

SAFE, CLEAN WATER PROGRAM

Draft Program Elements

Table of Contents

I.	Purpose of the Draft Program Elements Document.....	4
II.	Introduction to the Safe, Clean Water Program	4
III.	Definitions.....	4
IV.	Policy Goals.....	7
V.	General SCW Program Requirements.....	7
	A. Overview	7
	B. Authority and Allocation of Revenues	7
	C. Agreements for Transfer of SCW Program Funds	8
	D. Eligible Expenditures	8
	E. Ineligible Expenditures	9
VI.	Regional Program	10
	A. Regional Program Summary	10
	B. Regional Program: Initial Year Events	13
	C. Eligible Project Applicants	13
	D. Boundaries of the Watershed Areas	13
	E. Membership of the Watershed Area Steering Committees	15
	F. Voting and Meeting Requirements of the Watershed Area Steering Committees	16
	G. Responsibilities of the Watershed Area Steering Committees	16
	H. Watershed Area Steering Committee Conflict of Interest.....	17
	I. Formation and Composition of the Regional Oversight Committee.....	17
	J. Voting and Meeting Requirements of the Regional Oversight Committee.....	18
	K. Responsibilities of the Regional Oversight Committee.....	18
	L. Regional Oversight Committee Conflict of Interest	19
	M. Technical Committee.....	19
	N. Stormwater Management Targets	19
	O. Draft Regional Program Project Criteria.....	19
VII.	Municipal Program	22
	A. Municipal Program Responsibilities	22
	B. Agreements for Transfer of Revenues.....	22
	C. Maintenance of Effort	22
VIII.	District Program	23
	A. Responsibilities	23
	B. Programs.....	23
	C. District Projects and Regional Water Quality Planning & Coordination	24
IX.	Tax Calculation and Collection Provisions.....	24
	A. Calculation of the Tax.....	24
	B. Collection – General Procedure.....	24

C.	Claims for Reimbursement and Appeals.....	24
D.	Credits and Rebates.....	24
X.	Revenue Bonds	25
XI.	Miscellaneous Provisions.....	25
A.	Carryover of Uncommitted Municipal and Regional Program Funds.....	25
B.	Procedures for Lapsing Funds.....	25
C.	Quarterly Progress/Expenditure Reports	25
D.	Record-Keeping and Audits.....	26
E.	Procedures for Addressing Misuse of Funds and Failure to Comply with Requirements.	26
F.	District Held Harmless	27
XII.	APPENDIX.....	28
A.	Watershed Area Steering Committee Minimum Requirements	29
B.	Watershed Area Steering Committee Membership	30

I. Purpose of the Draft Program Elements Document

The Safe, Clean Water (SCW) Program consists of a proposed special property tax to be imposed upon parcels within the Los Angeles County Flood Control District ("District") and an expenditure plan for programming revenues from the parcel tax and implementing eligible programs and projects.

The Los Angeles County Board of Supervisors, acting as the governing board of the District, will be conducting a public hearing to consider adopting a resolution and ordinance: 1) establishing the tax formula, expenditure plan, and any exemptions for the parcel tax, 2) outlining key elements of the Program, and 3) seeking voter approval of the parcel tax in accordance with Articles XIII A and XIII C of the California Constitution. This first ordinance will be presented to voters and memorialize the foundational elements of the Program.

Should voters approve the tax, the Board of Supervisors, as the governing body of the District, will adopt a second ordinance ("implementation ordinance") to establish criteria and procedures to implement the Program. The details of the implementation ordinance may be refined over time subject to standard Board Ordinance approval procedures.

The purpose of this document is to communicate SCW Program decision points to stakeholders. Key elements of this Program Elements document will be memorialized in the first ordinance. If the SCW tax is approved, the Program Elements document will guide the development of the implementation ordinance.

II. Introduction to the Safe, Clean Water Program

The Safe, Clean Water Program is a multi-benefit stormwater and urban runoff capture program intended to increase water supply, improve water quality, and provide community investments.

The SCW Program will help put Los Angeles County on a path to water resiliency and economic security through equity-focused strategies and policies to increase drought preparedness, improve water quality and public health, grow good jobs, build capabilities, and remove barriers.

III. Definitions

The following definitions apply to this SCW Program Elements document:

Auditor: Auditor-Controller of the County of Los Angeles.

Board of Supervisors: Los Angeles County Board of Supervisors acting as the governing body of the Los Angeles County Flood Control District.

Chief Engineer: Chief Engineer of the District or his/her authorized deputy, agent, or representative.

Community Investment Benefit: Benefit created in conjunction with Stormwater capture and reduced Stormwater and Urban Runoff pollution Projects as stated in AB 1180, including but not limited to: improved flood management and flood risk mitigation, creation of parks and wetlands, or restoration of habitat and wetlands, improved public access to waterways providing enhanced or new recreational opportunities, greening of schools. May also include a Benefit to the community derived from a program or project to increase Stormwater capture and reduce Stormwater and Urban Runoff pollution, including improved public health, reduction of urban heat island effect, carbon reduction/sequestration, improved air quality, green waste reduction/diversion, or local workforce investment and job training.

County: County of Los Angeles.

Disadvantaged Community (DAC): A community with an annual median household income that is less than 80 percent of the Statewide annual median household income (as defined in California Water Code §79505.5).

District Program: Part of the SCW Program as described in Section 2, subsection 8b(A) of the Flood Control Act.

District: Los Angeles County Flood Control District.

Flood Control Act: Los Angeles County Flood Control Act, as amended by Assembly Bill (AB) 1180 (Holden, 2017).

Impermeable Area: Surfaces such as pavement, concrete, or rooftops, which prevent the infiltration of Stormwater and Urban Runoff into the ground.

Multi-Benefit Project: A project that has a Water Quality Benefit and a Water Supply Benefit and/or Community Investment Benefit.

Municipal Program: Part of the SCW Program as described in Section 2, subsection 8b(B) of the Flood Control Act.

Municipal Project: A Project carried out through the Municipal Program that has a Water Quality Benefit. A Municipal Project may also be a Multi-Benefit Project.

Municipality: A city or a County unincorporated area within the District.

Nature-Based Solutions: Projects that do any of the following: rely predominantly on soils and vegetation to restore the natural ecosystem processes required to slow, detain, and absorb water; infiltrate water to aquifers; filter pollutants out of water and air; sequester carbon; support biodiversity; provide shade; and aesthetically enrich environments; which may include utilizing strategically undeveloped mountains and floodplains, wetlands, rain grading, mulch, soil building, tree and vegetation planting, and parkway basins.

Parcel: A parcel of real property situated within the established boundaries of the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number.

Project Applicant: An individual, group, special district, school, municipality, non-governmental organization (NGO), non-profit organization, community-based organization (CBO), public utility, federally recognized Indian tribe, state Indian tribe listed on Native American Heritage Watershed Area Steering Committee's California Tribal Consultation List, mutual water company, or other entity that submits a Project for consideration.

Project Developer: The entity that carries out or causes to be carried out part or all the actions necessary to complete a Project for the Regional Program. The Project Applicant may or may not be the Project Developer.

Project: An infrastructure project, or non-infrastructure activity or program, or other eligible activity funded by SCW Program revenue, that results in a Water Supply Benefit, Water Quality Benefit, or Community Investment Benefit.

Regional Oversight Committee (ROC): A body empaneled by the District whose responsibilities are to establish Stormwater Management Targets for the region and review the Watershed Area Steering Committees' Expenditure Plans for the Regional Program.

Regional Program: Part of the SCW Program as described in Section 2, subsection 8b(C) of the Flood Control Act.

Regional Project: A project carried out through the Regional Program. Regional Projects must be Multi-Benefit Projects.

Safe, Clean Water (SCW) Program: Program or system established to administer revenues from a tax levied pursuant AB 1180, including criteria and procedures for selecting and implementing Projects and allocating revenues among the Municipal, Regional and District Programs.

