

# Draft Stakeholder Advisory Committee Charter

# SAFE, CLEAN WATER PROGRAM

## Stakeholder Advisory Committee:

### Draft Charter

#### 1. BACKGROUND:

- a. The LA County Flood Control District is developing a Safe, Clean Water Program, which would be funded by a potential parcel tax and pay for multi-benefit stormwater projects and programs to improve water quality, increase water supply, and provide community enhancements.

This effort is being led by the LA County Board of Supervisors as described in their Motion on May 30, 2017. In the summer of 2018, the Board will consider whether to put a Stormwater Funding Measure to fund the Safe, Clean Water Program on the November 2018 ballot.

Developing the Safe, Clean Water Program via a collaborative stakeholder process is a priority for the Board of Supervisors.

#### 2. PURPOSE AND COMPOSITION:

- a. The Stakeholder Advisory Committee (SAC) will meet to discuss development of the Safe, Clean Water Program, which will guide administration and allocation of revenue generated by the Stormwater Funding Measure. Topics of discussion may include project selection criteria, governance, allowance for credit or rebate for existing efforts, workforce development, or other topics of importance to the shaping of the measure. The SAC will serve in an advisory capacity as a critical forum for stakeholders to weigh in on program design and make recommendations.
- b. The SAC will be composed of 20-25 members, and will include representatives from all Councils of Government, several water agencies, and the business, labor, academic, environmental, and environmental justice communities, among others.

#### 3. OPERATING PROTOCOLS

- a. **General Principles of Collaboration**

Using the following general principals of collaboration, SAC members and staff:

- Commit to expending the time, energy, and organizational resources necessary to fulfill SAC roles and responsibilities as outlined above;
- Recognize the validity of and seek to understand different points of view and different interests;

- Seek to develop inclusive solutions that meet the range of interests around the table; and
- Regard disagreements as problems to be solved, not battles to be won.

**b. Standard Meeting Guidelines**

- Electronic courtesy. Please turn off cell phones, or any other communication item with an on/off switch to “silent.” We understand you have demanding responsibilities outside of the meeting room. We ask that these responsibilities be left at the door. Your attention is needed for the full meeting.
- Be comfortable. Help yourself to refreshments or take personal breaks.
- Humor is welcome and important. However, humor should never be at someone else's expense.
- Stay focused on the charter and meeting goals and objectives. There are many related topics that people care about. The SAC cannot address all of these. The facilitator will help the group stay focused on the deliverables.
- Use common conversational courtesy. Don't interrupt others. Use appropriate language. Avoid third party discussions.
- Share the air. Let us ensure as many people as possible can participate in discussions.
- All ideas and points have value. You may hear something you do not agree with. You are not required to defend or promote your perspective, but you are asked to share it. All ideas have value in this setting. If you believe another approach is better, offer it as a constructive alternative.
- Avoid editorials. Avoid ascribing motives to or judging the actions of others. Tell us what is important to you, and what you would like to see.
- Honor time. In order to achieve meeting objectives it will be important to follow the time guidelines provided by the facilitator.

## 4. Meeting Schedule:

- a. The Flood Control District plans to convene 8 to 10 meetings between November 2017 and June 2018. Most meetings will last 2 hours, but some may be expanded for more robust discussion. The proposed meeting dates are on Wednesdays as follows:
- November 8, 2017
  - December 13, 2017
  - January 10, 2018
  - February 14, 2018
  - March 14, 2018
  - April 18, 2018
  - May 9, 2018

- June 13, 2018

All meetings will be held from 2:00 pm to 4:00 pm at the Kenneth Hahn Hall of Administration, 500 W Temple St, Los Angeles, CA 90012, unless otherwise notified.

DRAFT

## Safe, Clean Water Program Fact Sheet

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# Safe, Clean Water for Los Angeles County Residents



## **Water is Scarce in LA County**

We live in a water-scarce area. Los Angeles County residents rely heavily on imported water from the Sierra Mountains, the Central Valley and other states. Climate change is causing extreme weather conditions, and the five-year drought severely impacted communities across the County.

## **Over 100 Billion Gallons of Water Lost**

Rain that falls on LA County flows through our region's rivers, creeks and streams. It replenishes groundwater, an important source of local drinking water.

However, because so much of our region is paved over, too much precious rainfall is lost to the ocean before we can capture it for use. When we experience heavy rains, our existing system captures only a fraction of rainfall: LA County lost over 107 billion gallons of water during last year's storms – enough to meet the needs of more than 2.5 million people for an entire year.

## **Pollutants and Toxins Threaten Public Health, Our Water Resources and the Environment**

Stormwater picks up chemicals and toxins as it flows through streets and other developed areas to our rivers and streams and into the ocean, threatening public health and marine life. That's why beach closures follow nearly every heavy rain.

Thousands of marine animals have washed up sick or dead along Southern California's shoreline over the last ten years. Each year, stormwater carries more than three million tons of trash from our streets — enough to fill Dodger Stadium — onto our local beaches.

LA County has relied on the US EPA, and State and Federal Clean Water Acts, to ensure strong water quality standards. However, they provide only minimal funding, and it is critically important that we take local action to improve water resources for LA County residents.

## **Our Solution: Safe, Clean Water Program**

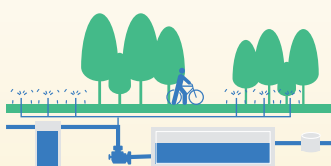
The good news is there are smart, modern solutions to help address these problems.

We can use science, technology and nature-based solutions to protect public health and our environment and to maximize a clean, locally-controlled water supply:

- Capture more rainfall to store, clean and re-use
- Protect local lakes, rivers, streams, beaches and the ocean from contamination
- Improve communities' protection against extreme weather patterns and climate change while adding natural areas, shade and green space to enjoy

The County and Los Angeles County Flood Control District are reaching out to stakeholders throughout our local communities to get input about how to create a Safe, Clean Water Program to achieve these goals and ensure safe, clean water resources for Los Angeles County residents.

