



# CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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PATRICK H. WEST  
CITY MANAGER

May 11, 2018

The Honorable Sheila Kuehl, Chairwoman  
Los Angeles County Board of Supervisors  
821 Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

The Honorable Janice Hahn  
Los Angeles County Board of Supervisors  
821 Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

**Re: CITY OF LONG BEACH – Comments on the Safe, Clean Water Program, Draft Program Elements**

Dear Chairwoman Kuehl and Supervisor Hahn:

On behalf of the City of Long Beach (City), thank you for including Long Beach in the development of the Safe, Clean Water Program (Program) and releasing the Draft Program Element for public comment. The City is pleased to see that water quality is a crucial component in the proposed Program and offers the attached comments for the County of Los Angeles' (County) consideration.

To summarize, Long Beach appreciates:

- Direct funding to cities through the Municipal Program;
- Flexibility within the Municipal Program to allow cities to focus on water quality projects by using data driven decision making to comply with Total Daily Maximum Load (TMDL) mandates, National Pollutant Discharge Elimination System (NPDES) permits, and Municipal Separate Storm Sewer System (MS 4) permits; and
- The Los Angeles County Flood Control District's (District) willingness to support regional studies through the District Program.

With that said, the City does have significant concerns with respect to:

- The District's proposal to develop the implementation ordinance *after* voter approval of the Program.
- An under-representation of cities on Watershed Area Committees; as well as an under-representation of Long Beach, based on the amount our City would financially contribute to the Regional Programs benefiting Watershed Area Committees on which our City would be a member.
- An exhaustive oversight role by the Regional Oversight Committee (ROC), which would potentially hamper implementation of the Program.
- A potentially limiting draft Regional Program Project Criteria Score Sheet.

The City would also like to take this opportunity to reiterate our interest in re-assessing an appropriate value for the County's contribution to the City for costs associated with the:

- Los Angeles River Debris Ongoing Clean Up Program; and
- Los Angeles River Debris Collection Float and Conveyance System.

Long Beach looks forward to continuing our work with the County on the Safe, Clean Water Program. Appropriate stormwater management is critical to meeting the needs of our region. Thank you for your leadership on this effort.

City of Long Beach: Safe, Clean Water Program, Draft Program Elements

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Should you have any questions, please feel free to contact Diana Tang, Manager of Government Affairs at (562) 570-6506 or [Diana.Tang@longbeach.gov](mailto:Diana.Tang@longbeach.gov).

Sincerely,



Patrick H. West  
CITY MANAGER

cc: Los Angeles County Board of Supervisors  
Katy Young, Office of Supervisor Sheila Kuehl  
Jocelyn Rivera-Olivas, Office of Supervisor Janice Hahn  
Mark Pestrella, Director, Los Angeles County Department of Public Works  
Leslie Friedman-Johnson, CNRG  
Craig Beck, Director of Public Works, City of Long Beach  
Christopher Garner, Long Beach Water Department, General Manager  
Diana Tang, Manager of Government Affairs, City of Long Beach



# THE SAFE, CLEAN WATER PROGRAM

## DRAFT PROGRAM ELEMENT – TECHNICAL COMMENTS

May 2018

The City of Long Beach is pleased to offer comments on the Safe, Clean Water Program, Draft Program Elements following the same outline presented in the County’s document.

### I. Purpose of the Draft Program Elements Document

**Long Beach Comments:** The City supports the development of an expenditure plan for programming potential revenues from a parcel tax. However, Long Beach is extremely concerned with verbiage in the framework that states, “Should voters approve the tax, the Board of Supervisors, as the governing body of the District, will adopt a second ordinance (“implementation ordinance”) to establish criteria and procedures to implement the Program. The details of the implementation ordinance may be refined over time subject to standard Board Ordinance approval procedures.”

With that said, Long Beach strongly requests the process for adopting the second “implementation ordinance” include a public comment period, opportunity for municipalities to ensure at least 85% of a municipality’s contribution to the regional program be invested in projects benefiting the municipality, as well as an opportunity for municipalities to be directly allocated revenues generated within the municipality’s jurisdiction if at least 85% of regional program revenues are not invested in projects benefiting the municipality.

The implementation ordinance should affirm that the purpose is stormwater compliance, and in support of water supply where possible. However, Long Beach does support multi-benefit projects, inclusive of nature-based resource projects that help meet TMDL compliance.

### II. Introduction to the Safe, Clean Water Program

The Safe, Clean Water Program is a multi-benefit stormwater and urban runoff capture program intended to increase water supply, improve water quality, and provide community investments.

**Long Beach Comments:** The City’s top priority is Total Maximum Daily Load (TMDL) and National Pollutant Discharge Elimination System (NPDES) compliance.

