JAMES K. HAHN
CITY ATTORNEY

WRITER'S DIRECT DIAL: 213-485-6363
FAX: 213-237-0399
TTY: 213-485-1607

Office of the City Attorney
Los Angeles, California

FEB 5 1999

RE: 99-0043

DRAFT ORDINANCE ESTABLISHING A TRUST FUND FOR THE REPAIR AND MAINTENANCE OF SIDEWALKS DAMAGED BY TREES ADJACENT TO PROPERTIES OWNED BY SENIORS AND LOW-INCOME PERSONS

Honorable Public Works Committee
City of Los Angeles
Room 615, City Hall

(Council Files Nos. 92-0244-S1 and 94-0913, transmitted herewith)

Honorable Members:

The above files were recently brought to the attention of this office and are being returned to you. There appears to have been no activity in connection with these files since June 1994. However, in the event the above matter is of interest to you we have attached a discussion draft of ordinance together with a related report of the then Director of the Bureau of Street Maintenance. As you will note, the motion and the draft of ordinance merely provide that funds be deposited into the trust fund in amounts equal to those fees waived by the City Council for the installation and maintenance of street trees by property owners and developers. In this regard your attention is invited to the portion of the Director's report which states, "...it has not been a practice of the City Council to waive installation and/or maintenance fees.", indicating that there might not be much money available in the fund to do the repair work. It should also be noted that the Director states that if it were the intent to utilize moneys deposited by developers and others in connection with the planting of trees which would otherwise be refunded, various provisions of the Municipal Code mandating these refunds would have to be amended.

Very truly yours,

JAMES K. HAHN, City Attorney

By
HENRY G. MORRIS
Assistant City Attorney

HGM:ls

CITY CLERK
BY

RECEIVED
CITY CLERK'S OFFICE
99 FEB -9 PM 1:24

Recyclable and made from recycled waste.

DEPARTMENT OF PUBLIC WORKS

BUREAU OF STREET MAINTENANCE
REPORT NO. 1

ADOPTED BY THE BOARD OF
PUBLIC WORKS OF THE CITY
of Los Angeles, California
MAY 18 1994
Secretary

AND REFERRED TO THE PUBLIC WORKS
COMMITTEE OF THE CITY COUNCIL

May 18, 1994
CD's All

Honorable Board of Public Works
of the City of Los Angeles

Commissioners:

DRAFT ORDINANCE ESTABLISHING TRUST FUND FOR THE REPAIR AND MAINTENANCE OF SIDEWALKS DAMAGED BY TREES ADJACENT TO PROPERTIES OWNED BY SENIORS AND LOW-INCOME PERSONS

RECOMMENDATION:

That your Board review this report and forward it to the Public Works Committee of the City Council for their consideration and transmission to the City Attorney.

TRANSMITTALS:

1. Los Angeles Municipal Code (L.A.M.C.) Section 62.110
2. L.A.M.C., Section 62.111, Subsection E
3. L.A.M.C., Section 62.115
4. L.A.M.C., Section 62.176

RECITAL:

On September 29, 1993 your Board referred and instructed this Bureau to review and comment on a Draft Ordinance adding Chapter 65, Division 5, the Sections 5.451 et seq to the Los Angeles Administrative Code (LAAC) and establishing a Trust Fund for the repair and maintenance of sidewalks damaged by trees adjacent to properties owned by senior citizens and low income persons, and that money be made available to the fund through fees waived by the City Council for the installation and maintenance of street trees by property owners and developers. This Bureau submits the following comments for your consideration.

There are two existing sections in the L.A.M.C. which address the issue of fees being paid to the Department of Public Works when street trees are required in connection with subdivision, parcel maps, class "A" or "B" permits and conditional use permits, etc. (see attached excerpts-Transmittal No. 1).

That portion of the tree planting fee covering the cost of the tree, planting, root control barriers, tree wells and covers, is deposited in the Public Works Trust Fund No. 834, Revenue Source 7883, titled "Street Tree Deposits" and remains in that fund until used to plant the tree. That portion of the planting fee covering the inspection and clerical costs is deposited in the General Fund.