Public input is important to us. For more information, please contact: [info@SafeCleanWaterLA.org](mailto:info@SafeCleanWaterLA.org), and for more information, visit: [www.SafeCleanWaterLA.org](http://www.SafeCleanWaterLA.org).



## Safe, Clean Water Program FAQ

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# Safe, Clean Water for Los Angeles County Residents

## Questions and Answers

### **Q: Why does LA County need the Safe, Clean Water Program?**

We live in a water-scarce area, and forces outside of our control can threaten our local water resources, including lakes, rivers and beaches. LA County residents rely heavily on imported water from the Sierra Mountains, the Central Valley and even from states as far away as Colorado. Climate change is causing more and more extreme weather conditions, making these remote sources more unreliable. The impacts of the recent five-year drought were widely felt here.

Rainfall is an essential, local source of LA's water. Rain runs through local rivers, creeks and streams and can be absorbed underground, replenishing groundwater, which is a local source of drinking water. However, because so much of our region is paved over, when we *do* experience heavy rain, too much of that precious water is lost to the ocean before we can capture it for use.

Our local water resources are also threatened by toxins and pollution as stormwater runs through streets and over-paved areas into our rivers, creeks and streams. Pollution flows onto our beaches and into the ocean, posing a public health risk and harming marine life.

### **Q: What would the LA County Safe, Clean Water Program do?**

There are smart, modern solutions to help address the challenges we face when it comes to protecting and improving our water resources, our beaches, rivers, creeks and streams. LA County and the Los Angeles County Flood Control District are developing a program based on modern science, technology and nature-based solutions to:

- keep toxins and trash from washing into local lakes, rivers, streams, beaches and the ocean;
- take advantage of less regular, more intense rainstorms in order to save more rainfall and clean it for use, which will mitigate the impact of drought and also protect public health;
- improve communities' protection against extreme weather patterns and climate change while adding natural areas, shade and green space to enjoy.

### **Q: Is clean water normally scarce in the LA region or did the recent drought cause a water shortage?**

Even in years with normal rainfall, LA County is a water-scarce region. The recent five-year drought put even more stress on our local water resources and made our normal situation dramatically worse.



As climate change causes more weather extremes like the drought, we need to take significant steps to protect and improve our local water resources.

**Q: I know the drought was seriously harmful for our local water supply, but didn't the heavy rains last winter make up for it?**

Unfortunately, no. When we do experience heavy rains, like this past winter, our existing system can only capture a fraction of that rainfall. In fact, during this year's rainstorms, LA County lost over 107 billion gallons of water – enough to meet the needs of more than 2.5 million people for an entire year – nearly 1/3 of the County population.

In addition to missing the opportunity to capture more water, stormwater runoff picks up toxins from parking lots, streets and other developed areas and carries them into our rivers, lakes, streams and eventually our ocean.

As extreme weather conditions become the new normal, we need a system that can capture more local rainfall, and clean and save it for future use.

**Q: Do we capture and store rain already when we experience storms? How much rainwater can we capture and store now?**

Right now, we capture and store approximately enough rain each year to meet the needs of 1.5 million LA County residents – about 15 percent of our county's population. Existing dams in the front range of the San Gabriel Mountains capture rainfall and stormwater that is conveyed to a network of "spreading grounds" – shallow basins with sandy soil that naturally filter water as it seeps into the ground, refilling local underground natural caverns of rock that hold water. Eventually, this water gets pumped into a water treatment and distribution system for us to use.

Unfortunately, our current system can't capture all the rainfall that occurs in a typical year, and hundreds of billions of gallons of water flow out to the ocean instead of being captured and stored for future use. This stormwater also washes over streets and paved areas, picking up toxins and pollutants, and spreading harmful toxins to our beaches, lakes and rivers.

A major opportunity for a more reliable, local water supply is capturing more rainfall, which we can store underground, clean and re-use.

**Q: How much more water could the Safe, Clean Water Program save for our region?**

With smart investment, we could double or triple the amount of rain we capture, preserving enough water to meet the needs of nearly one-third of the County's residents, ensuring our region can capitalize on erratic and intense rain events.

**Q: What kind of projects would help capture more rainfall?**

The best way to capture more water is to rely on natural areas, like streambeds, grassy parks, grassy fields at schools and other non-paved areas. These areas absorb rain naturally and refill our underground reserves.

One of the most exciting parts of the Safe, Clean Water Program is that the projects will use this strategy to not only capture more rain, but to also increase shade, parkland and natural areas for people and wildlife in our area in the process.

**Q: Would the Safe, Clean Water Program be better for public health?**

Yes. It's no secret that dirty water from heavy storms results in beach closures following heavy rain in Los Angeles, because of threats to public health. Every day, and particularly on rainy days, storm runoff carries industrial solvents, paints, chemicals and infection-causing bacteria into our region's rivers, lakes and streams, and out to the ocean. By using smart, nature-based projects, we could capture more runoff and filter out harmful toxins and pollutants. In the process of capturing and cleaning stormwater, projects in the Safe, Clean Water Program will add more green space, further supporting healthier communities.

**Q: How would the Safe, Clean Water Program help poor and underserved communities?**

Many of our region's poorer communities have fewer parks, shade and natural areas, and are much more vulnerable to extreme heat and flooding.

Neighborhoods where houses are least likely to have air conditioning often have less natural protection from the impact of extremely warm weather and face more heat-related health risks and worse air pollution.

Projects that capture more rainwater and create added green space could help cool and clean the air. You can read more here:

<https://www.thenatureofcities.com/2016/04/03/green-infrastructure-that-creates-climate-resilience-human-resilience-and-quality-of-life-in-los-angeles-underserved-neighborhoods/>

**Q: Would the Safe, Clean Water Program benefit marine life?**

Absolutely. Over the last ten years, thousands of dolphins, seals, sea lions and whales have washed up sick or dead along Southern California's shoreline, and one million seabirds each year choke on plastic garbage or die after getting tangled in plastic nets and other trash. And, each year, stormwater carries more than three million tons of trash from our streets -- enough to fill Dodger Stadium -- onto our local beaches. By preventing stormwater runoff from carrying tons of trash and toxins out to sea, we can better protect marine life.