### III. Definitions

**Long Beach Comments:** With respect to the following terms, Long Beach has the following comments:

**Disadvantaged Community (DAC):** Please provide a map to each watershed area, and city, showcasing DACs, as defined in this Draft Program Element. Long Beach understands the County’s definition for the Safe, Clean Water Program is different than that of the State’s Cap and Trade Program, though it would help to bring clarity for all stakeholders, for this to be illustrated.

**Impermeable:** Long Beach requests that it be made clear that the County is the agency responsible for conducting all administrative functions related to the determination, assessment and enforcement of the definition of “impermeable” area.

Need a definition for **Permeable.** Long Beach noticed that while there is a definition for “impermeable”, there is no definition for “permeable”. It would be helpful if the County could create a definition to help build parameters around the concept of taxing based on impermeable area.

**Multi-Benefit Project:** The definition of a “multi-benefit” project, and the terms “water quality benefit” and “water supply benefit” is important to Long Beach. Please see Long Beach’s comments on “Water Quality Benefit” and “Water Supply Benefits” below.

**Municipal Project:** Long Beach appreciates that there is a focus on water quality projects for municipal projects. With that said, Long Beach believes there should be the flexibility to add “water supply” to this definition so that it reads: “A project carried out through the Municipal Program that has a Water Quality Benefit or a **Water Supply Benefit.** A Municipal Project may also be a Multi-Benefit Project.” As an example, Long Beach would like the flexibility to use municipal funding to build water supply lines that would transport recycled, but non-potable water for irrigation purposes.

**Project Applicant:** Since the only entities bearing the burden of unfunded TMDL mandates are cities and the County, it is essential that project applicants be municipal governments. For non-governmental entities and schools, Long Beach proposes these groups partner with the municipality where the proposed project is located for project funding.

**Stormwater:** Long Beach believes this definition should include urban runoff. The City understands that not all urban runoff is stormwater, but once water makes contact with streets and sidewalks, and has the potential to enter local storm drains, that water should be considered stormwater, no matter the source.

**Stormwater Management Targets:** Rather than use regional water quality standards as the benchmark for stormwater management targets as proposed in the Draft Program Element, Long Beach proposes stormwater management targets be consistent with TMDLS, regional NPDES and MS4 permits. This is because TMDL, regional NPDES and MS4 permits are not always consistent with regional water quality standards.

**Water Quality Benefit:** Long Beach believes improvements in the chemical, physical, and biological characteristics of stormwater should be consistent with requirements in regional NPDES and MS4 permits for the specified impair water bodies identified in each TMDL.

**Water Supply Benefit:** While Long Beach is amenable to the definition of Water Supply Benefit as drafted in the Draft Program Element, the City would like to stress that as this term is used for the purposes of Stormwater Management Targets, it should be understood that Water Supply Benefits are a secondary priority to the regional quality standards.

#### IV. Policy Goals

**Long Beach Comments:** The City is concerned that the policy goals described in the Draft Program Element do not correlate with points given in the project scoring rubric on page 21 of the Draft Program Elements document. With that said, Long Beach’s comments on the policy goals section are below:

Proposed Policy Goal	Long Beach Comment
Equity for disadvantaged communities	Long Beach believes the priority for equity in disadvantaged communities should be funding for stormwater management projects that support drought resilience.
Providing Community Investments through direct and leveraged funding	If “providing community investments through direct and leveraged funding” is truly a policy goal of the Safe, Clean Water Program, then Long Beach believes that the scoring rubric on page 21 should reflect increased points for providing community investments through direct and leveraged funding. The City is supportive of encouraging projects to include leverage funds.
Credit, Incentive and Rebate Program	Long Beach believes that it needs to be made clear that credits, incentives and rebates will not be taken out of the municipal or regional portions of the program.

#### V. General SCW Program Requirements

##### A. Overview

This Program Elements document sets forth the procedures for implementing the SCW Program.

##### B. Authority and Allocation of Revenues

Authority and Allocation of Revenues	Long Beach Comment
District Program	Long Beach requests the District commit to spending a minimum of 3% of annual funding to support regional studies in each Watershed Area Group.
Municipal Program	Long Beach would like to see greater clarity on local control of this funding, ie: explicitly state that cities have direct authority to expend funding annually without layers of approval, but on which the City will report expenditures annually.

Regional Program	<p>In order to protect the long-term viability of the regional program, Long Beach proposes that funding for operations and maintenance (of capital projects originally funded by regional program dollars) shall not be made available from the regional program after the first full calendar year of the project's completion.</p> <p>Long Beach would like to see feasibility studies for regional stormwater projects be eligible an eligible use of regional program funds.</p>
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### C. Agreements for Transfer of SCW Program Funds

**Long Beach Comment:** Long Beach understands that prior to receipt of Safe, Clean Water Program funds, each Municipality and Project Developer must enter into an agreement with the District to transfer SCW Program funds. This agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board of Supervisors. The City's only request is that the process for transferring funding be as streamlined as possible to expedite benefits to taxpayers.

### D. Eligible Expenditures

**Long Beach Comments:** Long Beach appreciates that funding from the Safe, Clean Water Program can be used for operations and maintenance. However, to protect the viability of the Program for future capital projects, the City offers the following comments:

- Eligible expenditures for operations and maintenance within regional expenditures shall be for a maximum of one year after project construction is complete.
- Any operations and maintenance proposed shall be maximum 5% of capital construction costs of the project per year.

Long Beach appreciates that funding can be used for property acquisition, leases, and easements; however, City is also interested in seeing that funds allocated for projects produce measurable results for the region. Therefore, Long Beach offers for consideration:

- Any funds allocated for acquisition of real property or leases must be spent within 36 months or funding shall be returned to the Program.
- Any unobligated dollars must be returned within a reasonable time frame at the conclusion of the project.

Regarding debt financing, Long Beach offers the following comment:

- The City supports the flexibility included in this Draft Program Element to allow municipalities to use Municipal Program funds as collateral for debt financing.

- However, the City strongly believes that Regional Program funds should **not** be used as collateral for debt financing.

Regarding the proposed limitations for “maintenance of effort” (MOE), Long Beach offers the following comment:

- Baseline Safe, Clean Water Program eligible activities must be clearly defined; and
- While the Draft Program Element proposes the “use of up to 30%” of funds be eligible for MOE, Long Beach requests this percentage be increased to 40%.

#### E. Ineligible Expenditures

**Long Beach Comment:** The City understands that funds from the Safe, Clean Water Program cannot be used for payment of fines imposed by any State, Federal or local regulatory agency, nor should funds be used as part of any litigation. However, the City would like this section of the Draft Program Element to be clarified to enable investigations into stormwater compliance, such as studies or reports for environmental compliance. As this section currently reads, the City is concerned that all investigations into stormwater compliance would become ineligible, in the event of litigation outside the City’s control.

## VI. Regional Program

### A. Regional Program Summary

**Long Beach Comment:** Long Beach understands the need to ensure equity and funding for DACs. However, the City would like to ensure that funding is distributed equitably across DACs and also for areas where stormwater management needs exist, but perhaps may not be DACs. Consider providing DACs that have not received SCW funds with more points, relative to DACs that have received funding.

With respect to the third bullet point under Infrastructure, Long Beach proposes the following change in language:

- Projects completed using Regional Program funds will ~~automatically~~ **be eligible to receive funding for maintenance for the portion of the Project funded by SCW funds. This funding shall be limited to the 1st year of operational costs, at the rate of 5% of capital construction costs or \$1 million, whichever is less.**

**Long Beach Comment:** Long Beach appreciates the direction to submit projects every two years. However, the City is concerned that the process described in the Draft Program Element does not include fixed deadlines that would ensure forward progress in a timely manner. In particular, Steps 3, 4, 5 and 6 could take 1-2 years to complete. The City would urge that consideration to be given to streamlining this process so that the approval process can be accomplished in less than 6 months.

## B. Regional Program: Initial Year Events

**Long Beach Comment:** The City is concerned that a call for projects will be initiated in either Winter 2018 or Spring 2019. Given that the District would still need to develop an implementation ordinance following voter approval of the Safe, Clean Water Program on the November 2018, it seems that a biennial call for projects in Winter 2018/Spring 2019 is a very aggressive timeframe.

With that said, the City appreciates the District's interest in expediting the allocation of revenues. Therefore, Long Beach proposes that while the countywide implementation ordinance is being developed, regional funding be distributed directly to each Watershed Area Steering Committee to be expended in accordance with eligible activities adopted in the Program Element.

## C. Eligible Project Applicants

As proposed, the Draft Program Element would consider eligible project applicants to be: an individual, group, business entity, special district, school, municipality, NGO, non-profit organization, CBO, public utility, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Watershed Area Steering Committee's California Tribal Consultation List, mutual water company, or other entity that submits a Project for consideration.

**Long Beach Comment:** Long Beach has significant concerns with the broad range of eligible project applicants. Given that the only entities in the list above that have stormwater compliance mandates are cities and the County, Long Beach proposes to require that any potential project applicant that is not a municipality or County, partner with a municipality or the County in order to be eligible to apply for regional funding.