These planting and maintenance fees are collected to ensure that street trees are planted to meet tract conditions as specified by the City Planning Department or the Bureau of Engineering in accordance with the Los Angeles Municipal Code. The Bureau of Engineering submits copies of all tentative tract maps for new subdivisions to the Bureau of Street Maintenance, Street Tree Division for determination of estimated costs of the required street trees.

These fees are charged on an estimated basis per linear foot of the development or after a field inspection has been completed that indicates the exact number of trees for which fees must be collected. If developers elect to plant the trees, only the maintenance fees are retained by the Bureau. All funds in excess of the maintenance fees are returned to the property owner.

Ordinance No. 121,928; and L.A.M.C. sections 62.110 Subsection B, 62.111 Subsection E and 62.115 require the City to refund deposited monies in excess of the amount of the final charges to the property owner which eliminates any excess fees under existing law. Fees may only be used to plant trees or such fees must be refunded (through the City Clerk) to the abutting property owner.

If the amount of the refund exceeds $5,000.00, the refund must be approved by the Board of Public Works and City Council. The Council has the authority to waive fees in certain instances, however, it has not been a practice of the City Council to waive tree installation and/or maintenance fees.

To amend the Administrative Code and enact an ordinance that would not return tree planting fees to property owners, contradicts language presently contained in Ordinance number 121,928; sections 62.110 Subsection B, 62.111 Subsection E and 62.115 which require the City to return the unused portion of the tree fees that were deposited as an estimate for tree planting fees.

This Bureau has no objection to adding Chapter 65 to the L.A.M.C. However, it is recommended that the City Attorney draft the proposed ordinance in a manner that avoids conflicting language between new and existing legislation. Portions of existing ordinances may require being amended or repealed before a new ordinance is enacted that retains fees that should be returned to the abutting property owner or uses those fees for purposes that conflicts with language contained in existing ordinances.

(RWK ---- WEW)

BJG
S.T./wpc

Respectfully submitted,

PATRICK D. HOWARD, DIRECTOR
BUREAU OF STREET MAINTENACE

Prepared by:

Bobbie J. Green
Street Tree Superintendent I
Street Tree Division
Ext 5-5675

FILE NO.	SUBJECT
	(17)
92-0244 S1 94-0913 Citywide	Communication from the Board of Public Works relative to draft ordinance establishing trust fund for the repair and maintenance of sidewalks damaged by trees adjacent to properties owned by seniors and low-income persons in response to the motion (Hernandez - Galanter). DISPOSITION Hold in Committee
	(18)
92-0242 CD 12	City Engineer report regarding motion by Councilman Hal Bernson for driveway closure, by the Bureau of Street Maintenance (BSM), at Desoto Avenue (West Side) near Rinaldi Street. DISPOSITION

COMMENTS FROM PUBLIC ON ITEMS OF PUBLIC INTEREST
WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

NOTE: City Depts. submitting written reports or materials during the Committee meeting must provide copies to each Committee Member and 2 additional copies to the City Clerk - 1 copy for the Council File and the second copy to be made available for public inspection during the meeting.

BOARD OF PUBLIC WORKS
MEMBERS

CHARLES E. DICKERSON III
PRESIDENT
485-3376

J. P. ELLMAN
VICE-PRESIDENT
485-3379

PERCY DURAN III
PRESIDENT PRO-TEMPORE
485-3377

ADAM D. DUNCAN, JR.
485-3378

M. E. "RED" MARTINEZ
485-3375

CITY OF LOS ANGELES
CALIFORNIA

RICHARD J. RIORDAN
MAYOR

OFFICE OF THE
BOARD OF PUBLIC WORKS
ROOM 353, CITY HALL
LOS ANGELES, CA 90012
JAMES A. GIBSON
SECRETARY
GENERAL INFORMATION
485-3381

