



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: Interim City Administrator

SUBJECT: Resolution authorizing the Interim City Administrator to sign and submit documentation in support of the City of Commerce's Test Claim related to the 2012 Los Angeles County Municipal Stormwater Permit.

MEETING DATE: November 7, 2017

RECOMMENDATION:

Adopt the Resolution authorizing the Interim City Administrator to sign and submit documentation in support of the City of Commerce's Test Claim related to the 2012 Los Angeles County Municipal Stormwater Permit.

BACKGROUND:

The City of Commerce and several other cities filed a Test Claim following the Los Angeles Regional Water Quality Control Board's adoption of the 2001 Los Angeles County Municipal Stormwater Permit for unfunded mandate costs related to the Total Maximum Daily Loads for trash. The California Supreme Court ruled in favor of the cities which allows for cities to seek reimbursement for trash receptacles and inspection obligations imposed under the Permit. The purpose of the litigation was to set the precedent that the cities are entitled to reimbursement for unfunded state mandates imposed by the Regional Water Quality Control Board (the "Board") under municipal stormwater permits. The cities are jointly represented by the Law Firm of Burhenn & Gest and share the costs equally.

The 2012 Los Angeles County Municipal Stormwater Permit is considered a new order and thus a new test claim was submitted for the obligations imposed by the new Permit. The City of Commerce also retained the Law Firm of Burhenn & Gest to represent the City before the Commission on State Mandates. Recently, the Commission on State Mandates requested additional information in the cities' declarations regarding the date of the first incurrence of costs in support of the Test Claims filed to obtain reimbursement. Specifically, for Commerce, the Commission did not accept an Interim City Administrator's signature since "interim" does not meet the requirement of being a City Manager and requested the City to adopt a resolution authorizing the Interim City Administrator to submit the claim for reimbursement to the Commission.

ALTERNATIVES:

1. Approve staff recommendation
2. Disapprove staff recommendation and provide further direction.

FISCAL IMPACT:

There is no additional fiscal impact related to this agenda item. The original cost of filing and pursuing the test claim was estimated at \$75,000 collectively for all of the participating cities. Commerce's share of the cost is \$12,500.

RELATIONSHIP TO STRATEGIC GOALS:

The issue before the Council is applicable to the following Council's strategic goal: *"Develop a tangible environmental mitigation plan"* as identified in the 2016 Strategic Plan.

Approved by: Maryam Babaki, Director of Public Works and Development Services

Prepared by: Gina Nila, Deputy Director of Public Works Operations

Reviewed by: Josh Brooks, Assistant Finance Director

Approved as to form by: Noel Tapia, City Attorney

Respectfully submitted by: Fernando Mendoza, Interim City Administrator