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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  
Katy Young, Office of Supervisor Sheila Kuehl  
Teresa Villegas, Office of Supervisor Hilda Solis  
Russ Bryden, Los Angeles County Department of Public Works  
Leslie Friedman Johnson, Conservation and Natural Resources Group  
Los Angeles Regional Water Quality Control Board

FROM: OurWaterLA

DATE: May 11, 2018

RE: Comments on Clean Water Program Draft Program Elements

Dear Board of Supervisors,

OurWaterLA is pleased to submit to you detailed comments on the *Draft Program Elements for the Safe, Clean Water Program* released by LA County Department of Public Works on April 12. We have provided a redline markup of the *Draft Program Elements*, along with a high-level summary of the key policy provisions we believe must be included in the final Safe, Clean Water Program to achieve the goals set forth in the May 2017 Board of Supervisors motion.

OurWaterLA is a diverse coalition of community leaders and organizations from across Los Angeles County united to create a strong water future for Los Angeles. Our goal is to secure **clean, safe, affordable and reliable water** for all the ways we live, work and use water now and for the future.

Our coalition works with community groups, environmental and clean water advocates, labor leaders, business leaders, municipalities and other public agencies. Together, we are committed to answering urgent challenges to Los Angeles County's quality of life and economy, including limited local water supply, local water pollution, flood risk, extreme weather cycles like drought and other challenges to our water systems and resources.

We note that the April 12 *Draft Program Elements* did not provide details to address critical provisions regarding equity in project selection, funding allocation and governance. While the attached redline offers some additional general language regarding equity, we believe it is imperative that the Board of Supervisors address these issues through the adoption of clear policy that will guide the final drafting of the enabling Ordinance for the Safe, Clean Water Program and the development of any future administrative guidelines for the Measure following its approval by the electorate in November 2018.

These comments have been vetted by nine major organizations in the Los Angeles region and are supported by 49 individuals and 66 organizations. Without a doubt these issues are tremendously important to our region as we have learned through many levels of engagement with community members and organizations and we stand to be significant supporters of the proposed Measure if the final program meets the substance of our policy goals.

Thank you for your leadership in bringing these program recommendations forward. We understand you will be considering input from many stakeholders and hereby reiterate our intent to be supportive so long as the Program meets the objectives of the authorizing motion, the legislation and the policy provisions we have outlined.

Sincerely,



Heal the Bay





## Policy Recommendations - Top Lines

### *All projects, including the Municipal Program must:*

- Utilize **nature based solutions**
- Result in measureable water quality, water supply improvements **and** community investments
- Achieve **quantifiable pollution reduction**
- Meet **minimum project selection criteria, including the municipal program**

### *Annual “Minimum” Allocations (assumes annual net of \$300M)*

- **41%** will be invested in **Disadvantaged Communities (DACs)**
- **6%** to implement **residential retrofit program**
- **4%** to develop and implement **green infrastructure job training curricula and support services**, including programs aimed at youth (e.g., Conservation Corps, community colleges), veterans, homeless populations, and other priority communities
- **2%** for a **Technical Assistance Program** (including funding of Watershed Coordinators) so that all communities can effectively compete for funding and successfully develop and implement locally appropriate projects
- **1%** for **education and outreach** to build water literacy for the general public, with an emphasis on underserved low income communities.

### *Annual “Maximum” Allocations*

- **30% total of the Municipal Funds** may be spent on operations and maintenance of existing multi-benefit projects.
- No more than **10% of Municipality’s Municipal Funds may be used for Minimum Control Measures (MCMs)**, such as catch basin cleaning, open channel maintenance, street sweeping, or other programs that are focused solely on water quality improvement *above and beyond current programs*.

### *Project Development Process Must Include:*

- A sustained **community engagement plan**
- Technical Assistance Program which includes **Watershed Coordinators** in each Watershed Area

- **Project selection criteria that achieves water quality, water supply and community investments**
- A formal, **specific O&M plan**, developed in conjunction with initial project design, reviewed periodically, and that includes a tracking system to ensure completion of the prescribed work

***Jobs – Projects must be built and maintained by a trained local workforce utilizing***

- A robust **Workforce Development Program** for project construction and maintenance
- **Community Workforce Agreements** and **Local/Targeted Hire** for project construction
- Funding and public sector responsibility for **high standard project maintenance**;
- A “green infrastructure maintenance” **certified workforce**

***Governance***

- A **Technical Assistance Committee** (rather than a Technical Committee) that includes the Watershed Coordinator and others with appropriate expertise, must be established for each Watershed Area to help provide guidance to communities in developing and submitting project applications.
- **Equal representation** for the Watershed Area Steering Committee and Regional Oversight Committee for: 1) Cities/Unincorporated Areas, 2) Community Stakeholders and 3) Public Agencies.
- The **Watershed Area Steering Committee(s)** must be **responsible for scoring projects** and making funding recommendations.
- The **new** members to be added to both the Watershed Area Steering Committees and Regional Oversight Committee are: local school board member, local municipal park departments, social justice NGOs, environmental NGOs, health NGOs, labor, business, and locally designated at large NGO/CBO.

# **SAFE, CLEAN WATER PROGRAM**

## **Draft Program Elements**

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## I. Purpose of the Draft Program Elements Document

The Safe, Clean Water (SCW) Program consists of a proposed special property tax to be imposed upon parcels within the Los Angeles County Flood Control District ("District") and an expenditure plan for programming revenues from the parcel tax and implementing eligible programs and projects.

The Los Angeles County Board of Supervisors, acting as the governing board of the District, will be conducting a public hearing to consider adopting a resolution and ordinance: 1) establishing the tax formula, expenditure plan, and any exemptions for the parcel tax, 2) outlining key elements of the Program, and 3) seeking voter approval of the parcel tax in accordance with Articles XIII A and XIII C of the California Constitution. This first ordinance will be presented to voters and memorialize the foundational elements of the Program.

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.

The purpose of this document is to communicate SCW Program decision points to stakeholders. Key elements of this Program Elements document will be memorialized in the first ordinance. If the SCW tax is approved, the Program Elements document will guide the development of the implementation ordinance.

## 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.

The SCW Program will help put Los Angeles County on a path to water resiliency and economic security through equity-focused strategies and policies to increase drought preparedness, improve water quality and public health, grow good jobs, build capabilities, and remove barriers.

## III. Definitions

The following definitions apply to this SCW Program Elements document:

**Auditor:** Auditor-Controller of the County of Los Angeles.

**Board of Supervisors:** Los Angeles County Board of Supervisors acting as the governing body of the Los Angeles County Flood Control District.

**Chief Engineer:** Chief Engineer of the District or his/her authorized deputy, agent, or representative.

**Community Engagement**<sup>1</sup>: Three approaches to community engagement are necessary: 1) Information Sharing: The intent of the information sharing approach is to educate and inform community members of potential and ongoing projects, acceptable outreach methods include: email blasts, social media, newsletters, etc.; 2) Concurrent Participatory Engagement (CPE): The CPE approach allows project proponents to discuss projects and plans in conjunction with other public meetings; i.e., regularly scheduled council meetings or special events; and 3) Dedicated Participatory Engagement (DPE): The DPE approach seeks to build strong, sustainable, authentic partnerships with impacted communities by enabling them to identify their needs and priorities and inform project decisions. All project applicants must submit a community engagement plan as part of their application package.

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<sup>1</sup> These methods are derived from the draft Measure A Guidelines on Community Engagement.



As a general rule, the community should be engaged each time critical decisions must be made or when notable changes to the project's scope occur. This may include, but is not limited to: 1) at the onset of the project; 2) during the design phases and 3) during construction.

**Community Investment Benefit:** Benefit created in conjunction with Stormwater capture and reduced Stormwater and Urban Runoff pollution Projects as stated in AB 1180, including but not limited to: improved flood management and flood risk mitigation, creation of parks and wetlands, or restoration of habitat and wetlands, improved public access to waterways providing enhanced or new recreational opportunities, greening of schools. May also include a Benefit to the community derived from a program or project to increase Stormwater capture and reduce Stormwater and Urban Runoff pollution, including improved public health, reduction of urban heat island effect, carbon reduction/sequestration, improved air quality, green waste reduction/diversion, or local workforce investment and job training.

**County:** County of Los Angeles.

**Disadvantaged Community (DAC):** A community with an annual median household income that is less than 80 percent of the Statewide annual median household income (as defined in California Water Code §79505.5).

**District Program:** Part of the SCW Program as described in Section 2, subsection 8b(A) of the Flood Control Act.

**District:** Los Angeles County Flood Control District.

**Flood Control Act:** Los Angeles County Flood Control Act, as amended by Assembly Bill (AB) 1180 (Holden, 2017).

**Impermeable Area:** Surfaces such as pavement, concrete, or rooftops, which prevent the infiltration of Stormwater and Urban Runoff into the ground.

**Multi-Benefit Project:** A project that has a Water Quality Benefit and a Water Supply Benefit and/or Community Investment Benefit.

**Municipal Program:** Part of the SCW Program as described in Section 2, subsection 8b(B) of the Flood Control Act.

**Municipal Project:** A Project carried out through the Municipal Program that ~~has a Water Quality Benefit. A Municipal Project may also be a Multi-Benefit Project.~~uses Nature-Based Solutions to achieve measurable water quality and water supply benefits and community investments.

**Municipality:** A city or a County unincorporated area within the District.

**Nature-Based Solutions:** Projects that do any of the following: rely predominantly on soils and vegetation to restore the natural ecosystem processes required to slow, detain, and absorb water; infiltrate water to aquifers; filter pollutants out of water and air; sequester carbon; support biodiversity; provide shade; and aesthetically enrich environments; which may include utilizing strategically undeveloped mountains and floodplains, wetlands, rain grading, mulch, soil building, tree and vegetation planting, and parkway basins. For the purpose of the SCW Program, Nature-Based Solutions include projects that mimic natural processes, such as green streets, spreading grounds, and planted areas with water storage capacity.

**Parcel:** A parcel of real property situated within the established boundaries of the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number.

**Project Applicant:** An individual, group, special district, school, municipality, non-governmental organization (NGO), non-profit organization, community-based organization (CBO), public utility,

federally recognized Indian tribe, state Indian tribe 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.

**Project Developer:** The entity that carries out or causes to be carried out part or all the actions necessary to complete a Project for the Regional Program. The Project Applicant may or may not be the Project Developer.

**Project:** An infrastructure project, or non-infrastructure activity or program, or other eligible activity funded by SCW Program revenue that results in a Water Supply Benefit, Water Quality Benefit **and** Community Investment Benefit.

**Regional Oversight Committee (ROC):** A body empaneled by the **District Board of Supervisors** whose responsibilities are to establish Stormwater Management Targets for the region and review the Watershed Area Steering Committees' Expenditure Plans for the Regional Program.

