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Title:	CONSIDER APPROVAL OF TRANSFER AGREEMENT BETWEEN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND THE CITY OF CARSON, AGREEMENT NO. 2020MP14, SAFE, CLEAN WATER PROGRAM - MUNICIPAL PROGRAM (CITY COUNCIL)				
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Date	Ver.	Action By	Action	Result

Report to Mayor and City Council

Tuesday, July 21, 2020

Consent

SUBJECT:

CONSIDER APPROVAL OF TRANSFER AGREEMENT BETWEEN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND THE CITY OF CARSON, AGREEMENT NO. 2020MP14, SAFE, CLEAN WATER PROGRAM - MUNICIPAL PROGRAM (CITY COUNCIL)

I. SUMMARY

Measure W, also known as the Safe, Clean Water (SCW) Program, was passed in November 2018. The SCW Program will help implement and fund Stormwater projects that can improve water quality, increase water supply, and invest in communities. The Los Angeles Flood Control District ("District") administers the SCW Program for the purpose of funding projects and programs to increase stormwater and urban runoff capture and reduce stormwater and urban runoff pollution in Los Angeles County.

A Transfer Agreement between the City and the District has been prepared to define each party's responsibilities with respect to the transfer and use of SCW Program municipal funding to the City (Exhibit No. 1; the "Transfer Agreement"). This is a uniform agreement that is required to be executed by all participating cities in the County. Approval of the Transfer Agreement is in the best interest of the City in that it will facilitate and formalize allocation of Measure W funding to the City for the purpose of implementing and

constructing water quality projects. Staff requests that the City Council consider approval of the Transfer Agreement.

II. RECOMMENDATION

1. APPROVE the "Transfer Agreement between the Los Angeles County Flood Control District and [the City of] Carson, Agreement No. 2020MP14, Safe, Clean Water Program - Municipal Program" (Exhibit No. 1); and

2. AUTHORIZE the Mayor to execute the Transfer Agreement following approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE the Transfer Agreement. However, this will not allow the transfer of SCW Municipal Program funds to the City.

2. TAKE another action the City Council deems appropriate and consistent with the requirements of the law.

1. IV. BACKGROUND

Measure W, also known as the Safe, Clean Water (SCW) Program, was passed in November 2018, to help implement and fund Stormwater programs that can improve water quality, increase water supply, and invest in communities.

Los Angeles County is a water-scarce region. Residents rely heavily on imported water, and as much as two-thirds of our water is imported. Rainfall is an essential, local source of water. Rain runs through local rivers, creeks and streams and can be absorbed into the ground, replenishing groundwater, which is a local source of drinking water. However, because so much of our region is paved over, when we do experience heavy rain, the water is lost to the ocean before we can capture it for use. In addition, our local water resources are also threatened by contaminants and pollution as stormwater runs over streets and paved areas into our rivers, creeks and streams. Pollution can flow onto our beaches and into the ocean, posing a public health risk and harming marine life.

The SCW Program would fund a suite of project types that capture, clean, and conserve

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stormwater, benefiting the entire watershed, to small local project communities. An example of this type of project is the Carson Stormwater Capture Facility at Carriage Crest Park. The project will capture stormwater underground at the park in an off-line cistern below a renovated ball field. The stormwater would then be transported to the nearby Joint Water Pollution Control Plant operated by the County Sanitation District for reclamation. This is a method the City has used to improve surface water quality; it also provides new supplies of reclaimed water for irrigation and enhances ground water supplies. The program will also assist the City in complying with the applicable Total Maximum Daily Loads as specified in the Enhanced Watershed Management Program regulated and enforced by the National Pollutant Discharge Elimination System (NPDES), by reducing or eliminating the transport of pollutants downstream.

The SCW Program generates an estimated $300M annually. The funds are categorized into three sections: (i) $150M (50%) for Regional funds, (ii) $120M (40%) for Municipal funds, and (iii) $30M (10%) for the Flood Control District administering the program. The Municipal Funds may be used for programs to comply with the MS4 permit as set forth in the County's Safe Clean Water Program implementation ordinance. The tax methodology used in this program is based on the City's impermeable area, at a rate of 2.5 cents per square foot. SCW Program tax revenue allocated to the City is estimated to be $2.7 million per fiscal year, for the proposed Transfer Agreement expiring by FY 2023/24.

The Los Angeles Flood Control District administers the SCW Program. Pursuant to Los Angeles Flood Control District Code, prior to the receipt of SCW Municipal Program Funds, municipalities must enter into a funding agreement (known as a "Transfer Agreement") with the District setting forth the parameters for the City's receipt and use of SCW Program Municipal Funds. The Transfer Agreement is designed to be a uniform template across all cities in Los Angeles County. A number of cities made comments during the drafting process, and a template was accepted by the County Board of Supervisors. Therefore, it is extremely unlikely the County will agree to any changes to the template at this point.

In the event of a dispute over the Transfer Agreement, the parties will complete a meet and confer and mediation process prior to any litigation. Therefore, if either party were to breach the agreement, the parties would first meet and confer and mediate before filing a lawsuit. The City must indemnify the District in the event of bodily or personal injury, death or property damage, or breach of contract arising from any project implemented by the City with SCW Program funds.

After execution of the agreement, the City would be required to develop a public plan as to how its SCW Program funds will be used annually. The plan must be adopted/updated before each fiscal year and placed on the City's website, and must be submitted to the District not later than 90 days prior to the start of the relevant fiscal year. Additionally, within 6 months after the end of a fiscal year, the City must prepare an annual progress report containing specified information regarding the program funds it has expended, and provide a copy to the District.

Any project funded by SCW dollars must include a 2' x 3' sign stating "Funding for this project has been provided in full or in part from the Los Angeles County Flood Control District's Safe, Clean Water Program."

The City would receive the funding on the later of: (1) within 45 days after execution of the

Transfer Agreement by both parties; or (2) within 14 days of the District's receipt of the City's Annual SCW Plan for 2020-21 Fiscal Year.

V. FISCAL IMPACT

None. There is no impact on the City's General Fund. The SCW Program will help fund Stormwater projects that would improve water quality, increase water supply, and invest in communities. No local matching funding is required; all expenses incurred by City to construct Stormwater projects can be funded by SCW Program under the Transfer Agreement. It is estimated that the City would receive $2.7 million annually from the SCW Program. The funds will be kept in a separate interest-bearing account maintained by the City as required by the Transfer Agreement. In addition to the municipal funds, the City may also use the interest from that account for work authorized under the Safe Clean Water Program.

VI. EXHIBITS

1. Transfer Agreement between the Los Angeles County Flood Control District and the City of Carson, Agreement No. 2020MP14, Safe, Clean Water Program - Municipal Program (pgs. 4-26).

1.

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