

12-0002-537

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law requires owners of property fronting on a public street or place to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public use of those areas; and,

WHEREAS, current law requires the superintendent of streets to provide notice to the owner or person in possession of the property fronting the sidewalk in disrepair to repair the sidewalk, including sidewalks damaged by tree roots or plants; and,

WHEREAS, existing law also requires that if a noticed sidewalk repair is not made in a specified time, the superintendent of streets shall make the repairs and the cost will be imposed by a lien on the property; and,

WHEREAS, AB 2231 (Fuentes) substantially modifies state law to require a city, county or city/county to repair any sidewalk out of repair or pending reconstruction if the sidewalk is owned by the local entity or if the damage is caused by plants or tree roots; and,

WHEREAS, if the local entity does not complete the repairs, the local entity will be liable for any injury resulting from the failure to repair; and,

WHEREAS, the City is facing various legal challenges relative to sidewalk repair and the enactment of AB 2231 would place unknown direct burdens on local governments to make timely repairs; and,

WHEREAS, AB 2231 would prohibit any city, county or city/county from imposing an assessment district for such sidewalk repairs; this matter is applicable to charter cities and counties

WHEREAS, the City of Los Angeles is currently responsible under the Municipal Code for the repair of sidewalks as the result of tree root damage; an accurate assessment of such damage or its repair costs have yet to made; and,

WHEREAS, sidewalk repair is a significant issue of local concern and should not be a matter of State mandate imposing substantial burdens on local governments; and,

WHEREAS, AB 2231 represents a major change in California law by shifting the burden of sidewalk repair from the adjacent property owner to local entities which will create financial disruption and diversion of funds from other core functions and places substantially increased liability on cities and counties;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2011-2012 State Legislative Program, OPPOSITION to AB 2231 (Fuentes) which would mandate that cities, counties and city/counties, including charter cities and counties, to undertake the repair of sidewalks that have been damaged by tree roots or plants or are owned by local governments, the costs of which are unknown, and subjects local governments to heightened liability, and eliminates the ability of local governments to assess property owners for the costs to effectuate such repairs.

PRESENTED BY: Bernard C. Parks
BERNARD PARKS
Councilmember, 8th District

SECONDED BY: _____

APR 24 2012

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