



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Chris Burton

SUBJECT: See Below

DATE: August 3, 2026

Approved

Date:

8/10/26

COUNCIL DISTRICT: Citywide

SUBJECT: Amendment to the Amended and Restated Agreement for the
Abatement of Weeds by the County of Santa Clara for the City of San
José

RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager, or her designee, to execute a Second Amendment to the Amended and Restated Agreement for the Abatement of Weeds by the County of Santa Clara for the City of San José to:
- (1) Update and streamline the County of Santa Clara's annual reporting requirements to the City of San José;
 - (2) Clarify and formalize the current process, including the roles and responsibilities of the County of Santa Clara and City of San José, for collecting the County of Santa Clara's abatement fees through special assessment liens on property tax bills;
 - (3) Add a provision allowing the County of Santa Clara to bill the City of San José for its proportional share of fixed program costs not to exceed \$100,000 if countywide collections are insufficient to cover those costs, unless both parties agree to a different amount; and
 - (4) Update Exhibit A entitled "Schedule of Performance" in the Agreement to reflect the revised services and reporting timelines.

SUMMARY AND OUTCOME

Adoption of the resolution will authorize the City Manager, or her designee, to execute a second amendment to the Amended and Restated Agreement for the Abatement of Weeds by the County of Santa Clara for the City of San José (Agreement), which updates the County of Santa Clara's (County) reporting requirements, formalizing the

current abatement fee collection process, and allows the City of San José (City) to pay the County its proportional share of fixed program costs within 60 days of demand if a shortfall occurs in administering the weed abatement services.

Historically, the County's Weed Abatement Program (Program) has not experienced administrative cost shortfalls because it has been able to accurately estimate countywide service demand for the upcoming fiscal year. The County has requested that the City contribute its proportional share of any such fixed-cost deficit, based on the number of weed-abatement services performed within San José. Any necessary budget adjustments to cover the proportional share of the costs will be brought forward for City Council approval as part of the annual budget process as appropriate.

BACKGROUND

The City has partnered with the County's Consumer and Environmental Protection Agency (CEP) to address hazardous vegetation on vacant, unimproved parcels under San José Municipal Code 9.12, providing these services on the City's behalf at no cost through an agreement in place since 1995. The Program relies on community engagement to report hazardous vegetation on qualifying parcels. Once a parcel is enrolled, it remains in the Program for a minimum of three years, and CEP conducts annual inspections to determine whether hazardous conditions exist and if abatement is necessary. Prior to the annual inspection, the property owner is given the option to either remove the vegetation themselves or allow the CEP to perform the work based on the cost of service provided and the County's administrative fee. If the owner does not address the weeds or request that CEP remove them, the CEP will move forward with abatement and the cost charged to the property owner.

Each July, the CEP requests that any unpaid abatement costs be added as a special assessment lien on the property tax bill. Property owners have the right to dispute these charges at a hearing before the City's Appeals Hearing Board. The CEP has approximately 200 to 300 parcels in its Program each year that are located within San José.

In 2021, the County proposed a second amendment to the Agreement with the City to update the County's reporting process, update the County's process for collecting fees against property owners, and for the City to pay for the City's proportional share of fixed programmatic fees in the event that the County faces a service fee deficit.

ANALYSIS

The agreement for the abatement of weeds by the County for the City was first adopted in 1995 and was amended and restated in December 2006. In August 2012, the City and County executed the First Amendment to the Agreement to allow the County to increase its weed abatement fee to recover program costs for the upcoming season, and allow this fee adjustment to cover the County's costs in administering the Program.

The Second Amendment to the Agreement will require the County to: 1) deliver a list of all reasonable and necessary fees and costs for abatement services to the City for review; 2) allow the City to approve the County's costs and expenses for weed-abatement services performed in San José, which would then be entered as a special assessment levied against the owner of the respective lots and parcels; and 3) allow the City to pay the County for any annual shortfall for weed abatement services within 60 days of demand by the County. The County has indicated all other participating jurisdictions have already amended their agreements to include this cost-coverage provision, and the City is the only remaining jurisdiction that has not yet done so. Because the County uses a standard weed abatement agreement across multiple jurisdictions, adding this provision will help the County ensure it can continue to deliver reliable weed abatement services to the City now and into the future by covering any potential funding gaps. The County has also implemented new fees to further ensure cost recovery. In January 2026, the County Board of Supervisors approved a new Program fee structure including an increase of the inspection fee from \$105 in 2025 to \$296 in 2026.

The City has contracted with the County since 1995 to provide weed abatement services as the County already possesses the necessary equipment, staff, subcontracting services, and expertise to provide satisfactory abatement services at no ongoing cost.

The City could elect to conduct a weed abatement program using City staff and equipment. However, undetermined costs would be incurred for the purchase, operation, and maintenance of equipment and to hire and employ staff to administer and implement a weed abatement program year over year.

EVALUATION AND FOLLOW-UP

In accordance with the Agreement and as part of the Program's standard process, the City Council will have the opportunity to review and either approve or reject the CEP's - proposed fees, and the CEP's - Weed Abatement Commencement Report including all City of San José parcels subject to the Program each year. Per the Agreement, should the City reject the proposed fees, the County may exercise its authority to discontinue weed abatement services within San José. The County will also be required to provide

the City with a projection report in February of each year so that appropriate proposals for potential shortfalls can be considered in the annual budget process.

FISCAL IMPACTS

The County funds its Program through administrative fees charged to property owners for weed abatement services. Under the proposed amendment, the City would incur a cost only if the fees collected by the County are insufficient to fully recover program costs. In that event, the City would be responsible for its proportional share of any funding shortfall (approximately 13%), up to a maximum of \$100,000 within 60 days of the County's delivery of an itemized statement reflecting said shortfall.

Although program shortfalls are uncommon, they can occur when actual service demand falls below projections. For example, in calendar year 2025, there were fewer parcels requiring weed abatement services than anticipated, resulting in lower fee revenue and a funding shortfall. The County has notified the City that its proportional share of the shortfall is estimated at approximately \$60,000.

To fund this anticipated payment, the City Council included a one-time non-personal/equipment funding of \$60,000 in the Fiscal Year 2026-2027 adopted Operating Budget. Staff does not anticipate ongoing fiscal impacts and will monitor program costs annually. Should the County request the City to pay its proportional share of a future funding shortfall, any necessary budget adjustments will be brought forward for City Council approval through the annual budget process.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City Council Agenda website for the August 25, 2026 City Council meeting.

BOARD, COMMISSION, COMMITTEE RECOMMENDATION AND INPUT

No board, commission, or committee recommendation or input is associated with this action.

HONORABLE MAYOR AND CITY COUNCIL

August 3, 2026

Subject: Amendment to the Amended and Restated Agreement for the Abatement of Weeds by the County of Santa Clara for the City of San José

Page 5

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Chris Burton, Director
Planning, Building, and Code
Enforcement Department

For questions, please contact Rachel Roberts, Deputy Director, Planning, Building, and Code Enforcement Department, at rachel.roberts@sanjoseca.gov.