



TO: Hon. Sheila Kuehl, Chair, Los Angeles County Board of Supervisors
Hon. Janice Hahn, Chair Pro Tem, Los Angeles County Board of Supervisors
Hon. Hilda L. Solis, Supervisor, First District, Los Angeles County
Hon. Mark Ridley-Thomas, Supervisor, Second District, Los Angeles County
Hon. Kathryn Barger, Supervisor, Fifth District, Los Angeles County
Mark Pestrella, Director of Public Works, Los Angeles County

CC: Safe, Clean Water Program Stakeholder Advisory Committee
Leslie Friedman Johnson, Conservation and Natural Resources Group
Los Angeles Regional Water Quality Control Board

FROM: OurWaterLA

DATE: April 3, 2018

RE: Policy Recommendations for the Safe, Clean Water Program

OurWaterLA appreciates the opportunity to submit policy recommendations on three topics: Economic/Workforce Development, Tax Structure and Governance. Our coalition has developed these recommendations after considerable internal discussions and collaboration with other stakeholders. We acknowledge the County is still developing their staff recommendations and seeking input from the Stakeholder Advisory Committee and other interested parties, therefore we submit these recommendations anticipating there will be differing perspectives on these issues. However, it should be noted that the members of OurWaterLA represent a wide range of environmental, social justice and labor organizations who collectively have hundreds of years of experience in working on water resource issues.

As new issues and information surfaces we anticipate refining our recommendations but we believe it is important to share this information as early as possible to inform the staff, consultants and most importantly the decision makers on our thinking. Lastly, we are interested in hearing more about how the County plans to develop project and program details assuming the measure passes. Measure A staff clearly established during the Stakeholder input process that there would be a committee established should the measure pass to work on more detailed funding guidelines. We support that approach and would like to hear back that the same process is contemplated for this program should the measure pass. Please feel free to reach out to us directly to address any questions and we look forward to working with you on making the Safe, Clean Water Program a success.



ECONOMIC/WORKFORCE DEVELOPMENT AND PROJECT STANDARDS POSITION PAPER

April 3, 2018

The County's Safe, Clean Water Program (SCWP, or program) and related funding measure proposal can contribute to local *economic* and water resilience. The County Supervisors' goals for the program include not only water supply and quality, but also multi-benefit projects that lead to community investments, especially for underserved areas. Nature-based, green infrastructure projects can provide an economic stimulus for the region, creating quality jobs accessible to workers without advanced degrees. These projects typically have lower capital and maintenance costs than traditional ("gray") infrastructure, and have been shown to yield 20 times the benefits due to the extensive community benefits.

The County's proposed infrastructure investments have the potential to create around **9,500 jobs and over \$14 billion in economic activity** over 30 years, according to a recent report from the Los Angeles Alliance for a New Economy (LAANE), Liquid Assets: How Stormwater Infrastructure Builds Resilience, Health, Jobs, & Equity.¹ Given the hundreds of millions of taxpayer dollars that would be invested each year, the OurWaterLA Coalition believes these projects must be constructed and maintained according to the highest job- and environmental-standards, sustaining both the environment and workers' families.

Building Resilience: Construction Careers

Local governments and agencies' investments in the construction jobs associated with public infrastructure projects have built ladders for new generations of workers to enter the middle class. These ladders are most effective when built using the framework of a Construction Careers Policy, which incorporates Community Workforce Agreements (CWA) and targeted hire programs for local workers and those facing barriers to employment.² These policies have covered tens of thousands of jobs on over \$12 billion worth of regional infrastructure projects, creating career pathways for thousands of disadvantaged workers. CWAs are made prior to the start of work, setting terms and conditions for employment, reducing uncertainty for all parties, ensuring a reliable flow of labor, protecting the public investment, and ensuring worker safety. CWAs also ensure successful implementation of targeted and local hire goals: LAANE analysis of six area policies showed that all exceeded goals for targeted hiring (by an average of 14 percentage points) and for disadvantaged hiring (by an average of 8 percentage points).

¹ http://laane.org/wp-content/uploads/2018/03/LAANE_Liquid-Assets_Stormwater-Report.pdf

² Community Workforce Agreements pertain to project construction, and would not preclude CBO/NGO involvement in project design, development, community engagement, or advocacy. CBO/NGO entities interested in leading project construction would be eligible to do so by meeting the CWA-established standards.