**Regional Program:** Part of the SCW Program as described in Section 2, subsection 8b(C) of the Flood Control Act.

**Regional Project:** A project carried out through the Regional Program. Regional Projects must be Multi-Benefit **and must use Nature-Based Solutions to achieve measurable water quality and water supply benefits and community investments.**

**Safe, Clean Water (SCW) Program:** Program or system established to administer revenues from a tax levied pursuant AB 1180, including criteria and procedures for selecting and implementing Projects and allocating revenues among the Municipal, Regional and District Programs.

**Stakeholder:** A person, citizens' group, homeowner or other property-owner, business, NGO, environmental group, labor union, **academic institution**, neighborhood council, **social justice group, health group**, town council or other similar community group, water resources agency such as groundwater pumper or manager, private or public water agency, other government agency, **school board members, local park agencies** or other interested party that has a direct or indirect stake in the SCW Program.

**Stakeholder Advisory Committee:** A committee comprised of stakeholders with technical **and community** expertise that is supported by the Technical **Advisory** Committee and periodically reviews the criteria and scoring of Projects.

**Stormwater:** Water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces within or tributary to the District.

**Stormwater Investment Plan:** A five (5) year plan developed by Watershed Area Steering Committees to include an annual budget for a recommend suite of Projects and a projection of expenditures for the following four (4) years **including the investment goals for DAC communities.**

**Stormwater Management Targets:** Targets for the region and Watershed Areas developed through an iterative process by the Regional Oversight Committee and Watershed Area Steering Committees referencing targets contained in existing plans. Targets must set achievable targets for meeting regional water quality standards, set achievable targets for the creation of meaningful increase in the regional water supply, and set achievable targets for providing community investments **and meeting equity targets for DAC communities.**

**Technical Assistance Program:** The goal of the technical assistance program is to provide a strong suite of flexible tools and strategies to help project applicants navigate all stages of project and program development, and build capacity, particularly in low income communities. The types of services the program can provide include, but are not limited to: 1) Resources Toolkits; 2)

Technical Assistance Directories; 3) Training and Education; 4) Ongoing project development support; 5) Professional Services; and 6) Planning and Design Funds<sup>2</sup>.

**Technical Advisory Committee (TAC):** A committee comprised of technical experts in Nature-Based Solutions for water quality, supply and community investments. The TAC shall include the following expertise: ecologist, hydrologist, environmental scientist, geologist, construction cost estimator, Watershed Coordinator, environmental and social justice NGO and LAC Public Works staff from the Watershed Division. The TAC shall be comprised evenly of County and outside representatives. See Appendix A for required categories of expertise of TAC members.

**Threshold Score:** A minimum score that Projects must meet or exceed in order to be eligible for Regional Program funding. The initial recommendation for the Threshold Score is 60 points. The Threshold Score will be evaluated year to year and may be revised by the District in consultation with the Regional Oversight Committee and the Board of Supervisors.

**Treasurer:** Treasurer and Tax Collector of the County of Los Angeles.

**Urban Runoff:** Surface water flow that may contain but is not entirely comprised of Stormwater, such as water flow from residential, commercial, and industrial activities.

**Watershed Coordinator (Coordinator):** This position (Coordinator) is responsible for the coordination and implementation of Technical Assistance activities supporting the SCW Program. The Coordinator must have knowledge and experience in watershed protection planning, water quality and/or watershed assessment. Each watershed area must have a Watershed Coordinator and serve under a Regional Watershed Coordinator who sits on the Regional Oversight Committee. The primary responsibility of the Watershed Coordinator is to provide and/or coordinate technical assistance that results in projects that are integrated and result in regionally significant and measurable watershed benefits, with an emphasis on providing assistance to low income communities and small cities.

**Water Quality Benefit:** An increase in Stormwater capture and reduction in Stormwater and Urban Runoff pollution. An improvement in the chemical, physical, and biological characteristics of Stormwater. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater runoff, non-point source pollution control, and diversion of Stormwater to sanitary sewer system.

**Watershed Area Steering Committees:** The nine (9) bodies empaneled by the District, one for each Watershed Area, whose responsibilities are to select Projects for the Regional Program.

**Water Supply Benefit:** Increase in the amount of locally available water supply, provided there is a nexus to Stormwater capture. Activities resulting in this benefit include but are not limited to the following: reuse and conservation practices, water recycling, increased groundwater replenishment, storage or available yield, offset of potable water use.

**Watershed Area:** Regional boundary formed considering hydrologic conditions, as well as Enhanced Water Management Plan (E/WMP) group boundaries. Each Watershed Area has its own Watershed Area Steering Committee.

#### IV. Policy Goals

Many elements of the SCW Program have been included in this document; however, the concepts below are still under development. Additional stakeholder input will be key to refining these policies for inclusion in the final Safe, Clean Water Program.

- Equity for Disadvantaged Communities

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<sup>2</sup> Description derived from the draft [Measure A guidelines](#).

- The SCW Program addresses equity for disadvantaged communities at all levels of the program, including returning a greater amount of funding to DACs than was collected from DACs, **which will result in no less than 41% of the total funding being invested in DACs from the combined Municipal and Regional Programs.** The Program is designed to build capacity through the **priority given to the development of projects in these communities for development of** stormwater education programs, the inclusion of local workforce job training and vocational training at the community level, the provision and funding of Watershed Coordinators, as well as providing technical assistance and funding opportunities for developing Project concepts and feasibility studies, and implementing design and construction Projects, **all of which are conducted with the intent to develop community capacity.**
- Providing Community Investments through direct and leveraged funding
  - The SCW Program provides direct funding for Projects that provide Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits. The SCW Program is designed to incentivize the leveraging of other funding sources to maximize the ability to provide multiple benefits. **whenever possible.**
- Credit, Incentive and Rebate Program
  - 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, **including residential property owners,** to accept **and capture onsite and** offsite stormwater; and other possible credits, rebates, and incentives. **To help meet MS4 requirements in EWMPs and achieve multiple benefits, including new jobs, the County will establish and implement a Residential Retrofit Program as part of the SCW to provide financial rebates to homeowners who install a combination of water-capturing best management practices to capture runoff from their parcel. These BMPs can include but are not limited to: rain gardens and swales, cisterns and rain tanks, vegetation and tree planting and permeable paving.**

## 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

The Board of Supervisors shall annually levy a tax upon the taxable real property within the District. The revenues from the tax will be allocated and used, in accordance with the provisions of Section 2, subsection 8b of the Flood Control Act as follows:

- **District Program:** *“(A) Ten percent shall be allocated to the district for implementation and administration of projects and programs described in subsection 8a, and for payment of the costs incurred in connection with the levy and collection of the tax, fee, or charge and the distribution of the funds generated by imposition of the tax, fee, or charge, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*
- **Municipal Program:** *“(B) Forty percent shall be allocated to cities within the boundaries of the district and to the County of Los Angeles, in the same proportion as the amount of revenues collected within each jurisdiction and within the unincorporated territories, to be expended by those cities within the cities’ respective jurisdictions and by the County of Los Angeles within the unincorporated territories that are within the boundaries of the district, for the implementation, operation and maintenance, and administration of projects*

*and programs described in subsection 8a, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*

- Regional Program: *“(C) Fifty percent shall be allocated to pay for the implementation, operation and maintenance, and administration of watershed-based projects and programs described in subsection 8a, including projects and programs identified in regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system (MS4) discharges within the coastal watersheds of the County of Los Angeles, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*

Requirements for use of the funds within each the District, Municipal, and Regional Programs are discussed in their respective sections of this document.

### C. Agreements for Transfer of SCW Program Funds

Prior to its receipt of SCW 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. A standard agreement will be prepared by the Chief Engineer and approved by the Board of Supervisors, to include:

- a. Requirements for compliance with the terms of the SCW Program.
- b. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds.
- c. Provisions, processes, and schedules for disbursement of funds.
- d. Provisions for management of interest funds, debt, liability, and obligations.
- e. Provisions for indemnification of the District.
- f. Requirement of annual auditing and progress reporting.
- g. Los Angeles County contracting requirements, to include: Local and Targeted Worker Hire Policy, Jury Service Program, Safely Surrendered Baby Law, Prevailing Wage Rates, Child support Compliance Program, County Equal Employment Provisions, Best Efforts Hiring Goal, etc.
- h. For capital projects with a budget over \$2.5 million, a Community Workforce Agreement (CWA) with local/targeted hire and workforce development components shall apply to such projects, unless there is already a CWA in effect with another governmental entity that applies, in which event, the existing CWA with the other governmental entity shall remain in force and effect.
- i. Requirement for post-construction/implementation monitoring.

### D. Eligible Expenditures

Expenditures eligible for SCW Program funds include, but are not limited to, the following:

- a. Infrastructure development tasks including **community engagement, technical assistance,** design, preparation of environmental documents, obtaining permits, construction, operations & maintenance (O&M), inspection, etc.



- b. Real property acquisition, leases, and easements necessary to implement eligible Projects.
- c. Stormwater modeling and monitoring
- d. Projects or studies to investigate new technologies or methodologies to increase stormwater capture and reduce stormwater and urban runoff pollution for improving water quality, increasing local water supplies, or improving the ability of communities to adapt to the impacts of climate change.
- e. The development of feasibility studies to enable organizations to submit Projects for SCW Program funds.
- f. Scientific and technical studies to support revisions to the *Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* when related to the implementation of the MS4 Permit and E/WMP plans, including TMDL amendments, use attainability analyses and site-specific objectives.
- g. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase stormwater capture and reduce stormwater and urban runoff pollution to provide additional Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit.
- h. Debt financing should the District or a Municipality determine that bonds are prudent and necessary to implement a Project. Watershed Area Steering Committees may request the District to bond against their Watershed Area's revenue stream for Regional Projects
- i. Stormwater programs such as but not limited to school education and curriculum, public education, **technical assistance**, watershed coordinators, regional water quality planning and coordination, local workforce job training, and others.
- j. Credit, rebate and incentive programs aligned with the core principles and outcomes of the SCW Program.
- k. Maintenance of Effort: Use of up to 30% annually of a Municipality's Municipal Program funds to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program.
- l. **Minimum Control Measures: No more than 10% annually of a Municipality's Municipal Program may be used for Minimum Control Measures (MCMs), such as street sweeping, catch basin cleaning, or other programs focused solely on water quality improvement for Maintenance of Effort or above and beyond current programs.**

#### E. Ineligible Expenditures

Ineligible expenditures for SCW Program funds include, but are not limited to, the following:

- a. Payment of fines imposed by any State, Federal, or local regulatory agency.
- b. Expenditures related to the investigation, defense, litigation, or judgment associated with any regulatory permit violations, notices of violation, or noncompliance regulations brought forth by any State, Federal, local regulatory agency, or a third party unrelated to eligible Projects.
- c. Expenditures for the investigation or litigation of any claim or action against the District, County, or their officers, employees or agents alleging improper allocation, withholding or reassignment of SCW Program revenues.

