

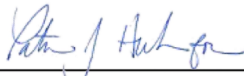
0220-05151-0443

T R A N S M I T T A L

TO City Council	DATE 04-06-23	COUNCIL FILE NO. 18-0384
FROM Measure W-Safe, Clean Water Program, Administrative Oversight Committee	COUNCIL DISTRICT All	

At its regular meeting held on March 30, 2023, the Measure W – Safe, Clean Water Program Administrative Oversight Committee (Measure W AOC) approved the recommendations in the attached Bureau of Sanitation (LASAN) report, which is hereby transmitted to Council for its consideration. Adoption of the report recommendations will approve the Safe Clean Water Program Community (non-municipal) Proposed Project Support Letter Policy and instruct LASAN to distribute the policy document to all stakeholders and to other City of Los Angeles departments implementing Measure W projects.

Fiscal Impact Statement: There is no fiscal impact to the General Fund from approval of the recommendations in this report as this action is administrative only.



Matthew W. Szabo
City Administrative Officer
Chair, Measure W AOC

Attachment – March 20, 2023 LASAN Report on City of Los Angeles SCWP Community (Non-municipal) Proposed Project Support Letter Policy

MWS:PJH/JVW:10230118

CAO 649-d

**CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE**

Date March 20, 2023

To: Measure W – Administrative Oversight Committee (AOC)
Matthew W. Szabo, City Administrative Officer
Sharon M. Tso, Chief Legislative Analyst
Ryan Jackson, Office of the Mayor

From: Michael Scaduto, P.E., ENV SP *Michael Scaduto*
Principal Engineer
Safe Clean Water Implementation Division
LA Sanitation and Environment

Subject: City of Los Angeles Community (Non-municipal) Proposed Project Support Letter Policy

RECOMMENDATIONS

1. Approve the proposed Policy for SCWP Community (Non-municipal) Proposed Projects.
2. Direct LA Sanitation and Environment to publish and implement the City of Los Angeles Policy for SCWP Community (Non-municipal) Proposed Project Support Letter Policy and distribute the policy document to all stakeholders and other City of Los Angeles departments implementing Safe, Clean Water Program projects.

BACKGROUND

In November 2018, Los Angeles County voters approved Measure W, which created the Safe Clean Water Program (SCWP) administered by the Los Angeles County Flood Control District (LACFCD). The SCWP was developed in collaboration with public health, environmental groups, cities, business, labor, and community-based organizations to protect water quality and provide new sources of water for the Los Angeles community. The SCWP generates an estimated \$285 million annually from a countywide property tax assessment. These funds are utilized by LA Sanitation and Environment (LASAN), as well as other city departments and non-municipal organizations, for the development of regional and municipal stormwater projects and programs.

For non-municipal applicants to utilize SCWP funding, the organizations must first obtain a Letter of Support or Letter of Non-Objection from the municipality in which the project is proposed. The purpose of the City of Los Angeles Policy for SCWP Community (Non-Municipal) Proposed Projects is to create a process for the City to consider and generate Letters of Support and Letters of Non-Objection for SCWP projects. The Policy seeks to

provide a transparent, timely, and equitable process for ensuring that non-municipal proposed projects align with City priorities.

CONSIDERATIONS AND CONCLUSIONS

The Non-Municipal Proposed Projects Policy applies to community-proposed SCWP projects within the City, projects involving City infrastructure, facilities, or rights-of-way, as well as projects located outside the City that have an impact on stormwater quality or reuse within the City. It seeks to provide non-municipal collaborators with clear instructions and timelines for requesting letters, review and approval of those requests, or explanations for why requests may not be fulfilled.

The invitation to collaborate with the City on projects will be issued by the AOC after the County confirms its schedule for the upcoming round. Once issued, Non-Municipal applicants must submit an intake form at least nine months prior to the LACFCD annual call for projects. The application form will include the following LACFCD's mandatory requirements for SCWP Support Letters:

- Operation and Maintenance Plans, Roles, and Responsibilities.
- Maintenance and Use Agreements for Conceptual Approval.
- Inclusion in Regional Water Quality Plan.

Each intake form will also include project information such as project location, proponent, drainage area, components, benefits, permit requirements, cost, and schedule. Once submitted, the intake form will be reviewed for completeness, and distributed for review to ensure the projects meet the mission and objectives of the SCWP and the priorities of the City. Letters will then be issued to Non-Governmental proposed project proponents clarifying the City's process and decision as outlined in the Policy.