May 18, 1994

#1 SM

Public Works Committee
of the City Council
Room No. 395
City Hall

Subject: DRAFT ORDINANCE ESTABLISHING TRUST FUND FOR THE REPAIR AND MAINTENANCE OF SIDEWALKS DAMAGED BY TREES ADJACENT TO PROPERTIES OWNED BY SENIORS AND LOW-INCOME PERSONS

At its meeting of May 18, 1994, the Board of Public Works adopted the attached report of the Director of the Bureau of Street Maintenance, recommending the establishment of a Trust Fund for the repair and maintenance of sidewalks damaged by trees adjacent to properties owned by seniors and low-income persons, and hereby transmits the said report for your consideration and referral to the City Attorney for the preparation of a Draft Ordinance to establish the said Trust Fund.

Respectfully submitted,

James A. Gibson
Secretary
Board of Public Works

JAG:mp

MAY 26 1994
PUBLIC WORKS

17

Recyclable and made from recycled waste.

DEPARTMENT OF PUBLIC WORKS

BUREAU OF STREET MAINTENANCE
REPORT NO. 1

ORDERED BY THE BOARD OF
PUBLIC WORKS OF THE CITY
of Los Angeles, California

MAY 18 1994

AND REFERRED TO THE PUBLIC WORKS COMMITTEE OF THE CITY COUNCIL

Secretary

May 18, 1994
CD's All

Honorable Board of Public Works
of the City of Los Angeles

Commissioners:

DRAFT ORDINANCE ESTABLISHING TRUST FUND FOR THE REPAIR AND MAINTENANCE OF SIDEWALKS DAMAGED BY TREES ADJACENT TO PROPERTIES OWNED BY SENIORS AND LOW-INCOME PERSONS

RECOMMENDATION:

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1. Los Angeles Municipal Code (L.A.M.C.) Section 62.110
2. L.A.M.C., Section 62.111, Subsection E
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There are two existing sections in the L.A.M.C. which address the issue of fees being paid to the Department of Public Works when street trees are required in connection with subdivision, parcel maps, class "A" or "B" permits and conditional use permits, etc. (see attached excerpts-Transmittal No. 1).

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(RWK ---- WEW)

BJG
S.T./wpc

Respectfully submitted,

PATRICK D. HOWARD, DIRECTOR
BUREAU OF STREET MAINTENACE

Prepared by:

Bobbie J. Green
Street Tree Superintendent I
Street Tree Division
Ext 5-5675

SM 5/18/84

SEC. 62.109. CLASS "A" PERMITS — FEES.

(a) (Amended by Ord. No. 156,857, Eff. 8/10/82.) If the application provided for in Section 62.108 is for a Class "A" permit, the applicant shall pay to the Board before such permit is issued an amount to be determined from the following schedule, except that the minimum fee to be paid in connection with any such application shall be $10.00; provided, however, that where the application is for a permit to do work within a public easement the minimum fee to be paid in connection therewith shall be $36.00.

1. **Curb** — All types including depressed curbs across driveways, but not including the gutter portion of integral curb and gutter, $1.00 per linear foot.

2. **Paving, Gutter, Sidewalk, Driveway** — all types, twenty cents per square foot.

3. **Fills** — Primary standard density test, one for each location, $50.00 each test; relative compaction test, one for each three-foot layer of fill 50 feet long of any width, $40.00 for each test.

(b) For any work not mentioned in subsection (a) of this section the applicant shall pay a fee equal to the estimated cost to the City of the inspection and similar services to be rendered by the City, to be computed by the City Engineer. Upon the payment of such fee a permit for said work may be issued by the Board.

SEC. 62.110. CLASS "B" PERMITS — FEES, COMPUTATION OF CHARGES.

