Safe, Clean Water Program

Regional Oversight Committee
Operating Guidelines

Chief Engineer of the
Los Angeles County Flood Control District

August 29, 2024

Date Adopted

Safe, Clean Water Program
Regional Oversight Committee
Charter & Operating Guidelines

ARTICLE I. PURPOSE

The purpose of these Safe, Clean Water Program Regional Oversight Committee Charter & Operating Guidelines ("ROC Charter & Operating Guidelines") is to describe the purpose of the Regional Oversight Committee (ROC) and establish procedures, requirements, and protocols for members of the ROC and the conduct of ROC business.

ARTICLE II. DEFINITIONS

The definitions set forth in Chapter 16, Section 3 and Chapter 18, Section 2 of the Los Angeles County Flood Control District (District) Code shall apply to the ROC Charter & Operating Guidelines.

ARTICLE III. REGIONAL OVERSIGHT COMMITTEE

The ROC is an advisory body to the LA County Board of Supervisors (Board), charged with high-level review and assessment of the implementation of the Safe, Clean Water Program (SCWP or Program) to help ensure that Program Purposes and Goals are met. Specific “Duties and Responsibilities” are detailed in District Code Section 18.08.C and summarized here in ARTICLES VII and VIII.

Program Purpose (District Code Section 16.02)

Provide funding for Projects and Programs to increase Stormwater and Urban Runoff Capture and reduce Stormwater and Urban Runoff pollution in the District, including Projects and Programs providing a Water Quality Benefit as well as a Water Supply Benefit and/or Community Investment Benefit.

Program Goals (District Code Section 18.04)

a. Improve water quality and contribute to attainment of water quality standards and requirements.
b. Increase drought preparedness by capturing more Stormwater and/or Urban Runoff to store, clean, reuse, and/or use to recharge groundwater basins.
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 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 Disadvantaged Community (DAC) Benefits, including Regional Program infrastructure investments that are not less than one hundred and ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.
k. Provide Regional Program infrastructure funds benefitting each Municipality 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.
l. Implement an iterative planning and evaluation process to ensure adaptive management.
m. Promote green jobs and career pathways.
n. Ensure ongoing operations and maintenance for Projects.

ARTICLE IV. ROC EXECUTIVE CLERK

The ROC Executive Clerk shall serve as a principal point of contact for the ROC members, and shall be responsible for ROC meeting logistics including working with ROC Chair(s) in preparing ROC meeting agendas, assisting ROC Chair(s) in facilitating meetings, taking and providing meeting minutes and action items, and serving as liaison with the District for the purposes of providing technical information and briefings for the ROC, as needed. The Executive Clerk role shall be fulfilled by a consultant or by District staff at the discretion of the Chief Engineer.

ARTICLE V. ROC MEMBERSHIP REQUIREMENTS

The ROC consists of nine (9) subject-matter experts with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Investment Benefits, public health, sustainability, and/or other pertinent subject matter. The ROC also consists of two (2) non-voting members, the Chair of the Regional Water Quality Control Board and the Chief Engineer of the District or their respective designee. ROC members are appointed by the Los Angeles County Board of Supervisors (Board) to ensure a diverse representation of subject-matter experts.

ARTICLE VI. TERM LENGTHS AND VACANCIES

Section 1. Serving on Multiple Committees

A person may be a member of more than one SCWP committee simultaneously, including the Regional Oversight Committee, and one or more Watershed Area Steering Committees (WASC), and/or the Scoring Committee, provided they can demonstrate the capacity to do so effectively. If the person is appointed by the Board to more than one SCWP committee, it shall be deemed that the person has the required capacity.

The duties and responsibilities of ROC members are described in ARTICLES VII and VIII, below. Should a member's performance suffer as a result of serving on more than one SCWP committee, the members of the ROC 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 within ARTICLE VI Sections 3 and 4.

Section 2. Member Term Lengths

The membership term for all members shall be four years, and new appointments or reappointments shall be made as generally shown in Table 1 below. The membership terms in each membership cycle may be extended by a period determined by the Chief Engineer to be sufficient for the ROC to complete the preparation of a pending SCW Program Progress Report and submit that report to the Board. Additionally, Board-appointed members continue to serve at the pleasure of the Board even after their terms expire until new appointments or reappointments are made.