The County has shown leadership in this arena: its policies for the Martin Luther King, Jr., Outpatient Clinic ensured it was completed on time and on budget, and went far beyond the County's goals for local hire and small business assistance. The County has taken steps to build off of this success, with 2017 motions pursuing CWA-style agreements, adoption of a Local and Targeted Worker Hire policy with 14 categories of targeted workers and a list of qualifying zip codes, consideration of a Construction Careers and Economic Development Initiative, and work supporting Social Enterprises.³

OurWaterLA Proposal

- Prevailing wages must apply to construction jobs per public contracting requirements.
- For capital projects with budgets over \$2.5 million which receive funding from the proposed funding source, Community Workforce Agreements with local/targeted hire and workforce development components must apply (without preempting or precluding any CWA or PLA in place at the city level). This would apply whether the project is funded by the Regional Program funds, Municipal (Local Returns) funds, or County Flood Control District Funds.
- The County's Local and Targeted Worker Hire policy must apply to projects that receive funding from the proposed funding measure, regardless of the funding pool. Reporting must be tracked and posted online.
- The County must encourage the participation of non-profit organization in the development and implementation of nature-based solution projects.
- The County must encourage collaborative use of Municipal funds in order to enable larger projects, such as by offering technical/administrative assistance via a Construction Authority or other entity.
- In order to maximize funds available for the Supervisors' priority of multi-benefit projects and the associated job opportunities, a maximum of 10% of the funds for the Municipal program may go to single-purpose water quality improvement, such as street sweeping or storm drain catchment maintenance, and cannot be used to replace existing municipal resources for these types of expenses (see: OWLA Project Criteria proposal).

Protecting Our Investment: Operations and Maintenance

The EPA recently concluded that "proper maintenance is essential to maximizing the environmental, social, and economic benefits of green infrastructure, as well as ensuring that projects perform as they were designed to." Projects that are not properly maintained not only fail to maximize water capture, but can also lead to standing water and increased pollutants entering storm drains—endangering human and environmental health. Given the importance of uniform and ongoing operations and maintenance (O&M) to the successful operation of stormwater infrastructure, the SCWP must be designed to ensure maintenance is uniform, consistent, and conducted according to high standards.

³ <http://economicdevelopment.lacounty.gov/local-worker-program/>

OurWaterLA Proposal

- Each project should include a formal, specific O&M plan, which should be developed in conjunction with initial project design, reviewed periodically, and include a tracking system to ensure completion of the prescribed work.
- In order to ensure taxpayer investments are properly maintained, the public sector must be responsible for maintaining capital, non-residential projects, if O&M is funded by the proposed SCWP funding measure (from any funding pool).
 - For example, O&M could be provided by city staff, school district maintenance staff for campus projects, or other agency staff as appropriate.
 - There must be an allowance for agencies to establish workforce development programs and partnership to help maintain projects, as described below.
- If an agency seeks SCWP funding for the O&M of a new capital project, but does not have the desire or capacity to maintain said project with agency staff, the County must assume O&M of the project to be done by a specialized O&M team.
 - This team must be made up of pertinent experts including specially trained landscape and grounds maintenance crews, skilled craftspeople, scientists, and engineers.
 - To help form this team, the County must support and partner with workforce development programs, as described below.
 - The County could receive the associated O&M funds for project maintenance, or the agency could contract with the County, such as with the Sheriff's Department or Department of Mental Health.
- Maintenance of commercial or industrial projects, when funded by an ongoing credit or through a reduced tax rate, must be maintained through a "green infrastructure maintenance"-certified workforce. Commercial/industrial projects must provide a maintenance commitment and plan.

Career Pipelines and Workforce Development

The County's SCWP should work with community, labor, and educational partners to establish pipelines into construction and O&M jobs for those who most need them, building off of examples like the City of Los Angeles' Targeted and Local Hire Program (which partners with local worksorce centers), or the County's partnership with the Worker Education and Resource Center. The County can leverage its existing workforce development expertise (such as established in the Workforce Development, Aging, and Community Services Department and its Workforce Development Board) and funding sources (such as Workforce Innovation and Opportunity Act funds).

OurWaterLA Proposal

- The proposed SCWP funding measure should fund workforce development programs (including pre-apprenticeships utilizing Building Trades Multi-Craft Core Curriculum (MC3) and joint labor-management apprenticeships) for the construction/O&M of

stormwater projects, including programs aimed at youth, veterans, and other County targeted populations (per OWLA Project Criteria proposal: 4% of funds).