Stakeholder: A person, citizens' group, homeowner or other property-owner, business, NGO, environmental group, labor union, academic institution, neighborhood council, town council or other similar community group, water resources agency such as groundwater pumper or manager, private or public water agency, other government agency, or other interested party that has a direct or indirect stake in the SCW Program.

Stakeholder Advisory Committee: A committee comprised of stakeholders with technical expertise that supports the Technical Committee and periodically reviews the criteria and scoring of Projects.

Stormwater: Water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces within or tributary to the District.

Stormwater Investment Plan: A five (5) year plan developed by Watershed Area Steering Committees to include an annual budget for a recommend suite of Projects and a projection of expenditures for the following four (4) years.

Stormwater Management Targets: Targets for the region and Watershed Areas developed through an iterative process by the Regional Oversight Committee and Watershed Area Steering Committees referencing targets contained in existing plans. Targets must set achievable targets for meeting regional water quality standards, set achievable targets for the creation of meaningful increase in the regional water supply, and set achievable targets for providing community investments.

Threshold Score: A minimum score that Projects must meet or exceed in order to be eligible for Regional Program funding. The initial recommendations for the Threshold Score is 60 points. The Threshold Score will be evaluated year to year and may be revised by the District in consultation with the Regional Oversight Committee and the Board of Supervisors.

Treasurer: Treasurer and Tax Collector of the County of Los Angeles.

Urban Runoff: Surface water flow that may contain but is not entirely comprised of Stormwater, such as water flow from residential, commercial, and industrial activities.

Water Quality Benefit: An increase in Stormwater capture and reduction in Stormwater and Urban Runoff pollution. An improvement in the chemical, physical, and biological characteristics of Stormwater. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater runoff, non-point source pollution control, and diversion of Stormwater to sanitary sewer system.

Watershed Area Steering Committees: The nine (9) bodies empaneled by the District, one for each Watershed Area, whose responsibilities are to select Projects for the Regional Program.

Water Supply Benefit: Increase in the amount of locally available water supply, provided there is a nexus to Stormwater capture. Activities resulting in this benefit include but are not limited to the following: reuse and conservation practices, water recycling, increased groundwater replenishment, storage or available yield, offset of potable water use.

Watershed Area: Regional boundary formed considering hydrologic conditions, as well as Enhanced Water Management Plan (E/WMP) group boundaries. Each Watershed Area has its own Watershed Area Steering Committee.

IV. Policy Goals

Many elements of the SCW Program have been included in this document; however, the concepts below are still under development. Additional stakeholder input will be key to refining these policies for inclusion in the final Safe, Clean Water Program.

- Equity for Disadvantaged Communities
 - The SCW Program addresses equity for disadvantaged communities at all levels of the program, including returning a greater amount of funding to DACs than was collected from DACs. The Program is designed to build capacity through the development of stormwater education programs, the inclusion of local workforce job training and vocational training at the community level, the provision and funding of Watershed Coordinators, as well as providing technical assistance and funding opportunities for developing Project concepts and feasibility studies, and implementing design and construction Projects.
- Providing Community Investments through direct and leveraged funding
 - The SCW Program provides direct funding for Projects that provide Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits. The SCW Program is designed to incentivize the leveraging of other funding sources to maximize the ability to provide multiple benefits whenever possible.
- Credit, Incentive and Rebate Program
 - A credit, incentive, and rebate program will be developed as part of the SCW Program that may provide: credit or rebates for existing stormwater capture activities; incentives, credits or rebates to encourage parcel owners to accept offsite stormwater; and other possible credits, rebates, and incentives.

V. General SCW Program Requirements

A. Overview

This Program Elements document sets forth the procedures for implementing the SCW Program.

B. Authority and Allocation of Revenues

The Board of Supervisors shall annually levy a tax upon the taxable real property within the District. The revenues from the tax will be allocated and used, in accordance with the provisions of Section 2, subsection 8b of the Flood Control Act as follows:

- District Program: *“(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.”*
- Municipal Program: *“(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.”*

- Regional Program: *“(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.”*

Requirements for use of the funds within each the District, Municipal, and Regional Programs are discussed in their respective sections of this document.

C. Agreements for Transfer of SCW Program Funds

Prior to its receipt of SCW Program funds, each Municipality and Project Developer must enter into an agreement with the District to transfer SCW Program funds. This agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board of Supervisors. A standard agreement will be prepared by the Chief Engineer and approved by the Board of Supervisors, to include:

- a. Requirements for compliance with the terms of the SCW Program.
- b. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds.
- c. Provisions, processes, and schedules for disbursement of funds.
- d. Provisions for management of interest funds, debt, liability, and obligations.
- e. Provisions for indemnification of the District.
- f. Requirement of annual auditing and progress reporting.
- g. Los Angeles County contracting requirements, to include: Local and Targeted Worker Hire Policy, Jury Service Program, Safely Surrendered Baby Law, Prevailing Wage Rates, Child support Compliance Program, County Equal Employment Provisions, Best Efforts Hiring Goal, etc.
- h. Requirement for post-construction/implementation monitoring.

D. Eligible Expenditures

Expenditures eligible for SCW Program funds include, but are not limited to, the following:

- a. Infrastructure development tasks including design, preparation of environmental documents, obtaining permits, construction, operations & maintenance (O&M), inspection, etc.
- b. Real property acquisition, leases, and easements necessary to implement eligible Projects.
- c. Stormwater modeling and monitoring
- d. Projects or studies to investigate new technologies or methodologies to increase stormwater capture and reduce stormwater and urban runoff pollution for improving water quality, increasing local water supplies, or improving the ability of communities to adapt to the impacts of climate change.

- e. The development of feasibility studies to enable organizations to submit Projects for SCW Program funds.
- f. Scientific and technical studies to support revisions to the *Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* when related to the implementation of the MS4 Permit and E/WMP plans, including TMDL amendments, use attainability analyses and site-specific objectives.
- g. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase stormwater capture and reduce stormwater and urban runoff pollution to provide additional Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit.
- h. Debt financing should the District or a Municipality determine that bonds are prudent and necessary to implement a Project. Watershed Area Steering Committees may request the District to bond against their Watershed Area's revenue stream for Regional Projects
- i. Stormwater programs such as but not limited to school education and curriculum, public education, watershed coordinators, regional water quality planning and coordination, local workforce job training, and others.
- j. Credit, rebate and incentive programs aligned with the core principles and outcomes of the SCW Program.
- k. Maintenance of Effort: Use of up to 30% annually of a Municipality's Municipal Program funds to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program.

E. Ineligible Expenditures

Ineligible expenditures for SCW Program funds include, but are not limited to, the following:

- a. Payment of fines imposed by any State, Federal, or local regulatory agency.
- b. Expenditures related to the investigation, defense, litigation, or judgment associated with any regulatory permit violations, notices of violation, or noncompliance regulations brought forth by any State, Federal, local regulatory agency, or a third party unrelated to eligible Projects.
- c. Expenditures for the investigation or litigation of any claim or action against the District, County, or their officers, employees or agents alleging improper allocation, withholding or reassignment of SCW Program revenues.
- d. Costs associated with any litigation including investigation, defense, litigation, settlement, and payment of any judgements for claims and liability related to the design and implementation of eligible Projects.