## D. Boundaries of the Watershed Areas

**Long Beach Comment:** Long Beach recognizes that our City is included in two Watershed Area Groups: (1) Lower Los Angeles River, and (2) Lower San Gabriel River. The City approves of the watershed area groups.

## E. Membership of the Watershed Area Steering Committees

**Long Beach Comment:** Long Beach is extremely concerned that cities are the minority on the proposed Watershed Area Steering Committees. The proposed structure provides that combined, cities make up only 45% of the watershed area steering committee vote. In looking at the proposed responsibilities of the Watershed Area Committees, which include setting stormwater targets, it does not make sense to have water suppliers and community members, which combined, have a majority vote on these committees and both of whom do not have stormwater obligations, set stormwater targets for the watershed area.



Long Beach requests that the Port of Long Beach be added as a member of the Lower Los Angeles River Watershed Area Steering Committee to maintain regional balance.

The City of Long Beach recommends that any water supply district without distribution responsibilities to consumers be ineligible for a seat on the Watershed Area Steering Committee.

The City supports the participation of water supply districts with distribution responsibilities as ex officio members. In this capacity, water suppliers can assist cities with understanding how municipalities can help offset the use of potable water, but be relieved of duties for which they have no responsibility.

Additionally, as all regional projects will be constructed in either a city or unincorporated county, the framework should be amended so that it requires all eligible projects to be supported by the municipality where the project is physically located.

Further, with respect to membership and term limits for the Chair and Vice Chair positions, Long Beach requests terms be limited to two years, and for the Chair of each Committee to be from one of the six municipality seats.

#### F. Voting and Meeting Requirements of the Watershed Area Steering Committees

**Long Beach Comment:** Long Beach supports the requirement that the Watershed Area Steering Committees follow rules and regulations governing open public meetings, that a quorum of the membership be present in order to conduct business, and the requirement for a simple majority vote for items to progress forward.

However, with that said, the City is concerned that while Long Beach will contribute 24% of funding to the Regional Program, the proposed one-vote per seat gives the City only 16% of the vote on the Watershed Area Steering Committee.

In an effort to ensure equity for all cities, Long Beach proposes a 2-step protest process to ensure at least 85% of a municipality's contribution to the Regional Program be invested in projects benefiting the municipality, as well as an opportunity for municipalities to be directly allocated revenues generated within the municipality's jurisdiction if at least 85% of regional program revenues are not invested in projects benefiting the municipality within 2 call for project cycles, or 4 years, which is less.

The City requests a 2-step procedure be included in the Safe, Clean Water Program, and include:

1. Formal protest procedures at the Watershed Area Steering Committee; and if the inequity is not addressed within 2 call for project cycles, or 4 years, whichever is less, then
2. Formal protest procedures at the County that could lead to a return of Regional Funding to the municipality, for expenditure under the Municipal Program for projects benefiting the Region.

## G. Responsibilities of the Watershed Area Steering Committee

**Long Beach Comment:** Long Beach continues to be concerned that cities are the minority on the proposed Watershed Area Steering Committees. Given that proposed responsibilities of the Watershed Area Steering Committee include adopting stormwater management targets and preparing a Stormwater Investment Plan that demonstrates progress towards the targets, it would make sense that cities have the majority vote on these Committees. With that said, with respect to each responsibility described in the Draft Program Element, Long Beach offers the following comments:

Proposed Responsibility of the Watershed Area Steering Committee	Long Beach Comment
a. Review and adopt Stormwater Management Targets	Long Beach proposes that Stormwater Management Targets be synonymous with TMDLs as the City has proposed in the definitions section of this Draft Program Element.
b. Receive projects and prepare a Stormwater Investment Plan that demonstrates progress towards meeting Stormwater Management Targets	Long Beach is concerned that the Stormwater Investment Plan will be voted on by a majority of agencies that do not have stormwater compliance requirements.
c. Provide the recommended Stormwater Investment Plan to the Regional Oversight Committee	The City supports this responsibility.
d. Comply with all Safe, Clean Water Program Quarterly Progress/Expenditure report requirements	The City supports complying with progress and expenditure reports, but requests that these reports be produced annually.
e. Provide additional financial and other information, as required by the Board of Supervisors	The City supports this responsibility.
f. Help identify Project partners	The City supports this responsibility.

## H. Watershed Area Steering Committee Conflict of Interest

The Draft Program Element states: “No member of the Watershed Area Steering Committee shall participate in discussions or vote where that member has a direct interest in the project under consideration.”