(a) **(Amended by Ord. No. 137,473, Eff. 11/18/68.)** If the application is for a Class "B" permit, the applicant must, before the permit is issued, deposit with the Board an amount estimated by the City Engineer to be sufficient to reimburse the City for any and all of the following costs:

1. Design, plan checking, surveying and any engineering costs or fees;
2. Inspection;
3. Testing of materials;
4. Furnishing of street light energy;
5. Furnishing and installing street name signs, street trees, traffic warning and regulatory signs;
6. Sandblasting obsolete pavement markings;
7. Any appurtenant work or other applicable costs.

(b) Final charges for a Class "B" permit shall be the total cost to the City in connection therewith, as provided for in subsection (a) of this section. The permittee shall be entitled to a refund of any excess of the amount deposited over the amount of the final charges. In the event the final charges exceed the amount deposited, the permittee shall be required to pay the deficit to the City, and such payment shall be made before the City Engineer approves the completion of the work. **(Amended by Ord. No. 112,719, Eff. 2/28/59.)**

bond, of all sums necessary to correct any faulty installations, replacement of defective equipment or parts, and payment or payments for all necessary costs and expenses which may be incurred by the City, other than ordinary maintenance and operation expense, to obtain satisfactory performance thereof during said period of one year from the date of completion and acceptance of such sewage works by the Board. **(Amended by Ord. No. 92,478, Eff. 12/21/47.)**

(e) **Termination of Bond.**

(1) The term of each bond filed or posted pursuant to this section, shall begin upon the date of the filing or posting thereof and shall end upon the date of the completion, to the satisfaction of the City Engineer, of all the improvements covered by the permit. The fact of such completion shall be evidenced by a statement thereof signed by the City Engineer, a copy of which shall be furnished to any surety upon request. In any case where a cash bond has been posted there shall be returned, on demand, to the permittee or to his successors or assigns, upon or after the date of the issuance of said certificate, the amount of such cash bond less the amount, if any, expended by the Board to complete the work or otherwise taken or deducted by the Board to reimburse or to indemnify the City for any loss or damage incurred prior to the date of such acceptance as a result of any default covered by the cash bond. **(Amended by Ord. No. 92,478, Eff. 12/21/47.)**

(2) The term of each bond filed or posted pursuant to (b)(2) of this section shall begin upon the date of filing and posting thereof and shall end one year from the date of the completion and acceptance of such sewage work by the Board. Where a cash bond has been posted, there shall be returned, on demand, to the permittee or to his successors or assigns, upon or after the lapse of one year from the date of the completion and acceptance by the Board of the sewage works, the amount of such cash bond less the amount, if any, expended by the Board for the adjustment or replacement of any defective equipment or parts, or to correct any faulty installations, or payments for all necessary costs and expenses which may be incurred by the City, other than ordinary maintenance and operation expense, to obtain satisfactory performance thereof during said period of one year from the date of completion and acceptance of such sewage works by the Board. **(Amended by Ord. No. 92,478, Eff. 12/21/47.)**

(f) **Duplication of Security — Not Required.**

If the applicant has already on file with the City Engineer, and in full force and effect, a surety bond or a deposit posted pursuant to the provisions of the Subdivision Map Ordinance (Ordinance No. 79,310, approved March 1, 1938) assuring the completion of the work for which the permit is requested, and adequate in amount to meet the requirements of this section, no other bond shall be required to be posted by him in order to comply with this section.

(g) Class "B" Permits - Insurance Required: (Amended by Ord. No. 153,469, Eff. 6/1/80.)

A Class "B" permit for any work for which such permit is required, shall not be issued until the applicant has filed with the City Engineer a protective liability policy of insurance in which the City has been named as insured or as co-insured with the permittee. The policy of insurance

(c) The permits issued for any work in streets designated by the Board as important traffic arteries shall contain a completion date to be specified by the City Engineer in the permit and the permittee shall complete the work within the time specified in said permit. **(Added by Ord. No. 111,083, Eff. 5/10/58).**

SEC. 62.115. REFUNDS:

