

South Bay Cities Council of Governments

August 28, 2014

TO: SBCCOG Board of Directors

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Dominguez Channel Coordinated Integration Program Contract Administration

ADHERENCE TO STRATEGIC PLAN:

Goal A: Environment, Transportation and Economic Development. Facilitate, implement and/or educate members and others about environmental, transportation and economic development programs that benefit the South Bay

BACKGROUND

The Dominguez Channel Watershed Management Area Group has requested that the SBCCOG serve as the contract administrator for its Coordinated Integrated Monitoring Program (CIMP). The group includes the following jurisdictions: Cities of Los Angeles, Lomita, Hawthorne, Inglewood, El Segundo, the County of Los Angeles and the Los Angeles County Flood Control District.

The City of Los Angeles is the lead for the group and they will perform the monitoring outlined in the Plan. Estimated monitoring costs are about \$500,000 which would be collected through an annual fee paid for by the members of the group who are referred to as Individual General Permittees (IGPs). The City of Long Beach would also share in the monitoring costs. The assessment is based on land area.

The SBCCOG would not go to meetings of the group and would solely handle the annual invoicing and processing of MOUs as members join. Throughout the year, there could be multiple agreements (boilerplate) that the SBCCOG would process between the SBCCOG and the IGP's. The SBCCOG would not be performing the monitoring or meeting Regional Water Quality Control Board deadlines so the SBCCOG would not be responsible for fines and our legal counsel believes that liability would not be much of a concern.

This project is expected to continue to at least the year 2032. The agreement with the SBCCOG would be for a five year period at the end of which it would be updated.

CONSIDERATIONS

- Staffing – The type of work anticipated fit into existing staff work and could be accommodated through current and/or future hires who would work on other programs as well.
- Legal Counsel – Currently SBCCOG is receiving pro bono services from Jenkins and Hogin. Since this project would require legal review of contracts, I spoke to Mike Jenkins and requested a fee for these services. Understandably, he would not want to take on this project's work pro bono and has given me a fee of \$250/hour.

- Funding – The time required for this work is currently not known but in discussions with the staff, we believe that we can establish a rate for the first year and re-evaluate it if it is insufficient at the end of the year.

RECOMMENDATION

Consider, subject to negotiations with the Dominguez Channel Watershed Management Group, SBCCOG serving as contract administrator for the Dominguez Channel Coordinated Integrated Monitoring Program (CIMP) under the following terms:

- The SBCCOG will receive \$25,000 or 5% of the budget, whichever is greater, per year.
- In addition to the SBCCOG's fee, there would be a charge of \$250/hour for legal fees for review of MOUs.
- The agreement would be for five years with the understanding that after the first year the fee to the SBCCOG will be reviewed to ensure that it is sufficient.