**Long Beach Comment:** Long Beach agrees with the provisions of this section.

## I. Formation and Composition of the Regional Oversight Committee (ROC)

**Long Beach Comment:** Long Beach requests that the ROC Chair be chosen from one of the nine Watershed Committee Members. As the Watershed Area Committees are currently structured,

the few water agencies in the County have a seat on every Watershed Area Committee. Given that membership on the ROC is based on membership on the Watershed Area Committee, the City is concerned that this proposed structure will provide disproportionate opportunity for the few water agencies in Los Angeles County to both participate in multiple Watershed Steering Committees and the ROC, giving these agencies outsized influence resulting in an inequitable distribution of projects and funding.

**J. Voting and Meeting Requirements of the Regional Oversight Committee**

The Draft Program Element states: “The ROC will determine the frequency and schedule for regular meetings necessary to process the review of Stormwater Investment Plans and Targets submitted by the Watershed Area Steering Committees. A quorum is required for the ROC to take action on any item of business. A quorum will consist of ten (10) members of the ROC. If a quorum is present, approval of any item of business requires a simple majority vote of those in attendance. The ROC is required to comply with open public meeting requirements of the Ralph M. Brown Act (Government Code Sections 54950 – 54963), the Public Records Act (Government Code Section 6200), the Political Reform Act (Government Code Section 87100), and all other laws applicable to such bodies.”

**Long Beach Comment:** The City supports the above section.

**K. Responsibilities of the Regional Oversight Committee**

**Long Beach Comment:**

Proposed Responsibility of the Regional Oversight Committee	Long Beach Comments
a. Propose Stormwater Management Targets for the full region	Long Beach supports regional review of watershed based stormwater management targets (consistent with TMDLS); however, the City strongly suggests that the ROC refrain from adopting full regional targets. It is much more effective to remain consistent with TMDLS and NPDES permit compliance as a means to achieving water quality, rather than establish new standards for water quality. With respect to water supply, Long Beach cautions against setting targets for the water supply industry, as it will be difficult to present how much potable water use can be offset to relieve demand on existing systems that are crucial to supporting the regional economy.

<p>b. Receive Stormwater Investment Plan to ensure progress towards Stormwater Management Targets</p>	<p>Long Beach supports review of watershed based stormwater investment plans, but strongly recommends that the implementation of these plans be left to the Watershed Area Committees and local governments. The City is concerned that at the ROC level, members will be far removed from the actual work that needs to take place in various areas of the watershed.</p>
<p>c. Confirm that progress is being made towards the Targets of each Watershed Area Steering Committee and the region as a whole</p>	<p>Long Beach supports review of Stormwater Management Targets, as well as progress. The City would welcome recommendations from the ROC on how to improve progress countywide.</p>

#### L. Regional Oversight Committee Conflict of Interest

**Long Beach Comment:** Long Beach supports recusal in actions where a conflict of interest arises.

#### M. Technical Committee

**Long Beach Comments:** While the City appreciates the District’s interest in regional projects, it is important to cities that project approvals be streamlined for the sake of implementation. Should there be a Technical Committee that reviews projects, Long Beach also requests that the Technical Committee develop an appeals process in the event the City and our watershed disagree on the Technical Committee’s decisions.

Further, should there be a committee that scores projects, the City supports limiting committee members and staff to District staff.

#### N. Stormwater Management Targets

**Long Beach Comment:** The City is concerned that the ROC, as a high-level oversight group is being tasked with setting regional targets. In our experience, targets are best managed at lower levels, where detailed adjustments can be made to achieve the desired result.

Proposed Requirements of the ROC’s role on Stormwater Management Targets	Long Beach Comments
<p>a. Set achievable targets for meeting regional water quality standards.</p>	<p>Long Beach proposes that the Regional Water Quality Standards meet the same</p>

	goals and objectives as the City’s MS4 Permits.
b. Set achievable targets for the creation of a meaningful increase in the regional water supply.	Long Beach supports this section so long as the regional water supply targets are secondary priority to the section (a) above.
c. Set achievable targets for the creation of a meaningful increase in community investment benefits.	Long Beach supports this section so long as the community investment benefits are secondary priority to section (a) above.

### O. Draft Regional Program Project Criteria

The City understand the District intends to score Regional Program Projects utilizing the Draft Regional Program Project Criteria, shown in Table 3 on page 21 of the Draft Program Element, and require projects to have undergone a feasibly study prior to scoring. The City also understands the District intends to provide guidance on the minimum requirements, as well as a template for feasibility studies.

Additionally, the City understands that projects submitted for consideration through the Regional Program do not have to be part of an existing plan.

**Long Beach Comment:** The City requests the feasibility study template be available for review and comment at least 30 days prior to the call for projects release. Additionally, the feasibility study requirement should be specific to capital projects, thereby exempting regional studies and other activities that are intended to support capital projects, but for which it may not make sense to complete a feasibility study.

