



COUNCIL AGENDA: 05-08-12
ITEM: 2.22

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 5-3-12

SUBJECT: AB 2231 (FUENTES) SIDEWALKS: REPAIRS

RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 2, 2012 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, re-affirm a position in opposition to AB 2231 (Fuentes) Sidewalks: Repairs.



Subject: AB 2231 (Fuentes)
 Sidewalks: Repairs
Recommend Position: Oppose

RULES COMMITTEE: 5-02-12
ITEM: G.5

EXPEDITED CITY COUNCIL ACTION REQUEST

Department: Transportation	Date: 04-27-12	Coordination: City Manager/City Attorney/City's Sacramento Legislative Representative	CMO Approval: /s/ Ed Shikada
			Dept. Approval: /s/ Hans F. Larsen

RECOMMENDED ACTION:

1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in opposition of AB 2231 (Fuentes).
2. Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's opposition for AB 2231.

BILL SYNOPSIS:

Current law provides that property owners are responsible for repairs on sidewalks adjacent to their property. AB 2231 would make local government agencies responsible for the repair of public sidewalks. In addition, the bill prohibits cities from imposing an assessment on the adjacent property owner for the repair of the sidewalk.

IMPACTS TO CITY OF SAN JOSE:

Transportation Infrastructure within the City of San José has been identified as the program with the largest unfunded need. The City's five-year unfunded needs for Transportation Infrastructure is \$443.8 million with annual ongoing unfunded needs identified at approximately \$89 million. It is estimated that there is approximately \$37.1 million worth of existing needed sidewalk and gutter repairs throughout the City, with an additional \$700,000 worth of new damage occurring annually. The bill would increase the scope and cost of the City to address damaged sidewalks.

Changing the current state requirements would add to the City of San José's growing infrastructure shortfall.

POLICY ALIGNMENT:

Included in the Council approved 2012 Legislative Guiding Principles and Priorities is language to oppose legislation, policies, or budgets that would have negative impacts on City services, revenues or costs.

SUPPORTERS/OPPONENTS:

Support: California Association of Realtors
California Apartment Association

Opposed: California State Association of Counties
City of Lakewood
Consumer Attorneys of California
Counties of Los Angeles, San Joaquin, and Ventura
League of California Cities

STATUS OF BILL:

The bill was amended in the Assembly Judiciary Committee on 04-23-12 and was re-referred to the Committee for further action.

FOR QUESTIONS CONTACT: Hans Larsen – (408) 535-3830