

RESOLUTION NO. 17-393

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN SIMEON COMMUNITY SERVICES DISTRICT
FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION TO
ESTABLISH WEED ABATEMENT AUTHORITY OF VACANT PARCELS FOR THE
SAN SIMEON COMMUNITY SERVICES DISTRICT**

WHEREAS, the San Simeon Community Services District (“District”) is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District’s service area, including water, sewer, services and streets; and

WHEREAS, the District has previously conducted weed abatement on vacant unimproved parcels in San Simeon based upon an Ordinance that current staff and District Counsel have determined was unenforceable and has subsequently been repealed, leaving the community of San Simeon without any enforceable weed abatement authority for vacant unimproved parcels; and

WHEREAS, the agency that has fire authority in San Simeon is Cal Fire and currently, there is no County-wide weed abatement ordinance that would allow Cal Fire to clear vacant lots since Cal Fire currently operates under Public Resources Code Section 4291, which is limited to improved parcels only; and

WHEREAS, the SSCSD Board of Directors desires to activate its latent power to conduct weed abatement pursuant to Government Code Section 61100(t) for the vacant unimproved parcels located within its current boundaries, and

WHEREAS, the current service boundaries of the District are to be included in this proposal, as further set forth in Exhibit A and the Plan for Services, and Exhibits B and B-1, which show the District’s service boundaries and the vacant parcels that will be subject to weed abatement; and

WHEREAS, in order to establish the authority to provide for weed abatement authority, it is necessary, in accordance with Government Code Sections 56824.10 et. seq. to submit a Resolution of Application to be filed with the Executive Officer of the Local Agency Formation Commission (LAFCO) for the purpose of scheduling a hearing by LAFCO to consider the activation of the District’s Weed Abatement authority; and

WHEREAS, in accordance with Government Code Section 56823.12, a noticed public hearing was held on November 8, 2017 by the District, and at that meeting there was the opportunity for public comment regarding this Resolution; and

WHEREAS, the District is not in the sphere of influence of another city or special district that currently provides weed abatement services; and

WHEREAS, the District further finds that this Resolution was adopted at a duly noticed public hearing on November 8, 2017, pursuant to Government Code Section 56824.12(c).

NOW, THEREFORE, BE IT RESOLVED by the San Simeon Community Services District Board of Directors as follows:

1. The foregoing recitals are true and correct and are incorporated herein and constitute findings in support of this Resolution.
2. The provision of weed abatement authority will result in assurance of the public's safety.
3. Exhibit A, the Plan for Services, and Exhibits B and B-1 showing the District's service boundaries and the vacant parcels that will be subject to weed abatement, attached hereto and incorporated herein by reference, is approved for filing with the Executive Officer of the San Luis Obispo LAFCO.
4. The Executive Officer of LAFCO is requested to set the matter for a public hearing by the Commission pursuant to Government Code Section 56824.14 and the rules and regulations of LAFCO.
5. LAFCO is requested to approve the proposal of the San Simeon Community Services District to provide its residents with weed abatement services pursuant to Government Code Section 61100(t) and 56000 et al.

Upon motion of Director Russell, seconded by Director McGuire
and on the following roll call vote to wit:

AYES: 5

NOES: 0

ABSTAIN: 0

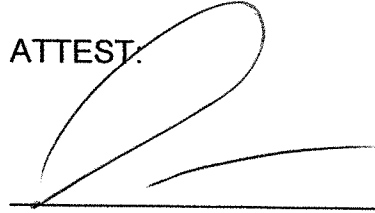
ABSENT: 0

The foregoing Resolution is hereby adopted this 8th day of November 2017.



Daniel Williams, Chairperson
Board of Directors

ATTEST:



Charles Grace
Secretary/General Manager

Attachment:

Exhibit "A" – Plan of Services is approved for filing with the Executive Officer of the San Luis Obispo LAFCO.

Exhibit "B" – List of parcels to be included as part of this service.

Exhibit "B1" Map of parcels to be included as part of this service.

Exhibit A

Background

The San Simeon Community Services District (SSCSD) is located on Highway One in north San Luis Obispo County, California. The San Simeon Acres Service District was formed pursuant to an election and Resolution of the San Luis Obispo County Board of Supervisors on May 8, 1961. The name of the District was later changed to San Simeon Community Services District.

