

13-0002-514

**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**, currently pending before the State Assembly is AB 22 (Blumenfield) which would prohibit cities, counties and city/counties, including charter cities and counties, that have an ordinance in operation requiring the local entity to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the requirement without the concurrence of the local electorate; and,

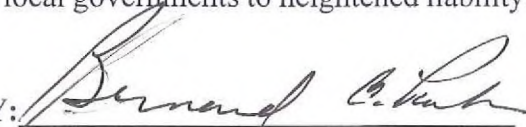
**WHEREAS**, in May, 2012, the City Council adopted Resolution (Parks - Perry) to OPPOSE AB 2231 (Fuentes), a measure similar to AB 22, which was not enacted; and

**WHEREAS**, the City is facing various legal challenges relative to sidewalk repair and the enactment of AB 22 would place unknown burdens on local governments; and,

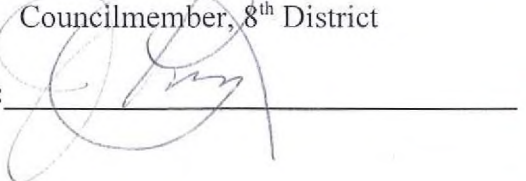
**WHEREAS**, sidewalk repair is a significant issue of local concern and should not be a matter of State mandate imposing substantial burdens on local governments; and

**WHEREAS**, AB 22 represents a burdensome procedural change on local legislative bodies, and 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 2013-2014 State Legislative Program, OPPOSITION to AB 22 (Blumenfield) which would prohibit cities, counties and city/counties, including charter cities and counties, that has an ordinance in operation that requires the locality to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth, from repealing the ordinance without the concurrence of the local electorate, the costs of which are unknown, and subjects local governments to heightened liability.

**PRESENTED BY:** 

**BERNARD C. PARKS**  
Councilmember, 8<sup>th</sup> District

**SECONDED BY:** 

JAN 23 2013

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