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

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

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

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

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

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

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1 California Statewide Local Streets and Roads Needs Assessment, Nichols Consulting Engineers, Chtd. (2008), sponsored by the League of California Cities, California State Association of Counties and County Engineers Association of California.
into law legislation that unconstitutionally diverts the City’s share of funding from the Highway Users Tax Account (HUTA), also known as the “gas tax,” to fund the state general fund; and

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

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

MARGE ATKINSON
MAYOR
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


[Signature]

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.