LASAN recommends that the SCWP Administrative Oversight Committee endorse and implement the Policy for SCWP Non-municipal proposed projects document. As directed, LA Sanitation and Environment would publish the Non-Municipal Proposed Projects Policy document and distribute the policy document to other City of Los Angeles departments implementing Safe, Clean Water Program projects for further coordination.

Attachment 1: City of Los Angeles Policy for Safe Clean Water Community (Non-municipal) Proposed Projects

Cc: Jacqueline Wagner, CAO
Jessica Quach, CAO
Janice Yu, CAO
Rafael Prieto, CLA
Barbara Romero, LASAN
Traci Minamide, LASAN

Julie Allen, LASAN

Adena Hopenstand, LASAN

Ted Allen, BOE

Alfred Mata, BOE

Ana Tabuena Ruddy, BSS

Delon Kwan, DWP

Art Castro, DWP



City of Los Angeles Policies and Procedures for Safe Clean Water Program Community-Proposed Projects

1. Scope: This Policy will apply to the following Safe Clean Water Program (SCWP) community-proposed projects within the City, projects involving City infrastructure, facilities, or rights-of-way, as well as projects located outside the City that have an impact on stormwater quality or reuse within the City:

- Applications that are not led by cities/municipalities, the LAFCD or other government agencies;
- Applications initiated by non-profit organizations, community groups or private entities; and
- Applications initiated by elected City officials and carried out by consultant firms, community groups, or other entities.

2. LACFCD's Mandatory Requirements for SCWP Support Letters:

Support Letters

- Regional Infrastructure Program applications require community-proposed (referred to by the LA County Flood Control District (LACFCD) as "non-municipal") project applicants to include an Initial Letter of Support from the municipality in which the project is proposed.
- Technical Resources Program applications require community-proposed project applicants to submit a Letter of Non-Objection from the municipality in which the project is being proposed.
- Scientific Study applications do not require support letters from the municipality.

Operation and Maintenance Plans, Roles, and Responsibilities

- The Initial Letter of Support for Regional Infrastructure Program applications shall include concurrence with the plan for operations and maintenance (O&M) and the responsible party that has agreed to perform the operation and maintenance, as outlined in [SCWP Feasibility Study Guidelines](#).

Maintenance and Use Agreements for Conceptual Approval

- A Initial Letter of Support from the City is required by the if a community-proposed project impacts flood control property, per LACFCD policy.
- The letter shall include a commitment for the City to enter a Maintenance and Use Agreement with LACFCD on behalf of the community-proposed project applicant/developer. Note: physical maintenance can be completed by other entities, but the municipality holds the ultimate liability burden. For this reason, it is beneficial to all parties involved to enter a memorandum of agreement (MOA) for project O&M.

Inclusion in Regional Water Quality Plan

- Projects shall be included in a [Regional Water Management Plan](#) (i.e. WMP or IRWM Plan) in order to be scored, per Safe Clean Water Ordinance.

3. Proposal Evaluations: An **intake form** will be prepared by LASAN for community-proposed project applicants to complete and submit. Required information includes but is not limited to project location, proponent, drainage area, components, benefits, permit requirements, cost, and schedule. An **O&M plan** shall be submitted and reviewed to determine whether the City concurs, and if an MOU or MOA is needed for the City to partner on project O&M. The O&M plan shall include items specified in the [Draft Template Transfer Agreement](#), § TAA-5. The plan shall specify O&M roles, an estimate of O&M and other costs incurred by the City, and a letter of intent to partner and enter into an MOA with the City for project O&M, when applicable. The review process is as follows:

- LASAN receives intake forms, reviews for completeness, and distributes to interested City departments (e.g. LASAN, RAP, LADWP, BSS) and through the City Safe Clean Water working group for review.
- Interested departments review intake form and project materials to ensure that projects that meet the mission and objectives of the SCWP and the priorities of the City without any adverse effects to the City.
- Based on review results, LASAN gives a recommendation of whether to issue a letter.

