clerk's office) have benefitted from the Hazardous Vegetation (Weed) Abatement Program by virtue of the County Fire Marshal removing the hazardous vegetation (weeds) on these properties. The property owners should, therefore, be charged for the cost of removing hazardous vegetation (weeds) under the program.

FISCAL IMPACT:

None for the Town. The County's costs to administer and carry out the program are recovered via the charges levied against the properties served by the program.

Attachments:

Resolution adopting report (available in Town Clerk's office).

Distribution:

Debbie Craver, Program Coordinator, Hazardous Vegetation Management, Santa Clara County Fire Marshal's Office, 70 West Hedding Street, San Jose, CA 95110  
Special Distribution (list of assessed property owners)

## **RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ADOPTING REPORT DESCRIBING PARCELS OF REAL PROPERTY,  
AND SHOWING AMOUNT OF HAZARDOUS VEGETATION (WEEDS)  
ABATEMENT ASSESSMENTS TO BE COLLECTED ON  
THE SECURED PROPERTY TAX ROLL OF THE TOWN OF LOS GATOS  
IN THE COUNTY OF SANTA CLARA,  
FOR THE FISCAL YEAR 2003-04**

**WHEREAS**, the Town Council of the Town of Los Gatos, pursuant to Sections 39501 and 39502 of the Government Code of the State of California, has adopted by ordinance a procedure for the abatement of hazardous vegetation (weeds) and the collection of the charges therefore on the tax roll, as contained in Chapter 11, Article II, Sections 11.20.010. through 11.20.045. of the Los Gatos Town Code; and

**WHEREAS**, pursuant thereto, Resolution No. 2003-134, declaring weeds a public nuisance and providing for their abatement, was adopted by the Town Council on December 1, 2003; and

**WHEREAS**, pursuant to notice duly and regularly given, the public hearing was held with respect thereto on January 5, 2004, at which time Resolution No. 2004-06, overruling objections and ordering abatement of weeds as a public nuisance, was adopted by the Town Council; and

**WHEREAS**, a written report has been filed with the Town Clerk of the Town of Los Gatos, containing a description of each parcel of real property, and showing the amount of the charge to be collected on the secured property tax roll with respect thereto, computed in conformity with the charges prescribed by said ordinance; and

**WHEREAS**, the Town Clerk has set the 2nd of August, 2004, in the Town Council Chambers, Town Hall, 110 East Main Street, Los Gatos, California, as the time and place when and where said Town Council would hear and consider all objections or protest, if any, to said report.

**RESOLVED**, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town Council does hereby find and declare:

1. That notice of said public hearing was duly and regularly published and given as required by Section 11.20.035 of the Los Gatos Town Code and as otherwise required by law; and
2. All persons desiring to be heard during said hearing were given an opportunity to do so, all matters and things pertaining to said report were fully heard and considered by the Town Council, and all protests and objections, if any, are hereby overruled.

**FURTHER RESOLVED**, that said report, and each charge thereon, with any charges that may be noted on the face of said report pursuant to action taken by this Town Council, is hereby confirmed and approved.

**FURTHER RESOLVED**, that the charges are affirmed and shall be assessed against the real properties listed on the property tax bill if not sooner paid.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the       day of       , 2004, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**RESOLUTION 2004 - 101**

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**2004 Hazardous Vegetation Management Program**  
**Town of Los Gatos Assessment Report**

SITUS			APN	OWNER	OWNER ADDRESS		TAX ROLL AMT	
22	155	Wooded View	537-23-028	Peterson Marie E Trustee	155 Wooded View Dr	LOS GATOS CA	95032-5735	\$1,023.65
23	250	Wooded View	537-23-064	Holland Lori	17390 Pleasant View Av	MONTE SERENO CA	95030-3320	\$552.45
							<b>TOTAL</b>	<b>\$48,921.80</b>