



● **McQUISTON ASSOCIATES**

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

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CF 12-0002-S37

ITEM 10 Council 5/30/12

P. Lattimore

**STATEMENT of J.H. McQUISTON on
CITY POSITION on AB 2231 SIDEWALK REPAIRS**

Honorable President and Members of the Council:

The City always opposes Bills to make cities financially-responsible for sidewalk repairs.

I believe the City correctly-opposes Bills like AB2231.

However, the City is improperly failing to assess property-owners for City repairs to sidewalks. The State mandates the City to assess property-owners, per Streets and Highways Code Sections 5600 et seq and 5870 et seq, for any "construction, reconstruction or repair" of "sidewalks".

"Sidewalk" is defined as any part or parcel of the City's easement over a property. The California Supreme Court decided long ago that the City must assess for such work. See, e.g. Statements in CF 11- and 12-0600 regarding Street Service budgeting, and CF 05-1853 regarding the State requirement to assess.

But since 1970's the City improperly-stopped assessing a property-owner for City work on the property.

City's violating the Streets and Highways Code improperly-degrades our City's walks, unnecessarily-injures people, and renders the City unable to fund desperately-needed social programs.

The City gave property-owners public funds in violation of law. The Day of Reckoning is immediately at-hand because of the City's A.D.A. Settlement.

The City must resume its repair-assessments on properties NOW.

Think how foolish it is for the City to insist that the City should not pay for repairs, but the City won't assess property-owners which per this Motion the City insists are financially-liable.

Respectfully submitted,

c: Interested parties

J. H. McQuiston