- d. Costs associated with any litigation or preparation of litigation; for example, including investigation, defense, research, settlement, or initiation of a lawsuit, and/or payment of any judgements for claims and liability related to the design and implementation of eligible Projects.

## VI. Regional Program

### A. Regional Program Summary

Fifty (50) percent of the revenue from the tax is allocated for the Regional Program pursuant to the Flood Control Act section 2, subsection 8b(C). The intent of the Regional Program is to implement **Nature-Based**, Multi-Benefit watershed-based Projects that provide Water Quality Benefits, Water Supply Benefits, and ~~for~~ Community Investment Benefits. **As such, a Stormwater Management hierarchy should be developed as part of the Regional Program that prioritizes nature-based, distributed- and neighborhood-scale stormwater projects over traditional gray, centralized infrastructure alternatives. This hierarchy would guide the development of stormwater programs and projects by prioritizing (in order):**

1. **Green/Nature-Based projects at all scales (distributed, neighborhood and centralized), such as bioswales, curb cuts/parkway basins, treatment wetlands, strategic tree planting, bioswales, floodplain reclamation;**
2. **Green-Gray hybrid projects that closely mimic natural processes at distributed and neighborhood scales (cisterns, rain tanks, green streets, parks/green spaces with underground storage);**
3. **Centralized Green-Gray hybrid projects (such as large spreading grounds) that are developed to maximize natural processes and community investments (provide recreational opportunities, habitat, etc.)**

Regional Program funds may be spent on **community engagement, technical assistance education**, design, construction, **rebates**, land acquisition, operations and maintenance, programs, and other related eligible activities. Regional Program funds will be allocated for Projects selected by the nine (9) Watershed Area Steering Committees proportional to the funds generated in each Watershed Area. Regional Program funds are to be appropriated by Watershed Area Steering Committees as follows:

- Infrastructure (not less than 90% of Regional Program Funds):
  - Not less than 90% for Projects
    - Funding that **directly and distinctly** benefits DACs shall not be less than 110% of the ratio of the DAC population to the total population in the Watershed Area.
  - 5% for small-scale Projects (Budgets of \$100,000 – 500,000)
  - Projects completed using Regional Program funds will automatically receive funding for maintenance for the portion of the Project funded by SCW funds.
  - **Projects can pursue additional maintenance funding from the Regional Program for new project maintenance.**
  - **Program funds may be used for baseline SCW Program eligible operational and maintenance activities commenced before the effective start date of the SCW Program**
  - Infrastructure Projects will follow the project selection and funding process outlined in Figure 4 2 **(as revised to be in alignment with OWLA process recommendations)** below.



- ~~Scientific Studies and Technical Assistance for the Development of Feasibility Studies~~ (up to 5% of Regional Program Funds):
  - ~~Up to 5% for eligible Scientific and other activities, such as but not limited to: special studies, monitoring, modeling, Project feasibility study development, providing technical resources for community groups, such as DACs, NGOs, and CBOs.~~
    - ~~Not less than 1% of the Regional Program funds shall be used for feasibility study development for DACs. If feasibility study development does not utilize 1% of the funds available, the funds may be utilized for Projects resulting from a feasibility study for a Project that benefits a DAC.~~
    - Not less than 4% of the Regional Program funds shall be used annually for the Technical Assistance Program which may be used for feasibility study development for DACs, technical resources for community groups, such as DACs, NGOs, and CBOs and small cities.
    - Of the funds used for Technical Assistance Program, not less than \$1.2M annually shall be used for Watershed Coordinators in each watershed area and one overall Coordinator for the Oversight Committee.
    - Watershed Coordinators will provide and/or facilitate Technical Assistance, resources, educational workshops, and outreach for projects and programs, partnership opportunities, and networking for communities and agencies to implement effective watershed based projects, which result in regional benefits. ~~become more engaged.~~
    - 
    - Of the funds used for Technical Assistance Program, not less than \$126,000 annually shall be used to support the participation of community and environmental NGOs, particularly those representing social justice organizations.
    - ~~Technical assistance for the development of feasibility studies is complementary to District programs for Stormwater education. (See section VIII District Program)~~
    - Watershed Area Steering Committees will determine how to appropriate funds for the ~~Scientific Studies and Technical Assistance for Development of Feasibility Studies~~ sub-programs to be included in the Expenditure Plans.

Project Developers are responsible for carrying out the actions necessary to complete a Project that is selected for funding. Project Applicants must demonstrate technical, financial, and other necessary capabilities to be the Project Developer. If the Project Applicant is unable to be the Project Developer for any aspect of a Project, the District may take on that role for the Project. For Projects that will be developed by a Project Developer but will be maintained by the District, the Project design must be developed in accordance with the design standards of the District.

In order to ensure consistent and comprehensive maintenance and project performance, capital project maintenance funded by this measure shall be conducted by a County-led maintenance team. Project Developers can alternatively provide maintenance through their own public sector maintenance team, or as part of a qualifying workforce development program or County-approved non-profit maintenance program.

Project Applicants will submit Projects to the Watershed Area Steering Committees for scoring every two years. The project selection and funding process, as shown in Figure 1, is described as follows:

- Step 1:
  - Annually, the Board of Supervisors, via the District, prepares a five (5) year revenue forecast for each Watershed Area.
- Step 2
  - Biennially, the District will initiate a call for Projects on behalf of the Watershed Area Steering Committees, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees.
  - Watershed Area Steering Committees ~~forward all Projects received to the Technical Committee. Technical Committee~~ scores Projects and applies a Threshold Score.
  - Technical Assistance Committee develops a list of projects with a priority given to DACs for Technical Assistance and works with those project applicants who do not meet the Threshold Score to develop a competitive project.
- Step 3
  - Annually, Watershed Area Steering Committee reviews Projects and prepares a revolving five (5) year Stormwater Investment Plan which shall include an annual budget for their recommended suite of Projects and a projection of expenditures for the following four (4) years—~~including the development of projects in DAC Communities.~~
  - Project Developers may request updates and amendments to their Project costs and schedule annually subject to Watershed Area Steering Committee approval.
- Step 4
  - Annually, Watershed Area Steering Committee submits the Stormwater Investment Plan to the Regional Oversight Committee (ROC). For details on the membership of the ROC see section VI.K.
  - The ROC reviews the Stormwater Investment Plan to ensure progress towards the Stormwater Management Targets (Targets). For details on Targets see section VI.N. ROC may return the Stormwater Investment Plan to the Watershed Area Steering Committees for further revision.
  - If approved, the ROC forwards the Stormwater Investment Plan to the Board of Supervisors.
- Step 5
  - Annually, Board of Supervisors reviews the Stormwater Investment Plan for each Watershed Area Steering Committee. Board of Supervisors may return Stormwater Investment Plans to the ROC for further revision.
  - Board of Supervisors approves Stormwater Investment Plans.
- Step 6
  - Annually, each Project Developer enters into an agreement or amends their existing agreement with the District to transfer funds. The agreement will include: payment schedule, project deliverables, audits, progress reporting, etc. ~~Such plan will include the advance of funds for NGO project proponents.~~

**Figure 1. Regional Program Governance Structure and Selection Process Flowchart**

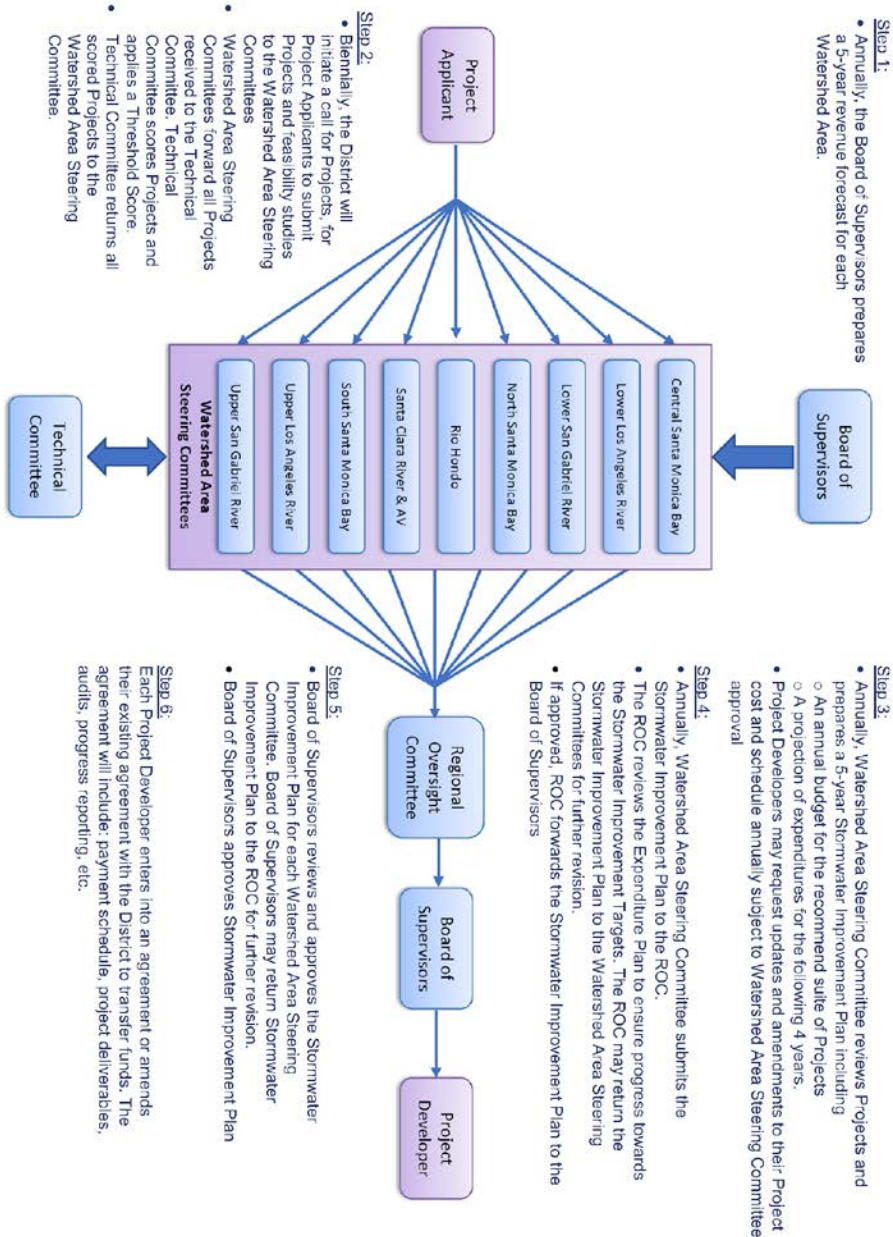


Chart must be updated to reflect proposed changes – See Figure 2.