Upon the expiration or cancellation of any Class "A" permit, the money paid to the City pursuant to the requirements of Section 62.109 of this Code, less the sum of $10.00 shall be returned to the permittee. Upon the expiration or cancellation of any portion less than 100% of a Class "A" permit, the money paid to the City pursuant to the requirements of said Section 62.109, less the sum of $10.00 plus all charges applicable to the work completed under the permit, shall be returned to the permittee. In order to obtain such a refund, in either case, application therefor must be made by the permittee in writing within six months from the date of expiration or cancellation and upon surrender of the permit. **(Amended by Ord. No. 156,857, Eff. 8/10/82.)**

Upon the expiration or cancellation of any Class "B" permit, the money deposited with the City pursuant to the requirements of Section 62.110 of this Code, less any amount expended by the City in connection with the permit, shall be returned to the permittee; provided that such a refund is requested by the permittee in writing within six months from the date of expiration or cancellation and upon surrender of the permit. **(Amended by Ord. No. 146,924, Eff. 3/12/75.)**

SEC. 62.116. PERMITS – AMOUNT OF WORK ALLOWED:

No person to whom a permit has been granted under the provisions of Sections 62.105 to 62.116, inclusive, shall perform any of the work mentioned in Section 62.105 in an amount or quantity greater than that specified in the permit, except that upon approval by the City Engineer, additional work may be done under the provisions of this permit in an amount not greater than ten per cent (10%) of the amount specified in the permit. Any bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section, within the limit mentioned herein.

SEC. 62.117. REMOVAL OF DEBRIS:

No person performing any work under the provisions of Sections 62.105 to 62.116, inclusive, shall fail, neglect or refuse to remove all material and debris within three (3) days after the completion of the work. Where new work is covered with earth, the terms of the specifications of this City governing such work shall control.

SEC. 62.118. EXEMPTIONS:

(a) Sections 62.105 to 62.116, inclusive, shall not be construed to apply to the performance of any of the classes of work therein mentioned under contracts made by property owners and duly authorized by ordinance, or under contracts made by the Board in accordance with the provisions of of the charter of this City or the general laws of the State of California, providing for the improvement of streets in municipalities.

(b) Sections 62.105 to 62.116, inclusive, shall not be construed to apply to the construction, reconstruction, or repair of any curb or sidewalk by any department of this City or other governmental agency which elects to perform such work using its own departmental forces where in the

SEC. 62.172. HOUSE MOVING – PERMIT:

No person shall move any building or other object along any street in such manner as to injure any tree or shrub in such street without first having obtained a permit therefor from the Board, and said Board may, if deemed advisable, require any person moving a building or any other object along a street in said City to furnish a bond in an amount sufficient to cover the damage or destruction of trees or shrubs on any street. **(Added by Ord. No. 153,500, Eff. 4/18/80.)**

SEC. 62.173. TREE STAKES OR GUARDS:

Tree stakes or guards may be placed around trees, shrubs or plants by the Board, by its authorized officers or employees, or by property owners, provided the same are merely placed near a tree, shrub or plant, for the purpose of protecting or training such trees, shrubs or plants. **(Added by Ord. No. 153,500, Eff. 4/18/80.)**

SEC. 62.174. INJURY TO TREES:

No person shall pile building material, or other material, about any tree, plant or shrub in any street in any manner that will in any way injure such tree, plant or shrub. **(Added by Ord. No. 153,500, Eff. 4/18/80.)**

SEC. 62.175. TREE MAINTENANCE:

Whenever any trees are planted within the public streets as a condition precedent to the recording of a subdivision, as provided for in Ordinance No. 79,310, the Board, for a continuous period of five years after the recording of said subdivision, shall have charge, superintendence and control of the maintenance of said trees in a manner to insure proper growth in accordance with the originally approved planting scheme. Such maintenance may include but shall not be restricted to watering, pruning, replacing and general care of said tree. **(Added by Ord. No. 153,500, Eff. 4/18/80.)**

SEC. 62.176. STREET MAINTENANCE FEE:

Whenever any street tree or street trees are required in connection with a subdivision, parcel map, zone change, conditional use or Class "A" or Class "B" permit as referred to in Section 62.105 of this Code, or whenever any street tree or street trees are provided pursuant to Section 12.21 A 6 of this Code and maintained by the Department of Public Works, a fee of $53.00 shall be paid to the Department of Public Works to cover the expense of maintaining such trees for a period of 5 years after planting. This fee shall be paid at the same time and in the same manner as any fees for planting such fees are paid. **(Added by Ord. No. 153,500, Eff. 4/18/80.)**

SECS. 62.177-62.199. (None)

SEC. 62.200. STREET INTERSECTIONS – OBSTRUCTIONS TO VISIBILITY.

