

REPORT TO CITY COUNCIL

DATE: APRIL 22, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER

SUBJECT: LETTER OF SUPPORT – ASSEMBLY BILL 139 (BROWNLEY)

The Los Angeles County Flood Control District (LACFCD) has approached cities with a request to assist them with the challenge to address storm water and urban runoff and is requesting a letter of support (attached). The LACFCD has been working with local legislators to make modifications to the existing Los Angeles Flood Control Act that was adopted by the State legislature in 1915. The change is needed to address the water quality problems that are now prevalent across the county, state and country. New water quality mandates now require counties and cities to address storm water urban runoff and the contaminants that reside in them. The LACFCD, like many other agencies, are challenged to generate substantial amounts of revenue that will equate to millions of dollars in the coming years to address this problem. The costs needed to address water quality could overwhelm existing revenue streams and ultimately impact other municipal programs.

The LACFCD is requesting support of Assembly Bill 139 (Los Angeles County Flood Control District: fees and charges) that would authorize the District to collect a fee in compliance with Article XIII D of the California Constitution (known as Prop 218). Existing law does not afford the LACFCD to ask voters for a fee, as it currently only permits the District to issue bonds or levy assessments on real property to address revenues. AB 139 would incorporate amended language that would permit the LACFCD *“to impose a fee or charge, in compliance with Article XIII D of the California Constitution, to pay cost and expenses of the district, and to carry out objects or purposes of the act”* (Los Angeles Flood Control Act). The County of Los Angeles has been conducting initial water quality phone surveys on this issue to gauge understanding and support for such a fee, particularly for a mail back ballot process the LACFCD is considering. Initial surveys on this issue for a proposed per parcel fee of \$44 to \$54 received over 60% approval from property owners before full explanations were conducted. The LACFCD is looking to refer to this potential fee as a “clean water fee,” that would be used only for water cleanup and protection projects that could not be diverted by the State or any other entity or for any other purpose.

There have been ongoing discussions in the storm water quality arena to have the District develop a funding mechanism to address storm water quality countywide for some time. AB 139 would be the first step in establishing a long term revenue stream to address the water quality issues facing many counties and cities. This would still depend on the ultimate approval by

county voters even if AB 139 is approved. It should be noted and clarified that the City Council's letter of support will only express its support for allowing the legislature to include amending language in the Flood Control Act to afford the LACFCD the ability to ask the voters for a fee. It does not, and should not, be interpreted to mean that the City Council is in support of a per parcel fee to address this issue, as to approve such a fee is something that is, ultimately, left to the voters of Los Angeles County to decide.

This request was presented to the Legislative Committee for its review and full support was received.

RECOMMENDATION

It is recommended the City Council approve the Letter of Support for Assembly Bill 139 - Los Angeles County Flood Control District: fees and charges, and direct staff to initiate actions necessary to formalize the request.

Attachments: Assembly Bill 139 – Support Letter
 LACFCD AB 139 Fact Sheet



"Gateway to the Santa Monica Mountains National Recreation Area"

April 23, 2009

The Honorable Julia Brownley
California State Assembly
State Capital Building, Room 6011
Sacramento, CA 95814

Re: **Assembly Bill 139 – Support**

Dear Assembly Member Brownley:

On behalf of the City Council of City of Agoura Hills, I am writing to express our supporting of Assembly Bill 139 (Brownley). AB 139 would provide the Los Angeles County Flood Control District (LACFCD) the authority to impose a fee on property within the LACFCD to address pollution in stormwater and urban runoff in full compliance with Article XIII D of the California Constitution (Proposition 218).