## B. Regional Program: Initial Year Events

Should voters approve the Safe, Clean Water tax in November 2018, the following schedule of events will occur:

- Winter 2018–Watershed Area Steering Committees will be formed followed subsequently by the formation of the Regional Oversight Committee, Technical Assistance Committee, and Stakeholder Advisory Committee. The District will initiate a biennial call for Projects, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees. This call will specifically identify the need for Technical Assistance for DAC communities.
- Spring 2019– The District will initiate a biennial call for Projects, for Project Applicants to submit Projects and feasibility studies to the Watershed Area Steering Committees. All submitted Projects will be forwarded to the Technical Watershed Area Committee to be scored. Stormwater Investment Plans will be prepared by Watershed Area Steering Committees with a clear identification of a plan to address projects in DAC communities.
- Summer 2019–Stormwater Investment Plans will be vetted by the Regional Oversight Committee and the Board of Supervisors.
- Winter 2019–The District will execute agreements for transfer of funds to begin implementation of Projects.
- Beginning of 2020–First installment of the tax will be available; District to transfer funds to Project Developers.

#### C. Eligible Project Applicants

An eligible Project Applicant includes 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. Applicants are encouraged to bundle small and medium scale, community level projects to promote efficiency, achieve economies of scale and advance local hire and job training goals.

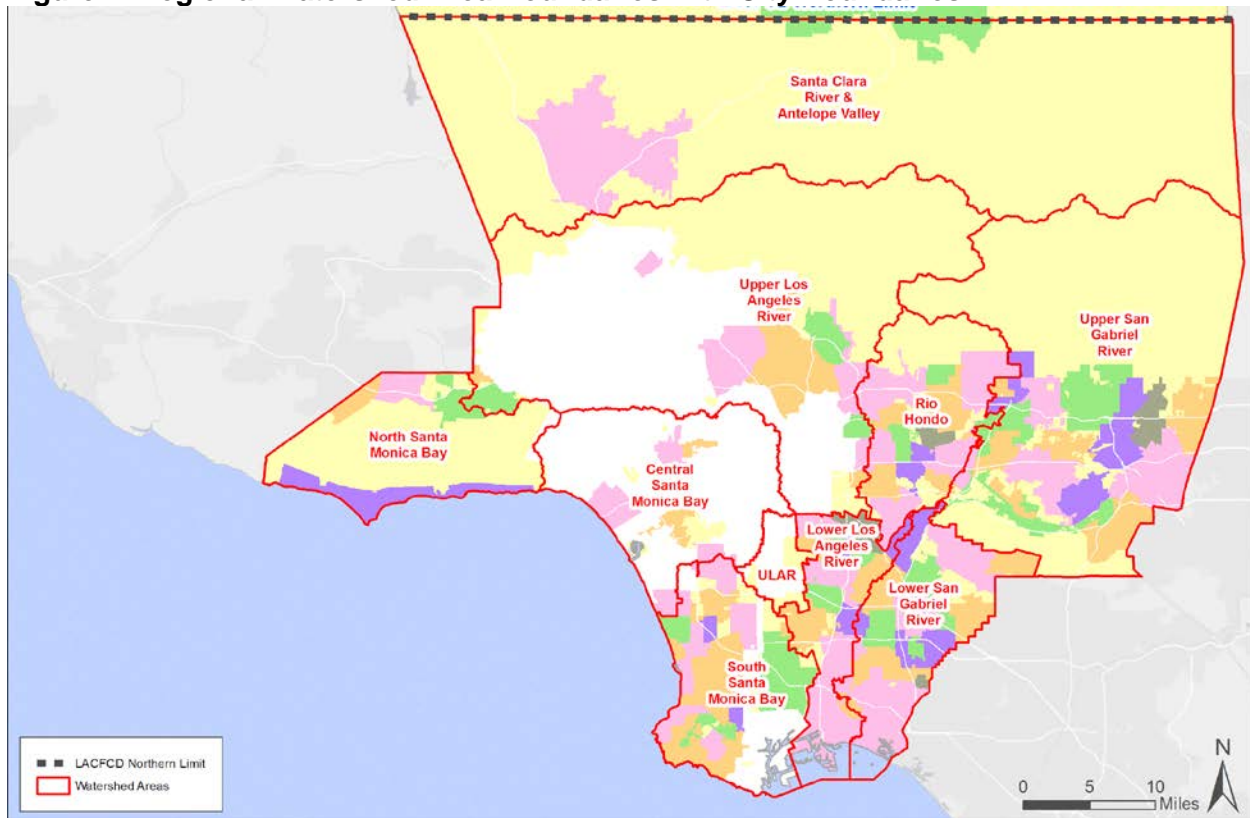
#### D. Boundaries of the Watershed Areas

The Chief Engineer will maintain on file detailed maps establishing the precise boundaries of the Watershed Areas. The boundaries of the Watershed Areas are based on hydrologic conditions and modified to keep E/WMP groups whole, wherever practical.

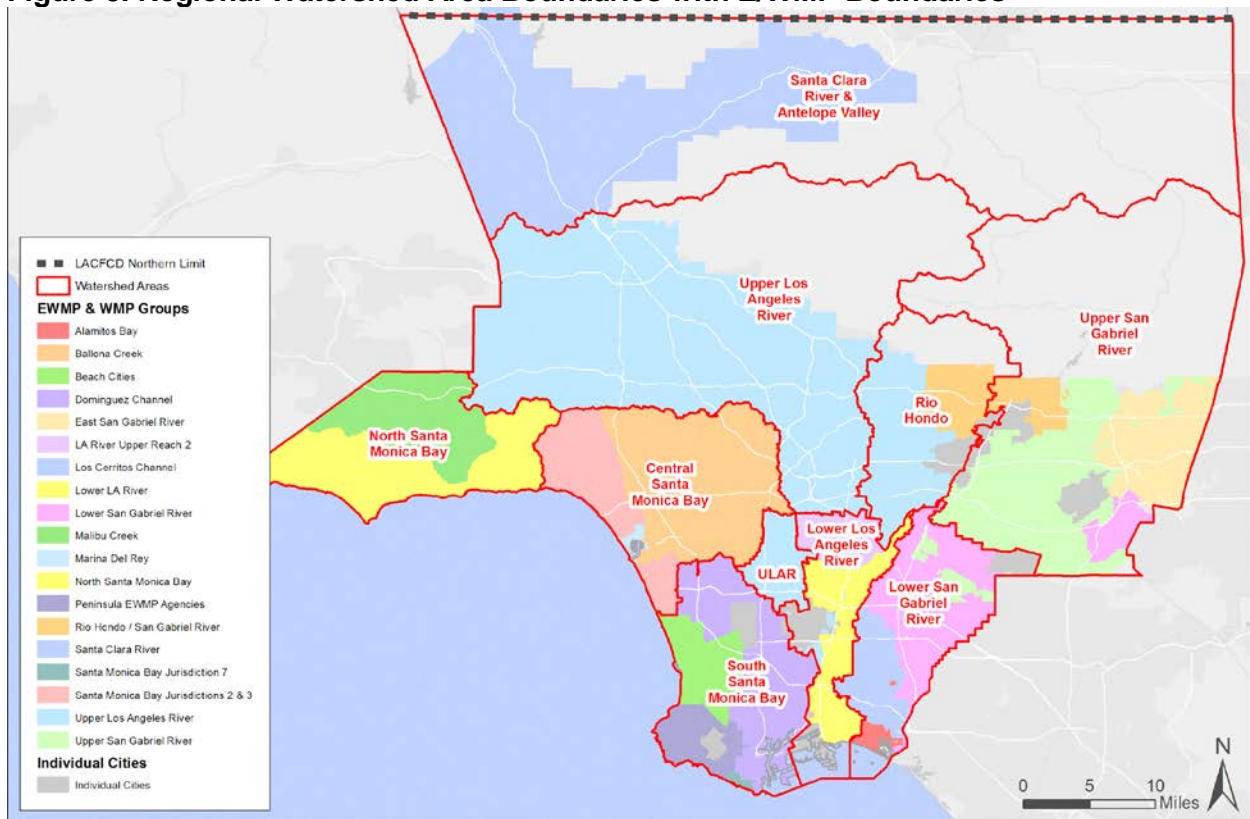
There are nine (9) Watershed Areas within the District, as shown in Figure 2 and Figure 3.



**Figure 2. Regional Watershed Area Boundaries with City Boundaries**



**Figure 3. Regional Watershed Area Boundaries with E/WMP Boundaries**



## E. Membership of the Watershed Area Steering Committees

The District will empanel Watershed Area Steering Committees for each of the nine (9) Watershed Areas for the purpose of recommending funding appropriations for Regional Projects. The District will provide staff support to each Watershed Area Steering Committee and carry out their decisions. Operating guidelines for Watershed Area Steering Committees will be developed by the District.

Each Watershed Area Steering Committee consists of ~~twenty-four (24)~~ ~~fifteen (15)~~ members and each member receives one equally weighted vote. ~~Six (6)~~ ~~Eight (8)~~ members are designated from Municipalities located within the Watershed Area, ~~five (5)~~ ~~eight (8)~~ members are sector-specific stakeholder representatives, and ~~four (4)~~ ~~eight (8)~~ members are community stakeholder representatives, as shown in Table 1.

The ~~five (5)~~ ~~eight (8)~~ sector-specific stakeholder representatives and ~~four (4)~~ ~~eight (8)~~ community stakeholder representatives will be chosen to maintain a geographic balance and be representative of a range of interests within the Watershed Area. These representatives must demonstrate a regional focus. Watershed Area Steering Committee members are required to have knowledge of the sector they represent, as described in Appendix A. Each Watershed Area Steering Committee member will assign an alternate, who must also demonstrate knowledge of the sector they represent, to serve in the absence of the member. The alternate will be selected in the same manner the member seat was assigned.

**The Regional Board shall also have one non-voting member per Watershed Area.**

The anticipated membership for each Watershed Area Steering Committee can be found in Appendix B.

**Municipal Members:** ~~Six (6)~~ ~~Eight (8)~~ seats will be assigned to Municipalities. Any Municipality with at least 16% of the taxable land area located within the Watershed Area receives one seat. A Municipality with at least 33% of the taxable land area located within the Watershed Area receives two seats. A Municipality with at least 50% of the taxable land area located within the Watershed Area receives three seats. A single Municipality may occupy up to three (3) seats on each Watershed Area Steering Committee.

Municipal members for the remaining seats will be assigned by the unrepresented Municipalities. Each Municipal member will assign an alternate from their Municipality to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member.