- These programs must be approved by the County to ensure high standards are met.
 - Workforce development programs must have a track-record of serving disadvantaged communities or have demonstrated a high job placement rate among trainees from disadvantaged communities, particularly those for youth and low-income communities.
 - Programs should incorporate partnerships with educational institutions, community organizations/faith-based groups, and unions/employers, such as the Second Chance Pre-Apprenticeship Bootcamp,⁴ which recently graduated its 4th cohort of formerly incarcerated residents.
 - Programs should be geographically distributed throughout the County.
- Programs must be initiated now to ensure that trained workers are prepared for these projects.
- Workers that have successfully completed these programs should receive priority hiring.
- The County must provide technical assistance to NGOs/small cities regarding labor compliance regulations and reporting (e.g. via the Department of Business and Consumer Affairs).
- Participants in workforce development programs should learn while they earn, receiving a living wage. For example, the highly successful Utility Pre-Craft Trainee program at LADWP,⁵ installing energy efficiency retrofits, pays trainees \$17/hour.
- The County should support establishment of local green infrastructure construction/O&M certification, such as partnering with the National Green Infrastructure Certification program,⁶ developed by the Water Environment Federation and DC Water (District of Columbia Water and Sewer Authority).

⁴ <http://thelafed.org/releases/fourth-cohort-formerly-incarcerated-graduated-labors-second-chance-pre-apprenticeship-bootcamp/>

⁵ <http://laborcenter.berkeley.edu/pdf/2016/Training-for-the-Future-2.pdf>

⁶ <http://ngicp.org/>



GOVERNANCE POLICY RECOMMENDATION

April 3, 2018

Policy Goal: A governance structure which values the input of a broad based set of stakeholders including, permittees (cities, municipalities and others that may become permittees, now and in the future), water entities, environmental organizations, social justice community organizations, business, schools, parks, public health, sanitation, open space and the LAC Flood Control District.

Rationale: A properly constituted governance structure is a critical component of an accountable, fair and trustworthy program. We agree with the overall proposal by staff to model the structure using watersheds with the EWMPs and WMPs nested in eight sub-regions as an appropriate starting point. However, some significant representation issues must be addressed, as we have specified below, to ensure that low-income communities are meaningfully represented, as well as those landholdings that represent the best opportunities for implementing nature-based solutions in communities, schools and parks.

Lastly, with respect to the project selection process identified by staff, we recommend a significant change to the process and recommend that the “Technical Committee” instead become a “Technical Assistance Committee” which provides upfront project and as need ongoing technical assistance. This group can effectively assist with the development of competitive projects, particularly for low-income communities or areas/cities that do not have the technical capacity to develop nature-based projects.

OWLA provides the comments below and the flow charts at the end of the narrative, which describe the recommendations for each section as noted.

Geographic Areas

- The broad geographic areas recommended by County Staff make sense; the number of regions is reasonable.
- Nesting of EWMP groups has been thoughtfully aligned with watersheds which makes sense for planning purposes

Project Selection Process – Technical Assistance Committee (TAC) (Chart 1 & 2)

- The TAC should only provide technical “assistance.”
- Technical assistance should be prioritized at the front end of project concept & design (see Chart 1).

- A priority for technical assistance must be given to projects which will serve low-income communities and small cities.
- The TAC must provide assistance in grant writing with a priority given to low-income communities and small cities.
- The TAC must include a watershed coordinator from each of the geographic regions (8 as proposed).
- Watershed coordinators must have science-based training, experience in local planning and serve as a mentor to project proponents. The Watershed Coordinator will serve as the overall coordinator to ensure that projects work well together regionally. The Dept. of Conservation Watershed Coordinator Program is a good model for this function.
- The TAC should not have decision making authority for funding projects.
- The TAC must include local community environmental and social justice NGOs.
- The TAC must provide project implementation assistance, particularly to NGOs and small cities to assist with permitting, public agency coordination and general assistance on project implementation.
- The TAC must also provide training and expertise to develop a bench of NGOs equipped with the capacity to implement projects under this program.