**Q: Can we count on the federal government to protect our beaches and water resources?**

The U.S. Environmental Protection Agency and Federal Clean Water Act have historically been key in establishing strong water quality standards; however, they provide minimal funding. Today, it's more important than ever for our County leadership to take action to improve local water resources for LA County residents.

**Q: Would the Safe, Clean Water Program help our cities comply with the current federal Clean Water Act?**

Yes. Los Angeles County, local municipalities and local water agencies have developed high-priority projects to capture and clean stormwater to comply with

the Clean Water Act. Unfortunately, many of these projects lack funding. The Safe, Clean Water Program would help our area meet standards for Clean Water.

**Q: What funding exists for these important projects?**

While some types of water supply projects are supported by reliable revenue, like regular rates, there is no dedicated funding source for stormwater projects. LA County and the Los Angeles County Flood Control District are working to identify funding and opportunities to share costs with other agencies. Several cities in the County are investing limited funds in stormwater capture and re-use plans, and the LA County Safe, Clean Water Program will help unify these efforts and maximize resources to support safe, clean local water resources for all LA County residents.

**Q: What will happen next?**

The Safe, Clean Water Program is currently being developed under LA County leadership and through the collaborative efforts of local city government leaders, environmentalists, business, labor, and other key stakeholders. A first draft of the Program is expected in the spring of 2018, and will continue to be developed with stakeholder input through summer of 2018.

A potential funding measure to implement the plan is also under consideration. Once finalized, it will appear as a ballot measure to be voted on by LA County residents.

**Q: How much would a ballot measure raise, and who would pay for it?**

The LA County Department of Public Works is analyzing the costs and potential appropriate funding mechanisms to support critical rainwater capture and water quality projects.

**Q: Where can I learn more?**

Visit [SafeCleanWaterLA.org](http://SafeCleanWaterLA.org) for more information.

**Q: How can I get involved?**

Email [info@SafeCleanWaterLA.org](mailto:info@SafeCleanWaterLA.org) to get involved.

## LA County Board of Supervisors Motion

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AGN. NO.

AGN. NO.

MOTION BY SUPERVISORS SHEILA KUEHL AND HILDA SOLIS

May 30, 2017

**Regional Water Resilience Planning, Outreach, and Engagement, and  
Stormwater Capture Expenditure Plan**

California's new climate reality is one of extreme weather cycles, recently escalating quickly from a debilitating drought to record-breaking rainfall and catastrophic flooding. This winter – after five straight years of drought – we faced massive storms, which, almost overnight, made California's current rainy season the second wettest in 122 years. Even with this extraordinary rainfall, however, the impacts of the drought persist. Years of water scarcity exhausted the reservoirs on which Southern California has historically depended. Even more importantly, this rapid and severe climate uncertainty leaves us apprehensive about the anticipated return of drought conditions – possibly for even longer, and with greater severity.

On April 5, 2016, the Los Angeles County Board of Supervisors passed a motion directing the Department of Public Works, in coordination with other County departments, cities, local water agencies, business stakeholders, non-profit

**MOTION**

Solis	_____
Kuehl	_____
Hahn	_____
Barger	_____
Ridley-Thomas	_____

organizations, school districts, and other regional stakeholders, to design and develop a Drought Resilience Plan, subsequently referred to as the Water Resilience Plan (Plan), in order to increase drought preparedness and local water self-reliance, improve water quality to protect public health, and advance our communities' abilities to adapt to the effects of climate change. The Board further directed County departments to identify the most appropriate funding mechanism needed to ultimately implement the Plan.

The Plan, the first phase of which is expected to be completed in the Summer of 2017, will call for smart investments in our infrastructure to enable communities to capture every single possible drop of water, better manage our existing supplies, protect our beaches and oceans from contamination, create greener neighborhoods and parks, and improve coordination among relevant government agencies.

Since January of this year, the state has faced a series of record-breaking storms. This abundance of water presents an opportunity – a chance to capture water during big storms to help ease the impacts of drought cycles that will ultimately return. Although there is infrastructure in place in the Los Angeles region to capture some of that water, it is not enough. Currently, the County of Los Angeles manages to capture and store enough stormwater to meet the demand of over one-and-a-half million residents each year. Research has shown that implementation of regional stormwater capture projects could increase this amount between two- and three-fold—capturing enough water to meet the needs of nearly one third of the County's residents—by ensuring the region can capitalize on erratic and intense rain events.

Capturing more stormwater will also protect public health and the communities we

live in by preventing large volumes of runoff from carrying trash, bacteria, chemicals, and debris through our rivers, and polluting our popular and iconic beaches and bays.

The Department of Public Works recently completed a Water Resilience Rapid Assessment (Assessment) outlining some of the early findings of the planning effort and greatest perceived needs relevant to building regional water resilience. The Assessment finds that stormwater capture strategies represent a unique opportunity for the region to substantially supplement local water supply, improve water quality, and provide additional benefits for watershed health and community quality of life. The Assessment further finds that, while other types of water management infrastructure are supported by reliable sources of revenue, stormwater infrastructure and management has little to no reliable funding.

Los Angeles County and eighty-five of its cities are required to implement programs that include building stormwater capture and clean-up projects as part of Federal Clean Water Act compliance. The State has authority to assess significant financial penalties if these projects are not built. While some municipalities have passed fees and taxes to address some of the stormwater funding need, most have no funding source to pay for it.

The County understands the need to responsibly manage public funds, and to collaborate with other stakeholders responsible for water infrastructure. The Plan will offer options for essential investments in our infrastructure and underscore those water strategies that have the greatest potential for significant impact. It will also survey existing resources that might be leveraged or allocated more effectively and

efficiently. Unfortunately, existing funds cannot meet all our needs. Notably, very little funding is currently available to support the innovative, multi-benefit stormwater capture projects already identified in the Assessment.