The City appreciates that regionals projects do not have to be from existing plans. Long Beach supports funding new feasibility studies with Regional Program funding.

*Table 3. Draft Regional Program Project Criteria*

#### Section A. Wet Weather Water Quality Benefits and Dry Weather Water Quality Benefits.

**Long Beach Comment:** While there is value in evaluating wet weather benefits, the fact is that dry weather characterizes most days in Los Angeles County. Therefore, it would make sense to add greater value to dry weather projects.

#### Section B. Significant Water Supply Benefits (40 points)

**Long Beach Comment:** This section needs to be amended to emphasize the offset of potable water as equally valued when compared to “additional water supply captured for water supply”.

#### Section C. Community Investment Benefit (25 points)

**Long Beach Comment:** The City recommends adding local Public Works Infrastructure for 15 points as a “Community Investment Benefit” since public works projects are investments in the local community. As a general comment, nature based solutions are expensive to maintain and operate; therefore, these components of the Safe, Clean Water Program may be best suited as “add on” items to larger public works infrastructure projects.

#### Section D. Leveraging Funds (10 points)

**Long Beach Comment:** Long Beach suggests increasing points for “D.1. Cost-Share” from 4 points maximum 8 points maximum, and divided so that “>25% Funding Match = 4 points” and “>50% Funding Matched = 8 points” as recognition of the project applicant’s commitment to implementation. This provides a concrete method by which to evaluate whether or not a project can be constructed within 18 months, and eliminates the need to include “D.3 Project will begin construction within 18 months”.

Long Beach suggests that operations and maintenance costs be considered as part of project eligibility so that project operational and maintenance costs are limited to less than 5% of annual capital costs. Regional Projects should be “worth it” to operate and maintain. Future operations and maintained costs cannot take away from the ability to put new projects into the ground.

## VII. Municipal Program

The City understands 40% of the funds from the Safe, Clean Water Program will be allocated for the Municipal Program pursuant to the Flood Control Act section 2, subsection 8b(B), and funds will be allocated proportionally to the revenues generated within each Municipality or the County Unincorporated Areas in the District. Considering the geologic, geographic and demographic diversity within the District, the City agrees that the Municipal Program should be designed to maximize the ability of local governments to address local stormwater challenges and opportunities. Long Beach appreciates that projects are required to include a Water Quality Benefit, and multi-Benefit Projects are strongly encouraged but are not required.

**Long Beach Comment:** Long Beach supports the program elements described above, and requests two items: (1) a statement that explicitly provides cities with 100% control over local funding, in accordance with Safe, Clean Water Program project requirements; and (2) enable components of a water quality project that support water supply to be funded by Municipal Program dollars (ie: new water delivery lines that can be used to transport stormwater treated at LB-MUST for irrigation only at parks).

## A. Municipal Program Responsibilities

Proposed Municipal Program Responsibilities	Long Beach Comments
a. Engage stakeholders in the planning process for use of the Municipal Program funds	The City absolutely supports engaging stakeholders at general public meetings related to public works, stormwater management, water quality. Long Beach already attends community meetings to educate residents on efforts to improve water quality. The City also posts signs near local waterways to inform beach goers of the recreational water quality that day; should the quality of water change, the signs also change.
b. As part of the Municipal Program planning process, consider a Municipal level call for Projects from eligible Project Applicants	The City supports considering a call for projects, but this should not be a requirement.
c. Plan, implement, and maintain municipal Projects in conjunction with stakeholders.	The City supports planning, implementing and maintaining outward facing municipal Projects in conjunction with stakeholders.
d. Prepare informational materials to provide members of the public with up-to-date information on the Municipality's actual and budgeted use of revenues from the SCW Program and make the information available to the public through the Municipality's websites and upon request.	The City engages in a robust public outreach process as part of our annual City budget; this includes providing the community with informational materials related to city programs, revenues and expenditures.
e. Operate in accordance with best practices for government agencies.	The City supports operating in accordance with best practices for government agencies
f. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.	The City plans to be accountable for all funds, receipts, and disbursements by our municipality.
g. Prepare, prior to the start of that Municipality's fiscal year, a budget for how SCW Program funds will be used.	It makes most sense to budget for Safe, Clean Water Program funds as a part of the City's annual budget process. Long Beach's budget process also allows for

