

Now Our City Council Wants a Sidewalk Tax!

29 Aug 2014 Written by Jack Humphreville



LA WATCHDOG-Pleading poor mouth, our City Council appears to be hell bent on dumping its obligation to repair our tree damaged sidewalks on homeowners, apartment owners, commercial establishments, and/or the general public.

The City estimates that 40% of our 10,750 miles of sidewalks are in need of various levels of repair and that the cost to fix our failed sidewalks and curbs will be at least \$1.5 billion.

According to Councilman Paul Krekorian, this estimate may be based on a February 2008 Street Services report that said that 38% of the City's properties have "some sidewalk damage." However, according to his rough and dirty calculations, only 12% of the linear length of our

sidewalks may be in need of repair.

Unfortunately, there is no concrete information about how many of our sidewalks are in need of repair, including those segments damaged by trees and their roots, a responsibility the City assumed in 1973, overriding the 1911 state law that obligated the property owners to maintain their sidewalks. Nor is there any information about the level of damage of these flawed segments or any distinction between residential and commercial properties.

The City is concerned about its liability for its damaged sidewalks, not only from everyday slip and fall injuries, but from the 2010 *Willits v. City of Los Angeles* federal class action lawsuit that alleges the City violated the Americans with Disabilities Act.

Accordingly, the City will devote the entire \$27 million allocated for sidewalk repairs in this year's budget to fixing City owned sidewalks that "hold the highest potential for liability and present the most significant challenges to mobility and public access to the public's facilities." But more will be needed next year to fix City owned sidewalks.

The City Council has asked the City Administrative Officer and Chief Legislative Analyst to report on reconstituting the "50/50" cost sharing program for residential properties that was discontinued in 2009 because of budgetary constraints. As part of this analysis, the CAO must also determine the City's cost of repairing or reconstructing sidewalks and compare those costs to what is available from independent contractors that are not burdened by the expense associated with City's cumbersome bureaucracy, regulations, and work rules.

The City Council has also requested reports on two other ways to mitigate or eliminate its obligation to repair tree damaged sidewalks. One would create a low cost Revolving Loan Program funded by the City's taxpayers while the other would establish Assessment Districts funded by taxes on local property owners.

While the members of the City Council droned on about alternative financing and enforcement plans, new technologies, the hiring of independent contractors, and many other related matters, the real issue is who is going to pay for the repair of the City's tree damaged sidewalks.

The City is looking to establish "new revenue streams" so it can develop a complete and comprehensive solution for our sidewalks.



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But this is just another way to say that the City wants us to approve a yet to be determined Sidewalk Tax to pay for the yet to be determined plan to repair of our walkways that have been shortchanged for years by the City Council as it diverted infrastructure funds to pay for the massive increases in salaries, pensions, and benefits demanded by the campaign funding leadership of the City's unions.

Instead of engaging in another election battle where the City holds our sidewalks hostage for a prince's ransom, the City should consider financing the repair of our tree damaged sidewalks through the serial issuance of long term bonds. This debt will be serviced by the increase in General Fund tax revenues, including those derived from the 20% tax on DWP Power System revenues that are expected to contribute an additional \$700 million over the next ten to fifteen years.

Once our tree damaged sidewalks are fixed, then the City is released from any future obligation to maintain the sidewalks, an alternative that won the approval of The Los Angeles Times.

Alternatively, if the City decides to increase our taxes to pay for our tree damaged sidewalks that we have theoretically been funding over the years, then we must demand that the City place on the ballot a charter amendment that requires the City to Live Within Its Means.

The City Council has talked about a compromise between the City and the homeowners and taxpayers. But its idea of give and take is where we do all the giving and the City does all the taking. But that attitude

is not going to earn the trust confidence, and respect of the voters who will once again reject any ill-conceived tax increase.

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