Long-term regional solutions that make us more resilient against weather extremes – now and in the future – remain essential. By strategically investing in multi-benefit stormwater projects we can address urgent water quality needs and catch more rainfall during big storms to help ease the impacts of drought cycles that are certain to return. We can also leverage existing local, state and federal funding for parks, transportation, and other sources to maximize the impact of stormwater funding dollars.

**WE, THEREFORE, MOVE** that the Board of Supervisors direct the Director of the Department of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District (District), Chief Executive Officer, County Counsel and other appropriate departments to collaborate, utilizing internal and external expertise as needed, to:

1. Conduct broad-based education, outreach, and engagement programs to educate stakeholders and the public about County water issues, and to solicit input on the Water Resilience Plan.
2. Develop an Expenditure Plan that will determine an appropriate parcel tax to implement stormwater projects and programs, with emphasis on projects providing multiple benefits that increase water supply, improve water quality, and provide community enhancements such as the greening of schools,



parks and wetlands, and increased public access to rivers, lakes and streams, with the Expenditure Plan to:

- a. Be developed collaboratively with stakeholders including, but not limited to, the County's municipalities, local water agencies, public health agencies and organizations, businesses, labor, non-profit organizations, school districts, and community groups;
  - b. Specify allocation of funds to regional programs, including local return for municipalities;
  - c. Include programs to fund both capital projects and ongoing operations and maintenance;
  - d. Incorporate, as appropriate, elements of existing regional plans, including the Integrated Regional Water Management Plans, Urban Water Management Plans, Watershed Management Plans, and Enhanced Watershed Management Plans;
  - e. Make a provision for ongoing stakeholder involvement in program implementation to help ensure that benefits are realized throughout the region;
  - f. Identify existing sources of funds and describe opportunities for coordinated investment and cost-sharing; and
  - g. Include provisions for local job training and employment opportunities;
3. Analyze potential mechanisms to provide credits or rebates for entities and properties that have already demonstrated benefits meeting key program purposes in the Expenditure Plan.

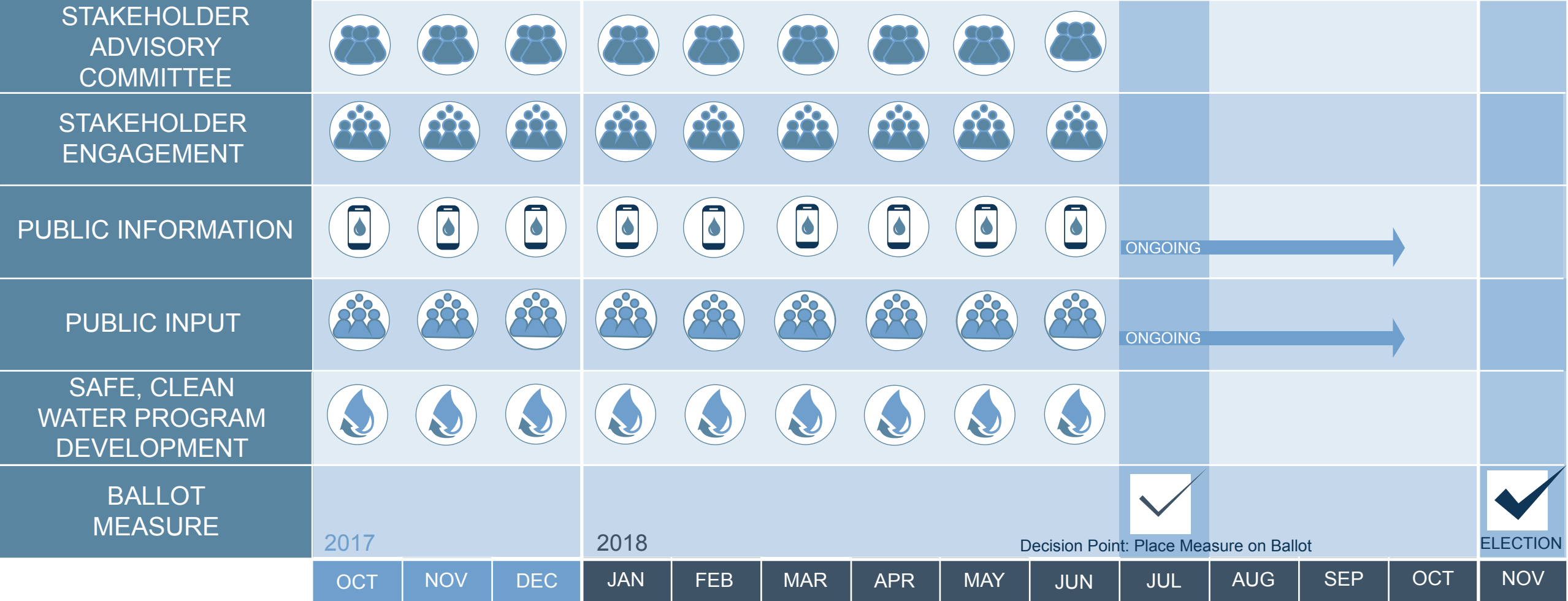
4. Pursue amendments to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) to expand the District's authority to impose a parcel tax within the District's geographic boundary, and allocate revenues to municipalities and regional entities to develop stormwater projects and programs, and make technical updates to the District's enabling legislation.
5. Report back to the Board within nine months with an Expenditure Plan and update on the Water Resilience Plan.

S: SK/HS: KY/TV/ Regional Water Resilience Planning, Outreach and Engagement and Stormwater Capture Expenditure Plan

## Safe, Clean Water Graphic Timeline

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# SAFE, CLEAN WATER PROGRAM: TIMELINE



# Stormwater Spectrum

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# Stormwater Spectrum

The management of stormwater encompasses multiple strategies with distinct and sometimes overlapping objectives. These can range from regulation for water quality improvement to capture for supply enhancement. Current strategies typically aim to integrate comprehensive solutions that can

achieve multiple benefits. Growing concern for both water quality and water supply have brought to the fore stormwater management strategies that privilege each. The graphic below illustrates the spectrum of typical projects that contribute in differing proportions to water quality and supply objectives.