(a) **Obstructions Prohibited.** (Amended by Ord. No. 163,509, Eff. 5/23/88.) On property at any corner of any intersection not controlled by

Transmittal #4:

L.A.M.C., Section 62.176 (which was enacted in 1922 and is still in effect) states in part: "whenever any street tree or trees are required in connection with a subdivision, parcel map, zone change, conditional use or class "A" or class "B" permit..., or whenever any street tree or street trees are provided pursuant to Section 12.21 A6 of this Code..., a certain specified fee shall be paid to the Department of Public Works to cover the expense of maintaining such trees for a period of 5 years after planting". This maintenance fee payment is deposited into the General Fund.

Section 17.80, Sub Section F of the L.A.M.C. adopted June 12, 1959 states in part: "Arrangements between the subdivider and the City shall be made whereby the subdivider either plants street trees in subdivisions to the satisfaction of the Bureau of Street Maintenance..., or makes a cash payment to the City in an amount sufficient to insure adequate funds to plant street trees in subdivisions at the proper time. Such amount shall be determined by said Bureau. When planted by the City, such trees may be planted under contract or by City forces. The amount of cash payment per tree shall be determined by the Board of Public Works in accordance with prevailing nursery prices and labor costs, and shall be subject to annual revision".

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries relative to this matter refer to File No.

92-0244-S1

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - 485-5703
General Information - 485-5705

Pat Letcher
Chief Legislative Assistant

May 1, 1992

James Hahn, City Attorney
Office of the City Attorney

Dear Mr. Hahn:

At the request of the Chair of the Public Works Committee , I am transmitting a copy of Motion (Hernandez-Galanter) regarding the preparation of a draft ordinance to establish a trust fund for the on-going repairs and maintenance to sidewalks damaged by street trees and adjacent to property owned by seniors and low-income persons, etc. to your Office for review and recommendation. Please transmit your completed draft ordinance, report and recommendations to the Public Works Committee, c/o Adrienne Bass, Legislative Assistant, Office of the City Clerk, Room 395, City Hall, as soon as possible for consideration by the Committee.

Sincerely,

Adrienne Bass
Legislative Assistant
Public Works Committee

*File Not Transmitted

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ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries relative to this matter refer to File No.

92-0244-S1

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - 485-5703
General Information - 485-5705

Pat Letcher
Chief Legislative Assistant

April 3, 1992

Public Works Committee Clerk (with file)

At the meeting of the Council held April 1, 1992, motion (Wachs - Picus) that motion (Hernandez - Galanter) relative to directing the City Attorney to prepare and present to the City Council an ordinance to establish a trust fund for the on-going repairs and maintenance to sidewalks to property owned by seniors and low-income persons BE REFERRED to the Public Works Committee for further consideration.

Elias Martinez

City Clerk
mlb

Recyclable and made from recycled waste.

Motion (Wachs - Picus) that Motion (Hernandez - Galanter) relative to direct the City Attorney to prepare and present to the City Council an ordinance to establish a trust fund for the on-going repairs and maintenance to sidewalks to property owned by seniors and low-income persons BE REFERRED TO Public Works Committee.

ADOPTED

APR 0 1 1992

LOS ANGELES CITY COUNCIL

Public Works Committee Clerk (w/file)

At the meeting of the Council held April 1, 1992, motion was adopted that Motion (Hernandez - Galanter) relative to direct the City Attorney to prepare and present to the City Council an ordinance to establish a trust fund for the on-going repairs and maintenance to sidewalks to property owned by seniors and low-income persons BE REFERRED to Public Works Committee for further consideration.

