



May 11, 2018

Mr. Russ Bryden
Principal Engineer
Los Angeles County Department of Public Works
VIA Email: rbryden@dpw.lacounty.gov

Re: Lakewood Comments on the Safe, Clean Water Program – April 12, 2018 Draft Release

Dear Mr. Bryden:

On behalf of the City of Lakewood, I have reviewed the Safe, Clean Water Program Draft Program Elements, and I have a number of concerns and comments. The City of Lakewood has not yet considered taking a position on the Safe, Clean Water Program, but before the Board of Supervisors adopts an ordinance based upon the Draft Program Elements placing the program before the voters of Los Angeles County, we would like to see the implementation of several modifications to the current Draft Program Elements.

A. Municipal Program

1. We are pleased to see that all revenue generated from Municipal Program will be a direct return to municipality, and that the amount of tax revenue returned to each jurisdiction is directly proportional to the amount of revenue generated within that jurisdiction.
2. We are pleased to see that the use of the generated funds for new projects will be flexible with water quality being the only project eligibility requirement (with Multi-benefit projects being encouraged).
3. Section VII.A. (a)(c)(k) regarding stakeholder engagement should either be eliminated or be modified to acknowledge that the local jurisdiction's budget process is considered to meet the stakeholder engagement requirement. This added requirement would duplicate the existing process and is not needed in the Municipal Program. Municipalities, by their very definition have publicly elected bodies and have involvement by their citizens' and local interested stakeholders through existing committee, commission and council structures. For example, municipalities have finance committees, parks and recreation committees, or planning commissions where input and discussion take place.
4. Section VII.A. (g) requires that an annual budget of expenditures be prepared prior to each year for the use of the funds. When developing the final ordinance, we would suggest that wording be added to allow the local jurisdiction's governing body to make changes to the budget throughout the fiscal year to allow flexibility throughout the year.
5. Section VII.H. This section should be replaced with the following: "Prepare within six (6) months after the end of that Municipality's fiscal year an annual report that details a program level summary of expenditures and a quantification of Water Quality Benefit.

Water Supply Benefit and/or Community Investment shall be included if realized through use of Municipal Program funds.”

6. Section VII.C. The Maintenance of Effort component should be modified. Lakewood has already undertaken two large water capture projects, one that completed in May 2018, and one that will start construction in May 2018. We would prefer either a more generous split of 50% existing and 50% new activities, or the baseline date to be moved back from the effective date of the program to the December 2012 adoption of the current MS4 permit, or somewhere in between. Cities are already stretched too thin in their budgets, without a funding source for their E/WMP activities. In general, allowing municipalities the flexibility to utilize the funds they generate to promote, maintain, and comply with water quality benefit-type projects is the key to success. This section should also contain specific language regarding annual carryover of unused funds for up to a certain amount of time (i.e., five (5) years).

B. District Program

1. Section VIII.B.(a). Stormwater Education Programs using not less than \$20M over 5 years is an excellent concept. However, the program should be developed in a way that it reflects the needs of the local communities and should not be a one-size fits all. There should be an opportunity for input from the municipal agencies for the education programs, perhaps in the form of an education program committee such as the committee that provided input into the county-wide education program conducted in the early days of AB 939.
2. Section VIII.B.(a). The role, function and management of the Watershed Coordinators must be further described to better understand the need for this expense. We are concerned that the role will be to solely represent the needs and positions of the County, rather than the local watersheds.
3. Section VIII.C.(a). The Los Angeles Regional Water Quality Control Board’s Basin Plan is outdated and should be revised to reflect up-to-date scientific studies. Funds for the use of studies are encouraged and the LACFCD should play a key role in collaborating with the Regional Board to appropriately update the Basin Plan.