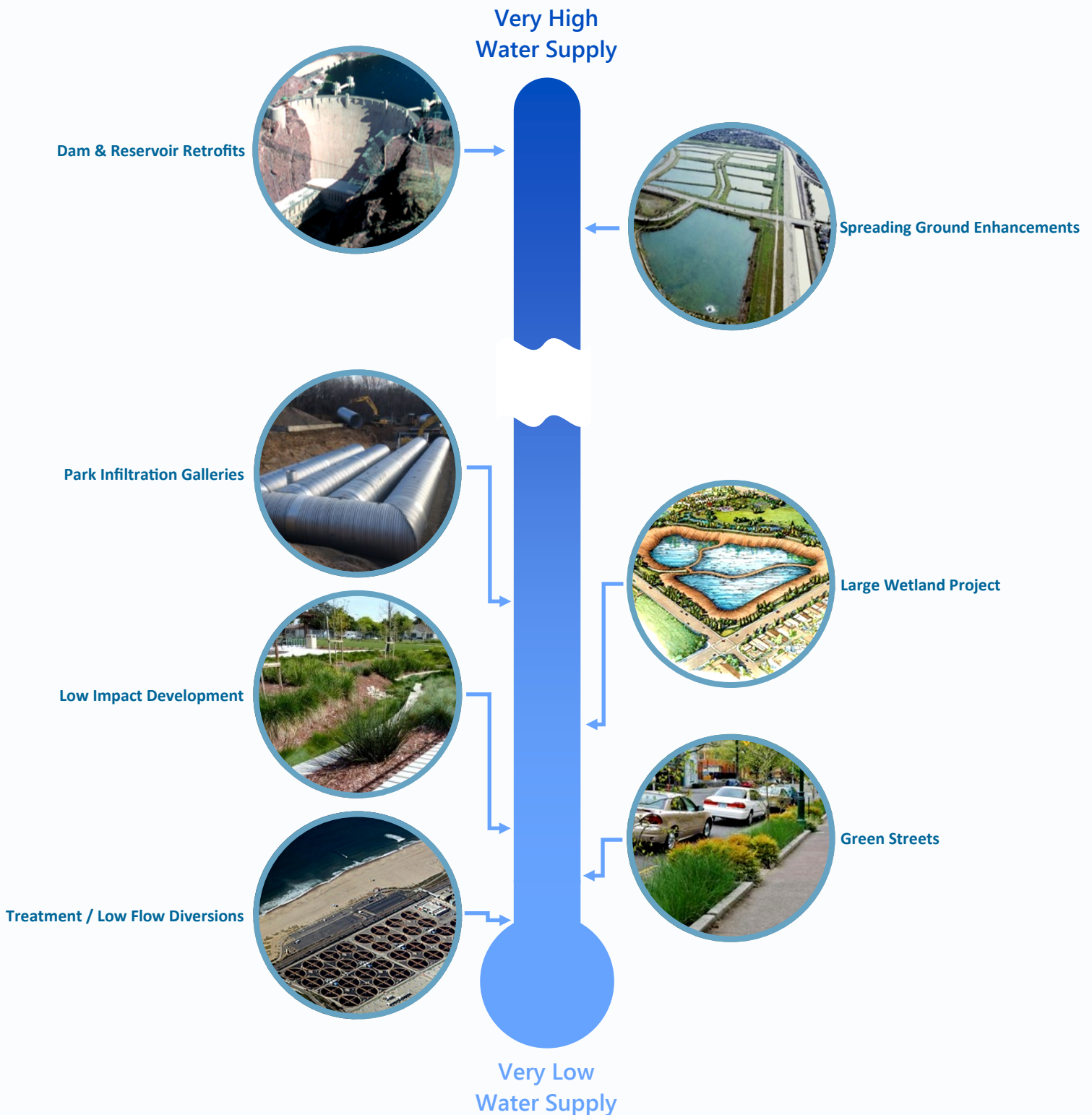


# Stormwater Thermometer

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# Stormwater Spectrum

The management of stormwater encompasses multiple strategies with distinct and sometimes overlapping objectives. These can range from regulation for water quality improvement to capture for supply enhancement. Current strategies typically aim to integrate comprehensive solutions that can achieve multiple benefits. Growing concern for both water quality and water supply have brought to the fore stormwater management strategies that privilege each. The graphic below illustrates the spectrum of typical stormwater projects.





## AB 1180 Overview

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# AB 1180 (Holden):

## Overview + FAQ

SUMMARY: AB 1180 (Holden) re: LACFCD stormwater tax authority

- Amends the LA County Flood Control Act to authorize the LA County Flood Control District (District) to levy a tax to pay for projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution
  - Projects funded by a tax levied pursuant AB 1180 could include community enhancements where appropriate, such as the greening of schools, parks, and wetlands, and increased public access to rivers, lakes, and streams
  - The revenue from a tax levied pursuant to AB 1180 would be allocated as follows:
    - 50% to watershed-based regional projects and programs
    - 40% to cities and unincorporated areas proportionate to revenue collection in each jurisdiction
    - 10% to the Flood Control District
  - Program details ,including specific project/program eligibility and selection criteria and procedures, would be established by an implementation ordinance adopted by the Board of Supervisors
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### Frequently Asked Questions

#### **Does this bill impose a stormwater tax?**

- No. In order for tax under AB 1180 to be imposed, the District's Board of Supervisors would first have to determine to submit a proposed tax measure to the voters and the tax measure would then have to be approved by a 2/3 vote of the electorate

#### **If a tax under AB 1180 were to be imposed, what would be the timing for tax collection and fund dispersal for projects?**

- Tax collection begins 12 months following a successful election, with the first chunk of funds becoming available 3 months after that
- If a tax measure were to be approved by the electorate in November 2018, the earliest project funds could be available would be February 2020

#### **Could revenues from a tax under AB 1180 be used to pay for compliance with MS4 Permits?**

- Yes. Tax revenues could be used to pay for projects identified in watershed management programs and enhanced watershed management programs developed pursuant to MS4 Permits

- The amount of money that could be generated by such a tax to fund these types of projects would depend on the tax mechanism and structure that is ultimately selected by the Board of Supervisors

**What activities could the 10% District allocation be used for?**

- Funds from this pot would be used to pay for the District's costs to levy and collect the tax and to administer of the overall program. Funds in this pot could also be used to pay for District projects and programs to capture stormwater, reduce stormwater and urban runoff pollution, and provide community enhancements
- More specific expenditure criteria and procedures would be included in the implementation ordinance by the Board of Supervisors.

