



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE
REFER TO FILE: PD-3

March 21, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**FLOOD CONTROL DISTRICT
ANNUAL BENEFIT ASSESSMENT - CONTINUATION
ALL SUPERVISORIAL DISTRICTS
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Receive and file this report which proposes the levying of a Flood Control Benefit Assessment for Fiscal Year 2002-03 at the same rate that is currently in effect, \$28.85 in Zone 1, \$5.95 in Zone 2, and \$0.00 in Zones 3 and 4, which will provide approximately \$107,500,000 for flood control purposes.
2. Set a date for a public hearing on the continued levy of the Flood Control Benefit Assessment for Fiscal Year 2002-03.
3. Instruct the Executive Officer to advertise the Notice of Public Hearing, in both English and Spanish language newspapers, and cause to be posted at least three notices in public places within the Flood Control District.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the enclosed resolution imposing a benefit assessment on each parcel of land within the Flood Control District for Fiscal Year 2002-03.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This report presents for approval by the Board of Supervisors the continuation of the Flood Control Benefit Assessment to finance a portion of the flood control services to be performed in the Flood Control District during the Fiscal Year (FY) 2002-03.

Continuation of the benefit assessment is necessary to supplement other limited revenues to maintain the flood control system in a safe and effective operating condition, respond to storm threats and flooding emergencies, regulate development in flood hazard areas, provide for construction of a limited number of needed storm drains, and to remediate seismic deficiencies and rehabilitate inlet/outlet works of dams. Revenue from the benefit assessment is also used to finance compliance with the Clean Water Act, which includes the recently adopted National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit and Total Maximum Daily Loads (TMDLs) for trash in the Los Angeles River and Ballona Creek Watersheds and the TMDL for bacteria at Santa Monica Bay beaches requirements.

We will continue shifting our emphasis from construction of storm drains to providing flood control from a watershed management perspective. This watershed management perspective would utilize such strategies as construction of multiuse flood control facilities, reduction of hardscape areas, increase in on-site detention, public education, and incorporation of other similar measures. This new perspective is more environmentally sensitive than traditional flood control approaches.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as this benefit assessment provides sufficient funds to continue maintaining our flood control system in a safe and effective operating condition. It also satisfies the goal of Service Excellence since maintaining our flood control facilities provides flood protection to residents which improves the quality of life in the County.

FISCAL IMPACT/FINANCING

It is essential that your Board continue the annual Flood Control Benefit Assessment. Not continuing the assessment would result in financial resources not being available to keep the flood protection system in a safe and effective condition. All flood control programs including correction of flooding problems, operation and maintenance, emergency response to flood damage, dam safety, and complying with the NPDES Municipal Stormwater Permit and TMDL requirements would be severely impacted.

Approval of this proposed Flood Control Benefit Assessment will allow the Flood Control District to continue to provide flood control services at an acceptable level for FY 2002-03.

The increased costs to implement the new NPDES permit and new TMDL requirements cannot be met by continuing the benefit assessment at the same rate. We will offset these cost increases by continuing to improve efficiencies in other activities and reducing the amount of new construction projects. However, in future fiscal years, we expect increased regulatory requirements under the Clean Water Act, especially the TMDL requirements, to have a devastating effect on the Flood Control Budget. Over the next 13 years, 89 additional TMDLs will be developed, and we will have to implement programs and projects to comply. We will not be able to both comply and provide flood control services at an acceptable level without additional revenue. Our current estimates indicate that we may have a shortfall of \$75 million in FY 2003-04 to fulfill the NPDES and flood control needs. TMDLs will increase this shortfall significantly. Consequently, we have begun to research and strategize various means of generating the needed revenue.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The levying of a benefit assessment is authorized by Chapter 6.4 (commencing with Section 54703), Division 2, Title 5, of the California Government Code. A benefit assessment was first levied by your Board for 1979-80. In the November 6, 1979, election, the electorate approved Proposition A which allows the Flood Control District to continue to levy such assessment. Each subsequent year, your Board has approved continuation of the benefit assessment. As in previous years, this benefit assessment would be placed on the tax bill to be collected at the same time and in the same manner as property taxes.

Pursuant to Government Code, Section 54715, the Board of Supervisors shall hold a hearing to hear and consider all public comments and testimony regarding the continuation of the benefit assessment. The Executive Officer will cause notice of the filing of this report and of a time, date, and place of a public hearing thereon to be published pursuant to Section 6066 and posted in at least three public places within the Flood Control District. The Director of Public Works, or his designee, will post the notices of the public hearing.

At the conclusion of the public hearing, should your Board determine to levy the assessment, it may adopt or reduce any assessment and thereafter confirm the assessments.

As in all previous years, the proposed FY 2002-03 assessment is based on the estimated stormwater runoff from each parcel. The Flood Control District is divided into four zones. Each of the four zones are defined in Table 2 by map book; map book and page; or map book, page, and parcel number and shown on the enclosed map.