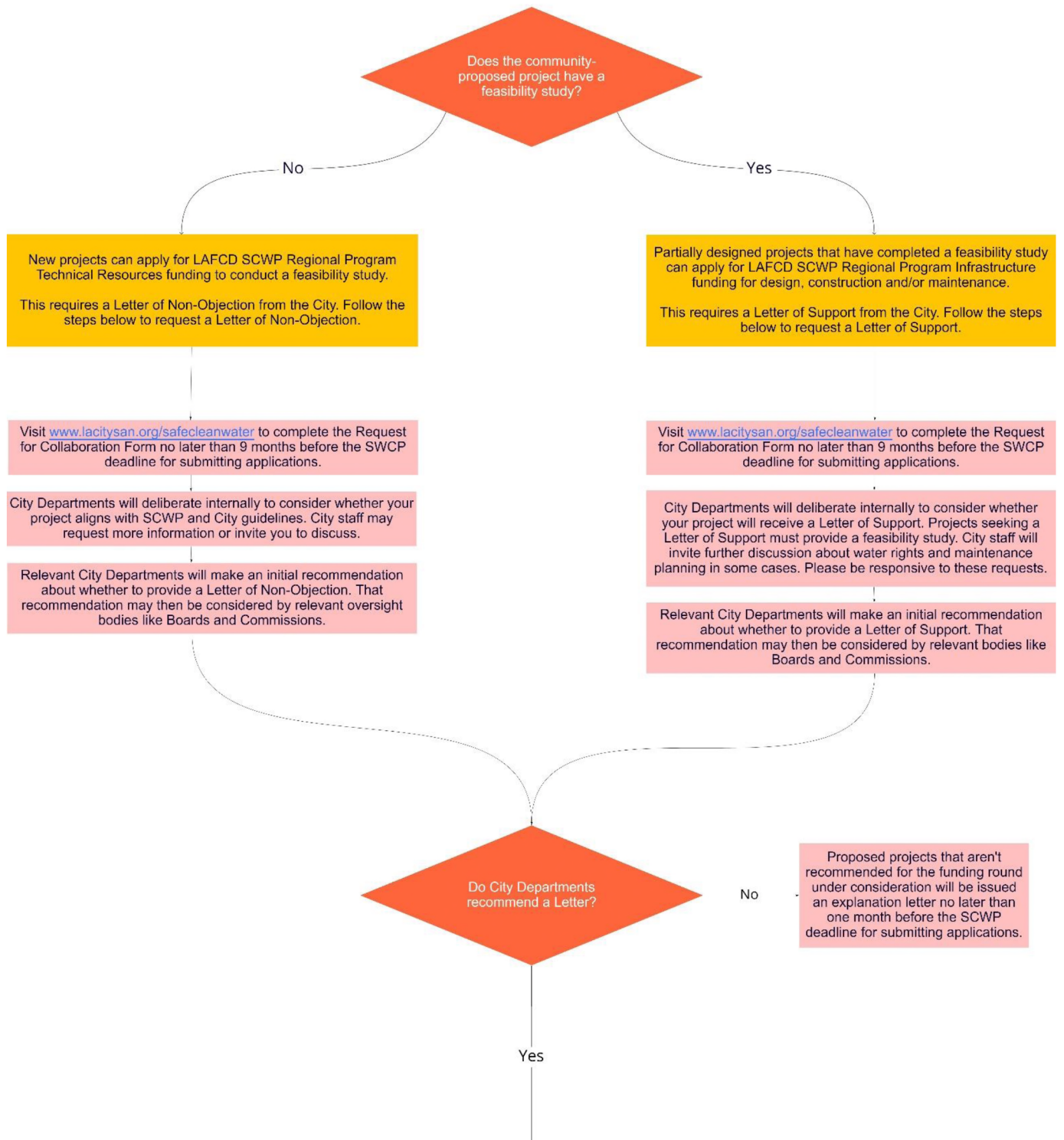
4. Approving Bodies and Deadlines:

- Approval: Working Group → AOC (CLA, CAO, Mayor's Office) → Council → Mayor
- Deadline for requesting a letter is 9 months ahead of the application deadline for the fiscal year round. Decisions for letter issuance will be made at least a month in advance of the deadline.

Attachment A – Flow Chart

The flow chart below summarizes details from the City of Los Angeles Policy and Procedures for Community-Proposed Safe Clean Water Program Projects document. The flow chart illustrates the City of Los Angeles (City) process for generating Letters of Support and Letters of Non-Objection for Los Angeles County Flood Control District (LAFCD) Safe Clean Water Program (SCWP) funding applications.

The flow chart is intended to accompany the document and omits certain details project proponents may need to successfully request a letter.



Attachment A – Flow Chart (Continued)