**What activities could be funded by the 40% local return allocation?**

- Funds from this pot could be used to pay for the implementation, operation and maintenance, and administration of projects and programs by cities and the County to increase stormwater capture, reduce stormwater and urban runoff pollution and provide community enhancements
- More specific expenditure criteria and procedures would be included in the implementation ordinance by the Board of Supervisors

**What types of activities could be funded by the 50% allocation for watershed-based regional projects?**

- Funds from this pot could be used to pay for projects identified in regional plans such as stormwater resource plans, watershed management programs and enhanced watershed management programs developed pursuant to MS4 Permits, and other regional water management plans as appropriate
- More specific expenditure criteria and procedures would be included in the implementation ordinance by the Board of Supervisors

**Why is the District the appropriate entity to levy a stormwater tax and manage the revenues generated (as opposed to cities)?**

- 10 million people, 88 cities, 200 water agencies – the LA County Flood Control District is the only regional entity, best positioned to look at water management across the County

## AB 1180 Bill Text

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## **Assembly Bill No. 1180**

### **CHAPTER 617**

An act to amend Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor October 9, 2017. Filed with  
Secretary of State October 9, 2017.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1180, Holden. Los Angeles County Flood Control District: taxes, fees, and charges.

Existing law, the Los Angeles County Flood Control Act, establishes the Los Angeles County Flood Control District and authorizes the district to control and conserve the flood, storm, and other wastewater of the district. Existing law authorizes the district to impose a fee or charge, in compliance with Article XIII D of the California Constitution, to pay the costs and expenses of carrying out projects and providing services to improve water quality and reduce stormwater and urban runoff pollution in the district in accordance with specified criteria. The act requires that any fees imposed be levied and collected together with taxes for county purposes, and the revenues paid into the county treasury to the credit of the district, and requires the county board of supervisors to expend the funds to pay for those costs and expenses, to be allocated as prescribed.

This bill would authorize the district to levy a tax, in compliance with the applicable provisions of Article XIII C of the California Constitution, or impose a fee or charge, in compliance with the applicable provisions of Article XIII D of the California Constitution, to pay the costs and expenses of carrying out projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the district, and would specify that projects funded by the revenues from the tax, fee, or charge may include projects providing multiple benefits that increase water supply, improve water quality, and, where appropriate, provide community enhancements, as prescribed. The bill would revise certain provisions prescribing the allocation of those revenues derived from any tax, fee, or charge imposed pursuant to the above-described provisions for those water projects and programs.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), as amended by Section 2 of Chapter 212 of the Statutes of 2012, is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other waste waters of said district, and to conserve these waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within the district, or to save or conserve in any manner, all or any of these waters, and to protect from damage from flood or storm waters, the harbors, waterways, public highways and property in the district, and to provide for public use of navigable waterways under the district's control that are suitable for recreational and educational purposes, when these purposes are not inconsistent with the use thereof by the district for flood control and water conservation.

The Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and has all the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its power.
5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized. Construction or improvement of existing facilities may involve landscaping and other aesthetic treatment in order that the facility will be compatible with existing or planned development in the area of improvement.
6. To exercise the right of eminent domain, either within or without the district, to take any property necessary to carry out any of the objects or purposes of this act.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
- 7a. To borrow money from the United States of America, any agency or department thereof, or from any nonprofit corporation, organized under the laws of this state, to which the Reconstruction Finance Corporation, a corporation organized and existing under and by virtue of an act of Congress, entitled "Reconstruction Finance Corporation Act," or other agency, or department, of the United States government, has authorized, or shall hereafter authorize, a loan to enable nonprofit corporation to lend money to the Los Angeles County Flood Control District, for any flood control

work authorized under this act, and to repay the same, in annual installments, over a period of not to exceed twenty (20) years, with interest at a rate of not to exceed four and one-fourth per centum (4 ¼%) per annum, payable semiannually, and, without the necessity of an election when authorized by resolution of the board of supervisors, as evidences of that indebtedness, the district is hereby authorized to execute and deliver a note, or a series of notes, or bonds, or other evidences of indebtedness, signed by the chairperson of the board of supervisors of the district, which notes, bonds, or other evidences of indebtedness, shall be negotiable instruments if so declared in the resolution of the board of supervisors providing for their issuance, and notes, bonds, or other evidences of indebtedness, may have interest coupons attached to evidence interest payments, signed by the facsimile signature of the chairperson of the board. All applications for these loans shall specify the particular flood control work or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and shall be expended for those purposes only which are described and referred to in the applications. If a surplus remains after the completion of the work, the surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness, executed as aforesaid, for the loan including interest coupons. The board of supervisors shall annually levy a tax upon the taxable real property of the district, clearly sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by resolution of the board of supervisors. However, the amount of taxes levied in any year, pursuant to this subsection, shall, pro tanto, reduce the authority of the board of supervisors, during any year, to levy taxes under Section 14 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection. Notwithstanding any other provisions of law, interest earned on funds representing the proceeds of bonds of the district shall be deposited and retained in the reserve fund of the district to meet the principal and interest falling due on these bonds.

Notwithstanding anything in this subsection to the contrary, the total amount the district may borrow under the authority of any or all of the provisions of this subsection is limited to and shall not exceed in the aggregate the sum of four million five hundred thousand dollars (\$4,500,000).

