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RESOLUTION NO. 09-34

A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **\$10 billion** of city property tax revenues statewide, now amounting to over \$900 million each year, to fund the state budget even after deducting public safety program payments to cities by the state; and

WHEREAS, in his proposed FY 2009-10 budget the Governor has proposed transferring \$1 billion of local gas taxes and weight fees to the state general fund to balance the state budget, and over \$700 million in local gas taxes permanently in future years, immediately jeopardizing the ability of the City to maintain the City's streets, bridges, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of the motoring public; and

WHEREAS, the loss of almost all of the City's gas tax funds will seriously compromise the City's ability to perform critical traffic safety related street maintenance, including, but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, bridge maintenance and repair, sidewalk and curb ramp maintenance and repair, and more; and

1 **WHEREAS**, some cities report to the League of California Cities that they will
2 be forced to eliminate part or all of their street maintenance operations while others will
3 be forced to cut back in other areas (including public safety staffing levels) to use city
4 general funds for basic street repair and maintenance. Furthermore, cities expect that
5 liability damage awards will mount as basic maintenance is ignored and traffic accidents,
6 injuries and deaths increase; and

7 **WHEREAS**, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters
8 of our state overwhelmingly imposed restriction on the state's ability to do what the
9 Governor has proposed, and any effort to permanently divert the local share of the gas tax
10 would violate the state constitution and the will of the voters; and

11 **WHEREAS**, cities and counties maintain 81% of the state road network while the
12 state directly maintains just 8%; and

13 **WHEREAS**, ongoing street maintenance is a significant public safety concern. A
14 city's failure to maintain its street pavement (potholes filling, sealing, overlays, etc.),
15 traffic signals, signs, and street lights has a direct correlation to traffic accidents, injuries
16 and deaths; and

17 **WHEREAS**, according to a recent statewide needs assessment¹ on a scale of zero
18 (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or
19 "at risk." Local streets and roads will fall to "poor" condition (Score of 48) by 2033 based
20 on existing funding levels available to cities and counties.

21 **NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF**
22 **THE CITY OF ALBANY** hereby directs the City Attorney to take all necessary steps to
23 cooperate with the League of California Cities, other cities and counties in supporting
24 litigation against the state of California if the legislature enacts and the governor signs
25

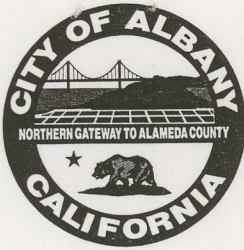
26 _____
27 ¹ *California Statewide Local Streets and Roads Needs Assessment*, Nichols Consulting Engineers, Chtd.
28 (2008), sponsored by the League of California Cities, California State Association of Counties and County
29 Engineers Association of California.

1 into law legislation that unconstitutionally diverts the City's share of funding from the
2 Highway Users Tax Account (HUTA), also known as the "gas tax," to fund the state
3 general fund; and

4 **RESOLVED FURTHER**, that the city manager or clerk shall send this resolution
5 with an accompanying letter from the mayor to the Governor and each legislator,
6 informing them in the clearest of terms of the City's adamant resolve to oppose any effort
7 to frustrate the will of the electorate as expressed in Proposition 5 (1974) and Proposition
8 8 (1998) concerning the proper use and allocation of the gas tax; and

9 **RESOLVED FURTHER**, that a copy of this Resolution shall be sent by the city
10 manager or clerk to the League of California Cities, the local chamber of commerce, and
11 other community groups whose members are affected by this proposal to create unsafe
12 conditions on the streets of our City for pedestrians, bicyclists and motorists.

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14 
15 MARGE ATKINSON
16 MAYOR
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City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT &
ENVIRONMENTAL RESOURCES**

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760
FAX (510) 524-9359

**FINANCE & ADMINISTRATIVE
SERVICES**

CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL
SERVICES**

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

**RECREATION & COMMUNITY
SERVICES**

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

RESOLUTION NO. 09-34

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

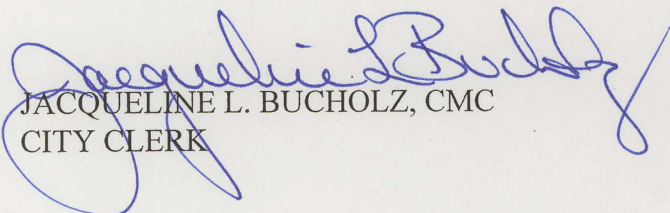
this 15th day of June, 2009, by the following votes:

AYES: Council Members Javandel, Thomsen, Wile & Mayor Atkinson

NOES: None

ABSENT: Council Member Lieber

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 16th
day of June, 2009.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,
and providing a safe, healthy environment now and in the future.



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