Members may serve multiple terms if reappointed by the Board. The appointments for each term must include at least two Water Quality Benefits experts, one Water Supply Benefits expert, and one expert in Community Investment Benefits and/or Nature-Based Solutions.

The Executive Clerk shall track the expiration of all members' terms of service, notify ROC members of upcoming term expiration dates, and as needed, assist District staff in supporting the Executive Office of the Board's facilitation of the nomination process for the next term.

Table 1. ROC Membership Term Expiration and Appointment Schedule

Term Expiration/Appointment Schedule											
Subject matter experts have expertise in the following categories: Water Quality Benefits (WQ), Water Supply Benefits (WS), Nature-Based Solutions (NBS)/ Community Investments Benefits (CIB)											
	2019	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2031**
ROC	X				X				X	…	X

** X denotes when the members are intended to be appointed*

Section 3. Withdrawal and Removal of Members

A member may withdraw from participation as a member of the ROC by providing sixty (60) days prior written notice to the Executive Clerk and District.

A member may be removed from the ROC if the Chief Engineer determines that the member is no longer able to effectively serve on the ROC, the member fails to comply with these Charter & Operating Guidelines or fails to regularly attend meetings as described in Article VI, Section 4, below. The removal of the member shall be effective as of the date of written notice to the member from the Chief Engineer.

Section 4. Attendance

Regular attendance at meetings is critical to the effective performance of ROC members of their responsibilities and the overall functioning of the ROC. Members are expected to make themselves reasonably available for meetings and to cooperate with the Executive Clerk in advance of ROC meetings by providing timely responses to requests for availability. The Executive Clerk will track attendance and communicate in advance with any ROC members regarding attendance concerns. Absence of a ROC member from three consecutive meetings or more than five meetings within the ROC term will be considered a failure to regularly attend meetings and subject the member to removal under Section 3, above.

Section 5. Vacancies

During a ROC term, if a member withdraws or is removed from the ROC, the vacancy will be filled with someone having similar subject matter expertise by the Chief Engineer or their designee for the remainder of the term.

ARTICLE VII. DUTIES OF THE ROC

The ROC's purpose is stated above in ARTICLE III and includes high-level review and assessment of the adaptive management of the Program. The ROC has the following duties as identified in Chapter 18 of the Los Angeles County Flood Control District Code, which should be exercised at the program-wide level (not project-specific):

1. The ROC shall annually review the Stormwater Investment Plan (SIP) for each Watershed Area and make recommendations to the Board for approval thereof. The purposes of the ROC's review of the reports are to: (1) determine whether the WASC evaluations are appropriate; and (2) identify additional comments or recommendations. ROC will provide feedback to the WASCs and report findings to the Board. Additional details are described in ARTICLE IX.

2. The ROC shall review the midyear and annual progress and expenditure reports (a) prepared by the District for the Technical Resources Program and the Scientific Studies Program, and (b) prepared by Infrastructure Program Project Developers for the Infrastructure Program. The District will compile high-level feedback to consider for future planning and future reporting, which will be made available to the WASC, the Board, and the public.

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 Program Goals were advanced or 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 WASC and the Board.

4. The ROC shall review, evaluate, and develop recommendations regarding the annual progress and expenditure reports prepared, as required, by each Municipality, as described in Chapter 18 Sections 8.C and 6.D of the District Code. The purpose of the

ROC's review of the reports is to: (1) determine whether the Municipalities used SCWP funds for qualifying eligible expenses; and (2) determine whether and the extent to which each Municipality has achieved Program Goals. The ROC shall provide feedback to the Municipalities and report findings to the Board, as appropriate.

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 meeting to receive public comments on the draft. Comments may also be submitted in writing;
    b. After conclusion of the public comment period, the ROC may revise the draft SCW Program Progress Report as it determines appropriate or necessary based on public comments received; and
    c. The ROC shall submit – through the District – the final SCW Program Progress Report to the Board and make the final Report available to the public.