The SSCSD is organized under California Government Code Section 61000 et al, Community Service District law. The SSCSD is currently empowered by its authorizing statutes and pursuant Code Section 61100 to provide the following services: road maintenance, water, sewer and street lighting

Five members living within the boundaries of the SSCSD serve as elected board members. The regular meetings of the Board are on the second Wednesday of the month at the Cavalier Banquet Room at 250 San Simeon Ave., San Simeon. The Board employs Grace Environmental Services to run the day to day operations and maintenance of the SSCSD. These includes a general manager, office manager, plant superintendent, and water operator.

Funding

The SSCSD is funded through water and wastewater revenues and property tax revenue from San Luis Obispo County. The funding source for the weed abatement program will be the owners of vacant unimproved parcels located in San Simeon. The owners of these lots, who fail to clear their parcels in accordance with abatement requirements will fund the program. All costs incurred with removal of weeds will be accessed onto the tax bill of the individual property owner. Meaning, that the landowner shall reimburse the CSD for any costs associated with removal of weeds.

Weed Abatement Power (Unimproved Parcels)

On February 9, 2000 the SSCSD Board of Directors approved District Ordinance No. 93. This ordinance contained language regarding weeds, dead trees, and other debris that could create a risk of fire or safety hazards with the SSCSD boundaries. This Ordinance was used to create an enforceable weed abatement program for the community of San Simeon.

Our records indicate that yearly weed abatement notices were mailed to the owners of vacant unimproved parcels in San Simeon. This notices referenced the authority of the SSCSD to require abatement under Ordinance No. 93.

In early 2017, current staff and District counsel determined that this ordinance was actually unenforceable. Staff became concerned about the potential liability for the District if they continued the weed abatement program under the guise of Ordinance No. 93. Over the course

of several Board meetings this item was discussed. In September 2017 the Board voted to repeal Ordinance No. 93. This leaves the community of San Simeon without any enforceable weed abatement authority for vacant unimproved parcels. There are currently 18 vacant unimproved parcels in San Simeon. The size of these parcels varies, but all are larger than 5,000 square feet.

The agency that has fire authority in San Simeon is Cal Fire. Currently, there is no County-wide weed abatement ordinance that would allow Cal Fire to clear vacant lots. Cal Fire currently operates under Public Resources Code Section 4291, which is limited to improved parcels only. The lack of a County-wide weed abatement ordinance means Cal Fire cannot enforce weed abatement on vacant lots.

The SSCSD Board desires to activate its latent power to obtain weed abatement authority pursuant to Government Code Section 61100(t) for the vacant unimproved parcels located within our current boundaries pursuant to Health and Safety Code Section 14875-14922.

There is currently no agency responsible for weed abatement authority of vacant unimproved parcels in the community of San Simeon.

Benefits to San Simeon CSD Residents

The main benefit of this request is to help protect homes and businesses located in our community in the event of a fire. The community needs the ability to help mitigate potential fires in the community. The vacant lots are located sporadically throughout San Simeon. Large unabated lots hinder neighboring parcels ability to secure defensible space around improved properties. The removal of overgrown weeds, dead trees and other flammable material from vacant parcels will reduce the amount of damage that could incur from a fire in our community.

This power is very much needed to help ensure the safety of our community members.

The following is a summary of Board of Directors meetings during which weed abatement authority and obtaining this power from LAFCO were discussed.

- July 12, 2017, Board meeting to discuss ordinance no. 93 and weed abatement procedures in our community.
- August 9, 2017, Board meeting to discuss obtaining weed abatement authority from LAFCO. Captain Tony Gomes from Cal Fire was present to answer questions from the Board and members of the public.
- September 13, 2017, Board meeting to discuss activation of weed abatement authority from LAFCO.

