

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your

**BUDGET AND FINANCE
and
PUBLIC WORKS Committees**

reports as follows:

BUDGET AND FINANCE and PUBLIC WORKS COMMITTEES' REPORT relative to amending the Los Angeles Municipal Code (LAMC) in connection with a point of sale plan for sidewalk repair.

Recommendations for Council action:

1. INSTRUCT the Bureau of Street Services (BSS), upon approval by the Council and Mayor of an ordinance amending the LAMC to repeal the "exception" within Section 62.104 that established City liability for repair of curbs, driveways and sidewalks due to tree root damage (Council file 05-1853-S1), to devise a public outreach plan to notify and inform the City's property owners of the ordinance change.
2. INSTRUCT the BSS to implement a one-year Moratorium on its issuance of Notices to Repair Sidewalks to adjoining property owners.
3. INSTRUCT the BSS to report back to the Council on a quarterly basis during the one-year Moratorium on the status of development of the details of a sidewalk repair program which addresses the following issues:
 - a. Development of a notification system by the City of sidewalks in need of repair, to provide constructive notification to the affected property owners;
 - b. An inspection program which addresses both identification of locations where sidewalks are damaged due to tree roots, and inspection of the completed repair work;
 - c. Less City staff involvement in the program, with the bulk of the responsibility for repair being on the property owner and private contractors thus creating jobs and reducing the impact on the City's General Fund;
 - d. Development of a list of accepted private contractors that would be vetted and available to property owners;
 - e. Expedient completion of sidewalk repairs by the City at locations of abandoned buildings and/or hazardous locations, with a lien subsequently being placed on the property;
 - f. A system to notify the City when a property is in escrow for a point-of-sale system, when all other notifications have not resulted in repair of the sidewalk;
 - g. A financing model whereby the City may borrow funds through a revenue anticipation bond with the property owner paying for sidewalk repairs through their annual property taxes;

4. INSTRUCT the BSS, during the one-year Moratorium, to work with other City Departments, including the Planning Department and the Bureau of Engineering, to develop standards for sidewalk and parkway reconstruction and repair to ensure consistency and safety throughout the City's network of sidewalks.
5. RECEIVE and FILE the BSS reports dated February 12, 2008 and December 9, 2009, inasmuch as updated information has been provided in the report dated April 8, 2010 and no Council action is necessary.

Fiscal Impact Statement: None submitted by the BSS. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes

Against Proposal: Harbor Gateway North Neighborhood Council,
Coastal San Pedro Neighborhood Council
Granada Hills South Neighborhood Council

SUMMARY

At a special joint meeting of the Budget and Finance and Public Works Committees on April 19, 2010, the Committees considered BSS reports relative to sidewalk repair options. The BSS reports have been submitted in response to Motion (Parks-Smith), introduced on September 6, 2005. The Motion instructed the BSS, with the assistance of the City Administrative Officer (CAO) and the City Attorney, and in consultation with affected stake-holders, to report with recommendations relative to a point-of-sale plan for fixing the City's sidewalks whereby property sellers would be assessed the cost of fixing the sidewalks in front of their property. In February 2008, the BSS presented a comprehensive Point-of-Sale Implementation Plan to the Public Works Committee. After consideration, the Committee instructed the BSS to develop alternatives other than point-of-sale. Following adoption of the FY 2009-10 Budget, which called for a point-of-sale program to be implemented, two sub-committees (reduced from four previous sub-committees) were reorganized into a Repair Policy Committee chaired by the City Attorney's Office, and a Finance Committee chaired by the CAO. A list of eight potential sidewalk repair options was narrowed down to five options which all have broader support from the task force, primarily from the Real Estate industry, and are detailed in the BSS report dated April 8, 2010 (attached to the Council file).

The BSS reports that the Improvement Act of 1911 and LAMC Section 62.104 already places the responsibility for sidewalk construction, reconstruction and repair on the adjoining property owner. However, in 1974, because of available federal funding, the City accepted responsibility for repairs to curbs, driveways or sidewalks required as the result of tree root growth. This limited exception is still effective today, despite the absence of funding. Under Council file 05-1853-S1, the City Attorney has submitted a draft Ordinance which would repeal the tree root growth exception, effectively eliminating City responsibility for repair of curbs, driveways and sidewalks damaged by any cause, including by tree root growth.

Following a lengthy discussion which included discussion of the proposed draft ordinance, the Budget and Finance and Public Works Committee recommended approval of the draft ordinance amending the LAMC to repeal the "exception" within Section 62.104 that established City liability for repair of curbs, driveways and sidewalks due to tree root damage (Council file 05-1853-S1). The Committees requested the City Attorney to prepare and present an amended ordinance which

increases the time required for adjoining property owners to commence the work of repair and/or reconstruction of sidewalks from two weeks to ninety days. The BSS was instructed to: (1) devise a public outreach plan to notify and inform the City's property owners of the ordinance change; and, (2) to implement a one-year Moratorium on its issuance of Notices to Repair Sidewalks to adjoining property owners. During the Moratorium, the BSS was instructed to provide quarterly status reports on development of the details of the sidewalk repair program. The Committees provided the BSS with a list of issues to consider in developing the program. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

BUDGET AND FINANCE COMMITTEE

PUBLIC WORKS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PARKS:	YES
SMITH:	SMITH
ROSENDAHL:	YES
HUIZAR:	YES
KORETZ:	YES

<u>MEMBER</u>	<u>VOTE</u>
HUIZAR:	YES
ALARON:	ABSENT
SMITH:	YES

LB
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-NOT OFFICIAL UNTIL COUNCIL ACTS-