ARTICLE VIII. RESPONSIBILITIES OF ROC MEMBERS

ROC members shall have the following responsibilities:

A. Annually elect a Chair, Co-Chairs, and/or Vice-Chair;

B. Work with the Executive Clerk and/or Chief Engineer and/or their designees to schedule and commit to meetings in advance;

C. Regularly attend ROC meetings and conduct other ROC business;

D. Meet, confer, coordinate, collaborate, and cooperate with one another, in good faith, during all ROC meetings, to carry out the duties and responsibilities of the ROC;

E. Share expertise and provide guidance and information on those matters for which members have specific expertise;

F. Use discretion and good business judgment in discussing the affairs of the ROC with outside parties. Any media-related inquires shall be directed to the Executive Clerk and/or Chief Engineer or their designee; and

G. If intending to claim a stipend for meetings attended, submit certification that he/she is not otherwise being compensated per ARTICLE IX, Section 8.

ARTICLE IX. MEETINGS

Section 1. Frequency & Schedule

The ROC shall hold regular public meetings at a frequency and schedule determined by the Chair and Vice-Chair or Co-Chairs, in coordination with the members, the Executive Clerk, and Chief Engineer or their designee, but no less than quarterly and additionally as needed. In person attendance is expected at each committee meeting provided, however, that remote participation may be authorized for individual members on a case-by-case basis in accordance with the provisions of the Brown Act.

Section 2. Chair, Co-Chairs, and Vice-Chair.

The ROC shall annually elect or re-elect a Chair, Co-Chairs, and/or Vice-Chair to help direct ROC meetings and processes. In the absence of a Chair, Co-Chairs or a Vice-Chair, the Executive Clerk shall facilitate ROC meetings. The Executive Clerk and/or District staff will support the Chair, Co-Chairs, and/or Vice-Chair as needed and be available to address and coordinate ROC and ROC meeting logistics.

Section 3. Facilitation

The Chair(s) or Executive Clerk 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 the meeting.

Section 4. Minutes

Minutes of ROC meetings, including a record of votes taken on agenda items, shall be kept by the Executive clerk and/or District staff, and made available to the public for review on the SCW Program website at www.safecleanwaterla.org.

Section 5. Quorum

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

Section 6. Brown Act

The ROC'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 ROC may only take action on items that appear on the agenda for that meeting
- Members should not discuss agenda items with a majority of other committee members outside of the meeting
- Each meeting will include an opportunity for public comment

Section 7. Conflict of Interest

Members of the Regional Program committees 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 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 decision could affect the personal financial interests of a Committee member. As such:

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 Executive Clerk a signed certification statement from their employer, or a self-certification if self-employed, that compensation is not provided for Regional Oversight Committee meetings to be considered for a stipend.

ARTICLE X. STORMWATER INVESTMENTS PLANS (SIPs)

Section 1. Overview

The 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.

The purpose of SIPs is to capture recommended programming for the upcoming fiscal year (to be approved by the Board) as well as anticipated recommendations for the next four subsequent years. The SIP projection for the subsequent four years should remain fluid/open. A typical Project included on a SIP for any phase prior to operations and maintenance will also subsequently be funded for operations and maintenance for the lifetime of the project or for the duration of available funding, whichever ends first. Therefore, the operations and maintenance 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 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.

The ROC reviews each SIP from a programmatic perspective, determines whether, and the extent to which, each SIP achieves the SCW Program Goals, and provides its findings to the Board with recommendations regarding whether each SIP should be approved. Before providing a finding to the Board that a SIP is not achieving the goals of the SCWP to the desired level, the ROC shall provide its findings and recommendations on each such SIP to the respective WASC such that the WASC can reconsider their proposed SIP. The ROC does not have line-item veto power, but the WASCs will consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs and/or revise current SIPs prior to Board consideration. ROC feedback to WASCs – and the subsequent revisions, if any – will be included in the transmittal of SIPs to the Board for approval.

ARTICLE XI. AMENDMENTS

Prior to making any amendment to the ROC Charter and Operating Guidelines, the Chief Engineer or their designee shall discuss and consider input on the proposed amendments from the ROC members.