



**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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**GAIL FARBER, Director**

November 08, 2011

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

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

28 November 8, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**ORDINANCE AMENDING TITLE 21 (SUBDIVISIONS) OF  
THE LOS ANGELES COUNTY CODE RELATING TO  
BRIDGE AND MAJOR THOROUGHFARE AND BRIDGE FEES  
(ALL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

This action is to approve an ordinance amending Title 21 of the Los Angeles County Code by expanding the definition of the term "construction" as it relates to the use of bridge and major thoroughfare fees and makes other grammatical changes to conform with recent changes in State law. It also corrects an erroneous statutory reference.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Approve the ordinance amending Title 21 (Subdivisions) of the Los Angeles County Code, Section 21.32.200B (Definitions), Section 21.32.200F, Section 21.32.200H, and Section 21.32.200K related to bridge and major thoroughfare construction fees.
2. Adopt the ordinance that implements the above recommendation and ordain that the approved ordinance will take effect 30 days following its adoption.
3. Find that the expansion of the definition of "construction," the grammatical changes, and the correction of an erroneous statutory reference are categorically exempt under the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State California Environmental Quality Act Guidelines.

## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Prior to the passing of Assembly Bill (AB) 133 on July 6, 2010, Section 66484 of the Government Code limited the use of bridge and major thoroughfare (B&T) District fees in the County of Los Angeles to construction activities. It did not include reasonable administrative expenses.

Because of this limitation, the general administrative accounting and legal costs for the County of Los Angeles' (County) six B&T Districts were required to be financed by the Road Fund's Master Plan of Highways Program. This has resulted in impacts to the County's Road Fund and has limited the County's ability to effectively manage the six B&T Districts. Passage of AB 133 now allows the use of B&T fees for reasonable administrative expenses. However, the County's ordinance must be updated to reflect this change.

The purpose of the recommended actions is to adopt the enclosed ordinance to redefine the term "construction," for B&T built with the fees charged under this section for the unincorporated areas of the County, to include design, acquisition of rights of way, actual construction, and administrative expenses including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction contracts, and other services necessary, therefor. The term "construction" shall include reasonable administrative expenses not exceeding \$300,000 in any calendar year after January 1, 1986, as adjusted annually for any increase or decrease in the Consumer Price Index as published by the United States Department of Commerce for the purpose of constructing B&T.

The proposed ordinance includes the definition of "administrative expenses," which means those offices, personnel, and other customary and normal expenses associated with the direct management and administration of the County, not including costs of construction.

The proposed ordinance also includes correction of an erroneous statutory reference of Section 65905 to the correct Section 65091 of the Government Code.

The grammatical changes include changes to allow a single fund to cover multiple B&T projects in a benefited area.

## **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) by allowing the County to utilize the B&T District funds in a more cost-effective manner.

## **FISCAL IMPACT/FINANCING**

There will be no impact to the County's General Fund. There will be a net positive impact to the County's Road Fund. With reasonable administrative expenses, not exceeding \$300,000 in any calendar year after January 1, 1986, expanded into the term "construction," it ensures the recovery of the necessary costs to administer the B&T Districts.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On July 6, 2010, AB 133 amended Section 66484 of the Government Code related to subdivisions with the following changes:

1. Expanded the use for which B&T fees in the County of Los Angeles could be used to include

reasonable administrative expenses.

2. Defined the term "construction," for B&T built with the fees charged under this section for the unincorporated areas of the County of Los Angeles, to include design, acquisition of right of way, actual construction, and administrative expenses including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction contracts, and other services necessary.

3. Stated that the term "construction," for B&T built with the fees charged under this section for the unincorporated areas of the County of Los Angeles, also includes reasonable administrative expenses as defined.

4. Stated that for the purposes of the County of Los Angeles only, the term "construction" shall only include design, acquisition of rights of way, administration of construction contracts, and actual construction if the area of benefit includes both a city or a portion thereof and adjacent portions of unincorporated area, and if all of the B&T project improvements lie within the boundaries of the City.

County Counsel reviewed the accompanying amended ordinance and has no objections. The enclosed ordinance amends Title 21 (Subdivisions) of the Los Angeles County Code, Section 21.32.200B (Definitions), Section 21.32.200F, Section 21.32.200H, and Section 21.32.200K related to B&T construction fees and has been approved as to form.

#### **ENVIRONMENTAL DOCUMENTATION**

Adoption of the ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the CEQA Guidelines.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The proposed ordinance will allow the County to fully implement the provisions of AB 133, the County Code 21.32.200, and will have no negative impact on services.

#### **CONCLUSION**

Please return one adopted copy of this letter and one signed original of the Ordinance to the Department of Public Works, Land Development Division.

The Honorable Board of Supervisors

11/8/2011

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:AEN:ca

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office