Plan for Services

1. Service Level. The same level of service that has been performed for weed abatement since 2001 is proposed. The District will continue to mail out notices of abatement to the owners of vacant unimproved parcels. Staff will also continue to inspect these parcels to verify compliance with abatement requirements. In the past any charges incurred by the District to pay for the removal of weeds had to be collected from the parcel owner. Under this new power, the District will be able to assess these charges onto the property owners County tax bill.
2. Service Area. The current service boundaries of the SSCSD are to be included in this proposal. A map of the current vacant parcels to be included in this agreement area is attached as Exhibits B and B-1.
3. Service Fees. There will be no increase in fees charged to owners of improved parcels or of vacant unimproved parcels. Vacant lot owners who fail to clear their lots within the timeline designated by the Board of Directors of the SSCSD, will be subject to abatement fees. Any fees assessed to vacant parcels will be based actual costs associated with lot clearings. Additionally, the SSCSD will assess an administration fee in the amount of \$100.00. This fee will be used to support the cost of reimbursing the contractor for the work performed, and to reimburse the general fund for the cost of administration to perform this service. The community of San Simeon will not subsidize the program. The vacant landowner will be solely responsible for all costs associated with the abatement of their parcels.
4. Service Financing. The SSCSD maintains sufficient cash reserves to create and implement this program. Costs associated with implementing this program each year are under \$750.00. Any additional costs incurred by the District to abate a vacant unimproved parcel shall be passed on to the owner of this parcel. The District will work with the San Luis Obispo County Tax Collector to add these charges onto the lot owner's property tax bill, should these owners fail to pay charges.
5. Service Management. The General Manager of the SSCSD and office staff serve full-time and perform the administration and management of all SSCSD business.
6. Service Regulations. The SSCSD maintains a Code of Ordinances that provides for rules and regulation related to District services. The District will pass a new ordinance to include weed abatement services. The program will be administered using the procedures set forth in Health and Safety Code Sections 14875 et. seq. Those procedures include: adoption of a resolution by the Board declaring weeds on specified properties to be a public nuisance; notice to property owners to destroy the weeds, including the date for a public hearing where property owners can voice their objections and at which the District Board will order abatement if the weeds have not been cleared; inspection for compliance with the weed abatement requirements and preparation of a list of properties that have not abated the weeds;

holding of a public hearing to hear objections or protests and adoption of a resolution directing abatement; performance of abatement by a contractor retained by the District, who maintains a record of the costs incurred to abate the weeds; and holding of a hearing by the Board on the costs, after which they are submitted to the County for collection on the owner's property tax bill.

Terms and Conditions for the weed abatement power

1. Upon adoption of this resolution by LAFCO, the San Simeon Community Services District shall be the authorized local agency to provide weed abatement services to vacant unimproved parcels within the San Simeon Community Services District boundaries.