VI. Regional Program

A. Regional Program Summary

Fifty (50) percent of the revenue from the tax is allocated for the Regional Program pursuant to the Flood Control Act section 2, subsection 8b(C). The intent of the Regional Program is to implement Multi-Benefit watershed-based Projects that provide Water Quality Benefits, Water Supply Benefits, and/or Community Investment Benefits. Regional Program funds may be spent on design, construction, land acquisition, operations and maintenance, programs, and other related eligible activities. Regional Program funds will be allocated for Projects selected by the nine (9) Watershed Area Steering Committees proportional to the funds generated in each Watershed Area. Regional Program funds are to be appropriated by Watershed Area Steering Committees as follows:

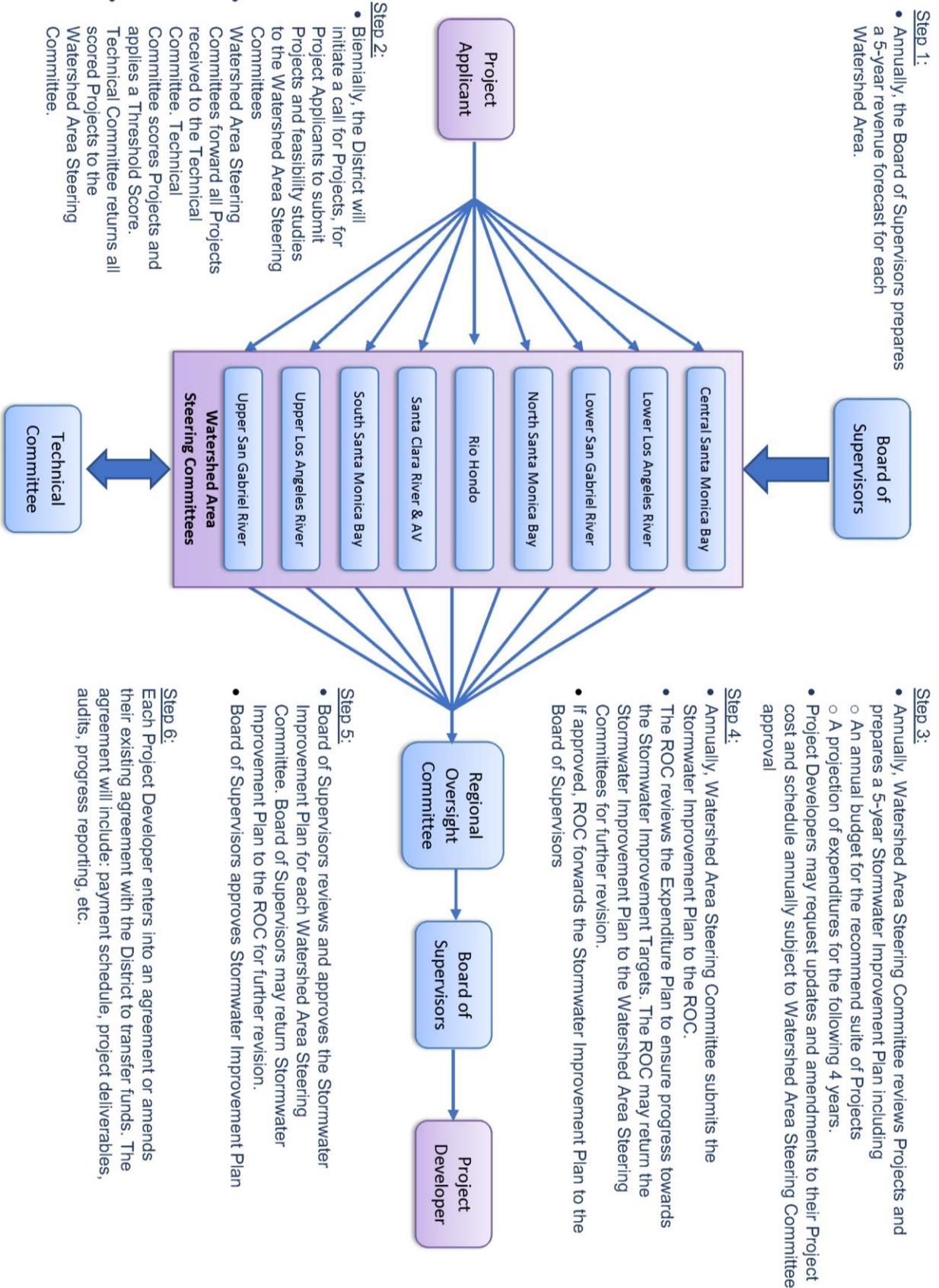
- Infrastructure (not less than 95% of Regional Program Funds):
 - Not less than 90% for Projects
 - Funding that benefits DACs shall not be less than 110% of the ratio of the DAC population to the total population in the Watershed Area.
 - 5% for small-scale Projects (Budgets of \$100,000 – 500,000)
 - Projects completed using Regional Program funds will automatically receive funding for maintenance for the portion of the Project funded by SCW funds.
 - Infrastructure Projects will follow the project selection and funding process outlined in Figure 1 below.
- Scientific Studies and Technical Assistance for the Development of Feasibility Studies (up to 5% of Regional Program Funds):
 - Up to 5% for eligible scientific and other activities, such as but not limited to: special studies, monitoring, modeling, Project feasibility study development, providing technical resources for community groups, such as DACs, NGOs, and CBOs.
 - Not less than 1% of the Regional Program funds shall be used for feasibility study development for DACs. If feasibility study development does not utilize 1% of the funds available, the funds may be utilized for Projects resulting from a feasibility study for a Project that benefits a DAC.
 - Technical assistance for the development of feasibility studies is complementary to District programs for Stormwater education. (See section VIII District Program)
 - Watershed Area Steering Committees will determine how to appropriate funds for the Scientific Studies and Technical Assistance for Development of Feasibility Studies sub-programs to be included in the Expenditure Plans.

Project Developers are responsible to carry out the actions necessary to complete a Project that is selected for funding. Project Applicants must demonstrate technical, financial, and other necessary capabilities to be the Project Developer. If the Project Applicant is unable to be the Project Developer for any aspect of a Project, the District may take on that role for the Project. For Projects that will be developed by a Project Developer but will be maintained by the District, the Project design must be developed in accordance with the design standards of the District.

Project Applicants will submit Projects to the Watershed Area Steering Committees for scoring every two years. The project selection and funding process, as shown in Figure 1, is described as follows:

- Step 1:
 - Annually, the Board of Supervisors, via the District, prepares a five (5) year revenue forecast for each Watershed Area.
- Step 2
 - Biennially, the District will initiate a call for Projects on behalf of the Watershed Area Steering Committees, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees.
 - Watershed Area Steering Committees forward all Projects received to the Technical Committee. Technical Committee scores Projects and applies a Threshold Score.
 - Technical Committee returns all scored Projects to the Watershed Area Steering Committee.
- Step 3
 - Annually, Watershed Area Steering Committee reviews Projects and prepares a revolving five (5) year Stormwater Investment Plan which shall include an annual budget for their recommended suite of Projects and a projection of expenditures for the following four (4) years.
 - Project Developers may request updates and amendments to their Project costs and schedule annually subject to Watershed Area Steering Committee approval.
- Step 4
 - Annually, Watershed Area Steering Committee submits the Stormwater Investment Plan to the Regional Oversight Committee (ROC). For details on the membership of the ROC see section VI.K.
 - The ROC reviews the Stormwater Investment Plan to ensure progress towards the Stormwater Management Targets (Targets). For details on Targets see section VI.N. ROC may return the Stormwater Investment Plan to the Watershed Area Steering Committees for further revision.
 - If approved, the ROC forwards the Stormwater Investment Plan to the Board of Supervisors.
- Step 5
 - Annually, Board of Supervisors reviews the Stormwater Investment Plan for each Watershed Area Steering Committee. Board of Supervisors may return Stormwater Investment Plans to the ROC for further revision.
 - Board of Supervisors approves Stormwater Investment Plans.
- Step 6
 - Annually, each Project Developer enters into an agreement or amends their existing agreement with the District to transfer funds. The agreement will include: payment schedule, project deliverables, audits, progress reporting, etc.

