



Los Angeles/Ventura Chapter





May 11, 2018

The Honorable Sheila J. Kuehl, Chair
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple St.
Los Angeles, CA 90012

RE: Urge Significant Changes to the Safe, Clean Water Program and Straw-man Proposal

Dear Chair Kuehl and Supervisors:

We are writing on behalf of BizFed, the Los Angeles County Business Federation, an alliance of 176 business organizations representing over 390,000 employers with over 3.5 million employees in Los Angeles County. As a massive grassroots alliance, we advocate for policies that strengthen our regional economy. **BizFed, in agreement with our municipal partners strongly urge the County of Los Angeles to incorporate the following recommendations into the Safe, Clean Water Program and straw-man proposal in order to garner our support.**

As you know, BizFed has been an active and ongoing participant in Los Angeles County's efforts to develop a stormwater fee or tax to support the water quality compliance requirements of the Los Angeles Regional Water Quality Control Board and its MS4 Permits, TMDLs, and Basin Plan. Being the voice of business, we have organized a broad coalition of property related businesses and municipal partners to serve as a resource in the development of the tax proposal and to analyze its impact on various types of property uses. Utilizing these vast resources, we have been providing comments and concerns regarding any tax or fee concepts. **Unfortunately, many of the issues that have been raised, remain. We feel there is a great deal more work that needs to be done to develop an effective plan that we can support.**

In addition to our continued involvement, water agencies have submitted a White Paper intended to help guide the County to produce a final measure that is fiscally sound, transparent, and benefits all stakeholders. This white paper has identified a feasible approach to take advantage of available capacity in existing public infrastructure. Now that the POTW's have the legal authority, this approach could more cost effectively meet RWQCB stormwater quality standards, while producing significant quantities of new recycled water supplies by diverting dry weather flows to existing POTWs; diverting wet weather flows to existing POTWs, as feasible. These measures coupled with the recommendations below, we believe will bring about a better Safe, Clean Water program, without putting additional and overburdensome regulations and high taxes on the business community, while allowing Cities the ability to meet MS4 water quality requirements.

In order for BizFed and our partners to support your efforts, the County of Los Angeles **MUST** incorporate the below recommendations:

1. There needs to be a stormwater master plan for each of the watershed areas, including commitments to projects with costs, timelines and anticipated results, and projects included in Watershed Management Programs and Enhanced Watershed Management Programs that have been approved by the Regional Water Board should be included in these plans without the need for feasibility studies.
2. Project scoring criteria shall be set at; 50 points for water quality, 25 points for water supply, 10-13 points for community investment, and 12-15 points for leveraging as defined on the draft scoring sheet.
3. The current proposed tax methodology is unclear to the tax payers. Before the finalization of the measure, all property owners must be shown the precisely proposed tax per parcel to review and have comments duly considered by the County regarding the fairness of the tax.
4. All experimental testing of existing and potential County/private projects via the current Safe, Clean Water Program project scoring criteria should be made public immediately.
5. Significant funding (\$5 Mil a year until the work is completed) should be allocated to developing a proper basin plan with appropriate science to back up the objectives.
6. A credit, rebate and/or exemption program needs to be created for those companies, residents and/or developers who have already complied on their property, ensuring they aren't double taxed.
7. A city credit, rebate and/or exemption program needs to be created for those cities that have already voted/enacted a compliance tax or fee program.
8. Authority needs to be granted to create a credit trading program for flexible compliance.
9. The tax measure should include a "dusk clause" specifying a date when the tax measure will be reduced to a level to cover operations & maintenance, as well as the creation of a fund to pay for eventual project replacement.
10. This tax measure should include an annual ten-year review of the funds expended and cost related to ongoing maintenance in the purpose of reducing the overall tax revenue to cover on-going maintenance. We ask the County to provide its best estimate of projected cost changes of infrastructure vs operations and maintenance over the next 30 years.
11. The amount of funding brought in from this tax should not exceed \$300 million annually.
12. There needs to be an Independent Citizens Regional Oversight Committee appointed by the Board of Supervisors that includes engineering, finance, and

water quality expertise. Also, this committee should not include organizations that are already recipients of the funds.

13. Authority needs to be granted to create a construction authority to build projects for regional jurisdictions without the capacity to manage and deliver on time and on budget.
14. A commitment from the Board to support the Auditors recommendations for the State and Regional Water Boards is needed.
15. Arroyo Seco and the Rio Hondo watersheds should be split off from the Upper Los Angeles River and grouped together in a new watershed area.
16. Both the establishment ordinance and implementation ordinance need to be adopted at the same time by the Board of Supervisors on June 26, 2018.
17. Scoring criteria needs to be in the establishment ordinance.
18. The Watershed Area Steering Committees must be altered to increase the number of municipal seats to at least nine and to designate at least one of the Community Stakeholder seats be designated for a business stakeholder nominated by BizFed.
19. Stormwater Management Targets do not need to be developed because targets for water quality standards are already in the Basin Plan, the MS4 permits, and TMDLs; targets for water supply already exist in water supply documents; and community investment targets will evolve through the proposed Disadvantaged Community programs.
20. Section VI of the Draft Program Elements should be rewritten to be a summation of overall program goals.
21. Need County support to modify Federal Regulations to allow transfer and conveyance of storm water using the existing flood control system.
22. Want a commitment from the Water Quality Control Board that if a tax is approved third party enforcement cannot be initiated without a finding by the Board that the jurisdiction is not acting in good faith or with due diligence. Ask the board to support this idea.
23. The Board of Supervisors should ensure that these projects are incorporated into Programmatic EIR's to limit excessive CEQA litigation that delays implementation of voter approved public infrastructure.
24. "Maintenance of effort" should be relabeled as backfilling.
25. Increase additional capacity by retrofitting and removing sediment in the County dams. The County should allocate funding from the county's 10% share

from this program in order increase storage capacity of stormwater generated locally, which can be used to recharge the aquifers.

26.Ensure that this measure complies with the new law enacted from SB 231(Hertzberg).

27.Property owners shall have the right to allocate the full costs from this program to the end users as an additional rental surcharge.

As always, BizFed is a committed partner and is willing to continue dialogue, provide feedback and commentary to help the County of Los Angeles to produce a measure that gets the job done. There needs to be significant changes to the current proposal for us to support the Stormwater ballot measure that our members (business community, municipalities, and water agencies) will pay exponentially more for than other stakeholders.

If you have any questions, please contact BizFed's Advocacy Director, De'Andre Valencia at DeAndre.Valencia@BizFed.Org

Sincerely,



Hilary Norton
BizFed Chair
F.A.S.T



David Fleming
BizFed Founding Chair



Tracy Hernandez
BizFed Founding CEO
Impower, Inc.

Apartment Association of Greater Los Angeles
Building Industry Association La/V
Business Resource Group
CA Small Business Alliance
CA Contract Cities Association
City of Santa Clarita
City of Signal Hill
Construction Industry Coalition on Water Quality
Engineering Contractors Association
Hospital Association of Southern California
Independent Cities Association
League of California Cities Los Angeles Division
NAIOP/Commercial Real Estate Association
San Gabriel Valley Economic Partnership
Torrance Area Chamber of Commerce
Richard Watson & Associates

CC: Supervisor Hilda Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger