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# CITY OF POMONA

## COUNCIL REPORT

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August 3, 2020

To: Honorable Mayor and Members of the City Council

From: James W. Makshanoff, City Manager

Submitted By: Chris Diggs, Water Resources Director

**SUBJECT: ADOPT RESOLUTION NO. 2020-115 TO RECEIVE AND APPROPRIATE FUNDS; AND EXECUTE AGREEMENT WITH THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S SAFE CLEAN WATER PROGRAM-MUNICIPAL PROGRAM TRANSFER AGREEMENT PER THE TERMS AND CONDITIONS**

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### RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

**RESOLUTION NO. 2020-115 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2020-2021 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES AND APPROPRIATING \$1,890,000 FROM LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S SAFE CLEAN WATER-MUNICIPAL PROGRAM TO THE SAFE CLEAN WATER PROGRAM FUND**

- 2) Authorize the City Manager to execute the attached agreement (Attachment No.2) with the Los Angeles County Flood Control District (District) for the Safe Clean Water (SCW) program - Municipal Program
- 3) Accept the receipt of funds for FY 2020-21 in the approximate amount of \$1,890,000 from the SCW Program (Attachment No. 3), and transfer funds received to the SCW Program Fund (142-8130-40904-00000).

### EXECUTIVE SUMMARY:

Staff is seeking City Council approval to enter into an agreement with District for the SCW Program (Attachment No. 1) to receive funds for the municipal proportion of the annual Measure

W Tax. Funds will be used for implementation, operations and maintenance, and administration of eligible water quality projects and programs.

**FISCAL IMPACT:**

Measure W was approved by Los Angeles County voters in the November 2018 election is estimated to generate for Pomona \$1.89 million annually in tax revenues. The SCW Program Measure W(Fund 142)was created to receive revenues and track expenditures. To ensure compliance with program guidelines, the City must submit an annual funding plan on how the funds will be spent. Once both parties have signed the transfer agreements, District will disburse the SCW funds for FY 2020-21 within 45-days of execution of the agreement or within 14 days of District's receipt of the annual funding plan. The disbursement will include funds collected by District at the time of agreement execution. Funds collected after the initial distribution will be disbursed by August 31, 2020.

Subsequent fiscal years will generally be available for disbursement by August 31<sup>st</sup> upon satisfaction of the following conditions: (1) the District has received the annual progress/expenditure report required pursuant to Section 18.06.D of Code; (2) The District has received the City's annual funding plan for that fiscal year; and (3) the City has complied with audit requirements of Section B-6 of Exhibit B of the Agreement.

The attached agreement will expire at the end of FY 2023-24, at which time the City will enter into a new agreement.

**PREVIOUS RELATED ACTION:**

None

**DISCUSSION:**

On July 17, 2018, following a very extensive stakeholder input process, the Los Angeles County Board of Supervisors approved a resolution calling for and giving notice of an election on a measure to impose a special tax upon parcels located within the District, to fund projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution. The resolution also included an ordinance amending the Los Angeles County Flood Control District Code (Code) by adding Chapter 16 establishing the SCW program. The SCW program funds will be distributed as follows:

- Ten percent to the District to fund District wide education programs, District wide projects, as well as administration of the program.
- Forty percent to the municipalities within the District based on the tax collected in each jurisdiction on an annual basis.
- Fifty percent to the nine watershed areas to fund regional, watershed based multi benefit projects to be implemented by project developers, and to provide technical resources, and conduct scientific studies. (For the Upper San Gabriel River Watershed, which is the watershed the City is located within, annual revenues are anticipated to be \$18.9 million.)

Receiving voter approval on November 6, 2018, the first Measure W annual assessment has already been collected. At this point funds are now being allocated to the District, Municipal, and Regional Programs and will soon be distributed to the appropriate agencies and organizations. Pursuant to the District's requirements, municipalities must enter into agreements in order to receive funds. On June 9, 2020, County of Los Angeles Board of Supervisors approved transfer agreements for the municipal and regional funding, attached herewith as Attachment No.1.

Once funds are received, Water Resources and Public Works staff, and potentially developers, will create projects meeting the criteria of the program. The remainder 30% of the funds will be used for the continuation or maintenance of programs and projects implemented prior to November 6, 2018.

City Attorney has reviewed and approved the attached agreement.

Prepared by:

Julie Carver  
Environmental Compliance Supervisor

**ATTACHMENTS:** No. 1 – RESOLUTION NO. 2020-115  
No. 2 – SCW Municipal Transfer Agreement  
No. 3 – Local Return Estimate