



## ● McQUISTON ASSOCIATES

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(323) 464-6792 FAX same

consultants to technical management

May 2, 2015

CF14-0600 Council

B&amp;F Cmte 5/5/14

E. Pulst

**STATEMENT of J.H. McQUISTON on  
COUNCIL SALARIES GENERAL & POLICY DETERMINATION**

Honorable Chairman and Members of the Committee:

**The Council Budget (Council plus CLA) prescribes no change in authorized personnel, 108 positions.**

**The Budget does authorize a \$5,700,000 pay-hike and \$1,599,418 benefits hike.**

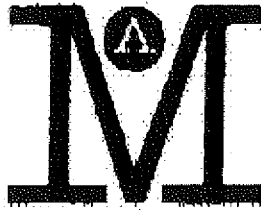
**The result is an apparent 78.3-percent across-the-board salary increase for all 108 persons, including Councilmembers and CLA.**

**I believe more explanation is necessary for why the pay-hike is necessary.**

**Please request a Budget Memo be reported on this element (Blue Book p 154 (salaries general budget changes,) and p.155 (Items 1 to 3).**

Respectfully submitted,

J. H. McQuiston

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**CF14-0600 GCP****B&F Cmte 5/5/14**

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**STATEMENT of J.H. McQUISTON on  
G C P BUDGET**

Honorable Chairman and Members of the Committee:

Although the total G C P Budget may be reasonable, the **funds distribution may be out-of-place.**

For example, retaining the Item 40 may not be appropriate if Items 2, 8 and 22 are drastically-reduced.

Likewise Item 32 is per California Streets & Highways Code mainly assessable on property owners although the Geeral Fund may advance funds on promise of recovery from assessments.

Moreover, our experience is that such a cleanup will remain clean for about 4 hours, at most. The idea that once-a-month or thereabouts will physically-affect the situation is just not tenable.

It must be addressed by the property owners on at least a dally basis now.

D P W has available signs which, when mounted after cleanup, do prolong the time required before cleanup is absolutely-required.

Respectfully submitted,

J. H. McQuiston



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CF14-0600 U B  
B&F Cmte 5/5/14  
E. Pulst

**STATEMENT of J.H. McQUISTON on  
UNAPPROPRIATED BALANCE**

Honorable Chairman and Members of the Committee:

**1. There is a hidden danger in allocating \$106 million to the Unappropriated Balance.** While holding funds in reserve sounds like a good idea, **if not actually released in the FY the funds literally become beyond-reach, because State Law requires each year's budget to be "balanced"**.

Inasmuch as the City is on a "cash" accounting method, leftover funds if budgeted for a following year produce an "unbalanced" budget because "assets" are expended to make-up for income.

Also, Constitution Article XIII in its parts prohibit "overcharging" fees for service, so it is not possible to build-up assets in the U B or anywhere else. Such a plan requires "accrual" accounting over a longer period than what the State Constitution and Laws permit.

**2. Item 19 is too restrictive.** Funds must be available for "sidewalk" (i.e., State definition of it) construction, reconstruction, repair and maintenance of those which City owns in fee-simple regardless of whether trees have caused danger to persons passing-over them.

However, the *adjacent property owner* may be billed for such work if the City does the work. Only the places where City is "adjacent" will the City be liable for the cost of the work.

This is a matter of "gift of public funds" on a massive scale and must be attended-to. Prior to 1976 it was executed properly, per Streets & Highways Code. Now it is not.

Respectfully submitted,

J. H. McQuiston



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May 5, 2014

**CF14-0600 Exhibit H**

**B&F Cmte 5/5/14**

E. Pulst

Budget & Finance Committee  
Los Angeles City Council

Dear Committee:

Please add to Exhibit H, under Street Services p 33:

Request the City Attorney, with the assistance of the Budget & Finance Committee, to prepare a Draft Amendment to Section 62.104(e) LAMC essentially as set forth herein, to remove conflict with California Streets & Highways Code Sections **5000-5895** and to add specific requirement for removing nuisance-horticulture which constitutes a hazard to persons passing over the public way:

“Owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved, or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas.

“For the purpose of construction to be maintained, “sidewalk” shall be defined as including sidewalks, gutters, pavements, driveways, curbs, parkway trees, street lighting facilities and alleys. “Construction” shall be defined as including construction, reconstruction, replacement, and any improvement as defined herein including weed and refuse control. “Maintenance” shall be defined as including the preservation and keeping rights-of-way, and each type of roadway structure, safety convenience or device, planting, illumination equipment, and other facility, in the safe and usable condition to which it has been improved or constructed, including the special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements, or other unusual or unexpected damage to the sidewalk as defined.

“Dead or dying tree, or a tree whose crown exceeds the dimensions of the bare-ground in which it is planted, shall be deemed a hazard to persons or property unless a City arborist after inspection deems otherwise. Hazardous trees shall be removed. Trees whose roots raised the sidewalk surface more than one inch or which caused a discontinuity in sidewalk’s smoothness more than one-quarter inch, shall be removed regardless of whether the tree is on the sidewalk or otherwise. The lot-owner charged with maintenance of the sidewalk shall remove the hazardous tree or shall commission the City to remove the tree at the owner’s expense, per the procedure as set forth in this Code.”

NOTE: The above material for Exhibit H is taken from the California Streets & Highways Code, including the above definitions.

Respectfully submitted,

c: Interested parties

J. H. McQuiston, P.E.