



City Council Agenda Item

City Council Meeting Date: May 18, 2021

TO: Jim Throop, City Manager

FROM: Dena Paschke, Battalion Chief
d_paschke@ci.lompoc.ca.us

SUBJECT: Public Hearing Regarding Nuisance Abatement of Weeds, Rubbish, Refuse, and Dirt; Adoption of Resolution No. 6409(21)

Recommendation:

Staff recommends the City Council:

- 1) Hold a public hearing to receive comments and information from the public to show cause why nuisance conditions upon subject properties should not be abated; and
- 2) Adopt Resolution No. 6409(21) (Attachment 1), ordering the Fire Marshal to abate nuisances, as declared on April 20, 2021, by Resolution No. 6395(21), not otherwise satisfactorily corrected, in the time and manner provided by law.

Background:

In accordance with Resolution No. 6395(21), declaring weeds or debris on identified parcels as public nuisances, the Fire Department mailed notices to owners of all parcels listed, informing them of the nuisance conditions and of the date, time and location of the public hearing. The notices also informed each property owner, if they abated the nuisances by May 17, 2021, then the City of Lompoc (City) would not impose the administrative fees or special assessments authorized by Government Code Section 39573. (See Attachment 2.)

Discussion:

The Fire Marshal has inspected, or caused to be inspected, all of the subject parcels and has found nuisance conditions still existing on those parcels described in Exhibit A to Resolution No. 6409(21) (Attachment 1), which was revised from the Exhibit A attached to Resolution No. 6395(21). To proceed with the abatement of the public nuisances, it is necessary for the City Council to hear any objections to the clearing of weeds or removal of rubbish, refuse or dirt. If good cause is shown why the weeds on a certain parcel should not be abated, then the City Council may sustain the objection and remove that parcel from the list. If a property owner objects but does not show good cause why a

parcel should not remain on the list, then the City Council may overrule that objection. After hearing all interested persons wishing to speak, the City Council is requested to overrule or sustain the objections presented, modify the property list if necessary, and direct abatement as ordered on May 18, 2021.

Fiscal Impact:

Government Code Section 39573 permits the City Council to order a special assessment and lien, pursuant to Government Code Section 39577, after an order to abate nuisance conditions has been issued by the City Council and not followed. Prior to the lien process, the City provides the property owner with an invoice for all actual costs of the abatement, known as the abatement fee. The property owner is afforded the opportunity to reimburse the City for all costs, without the added cost of processing the lien on the property for the abatement costs. The invoice, and eventually the lien, will only apply to those parcels that have an abatement order issued by the City Council, but will apply whether the parcel is subsequently cleared by the property owner or by the City, after the order to abate has been issued. After the assessment is made and confirmed, a lien attaches on the parcel for the assessment amount. As the County of Santa Barbara (County) has adopted the "Teeter Plan" for distribution of property taxes and assessments and the City participates in the "Teeter Plan" of the County, the City will receive the full lien amount of the assessment during the next annual property tax distribution cycle following the imposition of the lien. Per the "Teeter Plan", Santa Barbara County pays the taxes and assessments due to the City whether or not they are collected. In exchange, the County keeps the penalties and interest on the taxes and assessments when they are eventually collected.

At least five days prior to the public hearing, a notice to abate weeds/debris was sent to all owners of subject parcels, informing them of the public hearing date, administrative charges and abatement procedures (see Attachment 2). Parcels cleared by the owner prior to the City Council's abatement order will not be subject to special assessment and lien or to the administrative fee. Parcels cleared by the owner after the abatement order has been issued, will be subject to the administrative fee. Parcels cleared by the City following the order will be subject to an administrative fee, out-of-pocket costs of clearing the property, and the direct costs incurred to process the abatement. The Fire Department will contract with a landscaping company to do the weed removal.

If a similar nuisance again exists on one of the properties listed in Exhibit A to Resolution No. 6409(21) within this calendar year, then the Fire Marshal will be authorized to abate that nuisance, without any further action from the City Council, simply by mailing a post card notice to the subject property owners, as they and their addresses appear upon the then current assessment roll.

Costs related to the annual weed and debris abatement program that are not ultimately charged to the property owner as a lien, or reimbursed by the property owner prior to imposition of a lien, are budgeted for, and paid from the General Fund. Appropriations for weed and debris abatements are budgeted in the Fire Prevention program's account 110FR4-534030. The administrative fee assessed to parcel owners recovers a portion

of the General Fund costs associated with the implementation of this program. Liens placed as part of the special assessment process are generally distributed by the County returned to the City in the following fiscal year, as discussed above, in the next annual property tax distribution cycle following the imposition of the lien.

Conclusion:

Adoption of Resolution No. 6409(21), will allow the Fire Department to cause the abatement of nuisance conditions on the listed parcels and will also allow the recovery of administrative costs incurred by the City for nuisance abatement. In accordance with Government Code Section 39574, the Fire Marshal may keep an account of the cost of abatement and administrative costs, and submit to City Council for confirmation, an itemized written report showing such costs. The City Clerk will be requested to post a copy of the report for at least three days prior to its submission to City Council, with notice for the time of submission.

Respectfully submitted,

Dena Paschke, Battalion Chief / Fire Marshal

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Brian Federmann, Interim Fire Chief

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachments: 1) Resolution No. 6409(21)
2) Sample Letter