Zones 3 and 4 consist of remote, nonurban lands that receive no flood control services from the Flood Control District and whose runoff leaves the Flood Control District without being handled by Flood Control District facilities. Therefore, the assessment for the basic unit parcel in these zones is \$0.00, which results in zero benefit assessment charges in Zones 3 and 4. Zone 2 is located in the northern portion of the Flood Control District and was established in recognition of its unique geographic and hydrologic characteristics. The assessment for the basic unit parcel in Zone 2 is \$5.95. Zone 1 comprises the remainder of the Flood Control District. The assessment for the basic unit parcel in Zone 1 is \$28.85. The FY 2002-03 recommended rates for all zones are the same as the rates for FYs 1996-97 through 2001-02.

The runoff factors, identified in Table 1, remain unchanged from the previous year. The runoff factors are based on the proportionate stormwater runoff from each parcel. The proportionate stormwater runoff is a function of the impervious area within each parcel. For example, the assessments for one-acre parcels in Zone 1 with use code designations of department store and vacant land are \$446.11 and \$8.61, respectively.

Property owners in Zone 1 can compute their assessment by finding the runoff factor assigned to the land use of their parcel in the enclosed Table 1 and by using the following formula:

$$\text{Assessment} = \$28.85 \times \frac{\text{area of parcel in acres}}{0.0637} \times \text{runoff factor for parcel}$$

In Zone 2, property owners can compute their assessment by finding the runoff factor assigned to the land use of their parcel in the enclosed Table 1 and by using the following formula:

$$\text{Assessment} = \$5.95 \times \frac{\text{area of parcel}}{\text{in acres}} \times \frac{\text{runoff factor}}{\text{for parcel}} \\ 0.0637$$

In Zones 3 and 4 there will be zero assessments levied.

The assessment is being levied on all real property situated in the Flood Control District except for government property and zero runoff factor property. In addition to the information contained in this report, the official Assessor map books and records of the County of Los Angeles are hereby referenced and, by reference, are incorporated into this report as if they were fully set forth.

A resolution is required to levy the annual benefit assessment. Ordinance No. 93-0038FC, adopted May 4, 1993, amended Chapter 15 of the Los Angeles County Flood Control District Code to provide that, as authorized by Government Code, Section 54717, the annual Flood Control District Benefit Assessment shall be levied by resolution adopted by the Board of Supervisors. The enclosed resolution, approved by County Counsel as to form, has been prepared for your consideration following the hearing.

ENVIRONMENTAL DOCUMENTATION

The California Environmental Quality Act does not apply to the establishment of this benefit assessment according to Section 21080 (b)(8) of the Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

If the Flood Control Benefit Assessment is not continued for FY 2002-03, the current level of flood control services will be reduced by over 40 percent and we will not be able to finance the construction of any new storm drain regardless of how badly needed. Discontinuance of the Flood Control Benefit Assessment will also severely impact the maintenance of our existing flood control system, preservation of dam safety, our response to storm threats and flooding emergencies, compliance with the requirements of the NPDES Municipal Stormwater Permit and TMDLs, and implementation of the Watershed Management Program.

The Honorable Board of Supervisors
March 21, 2002
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CONCLUSION

Upon approval, please return one approved copy of this letter to us. Also, please forward one approved copy each to County Counsel and to the Auditor-Controller.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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Enc. (6)

cc: Chief Administrative Office, County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE LOS ANGELES COUNTY FLOOD CONTROL
DISTRICT CONFIRMING AND LEVYING A
FLOOD CONTROL BENEFIT ASSESSMENT
FOR FISCAL YEAR 2002-03**

The Benefit Assessment Act of 1982 (Government Code §54703 et seq.) authorizes local agencies such as the Los Angeles County Flood Control District to impose benefit assessments to finance both the maintenance and operation costs of flood control services and facilities and the costs of installation and improvement of such facilities.

The District levied its first flood control benefit assessment for Fiscal Year 1979-80. In the special election of November 6, 1979, the voters of the District approved Proposition A, thereby allowing the District to continue to levy annual benefit assessments. Such voter approval was required by §60406 of the Government Code within one year after the levy of the initial benefit assessment.

The District has levied a benefit assessment annually since Fiscal Year 1979-80.

The amount of money available from ad valorem taxes is inadequate to operate the existing flood protection system, to respond to emergencies, to perform maintenance and repairs, to install and improve facilities, to conserve water, and to mitigate flood and debris problems attributable to land developments. It is, therefore, necessary to impose a benefit assessment on the properties within the District.

The Board has received and reviewed the written report of the Chief Engineer of the District regarding the proposed benefit assessments and has heard and considered all public testimony and comments relating thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the Los Angeles County Flood Control District hereby confirms and levies an annual benefit assessment on each parcel of real property in the District for the services and facilities furnished by the District for the fiscal year beginning July 1, 2002, as set forth herein.

Section 1. For purposes of this resolution, the following definitions shall apply:

- A. "Board" means the Board of Supervisors of the Los Angeles County Flood Control District.
- B. "Chief Engineer" means the Chief Engineer of the Los Angeles County Flood Control District.

