

ENERGY, CLIMATE CHANGE, AND ENVIRONMENTAL JUSTICE COMMITTEE REPORT relative to maintenance, operation and performance monitoring of green stormwater infrastructure projects.

Recommendation for Council action:

INSTRUCT the Bureau of Sanitation (BOS), in collaboration with the Department of Recreation and Parks (RAP) and the City Administrative Officer (CAO) to develop and submit within 90 days the master agreement for ownership, maintenance, and operational responsibility for green Stormwater infrastructure projects.

Fiscal Impact Statement: None submitted by the BOS. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On June 5, 2018, your Committee considered a June 1, 2018 BOS report relative to maintenance, operation and performance monitoring of green stormwater infrastructure projects. According to the BOS, to date it has completed about 60 green stormwater infrastructure projects in the City at a total estimated construction cost of close to \$400 million. Several of these projects are located in parks that are owned by the RAP. In early May of 2018, the BOS met with the Bureau of Engineering (BOE), RAP, and CAO to discuss ownership of green stormwater infrastructure projects and the responsibilities for operation and maintenance of these projects and all participants of the meeting agreed on the following:

- a. All green stormwater infrastructure projects funded by Proposition O will become fixed assets of the BOS Stormwater Program.
- b. The BOS will operate and maintain the water quality and stormwater management components of the green stormwater infrastructure projects.
- c. The BOS will request funding for each project's operations and maintenance as part of their annual budget request.
- d. The BOS and RAP will develop a master agreement for delineating the operation and maintenance responsibilities of the BOS and RAP for all existing and future green stormwater infrastructure projects.

The BOS has met with the CAO, BOE and RAP to discuss the motion. In the meeting, it was agreed that a master agreement in the form of a Memorandum of Agreement be developed with general responsibilities for each party. Also, it was agreed that the agreement will include specific responsibilities for each completed green stormwater infrastructure project. A project specific responsibilities term sheet will be prepared for all upcoming projects under the umbrella of the master agreement.

The master agreement is critical in anticipation of the construction of many green stormwater infrastructure projects across the City as part of the proposed Los Angeles County Safe, Clean Water Program, the general terms of the master agreement are as follows:

- a. Any green stormwater infrastructure project where a property is purchased through Proposition O funds or stormwater funds will become fixed assets of the BOS Stormwater Program; if the RAP intends to use part of the green stormwater infrastructure project for recreational use, an easement will be provided to the RAP.
- b. The RAP will be responsible for the operation and maintenance of these parts with all other parts to be the responsibility of the BOS.
- c. All water quality components of all green stormwater infrastructure projects will be maintained and operated by the BOS; if green stormwater infrastructure project is constructed on a RAP-owned park, the owning RAP will issue the BOS and BOE an easement for the project's construction and operation and maintenance.
- d. All water quality components of all green stormwater infrastructure projects will be maintained and operated by the BOS; the RAP will continue to maintain the park.
- e. Full coordination will occur throughout the development and implementation of green stormwater infrastructure project to minimize interference of existing and/or future operations and services and to maximize the leveraging of resources and funding.

A draft of the proposed master agreement is included in the June 1, 2018 BOS.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendation contained in the BOS report and detailed in the above recommendation. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

ENERGY, CLIMATE CHANGE, AND ENVIRONMENTAL JUSTICE COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
MARTINEZ:	YES
KORETZ:	YES
KREKORIAN:	YES
CEDILLO:	ABSENT
O'FARRELL:	ABSENT

ARL
6/5/18

-NOT OFFICIAL UNTIL COUNCIL ACTS-