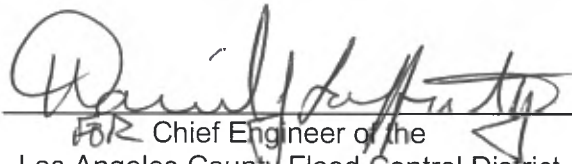




Safe, Clean Water Program

Watershed Area Steering Committee Operating Guidelines


FOR Chief Engineer of the
Los Angeles County Flood Control District

9/19/19
Date Adopted

Safe, Clean Water Program Watershed Area Steering Committee Operating Guidelines

ARTICLE I. PURPOSE

The purpose of these Safe, Clean Water (SCW) Program Watershed Area Steering Committee Operating Guidelines ("WASC Operating Guidelines") are to establish procedures, requirements and recommended protocols for governance of the Watershed Area Steering Committees (WASC) and the conduct of WASC business.

ARTICLE II. DEFINITIONS

The definitions set forth in Sections 16.03 and 18.02 of the Los Angeles County Flood Control District Code shall apply to these WASC Operating Guidelines.

ARTICLE III. MEMBERSHIP REQUIREMENTS

Section 1. Minimum Requirements

Unless otherwise provided by the Board, or by the Chief Engineer during the duration of a term, each member must meet the minimum requirements for their type of membership seat described in Table 1 below.

Table 1. Regional Program Watershed Area Steering Committee Minimum Requirements.

Member	Years of Experience	Description
Municipalities	Five +	<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. Knowledge 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.
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. • Knowledge 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.
Municipal Parks/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 Infrastructure Program Project Developers, land owners or permittees of Projects.
At large Community Stakeholders	Two +	<ul style="list-style-type: none"> • Experience in community engagement • Knowledge of and experience working with government agencies to achieve community investment • Willingness to be trained and educated on pollution abatement, Stormwater programs, and TMDL related issues.
Environmental	Two +	<ul style="list-style-type: none"> • Experience in water resource issues • Educational background or equivalent work experience in natural sciences, ecology, land use management, conservation, or other water resource-related field • Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.

Business	Two +	<ul style="list-style-type: none"> • Experience in developing commercial/business Stormwater and/or Urban Runoff capture facilities • Knowledge and experience in working with government agencies to achieve water resource improvements for residential and commercial properties • Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field.
Environmental Justice	Two +	<ul style="list-style-type: none"> • Experience in community engagement • Knowledge and experience in community priorities regarding resource needs for quality of life issues with respect to the development, implementation, and enforcement of environmental law, regulation, and policies. • Knowledge and experience in working with government agencies to achieve community investment.
Watershed Coordinator	Two +	<ul style="list-style-type: none"> • Experience in coordination and implementation of technical assistance. • Knowledge and experience in watershed protection planning, water quality, and/or watershed assessment. • Knowledge and experience to provide and/or coordinate technical assistance that results in Projects that are integrated and result in regionally significant and measurable watershed benefits • Experience in community engagement particularly with disadvantaged communities and small cities is desirable.
<p>General Minimum Qualifications for all Members:</p> <ul style="list-style-type: none"> • The knowledge of or willingness to be trained and educated on pollution abatement, Stormwater Programs, NPDES Stormwater Permit and TMDL related issues as related to the region. • Must be able to attend and participate in Watershed Area Steering Committee meetings. 		

ARTICLE IV. TERM LENGTHS AND VACANCIES

Section 1. Serving on Multiple Committees

A person may sit on more than one WASC, the Regional Oversight Committee (ROC), or Scoring Committee, provided they can demonstrate the capacity to do so effectively. If the person is appointed by the Board, or subsequently by the Chief Engineer, to more than one committee of the Regional Program, it shall be deemed that the person has the required capacity.

The roles and responsibilities of committee members are described in ARTICLE V, below. Should a member's performance suffer as a result of multiple memberships, the WASCs are encouraged to address the member's performance with the member and decide if potential action is warranted. Withdrawal or removal of members and the filling of membership vacancies is discussed in ARTICLE IV Section 6 below.

An individual Watershed Coordinator will only sit on one WASC as a non-voting member, as this is considered a full-time position unless noted otherwise for a specific Watershed Area. A single Watershed Coordinator position may be filled by an individual or by multiple employees of a single

entity at the discretion of the WASC. If a contract for Watershed Coordinator services is awarded to an entity for multiple Watershed Areas, and that entity assigns individual full-time employees to any Watershed Areas, that entity shall provide different full-time employee for each applicable Watershed Area.

Section 2. Member Term Lengths for the WASC

Members shall be appointed or selected according to the schedule shown in Table 2 below. Members may serve multiple terms if reaffirmed through the appointment or selection process.

District staff for each WASC will track the expiration of all members' terms of service, notify the WASC of upcoming term expiration dates, and facilitate any necessary appointments and selections.

Table 2. WASC Appointment/Selection Schedule

Watershed Area Steering Committee Appointment/Selection Schedule											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Municipal	Initiate WASC			X			X			X	
Agency						X (45)					X (45)
Community					X (45)				X (45)		

Section 3. Municipal Members

Individuals selected as Municipal committee members shall serve a 3-year term. An individual may serve additional terms if reselected during the self-selection process.

Municipalities holding designated member seats, based on their percentage of Impermeable Area as described in Chapter 18 Section 7 of the Los Angeles County Flood Control District Code, shall select one individual to serve as a primary member and one individual to serve as an alternate member for each designated member seat for each 3-year term. Designated Municipal member seats are subject to changes in the County Landcover Survey that will occur periodically and be facilitated by District staff with at least 3-months' notice prior to a new selection process. A Municipality with multiple designated member seats may select a single individual to serve as the primary member for all the Municipality's designated municipal member seats (such that the single individual will represent all of that Municipality's municipal member seat votes) and may select a second single individual to serve as the alternate member for all the Municipality's designated member seats.

The primary and alternate members for the remaining Municipal member seats shall be selected by a group ("Selection Group") comprised of the Municipalities not holding designated member seats based on their impermeable area within the WASC and, at their discretion, some or all of the Municipalities holding designated member seats. The Municipalities selected by the Selection Group will select one individual to serve as the primary member and one individual to serve as the alternate member for each of the remaining Municipal member seats.

Every 3rd year starting 2022, the Municipalities within the Watershed Area will be invited to self-select the unrepresented seats for the upcoming term.

During the 3-year term, if a primary member withdraws or is removed from the WASC, as described in Section 6 below, the individual serving as the alternate member shall become the primary member and the Municipality that selected the outgoing primary member shall select a replacement alternate member in consultation with the Chief Engineer or their designee. If an alternate member withdraws or is removed from the WASC, as described in Section 6 below, the Municipality that selected the alternate member shall identify a replacement alternate member in consultation with the Chief Engineer or their designee.

Section 4. Agency Members

Every 5th year starting 2024, the Board, in consultation with the agencies described in Section 18.07.G.1.c. of the Los Angeles County Flood Control District Code, shall appoint one primary member to each of the agency member seats for a 5-year term. Individuals appointed as agency members may serve additional terms if reappointed in subsequent appointment cycles.

During the 5-year term, if a primary or alternate member withdraws or is removed from the WASC, the Chief Engineer or their designee shall select a replacement member in consultation with the agency represented by the outgoing member.

Section 5. Community Stakeholder Members

Every 3rd year starting 2023 (after an initial 4-year term), the Board will appoint one primary member for all five (5) Community Stakeholder member seats for 3-year terms on each WASC. Community Stakeholder members may serve additional terms if reappointed in subsequent appointment cycles. Each primary member shall have the option to designate an alternate member for the primary member's seat that is within the same organization.

During the term, if a primary member withdraws or is removed from the WASC, the alternate member shall become the primary member. The vacancy for the Community Stakeholder alternate member will be filled by someone from the same organization as determined by the new primary member. If an alternate member withdraws or is removed from the WASC, the primary member may identify a replacement alternate from the same organization. If a vacancy in a primary or alternate seat cannot be filled for any reason, that seat will remain vacant until the next appointment cycle or until the Board takes sooner action to appoint a new primary or alternate member to fill the vacancy.