- C. "District" means the Los Angeles County Flood Control District.
- D. "Parcel of real property" means a parcel of real property as shown on the local secured tax rolls of the County of Los Angeles.

Section 2. Since the District's services are necessitated by stormwater runoff, the Board of Supervisors finds that the most equitable basis upon which to levy the assessment is in proportion to the stormwater runoff attributable to the area and land use of each parcel of real property within the District as shown on the tax rolls.

Section 3. The assessment for each parcel in Zone 1 of the District shall be derived by applying the following formula:

$$\text{Assessment} = \$28.85 \times \frac{\text{area of parcel in acres} \times \text{runoff factor for parcel}}{0.0637}$$

The parcel runoff factor shall be determined according to Table 1 as set forth in Section 10. This charge shall be in addition to any ad valorem taxes levied by the District on such property.

Section 4. The assessment for each parcel in Zone 2 of the District shall be derived by applying the following formula:

$$\text{Assessment} = \$5.95 \times \frac{\text{area of parcel in acres} \times \text{runoff factor for parcel}}{0.0637}$$

The parcel runoff factor shall be determined according to Table 1 as set forth in Section 10. This charge shall be in addition to any ad valorem taxes levied by the District on such property.

Section 5. In Zones 3 and 4 there will be zero assessments levied.

Section 6. The zone designation of each parcel shall be determined according to Table 2 as set forth in Section 10.

Section 7. The assessment shall be collected for the 2002-03 Fiscal Year on the tax roll at the same time and in the same manner as the general taxes of the County of Los Angeles.

Section 8. The assessment formulas and parcel runoff factors provided herein for parcels in Zones 1 and 2 remain the same as those imposed in Fiscal Year 2001-02.

Section 9. If any portion of the levy, collection, or expenditure of the benefit assessment provided for herein is declared invalid or unconstitutional, the remaining levy, collection, or expenditure of the benefit assessment shall not be affected but shall remain in full force and effect.

Section 10. Tables 1 and 2, Runoff Factors and Benefit Assessment Zones, are attached hereto and by this reference made a part hereof.

The foregoing resolution was on the _____ day of _____, 2002, adopted by the Board of Supervisors of the Los Angeles County Flood Control District.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

**NOTICE OF PUBLIC HEARING
CONCERNING CONTINUATION OF BENEFIT ASSESSMENT FOR
FLOOD CONTROL PURPOSES
BY THE
BOARD OF SUPERVISORS
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

Notice is hereby given that a public hearing will be held before the Board of Supervisors in Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, at 9:30 a.m., on Tuesday, , 2002, pursuant to the provisions of Sections 54715 et. seq. and 6066 of the Government Code, for the purpose of considering the continuation of the existing benefit assessment for flood control purposes for Fiscal Year 2002-03.

The County of Los Angeles Department of Public Works has recommended to the Board of Supervisors that the benefit assessment rates for Fiscal Year 2001-02 remain the same as this year's (2001-02) rate.

The benefit assessment will be levied on each parcel of real property within the Los Angeles County Flood Control District to cover the cost, not otherwise offset by other available revenue, of providing flood control services to the property. The benefit assessment will be determined on the basis of the proportionate stormwater runoff from each parcel.

For further information, please contact Mr. Art Correa at (626) 458-3972. By order of the Board of Supervisors, County of Los Angeles, State of California, on _____, 2002.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of
the County of Los Angeles

**AVISO DE AUDIENCIA PUBLICA
RESPECTO A LA CONTINUACION DEL IMPUESTO DE BENEFICIOS
PARA EL CONTROL DE DESBORDAMIENTO
POR EL CONSEJO DE SUPERVISORES
DISTRITO DEL CONTROL DE DESBORDAMIENTO
DEL CONDADO DE LOS ANGELES**

Por este aviso se anuncia una audiencia pública ante el Consejo de Supervisores en el Salón de Administración Kenneth Hahn, Cuarto Numero 381, 500 West Temple Street, Los Angeles, California, a las 9:30 a.m., el _____ de 2002, conforme a las estipulaciones de las Secciones 54715 et. seq. y 6066 del Código Gubernamental con el propósito de considerar la continuación del Impuesto de Beneficios para el control de desbordamiento para el Año Fiscal 2002-03.

El Departamento de Obras Públicas ha recomendado al Consejo de Supervisores que la contribución del Impuesto de Beneficios para el Año Fiscal 2002-03 quede igual que la contribución de este año (2001-02).

El Impuesto de Beneficios será impuesto a cada parcela de bienes raíces dentro del Distrito del Control de Desbordamiento del Condado de Los Angeles para cubrir el costo, que no podrá ser compensado por otras rentas públicas, de proveer servicios de control de desbordamiento a la propiedad. El Impuesto de Beneficios será determinado en base a la proporción del flujo de aguas pluviales de cada parcela.

Para más información, por favor comuníquese con Sandra Perez al (626) 458-3955.

Por orden del Consejo de Supervisores, Condado de Los Angeles, Estado de California,
__ de _____ de 2002.

VIOLET VARONA-LUKENS
Oficial Ejecutivo del Consejo de Supervisores