



Memorandum

TO: HONORABLE CHAIR AND
MEMBERS OF THE SAN JOSE
APPEALS HEARING BOARD

FROM: RACHEL ROBERTS
DEPUTY DIRECTOR OF
CODE ENFORCEMENT

SUBJECT: SEE BELOW

DATE: July 22, 2020

SUBJECT: PUBLIC HEARING TO ADOPT A RESOLUTION CONFIRMING THE
HAZARDOUS VEGETATION PROGRAM ASSESSMENT REPORT FOR THE
COSTS AND EXPENSES INCURRED TO ABATE WEEDS AND TO DIRECT
THE PLACEMENT OF THE COSTS AND EXPENSES AS A SPECIAL
ASSESSMENT AGAINST THE AFFECTED PROPERTIES.

RECOMMENDATION

It is recommended that the San Jose Appeals Hearing Board adopt a resolution which confirms the Hazardous Vegetation Program Assessment Report concerning costs and expenses incurred to abate weeds pursuant to Chapter 9.12 of the San Jose Municipal Code during the 2020-2021 season, and directs the Director of Finance to file a certified copy of the Hazardous Vegetation Program Assessment Report with the County Assessor, pursuant to Section 9.12.530 of the San Jose Municipal Code.

BACKGROUND

On December 17, 2019, the City Council adopted Resolution No.79354 accepting and confirming the 2020-2021 Hazardous Vegetation Commencement Report compiled by the Office of the Santa Clara County Environmental Resources Agency, Department of Agricultural and Resource Management, Division of Hazardous Vegetation, declaring the seasonal and recurrent weeds and refuse described in the Report to be a public nuisance, and directing the Santa Clara County Environmental Resources Agency, Department of Agricultural and Resource Management, Division of Hazardous Vegetation to give notice of the passage of the Resolution to owners of properties on the Report. On January 28, 2020, the City Council adopted Resolution No. 79385 overruling objections to the abatement of seasonal and recurrent weeds and refuse, accepting the Report, as amended, and ordering the Santa Clara County Environmental Resources Agency, Department of Agricultural and Resource Management, Division of Hazardous Vegetation to abate said nuisances.

Pursuant to Chapter 9.12 of the San Jose Municipal Code and an agreement with the Santa Clara County Environmental Resources Agency, Department of Agricultural and Resource Management, Division of Hazardous Vegetation, a cost recovery fee for abatement and related

administrative costs can be assessed against each property abated by the Santa Clara County Environmental Resources Agency, Department of Agricultural and Resource Management, Division of Hazardous Vegetation during the 2020-2021 season. This fee is equal to 100% of the hazardous vegetation management contractor's costs to remove the weeds and refuse at property plus an administrative fee equal to the amount of \$582.00 dollars for a failed inspection and/or \$984.00 whenever work is performed by the contractor. A charge of \$101.00 will be assessed for all parcels inspected in the program each year to cover the cost of the inspections.

ANALYSIS

The administrative and contract labor costs incurred to perform hazardous vegetation management at specified properties are reported on the Hazardous Vegetation Program Assessment Report. This public hearing is now held to ratify the Hazardous Vegetation Program Assessment Report for properties abated by the Hazardous Vegetation Management Program and to obtain approval of the Hazardous Vegetation Program Assessment Report prior to it being forwarded to the Santa Clara County Tax Assessor so that the abatement cost may be assessed against the affected properties.

Notice of the Hazardous Vegetation Program Assessment Report and this hearing before the Board was published in a newspaper of general circulation and was posted on a bulletin board at City Hall ten days prior to this hearing.

Additionally, Code Enforcement staff will send each owner of an affected property a notice of this hearing and the location of the posted Hazardous Vegetation Program Assessment Report prior to the date of this hearing.

/s/ Rachel Roberts

Rachel Roberts,
Deputy Director, Code Enforcement
Planning, Building and Code Enforcement