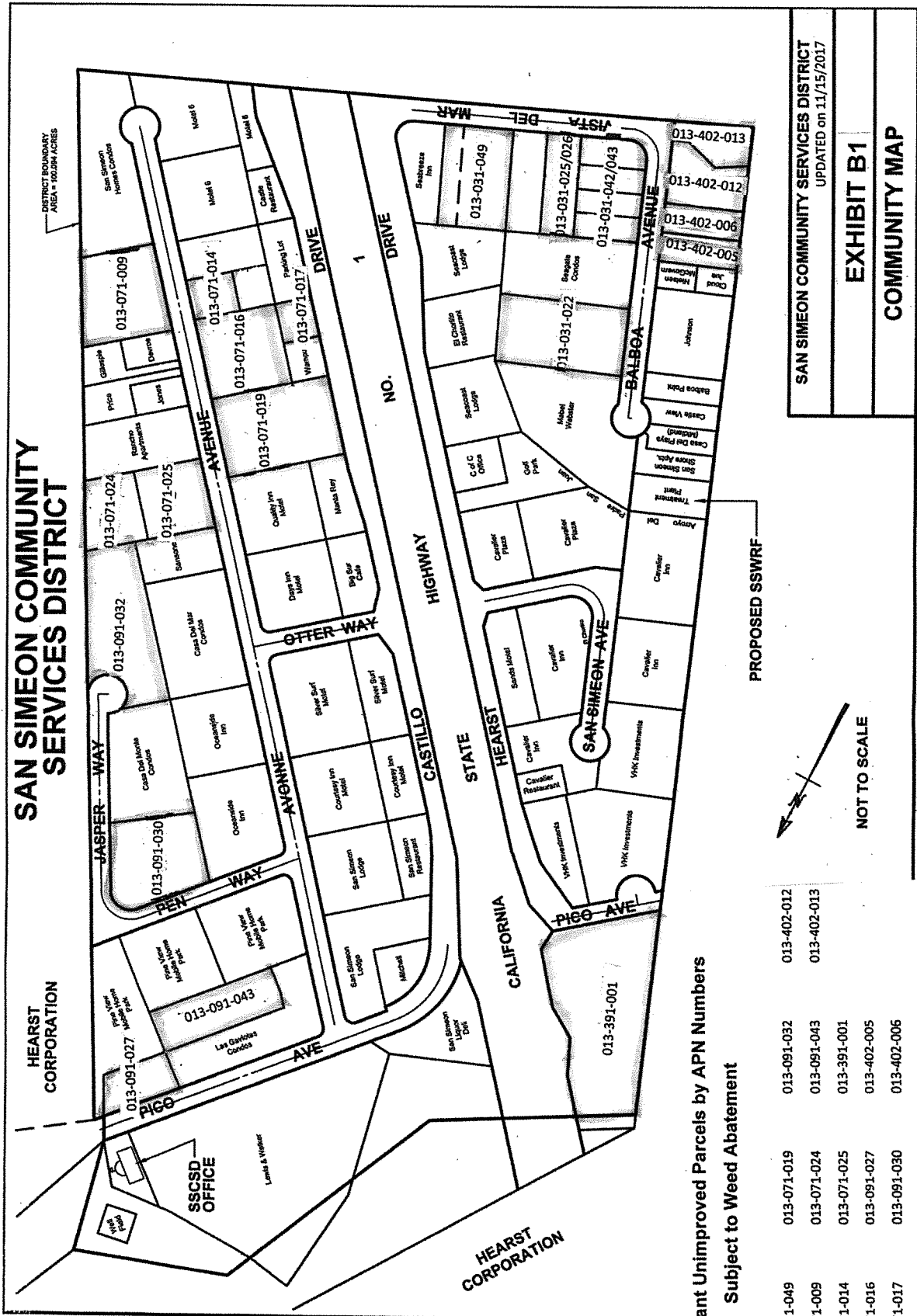
Exhibit B

List of Vacant Unimproved Parcels by APN Numbers

Subject to Weed Abatement

013-031-022	013-031-049	013-071-019	013-091-032	013-402-012
013-031-025	013-071-009	013-071-024	013-091-043	013-402-013
013-031-026	013-071-014	013-071-025	013-391-001	
013-031-042	013-071-016	013-091-027	013-402-005	
013-031-043	013-071-017	013-091-030	013-402-006	

SAN SIMEON COMMUNITY SERVICES DISTRICT

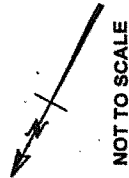


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013-031-042	013-071-016	013-091-027	013-402-005	
013-031-043	013-071-017	013-091-030	013-402-006	

SAN SIMEON COMMUNITY SERVICES DISTRICT
UPDATED on 11/15/2017

EXHIBIT B1
COMMUNITY MAP



NOT TO SCALE



1010 Marsh St., San Luis Obispo, CA 93401
(805) 546-8208 • FAX (805) 546-8641

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789: that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

October 5

in the year 2017.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct.

Dated at San Luis Obispo, California, this day 5 of October, 2017.

Patricia Horton

Patricia Horton, New Times Legals

Proof of Publication of

NOTICE OF PUBLIC HEARING ON CONSIDERATION OF ADOPTION OF A RESOLUTION FOR APPLICATION TO THE LOCAL AREA FORMATION COMMISSION (LAFCO) FOR ACTIVATION OF LATENT POWERS TO PROVIDE WEED ABATEMENT SERVICES WITHIN THE SAN SIMEON COMMUNITY SERVICES DISTRICT SERVICE AREA
WHEN: November 8, 2017 at 6:00 p.m.
WHERE: Cavalier Banquet Room, 250 San Simeon Avenue, San Simeon, California
WHAT: The Board of Directors of the District will hold a public hearing to consider adopting a resolution for application to Local Area Formation Commission (LAFCO) for activation of latent powers to provide weed abatement services within the San Simeon Community Services District service area. At the time and place of the public hearing set forth above, any interested person who wishes to appear at the hearing will be given an opportunity to provide oral or written testimony on the resolution.
This Notice of intent to activate latent powers for weed abatement serves as the required 21-day notice pursuant to California Government Code Sections 56153, 56154 and 6061.
For further information you may contact the District at 111 Fico Avenue, San Simeon, California 93452, Telephone: (805) 927-4778
/s/ Courtney Murguia, Office Manager
Publish IT, The New Times, (October 5, 2017)

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/s/ Cortney Murguia, Office Manager

Publish 1T, The New Times, (October 5, 2017)