DATE: APRIL 7, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DAVID BRANTLEY, COMMUNITY DEVELOPMENT DIRECTOR
       PREPARED BY: MARY LEWIS, SENIOR COMMUNITY
       PRESERVATION OFFICER

SUBJECT: PUBLIC HEARING REGARDING WEED ABATEMENT
         ASSESSMENT OF LIENS

RECOMMENDATION

It is recommended that the City Council conduct a public hearing, and following the
closure of the hearing, adopt Resolution No. 2020-5653 confirming the attached report
regarding the costs of abatement of weeds, rubbish, refuse and dirt on or in front of
certain property in the City and impose special assessments as liens on said property.

BACKGROUND

Every year the City Council implements a Weed Abatement Program to minimize
hazardous fire conditions within the City. This involves a multi-step process of informing
property owners that have large areas of undeveloped property that are prone to wildfire
hazards, due to natural vegetation overgrowth, to perform weed abatement/vegetation
reduction within certain specific time frames prior to the heightened portion of the fire
season. Although the City does obtain a high degree of compliance response from
property owners as a result of the initial outreach efforts, there are some number of
properties that for various reasons fail to comply in a timely manner or do not comply at
all. In the interest of health and safety, state law provides for local governments to
abate hazardous vegetation conditions on private properties that fail to comply. Therefore,
pursuant to State Government Code Section 39560-39588, on July 16, 2019
the City Council adopted Resolution No. 2019-5625 declaring that weeds growing upon
or in front of certain property (i.e., weed abatement properties) in the City of Yorba
Linda constitute a public nuisance and further declaring the intention of the City of
Yorba Linda to provide for the abatement thereof and setting a public hearing for August
20, 2019.

The City Council at its August 20, 2019 meeting adopted Resolution 2019-5629
declaring that weeds growing upon or in front of, and rubbish, refuse and dirt upon or in
front of certain property in the City constitute a public nuisance and ordering abatement
thereof.
DISCUSSION

Following the adoption of Resolution No. 2019-5629 at the City Council meeting of August 20, 2019 declaring that weeds growing upon or in front of, and rubbish, refuse and dirt upon or in front of certain property in the City constitute a public nuisance and ordering abatement thereof, an additional final notice was sent by mail to each property owner that had not abated the nuisance conditions on their respective property. Pursuant to State Government Code Section 39572, if the property owner does not remove the nuisance condition from their property after receiving this notice, a City contractor may abate the hazardous condition and the cost of abatement will be assessed against the property.

ANALYSIS

A total of 1135 initial Weed Abatement notices were mailed in April 2019. As of August 20, 2019, there remained 32 parcels that were non-compliant. Staff followed up with these property owners either in person or via mail. As of October 1, 2019, there remained 5 non-compliant, private parcels. Pursuant to State Government Code Section 39572, abatement was performed on these lots and the total cost was $9,825.00.

The next step is to levy each property for the amount of the abatement of the nuisance conditions. For Council members reference, a list of affected properties with associated abatement cost is attached hereto as exhibit “A” of attached Resolution No. 2020-5635.

FISCAL IMPACT

The Weed Abatement Program had been budgeted for Fiscal Year 19/20 under the Public Nuisance section of the Community Preservation budget in the amount of $15,000.00, which was anticipated to cover the actual final cost of abatement action by the City based on prior years’ costs. However, the cost of abatement will be assessed upon the non-compliant parcels that required abatement through placement of a lien through the County Assessor’s Office. Therefore, City costs associated with weed abatement would be offset.

ALTERNATIVES

1. City Council may direct staff not to assess each non-compliant property that has been abated.

ATTACHMENTS

1. Resolution No. 2020-5653
2. Exhibit “A” – Breakdown of costs associated with the Weed Abatement conducted on each non-compliant property.
Approved by:

Mark A. Pulone
City Manager

Certified as to Fiscal Impacts:

Scott Catlett
Finance Director