C. Regional Program

1. Section VI.A. regarding a proposed allocation split of 95% Infrastructure and 5% Scientific Studies and Technical Assistance for Feasibilities Studies is appropriate.
2. Section VI.A. The 95% Infrastructure funds, which split with 90% towards large-scale regional projects and 5% used for small-scale projects with budgets up to \$500,000 is appropriate.
3. Section VI.A. The concept of a funding return of not less than 110% to DACs is good. However, the final ordinance should allow for exceptions, if needed.
4. Section VI.A. A minimum of 1% of regional funds is appropriate to ensure that assistance can be given to the development of Feasibility Studies for DACs.
5. Section VI.A. For the 5% that can be used for Scientific Studies and Technical Assistance, please add CIMP’s to the list of eligible activities.

6. Section VI.E. Membership of the Watershed Area Steering Committee should include more details on how non-watershed area members will be nominated/selected by the Board of Supervisors.
7. Section VI.I. The Regional Oversight Committee Water Agency representative should be more clearly defined. Is the proposal to include a water wholesaler or purveyor? And is it the largest private or public entity?
8. Table 3. The draft Regional Program Project Criteria point system should better reflect the significance of a project being a part of an existing Plan, in particular the E/WMPs. It is vitally important that the regional watershed approach required by the LA Regional Water Quality Control Board be supported and encouraged. The E/WMP projects have already gone through many levels of analysis, studies for wet and dry weather benefits and should not be required to be scored in the same way as non-E/WMP projects. Additionally, the scoring criteria should be placed in administrative guidelines, and not the ordinances, so that the criteria may be adjusted from time to time, based upon the experience gained as the program is implemented, and projects are selected and built.
9. Section VI.H. regarding Watershed Area Steering Committee Conflict of Interest should be more clearly defined. Most Committee Members will have a regional project located in their jurisdiction. They should not be precluded from regional project input and voting.
10. Sections VI.E-J. In general, the proposed committee structure and their responsibilities are very cumbersome, lengthy and onerous. It will be a very time-consuming and bureaucratic process for Steering Committee members, Regional Oversight Committee members and project applicants. Appointment of the Watershed Area Steering Committee to the Regional Oversight Committee must be a municipal Permittee to ensure balance on the committee. Alternatives to the structure should be explored and discussed with the Governance Committee which did not review the proposed structure before it was published in the draft program. If this or a similar committee structure stays in the ordinance, parameters for turn-around times should be added in order for the process to not be bogged down with slow turn-around times by all committee, including the Technical Committee (LACFCD Staff).
11. Section VI.M. The draft states the Technical Committee will be staffed by the District. The members of Technical committee should not be limited to County Public Works staff, but should also include technical experts from municipalities, such as Public Works Directors or City Engineers. The Technical Committee meetings and deliberations should be conducted in public.
12. Section VI.N. This section should be rewritten to eliminate the term Stormwater Management Targets and instead reference existing targets for IRWM, E/WMP, and other regional plans. There is no reason to create yet another Target number to document compliance with or track, when there are already existing targets through existing planning documents.

D. Miscellaneous Provisions

1. Section V.C.(g) – This section requires use of a number of County contracting requirements. This should not apply to the Municipal Program (40% local return).

Cities are both Charter and General Law, and have their own local procurement processes. Cities must be permitted to follow their own contracting and procurement processes, not the County's programs.

2. Section V.D – Please add paragraph M. “Municipal and County staff salaries, and consultant services to implement and manage programs and projects eligible for SCW funds.”
3. Section XI.B. – Current language stipulates Revenues that are not expended within five years by a municipality will revert back to the Watershed Area for reprogramming to a new project. Language should be changed to allow any eligible project (new or existing) to be funded with benefit to that municipality or watershed area with the consensus of that municipality.
4. Section XI.D.(b). Record retention should always be required. However, it should be reduced from 10 years to a maximum of 7 years.
5. Section XI.D.(d). Examination of projects and documents should be limited to the same number of years as record retention.
6. Section XI.E.(b) – In the event revenues are refunded to the District due to misuse of funds, those funds will be used for municipal or regional projects within the same municipality. Language should be added “with the consensus of the municipality”.

Thank you for considering our comments and suggestions. Should you have any questions, please contact me at 562-866-9771, Extension 2500, or lrapp@lakewoodcity.org.

Sincerely,



Lisa Ann Rapp
Director of Public Works

Copies: Thaddeus McCormack, City Manager
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