7b. The power granted in the next preceding subsection is hereby extended to authorize the issuance and sale of bonds or other evidences of indebtedness of the district to the County of Los Angeles and the purchase thereof by the county in accordance with “An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town or municipal utility district or flood control district,” approved April 23, 1913, as amended; all subject to the provisions and limitations of the next preceding subsection relative to the disposition and use of funds, interest rate, period of repayment, tax

rate and mode of issuance. The total amount of bonds or other evidence of indebtedness, in the aggregate, which the district may issue and sell under the authority of subsection 7a and of this subsection is limited to and shall not exceed four million five hundred thousand dollars (\$4,500,000).

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner provided in this section.

8a. To levy a tax, in compliance with the applicable provisions of Article XIII C of the California Constitution, or impose a fee or charge, in compliance with the applicable provisions of Article XIII D of the California Constitution, to pay the costs and expenses of carrying out projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the district in accordance with criteria established by the ordinance adopted pursuant to subsection 8c. Projects and programs funded by the revenues from the tax, fee, or charge may include projects providing multiple benefits that increase water supply, improve water quality, and, where appropriate, provide community enhancements such as the greening of schools, parks, and wetlands, and increased public access to rivers, lakes, and streams. Any tax, fee, or charge that is levied or imposed pursuant to this subsection shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from the tax, fee, or charge shall be paid into the county treasury to the credit of the district, and the board of supervisors shall expend these funds to pay for costs and expenses in accordance with this subsection.

8b. The district shall allocate the revenues derived from any tax, fee, or charge imposed pursuant to subsection 8a as follows:

(A) Ten percent shall be allocated to the district for implementation and administration of projects and programs described in subsection 8a, and for payment of the costs incurred in connection with the levy and collection of the tax, fee, or charge and the distribution of the funds generated by imposition of the tax, fee, or charge, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.

(B) Forty percent shall be allocated to cities within the boundaries of the district and to the County of Los Angeles, in the same proportion as the amount of revenues collected within each jurisdiction and within the unincorporated territories, to be expended by those cities within the cities' respective jurisdictions and by the County of Los Angeles within the unincorporated territories that are within the boundaries of the district, for the implementation, operation and maintenance, and administration of projects and programs described in subsection 8a, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.

(C) Fifty percent shall be allocated to pay for the implementation, operation and maintenance, and administration of watershed-based projects and programs described in subsection 8a, including projects and programs identified in regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system



(MS4) discharges within the coastal watersheds of the County of Los Angeles, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.

8c. The governing board of the district shall adopt an ordinance to establish criteria and procedures to implement the authority granted pursuant to subsections 8a and 8b.

9. To make contracts, and to employ for temporary services only, expert appraisers, consultants and technical advisers, and to do all acts necessary for the full exercise of all powers vested in the district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by the Los Angeles County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

12. To pay premiums on bonds of contractors required under any contract if the amount payable to the contractor exceeds five million dollars (\$5,000,000); provided, that the specifications in these cases shall specifically so provide and state that the bidder shall not include in his or her bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of the board of supervisors of the property, or any interest therein or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act. However, nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein except to public agencies for recreational purposes when the use is not inconsistent with the use thereof by the district for flood control and water conservation purposes; or except as provided by Section 17 of this act. However, the district may grant and convey to the United States of America, or to any federal agency authorized to accept and pay for the land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam or reservoir site, improved or constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed and deemed reasonable by the Secretary of War and the Chief of Engineers.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of the district which shall not interfere, or be inconsistent, with the primary use and purpose of the lands, facilities, and works by the district.

15. In addition to its other powers, the district shall have the power to preserve, enhance, and add recreational features to its properties and upon a finding by the board of supervisors that the acquisition is necessary for those purposes, to acquire, preserve, enhance, and add recreational features to lands or interests in lands contiguous to its properties, for the protection, preservation, and use of the scenic beauty and natural environment for the properties or the lands and to collect admission or use fees for the recreational features where deemed appropriate.

The district by or through its board of supervisors, or other board or officers at any time succeeding to the duties or functions of its board of supervisors, is hereby authorized and empowered to warrant and defend the title to all land and interests therein so conveyed to the United States of America or to any agency and its respective assigns; to covenant and agree to indemnify and keep indemnified and to hold and save harmless and exonerated the United States of America or any agency, to which lands or any interest therein are so conveyed by the district, from and against all demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any defect or defects whatsoever in the title to any land or interest in land so conveyed by the district; to reimburse and save harmless and exonerated the United States of America or any agency for any and all amounts, paid, and expenses incurred, in the compromise or settlement of any demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any claim to or defect or defects whatsoever in the title to any land or interests in land so conveyed by the district; to pay all just compensation, costs and expenses, which may be incurred in any condemnation proceeding deemed necessary by the United States of America or that agency, in order to perfect title to any land or interests in land, including without limitation all attorneys' fees, court costs and fees, costs of abstracts and other evidences of title, and all other costs, expenses or damages incurred or suffered by the United States of America or that agency; and consent is hereby given to the bringing of suit or other legal proceedings against the district by the United States of America or that agency, as the case may be, in the proper district court of the United States, upon any cause of action arising out of any conveyance, contract or covenant made or entered into by the district pursuant to the authority granted in this act, or to enforce any claims, damages, loss or expenses arising out of or resulting from any defect

whatsoever in the title to the land or any interest therein or any claims of others in or to the land or interest therein.

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# Safe, Clean Water Program Framework

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# SAFE, CLEAN WATER PROGRAM

## Framework Summary

*November 6, 2017*

### Program Purpose (from Board Motion)

Implement stormwater projects and programs that increase water supply, improve water quality, and provide community enhancements such as the greening of schools, parks and wetlands, and increased public access to rivers, lakes and streams

### Additional Board Directives

The Board additionally directed that the expenditure plan for the stormwater funding measure, known as the “Safe, Clean Water Program,” do the following:

1. Be developed collaboratively with stakeholders including, but not limited to, the County’s municipalities, local water agencies, public health agencies and organizations, businesses, labor, non-profit organizations, school districts, and community groups
2. Specify allocation of funds to regional programs, including local return for municipalities
3. Include programs to fund both capital projects and ongoing operations and maintenance
4. Incorporate, as appropriate, elements of existing regional plans, including the Integrated Regional Water Management Plans, Urban Water Management Plans, Watershed Management Plans, and Enhanced Watershed Management Plans
5. Make a provision for ongoing stakeholder involvement in Program implementation to help ensure that benefits are realized throughout the region
6. Identify existing sources of funds and describe opportunities for coordinated investment and cost-sharing
7. Include provisions for local job training and employment opportunities
8. Analyze potential mechanisms to provide credits or rebates for entities and properties that have already demonstrated benefits meeting key Program purposes