Figure 1. Regional Program Governance Structure and Selection Process Flowchart



B. Regional Program: Initial Year Events

Should voters approve the Safe, Clean Water tax in November 2018, the following schedule of events will occur:

- Winter 2018–Watershed Area Steering Committees will be formed followed subsequently by the formation of the Regional Oversight Committee, Technical Committee, and Stakeholder Advisory Committee. The District will initiate a biennial call for Projects, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees.
- Spring 2019– The District will initiate a biennial call for Projects, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees. All submitted Projects will be forwarded to the Technical Committee to be scored. Stormwater Investment Plans will be prepared by Watershed Area Steering Committees.
- Summer 2019–Stormwater Investment Plans will be vetted by the Regional Oversight Committee and the Board of Supervisors.
- Winter 2019–The District will execute agreements for transfer of funds to begin implementation of Projects.
- Beginning of 2020–First installment of the tax will be available; District to transfer funds to Project Developers.

C. Eligible Project Applicants

An eligible Project Applicant includes an individual, group, business entity, special district, school, municipality, NGO, non-profit organization, CBO, public utility, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Watershed Area Steering Committee's California Tribal Consultation List, mutual water company, or other entity that submits a Project for consideration. Applicants are encouraged to bundle small and medium scale, community level projects to promote efficiency, achieve economies of scale and advance local hire and job training goals.

D. Boundaries of the Watershed Areas

The Chief Engineer will maintain on file detailed maps establishing the precise boundaries of the Watershed Areas. The boundaries of the Watershed Areas are based on hydrologic conditions and modified to keep E/WMP groups whole, wherever practical.

There are nine (9) Watershed Areas within the District, as shown in Figure 2 and Figure 3.

Figure 2. Regional Watershed Area Boundaries with City Boundaries

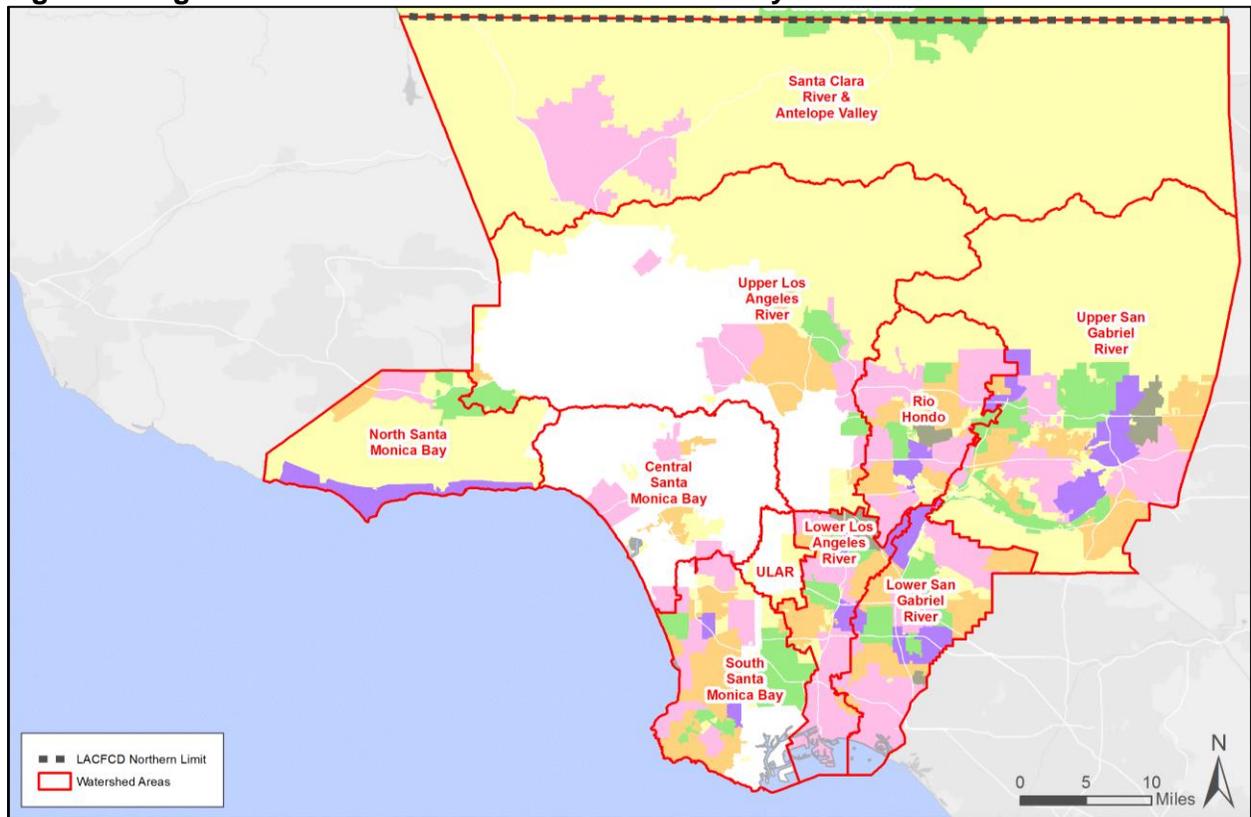
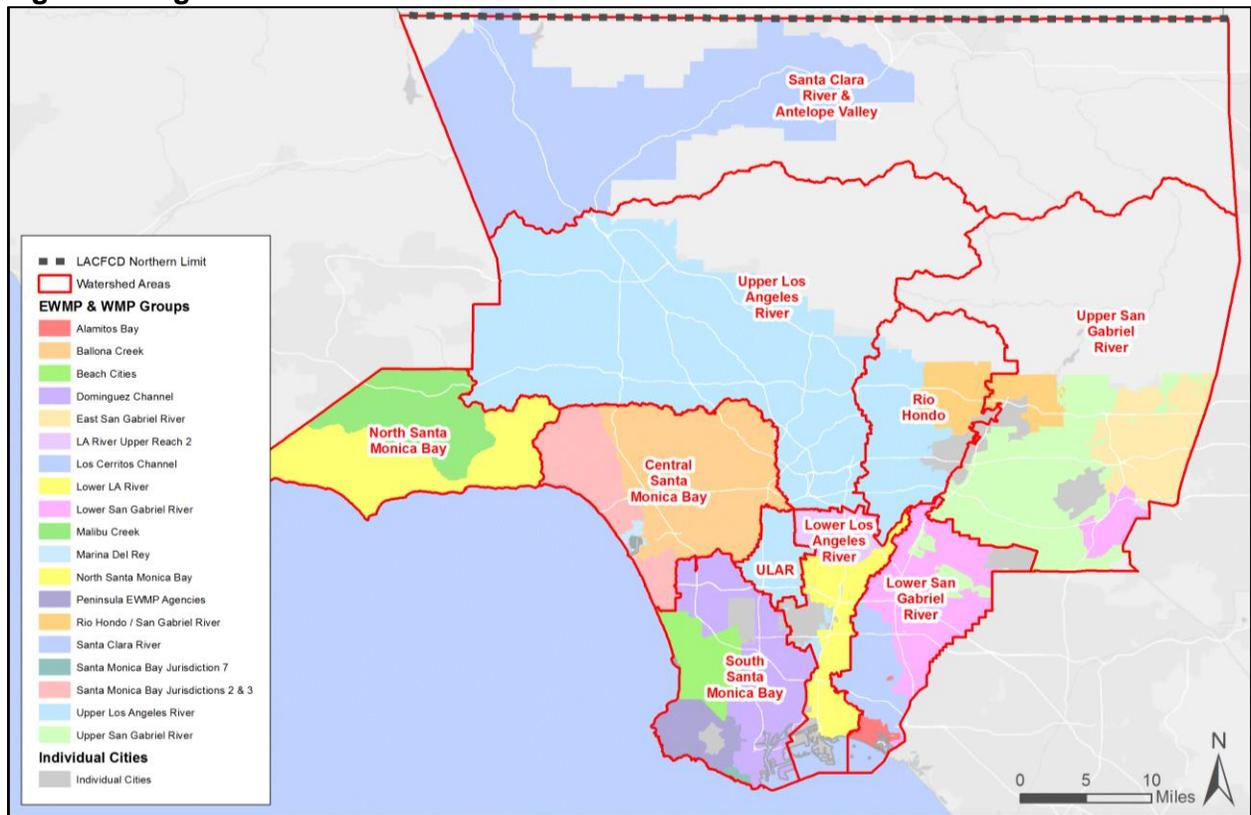


Figure 3. Regional Watershed Area Boundaries with E/WMP Boundaries



E. Membership of the Watershed Area Steering Committees

The District will empanel Watershed Area Steering Committees for each of the nine (9) Watershed Areas for the purpose of recommending funding appropriations for Regional Projects. The District will provide staff support to each Watershed Area Steering Committee and carry out their decisions. Operating guidelines for Watershed Area Steering Committees will be developed by the District.

Each Watershed Area Steering Committee consists of fifteen (15) members and each member receives one equally weighted vote. Six (6) members are designated from Municipalities located within the Watershed Area, five (5) members are sector-specific stakeholder representatives, and four (4) members are community stakeholder representatives, as shown in Table 1.

The five (5) sector-specific stakeholder representatives and four (4) community stakeholder representatives will be chosen to maintain a geographic balance and be representative of a range of interests within the Watershed Area. These representatives must demonstrate a regional focus. Watershed Area Steering Committee members are required to have knowledge of the sector they represent, as described in Appendix A. Each Watershed Area Steering Committee member will assign an alternate, who must also demonstrate knowledge of the sector they represent, to serve in the absence of the member. The alternate will be selected in the same manner the member seat was assigned.

The anticipated membership for each Watershed Area Steering Committee can be found in Appendix B.

Municipal Members: Six (6) seats will be assigned to Municipalities. Any Municipality with at least 16% of the taxable land area located within the Watershed Area receives one seat. A Municipality with at least 33% of the taxable land area located within the Watershed Area receives two seats. A Municipality with at least 50% of the taxable land area located within the Watershed Area receives three seats. A single Municipality may occupy up to three (3) seats on each Watershed Area Steering Committee.

Municipal members for the remaining seats will be assigned by the unrepresented Municipalities. Each Municipal member will assign an alternate from their Municipality to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member.

Sector-Specific Members: Five (5) sector-specific seats will be assigned by the Board of Supervisors. A seat will be assigned to each of the following sectors:

- District
- Water Agency (to be filled by municipal water district in the Watershed Area)
- Groundwater, or second Water Agency if a groundwater agency does not exist in the Watershed Area (to be filled by the largest service provider in the Watershed Area)
- Sanitation (to be filled by the largest service provider in the Watershed Area)
- Open Space (to be filled by the largest local park and open space agency in the Watershed Area)

Each sector-specific member will assign an alternate from their specific sector to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member, and is subject to Board of Supervisors' approval.

Community Stakeholder Members: Representatives for the four (4) Community Stakeholder seats will be recommended collectively by the Municipal members and sector-specific members of the Watershed Area Steering Committee and approved by the Board of Supervisors. These seats will be assigned to representatives from the community, i.e.: business, public health, non-governmental organization, disadvantaged community, community-based organization, academia, and others. Each community stakeholder member will assign an alternate from their organization to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member, and is subject to Board of Supervisors approval.

Table 1. Regional Program Watershed Area Steering Committee Membership

	Sector	Member
1	Municipality	Varies for Each Watershed Area
2	Municipality	Varies for Each Watershed Area
3	Municipality	Varies for Each Watershed Area
4	Municipality	Varies for Each Watershed Area
5	Municipality	Varies for Each Watershed Area
6	Municipality	Varies for Each Watershed Area
7	District	Appointed by Board of Supervisors
8	Largest Service Provider- Water Agency	Appointed by Board of Supervisors
9	Largest Service Provider- Groundwater/Water Agency #2	Appointed by Board of Supervisors
10	Largest Service Provider- Sanitation	Appointed by Board of Supervisors
11	Largest Municipality Agency- Open Space/Recreation	Appointed by Board of Supervisors
12	Community Stakeholder	Watershed Area Steering Committee recommended, then Board of Supervisor approved
13	Community Stakeholder	Watershed Area Steering Committee recommended, then Board of Supervisor approved
14	Community Stakeholder	Watershed Area Steering Committee recommended, then Board of Supervisor approved
15	Community Stakeholder	Watershed Area Steering Committee recommended, then Board of Supervisor approved

F. Voting and Meeting Requirements of the Watershed Area Steering Committees

A quorum is required for Watershed Area Steering Committees to act on any item of business. A quorum will consist of a simple majority of the members or their alternates. If a quorum is present, approval of any item of business requires a simple majority vote of those in attendance.

Each Watershed Area Steering Committee is required to comply with open public meeting requirements of the Ralph M. Brown Act (Government Code Sections 54950 – 54963), the Public Records Act (Government Code Section 6200), the Political Reform Act (Government Code Section 87100), and all other laws applicable to such bodies.

G. Responsibilities of the Watershed Area Steering Committees

Watershed Area Steering Committees have the following responsibilities:

- a. Review and adopt Stormwater Management Targets (See section VI.N for details) from the ROC. Stormwater Management Targets (Targets) are reviewed and refined through an iterative process with the ROC before they become final. Stormwater Management Targets should be attainable goals for each of the Watershed Areas. Stormwater Management Targets are reevaluated every five (5) years by the iterative process described above.

- b. Receive Projects from Project Applicants, forward the Projects to the Technical Committee for scoring, review the list of scored Projects returned by the Technical Committee, and prepare a Stormwater Investment Plan that demonstrates progress towards the Stormwater Management Targets.
- c. Provide the recommended Stormwater Investment Plan to the ROC which will be affirmed by the Board of Supervisors.
- d. Comply with all SCW Program Quarterly Progress/Expenditure report requirements
- e. Provide additional financial and other information, as required by the Board of Supervisors.
- f. Help identify Project partners and additional sources of funding to augment SCW Program revenues for Projects.

H. Watershed Area Steering Committee Conflict of Interest

No member of the Watershed Area Steering Committee shall participate in discussions or vote where that member has a direct interest in the project under consideration.

I. Formation and Composition of the Regional Oversight Committee

The ROC consists of eighteen (18) members. Each member receives one equally weighted vote. The ROC consists of one member appointed from each of the nine (9) Watershed Area Steering Committees, five (5) sector-specific members appointed by the Board of Supervisors, and four (4) community stakeholder members appointed by the Board of Supervisors, as shown in Table 2. The District will provide staff support to each Watershed Area Steering Committee and carry out their decisions.

The five (5) sector-specific stakeholder representatives and four (4) community stakeholder representatives will be chosen to be representative of a range of interests and maintain a geographic balance across the District. These representatives must demonstrate a regional focus and are required to have knowledge of the sector they represent, as described in Appendix A. An alternate will be assigned to serve in the absence of the member.

Watershed Area Steering Committee Members: Each Watershed Area Steering Committee will assign one of their members and one alternate to represent the Watershed Area Steering Committee on the ROC.

Sector-Specific Members: The Board of Supervisors will select five (5) sector-specific stakeholder representatives and their alternates to represent the:

- District
- Water Agency (to be filled by a regional service provider)
- Groundwater or second Water Agency if a groundwater agency does not exist in the Watershed Area (to be filled by a regional service provider)
- Sanitation (to be filled by a regional service provider)
- Open Space (to be filled by a regional open space entity or similar)

Community Stakeholder Members: The Board of Supervisors will select four (4) Community Stakeholder representatives and their alternates. These seats will be assigned to representatives from the community, i.e.: business, public health, NGO, DAC, CBO, academia, and others.

Table 2. Regional Oversight Committee Membership

	Sector	Member
1	Central Santa Monica Bay	Watershed Area Steering Committee
2	Lower Los Angeles River	Watershed Area Steering Committee
3	Lower San Gabriel River	Watershed Area Steering Committee
4	North Santa Monica Bay	Watershed Area Steering Committee
5	Rio-Hondo	Watershed Area Steering Committee
6	Santa Clara River & Antelope Valley	Watershed Area Steering Committee
7	South Santa Monica Bay	Watershed Area Steering Committee
8	Upper Los Angeles River	Watershed Area Steering Committee
9	Upper San Gabriel River	Watershed Area Steering Committee
10	District	Appointed by Board of Supervisors
11	Water Agency	Appointed by Board of Supervisors
12	Groundwater/Water Agency	Appointed by Board of Supervisors
13	Sanitation	Appointed by Board of Supervisors
14	Open Space/Recreation	Appointed by Board of Supervisors
15	Community Stakeholder	Appointed by Board of Supervisors
16	Community Stakeholder	Appointed by Board of Supervisors
17	Community Stakeholder	Appointed by Board of Supervisors
18	Community Stakeholder	Appointed by Board of Supervisors

J. Voting and Meeting Requirements of the Regional Oversight Committee

The ROC will determine the frequency and schedule for regular meetings necessary to process the review of Stormwater Investment Plans and Targets submitted by the Watershed Area Steering Committees.

A quorum is required for the ROC to take action on any item of business. A quorum will consist of ten (10) members of the ROC. If a quorum is present, approval of any item of business requires a simple majority vote of those in attendance.

The ROC is required to comply with open public meeting requirements of the Ralph M. Brown Act (Government Code Sections 54950 – 54963), the Public Records Act (Government Code Section 6200), the Political Reform Act (Government Code Section 87100), and all other laws applicable to such bodies.

K. Responsibilities of the Regional Oversight Committee

The ROC will have the following responsibilities:

- a. Propose Targets for the full region, and distribute the regional Targets among the nine (9) Watershed Areas. Targets are reviewed and refined through an iterative process with the Watershed Area Steering Committees before they become final. Targets shall take into consideration regional differences—e.g. ability to infiltrate to groundwater-- and should reflect attainable goals for each of the Watershed Areas.

- b. Review Stormwater Investment Plans to ensure progress towards the Stormwater Management Targets. ROC may return the Stormwater Investment Plan to the Watershed Area Steering Committees for further revision. If approved, the Stormwater Investment Plans are forwarded to the Board of Supervisors for consideration and approval for funding. The Stormwater Investment Plans will be evaluated by the Board of Supervisors for their consistency with the SCW Program intent and for their ability to achieve the Stormwater Management Targets.
- c. Confirm that progress is being made towards the Targets of each Watershed Area Steering Committee and the region as a whole.

L. Regional Oversight Committee Conflict of Interest

Members that have a possible conflict with actions of the Regional Oversight Committee must recuse themselves from discussion and voting on those issues.

M. Technical Committee

The Technical Committee will score all Regional Projects using the Draft Regional Program Project Criteria and will apply a Threshold Score. The initial recommendation for the Threshold Score is 60 points. The Technical Committee forwards Projects with their respective score to the appropriate Watershed Area Steering Committees.

The Technical Committee will be staffed by the District. A Stakeholder Advisory Committee comprised of stakeholders with technical expertise will periodically review the criteria and scoring of Projects.

N. Stormwater Management Targets

The ROC will coordinate with the Watershed Area Steering Committees to develop and refine a set of Stormwater Management Targets (Targets). Stormwater Management Targets will be developed by referencing targets contained in existing plans, such as IRWM, E/WMP, UWMP, and other regional plans. Stormwater Management Targets must:

- a. Set achievable targets for meeting regional water quality standards.
- b. Set achievable targets for the creation of a meaningful increase in the regional water supply.
- c. Set achievable targets for the creation of a meaningful increase in community investment benefits.

O. Draft Regional Program Project Criteria

Scoring of Regional Program Projects utilizes the Draft Regional Program Project Criteria, shown in Table 3. Projects will be eligible for scoring if they have a completed feasibility study. The District will provide guidance on the minimum requirements, as well as a template for feasibility studies. Assistance with the development of Project feasibility studies may be available to qualified Projects Applicants (See section VI.A).

Projects submitted for consideration through the Regional Program do not have to be part of an existing plan. Projects from existing plans as well as new feasibility studies will be considered. All Projects will be scored according to the Draft Regional Program Project Criteria.

Draft Regional Program Project Criteria include the following four sections, which are assigned different ranges of points:

- Section A: Water Quality Benefit (40 Points)
 - Wet weather Projects:
 - Applies a range of points for effectiveness and extent of pollution reduction
 - Dry weather Projects:
 - Applies a range of points for full capture of urban runoff and tributary size.
- Section B: Water Supply Benefit (25 Points)
 - Applies a range of points for cost effectiveness and volume of supply created or offset
- Section C: Community Investment Benefit (25 Points)
 - Applies a range of points for Projects that provide benefits to DACs, nature-based solutions, and multiple Community Investment Benefits.
- Section D: Leveraging Funds (10 Points)
 - Applies points for Project funding match, partnerships, community involvement, and Project readiness. Projects that are already part of an existing plan receive additional points.

The Technical Committee will score Projects and apply a Threshold Score. The Threshold Score is a minimum score that Projects must meet or exceed to be eligible for Regional Program funding. The Technical Committee will then forward all scored Projects to the appropriate Watershed Area Steering Committee.

Table 3. Draft Regional Program Project Criteria

Section	Score Range	Draft Scoring Standards
A.1 Wet Weather Water Quality Benefits	40 points max	The project provides water quality benefits
	20 points max	<p>A.1.1: For Wet Weather BMPs Only: Water Quality Cost Effectiveness (Cost Effectiveness) = (24-hour BMP Capacity)¹ / (Life-Cycle Cost² in \$Millions)</p> <ul style="list-style-type: none"> • <4.0 (AF / \$-Million) = 0points • 4.0-6.0 (AF / \$-Million) = 5points • 6.0-8.0 (AF / \$-Million) = 10points • 8.0-10.0 (AF / \$-Million) = 15points • >10.0 (AF / \$-Million) = 20points <p><i>1. Management of the 24-hour event is considered the maximum capacity of a project for a 24-hour period. For water quality focused projects, this would typically be the 85th percentile design storm capacity. Units are in acre-feet (AF).</i></p>
- OR -	20 points max	<p>A.1.2: For Wet Weather BMPs Only: Water Quality Benefit Magnitude. Quantify the pollutant reduction for the controlling pollutants using the similar analysis as the E/WMP which use the Districts Watershed Management Modeling System. The analysis should be an average reduction of the primary pollutant of concern over a ten-year period showing the impact of the Project. Modeling should include the latest performance data to reflect the efficiency of the multi-pollutant BMP Project.</p> <ul style="list-style-type: none"> • <50% = 5points • 50-65% = 10points • 65-80% = 15points • >80%= 20points
A.2 Dry Weather Water Quality Benefits	20 points	A.2.1: For dry weather BMPs only, projects must be designed to capture 100% of all tributary dry weather flows.
	20 points max	<p>A.2.2: For Dry Weather BMPs Only. Tributary Size of the Dry Weather BMP</p> <ul style="list-style-type: none"> • <200 Acres = 10points • >200 Acres = 20points
B. Significant Water Supply Benefits	25 points max	The project provides water supply benefits
	13 points max	<p>B1. Water Supply Cost Effectiveness. The total life-cycle cost² per unit of acre foot of stormwater captured for water supply is:</p> <ul style="list-style-type: none"> • >\$2500/ac-ft = 0points • \$2,000–2,500/ac-ft = 3points • \$1500-2,000/ac-ft = 6points • \$1000–1500/ac-ft = 10points • <\$1000/ac-ft = 13points
	12 points max	<p>B2. Water Supply Benefit Magnitude. The additional water supply resulting from the project is:</p> <ul style="list-style-type: none"> • <25 ac-ft/year = 0points • 25 - 100 ac-ft/year = 2points • 100 - 200 ac-ft/year = 5points • 200 - 300 ac-ft/year = 9points • >300 ac-ft/year = 12points
C. Community Investments Benefits	25 points max	The project provides Community Investment Benefits
	10 points	C1. Project provides Community Investment Benefits within a disadvantaged community
	10 points	C2. Project implements Nature Based Solutions (as per the SCW Program Definition)
	5 points	<p>C3. Project has at least:</p> <ul style="list-style-type: none"> • One of the Community Investment Benefits defined above = 3points • More than one Community Investment Benefit = 5points
D. Leveraging Funds & Readiness for Implementa- tion	10 points max	The project achieves one or more of the following:
	4 points max	<p>D1. Cost-Share. Additional Funding has been awarded for the project.</p> <ul style="list-style-type: none"> • >25% Funding Matched = 2points • >50% Funding Matched = 4points
	2 points	D2. The project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.
	2 points	D3. Project will begin construction within 18 months
	2 points	D4. The project is already part of an existing plan. (eg. IRWM Plan, E/WMP, City Plans, others)
Total	Total Points All Sections 100	

2. Total Life-Cycle Cost: The annualized value of all Capital, planning, design, land acquisition, construction, and total life O&M costs for the project for the entire life span of the project (e.g. 50-year design life span should account for 50-years of O&M). The annualized cost is used over the present value to provide a preference to projects with longer life spans.

VII. Municipal Program

Forty (40) percent of the funds from the SCW Program tax are allocated for the Municipal Program pursuant to the Flood Control Act section 2, subsection 8b(B). Municipal funds are allocated proportionally to the revenues generated within each Municipality or the County Unincorporated Areas in the District. Considering the geologic, geographic and demographic diversity within the District, the Municipal Program is designed to maximize the ability of local governments to address local stormwater challenges and opportunities. Projects are required to include a Water Quality Benefit. Multi-Benefit Projects are strongly encouraged but are not required.

A. Municipal Program Responsibilities

Each Municipality receiving Municipal Program funding from the SCW Program will have the following responsibilities:

- a. Engage stakeholders in the planning process for use of the Municipal Program funds.
- b. As part of the Municipal Program planning process, consider a Municipal level call for Projects from eligible Project Applicants.
- c. Plan, implement, and maintain municipal Projects in conjunction with stakeholders.
- d. Prepare informational materials to provide members of the public with up-to-date information on the Municipality's actual and budgeted use of revenues from the SCW Program and make the information available to the public through the Municipality's websites and upon request.
- e. Operate in accordance with best practices for government agencies.
- f. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.
- g. Prepare, prior to the start of that Municipality's fiscal year, a budget for how SCW Program funds will be used.
- h. Prepare within six (6) months after the end of that Municipality's fiscal year an annual report that details a program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, and Community Investment realized through use of Municipal Program funds.
- i. Comply with all SCW Program reporting and audit requirements (See section XI).
- j. Provide the District additional financial and other information, as required by SCW Program or upon request.
- k. Engage stakeholders in the planning process for their Projects.

B. Agreements for Transfer of Revenues

A Municipality may enter into a binding agreement with another Municipality, the County, the District, or other capable entity to carry out the Municipality's responsibilities under the SCW Program. As described in Section IV.C of this document, prior to its receipt of SCW Program funds, a Municipality must enter into a revenue transfer agreement with the District.

C. Maintenance of Effort

A Municipality must spend at least 70% of their Municipal Program funds annually on new Projects. A Municipality may use up to 30% annually to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program.

VIII. District Program

Ten (10) percent of the revenue from the tax on each parcel is allocated for the District Program pursuant to the Flood Control Act section 2, subsection 8b(A).

A. Responsibilities

The District will have the following responsibilities:

- a. Administer the SCW Program to include: Tax and payment administration, review annual budgets and reports, conduct audits, and manage appeals of scoring process.
- b. Annually prepare a 5-year revenue forecast for each Watershed Area.
- c. Plan, implement, and maintain District Projects.
- d. Coordinate logistics for the Regional Program.
- e. Staff the Technical Committee. Provide technical support and score Projects.
- f. Provide staff support to the Watershed Area Steering Committees and the ROC.
- g. Engage stakeholders in the planning process for use of the District Program funds.
- h. Plan, implement, and maintain District Projects in conjunction with stakeholders.
- i. Operate in accordance with best practices for government agencies.
- j. Conduct independent audits as described in section XI. to ensure compliance with requirements of the SCW Program.
- k. Prepare, prior to the start of the District's fiscal year, a budget for how SCW Program funds will be used.
- l. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, and Community Investment realized through use of Municipal Program funds.
- m. Comply with all SCW Program audit requirements (See section XI).

B. Programs

The District will administer the programs below. The District will commence these programs within the first year of passage of the Safe, Clean Water Tax. Not less than \$20-million of District Program funds shall be allocated for these programs over a revolving five (5) year period. The District will solicit proposals for carrying out these programs.

- a. Create Stormwater education programs that proactively involve stakeholders and community groups to carry out activities that may include, but are not limited to:
 - Public education programs
 - Watershed coordinators, who provide resources, educational workshops, partnership opportunities, and networking for communities to become more engaged.
 - Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, and maintenance of Stormwater management and Multi-Benefit Projects.
 - Schools education and curriculum program, such as classroom curriculum, guest speakers, etc.

C. District Projects and Regional Water Quality Planning & Coordination

The District will carry out the following activities:

- a. Regional Water Quality Planning and Coordination to carry out activities which may include, but are not limited to:
 - Provide regional leadership and coordination for scientific studies, research, and water quality modeling
 - Special studies are to be funded by the Watershed Area Steering Committees
- b. Implementation of District-scale Projects consistent with SCW Program regional Multi-Benefit Projects. The District will engage stakeholders in the planning process for District Projects.

IX. Tax Calculation and Collection Provisions

A. Calculation of the Tax

The tax will be calculated for each parcel subject to the tax based upon the parcel's impermeable area. The boundaries of the area, and identification of the parcels subject to the tax and the method for calculating the tax for each parcel will be established by the ordinance adopted by the Board. The rate used for calculating the tax, as established by the ordinance adopted by the Board, will remain the same from year to year, unless a change is approved in accordance with all applicable laws. The Chief Engineer may periodically re-evaluate the characteristics of parcels to ensure accuracy of tax calculations.

B. Collection – General Procedure

The tax will be collected for each fiscal year on the property tax roll in the same manner, and at the same time as, the general taxes of the County are collected. The Auditor will provide an annual statement of the revenues collected for the SCW Program to each Municipality as well as each Watershed Area Steering Committee

Insofar as feasible and not inconsistent with the SCW Program, the times and procedures regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes will be applicable to the collection of the tax.

C. Claims for Reimbursement and Appeals

Parcel owners who believe their tax has been calculated incorrectly will be able to seek review on one or more of the following grounds:

- a. Mathematical error in the calculation of the tax
- b. Discrepancy of more than either the result of a 10% error in the actual impermeable area or \$100 in the tax amount, whichever is greater.

Tax appeals must be filed with the Los Angeles County Assessor's Office.

D. Credits and Rebates

A credit, incentive, and rebate program will be developed as part of the SCW Program that may provide: credit or rebates for existing stormwater capture activities; incentives, credits or rebates to encourage parcel owners to accept offsite stormwater; and other possible credits, rebates, and incentives.

X. Revenue Bonds

Bonds issued hereunder by a Municipality or the District, to the extent such entity is authorized by law to issue and sell revenue bonds, may be secured by SCW Program revenues as set forth in this document. Only those amounts specifically allocated to a Municipality or the District may be used as security for its respective bonds. Watershed Area Steering Committees may request the District to bond against their Watershed Area's revenue stream for Regional Projects.

