

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 04/06/09		Item Number: <u>A-2</u>	
AGENDA ITEM: Authorization to Issue a Letter of Support Regarding Assembly Bill 139 Related to Authorizing the Los Angeles County Flood Control District to Collect Fees Only if Approved by Voters in Compliance with Article XIII D of the California Constitution (Proposition 218)			
Contact Person/Dept.: Steve Finton or Shelly Wolfberg		Phone Number: (310) 253-6406 or (310) 253-6008	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (04/01/09).			
Department Approval: Sol Blumenfeld (04/01/09)		City Attorney Approval: Carol Schwab (by H. Baker) (04/01/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/01/09)		City Manager Approval: Jerry B. Fulwood (04/01/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council authorize the City Manager to issue a letter of support to California State Assembly Member Julia Brownley indicating Culver City's support for Assembly Bill 139, related to authorizing the Los Angeles County Flood Control District to collect fees if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218) <u>BACKGROUND:</u> The Los Angeles County Flood Control District (District) was created in 1915 through adoption of the Los Angeles County Flood Control Act (Act). The District includes all of Los Angeles County south of Avenue S in the City of Palmdale. The Act empowered the District to provide flood protection, water conservation, water quality protection, recreation and aesthetic enhancement within its boundaries. The District is currently authorized to generate funding through ad valorem taxes and benefit assessments only. Total Maximum Daily Load (TMDL) regulations adopted by the State require that all agencies meet strict water quality standards. The TMDLs require that measures be taken on a watershed-wide basis with participation by all agencies including the District, Cities and Los Angeles County. Plans to meet the TMDLs are being developed by each watershed group. The plans will include large regional construction projects and local projects and programs to treat smaller areas. Countywide cost estimates place the cost of compliance with the TMDLs in the			

City of Culver City, California
City Council Agenda Item Report

billions of dollars. Revenues currently collected by the District are not sufficient to fund projects and programs required to meet the TMDLs. Culver City is currently funding its storm water program through the General Fund and does not collect revenues specifically for TMDL compliance.

DISCUSSION:

The District currently collects a Flood Control Benefit Assessment (Assessment) from property owners within the District. This Assessment is apportioned to all parcels in the District based on the benefit each parcel receives from flood control facilities provided by the District. The benefit apportionment and assessment is based on the quantity of storm water discharged from each parcel calculated using lot size and land use. A 50-foot-wide by 100-foot-deep single family residential parcel currently pays \$21.71 per year.

The assignment of benefit for water quality improvements is not as simple to calculate. Benefit would be based on factors such as proximity and access to an improved water body and it is expected that such benefit assignment would be challenged and impractical to defend. The District proposes instead to charge a parcel fee based on the potential quantity of pollutants discharged from a parcel. This type of charge would be considered a fee as it would be funding the service of acceptance and mitigation of pollutants by the District.

AB 139

As the District is currently restricted to generating revenues through ad valorem taxes and/or benefit assessments, an amendment to the Act is required for the District to charge a fee. AB 139 (AB139) would amend Sections 2 and 16 of the Los Angeles County Flood Control Act to permit the imposition of fees or charges if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218).

AB 139 was authored by Assemblywoman Julia Brownley (41st Assembly District) and was introduced with its first reading on January 20, 2009. The Bill was referred to the Committee on Local Government on March 3, 2009.

Clean Water, Clean Beaches Initiative

If AB 139 is signed into law, the District will submit the "Clean Water, Clean Beaches Initiative" for voter consideration. The initiative is currently being drafted and would request voter approval to charge a fee on property tax bills for TMDL compliance. The amount of the proposed fee would be determined through an engineering

City of Culver City, California
City Council Agenda Item Report

analysis that calculates the cost of TMDL compliance and the services attributable to each parcel. Ballots would be issued to property owners in Spring 2010 with a simple majority voter approval required to pass. If the initiative passes, the fee would appear on FY 2011-12 property tax bills.

District representatives indicate that most of the funds generated by the initiative would be retained by the District for regional TMDL projects and programs. An undetermined portion of the funds would be allocated to Cities for local TMDL compliance.

Letter of Support

A City Council position in support of AB 139 would be consistent with the City Council-adopted Legislative Advocacy Program. The District is requesting that agencies within the District provide letters of support for AB 139.

FISCAL ANALYSIS:

There is no fiscal impact caused by issuing the recommended letter of support. If AB139 and the Clean Water, Clean Beaches Initiative passes, an undetermined amount of additional funding would be available to the District and City for TMDL compliance.

ATTACHMENTS:

1. AB 139

MOTION:

That the City Council:

Authorize the City Manager to issue a letter of support to California State Assembly Member Julia Brownley indicating Culver City's support for Assembly Bill, 139 related to authorizing the Los Angeles County Flood Control District to collect fees only if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218).