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**Parks & Recreation
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To: Lemoore City Council **Item 3E**
**From: Joe Simonson, Parks and Recreation
Director**
Date: April 12, 2012
**Subject: AB 2231 Amending Section 5611 Street and
Highway Code**

Discussion:

AB 2231, (Fuentes) as introduced would amend section 5611 of the Streets and Highways Code relating to sidewalks.

Existing law requires the owners of lots or portions of lots fronting on any portion of a public street or place to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner. Existing law requires the superintendent of street, as defined, to provide specified notice to the owner or person in possession of the property fronting on the portion of the sidewalk so out of repair or pending reconstruction, to repair the sidewalk. Under existing law, if the repair is not commenced within 2 weeks after the notice has been provided, the superintendent of street shall make the repair and the cost of the repair shall be imposed as a lien on the property.

This bill would require the City to repair any sidewalk out of repair or pending reconstruction if that sidewalk is owned by the local entity, or if the repairs are required as a result of damage caused by plants or trees. The bill would provide that, if the local entity fails to carry out the repairs, the local entity shall be liable for any injury resulting from the failure to repair. The bill would prohibit a City, County, or City and County from imposing an assessment for these sidewalk repairs against the owner of private property, fronting on any portion of a sidewalk. The bill would make these provisions applicable to charter Cities and Counties.

By imposing new duties on Cities, the bill would impose a state mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

The bill would provide that if the Commission on State Mandates determines that the bill contains cost mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Budget Impact:

It is unknown at this time what the total would be if AB 2231 passes but a conservative estimate is tens of thousands to take care of existing conditions. Year to year totals are unknown..

Recommendation:

That the Lemoore City Council, by motion, authorize the Mayor to send the attached letter of opposition to AB 2231.