



MEETING DATE: 8/1/05

ITEM NO. 8

COUNCIL AGENDA REPORT

DATE: JULY 18, 2005

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 AGRICULTURAL COMMISSIONER'S OFFICE (AVAILABLE IN THE CLERK DEPARTMENT) ON THE ABATEMENT OF HAZARDOUS VEGETATION (WEEDS) FOR THE 2004-2005 SEASON.
- B. ADOPT RESOLUTION APPROVING SAID REPORT (AVAILABLE IN CLERK DEPARTMENT).

RECOMMENDATION:

1. Conduct public hearing to consider the report of the County Agricultural Commissioner's Office (available in the Clerk Department) on the abatement of hazardous vegetation (weeds) for the 2004-2005 season.
2. Adopt resolution approving said report (available in Clerk Department).

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 Agricultural Commissioner'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: JS Assistant Town Manager JK Attorney _____ Clerk _____ Finance
_____ Community Development

Revised: 7/15/05 11:36 am

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Earlier this year, the County Agricultural Commissioner's Office 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 Agricultural Commissioner's Office. Questions related to the work performed and the cost of said work should be directed to:

**Debbie Craver, Program Coordinator
Hazardous Vegetation Management
County of Santa Clara County
Department of Agriculture and Resource Management
1553 Berger Drive - Building #1
San Jose, CA 95112
(408) 282-3123**

Upon completion of the work, the office of the County Agricultural Commissioner 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 2004-2005 report (available in the Clerk Department) have benefitted from the Hazardous Vegetation (Weed) Abatement Program by virtue of the County Agricultural Commissioner's Office 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 Clerk Department).

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Distribution:

Greg Van Wassenhove, Agricultural Commissioner, County of Santa Clara Department of Agriculture and Resource Management, Division of Hazardous Vegetation, 1553 Berger Drive, Building #1, San Jose, CA 95112

Debbie Craver, Program Coordinator, County of Santa Clara Department of Agriculture and Resource Management, Division of Hazardous Vegetation, 1553 Berger Drive, Building #1, San Jose, CA 95112

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 2004-05**

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. 2004 -146, declaring weeds a public nuisance and providing for their abatement, was adopted by the Town Council on December 6, 2004; and

WHEREAS, pursuant to notice duly and regularly given, the public hearing was held with respect thereto on January 3, 2005, at which time Resolution No. 2005-002, 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 Clerk Administrator 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 Clerk Administrator has set the 1st day of August, 2005, 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 , 2005, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA