

ANALYSIS

This ordinance amends the Los Angeles County Flood Control District Code by amending Chapter 16 of the Los Angeles County Flood Control District Code, relating to the Los Angeles Regional Safe, Clean Water Program, and adding Chapter 18 to the Los Angeles County Flood Control District Code, relating to Safe Clean Water Program implementation.

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ORDINANCE NO. _____

An ordinance amending Chapter 16 of the Los Angeles County Flood Control District Code, relating to the Los Angeles Regional Safe, Clean Water Program, and adding Chapter 18 to the Los Angeles County Flood Control District Code, relating to Safe Clean Water Program implementation.

The Board of Supervisors of the Los Angeles County Flood Control District ordains as follows:

SECTION 1. Section 16.03 is hereby amended to read as follows:

16.03 Definitions.

As used in this Chapter, the following terms mean:

...

N. "Infrastructure Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.1 of this Chapter.

NO. "Infrastructure Program Project Applicant" means any individual, group, business or governmental entity, including, but not limited to, the District, a Municipality, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, federally-recognized Indian tribe, State Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, or mutual water company, that submits a proposed Project or Feasibility Study for consideration for funding by the SCW Program.

OP. "Infrastructure Program Project Developer" means the individual, group or entity that carries out or causes to be carried out part or all of the actions necessary to complete a Project.

Q. "Low-Income Household" means a household in the District with a household income that does not exceed the Low-Income limit for Los Angeles County as determined annually by the California Department of Housing and Community Development.

R. "Low-Income Senior-Owned Parcels" means Parcels within the District that are owned and occupied as a residence by individuals over the age of 65 who are the head of a Low-Income Household.

PS. "Multi-Benefit Project" means a Project that has: (1) a Water Quality Benefit, and (2) a Water Supply Benefit or a Community Investment Benefit, or both.

QT. "Municipal Program" means that part of the SCW Program described in Section 16.05.C. of this Chapter.

RU. "Municipality" means a city within the District, or the County, pertaining to unincorporated areas within the District.

SV. "Nature-Based Solution" means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and

vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, and improving quality of life for surrounding communities. Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

FW. "Parcel" means a parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.

UX. "Program" means a planned, coordinated group of activities related to increasing Stormwater or Urban Runoff capture or reducing Stormwater or Urban Runoff pollution in the District.

UY. "Project" means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance, of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.

WZ. "Regional Oversight Committee (ROC)" means a body created by the Board whose responsibilities include, but are not limited to, assessing whether the SCW Program purposes are being achieved.

~~XAA~~. "Regional Program" means that part of the SCW Program described in Section 16.05.D. of this Chapter.

~~YBB~~. "Safe, Clean Water (SCW) Program" means the program established by this ordinance, including the administration of revenues from the Special Parcel Tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

CC. "SCW Program Goals" means the goals of the SCWP described in Section 18.04 of Chapter 18 of this code.

DD. "Scientific Studies Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.3. of this Chapter.

ZEE. "Special Parcel Tax" means the tax described in Section 16.08 of this Chapter.

AAFF. "Stakeholder" means a person; Municipality; citizens' group; homeowner or other property owner; business; non-governmental organization; social justice group; health advocate; local park representative; school board member; environmental group; labor union; academic institution; neighborhood council; town council; community group; water resources agency, such as a groundwater pumper or manager, or private or public water agency; other governmental agency; or other interested party that has a direct or indirect stake in the SCW Program.

BBGG. "Stormwater" means water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water or other surfaces.

HH. "Stormwater Investment Plan (SIP)" means a five (5) year plan developed by Watershed Area Steering Committees that allocates funding for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program for the ensuing fiscal year and lays out tentative funding for four subsequent years. SIPs will be approved by the Board on an annual basis.

GGII. "Surface Water" means water that flows or collects on the surface of the ground.

JJ. "Technical Resources Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.2. of this Chapter.

KK. "Transfer Agreement" means the agreement described in Section 16.05.A.1 of this Chapter, between the District and an Infrastructure Program Project Developer or Municipality to transfer SCW Program funds.

DDLL. "Treasurer" means the Treasurer and Tax Collector of the County of Los Angeles.

EEEMM. "Urban Runoff" means Surface Water flow that may contain, but is not composed entirely of, Stormwater, such as flow from residential, commercial, or industrial activities.

FFNN. "Water Quality Benefit" means a reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include, but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point

source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system.

GGOO. "Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: reuse and conservation practices, diversion of Stormwater or Urban Runoff to a sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment or available yield, or offset of potable water use.

HHPP. "Watershed Area" means the regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions and other factors. The SCW Program includes the following nine (9) Watershed Areas: (1) Central Santa Monica Bay; (2) Lower Los Angeles River; (3) Lower San Gabriel River; (4) North Santa Monica Bay; (5) Rio Hondo; (6) Santa Clara River; (7) South Santa Monica Bay; (8) Upper Los Angeles River; and (9) Upper San Gabriel River.

IIQQ. "Watershed Area Steering Committee" means a body created by the Board, one for each Watershed Area, ~~whose responsibilities include programming funding for the purpose of developing SIPs and recommendations for other activities to be funded through the Regional Program.~~

SECTION 2. Section 16.04 is hereby amended to read as follows:

16.04 Expenditure Plan.

The District shall expend all Special Parcel Tax revenues consistent with the expenditure plan contained in this section.

A. The District shall use the Special Parcel Tax revenues to pay the costs and expenses of carrying out Projects and Programs to increase Stormwater or Urban Runoff capture or reduce Stormwater or Urban Runoff pollution in the District in accordance with criteria and procedures established in this Chapter and Chapter 18 of this code. Projects and Programs funded by the revenues from the Special Parcel Tax may provide a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit. The District shall allocate the revenues derived from the Special Parcel Tax as follows:

...

3. Fifty percent (50%) shall be allocated to pay for the implementation, operation and maintenance, and the administration of Projects and Programs implemented through the Regional Program, including Projects and Programs identified in approved 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, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the criteria and procedures established in this Chapter. Funds

allocated to the Regional Program shall be distributed among the nine (9) Watershed Areas in proportion to the funds generated in each Watershed Area.

...

SECTION 3. Section 16.05 is hereby amended to read as follows:

16.05 Program Elements.

A. General Requirements

...

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

a. Infrastructure development tasks including design and planning, preparation of grant applications, preparation of environmental documents, obtaining permits, construction, operations and maintenance, and inspection;

...

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

...

b. Expenditures related to the investigation, defense, litigation, or judgment associated with any regulatory permit violations, notices of violation, or allegations of noncompliance with regulations brought forth by any State, federal, or local regulatory agency, or a third party unrelated to Projects and Programs selected for funding under the SCW Program;

...

f. Costs and expenses incurred prior to November 6, 2018.

B. District Program.

Ten percent (10%) of the revenue from the annual Special Parcel Tax shall be allocated for the District Program. The District shall perform the following functions as part of the District Program:

...

4. Provide technical assistance, including the hiring and coordination of watershed coordinators.

...

D. Regional Program.

...

1. Infrastructure Program. This program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit, as well as, either a Water Supply Benefit or Community Investment Benefit, or both. Infrastructure Program funds:

...

c. Shall be programmed in accordance with the Board-approved SIPs by Watershed Area Steering Committees for respective for each of the Watershed Areas;

...

E. Regional Oversight Committee.

The Regional Oversight Committee ("ROC") is an independent body that ensures the SCW Program gGoals are met. The ROC shall consist of subject matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Investment Benefits, public health, sustainability, and other pertinent subject matter. The ROC shall prepare SCW Program progress reports and submit recommendations to the Board. ROC members shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the County's conflict of interest policies.

SECTION 4. Section 16.09 is hereby amended to read as follows:

16.09 Exemptions.

The following Parcels shall be subject to exemption from the Special Parcel Tax specified in Section 16.08 of this Chapter:

...

B. Upon application, ~~low-income senior-owned~~ Low-Income Senior-Owned Parcels.

SECTION 5. Section 16.10 is hereby amended to read as follows:

16.10 Credit, Incentive and Credit Trading Program.

~~The Board shall adopt an ordinance, not later than August 1, 2019, establishing criteria and procedures~~ District shall implement Credit and Credit Trading Programs consistent with the following provisions, as described further in Sections 18.10 and 18.11 of Chapter 18 of this code:

A. Credit program. The credit program shall provide a credit to Parcel owners (including Parcel owners in developments served by a centralized Stormwater or Urban Runoff system) for qualifying improvements that capture or treat Stormwater or Urban Runoff or reduce Stormwater or Urban Runoff pollution in the District.

1. Unless otherwise approved by the District, water quality credit shall be calculated based on the extent to which a Parcel(s) has complied with (1) an applicable Low Impact Development (LID) ordinance, (2) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, (3) an Industrial General Permit (IGP), (4) another Los Angeles Regional Water Quality Control Board-approved permit governing the discharge of Stormwater or Urban Runoff (RWQCB Stormwater Permit), or (5) some combination of Stormwater or Urban Runoff discharge requirements for the Parcel. Credit shall also be available for improvements or projects that result in Water Supply Benefits or Community Investment Benefits.

2. The maximum credit under the credit program shall be one hundred percent (100%) of each Parcel's specific Special Parcel Tax amount.

3. The credit program shall include provisions allowing for aggregating Parcels under common ownership and applying the credit in developments served by centralized Stormwater or Urban Runoff improvements.

~~B. Incentive Program. The District may establish an incentive program to recognize and reward efforts that advance the goals of the SCW Program.~~

~~CB.~~ Credit trading program. The District shall establish a credit trading program that would allow Parcel owners to purchase and sell credits to satisfy Special Parcel Tax obligations.

~~D. Low income credit. The District may establish a credit for qualifying Parcel owners who are low income.~~

The District shall work with stakeholders to explore the feasibility of and options for developing a credit for Parcel owners who are low-income as well as additional incentives beyond the credit and credit trading programs.

SECTION 6. Section 16.11 is hereby amended to read as follows:

16.11 Lapsed Funds.

A. Municipalities and Infrastructure Program Project Developers shall be able to carry over ~~uncommitted~~unspent Special Parcel Tax funds for up to five (5) years from the end of the fiscal year in which those funds are transferred from the District to the Municipality or Infrastructure Program Project Developer. Additional requirements may be included in the ~~Transfer a~~Transfer a Agreement.

B. Municipalities and Infrastructure Program Project Developers who are unable to expend ~~their approved funding as described in their budgets~~SCW Program funds in a timely manner shall be subject to lapsing funds procedures. ~~Lapsed~~Lapsed funds are funds that were ~~committed and approved~~transferred to a Municipality or an Infrastructure Program Project Developer, but were not able to be spent ~~per the approved schedule on eligible expenditures by the end of the fifth fiscal year after the fiscal year in which those funds were transferred from the District . Unspent funds are considered lapsed five (5) years after the transfer agreement execution date.~~

C. Lapsed funds shall be ~~reprogrammed~~allocated by the Watershed Area Steering Committee of the respective Watershed Area to a new Program or Project recommendation with benefit to that Municipality or Watershed Area.

SECTION 7. Section 16.12 is hereby amended to read as follows:

16.12 Reporting Requirements.

A. Each Municipality shall prepare a progress/expenditure report describing their use of Municipal Program funds in accordance with the provisions of

Section 18.06.D of Chapter 18 of this code. ~~The report shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.~~

B. Each Infrastructure Program Project Developer shall prepare progress/expenditure reports describing its use of Regional Program funds in accordance with the provisions of Section 18.07.F of Chapter 18 of this code. ~~The reports shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Regional Program funds.~~

SECTION 8. Section 16.13 is hereby amended to read as follows:

16.13 Audit Recordkeeping.

The following recordkeeping and audit requirements shall apply:

...

C. At all reasonable times, Municipalities and Infrastructure Program Project Developers shall permit the Chief Engineer, or ~~their~~ the Chief Engineer's authorized representative, to examine all Projects and Programs that were erected, constructed, implemented, operated, or maintained, in whole or part, using SCW Program funds. Municipalities and ~~Watershed Area Steering Committees~~ Infrastructure Program Project Developers shall permit the authorized District representative, including the Auditor-Controller, 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 by the SCW Program.

SECTION 9. Section 16.15 is hereby amended to read as follows:

16.15 Amendment of Ordinance.

...

B. After a period of no longer than thirty (30) years, the Board shall evaluate the needs of the SCW Program and make an affirmative determination that the Special Parcel Tax is needed to build additional Projects to achieve Water Quality Benefits and other benefits in accordance with the ~~goals of the SCW Program~~ Goals. Should the Board determine that no additional Projects are needed, the Special Parcel Tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with SCW Program funds during the previous thirty (30) years.

SECTION 10. Section 16.16 is hereby amended to read as follows:

16.16. Direction to Board.

The Board shall adopt an ordinance or ordinances implementing the following provisions:

...

B. An exemption from the Special Parcel Tax for ~~Low-income~~ Senior-Owned Parcels who apply for such exemption consistent with Section 16.09.B.

SECTION 11. Chapter 18 is hereby added to read as follows:

18.01 Title.

This Chapter shall be known as the "Safe Clean Water Program Implementation Ordinance".

18.02 Definitions.

The definitions set forth in Section 16.03 of Chapter 16 of this code shall apply to this Chapter 18. In addition, the following definitions shall apply to this Chapter 18:

A. "Additional Activities Credit" means a credit against a Parcel's Special Parcel Tax amount for Parcel owners that initiate and complete qualifying additional activities after November 6, 2018 that confer benefits to the broader regional community related to SCW Program Goals.

B. "Benefited Development" means a group of Parcels located within a master planned community, Specific Plan area, subdivision, or an approved regional or sub-regional stormwater management plan area, that drain to a common, centralized Stormwater Improvement.

C. "Community Investment Credit" means a credit against a Parcel's Special Parcel Tax amount for Stormwater Improvement that results in a Community Investment Benefit.

D. Industrial General Permit (IGP) means the set of requirements by which the State Water Resources Control Board and Los Angeles Regional Water Quality Control Boards implement and enforce regulations on industrial storm water discharges and authorized non-storm water discharges from industrial facilities in California. The Industrial General Permit is called a general permit because many industrial facilities

are covered by the same permit, but comply with its requirements at their individual industrial facilities.

E. "Low Impact Development (LID) ordinance" means the most recent ordinance establishing local low impact development standards and requirements on certain new development and redevelopment projects that conform to requirements imposed by the Los Angeles Regional Water Quality Control Board onto a respective permittee through their specific stormwater discharge permit under the Federal Clean Water Act. In the absence of another applicable LID ordinance, the default is the County's own most current LID ordinance.

F. "Nature-Mimicking Solutions" means Projects that mimic natural processes, such as green streets, spreading grounds, and planted areas with water storage capacity.

G. "RWQCB Stormwater Permit" means a permit other than an IGP, issued by the Los Angeles Regional Water Quality Control Board, governing the discharge of Stormwater or Urban Runoff.

H. "SCW Program Progress Report" means a biennial report that summarizes all Regional Program WARPP Reports, all Municipal Program annual progress and expenditure reports, and all District Program annual reports and makes findings regarding whether and the extent to which SCW Program requirements were met and SCW Program Goals were achieved.

I. "Scoring Committee" means a group of six (6) subject matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and

Community Investment Benefits created by the Board to perform technical evaluations of Projects and Feasibility Studies in connection with the Infrastructure Program.

J. "Standard Urban Stormwater Mitigation Plan (SUSMP)" means a plan that designates best management practices (BMPs) that must be used in specified categories of development projects under NPDES permits, as approved by the Los Angeles Regional Water Quality Control Board.

K. "Stormwater Improvement" means a structure or facility that captures Stormwater or Urban Runoff or reduces Stormwater or Urban Runoff pollution in the District.

L. "Technical Assistance Team" means a group of subject matter experts in Stormwater and/or Urban Runoff infrastructure design, hydrology, soils, Nature-Based Solutions, green infrastructure, Stormwater and/or Urban Runoff quality, water supply, recreation, open space, community needs, and other related areas, provided by the District to assist Infrastructure Program Project Applicants and others, as part of the Technical Resources Program.

M. "Threshold Score" means a minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding.

N. "Water Quality Credit" means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Quality Benefit by complying with: (1) an applicable LID ordinance, (2) applicable SUSMP requirements, (3) an applicable IGP, (4) an applicable RWQCB Stormwater Permit, or (5) some combination of any of the foregoing.

O. "Water Supply Credit" means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Supply Benefit.

P. "Watershed Area Regional Program Progress (WARRP) Report" means an annual report describing the progress of all Programs and Projects included in an SIP during the previous year and summarizing how the implementation of the SIP during the previous year has achieved SCW Program Goals.

Q. "Watershed Coordinator" means one or more persons assigned to assist a Watershed Area Steering Committee with community and stakeholder education and engagement and perform the other activities described in Section 18.07.D.3 of this Chapter.

18.03 Purpose.

The purpose of this Chapter is to establish additional criteria and procedures related to the implementation of the Los Angeles Region Safe Clean Water Program described in Chapter 16 of this code. The Board may consider revisions to Chapter 16 of this code and this Chapter 18 in connection with the first biennial public hearing, as described in Section 18.08.C.5 below, and as-needed thereafter.

18.04 SCW Program Goals.

The Los Angeles Region Safe Clean Water Program shall be implemented consistent with the following goals:

A. Improve water quality and contribute to attainment of water quality requirements.

- B. Increase drought preparedness by capturing more Stormwater and/or Urban Runoff to store, clean and reuse.
- C. Improve public health by preventing and cleaning up contaminated water, increasing access to open space, providing additional recreational opportunities, and helping communities mitigate and adapt to the effects of climate change through activities such as increasing shade and green space.
- D. Leverage other funding sources to maximize SCW Program Goals.
- E. Invest in infrastructure that provides multiple benefits.
- F. Prioritize Nature-Based Solutions.
- G. Provide a spectrum of project sizes from neighborhood to regional scales.
- H. Encourage innovation and adoption of new technologies and practices.'
- I. Invest in independent scientific research.
- J. Provide funds such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction.
- K. Provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County.
- L. Implement an iterative planning and evaluation process to ensure adaptive management.
- M. Promote green jobs and career pathways.
- N. Provide funding for ongoing operations and maintenance for Projects.

18.05. District Program Implementation.

A. The District Program shall be implemented in accordance with the provisions of this Section.

B. The District shall perform the following functions as part of the implementation of the District Program:

1. Administer the SCW Program, including the collection of the Special Parcel Tax and distribution of funds, administration of credit and incentive programs, review budgets and reports, and conduct audits.

2. Annually prepare a five (5) year revenue forecast for each Watershed Area.

3. Plan, implement, and maintain District Projects.

4. Administer and provide staffing for the Regional Program.

5. Provide staffing for the Scoring Committee, Watershed Area Steering Committees, and the ROC.

6. Provide Technical Assistance Teams and Watershed Coordinators funded by the Technical Resources Program. The District may, in its discretion, also provide Technical Assistance Teams using funds allocated to the District Program.

7. Coordinate Watershed Area scientific studies funded by the Scientific Studies Program.

8. Engage Stakeholders in the planning process for use of the District Program funds.

9. Operate in accordance with best practices for government agencies.

10. Conduct independent audits to ensure compliance with requirements of the SCW Program.

11. Prepare, prior to the start of the District's fiscal year, a plan for how SCW Program funds will be used.

12. 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 description of Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits realized through use of District Program funds.

13. Comply with all SCW Program audit requirements.

C. Educational Programs.

1. The District shall implement and administer the following educational Programs:

a. Public education and community engagement Programs, including a sustained education and engagement Program for disadvantaged communities;

b. Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, operation and maintenance of Stormwater or Urban Runoff management and Multi-Benefit Projects; and

c. Schools education and curriculum Programs.

2. Not less than twenty percent (20%) of District Program funds shall be allocated for these Programs over a revolving five (5) year period.

3. These Programs will be implemented throughout the District with special attention to the needs of DACs.

4. The District will partner with Stakeholders to collaboratively implement these Programs.

18.06. Municipal Program Implementation.

A. The Municipal Program shall be implemented in accordance with the provisions of this Section.

B. Each Municipality receiving Municipal Program funding from the SCW Program shall perform the following functions as part of the Municipal Program:

1. Prioritize the development of Projects that, to the extent feasible, assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board.

2. Prepare, prior to the start of that Municipality's fiscal year, a plan for how SCW Program funds will be used in the ensuing fiscal year.

3. Prepare, within six (6) months after the end of that Municipality's fiscal year, an annual progress/expenditure report that details a Program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds. Each annual progress and expenditure report shall also include a detailed description of all expenditures of SCW Program funds during the

applicable fiscal year and a reconciliation of those expenditures with the plan described in subsection 2, above.

4. Comply with all SCW Program reporting and audit requirements, and provide to the District additional financial and other information, as required by the SCW Program or upon request of the District.

5. As part of the Municipal Program planning process, consider Municipal level requests for Projects from eligible Infrastructure Program Project Applicants.

6. Prepare and provide to the public, informational materials with up-to-date information on the Municipality's actual and budgeted use of revenues from the SCW Program.

7. Operate in accordance with best practices for government agencies.

8. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.

9. Engage with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.

10. Comply with all Transfer Agreement requirements.

C. Maintenance of Effort.

1. A Municipality must spend at least seventy percent (70%) of its Municipal Program funds annually on new Projects, which also includes O&M of

infrastructure Projects built to comply with the 2012 Los Angeles MS4 Permit or 2014 Long Beach MS4 Permit, so long as the Project complies with Municipal Program requirements.

2. Up to thirty percent thirty percent (30%) of a Municipality's Municipal Program funds may be used to pay for costs and expenses incurred on or after November 6, 2018, related to the continuation of Programs implemented or the maintenance of Projects implemented prior to November 6, 2018.

D. Municipal Program Annual Progress/Expenditure Reports.

1. Each Municipality shall prepare and submit an annual report to the District, not later than six months after the end of that Municipality's fiscal year.

2. The annual report shall include the following information:

a. A summary of the expenditures and Water Quality, Water Supply, and Community Investment Benefits realized through use of SCW Program funds.

b. The amount of SCW Program funds expended.

c. Documentation that the SCW Program funds were used for eligible expenditures.

d. Description of work accomplished during the reporting period.

e. Milestones or deliverables completed/submitted during the reporting period.

f. Work anticipated for the next reporting period.

- g. Photo documentation, as appropriate.
- h. Additional information as required by the District.

18.07. Regional Program Implementation.

A. The Regional Program shall be implemented in accordance with the provisions of this Section.

B. Stormwater Investment Plans (SIP).

1. A SIP shall be adopted for each Watershed Area, annually, in accordance with the following procedure:

a. The District shall prepare a five (5) year revenue forecast for each Watershed Area.

b. The District shall request proposals for Projects to be included in the Infrastructure Program, Project concepts to be included in the Technical Resources Program, and studies and other activities to be included in Scientific Studies Program, for each Watershed Area SIP. Small and medium scale, community-level Projects may be combined into a single Project proposal to promote efficiency, achieve economies of scale and advance local hire and job training goals. If an Infrastructure Program Project Applicant intends for operation and maintenance costs to be considered for inclusion in a SIP, the Applicant's proposal must include an operation and maintenance plan that identifies the required activities over the useful life of the Project, any expertise or technical training necessary to perform the activities, identify the party that will be responsible for operation and maintenance of the Project, and

include a letter of commitment from that party to operate and maintain the Project throughout the Project's useful life.

c. Each Watershed Area Steering Committee shall determine which proposed Feasibility Studies and/or Projects to submit to the Scoring Committee for evaluation. Only Projects meeting the following criteria shall be submitted to the Scoring Committee for evaluation:

(1) Projects for which a Feasibility Study has been completed, or for which equivalent information has been developed and is available for review by the Scoring Committee;

(2) Projects that are Multi-Benefit Projects;

(3) Projects that are included in a stormwater resource plan developed in accordance with Part 2.3 (commencing with section 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to waste discharge requirements for municipal separate storm sewer system(MS4) discharges within the coastal watersheds of the County, issued by the Los Angeles Regional Water Quality Control Board, an Integrated Regional Water Management Plan, or other regional water management plan if determined to be equivalent by the District; and

(4) Projects designed for a minimum useful life of thirty (30) years.

d. Projects for which a Feasibility Study has not been completed and that that lack equivalent information may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

e. The Scoring Committee shall evaluate each proposed Project submitted by the Watershed Area Steering Committees and shall return scores for each proposed Project to the respective Watershed Area Steering Committee.

f. The District shall establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program.

g. Each Watershed Area Steering Committee shall review and evaluate the proposed Project scores, proposed Project concepts and proposed studies, and shall prepare and submit a SIP, in a format substantially similar to Table 1 below, to the Regional Oversight Committee for review. Projects that lack sufficient information to be scored or that do not score above the Threshold Score may be included in the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

h. The ROC shall review each SIP, determine whether and the extent to which each SIP achieves the SCW Program Goals, and provide its findings to the Board with recommendations regarding whether or not each SIP should be approved. The ROC shall also provide its findings and recommendations on each SIP to the respective Watershed Area Steering Committee. The Watershed Area Steering Committees are encouraged to consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs.

i. The Board shall consider each SIP together with the Regional Oversight Committee's recommendation, and shall either approve the SIP or return it to the appropriate Watershed Area Steering Committee for revision and resubmittal.

j. Once the Board approves a SIP, the District shall transfer SCW Program funds to Infrastructure Program Project Developers as indicated in the SIP.

Table 1. Stormwater Investment Plan Budget Template

	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025
	Budget	Projection	Projection	Projection	Projection
PROJECT – FEASIBILITY STUDY DEVELOPMENT					
TECHNICAL RESOURCES PROGRAM (up to 10%)					
Feasibility Studies/Concepts					
Watershed Coordinator(s)					
Technical Assistance Team/Feasibility Study					
Technical Assistance Team/Feasibility Study					
PROJECT – POST-FEASIBILITY STUDY					
INFRASTRUCTURE PROGRAM (not less than 85%)					
Design/Permits/CE QA Budget/Pre-project planning/grant-writing					
Project					
Project					
Project					
Right of Way Acquisition Budget					
Project					
Project					
Project					
Construction					
Project					
Project					
Project					
O&M					
Project					
Project					

Project					
NON-PROJECT ACTIVITIES					
SCIENTIFIC STUDIES PROGRAM (Up to 5%)					
Special Studies					
Project					
Project					
Monitoring					
Project					
TOTAL =					

2. SIPs shall be developed by the Watershed Area Steering

Committees in accordance with the following criteria:

a. Not less than eighty-five percent (85%) of the budget shall be allocated to Infrastructure Program activities, not more than ten (10%) of the budget shall be allocated to Technical Resource Program activities, and not more than five percent (5%) of the budget shall be allocated to Scientific Studies Program activities.

b. Projects that assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board shall be prioritized, to the extent feasible.

c. Funding for Projects that provide DAC Benefits shall not be less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.

d. Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one

hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated over a five (5) year period.

e. A spectrum of Project types and sizes shall be implemented throughout the region, to the extent feasible, to be evaluated over a five (5) year period.

f. Nature-Based Solutions shall be prioritized, to the extent feasible.

g. Projects, Feasibility Studies, scientific and technical studies, and other activities selected for inclusion in a SIP shall be allocated funding for their total estimated costs.

h. Operation and maintenance costs for any Project may be included in the Infrastructure Program portion of a SIP, whether or not the design and construction of that Project was included in a SIP.

i. Only Projects that meet or exceed the Threshold Score shall be eligible for inclusion in the Infrastructure Program. Projects that receive a score below the Threshold Score may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

C. Infrastructure Program Implementation.

1. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must identify the Infrastructure Program Project Developer for the Project. The individual, group or entity identified as the Infrastructure Program Project Developer must have sufficient knowledge, experience and resources to effectively manage the

design and construction of the Project and ensure its completion. An Infrastructure Program Project Applicant may designate a construction authority to be the Infrastructure Program Project Developer. Also, at the request of the Infrastructure Program Project Applicant or the Infrastructure Program Project Developer, the District, at its discretion, may act as the Infrastructure Program Project Developer for all or any aspect of a Project.

2. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must also identify the person or entity that will be responsible for the operation, maintenance and repair of the Project and the source of funds that will be used to pay for the operation, maintenance and repair of the Project, throughout the Project's useful life.

3. Scoring Committee.

a. The Scoring Committee shall include at least two subject-matter experts in Water Quality Benefits, at least one subject-matter expert in Nature-Based Solutions or Community Investment Benefits, and at least one subject-matter expert in Water Supply Benefits.

b. The members of the Scoring Committee shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

c. The District will develop operating guidelines for the governance of the Scoring Committee and the conduct of Scoring Committee business,

including standard Project scoring criteria, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each Scoring Committee member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the Scoring Committee.

d. The District shall provide staff support to the Scoring Committee using funds from the District Program.

e. The District may compensate members of the Scoring Committee who are not otherwise compensated, in the amount of one hundred dollars (\$100) per meeting attended, using funds from the District Program.

f. Meetings conducted by the Scoring Committee shall be open to the public.

D. Technical Resource Program Implementation.

1. The purpose of the Technical Resources Program is to provide Technical Assistance Teams to assist persons or organizations that do not have the necessary technical resources or capabilities with the development of Feasibility Studies and compliance with other technical requirements of the Infrastructure Program, and provide Watershed Coordinators to educate and build capacity in Watershed Areas and facilitate community and Stakeholder engagement with Watershed Area Steering Committees.

2. Technical Assistance Teams.

a. The District shall provide a Technical Assistance Team to assist with the development of a Feasibility Study for each Project concept identified in a SIP.

b. The District, at the request of a Watershed Area Steering Committee, shall provide a Technical Assistance Team to assist Infrastructure Program Project Applicants and others as appropriate, in meeting other technical requirements of the Infrastructure Program, including but not limited to, the amendment of eligible water quality plans to include a Project and assisting non-Municipal Project Applicants with obtaining letters of support from the applicable Municipality.

c. Technical Assistance Teams shall be paid for with funds allocated to the Technical Resources Program in the applicable SIP. In addition, the District may, in its discretion, provide Technical Assistance Teams using funds allocated to the District Program.

3. Watershed Coordinators.

a. Not less than one (1) Watershed Coordinator will be assigned to each Watershed Area plus one (1) additional Watershed Coordinator for each additional one-million people within the Watershed Area.

b. Each Watershed Area Steering Committee shall select their respective Watershed Coordinator(s) from a list of eligible candidates provided by the District and shall designate them in their respective SIPs as part of the Technical Resource Program budget.

c. The duties and responsibilities of Watershed Coordinator(s) shall include but not be limited to the following:

(1) Work with Technical Assistance Teams to bring resources to potential Infrastructure Program Project Applicants;

(2) Work with Municipalities and Stakeholders to identify and develop Project concepts that may be elevated to the Watershed Area Steering Committees and Technical Assistance Teams to assist with development of Feasibility Studies.

(3) Identify and help leverage and secure additional funding sources for Regional Projects and Programs

(4) Engage Municipalities, community groups, and other watershed Stakeholders to ensure diverse perspectives are included in planning and implementation of the Regional Program.

(5) Conduct community outreach to diverse communities, with an emphasis on disadvantaged communities.

(6) Provide leadership in community outreach efforts related to watershed planning.

(7) Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities.

(8) Integrate community, Municipality, and regional priorities through partnerships and extensive networks.

(9) Organize public outreach events included in SIPs, such as workshops, demonstrations, community forums and restoration activities, to educate Stakeholders on stormwater-related topics.

(10) Serve as non-voting members of the Watershed Area Steering Committees for their respective Watershed Areas.

(11) Collaborate with all other Watershed Coordinators and the District to inform each other of effective efforts, outreach, and communication approaches, including sharing best practices and resources.

E. Scientific Studies Program Implementation

1. The purpose of the Scientific Studies Program is to provide funding for scientific and technical activities, including but not limited to scientific studies, technical studies, monitoring, and modeling, related to Stormwater and Urban Runoff capture and pollution reduction.

2. Watershed Area Steering Committees will recommend studies and other activities for funding by including the studies or other activities in the Scientific Studies Program portion of their respective SIPs.

3. All studies and other activities included in the Scientific Studies Program portion of a SIP shall be conducted in accordance with accepted scientific protocols.

4. The Scientific Studies Program shall be administered by the District and, to the extent feasible, shall utilize independent research institutions or academic

institutions to carry out Scientific Studies or to help design and peer review Scientific Studies carried out by other entities.

F. Progress/Expenditure Reports

1. Infrastructure Program Project Developers shall prepare quarterly progress and expenditure reports, as described below, for their respective Projects and Programs.

2. The District shall prepare quarterly progress and expenditure reports, as described below, for activities undertaken by the District pursuant to the Technical Resources (e.g. Watershed Coordinators and Technical Assistance Teams) and Scientific Studies Programs.

3. Quarterly progress and expenditure reports shall include the following information:

- a. Percent complete estimate
- b. SCW Program funds expended
- c. Documentation that the SCW Program funds were used for eligible expenditures
- d. Discussion of work accomplished during the reporting period
- e. Milestones or deliverables completed/submitted during the reporting period
- f. Scheduling concerns and issues encountered that may delay completion of the Program or Project
- g. Work anticipated for the next reporting period

h. Photo documentation of the progress and current status of the Project, as appropriate

i. Any anticipated schedule or budget modifications

4. Infrastructure Program Project Developers shall prepare an annual summary of the quarterly progress and expenditure reports for their respective Programs and Projects. The annual summary reports shall also include a description of the Water Quality Benefits, Water Supply Benefits, Community Investment Benefits and the SCW Program Goals achieved during the prior year.

5. The Watershed Area Steering Committees shall review the Infrastructure Program Project Developers' quarterly progress and expenditure reports and the annual summary reports to evaluate whether the schedules, budgets, scopes and expected benefits have significantly changed and remain consistent with the SCW Program Goals. Programs and Projects that are over budget, behind schedule, or demonstrate reduced or revised scope or benefits may be adjusted or removed from future SIPs.

6. The Watershed Area Steering Committees shall forward each quarterly progress and expenditure report and each annual summary report to the ROC, together with the Watershed Area Steering Committees evaluation.

G. Watershed Area Steering Committees.

1. Membership Requirements.

a. Each Watershed Area Steering Committee shall be comprised of seventeen (17) members plus the Watershed Coordinator(s) for the

Watershed Area. Seven (7) members shall represent the Municipalities located within the Watershed Area, five (5) members shall represent agency Stakeholders, and five (5) members shall represent community Stakeholders. Each member shall have a designated alternate.

b. The Municipal representatives and their alternates shall be selected in accordance with the following:

(1) A Municipality with at least fourteen percent (14%) of the Impermeable Area located within the Watershed Area shall appoint one member and alternate. A Municipality with at least twenty-eight (28%) of the Impermeable Area located within the Watershed Area shall appoint two members and alternates. A Municipality with at least forty-three (43%) of the Impermeable Area located within the Watershed Area shall appoint three members and alternates. A single Municipality shall not appoint more than three members to any Watershed Area Steering Committee.

(2) The remaining Municipal representatives and their alternates shall be selected by the unrepresented Municipalities in the Watershed Area.

(3) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

c. The agency Stakeholder representatives and their alternates shall be selected in accordance with the following:

(1) The Board shall appoint all agency Stakeholder representatives and their alternates. The agency Stakeholder representatives and their alternates will be, to the maximum extent feasible, selected to maintain a geographic

balance and represent a range of interests within the Watershed Area and a regional focus.

(2) One member and alternate shall represent the District.

(3) One member and alternate shall represent the largest municipal water district in the Watershed Area.

(4) One member and alternate shall represent the largest watermaster or groundwater agency in the Watershed Area or, if no such agency exists, a second municipal water district.

(5) One member and alternate shall represent the largest local park and open space agency in the Watershed Area.

(6) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

d. The community Stakeholder representatives and their alternates shall be selected in accordance with the following:

(1) The Board shall appoint all agency Stakeholder representatives and their alternates. The agency Stakeholder representatives and their alternates will be selected to maintain a geographic balance and represent a range of interests within the Watershed Area and a regional focus.

(2) One member and alternate shall represent environmental justice interests.

(3) One member and alternate shall represent business interests.

(4) One member and alternate shall represent environmental interests.

(5) The two remaining community Stakeholder representatives and their alternates will be from the community, including, but not limited to, public health agencies, labor organizations, non-governmental organizations, community-based organization, schools and academia.

(6) All persons selected as members or alternates must meet the applicable qualifications described in the Committee's Operating Guidelines.

e. The District will develop operating guidelines for the governance of the WASCs and the conduct of WASC business, including minimum qualifications to serve as a committee member, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each WASC member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the WASC.

2. Meeting Procedures

a. Each Watershed Area Steering Committees shall hold regular meetings at a frequency and schedule determined by that Committee.

Watershed Area Steering Committee meetings shall be open to the public.

b. A quorum is required for Watershed Area Steering Committees to act on any item of business at a meeting. A quorum will consist of a simple majority of the members or their alternates in attendance at the meeting, out of the total existing membership positions currently occupied. If a quorum is present at a meeting, the Watershed Area Steering Committee may approve of any item of business by a simple majority vote.

c. Each Watershed Area Steering Committee member or their alternate shall have one equally weighted vote.

d. Watershed Coordinators shall participate in the meetings of the Watershed Area Steering Committees for their respective Watershed Areas as non-voting members.

e. The District will provide staff support to the Watershed Area Steering Committees using funds from the District Program.

f. Members and alternates of the Watershed Area Steering Committees who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program.

g. Members and alternates of the Watershed Area Steering Committees shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

3. Additional Duties and Responsibilities. In addition to the preparation of the SIPs and review of the progress and expenditure reports, as described above, Watershed Area Steering Committees shall have the following additional duties and responsibilities:

a. Each Watershed Area Steering Committee shall annually prepare a WARPP Report.

b. Each Watershed Area Steering Committee shall provide information about its Watershed Area as requested by the Board of Supervisors.

c. Each Watershed Area Steering Committee, in conjunction with its Watershed Coordinator(s), shall help potential Infrastructure Program Project Applicants identify potential partners and additional sources of funding to augment and leverage SCW Program revenues for Projects and Programs.

18.08. Regional Oversight Committees (ROC).

A. Membership Requirements.

1. The ROC shall be comprised of nine (9) subject matter experts in the areas of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other fields related to Stormwater capture or the reduction of Stormwater or Urban Runoff pollution.

2. The Board shall appoint all members of the ROC. The members of the ROC will be selected to ensure a diverse representation of the subject-matter experts described above.

3. The District will develop operating guidelines for the governance of the ROC and the conduct of ROC business, and shall update those operating procedures and guidelines from time to time, as it deems necessary. Each ROC member will be required to sign a Memorandum of Understanding committing to comply with the operating guidelines, among other things, as a condition of serving as a member of the ROC.

B. Meeting Procedures

1. The ROC shall hold regular meetings at a frequency and schedule determined by the ROC. ROC meetings shall be open to the public.

2. A quorum is required for the ROC to act on any item of business at a meeting. A quorum will consist of five (5) members in attendance at the meeting. If a quorum is present at a meeting, the ROC may approve of any item of business by a simple majority vote.

3. Each ROC member shall have one equally weighted vote.

4. The District will provide staff support to the ROC using funds from the District Program.

5. Members of the ROC who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program.

6. Members of the ROC shall comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

C. Duties and Responsibilities. The ROC shall have the following duties and responsibilities:

1. The ROC shall annually review the SIP for each Watershed Area.
2. The ROC shall review the quarterly and annual progress and expenditure reports prepared by the District for the Technical Resources Program, and Scientific Studies Program and prepared by the Infrastructure Program Project Developers for the Infrastructure Program and provide any comments or concurrence with the evaluations by the WASCs, as appropriate.
3. The ROC shall annually review the WARPP Reports for each Watershed Area to determine whether and the extent to which Regional Program requirements were met and SCW Program Goals were achieved for the prior year and, based on its review, shall make recommendations for adjustments to the following year's SIPs and provide those recommendations to the respective Watershed Area Steering Committees and the Board.
4. The ROC shall annually review each Municipality's annual report, as described in Section 18.06.D of this Chapter, to determine whether and the extent to which the Municipality's expenditures achieved SCW Program Goals. The ROC shall report its findings to the respective Municipalities and to the Board.

5. The ROC shall biennially prepare a SCW Program Progress Report for the Board in accordance with the following procedures:

a. The ROC shall prepare a draft SCW Program Progress Report, circulate the draft for public comment, and conduct a noticed public hearing to receive public comments on the draft.

b. After the conclusion of the public hearing, the ROC shall revise the draft SCW Program Progress Report as it determines necessary or appropriate based on the public comments received.

c. The ROC shall submit the final SCW Program Progress Report to the Board and make the final Report available to the public.

18.09 Transfer Agreements.

A. The Board shall approve standard template Transfer Agreements for use by the District, Municipalities and Infrastructure Program Project Developers.

B. Contents. The standard template Transfer Agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board, including but not limited to:

1. Requirements for compliance with the terms of the SCW Program;
2. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds;
3. Provisions, processes, and schedules for disbursement of funds;
4. For Regional Infrastructure Program Project Developers, Project parameters such as schedule, budget, scope, and benefits;

5. For Municipalities, a requirement to annually submit a plan of how SCW Program funds will be used during the ensuing year, which shall include, at a minimum, anticipated activities, an initial programmatic budget, and the SCW Program Goals that are anticipated to result from the planned expenditures.

6. Provisions for management of interest funds, debt, liability, and obligations;

7. Provisions for indemnification of the District;

8. Requirements for auditing and Annual or Quarterly Progress/Expenditure Reports;

9. With respect to a Project funded with SCW Program funds through the Regional Program, if the Project has an estimated capital cost of over \$25 million, a provision that the Infrastructure Program Project Developer for such a Project must require that all contractors performing work on such a Project be bound by the provisions of: (1) a County-wide Project Labor Agreement (County PLA), if such an agreement has been successfully negotiated between the County and the Trades and is approved by the Board of Supervisors, or (2) a Project Labor Agreement (PLA) mirroring the provisions of such County PLA;

10. With respect to a Project funded with SCW Program funds through the Regional Program, if one or more of the Municipalities that is a financial contributor to a Project has its own PLA, a provision that the Infrastructure Program Project Developer for the Project must require that contractors performing work on the Project are bound to such PLA. If more than one of the contributing Municipalities to a capital

project has a PLA, the Project Developer shall determine which of the PLAs will be applied to the Project;

11. With respect to all Regional Program Projects funded with SCW Program funds, a provision that the Infrastructure Program Project Developer for such a Project must apply and enforce provisions mirroring those set forth in the then-current version of the County's Local and Targeted Worker Hire Policy (LTWHP), adopted by the Board of Supervisors on September 6, 2016, as to contractors performing work on such a Project or, if the Infrastructure Program Project Developer is a Municipality and has adopted its own policy that is substantially similar to the LTWHP, that the Infrastructure Program Project Developer may, at its election, choose to apply and enforce the provisions of its own such policy as to contractors performing work on such a Project in lieu of the provisions of the LTWHP;

12. With respect to all Regional Program Projects funded with SCW Program funds, a provision that the Infrastructure Program Project Developer for such a Project must apply and enforce provisions mirroring those set forth in County Code Chapter 2.211 (Disabled Veteran Business Enterprise Preference Program), County Code Chapter 2.204 (Local Small Business Enterprise Preference Program), and County Code Chapter 2.205 (Social Enterprise Preference Program), as to contractors performing work on such an Infrastructure Program Project, subject to statutory authorization for such preference program(s), and subject to applicable statutory limitations for such preference(s); and, furthermore, the Infrastructure Program Project Developer implementing such a Project must take actions to promote increased

contracting opportunities for Women-Owned Businesses on such a Project, subject to applicable State or federal constitutional limitations;

13. Requirements for post-construction/implementation monitoring as appropriate;

14. Requirements on Infrastructure Program Project Developers to carry out all actions necessary to complete the Project; and

15. Requirements related to the operation, maintenance and repair of the Project throughout its useful life.

18.10 Credit Program Implementation.

A. The credit program described in Section 16.10.A. of Chapter 16 of this code shall be implemented in accordance with the provisions of this Section. The District shall develop additional implementation procedures and guidelines for the program consistent with the provisions of this Section, including a standard formula for calculating the specific amount of Water Quality, Water Supply, Community Investment, and Additional Activities Credits, and shall update those implementation procedures and guidelines from time to time, as it deems necessary.

B. Credit Eligibility Criteria and Calculation of Credit Amounts.

1. **Water Quality Credit.** Parcels that include a Stormwater Improvement or that are located in a Benefited Development that includes a Stormwater Improvement meeting the following criteria shall be eligible for a Water Quality Credit as follows:

Stormwater Improvement Criteria	Maximum Credit Amount
The Stormwater Improvement meets the requirements of an applicable Low Impact Development (LID) Ordinance.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement exceeds the requirements of an applicable Low Impact Development (LID) Ordinance.	Up to seventy-five percent (75%) of the Parcel's Special Tax amount
The Stormwater Improvement provides Water Quality Benefits that are comparable to or greater than the Water Quality Benefits that would be achieved by a Stormwater Improvement that complies with the requirements of Section 12.84.440 of the Los Angeles County Code.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement was completed prior to November 6, 2018 and meets the requirements of an applicable Standard Urban Stormwater Mitigation Plan (SUSMP).	Up to fifty percent (50%) of the Parcel's Special Tax amount
The Stormwater Improvement was commenced prior to November 6, 2018 and exceeds the requirements of an applicable SUSMP.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit.	Up to sixty-five percent (65%) of the Parcel's Special Tax amount
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit and has a design volume greater than or equal to the runoff volume resulting from a 2-inch, 24-hour rain event.	Up to seventy-five percent (75%) of the Parcel's Special Tax Amount
The Stormwater Improvement retains one hundred percent (100%) of all Urban Runoff from the Parcel or Benefited Development.	Up to 50% of the Parcel's Special Tax Amount, through and including 2024, and up to twenty percent (20%) of the Parcel's Special Tax Amount thereafter

2. Water Supply Credit. Parcels that include a Stormwater Improvement or that are located in a Benefited Development that includes a Stormwater Improvement providing a Water Supply Benefit shall be eligible for a Water Supply Credit of up to twenty percent (20%) of the Parcel's Special Parcel Tax amount.

3. Community Investment Credit. Parcels that include a Stormwater Improvement or that are located in a Benefited Development that includes a Stormwater Improvement providing a Community Investment Benefit shall be eligible for a

Community Investment Credit of up to ten percent (10%) of the Parcel's Special Parcel Tax amount.

4. Notice of Non-Applicability (NONA) Credit. A Parcel or portion of a Parcel that is the subject of a Notice of Non-Applicability (NONA) issued by the Los Angeles Regional Water Quality Control Board shall be eligible for a credit of up to one-hundred percent (100%) of the Parcel's Special Parcel Tax amount.

5. Maximum Combined Credit Amounts

a. Water Quality Credits, Water Supply Credits and Community Investment Credits may be combined up to a maximum of eighty percent (80%) of a Parcel's Special Parcel Tax amount.

b. An additional credit of up to twenty percent (20%) of a Parcel's Special Parcel Tax amount, may be awarded to Parcel owners that perform additional activities after November 6, 2018 that confer benefits to the broader regional community related to the SCWP goals. Examples and additional details will be included in the Credit Program Procedures and Guidelines.

C. Credit Program Implementation Procedures. The District shall grant Parcel owners credit for qualifying Stormwater Improvements, as described above, in accordance with the following procedures:

1. The owner of a Parcel that includes a Stormwater Improvement or that is located in a Benefited Development may submit an application for credit to the District. The application shall include the following information:

- a. Photo documentation of the construction or installation of the Stormwater Improvement on the Parcel or Benefited Development;
- b. A maintenance management plan for the Stormwater Improvement;
- c. The applicable LID design storm volume or RWQCB Stormwater Permit or SUSMP design standard for the impermeable area of the Parcel or Benefited Development;
- d. Calculations of the following:
 - (1) The total impermeable area of the Parcel or Benefited Development;
 - (b) The impermeable area tributary to the Stormwater Improvement;
 - (c) The maximum volume that the Stormwater Improvement is designed to capture and/or treat;
 - (d) The amount of the Water Quality Credit, Water Supply Credit and/or Community Investment Credit applied for;.
- e. A certification by a civil engineer licensed to practice in California, that all information in the application is correct, that the calculations are accurate, and that the Stormwater Improvement is performing as designed;
- f. A certification by the owner verifying the claimed Community Investment, NONA, and Additional Activities Credits.

2. The District shall establish application deadlines for each fiscal year and only applications submitted prior to the deadline shall be considered for approval.

3. If the District approves an application for credit, the credit will be applied to the Parcel's Special Parcel Tax amount for the next two fiscal years. Parcel owners must thereafter re-apply to continue the credit, every two years. The application to continue the credit shall contain the same information as the initial application for credit, described above, and shall be subject to the application deadlines established for the year of re-application..

4. Procedures for aggregating multiple Parcels with common ownership and procedures for Benefited Developments are included in the Credit Program Procedures and Guidelines.

18.11 Credit Trading Program.

A. The credit trading program described in Section 16.10.C of Chapter 16 shall be implemented in accordance with implementation procedures and guidelines for the program that are to be developed by the District, and the District shall update those implementation procedures and guidelines from time to time, as it deems necessary.

18.12. Exemption for Low-Income Senior-Owned Parcels

A. The exemption for Low-Income Senior Owned Parcels described in Section 16.09.B of Chapter 16 shall be implemented in accordance with the Low-Income Senior Procedures and Guidelines developed by the District, which shall be updated from time to time, as it deems necessary.

18.13. Appeals Process for Review of Calculation of Special Parcel Tax

Amount

A. The appeals process referenced in Section 16.08.C of Chapter 16 of this code shall be administered in accordance with the Appeal Process tutorial developed by the District, which shall be updated from time to time, as it deems necessary.

B. For the purposes of the appeals process, a significant discrepancy between the assessed and actual Impermeable Area means a discrepancy meeting both of the following criteria:

1. An error of ten percent (10%) or more in the Impermeable Area used to calculate the Parcel's Special Parcel Tax amount; and
2. A difference in the Special Parcel Tax amount of fifty dollars (\$50) or more.

18.14. Enforcement And Remedies For Violations.

A. The purpose of this section is to establish baseline alternate remedies for the District to utilize in enforcing the provisions of this chapter. The remedies authorized in this chapter are cumulative to any other remedy provided for in this code or the laws of the State of California, or the United States of America so long as the cumulative application of such available remedies would not violate any applicable law.

B. If the District determines that a Municipality, Infrastructure Program Project Developer, or any other recipient of SCW Program funds has violated any provision of this chapter or an applicable Transfer Agreement, the District is authorized to issue a notice of violation to the Municipality, Infrastructure Program Project

Developer or other recipient of SCW Program revenues. The notice shall be in writing, and shall describe the violation, the remedial actions the recipient must take to correct the violation, and the date by which the violation must be corrected.

C. If the violation involves the use of SCW Program funds for a purpose not authorized by this chapter, the remedial actions specified in the notice may include a requirement to reimburse the funds, plus interest, to the District.

1. SCW Program funds reimbursed by a Municipality will be used to fund Regional Projects that, to the extent feasible and as determined by the WASC, are located within the jurisdiction of the Municipality.

2. SCW Program funds reimbursed by an Infrastructure Program Project Developer will be used to implement Projects in the same Watershed Area from which the funds were collected.

D. If the violation is not corrected by the date specified in the notice, the District is authorized to immediately suspend and withhold future disbursements of SCW Program funds to the Municipality, Infrastructure Program Project Developer or other recipient of SCW Program funds, until the violation is corrected; provided, however, that if the violation remains uncorrected for a period of five (5) years, the withheld funds shall be reallocated to a different Program or Project in the same Watershed Area, as determined by the applicable Watershed Area Steering Committee.

E. A Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds that disputes a notice of violation that has been issued to it may submit a written notice of appeal to the District not later than twenty (20)

business days from the date of the written notice from the District. The District shall appoint a hearing officer to conduct a hearing on the appeal.

1. Where the notice of violation requires the recipient to reimburse SCW Program funds, the submission of a notice of appeal does not relieve the Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds of the obligation to reimburse to the District the SCW Program funds in dispute. If the hearing officer determines that the expenditures in dispute did not violate this chapter, the reimbursed funds will be returned in the next disbursement of SCW Program revenues to that Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds.

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