Safe, Clean Water Program

Watershed Area Steering Committee Operating Guidelines

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Los Angeles County Flood Control District

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Safe, Clean Water Program
Watershed Area Steering Committee
Operating Guidelines

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ARTICLE I. PURPOSE

The purpose of these Safe, Clean Water (SCW) Program Watershed Area Steering Committee Operating Guidelines ("WASC Operating Guidelines") is 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 Chapter 16, Section 3 and Chapter 18, Section 2 of the Los Angeles County Flood Control District (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 +	• 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 +	• 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 +	• 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 include 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 +	• 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 +	• 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 fields. • Familiar with the agencies and organizations involved in habitat/open space issues in the District who are likely to be Infrastructure Program Project Developers, landowners, or permitters of Projects.
At Large Community Stakeholders	Two +	• 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 +	• Experience in water resource issues. • Educational background or equivalent work experience in natural sciences, ecology, land use management, conservation, or other water resource-related fields. • Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning, or closely related field.

Business	Two +	• 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 +	• 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 +	• 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.
General Minimum Qualifications for all Members: • 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.

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 a different full-time employee for each applicable Watershed Area.

Section 2. Member Term Lengths

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)			X (45)

Note (45) is the number of Program-wide Committee Members.

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 non-designated 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 ARTICLE IV Section 6, 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 Chapter 18, Section 7.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 each of the 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 designate an alternate member for the primary member's seat that will be able to represent the same geographic or subject matter interests as the primary member.

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 shall be filled by someone that will be able to represent the same geographic or subject matter interests as the primary member 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 that will be able to represent the same geographic or subject matter interests as the primary member. If both the primary and alternate seat are vacant, the primary seat will be selected by the Chief Engineer or their designee and appointed by the Board for the remainder of the term.

Section 6. Withdrawal and Removal of Members

A member may withdraw from participation as a member of a WASC by providing a written notice to the District as soon as feasible or at most, within sixty (60) days.

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, by majority vote in an open session, to recommend to the Chief Engineer that a Watershed Coordinator not be renewed for a subsequent contract term if the WASC determines that the Watershed Coordinator does not satisfactorily meet the needs of the WASC.

ARTICLE V. ROLES AND RESPONSIBILITIES

While adhering to Brown Act requirements per ARTICLE VI, Section 6, 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 by both the primary member and the alternate member 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. In-person attendance is expected at each committee meeting. However, remote participation is authorized for members

that submit a disclosure of "just cause" under the Brown Act and quorum must still participate in the meeting from a single physical location.

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. If an elected Chair, Co-Chair, or Vice-Chair is unable to complete their term, the WASC may select a replacement during a WASC meeting under the appropriate agendized item, in accordance with the WASC Operating Guidelines. District staff will support the Chair, Co-Chair, and/or Vice-Chair, and be available to address and coordinate WASC and WASC meeting logistics. Refer to the Expectations of the Chair guidance on the SCW Program website for additional details.

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.

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 one member from each category of members (i.e., Municipalities, Agencies, and Community Stakeholders) is 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 discuss and take action on items that appear on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Members should not hear, discuss, or deliberate on matters within the committee's jurisdiction, whether verbal or in writing, that involves more than quorum of the WASC. Such discussions or gatherings, may be subject to Brown Act;
- 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. Refer to the Conflict of Interest Guidance on the SCW Program website for additional details.

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. To be considered for a stipend, Committee members shall 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 and register as a vendor with the County of Los Angeles at ISD camis/webven.

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 eligible Projects, Project concepts, and Scientific Studies in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program, respectively. Each 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 the SIP 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 for revisions as:

- The actual amount of available revenue for subsequent years is unknown and subject to change each year due to exemptions, credits, and appeals;
- Other Projects, Project concepts, or Scientific Studies may become available that were not ready for consideration in prior years; and
- 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. Refer to the SIP Programming Guidelines on the SCW Program website for additional details.