	<p>quarterly budget adjustments, which are presented at City Council meetings and open to public comment. Accordingly, the City requests that quarterly budget adjustments be allowable in the case of Safe, Clean Water Program funds, as well.</p>
<p>h. Prepare within six (6) months after the end of that Municipality’s fiscal year an annual report that details a program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, and Community Investment realized through use of Municipal Program funds.</p>	<p>Long Beach proposes one reporting document to streamline the Program for all agencies. It would be most efficient to report once in December of each year with a prospective expenditure plan, as well as a report on activities conducted in the year past.</p>
<p>i. Comply with all SCW Program reporting and audit requirements (See section XI).</p>	<p>Long Beach supports complying with SCW Reporting Requirements “A. Carryover of Uncommitted Municipal and Regional Program Funds”, as well as “B. Procedures for Lapsing Funds” of Section XI. However, for “C. Quarterly Progress/Expenditure Reports”, we request annual reporting requirements as opposed to quarterly. Under section “D. Subsection b.” Long Beach suggests 5-years instead of 10-years for record keeping. Long Beach supports sections “E. Procedures for Addressing Misuse of Funds and Failure to Comply with Requirements”, as well as “F. District Held Harmless without changes.”</p>
<p>j. Provide the District additional financial and other information, as required by SCW Program or upon request.</p>	<p>Long Beach supports this responsibility.</p>
<p>k. Engage stakeholders in the planning process for their Projects.</p>	<p>Long Beach supports engagement with stakeholders through an educational perspective regarding the planning process.</p>

B. Agreements for Transfer of Revenues



**Long Beach Comment:** Long Beach supports this section.

C. Maintenance of Effort

**Long Beach Comment:** Long Beach requests a spending ratio of 60/40 instead of 70/30. Long Beach requests that the baseline SCW Program eligible activities be further defined and include *all* minimum control measures defined in our MS4 Permit.

VIII. District Program

Long Beach recognizes that 10% of the revenue will be allocated for District Program pursuant to Flood Control Act.

A. Responsibilities

Proposed Municipal Program Responsibilities	Long Beach Comments
a. Administer the SCW Program to include: Tax and payment administration, review annual budgets and reports, conduct audits, and manage appeals of scoring process.	The City supports the proposal that the District administer the Program.
b. Annually prepare a 5-year revenue forecast for each Watershed Area.	The City supports the proposal that the District prepare a 5-year revenue forecast for each Watershed.
c. Plan, implement, and maintain District Projects	The City supports the proposal that the District plan, implement and maintain District Projects.
d. Coordinate logistics for the Regional Program	The City requests that this section explicitly include that the District financially support special studies, monitoring, and modeling in support of the Regional Program.
e. Staff the Technical Committee. Provide technical support and score Projects.	Long Beach request that the District provide applicants an opportunity to appeal the scoring decision made by the Technical Committee.
f. Provide staff support to the Watershed Area Steering Committees and the ROC.	Long Beach supports using District Program funding to perform these activities; however, we strongly request

	that the process be streamlined to reduce staff encumbrances at all levels.
g. Engage stakeholders in the planning process for use of the District Program funds.	The City supports the proposal that the District engage stakeholders in the planning process for use of the District Program funds.
h. Plan, implement, and maintain District Projects in conjunction with stakeholders.	The City supports the proposal that the District plan, implement, and maintain District Projects in conjunction with stakeholders.
i. Operate in accordance with best practices for government agencies.	Long Beach supports this responsibility.
j. Conduct independent audits as described in section XI. to ensure compliance with requirements of the SCW Program	Long Beach supports independent audits, but requests that these be done no more than once per year to enable staff to work on program implementation, while ensuring accountability.
k. Prepare, prior to the start of the District's fiscal year, a budget for how SCW Program funds will be used.	Long Beach supports this responsibility.
l. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, and Community Investment realized through use of Municipal Program funds	Long Beach supports this responsibility.
m. Comply with all SCW Program audit requirements (See section XI).	Long Beach supports this responsibility.

## B. Programs

**Long Beach Comment:** Long Beach strongly supports using the District Program funds for Stormwater education programs for public education programs, watershed coordinator educational workshops, and networking for communities as well as local workforce job training and school curriculum. Long Beach requests these funds be allocated in an equitable manner across all five Supervisorial districts.

## C. District Projects and Regional Water Quality Planning and Coordination.

The Draft Program Element currently states that the District will carrying out the following activities:

Activities	Long Beach Comments
<p>a. Regional Water Quality Planning and Coordination to carry out activities which may include, but are not limited to regional leadership and coordination for scientific studies, research, and water quality modeling. However, special studies are to be funded by the Watershed Area Steering Committees.</p>	<p>The City supports the proposal that the District coordinate special studies. However, the City strongly requests that the District support special studies benefitting Watershed Area Committees with District funding, and in some cases, implement cost share agreements.</p>
<p>b. Implementation of District-scale Projects consistent with SCW Program Regional Multi-Benefit Projects. The District will engage stakeholders in the planning process for District Projects.</p>	<p>The City supports this activity.</p>

## IX. Tax Collection and Collection Provisions

### A. Calculation of the Tax

The tax will be calculated for each parcel subject to the tax based upon the parcel's impermeable area.

