

Safe, Clean Water Program

Transfer Agreement Public Review Period

Frequently Asked Questions



General Questions

[When can we expect the transfer agreement to become available after closing the public review period?](#)

The Public review period closes April 21, 2020. The Board of Supervisors is expected to consider the templates for approval in May. If approved in May, the Municipal Program template will be available in June for Cities to begin the execution process. The Regional Program templates are expected to be available for project developers to begin the execution process in August or September, following the anticipated Board approval of the Stormwater Investment Plans in July or August.

[When will funds be disbursed?](#)

Revenue will typically be disbursed after funds become available AND after approval/receipt/execution of the applicable documents (Transfer Agreements and Annual Plans for Municipal Program; Transfer Agreements and final SOW for Regional Program), whichever is later.

Revenue collected in FY 19-20 is expected to become available in August 2020 (i.e., FY 20-21), with Municipalities receiving one preliminary partial disbursement of funds available to date if a Transfer Agreement is executed accordingly. Revenue collected in FY 20-21 is expected to become available in August 2021 (i.e., FY 21-22), and so forth. An ongoing annual preliminary/partial disbursement for the Municipal Program is still in consideration.

Timeline for Annual Plans and Scopes of Work is discussed below.

[When are the Annual Plans or Scopes of Work due?](#)

The Municipality's Annual Plan for FY20-21 is due 45-days after execution of the first Agreement. The expenditures for the revenue collected in FY 19-20 may include activities that occur after November 6, 2018 up to June 2021. Going forward, the Municipality's Annual Plan is due each April 1st for the subsequent Fiscal Year (July through June).

The Regional Program Recipients Scope of Work is due 30-days after execution of the Agreement or corresponding Addendum. The expenditures may include any eligible and approved activities that occur July 2021 to June 2022.

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What if a Regional Program Infrastructure Project is stopped due to litigation?

The Project Developer would have to report the delay in implementation in the Quarterly Progress/Expenditure Report. Significant delays in scope, schedule, and budget would be considered by the Project's Watershed Area Steering Committee and the project may be at risk of losing proposed funding for future years.

How long do we have to use the annual funds before they lapse?

Lapsing fund provisions are described in LA County Flood Control District Code (Code) section 16.11, and are described in the Regional Program TA section B-22 and Municipal Program TA section B-21. Lapsing funds are funds that were transferred but remained uncommitted to eligible expenditures by the end of the fifth fiscal year. This provision applies to the Regional and Municipal Programs.

Will the District let us know if we have unspent funds that need to be spent 5 years from now or is each agency responsible for tracking unspent funds?

Each agency is responsible for tracking expenditures and should do so as part of the progress reports. The quarterly and annual reporting should detail the expenditures. If the recipient is unable to commit the funds within five years, a request for a 6-month extension may be requested from the District.

Are infrastructure projects required to seek ISI and sustainability requirements?

Where the Funded Activity is an Infrastructure Program Project that has applied for Institute for Sustainable Infrastructure (ISI) verification, the Recipient shall submit the final score and Envision award level. It is encouraged but not required to seek a sustainability rating for Institute for Sustainable Infrastructure (ISI) verification. The final score from ISI and Envision award level are requested in the Exhibit A submission

Do the agreements require reporting on any specific metrics?

Yes. Reporting SCW Program Goals, as described in the Code Chapter 18.04, such as water quality, water supply community investment benefits, and nature-based solutions are included in the provision for reporting (B-32 in the Regional Program TA and B-26 for the Municipal Program TA). The reports will require quantified benefits and metrics for the SCW Program Goals.

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Will there be any guidance on what is an eligible expenditure? The ordinance speaks mostly of "projects" but doesn't provide many examples of "programs," outside of public outreach.

Eligible expenditures are described in the ordinance but there is not a comprehensive and exhaustive list because of the vast variety of types of projects and programs. Regional Program Infrastructure Projects and Scientific Studies do not include provisions for additional programs. Municipalities may use their funds to implement programs to comply with the MS4 Permit as this is an eligible expenditure. Please reach out to the District in advance to ensure any proposed or planned expenses are eligible.

Regional Transfer Agreement Questions

In Exhibit A for Infrastructure Projects - what is the difference between A-9 (Tracking Benefits) and A-6 (Post-Construction Monitoring). How long do benefits need to be tracked under A-9?

A-9 Tracking Benefits will be tracked for the entire term that the Project receives funds from the SCW Program; however, the benefits should not change post-construction and will be easily trackable. A-6 Post-construction monitoring is to occur for 3 years after the completion of the project.

Can scientific studies span more than one watershed?