Chart 1

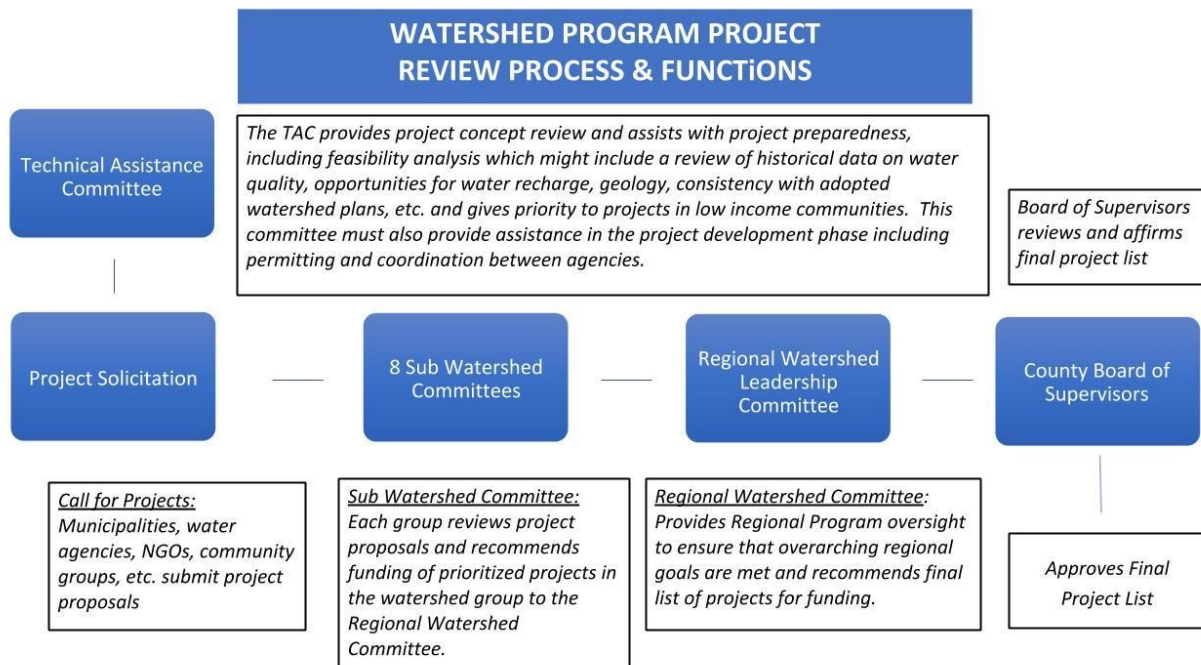


Chart 2

Technical Assistance Committee

- Watershed Coordinator
 - LACFCD Watershed Division Staff
 - Environmental NGO
 - Social/Environmental Justice NGO
- Assisted by Qualified Volunteers, On Call*
- Paid Consultants/LAC DPW Staff:*
- Ecologist - Nature based solutions
 - Hydrologist
 - Environmental Scientist
 - Geologist
 - Construction Cost Estimator

Funding Options (Chart 3)

- The same project criteria must be used for both the Watershed and Regional programs.
- The proposed two-tier (Scenario 2) for a Watershed & Regional allocation of funds is necessary in order to ensure that projects and programs which have regional impact can be administered effectively and efficiently
- The regional program must give priority to programs and projects which benefit low income communities and small cities.
- There must be provision developed in the program guidelines which would specify that an independent review would determine every 5 years any corrective actions necessary to ensure that program funds are allocated fairly based on money in, money out or if not that there is a corrective plan to address corrections to the allocations.
- An oversight committee must be established to ensure that the goals of the program are met with respect to both the Watershed and Regional Programs. The City of LA Prop O provides a good example of such a program.
- In order to summarize our funding recommendations Chart 3 below provides an overview of our recommended allocations.

Chart 3

Program Fund Allocations

All projects must achieve water quality, water supply/conservation benefits by utilizing a nature-based approach which provides community investments (except as provided in the local return program funds). Assuming that the net allocation of funds is in the range of \$300M annually OWLA recommends the following distribution:

- A minimum of 41% for low income communities
- A minimum of 5% of the funds must be dedicated to residential retrofit programs.
- A minimum of 4% of the funds must be dedicated to a green infrastructure job training program which gives priority to youth and veterans.
- A minimum of 2% for technical assistance programs
- A minimum of 1% for administration of the retrofit program
- A minimum of 1% for administration of the credits/rebate program
- A minimum of 1% for educational programs

Governance Membership (Chart 4)

In order to make an informed recommendation, we request information regarding population and parcel-based land mass distribution for each proposed sub-region.

In addition, the following recommendations must apply for the selected membership configuration from cities/COGS:

- Broad stakeholder representation on the Governance committee is essential for ensuring wide and strong commitment to the Safe, Clean Water Program and success in project delivery.
- In order to have a balanced decision making process which values the input of all stakeholders, cities and COGs must never constitute more than 60% of the total votes in a watershed group sub-region
- The city and COG seats must have the flexibility to name either electeds or designees, i.e., staff.
- All appointees to the “interest” groups must have **local** knowledge.
- All appointees must be expected to serve for at least two years
- The following changes/additions to the recommended “interest” groups for a total of 11 voting and 1 non-voting members in this category.
 - LACFCD - agree but must be affiliated with the Watershed Division
 - Water Agency - representing one of the sub-region water districts
 - Sanitation - LAC Sanitation District or local sanitation department rep. as appropriate

