



● McQUISTON ASSOCIATES

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

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ITEM 2, B & F Cmte 10/21/13

E. Pulst

**STATEMENT of J.H. McQUISTON on
FIRST FINANCIAL STATUS REPORT for FY 2013-14**

Honorable Chairman and Members of the Committee:

Although certain budget deficiencies now are appearing, **there is an overlooked "fix" which this Committee may require which is pertinent, do-able, and prudent.**

The "fix" **reduces the City's liability for damages and operational-expense, presently amounting to about \$20 million per Fiscal Year.**

1. California Streets & Highways Code **requires property-owners to construct, maintain and repair "sidewalks", which it defines in the Code as including alleys, walkways, curbs, hydrants, lighting, trees, plants, and anything else in the City's easement (except for street-paving).**

LAMC also requires that of property-owners. Until 1976, the City obeyed and enforced those Codes.

If the City fails to enforce Code requirements and the City has "notice" of disrepair, the City is liable for litigation and damages incurred by injuries consequent to the disrepair. It is settled-law of long-standing.

If the City fails to enforce Code requirements regarding curb-cut construction, the City is liable also for A.D.A. injuries caused by the absence of such cuts. It is a matter of Court-settlement by City.

It makes no sense not to enforce the Codes. I found the **yearly-cost for liability and for "gift of public funds" for construction and repair is at least \$20 million, per Risk-Management's and Street Services' data.**

The Mayor must stop this massive and unallowable drain on the Treasury.

No new LAMC legislation is necessary. Enforcement is required by current City law.

It's time this Committee stops City's liability and expending funds which are not authorized by law.

2. Section 910, City Charter, requires :

"Neighborhood Councils shall monitor the delivery of City Services in their respective areas"

It's the Mayor's job per Charter Section 230 as **"Chief Executive Officer"** to "deliver City Services". Thus Neighborhood Councils are **mandated to report defective A.D.A. or deteriorated "sidewalks" to the Mayor's Street Services Department, for Property Owners to Install or Repair per Code.**

This Committee might-well instruct I.T.A. and Street Services to **provide an electronic Notification System** to insure the City has "constructive notice" thereof, but whereby **little or no City personnel are required to relay Notices from N.C.s through City to property owners.**

Respectfully submitted,

J. H. McQuiston

c: Interested parties