Any such revenue bonds shall not constitute any indebtedness of the District or the County, but shall be payable, principal and interest, only from revenues received from the tax.

XI. Miscellaneous Provisions

A. Carryover of Uncommitted Municipal and Regional Program Funds

Municipalities and Project Developers will be able to carry over uncommitted SCW Program revenues for up to five (5) years from the end of the fiscal year in which those revenues are transferred from the District to the Municipality or Project Developer. Additional requirements may be included in the transfer agreement.

B. Procedures for Lapsing Funds

Municipalities and project developers who are unable to expend their approved funding as described in their Stormwater Investment Plan will be subject to lapsing funds procedures. Lapsing funds are funds that were committed and approved but were not able to be spent per the approved schedule. Funds are considered lapsed five (5) years after the transfer agreement execution date.

SCW Program revenues that are not expended by a Municipality or Project Developer within the five (5) years will revert back to the Watershed Area Steering Committee of the respective Watershed Area and be reprogrammed to a new Project with benefit to that Municipality or Watershed Area.

C. Quarterly Progress/Expenditure Reports

Each Project Developer shall arrange for a Quarterly Progress/Expenditure Report for all Projects. The entity shall be subject to and comply with all applicable requirements of the District regarding project-reporting requirements. The Quarterly Progress/Expenditure Report details:

- Percent complete estimate.
- All costs incurred
- Discussion of work accomplished during the reporting period.
- Milestones or deliverables completed/submitted during the reporting period.
- Scheduling concerns and issues encountered that may delay completion of the task.
- Work anticipated for the next reporting period.
- Photo documentation, as appropriate.
- Any schedule or budget modifications.

D. Record-Keeping and Audits

The following recordkeeping and audit requirements will apply:

- a. SCW Program revenues received by the District, Municipalities, and Project Developers will be required to be held in separate interest-bearing accounts and not combined with other funds. Interest earned on SCW Program revenues will be required to be used for SCW Projects in the Watershed Area Steering Committee or Municipality in which it was earned, consistent with the requirements of the SCW Program.
- b. Municipalities, Project Developers, and the District will be required to retain, for a period of ten (10) years after project completion, all records necessary to determine the amounts expended, and eligibility of projects. Municipalities and Project Developers, upon demand by authorized representatives of the District will be required to make such records available for examination and review or audit by the District or its authorized representative.
- c. At all reasonable times, Municipalities and Project Developers will be required to permit the Chief Engineer, or his or her authorized representative, to examine all projects that were erected, constructed, implemented, operated, or maintained using SCW Program revenues. Municipalities and Watershed Area Steering Committees will be required to permit the authorized representative, including the Auditor, to examine, review or audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to projects funded with revenues from the SCW Program.
- d. Municipalities will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.
- e. Project Developers will be subject to an independent audit upon completion of the Project. Additional interim audits may be conducted.
- f. District will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.

E. Procedures for Addressing Misuse of Funds and Failure to Comply with Requirements

The following procedures apply for misuse of funds and failure to comply with requirements.

- a. If the District determines that a Project Developer or Municipality has misused SCW Program revenues, the District may issue a written notice to the Project Developer or Municipality of that determination and to refund those revenues, including associated interest, to the District within thirty (30) days of notification.
- b. Revenues refunded by a Project Developer or Municipality will, at the Board of Supervisors' discretion, be reassigned and used to plan, implement, and maintain Projects in accordance with the following:
 - SCW Program revenues refunded by a Municipality will be used to fund Municipal or Regional Projects that are located within the jurisdiction of the Municipality.
 - SCW Program revenues refunded by a Project Developer will be used to implement projects in the same Watershed Area from which the revenues were collected.

- c. Failure to comply with a notice to refund revenues by the required date will result in immediate suspension of future SCW Program revenue disbursements to that entity until such time as revenues are refunded.
- d. If the District determines that a Municipality or Project Developer has failed to comply with any applicable requirement of the Program, the District, at its discretion, may issue a written notice to the Municipality or Project Developer of that determination and that the District will withhold future disbursements of SCW Program revenues pending compliance. Withheld disbursements will be retained by the District for a period of five (5) years after which, if the violation has not been resolved, they will revert back to the respective Watershed Area Steering Committee for reprogramming to another Project.
- e. If a Project Developer or Municipality disputes a determination by the District, as described above, the Project Developer or Municipality may submit a notice of appeal to the District not later than ten (10) business days from the date of the written notice from the District. The District will appoint a hearing officer to conduct a hearing on the appeal. The submission of a notice of appeal does not relieve the Municipality or Project Developer of the obligation to refund the SCW Program revenues in dispute. If the hearing officer determines an adjustment is required, that adjustment will be reflected in the next disbursement of SCW Program revenues.

F. District Held Harmless

The District will not be required to accept ownership or responsibility for any project developed, implemented or constructed by a Municipality or a Project Developer with SCW Program revenues. Unless the District enters into an express agreement with a Project Developer or Municipality to the contrary, neither the District, nor the County to the extent that it is acting on behalf of the District, their officers, employees, agents or volunteers ("District Indemnitees") will be liable in connection with errors, defects, injuries, property damage caused by or attributed to any project that is funded in whole or in part with SCW Program revenues, and each Municipality and Project Developer will be required to indemnify the District Indemnitees and hold them harmless for claims, liability, and expenses, including attorneys' fees, incurred by any District Indemnitees as a result of any project developed, implemented, or constructed by the Municipality or Project Developer that is funded with the SCW Program revenue, except for claims, liability, and expenses, including attorneys' fees, resulting from the sole negligence or willful misconduct of District Indemnitees.

SAFE, CLEAN WATER PROGRAM

Draft Program Elements Appendices

XII. APPENDIX

A. Watershed Area Steering Committee Minimum Requirements

Sector	Years Of Experience	Description
Groundwater	Five +	<ul style="list-style-type: none"> • Experience in one of the following groundwater areas: remediation, supply, management and/or storage. • Educational background or equivalent work experience in engineering, natural sciences, land use management, conservation, or other water resource-related field.
Water Agency	Five +	<ul style="list-style-type: none"> • Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field. • Ability to provide a regional perspective on water supply issues. • Expertise in the planning, design and construction, financing, and operations of water works facilities which includes storage reservoirs, transmission and distribution systems, pumping plants, water treatment, water conservation, and system optimization particularly as it effects power usage. • Sound knowledge of existing and emerging regulations, as well as environmental matters and familiarity with California water law and regulations. • Knowledgeable of the roles of federal, state and local governmental agencies involved in either the regulation of or the operation of water supply facilities, as well as familiarity with key nongovernmental agencies that influence the operations of water systems. • Experience in the acquisition of water rights.
Sanitation	Five +	<ul style="list-style-type: none"> • Experience in local or regional agency that provides wastewater collection, treatment, recycling and/or disposal services. • Education background and work experience in science, engineering, waste management or related fields.
Open Space	Five +	<ul style="list-style-type: none"> • Experience with habitat, open space and/or recreational issues at a regional level (i.e. across municipal jurisdictions and watershed boundaries). • Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field. • Familiar with the agencies and organizations involved in habitat/open space issues in the District who are likely to be Project Developers, land owners or permitters of Projects.
<p>General Minimum Qualifications for all Members:</p> <ul style="list-style-type: none"> • General knowledge of pollution abatement projects and knowledge in Stormwater programs, and knowledge of NPDES Stormwater Permit and TMDL issues as related to the region. <ul style="list-style-type: none"> ○ Community Stakeholder members may be briefed on relevant subjects to meet qualifications. • Must be able to represent regional interests in the District. • Must be able to attend and participate in Watershed Area Steering Committee meetings. 		

