

**MOTION BY SUPERVISOR LINDSEY P. HORVATH**

**Amendments to the Safe Clean Water Program Ordinance Regarding Frequency of**

**Administrative Reporting and Calls for Infrastructure Projects**

On March 19, 2024, this Board adopted a motion entitled *Progress and Adaptive Management of the Safe, Clean Water Program*. One of the directives of this motion was for Public Works to work with County Counsel to prepare amendments to the Safe, Clean Water Program Ordinance to Amend Section 18.07 of the Safe, Clean Water Implementation Ordinance to (1) authorize the Chief Engineer of the Los Angeles County Flood Control District to request proposals for new Projects, Project concepts, and scientific studies for inclusion in Stormwater Investments Plans on either an annual or biennial basis and (2) amend Sections 18.07, 18.08 and 18.09 to change the frequency of progress and expenditure reporting from quarterly to midyear and to clarify that certain District responsibilities are carried out by the Chief Engineer.

These changes are based on conclusions from the Safe, Clean Water Program Regional Oversight Committee's Biennial Review and a parallel review by the Director of Public Works, recommending several strategic changes to the program to accelerate implementation and improve the effectiveness of the program, and recognizing the financial constraints facing certain watersheds in 2024. It is the intention of the Board of Supervisors that these changes provide

MOTION

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flexibility to the Flood Control District on whether to open calls for new Infrastructure Program Projects, Project concepts for the Technical Resources Program and/or studies for the Scientific Studies Program on an annual or biennial basis. For the upcoming 2024/2025 Stormwater Investment Plan, it is the District's intention to continue accepting proposals for Project concepts for the Technical Resource Program, and proposals for the Scientific Studies Program.

County Counsel, with input from Public Works, has prepared the ordinance.

**I, THEREFORE, MOVE** that the Board of Supervisors

1. Find that the introduction and adoption of the ordinance is not a project under the California Environmental Quality Act.
2. Introduce the ordinance, waive reading, and place the ordinance on the Board of Supervisors' agenda for adoption on the next available Board of Supervisors' meeting .

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County of Los Angeles

Dawyn R. Harrison  
County Counsel



April 19, 2024

Mark Pestrella, Director  
Department of Public Works  
900 South Fremont Avenue  
Alhambra, California 91803-1331

Attention: Adam Ariki, Deputy Director

**Re: Ordinance Amending Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Implementation Ordinance – of the Los Angeles County Flood Control District Code**

Dear Mr. Pestrella:

Enclosed please find the analysis and ordinance pertaining to the above-referenced matter. This ordinance amends Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Implementation Ordinance – of the Los Angeles County Flood Control District Code, to change the frequency of progress and expenditure reporting from quarterly to midyear reporting and to clarify the Chief Engineer's role and responsibilities in the preparation of Stormwater Investment Plans and progress and expenditure reports.

The analysis and ordinance may be presented to the Board of Supervisors for consideration.

Very truly yours,

DAWYN R. HARRISON  
County Counsel

By

  
MARK T. YANAI  
Principal Deputy County Counsel  
Public Works Division

APPROVED AND RELEASED:

  
NICOLE DAVIS TINKHAM  
Chief Deputy

MTY:rm  
Enclosure

## **ANALYSIS**

This ordinance amends Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Program Implementation Ordinance – of Los Angeles County Flood Control District Code, to change the frequency of progress and expenditure reporting from quarterly to midyear reporting and to clarify that certain defined responsibilities regarding the preparation of Stormwater Investment Plans and progress and expenditure reports are to be carried out by the Chief Engineer.

DAWYN R. HARRISON  
County Counsel



By  
MARK T. YANAI  
Principal Deputy County Counsel  
Public Works Division

MTY:rm

Requested: 03/12/2024  
Revised: 04/10/2024

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Program Implementation Ordinance – of the Los Angeles County Flood Control District Code.

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

**SECTION 1.** Section 18.07 is hereby amended to read as follows:

**18.07 Regional Program Implementation.**

...

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~~Chief Engineer shall prepare a five (5) year revenue forecast for each Watershed Area;

b. The ~~District~~Chief Engineer 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 the Scientific Studies Program, for each Watershed Area SIP. The Chief Engineer may, in their discretion, request proposals either annually or biennially. 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 and 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:

...

(3) Projects that are included in a stormwater resource plan developed in accordance with Part 2.3 (commencing with § 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to an MS4 Permit, an Integrated Regional Water Management Plan, or other regional water management plan if determined to be equivalent by the ~~District~~Chief Engineer; and

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f. The ~~District~~Chief Engineer shall establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program. The Threshold Score shall be identified in the Feasibility Study Guidelines;

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F. Progress/Expenditure Reports.

1. Infrastructure Program Project Developers shall prepare ~~quarterly~~midyear progress and expenditure reports, as described in subsection 3 below, for their respective Projects and Programs.

2. The ~~District~~Chief Engineer shall prepare ~~quarterly~~midyear progress and expenditure reports, as described in subsection 3 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~~Midyear progress and expenditure reports shall include the following information:

- a. An estimate of the percentage of work completed;
- b. The amount of SCW Program funds expended;
- c. Documentation that the SCW Program funds were used for eligible expenditures;
- d. A discussion of work accomplished during the reporting period;
- e. The milestones or deliverables completed/submitted during the reporting period;
- f. A discussion of any scheduling concerns and issues encountered that may delay completion of the Program or Project;
- g. The work anticipated to be accomplished during 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; and

j. A summary of the outreach activities to DACs and expenditures that achieve DAC Benefits.

4. Infrastructure Program Project Developers shall prepare an annual summary report of the ~~quarterly~~ progress and expenditures ~~reports~~ for their respective Programs and Projects, including all items listed in Section 18.07.F.3. 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~~ midyear 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 or behind schedule, or that 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~~ midyear progress and expenditure report and each annual summary report to the ROC, together with the Watershed Area Steering Committees' evaluations.

**SECTION 2.** Section 18.08 is hereby amended to read as follows:



**18.08 Regional Oversight Committees (ROC).**

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

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2. The ROC shall review the ~~quarterly~~midyear and annual progress and expenditure reports: (a) prepared by the ~~District~~Chief Engineer for the Technical Resources Program and the Scientific Studies Program, and (b) prepared by the Infrastructure Program Project Developers for the Infrastructure Program, and the ROC shall provide any comments or concurrence with the evaluations by the WASCs, as appropriate.

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**SECTION 3.** Section 18.09 is hereby amended to read as follows:

**18.09 Transfer Agreements.**

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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:

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8. Requirements for auditing and ~~Annual or Quarterly Progress/ Expenditure Reports~~ and midyear progress and expenditure reports.

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