- Public Health - Representative (rep) from LAC Health
- Disadvantaged Communities - Local Social Justice NGO
- Local Environmental NGO
- Open Space - Regional, State or Federal Agency rep
- Parks - Local municipal park rep
- School Board Member - local school board member rep
- Watershed Coordinator
- Business - regional chamber or economic partnership member
- Regional Board – non-voting member

Chart 4

Sub Watershed Committee Membership

Membership of Cities/Unincorporated Areas

- Representation should be based on tax revenue generated
- The county shall appoint a steering committee with representation from each sub watershed and stakeholder members to establish membership qualifications and recommend a nomination process for membership.
- No more than 14 seats (a majority) for each group
- Seats may be filled by staff and/or COG staff

Stakeholder Members

- Watershed Coordinator
- LAC FCD Watershed Division
- Water Agency
- Sanitation Agency
- Public Health Agency
- Local Social Justice NGO
- Local Environmental NGO
- Open Space - Regional, State or Federal Agency rep
- Parks - Local municipal park rep
- School Board Member - local school board member rep
- Business - regional chamber/economic partnership member
- Regional Board - non voting member

Regional Governance Committee (Chart 5)

- Representation from each regional watershed group is essential
- The special interest representation should mirror the seats listed above for the sub-regions for a total of 20 voting and 1 non-voting members.

Chart 5

Regional Watershed Committee Membership

8 Watershed Committee Member Chairs

- Santa Clara River & Antelope Valley
- Upper Los Angeles River
- Upper San Gabriel River
- North Santa Monica Bay
- Central Santa Monica Bay
- South Santa Monica Bay
- Lower Los Angeles River
- Lower San Gabriel River

Stakeholder Members

- Watershed Coordinator
- LACFCD
- Water Agency
- Sanitation Agency
- Public Health Agency
- Regional Social Justice NGO
- Regional Environmental NGO
- Open Space - Regional, State or Federal Agency rep
- Parks - Local municipal park rep
- School Board Member
- Business
- Regional Board - non voting member



TAX STRUCTURE RECOMMENDATION

April 3, 2018

The OurWaterLA Coalition proposed a preferred tax structure in its submittal on March 6, 2018. Recognizing the potential constraints on the proposed tax structure imposed by recent state law (AB 195), the OurWaterLA Coalition is submitting a follow-up proposal within those constraints. OurWaterLA proposes a cap on the tax for small- to medium residential parcels in order to increase voter understanding of the measure and to better protect lower-income homeowners and renters. Many residences in lower-income urban areas have been required to pave over yard areas to meet parking requirements as single-family homes are converted into multi-family dwellings. In other circumstances, where multiple families live in one home, increase paving may have been implemented to save money on water or to create “outdoor living room” spaces. These same residents are more likely to be concerned about the potential financial impact of the proposed tax and more likely to be financially impacted by it, if the tax is based strictly on permeable square footage. A cap can also help increase the average home-owning voter’s understanding of the proposed tax measure and degree of comfort with what they would be expected to pay.

The proposed \$85 cap is based on an average of the median parcel size/permeability calculations provided by the County (\$73 and \$98, depending on whether \$300 million or \$400 million is sought). The Coalition suggests that the County analyze whether \$85 would be an appropriate amount for parcels under 7,200 square feet to pay given the \$300-400 million funding amount desired.

COUNTY PROPOSAL

Shall an ordinance intended to improve and protect water quality; increase safe drinking water supplies; protect public health; reduce stormwater pollution entering Los Angeles County waterways and beaches; prepare for future droughts; protect marine life; and upgrade outdated water infrastructure by establishing a parcel tax of X (x) cents per square foot of impermeable surface, exempting low-income senior citizens, raising x million dollars annually until ended by voters, with audits, oversight and local control of funds be adopted?

OWLA PROPOSAL

Shall an ordinance intended to improve ~~and protect~~ water quality; increase ~~safe~~-drinking water supplies; protect public health; reduce stormwater pollution entering ~~Los Angeles County~~ waterways and beaches; prepare for ~~future~~-droughts; protect marine life; **create jobs**; and upgrade ~~outdated~~ water infrastructure by establishing a parcel taxes of X (~~x~~)-cents per square foot of impermeable surface, **capping residential parcels under 7,200 square feet at \$85**, exempting low-income senior citizens, raising x million dollars annually until ended by voters, with audits, oversight and local **funding** control of ~~funds~~ be adopted?