**Sector-Specific Members:** ~~Five (5)~~ ~~Eight (8)~~ sector-specific seats will be assigned by the Board of Supervisors. A seat will be assigned to each of the following sectors:

- District (**Watershed Division**)
- Water Agency (to be filled by municipal water district in the Watershed Area)
- Groundwater, or second Water Agency if a groundwater agency does not exist in the Watershed Area (to be filled by the largest service provider in the Watershed Area)
- Sanitation (to be filled by the largest service provider in the Watershed Area)
- Open Space (to be filled by the largest local park and open space agency in the Watershed Area)
- **School Board Member (to be filled by the largest school district in the Watershed Area or may be self-selected by the districts in the area)**
- **Public Health Agency**

- Local Municipal Park (to be filled by the largest park department in the region)

Each sector-specific member will assign an alternate from their specific sector to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member, and is subject to Board of Supervisors' approval.

**Community Stakeholder Members:** Representatives for the ~~four (4)~~ eight (8) Community Stakeholder seats will be ~~recommended collectively by the Municipal members and sector-specific members of the Watershed Area Steering Committee and~~ approved by the Board of Supervisors. ~~These seats will be assigned to representatives from the community, i.e.: business, public health, non-governmental organization, disadvantaged community, community-based organization, academia, and others.~~

The Community Stakeholders shall be:

- Watershed Coordinator (sponsored by local NGO)
- Social Justice NGO
- Health NGO
- Environmental NGO
- Business
- Labor
- 2 “At Large” NGO/CBO (i.e., Conservation Corps)

Each community stakeholder member will assign an alternate from their organization to serve in their absence who must meet the general requirements of a Watershed Area Steering Committee member, and is subject to Board of Supervisors approval.

**Table 1. Regional Program Watershed Area Steering Committee Membership (update per OWLA Recommendations)**

	Sector	Member
1	Municipality	<del>Varies for Each Watershed Area</del>
2	Municipality	<del>Varies for Each Watershed Area</del>
3	Municipality	<del>Varies for Each Watershed Area</del>
4	Municipality	<del>Varies for Each Watershed Area</del>
5	Municipality	<del>Varies for Each Watershed Area</del>
6	Municipality	<del>Varies for Each Watershed Area</del>
7	District	<del>Appointed by Board of Supervisors</del>
8	<del>Largest Service Provider- Water Agency</del>	<del>Appointed by Board of Supervisors</del>
9	<del>Largest Service Provider- Groundwater/Water Agency #2</del>	<del>Appointed by Board of Supervisors</del>
10	<del>Largest Service Provider- Sanitation</del>	<del>Appointed by Board of Supervisors</del>
11	<del>Largest Municipality Agency- Open Space/Recreation</del>	<del>Appointed by Board of Supervisors</del>
12	<del>Community Stakeholder</del>	<del>Watershed Area Steering Committee recommended, then Board of Supervisor approved</del>
13	<del>Community Stakeholder</del>	<del>Watershed Area Steering Committee recommended, then Board of Supervisor approved</del>
14	<del>Community Stakeholder</del>	<del>Watershed Area Steering Committee recommended, then Board of Supervisor approved</del>
15	<del>Community Stakeholder</del>	<del>Watershed Area Steering Committee recommended, then Board of Supervisor approved</del>

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

A quorum is required for Watershed Area Steering Committees to act on any item of business. A quorum will consist of a simple majority of the members or their alternates. If a quorum is present, approval of any item of business requires a simple majority vote of those in attendance.

Each Watershed Area Steering Committee 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.

#### G. Responsibilities of the Watershed Area Steering Committees

Watershed Area Steering Committees have the following responsibilities:

- a. Review and adopt Stormwater Management Targets (See section VI.N for details) from the ROC. Stormwater Management Targets (Targets) are reviewed and refined through an iterative process with the ROC before they become final. Stormwater Management Targets should be attainable goals for each of the Watershed Areas. Stormwater Management Targets are reevaluated every five (5) years by the iterative process described above.
- b. Receive Projects from Project Applicants, forward the Projects to the Technical Committee for scoring, review the list of scored Projects returned by the Technical Committee, and prepare a Stormwater Investment Plan that demonstrates progress towards the Stormwater Management Targets.
- c. Provide the recommended Stormwater Investment Plan **ensuring the program robustly addresses the needs of DAC communities** to the ROC which will be affirmed by the Board of Supervisors.
- d. Comply with all SCW Program Quarterly Progress/Expenditure report requirements
- e. Provide additional financial and other information, as required by the Board of Supervisors.
- f. Help identify Project partners and additional sources of funding to augment SCW Program revenues for Projects.

#### H. Watershed Area Steering Committee Conflict of Interest

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.

#### I. Formation and Composition of the Regional Oversight Committee

The ROC consists of ~~eighteen (18)~~ **twenty-four (24)** members. Each member receives one equally weighted vote. The ROC consists of one member appointed from each of the nine (9) Watershed Area Steering Committees, **Regional Watershed Coordinator**, ~~five (5)~~ **eight (8)** sector-specific members appointed by the Board of Supervisors, and ~~four (4)~~ **eight (8)** community stakeholder members appointed by the Board of Supervisors, as shown in Table 2. The District will provide staff support to each Watershed Area Steering Committee and carry out their decisions.

The ~~five (5)~~ **eight (8)** sector-specific stakeholder representatives and ~~four (4)~~ **eight (8)** community stakeholder representatives will be chosen to be representative of a range of interests and maintain a geographic balance across the District. These representatives must demonstrate a regional focus and are required to have knowledge of the sector they represent, as described in Appendix A. An alternate will be assigned to serve in the absence of the member.

**There will be one non-voting seat for the Regional Board.**

**Watershed Area Steering Committee Members:** Each Watershed Area Steering Committee will assign one of their members and one alternate to represent the Watershed Area Steering Committee on the ROC.

**Sector-Specific Members:** The Board of Supervisors will select ~~five (5)~~ **eight (8)** sector-specific stakeholder representatives and their alternates to represent the:

- District
- Water Agency (to be filled by a regional service provider)
- Groundwater or second Water Agency if a groundwater agency does not exist in the Watershed Area (to be filled by a regional service provider)
- Sanitation (to be filled by a regional service provider)
- Open Space (to be filled by a regional open space entity or similar)
- School District (to be filled by the largest school district in the Watershed Area or may be self-selected by the districts in the area)
- Public Health Agency
- Municipal Park (to be filled by the largest park department in the region)

**Community Stakeholder Members:** The Board of Supervisors will select ~~four (4)~~ eight (8) Community Stakeholder representatives and their alternates. These seats will be assigned to representatives from the community, i.e.: business, public health, NGO, DAC, CBO, academia, and others.

**Table 2. Regional Oversight Committee Membership (Update per OWLA Recommendations)**

	Sector	Member
4	Central Santa Monica Bay	Watershed Area Steering Committee
2	Lower Los Angeles River	Watershed Area Steering Committee
3	Lower San Gabriel River	Watershed Area Steering Committee
4	North Santa Monica Bay	Watershed Area Steering Committee
5	Rio Hondo	Watershed Area Steering Committee
6	Santa Clara River & Antelope Valley	Watershed Area Steering Committee
7	South Santa Monica Bay	Watershed Area Steering Committee
8	Upper Los Angeles River	Watershed Area Steering Committee
9	Upper San Gabriel River	Watershed Area Steering Committee
10	District	Appointed by Board of Supervisors
11	Water Agency	Appointed by Board of Supervisors
12	Groundwater/Water Agency	Appointed by Board of Supervisors
13	Sanitation	Appointed by Board of Supervisors
14	Open Space/Recreation	Appointed by Board of Supervisors
15	Community Stakeholder	Appointed by Board of Supervisors
16	Community Stakeholder	Appointed by Board of Supervisors
17	Community Stakeholder	Appointed by Board of Supervisors
18	Community Stakeholder	Appointed by Board of Supervisors

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

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)~~ twelve (12) 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.

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

The ROC will have the following responsibilities:

- a. Propose Targets for the full region, and distribute the regional Targets among the nine (9) Watershed Areas. Targets are reviewed and refined through an iterative process with the Watershed Area Steering Committees before they become final. Targets shall take into consideration regional differences—e.g. percentages of DACs, ability to infiltrate to groundwater--and should reflect attainable goals for each of the Watershed Areas.
- b. Review Stormwater Investment Plans to ensure progress towards the Stormwater Management Targets. ROC may return the Stormwater Investment Plan to the Watershed Area Steering Committees for further revision. If approved, the Stormwater Investment Plans are forwarded to the Board of Supervisors for consideration and approval for funding. The Stormwater Investment Plans will be evaluated by the Board of Supervisors for their consistency with the SCW Program intent and for their ability to achieve the Stormwater Management Targets.
- c. Confirm that progress is being made towards the Targets of each Watershed Area Steering Committee and the region as a whole.

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

Members that have a possible conflict with actions of the Regional Oversight Committee must recuse themselves from discussion and voting on those issues.

#### M. Technical Advisory Committee

~~The Technical Committee will score all Regional Projects using the Draft Regional Program Project Criteria and will apply a Threshold Score. The initial recommendation for the Threshold Score is 60 points. The Technical Committee forwards Projects with their respective score to the appropriate Watershed Area Steering Committees.~~

~~For the projects that do not meet the threshold score and/or are brought forward by project applicants or are identified by the Technical Assistance Committee as having the potential to meet the Targets, the Technical Assistance Committee shall identify the appropriate level of analysis and Technical Assistance necessary to make the project viable or determine it is not suitable for the Program.~~

~~The Technical Advisory Committee will be staffed by the District and will include the following expertise: ecologist, hydrologist, environmental scientist, geologist, construction cost estimator, Watershed Coordinator, environmental and social justice NGO and LAC Public Works staff from the Watershed Division.~~

~~A Stakeholder Advisory Committee comprised of stakeholders with technical expertise will periodically review the criteria and scoring of Projects.~~

## N. Stormwater Management Targets

The ROC will coordinate with the Watershed Area Steering Committees to develop and refine a set of Stormwater Management Targets (Targets). Stormwater Management Targets will be developed by referencing targets contained in existing plans, such as IRWM, E/WMP, UWMP, and other regional plans. Stormwater Management Targets must:

- a. Set achievable targets for meeting regional water quality standards.
- b. Set achievable targets for the creation of a meaningful increase in the regional water supply.
- c. Set achievable targets for the creation of a meaningful increase in community investment benefits.

## O. Draft Regional Program Project Criteria

### Eligibility Requirements for Regional Projects

All stormwater/urban runoff capture and reuse projects funded must:

- Use Nature Based Solutions to provide **water supply** (either through infiltration, direct capture/reuse, or offsetting water demand), **water quality**, and other **community investments** as detailed in sections below;
- Be completed within 7 years of the funding award date; and be functional for a minimum of 10 years;
- Include operations and maintenance (O&M) plan and demonstrate sufficient funding for O&M for the lifespan of the project (either funding from this measure or other dedicated funds);
- Include overall (lifespan) project cost and annualized costs, including the cost per unit of additional water supply developed and pollutants reduced;
- Include a plan for verification within 3 months of the project's completion to ensure it is optimized to meet design performance;
- Be monitored for at least two wet seasons;
- Meet worker job requirements (*see Economic & Workforce Development section below for additional details*);
- Demonstrate robust community engagement that meaningfully informs and impacts project scope, actions and results;
- Include elements to increase environmental literacy around stormwater; and
- Be planned and developed with an emphasis on avoiding/preventing residential and commercial displacement (*see Equity section below for additional details*).