Section 6. Withdrawal and Removal of Members

A member may withdraw from participation as a member of a WASC by providing sixty (60) days' prior written notice to the District.

A member may be removed from a WASC if the Chief Engineer determines that the member is no longer able to serve on the WASC, the member fails to comply with these WASC Operating Guidelines, or fails to regularly attend meetings as described in ARTICLE V, Item C. The removal

of the member shall be effective as of the date of written notice to the member from the Chief Engineer.

The WASC may also vote to request that the Chief Engineer remove a Watershed Coordinator if that Watershed Coordinator is deemed to not be satisfactorily meeting the needs of the WASC.

ARTICLE V. ROLES AND RESPONSIBILITIES

WASC members have the responsibilities identified in Chapter 18 of the Los Angeles County Flood Control District Code **and** the following additional responsibilities:

- A. Select a Chair, Co-Chairs, and/or Vice-Chair as deemed prudent;
- B. Work with District staff to schedule and commit to meetings in advance;
- C. Regularly attend WASC meetings and conduct other WASC business. An absence of two consecutive meetings or more than three meetings in one year will be considered failure to attend meetings making the member eligible for removal as a member of the WASC;
- D. Communicate regularly with District staff via phone, electronic messaging, email, and other means of communication;
- E. Meet, confer, coordinate, collaborate, and cooperate with one another, in good faith, to carry out the responsibilities of the WASC;
- F. Share expertise and provide guidance, and information on those matters for which it has specific expertise;
- G. Participate in the development of Stormwater Investment Plans (SIP) so that the development of the SIPs benefits from various stakeholder perspectives;
- H. Consider findings and recommendations from the Regional Oversight Committee before submitting final recommended SIP;
- I. Collectively confirm Scoring Committee Members from the Board approved member lists of eligible candidates;
- J. Use discretion and good business judgment in discussing the affairs of the WASC with Non-WASC-related parties – any media related inquires shall be directed to the District; and
- K. If intending to claim a stipend for attended meetings, submit certification that he/she is not otherwise being compensated per ARTICLE VI, Section 8.

ARTICLE VI. MEETINGS

Section 1. Frequency & Schedule

Each WASC shall hold regular public meetings at a frequency and schedule determined by the members, in coordination with District staff, but no less than quarterly. Alternate forms of meeting participation such as in person teleconference or video conference will be available.

Section 2. Chair

Each WASC shall elect a Chair, Co-Chairs, and/or Vice-Chair to help direct WASC meetings and processes. In the absence of a Chair, Co-Chairs or a Vice-Chair, District staff will facilitate WASC meetings. The election of any Chair, Co-Chairs, and Vice-Chair should be revisited on an annual basis. District staff will support, and Chair, Co-Chair, and/or Vice-Chair as needed and be available to address and coordinate WASC and WASC meeting logistics.

Section 3. Facilitator

The facilitator or Chair(s) shall open the meeting, announce activities according to the agenda, recognize members, state questions and put to a vote, refuse to recognize dilatory motions, enforce order and decorum, expedite business, decide all questions of order, respond to inquiries, clarify items for future action, facilitate public comment, and close meeting.

Section 4. Minutes

Minutes of WASC meetings, including votes taken, shall be kept by District staff and made available to the public for review on the SCW Program website at www.safecleanwaterla.org.

Section 5. Quorum

A quorum shall consist of a simple majority of the non-vacant primary member seats (or their alternates if in attendance on behalf of the primary) provided that at least two members from each of the categories of members (i.e., Municipalities, Agencies, and Community Stakeholders) are in attendance. If a quorum is present at a meeting, the WASC may approve any item of business by a simple majority vote. If a tie exists on any item of business, the Agency member from the District will cast the tie breaking vote.

Section 6. Brown Act

The WASC's meetings are subject to the Brown Act. This means, among other things, that:

- An agenda for each meeting will be posted at least 72 hours prior to the meeting;
- The WASC may only take action on items that appears on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Each meeting will include an opportunity for public comment.

Section 7. Conflict of Interest

Voting and non-voting Members of the Regional Program committees shall be governed by and comply with State conflict of interest laws (e.g., Government Code section 87000 et seq.; and section 1090 et seq.) and the following guidelines. Additionally, committee members may be required to file a Statement of Economic Interests ("Form 700"), and the District will provide the necessary guidance and corresponding County Model Disclosure Categories, as applicable.

Prohibited conflicts may arise where it is reasonably foreseeable that a Committee's decision could affect the personal financial interests of a Committee member. As such:

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- A. Once it's determined that a Committee member has a conflict of interest as to any item before the Committee for decision, that Committee member must disqualify themselves from voting on that item, participating in any Committee discussion of that item, or attempting to influence in any other manner, the Committee's decision on that item.
 - B. Employees and/or elected officials of Municipalities or other public agencies are NOT considered to have a personal financial interest in a program or project proposed by their employer.
 - C. Employees of private consulting firms or other private business entities are generally considered to have a personal financial interest in a program or project proposed by their employer. In addition, such employees are generally considered to have a personal financial interest in any program or project which they or their employer had provided services for in the past or which they or their employer might be hired to work on in the future.
 - D. Officers or employees of a non-profit organization, whether paid or volunteer, are generally NOT considered to have a personal financial interest in a program or project proposed by the non-profit organization solely because of their employment with that organization.

Section 8. Compensation for Participation

Committee members who are not otherwise compensated to participate may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended. Committee Members shall annually submit to the District a signed certification statement from their employer, or a self-certification if self-employed, that compensation is not provided for WASC meetings to be considered for a stipend.

ARTICLE VII. STORMWATER INVESTMENT PLANS

Section 1. Overview

The Stormwater Investment Plan (SIP) is an annual five (5) year plan developed by each WASC that recommends funding allocations for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Table 3 below reflects the first budget submittal for the Regional Program starting in fiscal year 2020-21. Each subsequent annual submittal of the SIP shall reflect projected funds to be recommended for programming for the subsequent five (5) years. Revenue collected from fiscal year 2019 – 2020 will be budgeted for fiscal year 2020 – 2021 expenses and allocated prior to the start of fiscal year 2020 – 2021, and so forth.

The purpose of SIP is to capture recommended programming for the upcoming fiscal year (to be approved by Board) as well as anticipated recommendations for the next four subsequent years. The SIP projection for the subsequent four years should remain fluid/open for revisions as:

- (1) The actual amount of available revenue for subsequent years is unknown and subject to change each year due to exemptions, credits, and appeals;
- (2) Other projects or project concepts may become available that were not ready for consideration in prior years; and

(3) Contingencies for programmed projects may be required and/or change.

As such, the WASCs will apply a monetary cap to the recommended programming in the four subsequent years. For example, a WASC may choose to recommend projects and programs totaling only 50% of the current budget year for the subsequent four years.

A typical Project included on a SIP for any phase prior to operations and maintenance (O&M) will also subsequently be funded for O&M for the lifetime of the project or for the duration of available funding, whichever ends first. Therefore, the O&M for the completed project must be accounted for and earmarked in the SIPs for the lifetime of the project.

For a multi-year project, the Infrastructure Program Project Developer must either present the project in phases that can be funded annually, demonstrate the capacity and acknowledge the risk of performing the work without encumbering the entirety of funds in advance (with earmarked future funding subject to WASC annual confirmation of budget, scope, and schedule, and ultimate Board approval), or accrue approved budget recommendations of multiple years in order to encumber the required funding in advance.

Section 2. Process for SIP project recommendations

WASCs are encouraged to use the following process when determining which Projects to include in the Infrastructure Program portion of the SIP in accordance with Section 18.07 of the Los Angeles County Flood Control District Code:

- (1) WASC considers watershed-wide needs in consultation with Watershed Coordinator and all interested stakeholders, with an emphasis on striving toward Program Goals, as defined in Section 18.04 of the Los Angeles County Flood Control District Code.
- (2) Applicants, or authorized representative(s), submit potential Feasibility Studies, project concepts, or scientific studies into the SCW Regional Program Projects Module. Technical Resources Program applicants must also submit a letter of non-objection from the municipality in which the project concept is being proposed.
- (3) District staff sends an acknowledgment of receipt to the applicants and notice(s) of official submittals to the WASC(s).
- (4) WASC initiates a discussion of submitted Feasibility Studies, project concepts, and scientific studies and determines which projects to transmit to the Scoring Committee for scoring. District staff will support effort to determine completeness of the Feasibility Studies (i.e. readiness for scoring).
- (5) Chair(s) or District staff contact applicants to schedule a presentation of the Feasibility Study, project concept, or scientific study at a future WASC meeting after receipt of score from the Scoring Committee (with standard presentation content for all applicants to be determined by WASC).
- (6) Chair(s) or District staff schedule additional discussion of the scored projects and other eligible activities on the agenda for the next WASC meeting(s) so developer(s) and public/stakeholders can sufficiently comment and share considerations.
- (7) WASC further discusses the scored projects and determines whether to include the project in the SIP in consideration of all other potential items to be included in the SIP for the



subject fiscal year, funds allocated to projects providing Disadvantaged Community (DAC) Benefits, as well as any known future considerations.

- (8) Consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs and/or revise current SIPs before Board consideration. The WASC will need to confirm final recommendation as soon as possible following ROC feedback and ROC feedback will be included in the transmittal of SIPs to the Board.

Table 3. 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 Coordinators					
Technical Assistance Team/Feasibility Study					
Technical Assistance Team/Feasibility Study					
PROJECT – POST-FEASIBILITY STUDY					
INFRASTRUCTURE PROGRAM (not less than 85%)					
Design/Permits/CEQA Budget/Pre-project planning/					
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 =					

Section 3. Funding Allocations for Projects and Programs

The WASCs will make a recommendation to the Board of Supervisors for the Regional Projects and Programs to be funded within the Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Projects and Programs will typically be given conditional funding approval for their entire budget less any anticipated leveraged funds identified. Projects, scientific studies, and other activities recommended for funding do not represent procurement of services for the District. Recipients of SCW Program funds must comply with any applicable laws pertaining to construction contracting and the procurement of architectural, engineering, or other services which will be paid for by the SCW Program funds.

WASCs should review the budgets for each proposed Project or Program to confirm that all expenditures included in the budget have a reasonable nexus to the implementation of the Project or Program. Proposed expenditures that appear unrelated to carrying out the Project or Program should be questioned and deleted from the approved budget for the Project or Program if a reasonable nexus cannot be demonstrated to the WASC's satisfaction.

Quarterly, the suite of Projects and Programs included in the SIPs shall be evaluated by the corresponding WASC using the information provided in the Quarterly Expenditure/Progress Report. WASCs will verify that the Project schedule, budget, scope and benefits have not significantly changed and are consistent with the Transfer Agreement. Projects that run over budget, are behind schedule, or reduce scope or benefits may be subject to loss of funding.

ARTICLE VIII. REVIEW OF QUARTERLY PROGRESS/EXPENDITURE REPORTS

The WASCs are responsible for reviewing quarterly progress and expenditure reports, described in Section 18.07.F, prepared by all Infrastructure Program Project Developers receiving Infrastructure Program funds and the District, on behalf of the Technical Resources Program and Scientific Studies Program. District staff will track and facilitate report submissions as well as organize and distribute reports for WASC review.

The purposes of the WASC's review of the reports are: (1) to determine whether the Project's schedule, budget, scope and benefits have significantly changed and are consistent with the Transfer Agreement; and (2) for Projects that are over budget, behind schedule, or have reduced scope or benefits, to determine whether to adjust funding or remove those Projects from future SIPs.

In addition, the WASC's evaluation of each report will be forwarded to the ROC for the ROC's consideration.

ARTICLE IX. WATERSHED AREA REGIONAL PROGRAM PROGRESS REPORTS

Annually prepare a Watershed Area Regional Program Progress (WARPP) report as identified in the Los Angeles County Flood Control District Code.



District staff will prepare a draft WARPP report on behalf of each WASC. Each WASC will be responsible for review and approval of the WARPP before submittal of the report to the ROC.

ARTICLE X. AMENDMENTS

Prior to making any amendment to these WASC Operating Guidelines, the District's Chief Engineer or their designee shall solicit input on the proposed amendments from the WASCs and shall consider all input received from the WASCs, ROC, Scoring Committee, and public.