

RESOLUTION No. 12-17

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
OPPOSING AB 2231 (FUENTES) - SIDEWALK REPAIRS AND AUTHORIZING THE
MAYOR TO SIGN A LETTER OF OPPOSITION**

WHEREAS, AB 2231 would shift responsibility and liability for dangerous or inoperable sidewalks from adjacent property owners to local agencies, and prohibits local agencies from imposing assessments on adjacent property owners for repairs; and

WHEREAS, AB 2231 requires that when any portion of any sidewalk is out of repair, pending reconstruction and is in a condition to endanger persons or property, or interferes with the public convenience in the use of that sidewalk, a city, county, or city and county shall repair that sidewalk, if a) that sidewalk is owned by that city, county, or city and county, or b) the repairs are required as a result of damage caused by plants or trees; and

WHEREAS, AB 2231 imposes liability on the City for any injury resulting from that entity's failure to perform the required repairs; and

WHEREAS, AB 2231 prohibits the City from imposing an assessment against the private owner of the property fronting on any portion of a sidewalk for sidewalk repairs under this section, makes findings and declarations that these provisions constitute a matter of statewide concern, and shall apply to charter cities and charter counties. These provisions shall supersede any inconsistent provisions in the charter of any county or city; and

WHEREAS, the City is not in a fiscal position to pay for repairs of sidewalks or any consequent litigation that may arise from injuries or damages caused by sidewalks in disrepair; and

WHEREAS, the public's safety and welfare benefit by holding adjacent property owners responsible for sidewalk maintenance and repair because the adjacent property owner is in the best position to detect, preserve, and repair potentially dangerous conditions and prevent injuries to Millbrae's residents and visitors.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Millbrae strongly opposes AB 2231 (Fuentes) and hereby authorizes the Mayor to sign a letter of opposition.

REGULARLY PASSED and adopted this 22nd day of May, 2012.


MAYOR

ATTEST:

CITY CLERK

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 22nd day of May 2012, by the following vote:

AYES:	COUNCILMEMBERS:	Colapietro, Papan, Holober, Lee, and Gottschalk
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


CITY CLERK