### Scoring Criteria for Regional Projects:

To be eligible for funding, projects must achieve a minimum score of 75 points (out of 100) in the chart below, demonstrating that such projects will help enhance water supply, reduce pollutant loads/ concentrations, and provide additional community investments.

#### **Project Evaluation criteria:**

##### **Water Quality (40 points total)**

8 points

**Pollutant Concentration** - Demonstrates that during an 85th percentile design storm there is a minimum 50% reduction in concentration of a

	<p>single targeted pollutant that flows through or is captured by the BMP (2 pts).</p> <p>Project demonstrates that during an 85<sup>th</sup> percentile design storm there is a minimum 50% reduction in concentration for <i>more than one class of pollutant</i><sup>3</sup> that flows through or is captured by the BMP (4 pts).</p>
12 points	<p><b>Load Reduction</b> - Plan contains the magnitude and percent of overall load reduction predicted by the BMP (7 pts maximum - 1 point for every 10% reduction in load (influent versus effluent) over 30% achieved by the BMP )<sup>4</sup></p> <p>Project results in at least 30% reduction in load (influent versus effluent) for <i>more than one class of pollutant</i> (5 pts).</p>
20 points	<p><b>Achieving Water Quality Standards</b> – Effluent/discharge from the BMP does not cause or contribute to exceedances of water quality standards (WQS) in the receiving water.</p> <p><i>Dry Weather</i> - Effluent/discharge from the BMP does not cause or contribute to exceedances of water quality standards (WQS) in the receiving water <i>during dry weather</i> (yes- 5 pts, no- 0 pts);</p> <p><i>Wet Weather:</i></p> <ul style="list-style-type: none"> <li>During the 85th percentile design storm, the BMP does not discharge 1) any pollutants for which there is a mass or load-based TMDL or 2) any pollutant in concentrations greater than any concentration-based Water Quality Standard or waste load allocation (yes- <i>additional 15 pts</i>, no- 0</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>BMP designed to capture and treat water from 95<sup>th</sup> percentile design storm (yes- <i>additional 15 pts</i>, no- 0 pts)<sup>5</sup></li> </ul>
<b><u>Water Supply (25 points total)</u></b>	
20 points	<p><b>Supply enhancement</b> – Project results in capture and infiltration of:</p> <p>5-9 acre feet per year (AFY) - 3 points</p> <p>10-29 AFY - 5 points</p> <p>30-69 AFY - 10 points</p> <p>70-99 AFY - 15 points</p> <p>100 AFY - 18 points</p> <p>200 AFY+ - 20 points</p>

<sup>3</sup> Classes of Pollutant are: 1) Metals, 2) trash, 3) nutrients, 4) toxics, 5) bacteria; 6) Ph

<sup>4</sup> For example, a project with a design capacity that reduces pollutant loads in effluent by 60% would receive 3 points

<sup>5</sup> When discharging a pollutant or pollutants for which a water body is impaired and has a load-based TMDL

	Point total reflects infiltration to producing aquifer (has wells) or as seawater intrusion barrier; if infiltrating to non-producing aquifer without seawater intrusion barrier, receive ½ credit
5 points	<b>Demand Reduction</b> – Project offsets existing potable water use (through capture/on-site reuse or reduction in required irrigation) of at least 10 AFY (5 pts)
<b><u>Community Investments (25 points total)</u></b>	
25 points	<p><b>Community Investments</b> – The best way to maximize community benefits from investments made in stormwater projects is to promote nature-based solutions. By maximizing natural solutions, communities will benefit from increased recreational opportunities, improved health, reduced carbon footprint, improved air quality, urban cooling, reduced green waste, and increased habitat/wildlife. To maximize community investments, projects should:</p> <ul style="list-style-type: none"> <li>a. Employ natural systems or mimic natural systems to enhance or expand green space or usable open space (3 points)</li> <li>b. Include at 25% coverage in native vegetation (3 points); 1 point additional for each additional 10% coverage with native vegetation (up to 3 additional points) <ul style="list-style-type: none"> <li>i. 2 points for each additional class<sup>6</sup> of native vegetation planted (4 additional points maximum);</li> <li>ii. 2 additional points for planting native flowering plants that support pollinators</li> <li>iii. 2 additional points for planting of native shade trees with low VOC emission</li> </ul> </li> <li>c. Include space for recreation to improve public health (4 pts) <ul style="list-style-type: none"> <li>i. 2 additional points if project creates new or enhanced park and open spaces that include recreational benefits in a park poor community (less than 1 acre of open space/1,000 residents)</li> </ul> </li> <li>d. Include elements that beautify or add aesthetic value to the community (2 points)</li> </ul>
<b><u>Project Viability and Community Support (10 points total)</u></b>	
4 points	<p><b>Cost-Share</b> – Project leverages outside resources to maximize benefits (4 points maximum – 1 point for every 15% of overall project budget funded by outside sources).</p> <p><i>Municipal (local return) funding from this program can count towards cost-share</i></p>
4 points	<b>Community Engagement &amp; Collaboration</b>

<sup>6</sup> Classes of vegetation – 1) groundcover; 2) shrubs; 3) trees

	<p><b>Community engagement</b> – Project includes community priorities that were developed as part of a robust outreach process (that is documented) (2 points).</p> <p><b>Collaboration</b> – Project demonstrates collaboration among at least 4 entities, including non-profits, community-based organizations, or public agencies (2 point maximum).</p>
2 points	<b>Regulatory Compliance</b> – Project included as part of an approved Integrated Resources Plan (IRP), Urban Water Management Plan (UWMP), Watershed Management Program (WMP), or Enhanced Watershed Management Program (EWMP).
<b><u>Total points</u></b>	100 points

- To enable like-sized projects to compete against each other, separate funding pots should be created for smaller (e.g., \$500K or less), medium-size (\$501K - \$2.5M), and larger (greater than \$2.5M) projects. While separate pools of funding for each size project should be created to ensure a mix of projects, the scoring *criteria* should be the same for each category. Criteria could be established to encourage the bundling of small and medium projects to achieve economies of scale and sustain workforce investments.

~~Scoring of Regional Program Projects utilizes the Draft Regional Program Project Criteria, shown in Table 3. Projects will be eligible for scoring if they have a completed feasibility study. The District will provide guidance on the minimum requirements, as well as a template for feasibility studies. Assistance with the development of Project feasibility studies may be available to qualified Projects Applicants (See section VI.A).~~

~~Projects submitted for consideration through the Regional Program do not have to be part of an existing plan. Projects from existing plans as well as new feasibility studies will be considered. All Projects will be scored according to the Draft Regional Program Project Criteria.~~



Draft Regional Program Project Criteria include the following four sections, which are assigned different ranges of points:

- ~~Section A: Water Quality Benefit (40 Points)~~
  - ~~Wet weather Projects:~~
    - ~~Applies a range of points for effectiveness and extent of pollution reduction~~
  - ~~Dry weather Projects:~~
    - ~~Applies a range of points for full capture of urban runoff and tributary size.~~
- ~~Section B: Water Supply Benefit (25 Points)~~
  - ~~Applies a range of points for cost effectiveness and volume of supply created or offset~~
- ~~Section C: Community Investment Benefit (25 Points)~~
  - ~~Applies a range of points for Projects that provide benefits to DACs, nature-based solutions, and multiple Community Investment Benefits.~~
- ~~Section D: Leveraging Funds (10 Points)~~
  - ~~Applies points for Project funding match, partnerships, community involvement, and Project readiness. Projects that are already part of an existing plan receive additional points.~~

The Technical Committee will score Projects and apply a Threshold Score. The Threshold Score is a minimum score that Projects must meet or exceed to be eligible for Regional Program funding. The Technical Committee will then forward all scored Projects to the appropriate Watershed Area Steering Committee.

**Table 3. Draft Regional Program Project Criteria**

Section	Score Range	Draft Scoring Standards
<b>A.1 Wet Weather Water Quality Benefits</b>	40 points max	The project provides water quality benefits
	20 points max	<p>A.1.1: For Wet Weather BMPs Only: Water Quality Cost Effectiveness (Cost Effectiveness) = (24-hour BMP Capacity)<sup>1</sup> / (Life-Cycle Cost<sup>2</sup> in \$Millions)</p> <ul style="list-style-type: none"> <li>● <del>&lt;4.0 (AF / \$ Million) = 0points</del></li> <li>● <del>4.0-6.0 (AF / \$ Million) = 5points</del></li> <li>● <del>6.0-8.0 (AF / \$ Million) = 10points</del></li> <li>● <del>8.0-10.0 (AF / \$ Million) = 15points</del></li> <li>● <del>&gt;10.0 (AF / \$ Million) = 20points</del></li> </ul> <p><sup>1</sup>. Management of the 24-hour event is considered the maximum capacity of a project for a 24-hour period. For water quality focused projects, this would typically be the 85<sup>th</sup>-percentile design storm capacity. Units are in acre-feet (AF).</p>
<b>-OR-</b>	20 points max	<p>A.1.2: For Wet Weather BMPs Only: Water Quality Benefit Magnitude. Quantify the pollutant reduction for the controlling pollutants using the similar analysis as the EAWMP which use the Districts Watershed Management Modeling System. The analysis should be an average reduction of the primary pollutant of concern over a ten-year period showing the impact of the Project. Modeling should include the latest performance data to reflect the efficiency of the multi-pollutant BMP Project.</p> <ul style="list-style-type: none"> <li>● <del>&lt;50% = 5points</del></li> <li>● <del>50-65% = 10points</del></li> <li>● <del>65-80% = 15points</del></li> <li>● <del>&gt;80% = 20points</del></li> </ul>
<b>A.2 Dry Weather Water Quality Benefits</b>	20 points	A.2.1: For dry weather BMPs only, projects must be designed to capture 100% of all tributary dry weather flows.
	20 points max	<p>A.2.2: For Dry Weather BMPs Only: Tributary Size of the Dry Weather BMP</p> <ul style="list-style-type: none"> <li>● <del>&lt;200 Acres = 10points</del></li> <li>● <del>&gt;200 Acres = 20points</del></li> </ul>
<b>B.</b>	25 points max	The project provides water supply benefits