**Long Beach Comment:** Long Beach requests that a tax floor be established at 50% of the average tax per parcel, to be reevaluated every 5 years. As the County works to distinguish between “permeable” and “impermeable” surfaces for tax purposes, in some instances, to provide credit and reduce the tax burden associated with a particular parcel, it is important that all parcels contribute some level of support towards Countywide stormwater management.

### B. Collection-General Procedure

The tax will be collected for each fiscal year on the property tax roll in the same manner, and at the same time as, the general taxes of the County are collected.

**Long Beach Comment:** The City supports collection efforts at the County-level.

### C. Claims for Reimbursement and Appeals

Parcel owners who believe their tax has been calculated incorrectly will be able to seek review.

**Long Beach Comment:** The City supports this function at the County-level.

#### D. Credits and Rebates

A credit, incentive, and rebate program will be developed as part of the SCW Program that may provide: credit or rebates for existing stormwater capture activities; incentives, credits or rebates to encourage parcel owners to accept offsite stormwater; and other possible credits, rebates, and incentives.

**Long Beach Comment:** Long Beach supports the opportunity for credits and rebates based on demonstrated activities by parcel owners to capture water on site. However, the City would also like to ensure that all parcels contribute some level of funding towards overall stormwater management.

### X. Revenue Bonds

Bonds issued hereunder by a Municipality or the District, to the extent such entity is authorized by law to issue and sell revenue bonds, may be secured by SCW Program revenues as set forth in this document.

**Long Beach Comment:** Long Beach supports program framework allowing a process by which the Municipality or District can issue bonds; however, to protect the overall viability of the Program, the City feels strongly that Watershed Area Committees not engage in bonding, even if against District Funds.

### XI. Miscellaneous Provisions

#### A. Carryover of Uncommitted Municipal and Regional Program Funds

Municipalities and Project Developers will be able to carry over uncommitted SCW Program revenues for up to five (5) years from the end of the fiscal year in which those revenues are transferred from the District to the Municipality or Project Developer.

**Long Beach Comment:** The City supports the allowance for carryover funds and 5 years is reasonable, especially for large projects. However, in the case of lease or acquisition, where the project has not even begun after 3-years, the City urges the County to consider rescinding those dollars for other purposes within the Watershed Area Committee.

#### B. Procedures for Lapsing Funds

Municipalities and project developers who are unable to expend their approved funding as described in their Stormwater Investment Plan will be subject to lapsing funds procedures.

**Long Beach Comment:** The City supports this procedure.

### C. Quarterly Progress/Expenditure Reports

Each Project Developer shall arrange for a Quarterly Progress/Expenditure Report for all Projects. The entity shall be subject to and comply with all applicable requirements of the District regarding project-reporting requirements.

**Long Beach Comment:** The City supports including in progress and expenditure reports: percent complete estimate, all costs incurred, discussion of work accomplished during the reporting period, milestones or deliverables completed/submitted during the reporting period, scheduling concerns and issues encountered that may delay completion of the task, work anticipated for the next reporting period, photo documentation, and any schedule or budget modifications. However, the City strongly suggests that this report be annual. An annual report provides a good opportunity to see the prior year's progress, as well as the future year outlook.

### D. Record-Keeping and Audits

**Long Beach Comment:** Long Beach suggests 5-years instead of 10-years for record keeping.

### E. Procedures for Addressing Misuse of Funds and Failure to Comply with Requirements

**Long Beach Comment:** The City supports the proposed procedures for addressing misuse of funds or failure to comply with requirements.

### F. District Held Harmless

The District will not be required to accept ownership or responsibility for any project developed, implemented or constructed by a Municipality or a Project Developer with SCW Program revenues.

**Long Beach Comment:** The City supports holding the District harmless for Municipal projects.

## XII. Appendix

### A. Watershed Area Steering Committee Minimum Requirements

**Long Beach Comments:** With respect to "Years of Experience", as it applies to Watershed Steering Committee Minimum Requirements, Long Beach proposes:

- Master's Degree - Equivalent to 1-year of experience
- Ph.D. – Equivalent to 2-years of experience

With respect to Water Agencies' description criteria, Long Beach proposes that eligible agencies are those that have water distribution responsibilities.

B. District Held Harmless

**Long Beach Comments:** See City comments in “Section VI. Regional Program, Membership of the Watershed Area Steering Committees.”