The Los Angeles Region faces critical and very costly stormwater and urban runoff pollution challenges. Runoff containing trash and bacteria, metals and other pollutants drain from cities and unincorporated urban areas into streams and waterways, into the flood protection system, and ultimately to the ocean. These pollutants negatively impact the economy and vitality of all communities in Los Angeles County. Additionally, Federal and State regulations continue to evolve becoming more stringent and complex. Finally, the cost to develop, construct and maintain projects to address the pollution runoff continues to increase and it is estimated to be in the hundred of millions per year. Like many cities in the region, the City of Agoura Hills is looking at its future budgets to address water quality issues, and will be challenged with raising sufficient funds to continue to remain in compliance with current and future mandates.

AB 139 is an important step in the process of establishing a stable and long term revenue stream that would provide for the construction and maintenance of improvements to address polluted runoff. For these reasons, the City of Agoura Hills fully supports AB 139. If you have any questions, please contact Mr. Ramiro Adeva, City Engineer, at (818) 597-7353 or Mr. Louis Celaya, Assistant to the City Manager, at (818) 597-7314. Thank you for your attention and consideration on this matter.

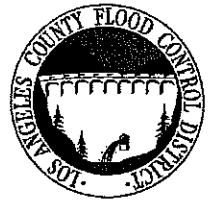
Respectfully submitted,

Denis Weber
Mayor

cc: City Council
City Manager

AB 139

Los Angeles County Flood Control District



AB 139 seeks to update the Los Angeles County Flood Control Act and bring it into alignment with current and future service needs of the public served by the Los Angeles County Flood Control District. Passage of this bill by the State Legislature would authorize the District to collect a fee in compliance with Article XIII D of the California Constitution (also known as Prop. 218).

What is the Los Angeles County Flood Control Act?

The Los Angeles County Flood Control Act (ACT) was adopted by the State Legislature in 1915, after a disastrous regional flood took a heavy toll on lives and property. The Act established the Los Angeles Flood Control District (District) and empowered it to provide flood protection, water conservation, recreation and aesthetic enhancement. The District is governed, as a separate entity, by the County of Los Angeles Board of Supervisors.

Who does the District serve?

The District covers more than 3,000 square miles, 85 cities and approximately 2.1 million land parcels. It includes the vast majority of drainage infrastructure within incorporated and unincorporated areas in every watershed, including 500 miles of open channel, nearly 3,000 miles of underground storm drain, and over 78,000 catch basins.

Why does the Act need to be updated?

Dense urbanization in Los Angeles County was not a problem during the first half of the 20th Century, when the Act was written. Today, runoff containing trash, bacteria, metals and other pollutants drain from cities and unincorporated urban areas into streams and waterways, into the flood protection system, and ultimately to the ocean. These pollutants negatively impact the economy and vitality of all communities in Los Angeles County. The cost to address these issues threatens to overwhelm existing revenue streams. While the Act does allow the District to issue bonds or levy assessments on real property to address revenue need, it does not allow it to ask voters for a fee.

A fee is necessary for the District to provide a service to treat runoff. AB 139 makes this option viable.

Will fees or charges be imposed without voter approval?

No. Any fee or related charge would be proposed to voters in compliance with Article XIII D of the California Constitution (also known as Prop. 218).

What types of projects would be covered by a fee or charge?

The complexity of the District's drainage infrastructure calls for a state-of-the-art flood protection, water quality and water conservation system. One example of a project that addresses all of these issues is the Dominguez Gap Wetlands. The project consisted of enhancing and restoring the existing Dominguez Gap Spreading Grounds' east and west basins and creating extensive treatment wetlands in the east basin. The wetlands treat 1.3 million gallons of polluted urban runoff daily, removing 60 to 80 percent of the nutrients in the water, as well as traces of heavy metals, organic carbons, oil, and greases. Riparian habitat was created around both basins, along with open space for the public including trails, shade structures, interpretive signage, and trash receptacles.

What can I do to help?

A support letter or e-mail sent to the State Legislature would effectively communicate how important this legislation is to ultimately address water pollution from urban and stormwater runoff within the District. For more information contact Hector J. Bordas at (626) 458-5947 or hbordas@dpw.lacounty.gov.