### Program Outcomes & Core Principles

1. Program Outcomes:
  - a. Improved ability of communities to adapt to the impacts of climate change
  - b. Improved water quality throughout the region
  - c. Augmentation of local water supply
  - d. Targeted tangible community benefits associated with stormwater management like:
    - i. Greening of schools
    - ii. Green streets
    - iii. Creation and enhancement of wetland, river, and stream habitat

- iv. Public access to rivers, lakes, and streams
  - e. Governance structures that incorporate collaborative and coordinated regional planning at local, watershed, and District-wide scales
  - f. Ongoing stakeholder input on plans, projects and programs
- 2. Core Principles:
  - a. Program shall prioritize implementation of multi-benefit projects and programs for stormwater capture that result in Program outcomes (above)
  - b. Use of green infrastructure strongly preferred
  - c. Program may prioritize projects and programs that provide cost-share and/or leverage other resources such as state resource bonds, Measure A, Measure M, and other public and private funding sources
  - d. Program designed to provide targeted tangible benefits to underserved communities

## Eligible Expenditures

- 1. Distributed and centralized projects
- 2. Programs that contribute to Program purposes, and are consistent with core principles (above)
- 3. Operations and maintenance of projects that contribute to Program outcomes (above), whether or not project capital comes from this source

## Regional, Municipal and Flood Control District Programs (3 Separate Programs)

Allocation of tax revenues is established in statute as follows:

- 1. 50% to watershed-based regional projects and programs: **“Regional Program”**
- 2. 40% to cities and unincorporated areas for projects and programs: **“Municipal Program”**
- 3. 10% to the Flood Control District for projects and programs, and administration of the program: **“Flood Control District (FCD) Program”**

Additional details for each individual program are available in *Table 1. Program Specifications* on page 4.

## Program Administration

Program administration will be distinct for each of the Regional, Municipal, and FCD Programs. Information on recipients of funds for each program is detailed in *Table 1. Program Specifications* on page 4. Additional information related to administration of each program, including project selection, duties, and other requirements, is to be developed in collaboration with stakeholders.

## Project Prioritization Criteria

Criteria for project prioritization will be distinct for each of the Regional, Municipal, and FCD Programs. Further details of project prioritization criteria are to be developed in collaboration with stakeholders.

## Rebates and Incentives

As directed by the Board, provision of credits, rebates, or exemptions for entities and properties that have already demonstrated benefits meeting key Program purposes are being discussed. Incentive programs may be developed to encourage property owners to implement projects on their own properties. Purposes of credit, rebates, exemptions, and incentives may include:

1. Rebates for work already completed that accomplish Program objectives
2. Incentives for landowners to do their own projects
3. Possible accommodations for seniors or low-income property owners

## Stakeholder Engagement

The Board has identified collaboration with stakeholders as a central element of the successful design and implementation of the Safe, Clean Water Program. As it is built out we will identify opportunities and mechanisms for stakeholder engagement in:

1. Project and program identification, design, and implementation
2. Project selection
3. Program oversight

## Workforce Development

As directed by the Board, provisions for local job training and employment opportunities will be included in the Safe, Clean Water Program. Further details are to be developed in collaboration with stakeholders.

## Coordinated Investment

As directed by the Board, opportunities to leverage existing funding sources, including coordinated investment and cost-sharing, will be included in the Safe, Clean Water Program. Further details are to be developed in collaboration with stakeholders.

## Oversight

Mechanisms for oversight of the Regional, Municipal, and FCD Programs is essential to Program success. Further details are to be developed in collaboration with stakeholders.

## Audit Requirements

1. Each Regional Program entity, municipality, and the FCD shall arrange for an independent annual audit of the funds they received, and certify that they have been spent in accordance with Program requirements
2. The FCD shall arrange for an additional independent audit of each entity to be performed not less than once every 5 years

## Program Specifications: Regional, Municipal, &amp; FCD Programs

		Program Details		
		Use of Funds (per Statute)	Recipients of Funds (per Statute)	Project & Program Requirements
Program	Regional Program – 50%	<ul style="list-style-type: none"> <li>Implementation, operation and maintenance, and administration of watershed-based projects and programs meeting Program purposes</li> <li>Projects may include those identified in regional plans such as stormwater resource plans, MS4 watershed management programs, and other regional water management plans as appropriate</li> </ul>	<i>Unspecified – to be refined via stakeholder input</i>	<ul style="list-style-type: none"> <li>All regional projects and programs must be watershed-based (per statute)</li> <li>All projects and programs funded by Regional Program must be multibenefit</li> <li>Regional Program to fund both centralized and distributed projects</li> </ul>
	Municipal Program – 40%	<ul style="list-style-type: none"> <li>Implementation, operation and maintenance, and administration of projects and programs meeting Program purposes</li> </ul>	Cities and unincorporated areas in the Flood Control District, proportionate to revenue collection in each jurisdiction	<ul style="list-style-type: none"> <li>All projects and programs funded by Municipal Program must be multibenefit</li> <li>May fund single-purpose projects that significantly contribute to water quality</li> <li><i>Specification for centralized and distributed projects to be determined via stakeholder input</i></li> </ul>
	FCD Program – 10%	<ul style="list-style-type: none"> <li>Implementation and administration of projects and programs</li> <li>Payment of the costs incurred in connection with the levy and collection of tax and the administration of the overall program – levying and collecting the tax, and distributing the funds</li> </ul>	LA County Flood Control District	<ul style="list-style-type: none"> <li>All projects and programs funded by FCD Program must be multi-benefit</li> <li><i>Specification for centralized and distributed projects to be determined via stakeholder input</i></li> </ul>