<b>Significant Water Supply Benefits</b>	13 points max	<del>B1. Water Supply Cost Effectiveness. The total life-cycle cost<sup>2</sup> per unit of acre foot of stormwater captured for water supply is:</del> <ul style="list-style-type: none"> <li><del>• &gt;\$2500/ac-ft = 0points</del></li> <li><del>• \$2,000-2,500/ac-ft = 3points</del></li> <li><del>• \$1500-2,000/ac-ft = 6points</del></li> <li><del>• \$1000-1500/ac-ft = 10points</del></li> <li><del>• &lt;\$1000/ac-ft = 13points</del></li> </ul>
	12 points max	<del>B2. Water Supply Benefit Magnitude. The additional water supply resulting from the project is:</del> <ul style="list-style-type: none"> <li><del>• &lt;25 ac-ft/year = 0points</del></li> <li><del>• 25-100 ac-ft/year = 2points</del></li> <li><del>• 100-200 ac-ft/year = 5points</del></li> <li><del>• 200-300 ac-ft/year = 9points</del></li> <li><del>• &gt;300 ac-ft/year = 12points</del></li> </ul>
<b>C. Community Investments Benefits</b>	25 points max	<del>The project provides Community Investment Benefits</del>
	10 points	<del>C1. Project provides Community Investment Benefits within a disadvantaged community</del>
	10 points	<del>C2. Project implements Nature Based Solutions (as per the SCW Program Definition)</del>
	5 points	<del>C3. Project has at least:</del> <ul style="list-style-type: none"> <li><del>• One of the Community Investment Benefits defined above = 3points</del></li> <li><del>• More than one Community Investment Benefit = 5points</del></li> </ul>
<b>D. Leveraging Funds &amp; Readiness for Implementation</b>	10 points max	<del>The project achieves one or more of the following:</del>
	4 points max	<del>D1. Cost Share. Additional Funding has been awarded for the project:</del> <ul style="list-style-type: none"> <li><del>• &gt;25% Funding Matched = 2points</del></li> <li><del>• &gt;50% Funding Matched = 4points</del></li> </ul>
	2 points	<del>D2. The project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.</del>
	2 points	<del>D3. Project will begin construction within 18 months</del>
	2 points	<del>D4. The project is already part of an existing plan. (eg. IRWM Plan, EAWMP, City Plans, others)</del>
<b>Total</b>	<b>Total Points All Sections 100</b>	

~~2. Total Life Cycle Cost: The annualized value of all Capital, planning, design, land acquisition, construction, and total life O&M costs for the project for the entire life span of the project (e.g. 50-year design life span should account for 50-years of O&M). The annualized cost is used over the present value to provide a preference to projects with longer life spans.~~

## VII. Municipal Program

Forty (40) percent of the funds from the SCW Program tax are allocated for the Municipal Program pursuant to the Flood Control Act section 2, subsection 8b(B). Municipal funds are 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 Municipal Program is designed to maximize the ability of local governments to address local stormwater challenges and opportunities. ~~Projects are required to include a Water Quality Benefit. Multi-Benefit Projects are strongly encouraged but are not required. Local governments are allowed and encouraged to pool municipal funds in order to collaborate on projects, such as through a Construction Authority or Joint Project Authority.~~

### A. Municipal Program Responsibilities

Each Municipality receiving Municipal Program funding from the SCW Program will have the following responsibilities:

- a. Engage stakeholders ~~meaningfully (including community engagement) in the planning process for all aspects of use of the Municipal Program funds, from conceptualization, planning, design, implementation, project development, and maintenance.~~
- b. As part of the Municipal Program planning process, consider a Municipal level call for Projects from eligible Project Applicants.
- ~~c. Plan, implement, and maintain 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.
- e. Operate in accordance with best practices for government agencies.
- f. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.
- g. Prepare, prior to the start of that Municipality's fiscal year, a budget for how SCW Program funds will be used.
- 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.
- i. Comply with all SCW Program reporting and audit requirements (See section XI).
- j. Provide the District additional financial and other information, as required by SCW Program or upon request.
- ~~k. Engage stakeholders in the planning process for their Projects.~~

### B. Municipal Program Criteria

- a. New projects developed must use Nature Based Solutions to provide **water supply** (either through infiltration, direct capture/reuse, or offsetting water demand), **water quality**, and other **community investments**.
- b. Municipal funding can be used for O&M of existing nature-based, multi-benefit stormwater projects **above and beyond current maintenance**.

- c. Up to 10% of Municipal Funds can be spent on local priorities that augment Minimum Control Measures (MCMs), such as catch basin cleaning, open channel maintenance, street sweeping, or other programs that are focused solely on water quality improvement ***above and beyond current programs***<sup>7</sup>.
- d. Municipalities must adopt eligibility requirements and scoring criteria similar to the Regional Project Selection Criteria above, and must establish criteria to quantify water supply, water quality and community benefits, and ensure projects developed have O&M plans and monitoring/verification requirements.
- e. Municipalities are encouraged to pursue cross-city collaboration within their watershed to leverage incentives, rebates and other resources and maximize environmental and community benefits.
- f. Municipalities are also encouraged to pursue cost-share (through Measure A, M, H, Prop 1 and any other relevant existing or new source) to leverage resources and maximize environmental and community benefits.

### C. Agreements for Transfer of Revenues

A Municipality may enter into a binding agreement with another Municipality, the County, the District, or other capable entity to carry out the Municipality's responsibilities under the SCW Program. As described in Section IV.C of this document, prior to its receipt of SCW Program funds, a Municipality must enter into a revenue transfer agreement with the District.

### D. Maintenance of Effort

A Municipality must spend at least 70% of their Municipal Program funds annually on new Projects. A Municipality may use up to 30% annually to pay for baseline SCW Program eligible activities commenced before the effective start date of the SCW Program.

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<sup>7</sup> For example, a city can use the fee's funds to buy a new street sweeper, but cannot use the money to pay for an EXISTING street sweeping program

## VIII. District Program

Ten (10) percent of the revenue from the tax on each parcel is allocated for the District Program pursuant to the Flood Control Act section 2, subsection 8b(A).

### A. Responsibilities

The District will have the following responsibilities:

- a. Administer the SCW Program to include: Tax and payment administration, review annual budgets and reports, conduct audits, and manage appeals of scoring process.
- b. Annually prepare a 5-year revenue forecast for each Watershed Area.
- c. Plan, implement, and maintain District Projects.
- d. Coordinate logistics for the Regional Program.
- e. Staff the Technical ~~Advisory~~ Committee ~~along with outside technical experts~~. Provide technical support and ~~assist with the evaluation of score~~ Projects.
- f. Provide staff support to the Watershed Area Steering Committees and the ROC.
- g. Engage stakeholders ~~and community members~~ in the planning process for use of the District Program funds.
- h. Plan, implement, and maintain District Projects in conjunction with stakeholders.
- i. ~~Plan, coordinate and implement eligible scientific studies and other activities, such as but not limited: special studies, monitoring and modeling.~~
- j. Operate in accordance with best practices for government agencies.
- k. Conduct independent audits as described in section XI. to ensure compliance with requirements of the SCW Program.
- l. Prepare, prior to the start of the District's fiscal year, a budget for how SCW Program funds will be used.
- m. 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.
- n. Comply with all SCW Program audit requirements (See section XI).

### B. Programs

The District will administer the programs below. The District will commence these programs within the first year of passage of the Safe, Clean Water Tax. Not less than ~~50% \$20-million~~ of District Program funds shall be allocated annually for these programs. ~~over a revolving five (5) year period~~. The District will solicit proposals for carrying out these programs.

- a. Create ~~and implement~~ Stormwater education programs that proactively involve stakeholders and community groups to carry out activities that may include, but are not limited to:
  - Public education programs
  - ~~Watershed Coordinators, who provide and/or facilitate Technical Assistance, resources, educational workshops, and outreach for projects and programs, partnership opportunities, and networking for communities and agencies to~~

~~implement effective watershed-based projects, which result in regional benefits. become more engaged.~~ Note: Watershed Coordinator Program is recommended to be embedded in the Regional Program by OWLA.

- ~~• Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, and maintenance of Stormwater management and Multi-Benefit Projects.~~
- Schools education and curriculum program, such as classroom curriculum, guest speakers, etc.

**b. Workforce Development**

- Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, and maintenance of Multi-Benefit Projects.

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

The District will carry out the following activities:

- a. Regional Water Quality Planning and Coordination to carry out activities which may include, but are not limited to:
  - Provide regional leadership and coordination for scientific studies, research, and water quality modeling
    - Special studies are to be funded by the Watershed Area Steering Committees
- b. Implementation of District-scale Projects consistent with SCW Program regional Multi-Benefit Projects. The District will engage stakeholders and **community members** in the planning process for District Projects.

## IX. Tax Calculation 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. The boundaries of the area, and identification of the parcels subject to the tax and the method for calculating the tax for each parcel will be established by the ordinance adopted by the Board. The rate used for calculating the tax, as established by the ordinance adopted by the Board, will remain the same from year to year, unless a change is approved in accordance with all applicable laws. The Chief Engineer may periodically re-evaluate the characteristics of parcels to ensure accuracy of tax calculations.

### 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. The Auditor will provide an annual statement of the revenues collected for the SCW Program to each Municipality as well as each Watershed Area Steering Committee

Insofar as feasible and not inconsistent with the SCW Program, the times and procedures regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes will be applicable to the collection of the tax.

### C. Claims for Reimbursement and Appeals

Parcel owners who believe their tax has been calculated incorrectly will be able to seek review on one or more of the following grounds:

- a. Mathematical error in the calculation of the tax

- b. Discrepancy of more than either the result of a 10% error in the actual impermeable area or \$100 in the tax amount, whichever is greater.

Tax appeals must be filed with the Los Angeles County Assessor's Office.

#### 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, **including residential parcels**, to accept and **capture onsite and offsite** stormwater; and other possible credits, rebates, and incentives. **To help meet MS4 requirements in EWMPs and achieve multiple benefits including new jobs, the County will establish and implement a Residential Retrofit Program from the SCW providing financial rebates to homeowners who install a combination of water-capturing best management practices to capture runoff from their parcel. These BMPs can include but are not limited to: rain gardens and swales, cisterns and rain tanks, vegetation and tree planting and permeable paving.**

### 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. Only those amounts specifically allocated to a Municipality or the District may be used as security for its respective bonds. Watershed Area Steering Committees may request the District to bond against their Watershed Area's revenue stream for Regional Projects.

Any such revenue bonds shall not constitute any indebtedness of the District or the County, but shall be payable, principal and interest, only from revenues received from the tax.

### 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. Additional requirements may be included in the transfer agreement.

#### 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. Lapsing funds are funds that were committed and approved but were not able to be spent per the approved schedule. Funds are considered lapsed five (5) years after the transfer agreement execution date.

SCW Program revenues that are not expended by a Municipality or Project Developer within the five (5) years will revert back to the Watershed Area Steering Committee of the respective Watershed Area and be reprogrammed to a new Project with benefit to that Municipality or Watershed Area.

