



## STAFF REPORT

DATE: MARCH 20, 2012  
TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: ROD FOSTER, CITY MANAGER  
PREPARED BY: TIM MCHARGUE, ACTING FIRE CHIEF  
SUBJECT: CONSIDER RESOLUTION REGARDING THE ANNUAL WEED ABATEMENT PROGRAM AS ADMINISTERED BY THE COLTON FIRE DEPARTMENT AND SET THE PUBLIC HEARING FOR THE COUNCIL MEETING OF APRIL 3, 2012

### RECOMMENDED ACTION

It is recommended that the City Council approve and adopt Resolution No. R-09-12 and set the Public Hearing for the Annual Weed Abatement Program for April 3, 2012.

### GOAL STATEMENT

The proposed action will support the City's goal to provide a comprehensive Annual Weed Abatement Program for the City.

### BACKGROUND

Annually, each spring and fall, the Fire Department administers the City's Weed Abatement Program. The attached resolution simply sets the date for the necessary public hearing. As such, the act is considered ministerial.

### ISSUES/ANALYSIS

The attached Resolution declares that weeds, rubbish and dirt upon the parkways, sidewalks and private property in the City of Colton, constitute a public nuisance and are subject to abatement. The Resolution gives the Fire Chief the authority to give notice to property owners who own property where weeds or rubbish constitute a public nuisance and must be abated. Additionally, the Resolution authorizes the Fire Chief to approve a contractor to perform the abatement, to charge an administrative fee and to place all contractor fees plus the administrative fees on the County of San Bernardino Tax Rolls for collection.

The Resolution also sets the date for the Public Hearing for any objections to such proposed abatement and the charges therefore, to be heard by the City Council on April 3, 2012.

## **FISCAL IMPACTS**

Total contractor fees for the 2012 Weed Abatement Program are estimated at approximately \$35,000. Additional associated operating costs are estimated at \$2,000 and includes items such as mailings and like incidental costs. These “pass-through” costs are recouped through direct billing and the County Tax Rolls. Funds budgeted in 2011-2012 Fiscal Year will cover the initial program costs associated with office supplies. Funds yet to be budgeted for the 2012-2013 Fiscal Year will cover those contractor costs billed beginning on July 1, 2012.

## **ALTERNATIVES**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

Resolution No. R-09-12

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**RESOLUTION NO. R-09-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO SET THE PUBLIC HEARING FOR THE ANNUAL WEED ABATEMENT PROGRAM FOR APRIL 3, 2012.**

**WHEREAS**, there are weeds growing upon the streets, sidewalks, and private property within the City of Colton, and

**WHEREAS**, there is rubbish, refuse and dirt upon the parkways, sidewalks, and private property within the City of Colton, and

**WHEREAS**, said weeds and said rubbish, refuse and dirt constitute a public nuisance, and

**WHEREAS**, due to the extensive personnel, time and expertise needed to direct the abatement process, a fee must be charged for administrative procedures.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1:** The staff report accompanying this resolution is found to be true, adopted as findings and incorporated into this resolution.

**SECTION 2:** That all weeds growing upon the streets, sidewalks and private property within the City of Colton are declared to be a public nuisance and subject to abatement.

**SECTION 3:** That all rubbish, refuse and dirt, upon the parkways, sidewalks and private property within the City of Colton are declared a public nuisance and subject to abatement.

**SECTION 4:** That the Fire Chief of the City of Colton is hereby directed to give notice to the following described properties that there are on said premises, weeds or rubbish which constitute a public nuisance, and which must be abated.

**SECTION 5:** That said notices shall comply with Section 39567.1 of the Government Code et. seq.

**SECTION 6:** That said premises will be abated by the contractor selected by the City of Colton, as directed by the Fire Chief and in a manner approved by him.

**SECTION 7:** That an administrative fee of one hundred dollars (\$100.00) per parcel shall be charged.

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**SECTION 8:** That upon the conclusion of the Abatement Program, all contractor fees, plus the administrative fee charged to those parcels requiring work and not collected through the normal billing process will be placed on the San Bernardino County Tax Rolls for collection.

**SECTION 9:** That a list of possible parcels to be abated are on file with the City Clerk.

**SECTION 10:** That objections to such proposed removal of weeds, rubbish, refuse and dirt and the charges therefore, will be heard by the City Council at 6:00 P.M., April 3, 2012 in the City of Colton Council Chambers.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of March, 2012.

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SARAH S. ZAMORA, Mayor

ATTEST:

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EILEEN GOMEZ, City Clerk