



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Public Works

**MEETING DATE:** August 4, 2009

**PREPARED BY:** Ron Bow, Director of Public Works

**AGENDA LOCATION:** AR-1

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**TITLE:** Memorandum of Agreement for the Administration and Cost Sharing of the Coordinated Implementation Plan for the Los Angeles River Reach 2 and Tributaries Metals Total Maximum Daily Load with the San Gabriel Valley Council of Governments.

**OBJECTIVE:** To recommend the City Council to enter into a Memorandum of Agreement (MOA) for the Administration and Cost Sharing of the Coordinated Implementation Plan (CIP) for the Los Angeles River (LAR) and Tributaries Metals Total Maximum Daily Loads (TMDL).

**BACKGROUND:** Several segments of the LAR and its tributaries were identified on the 1998 and 2002 Clean Water Act (CWA) 303(d) list of impaired water bodies as damaged due to various metals. Due to the pollutants identified on the 303(d) list, the Los Angeles Regional Water Quality Control Board (LARWQCB) adopted a TMDL for metals that was established for the LAR and its tributaries. A TMDL establishes a maximum limit for a specific pollutant that can be discharged into a water body without exceeding water quality standards and impairing beneficial uses. This TMDL addresses impairments for selenium, zinc, lead, copper, and cadmium, and even though not all reaches or tributaries were listed as impaired, metal allocations were developed for upstream reaches and tributaries that drain to impaired reaches.

The LAR Metals TMDL requires the 42 responsible entities (40 watershed cities, Caltrans and Los Angeles County) to prepare and implement a Coordinated Implementation Plan designed to reduce the amount of metal pollutants in the Los Angeles Rivers and its tributaries, in addition to providing compliance with the TMDL load allocations. The Regional Board has divided the Los Angeles River into six different jurisdictional groups or reaches; Monrovia is located within Reach 2 and approximately 6,618 acres are tributary to the Los Angeles River. The City is required to comply with the following deadlines for Coordinated Implementation Plan submittal to the LARWQCB:

- January 11, 2010 - submittal of a draft implementation plan
- July 11, 2010 - final implementation report submittal

**ANALYSIS:** The LAR and Tributaries Metals TMDL, adopted by the LARWQCB, requires the watershed cities and agencies to prepare and implement a Coordinated Implementation Plan. Per the requirements of the TMDL, LAR Reach 2 cities plan to prepare a coordinated implementation plan to meet the compliance deadlines for submittal. This report outlines the requirement for these efforts, their foreseeable costs, proposed implementation through a cost sharing agreement, and fiscal management through the San Gabriel Valley Council of Governments (SGVCOG).

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Coordinated Implementation Plan (CIP)- Reach 2 cities establish a Technical Committee to assist with the preparation of their Coordinated Implementation Plan. The Technical Committee has recommended Camp Dresser & McKee Inc.'s (CDM) as the consultant for the preparation of the Coordinated Implementation Plan. CDM proposed scope of work can be found in Exhibit B of the MOA.

The Proposed MOA does not include the City of Los Angeles or the County of Los Angeles as they have received approval to prepare their own CIP for their jurisdiction. Cities listed on the MOA list can opt not to participate in this MOA, however this would necessitate the city preparing its own Implementation Plan. Final costs will be based on the number of MOA signatories and their subsequent percentage of area in Reach 2.

CIP Administration- The CIP will require administration, invoicing of participating local governments, bill payments and auditing. By Technical Committee recommendation, the San Gabriel Valley Council of Governments (SGVCOG) will administer the CIP. The SGVCOG's direct and actual administration costs would be fully paid by the participating agencies, including the costs of auditing, legal reviews of agreements and staff. The SGVCOG anticipates costs not to exceed \$25,000.00 in administrative costs, which will be shared among the participating agencies, based on the funding formula; Exhibit A of the MOA illustrates the details of the cost sharing

CIP Costs - The estimated budget for this CIP is \$261,335.00 (including administration costs). MOA participants will be assessed a cost share based on each agency's percent of the total signatories' acreage (Exhibit A). Based on 33 signatories, the City of Monrovia's estimated cost share is \$15,557.90 for FY 2009-10; however, final costs are dependant on the number of MOA signatories. The first invoice will be 50% of the estimated final cost of the CIP and is due upon participating cities signing of this Memorandum of Agreement. The second invoice will be sent on or about December 15, 2009 for the city's remaining balance.

Execution and Activation of the CMP Agreement- Each watershed agency must authorize the CIP MOA with the SGVCOG in order to begin professional services procurement for the CIP.

**FISCAL IMPACT:** Based on the MOA's cost share formula, the City of Monrovia's cost share is approximately \$15,557.90 for FY 2009-10 (final cost is based on the number of MOA signatories). Funds are available in the Storm drain Fund.

**RECOMMENDATION:** Approve the Memorandum of Agreement for the Administration and Cost Sharing of the Coordinated Implementation Plan for the Los Angeles River Reach 2 and Tributaries Metals TMDL with the SGVCOG and authorize the City Manager to execute the MOA.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to approve the Memorandum of Agreement with the San Gabriel Valley Council of Governments and authorize the City Manager to execute the MOA.