

Policy A: Shift Sidewalk Liability and End City Replacement Program

Background: The City of Livermore is currently home to 16.2 million square feet of sidewalk. The California Streets and Highways Code Section 5610 places the burden of maintenance for sidewalks on the adjacent property owners stating that they "... shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas..." The City currently has a policy in place which subsidizes 25% of the construction cost for any required repairs or replacement. The private property owners pay for the other 75%.

Staff maintains a list of defective sidewalk areas generated both from staff inspections and resident notifications. Staff then uses an annual construction contract to repair as many locations as possible using the existing funding of \$300,000 per year. This typically results in about 7,500 square feet of sidewalk being repaired each year as part of the City-run program. The current funding level does not allow the City to catch up on the list of defective areas, let alone keep up with newly-identified areas. This results in an increasing backlog of repair work which means that many defective areas of sidewalk may not be addressed for a number of years after notification.

The City is currently liable for trip and fall claims which may arise from defective sidewalk. The City spends an average of \$34,500 per year in addressing these claims. Approximately 145 hours of staff time per year are dedicated to investigating and processing the claims, which is reflected within the annual average cost.

Policy: The City of Livermore shall end the practice of subsidizing private property owners for the cost of maintaining or replacing sidewalk. The City shall end the practice of implementing sidewalk replacement or repairs on behalf of private property owners. City staff shall enforce the requirements for private property owners to properly maintain the sidewalks adjacent to their properties.

Policy Implementation: This policy would involve two distinct actions. The first action would repeal Resolution 2007-043 which instituted the 25% City / 75% property owner cost sharing arrangement. The second action would be the adoption of an ordinance shifting liability for sidewalk defects from the City to the private property owners. In addition, the City should promulgate administrative procedures for enforcing the policy.

Public Impact: This policy would impact the private property owners of Livermore by marginally increasing the direct cost of sidewalk maintenance they may have to incur. However, since the City's funds are derived primarily from the residents and businesses in town, the overall cost to the public for sidewalk repairs is likely to go down. This policy will also allow greater flexibility by the private property owners to choose a contractor and have repairs completed in a shorter fashion than the City-administered sidewalk project. Initial research shows that homeowner's insurance policies typically cover liability associated with trip and fall claims related to sidewalks where a liability-shifting ordinance exists without increasing premiums.

Staff Impact: This policy would end the management and administration of a construction project by City staff to maintain sidewalks. City staff efforts would be refocused on enforcing the already existing requirement for property owners to properly maintain their sidewalks. Staff believes this function could be accomplished by utilizing half the time of an existing employee.

Fiscal Impact: This policy will effectively reduce the current financial commitment of the City by an estimated \$334,500 per year. This policy would also minimize or eliminate any potential future financial liability associated with trip and fall claims.

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Policy B: Divestment of Certain City Buildings

Background: The City owns over 570,000 square feet of buildings which derive their primary funding from the General Fund. These buildings include a variety of uses. Some of these buildings are operated by the City, some are operated by LARPD, and some are leased out to other entities.

Policy: This policy would allow the City to sell, transfer, or otherwise dispose of the following buildings:

- 241 N M Street (leased – houses a machine shop)
- 141 N Livermore Ave. (leased – houses one residential apartment and one non-profit organization)
- 145-149 N Livermore Ave. (leased – houses various retail businesses)
- Ravenswood (LARPD)
- The Barn (LARPD)
- SBC Building (leased, currently vacant)
- Multi-Service Center (leased – houses County services)
- Hagemann Farm (multiple buildings, leased – operated by the Livermore Heritage Guild)
- Duarte Garage (leased – operated by the Livermore Heritage Guild)
- Caretaker's House (leased – operated by the Livermore Heritage Guild)

Public Impact: This policy would have limited impacts on the public. Some buildings do not provide public services. For those buildings which are used to provide public services, the services would likely continue through other agencies or organizations.

Staff Impact: This policy would reduce staff time dedicated to managing or maintaining these buildings.

Fiscal Impact: This policy would help the City avoid at least \$505,000 per year on average. The City could also generate one-time revenue should any of these buildings be sold.

Policy C-1: Divestment of Walls

Background: The City of Livermore is currently responsible for 35 miles of walls valued at \$113 million. These walls are adjacent to roads and typically form the back fence for private homeowners. Some of these walls have maintenance funding through Landscape Maintenance Districts (LMD), but do not currently collect sufficient funding for future replacement. These walls provide a public benefit of aesthetics and provide private benefits such as security, privacy, and noise attenuation.

Policy: The City of Livermore shall no longer maintain, repair, or replace walls adjacent to or existing within the public right-of-way (ROW) that are not within an LMD. Responsibility to maintain and replace these walls shall be transferred to the adjacent property owners in a similar fashion as sidewalks. Walls within an LMD will continue to be the responsibility of the LMD, and funding necessary for replacement will be collected.

Policy Implementation: The City Council would need to adopt an ordinance requiring private property owners to maintain any walls located adjacent to their property that are within the public ROW. The City Council should also implement new design standards for major corridors to encourage uniformity when private property owners replace these walls.

Public Impact: This policy would impact private property owners whose property is adjacent to these walls by requiring them to directly pay for repairs and replacement of these walls.

Staff Impact: This policy would reduce staff time dedicated to maintaining and replacing these walls.

Fiscal Impact: This policy would help the City avoid up to \$3.8 million per year on average.

Policy C-2: Cost Sharing for Walls

Background: The City of Livermore is currently responsible for 35 miles of walls valued at \$113 million. These walls are adjacent to roads and typically form the back fence for private homeowners. Some of these walls have maintenance funding through Landscape Maintenance Districts (LMD), but do not currently collect sufficient funding for future replacement. These walls provide a public benefit of aesthetics and provide private benefits such as security, privacy, and noise attenuation.

Policy: The City of Livermore shall split the cost of maintaining and repairing these walls 50/50 with adjacent property owners.

Policy Implementation: The City Council would need to adopt an ordinance requiring that private property owners pay fifty percent of the cost to maintain any walls located adjacent to their property that are within the public ROW.

Public Impact: This policy would impact private property owners whose property is adjacent to these walls by requiring them to directly pay for half of the cost of repairs and replacement of these walls.

Staff Impact: Staff would continue to spend time on the maintenance and replacement of these walls. There would likely be an increase to the amount of administrative time required of staff for management of this program.

Fiscal Impact: This policy would help the City avoid at least \$1.9 million per year on average.