Section 2. Process

WASCs are encouraged to use the following process when determining which Projects, Project concepts, or Scientific Studies to include in the Infrastructure, Technical Resources, and Scientific

Studies Programs of the SIP in accordance with Chapter 18, Section 7 of the Los Angeles County Flood Control District Code:

A. 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 Chapter 18, Section 4 of the District Code.

B. 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 and/or underlying fee owner of the site location in which the Project concept is being proposed.

C. District staff sends notice(s) of submittals to the WASC(s). District staff is solely responsible for determining completeness and eligibility of the proposals submitted to the Infrastructure, Technical Resources, and Scientific Studies Programs.

D. WASC initiates a discussion of eligible Feasibility Studies and determines which Projects to transmit to the Scoring Committee for scoring.

E. District staff, on behalf of the WASC, contacts applicants to schedule a presentation of the Feasibility Study, Project concept, or Scientific Study at a future WASC meeting after the steps above, including receipt of score from the Scoring Committee (with standard presentation content for all applicants to be determined by WASC).

F. District staff, on behalf of the WASC, schedules additional discussion of eligible Project, Project concept, and Scientific Studies on the agenda for the next WASC meeting(s) so developer(s) and public/stakeholders can sufficiently comment and share considerations.

G. WASC further discusses eligible Projects, Project concepts, and Scientific Studies and determines whether to include Projects, Project concepts, and Scientific Studies in the SIP when factoring in all other potential items to be included in the SIP for the subject fiscal year. Factors to consider include Watershed Coordinators, continuing Projects and Scientific Studies, any known future considerations, and other applicable guidance provided in the SIP Programming Guidelines on the SCW Program website.

H. WASC further factors in eligible Projects' alignment with the Initial Watershed Plans when determining whether to include Projects in the SIP and identifies the WASC's priorities, additional opportunities and focus areas for future SIPs. Refer to the Initial Watershed Plans and Feasibility Study Guidelines on the SCW Program website.

I. 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.

Section 3. Funding Allocations

The WASCs, through the ROC, will make a recommendation to the Board of Supervisors for the Regional Projects, Project concepts, and Scientific Studies to be funded within the Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Projects, Concepts, and Scientific Studies will typically be given conditional funding approval for their entire budget less any anticipated leveraged funds identified. Projects, Project concepts, and Scientific Studies 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, Project concept, or Scientific Study to confirm that all expenditures included in the budget have a reasonable nexus to the implementation of the Project, Project concept, or Scientific Study. Proposed expenditures that appear unrelated to carrying out the Project, Project concept, or Scientific Study should be questioned and deleted from the approved budget for the Project, Project concept, or Scientific Study if a reasonable nexus cannot be demonstrated to the WASC's satisfaction.

Biannually, the suite of Projects and Scientific Studies included in the SIPs shall be evaluated by the corresponding WASC using the information provided in the Mid-Year and Annual progress/expenditure reports. WASCs will verify that the Project or Scientific Study schedule, budget, scope, and benefits have not significantly changed and are consistent with the Transfer Agreement. Projects or Scientific Studies that run over budget, are behind schedule, or reduce scope or benefits may be subject to loss of funding.

ARTICLE VIII. REVIEW OF MID-YEAR AND ANNUAL PROGRESS/EXPENDITURE REPORTS

The WASCs are responsible for reviewing Mid-Year and Annual progress and expenditure reports, described in Chapter 18, Section 7.F, prepared by all Infrastructure Program Project Developers and Scientific Studies proponents awarded Infrastructure Program or Scientific Studies Program funds. The District will track and facilitate report submissions as well as organize and distribute completed reports for WASC review.

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

The WASCs shall annually prepare a Watershed Area Regional Program Progress (WARPP) report as identified in the Los Angeles County Flood Control District Code, Chapter 18, Section 7.

District 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 the WASC Operating Guidelines, the 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.