



CITY OF BURBANK
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PUBLIC WORKS DEPARTMENT

May 10, 2018

Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

Attention: Russ Bryden

**PROPOSED L.A. COUNTY SAFE CLEAN WATER PROGRAM
COMMENTS ON THE DRAFT PROGRAM ELEMENTS**

Dear Los Angeles County Flood Control District:

Thank you for the opportunity to provide comments on the Draft Program Elements of the proposed Safe Clean Water (SCW) Program. The City of Burbank (City) commends your efforts and generally supports the proposed program. We have taken the opportunity to develop and provide the following comments for your consideration.

Proposed Tax Formula

While it is understood that the intent of the Draft Program Elements was not to include detailed requirements pertaining to the proposed tax formula, the City believes that general information should be provided. This would include details such as which parcel types will be subject to this tax, what the approximate annual dollar amounts will be for different parcel types, which parcel types will be exempt from this tax, and a timeline of when parcel owners will be notified of the public hearing, which are necessary to establish a majority in-favor of this parcel tax.

In addition, the City is concerned that there is limited time remaining before the November 2018 general election, which will require a majority approval vote from parcel owners located within the Los Angeles County Flood Control District (District) limits.

Draft Regional Program Project Criteria

In contrast to the item above, Table 3 in the Draft Program Elements, includes detailed scoring standards for proposed regional projects related to wet weather and dry weather water quality benefits, significant water supply benefits, community investments, and leveraging funds/readiness for implementation. While these are all important components, consideration should be given to whether these requirements are too detailed and may potentially be limiting in the future when dealing with new permit requirements or adaptive management issues.

Drought Scenario

It is a concern that many property owners may view the proposed program as a "rain tax." While the City believes in the intent of developing the program to capture stormwater and the funding mechanism to finance the improvements, the potential for prolonged drought conditions exist now and in the future. In a prolonged drought condition, parcel owners may object to paying a "rain tax" when there are

periods of little or no rain. Furthermore, certain stormwater projects, such as biofiltration and bioretention systems, may require a separate water source to prevent plants/vegetation from dying during a prolonged drought condition, without which certain stormwater projects may not serve their intended goal. A prolonged drought scenario requires additional discussion and possible language in the Draft Program Elements should the matter be raised by voters.

The Safe, Clean Water Program

Per Item II in the Draft Program Elements, the Safe, Clean Water Program will help put Los Angeles County on a path to improved water resiliency and economic security through equity-focused strategies and policies to increase drought preparedness, improve water quality and public health, grow good jobs, build capabilities, and remove barriers. Should the tax measure pass, parcel owners and taxpayers will want to see results within their communities, and will hold cities and the District accountable. However, certain projects may prove to be difficult to implement for a variety of reasons, such as existing soil type(s), the history of a site's use (i.e., soil contamination), the potential for public opposition (i.e., not in my backyard), and the potential for California Environmental Quality Act (CEQA) challenges.

Have the above issues been included as strategies and policies pertaining to the SCW Program? Is it possible that the SCW Program could run into a scenario where parcel tax money is being collected, but the implementation of stormwater capture projects is not proceeding due to these issues?

Senate Bill 1133 (Portantino) California Regional Water Quality Control Board – Water Quality Control Plans: Funding for Los Angeles Region

While the Draft Program Elements do not state or necessarily endorse Senate Bill (SB) 1133, it appears that SB 1133 would allow the Los Angeles Regional Water Quality Control Board (Regional Board) to accept funds from the SCW Program for the purposes of modernizing the Basin Plan with updated scientific studies and information which can help put real costs into perspective when evaluating stormwater management. While the City has not yet taken a position on SB 1133, it is recommended that the SCW Program should specify how much money or what percent of the annual SCW Program funds would be available for Regional Board efforts to potentially amend the Basin Plan. As currently written, the Draft Program Elements state that 10 percent of the funds will be allocated to the District, 40 percent of the funds will be allocated to the cities, and 50 percent of the funds will be allocated for watershed-based projects.

Authority and Allocation of Revenues

For the District Program, the Municipal Program, and the Regional Program described in the Authority and Allocation of Revenues found in Item V.B in the Draft Program Elements, a certain percentage of the funds is to be used for the implementation, operation and maintenance, and administration of projects defined in each particular program. For clarification, the Draft Program Elements should indicate whether or not the funds are to be used for project planning efforts, such as feasibility analyses, parcel/site investigations, environmental evaluations, and project design and engineering cost estimates. It should be noted that a project cannot be implemented without first conducting these initial efforts. Lastly, reference should be made to Item V.D found in the Draft Program Elements for eligible expenditures, and reference should be made to Item V.E found in the Draft Program Elements for ineligible expenditures.

Agreements for Transfer of SCW Program Funds

Item V.C of the Draft Program Elements state that prior to the receipt of SCW Program funds, each Municipality and Project Developer must enter into an agreement with the District to transfer SCW Program funds. In the event that a project proves to be infeasible (i.e., soil contamination), what


happens to the agreement, the funds, and what is the responsibility of the Municipality and Project Developer?

Municipal Program

For Item VII.C found in the Draft Program Elements, it states that a Municipality must spend at least 70% of their Municipal Program funds annually on new Projects. A Municipality may use up to 30% annually to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program. Projects which start at a feasibility stage and then move into a design phase should ultimately move into implementation. This said, projects are not completed within a year's time when starting at the feasibility stage. As such, the requirement to spend 70% of the SCW Program funds each year on new projects should be evaluated further. Instead, the agreement between the District and a Municipality and the project developer should stipulate the anticipated project duration and eligible dollar amount (or percentage) per project.

Thank you for this opportunity to comment on the Draft Program Elements. If you have any questions pertaining to these comments, please contact Alvin Cruz at (818) 238-3941 or ACruz@burbankca.gov, or me at (818) 238-3804 or SWalker@burbankca.gov.

Sincerely,



Stephen Walker
Assistant Public Works Director – Wastewater Systems