10A

M O T I O N

I MOVE that Item #10 on todays Council agenda (C.F. 92-0244) be amended to provide that the City Attorney be directed to prepare and present to the City Council an ordinance to establish a trust fund for the on-going repairs and maintenance to sidewalks damaged by street trees and adjacent to property owned by seniors and low-income persons; and, that funds be deposited into this trust fund in amounts equal to those fees waived by the City Council for installation and maintenance of street trees by property owners and developers.

PRESENTED BY Mike Hernandez
Mike Hernandez
Councilman, 1st District

SECONDED BY Ruth Galanter

APR 01 1992 - REFERRED TO PW CMTE

ORDINANCE NO. _____

An ordinance adding Chapter 65 to Division 5 of the Los Angeles Administrative Code to create a "Repair And Maintenance Of Sidewalk Trust Fund" for the ongoing repairs and maintenance to sidewalks damaged by trees adjacent to properties owned by seniors and low-income persons.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Chapter 65 is hereby added to Division 5 of the Los Angeles Administrative Code, to read:

CHAPTER 65

REPAIR AND MAINTENANCE OF SIDEWALK TRUST FUND

Sec. 5.451. Creation and Administration Of The Fund.

(a) There is hereby created a fund within the treasury of the City of Los Angeles which is known as the Repair and Maintenance of Sidewalk Trust Fund, referred to in this Chapter as the "Fund."

(b) The Fund shall be administered by the Department of Public Works.

Sec. 5.452. Purpose Of The Fund.

The purpose of the Fund is to pay the cost of repair of sidewalks damaged by street trees adjacent to property owned by senior citizens and low-income persons. A senior citizen is any person 62 years of age or older. A low-income person is any person who qualifies for a reduced utility rate as determined by the Department of Water and Power.

Sec. 5.453. Moneys To Be Deposited In Fund.

There shall be deposited into the Fund monies in an amount equal to those fees waived by the City Council in connection with the planting and maintenance of street trees by property owners and developers. The Board of Public Works Commissioners shall periodically report to the Council amounts waived in connection with the aforementioned planting and maintenance and request that the Council appropriate to the Fund an equivalent amount.

c:\lot\ords\tree-fun.d

CITY OF LOS ANGELES

COMMUNICATION No. 92-0244-S1

IMPORTANT

1. This is a valuable PUBLIC DOCUMENT. While in your custody YOU ARE RESPONSIBLE for its safekeeping.

2. Section 44, (2) of the City Charter provides that the City Clerk shall have custody of, preserve and be responsible for this document when not in actual use by other officers. In compliance with this provision, RETURN FORTHWITH TO THE CITY CLERK WHEN NOT IN ACTUAL USE.

3. In this connection, the Government Code of California provides:

   "Sec. 6200. Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, wilfully destroying, mutilating, defacing, altering or falsifying, removing or secreting the whole or any part of such record, map, book, paper, or proceeding, or who permits any other person so to do, is punishable by imprisonment in the State prison not less than one nor more than fourteen years."

   "Sec. 6201. Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment in the State prison not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding one hundred dollars ($100), or by both such fine and imprisonment."

4. Review City Documents in your possession EVERY 30 DAYS. Request time extensions only when absolutely necessary.

5. NOTIFY THE CITY CLERK (Index Division—Sta. 1703) if this document is transmitted to any other Department or Office, and release your responsibility.

6. RETURN DOCUMENTS NOT IN ACTUAL USE TO THE CITY CLERK IMMEDIATELY.

COUNCIL FILE NO. (ODD) 92-0244-S1

COMMUNICATION FROM

D375

SUBJECT MATTER

Form 156

DO NOT FOLD THIS DOCUMENT

DATE_____

RETURN TO CITY CLERK WITHOUT DELAY No. 92-0244-S1