#### 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. The Quarterly Progress/Expenditure Report details:

- 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, as appropriate.
- Any schedule or budget modifications.

#### D. Record-Keeping and Audits

The following recordkeeping and audit requirements will apply:

- SCW Program revenues received by the District, Municipalities, and Project Developers will be required to be held in separate interest-bearing accounts and not combined with other funds. Interest earned on SCW Program revenues will be required to be used for SCW Projects in the Watershed Area Steering Committee or Municipality in which it was earned, consistent with the requirements of the SCW Program.
- Municipalities, Project Developers, and the District will be required to retain, for a period of ten (10) years after project completion, all records necessary to determine the amounts expended, and eligibility of projects. Municipalities and Project Developers, upon demand by authorized representatives of the District will be required to make such records available for examination and review or audit by the District or its authorized representative.
- At all reasonable times, Municipalities and Project Developers will be required to permit the Chief Engineer, or his or her authorized representative, to examine all projects that were erected, constructed, implemented, operated, or maintained using SCW Program revenues. Municipalities and Watershed Area Steering Committees will be required to permit the authorized representative, including the Auditor, to examine, review or audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to projects funded with revenues from the SCW Program.
- Municipalities will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.
- Project Developers will be subject to an independent audit upon completion of the Project. Additional interim audits may be conducted.
- District will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.

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

The following procedures apply for misuse of funds and failure to comply with requirements.

- If the District determines that a Project Developer or Municipality has misused SCW Program revenues, the District may issue a written notice to the Project Developer or Municipality of that determination and to refund those revenues, including associated interest, to the District within thirty (30) days of notification.
- Revenues refunded by a Project Developer or Municipality will, at the Board of Supervisors' discretion, be reassigned and used to plan, implement, and maintain Projects in accordance with the following:



- SCW Program revenues refunded by a Municipality will be used to fund Municipal or Regional Projects that are located within the jurisdiction of the Municipality.
  - SCW Program revenues refunded by a Project Developer will be used to implement projects in the same Watershed Area from which the revenues were collected.
- c. Failure to comply with a notice to refund revenues by the required date will result in immediate suspension of future SCW Program revenue disbursements to that entity until such time as revenues are refunded.
  - d. If the District determines that a Municipality or Project Developer has failed to comply with any applicable requirement of the Program, the District, at its discretion, may issue a written notice to the Municipality or Project Developer of that determination and that the District will withhold future disbursements of SCW Program revenues pending compliance. Withheld disbursements will be retained by the District for a period of five (5) years after which, if the violation has not been resolved, they will revert back to the respective Watershed Area Steering Committee for reprogramming to another Project.
  - e. If a Project Developer or Municipality disputes a determination by the District, as described above, the Project Developer or Municipality may submit a notice of appeal to the District not later than ten (10) business days from the date of the written notice from the District. The District will appoint a hearing officer to conduct a hearing on the appeal. The submission of a notice of appeal does not relieve the Municipality or Project Developer of the obligation to refund the SCW Program revenues in dispute. If the hearing officer determines an adjustment is required, that adjustment will be reflected in the next disbursement of SCW Program revenues.

#### 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. Unless the District enters into an express agreement with a Project Developer or Municipality to the contrary, neither the District, nor the County to the extent that it is acting on behalf of the District, their officers, employees, agents or volunteers ("District Indemnitees") will be liable in connection with errors, defects, injuries, property damage caused by or attributed to any project that is funded in whole or in part with SCW Program revenues, and each Municipality and Project Developer will be required to indemnify the District Indemnitees and hold them harmless for claims, liability, and expenses, including attorneys' fees, incurred by any District Indemnitees as a result of any project developed, implemented, or constructed by the Municipality or Project Developer that is funded with the SCW Program revenue, except for claims, liability, and expenses, including attorneys' fees, resulting from the sole negligence or willful misconduct of District Indemnitees.



# SAFE, CLEAN WATER PROGRAM

## Draft Program Elements Appendices

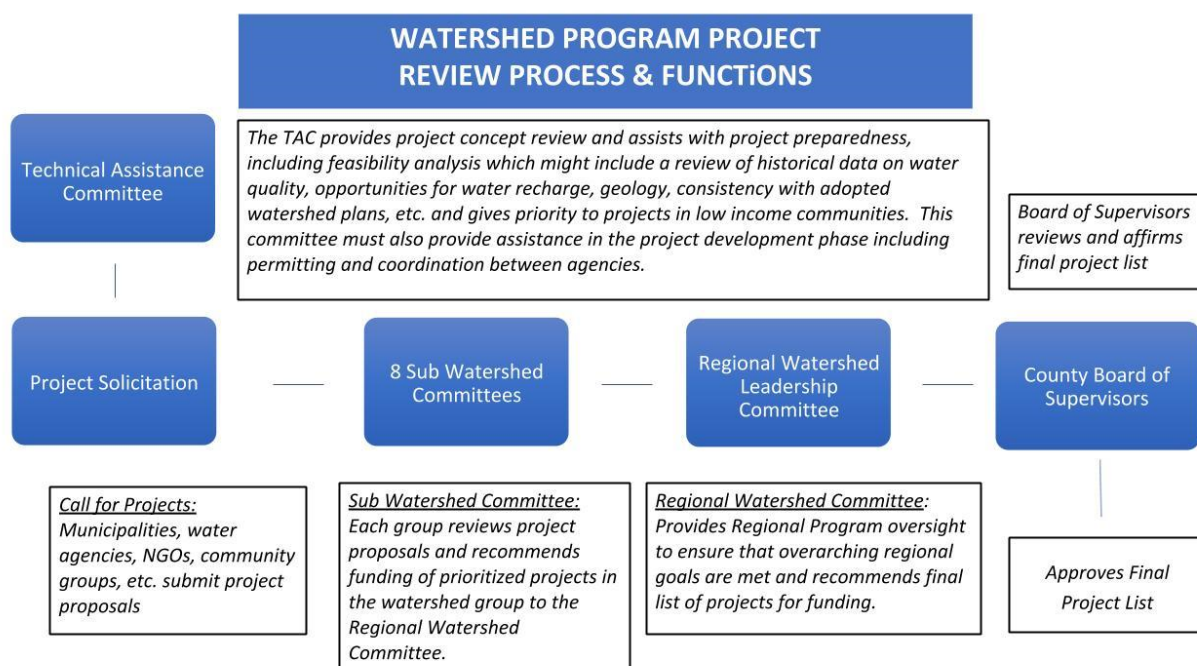
### XII. APPENDIX

Figure 1. OurWaterLA Technical Assistance Committee

#### 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

Figure 2



### Watershed Area Steering Committee Minimum Requirements

Sector	Years Of Experience	Description
Groundwater	Five +	<ul style="list-style-type: none"> <li>Experience in one of the following groundwater areas: remediation, supply, management and/or storage.</li> <li>Educational background or equivalent work experience in engineering, natural sciences, land use management, conservation, or other water resource-related field.</li> </ul>
Water Agency	Five +	<ul style="list-style-type: none"> <li>Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.</li> <li>Ability to provide a regional perspective on water supply issues.</li> <li>Expertise in the planning, design and construction, financing, and operations of water works facilities which includes storage reservoirs, transmission and distribution systems, pumping plants, water treatment, water conservation, and system optimization particularly as it effects power usage.</li> <li>Sound knowledge of existing and emerging regulations, as well as environmental matters and familiarity with California water law and regulations.</li> <li>Knowledgeable 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.</li> </ul>

		<ul style="list-style-type: none"> <li>• Experience in the acquisition of water rights.</li> </ul>
Sanitation	Five +	<ul style="list-style-type: none"> <li>• Experience in local or regional agency that provides wastewater collection, treatment, recycling and/or disposal services.</li> <li>• Education background and work experience in science, engineering, waste management or related fields.</li> </ul>
Open Space	Five +	<ul style="list-style-type: none"> <li>• Experience with habitat, open space and/or recreational issues at a regional level (i.e. across municipal jurisdictions and watershed boundaries).</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field.</li> <li>• Familiar with the agencies and organizations involved in habitat/open space issues in the District who are likely to be Project Developers, land owners or permittees of Projects.</li> </ul>
Public Health	Five +	<ul style="list-style-type: none"> <li>• Public agency experience on health issues at a regional level</li> <li>• Educational background in community health issues</li> <li>• Knowledge of water related health issues</li> </ul>
School Board	Five +	<ul style="list-style-type: none"> <li>• Experience with school joint use school facility issues</li> <li>• Educational programs related to natural resources including water</li> <li>• Workforce training knowledge</li> </ul>
City Park	Five +	<ul style="list-style-type: none"> <li>• Experience with local park planning and operations</li> <li>• Knowledge and experience in joint use projects</li> <li>• Knowledge and experience in water resource issues</li> </ul>
Local Social Justice NGO	Five +	<ul style="list-style-type: none"> <li>• Experience in community engagement</li> <li>• Knowledge and experience in community priorities regarding resource needs for quality of life issues.</li> <li>• Knowledge and experience in working with government agencies to achieve community investment.</li> </ul>

Local Environmental NGO	Five +	<ul style="list-style-type: none"> <li>• Experience in water resource issues</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field</li> <li>• Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.</li> </ul>
Local Health NGO	Five +	<ul style="list-style-type: none"> <li>• Experience in community health issues</li> <li>• Knowledge and experience in water resource issues and impacts to community health</li> <li>• Educational background in regional community health policy</li> </ul>
Watershed Coordinator	Five +	<ul style="list-style-type: none"> <li>• Experience in coordination and implementation of Technical Assistance activities</li> <li>• Knowledge and experience in watershed protection planning, water quality and/or watershed assessment.</li> <li>• 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</li> <li>• Experience in community engagement particularly with low income communities and small cities is desirable.</li> </ul>
Local Community Orgs	Five +	<ul style="list-style-type: none"> <li>• Experience in community engagement</li> <li>• Knowledge and experience in community priorities regarding resource needs for quality of life issues.</li> <li>• Knowledge and experience in working with government agencies to achieve community investment.</li> </ul>
Business	Five +	<ul style="list-style-type: none"> <li>• Experience in developing commercial/business stormwater capture facilities</li> <li>• Knowledge and experience in working with government agencies to achieve water resource improvements for residential and commercial properties</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field</li> </ul>
Labor	Five +	<ul style="list-style-type: none"> <li>• Experience in providing workforce capacity for commercial/business stormwater capture facilities</li> <li>• Knowledge and experience in working with government agencies to achieve water resource improvements for residential and commercial properties</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field</li> </ul>

**General Minimum Qualifications for all Members:**

- 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.
  - Community and Municipal/Public School Stakeholder members may be briefed on relevant subjects to meet qualifications.
- Must be able to represent regional interests in the District.
- Must be able to attend and participate in Watershed Area Steering Committee meetings.

## OWLA RECOMMENDATIONS

[illegible]