Yes. The Study would need to be included on each Stormwater Investment Plan (SIP). One Transfer Agreement for the study would be executed with the District.

Who qualifies as a project developer? Public and/or private entities?

An Infrastructure Program Project Developer is described in Section 18.07.C of the Code as the individual, group, or entity that has sufficient knowledge, experience, and resources to effectively manage the design and construction of the Project and ensure its completion. This can be a public or private entity.

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What is the difference between outreach and engagement?

The details for outreach and engagement activities are covered in detail in section A-8 Stakeholder and Community Outreach/Engagement Plan in the Regional Transfer Agreement and a description of outreach/engagement is required in the Municipal Transfer Agreement.

Briefly, stakeholder and community outreach/engagement are required for the Regional Program, outreach includes the communication of project details and opportunities to become aware of efforts, and engagement is hosting a meeting or addressing comments and concerns. The requirement to conduct outreach and engagement occurs at different phases in the project's implementation and increases with additional funding requests.

Can community engagement before November 2018 count toward the outreach and engagement requirements?

No, outreach that occurred before November 6, 2018 is not typically an eligible expenditure and cannot be reimbursed with SCW Program funds.

If a Regional Program Infrastructure Project has already conducted outreach and engagement, will they be required to do so again based on Exhibit A?

The outreach and engagement requirement for the Regional Transfer Agreement should occur at different phases of the project: the onset/development of the project, design, and construction. If funding is accepted for these phases, then outreach is required.

The District encourages more outreach/engagement activities beyond the requirements. However, as an example, if a project has been implemented and is only applying for O&M, then the activities should occur biennially to remind the community of the SCW Program Contribution and the benefits of the project and its ongoing O&M.

What are the post-construction water quality monitoring requirements?

The requirements for post-construction monitoring can be found in section A-6 of the Regional Transfer Agreement and a description of post-construction monitoring is required in section A-5 of the Municipal Transfer Agreement.

Post-construction monitoring is required for Regional Program Infrastructure Projects for three years after the project has been completed to evaluate the effectiveness of stormwater treatment facilities.

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Municipal Transfer Agreement Questions

Does the Annual Plan need to be approved by City Council with an ordinance?

This is not a requirement in the Municipal TA for the SCW Program.

Can municipal funds be applied to projects approved for regional funding?

Yes, it is also encouraged to leverage municipal funds for regional project proposals. The District will help ensure that funding for duplicative work is not allocated through both the Regional and Municipal Programs.

In Exhibit B, it states that the Municipality shall submit Annual Progress/Expenditure Reports, using a format provided by the Program Manager. Is the Program Manager someone with the District, or is it someone designated at the municipal level (different for each municipality)?

The Program Manager is the contact for the District that is identified in the Transfer Agreements, who will also interact with a designated municipal contact as described in the TA.

Will the District approve Annual Plans? and if so, what's the timing?

The District will make the annual plans publicly available and will use the annual plan to compare against the results of the annual report for transparency

Are there criteria for what types of stormwater projects can be maintained with Municipal Program funds? For instance, do they need to include nature-based solutions, or can they be traditional grey infrastructure?

All projects built to comply with SCW Program eligibility criteria are applicable for O&M whether or not they incorporate nature-based solutions. Nature based solutions are encouraged for all projects. Additionally, a Municipality must spend at least seventy percent (70%) of its Municipal Program funds annually on eligible expenses related to Projects or Programs implemented on or after November 6, 2018, which also includes operations and maintenance of Projects built to comply with the MS4 Permit, so long as the Project complies with Municipal Program requirements.

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Under the Municipal Program, can this first year's annual expenditure plan due 45 days from the execution of the Municipal Transfer Agreement include eligible costs incurred during FY19/20 as well as planned expenditures for FY20/21?

Eligible expenditures may occur after November 2018 and should outline expenses up through FY 20-21. Going forward, annual plans must detail the intended expenditures in advance, as a cycle of reimbursement for completed activities prevents proper engagement and transparency.

Will expenditures for EWMP and RAA updates be considered an eligible cost under the Municipal Program, and if so, would this cost be considered a new program cost and fall under the 70% share or would they be considered a continuation of an ongoing program and subject to the 30% Maintenance of Effort cap?

Expenditures on or after Nov 6, 2018 that help cities meet compliance with the MS4 permit are eligible expenditures and fall under the 70% share of the Municipal Program expenditures. The 30% Maintenance of Effort funds may be used to pay for costs and expenses incurred on or after prior to November 6, 2018, related to the continuation of Programs implemented or the maintenance of Projects implemented prior to November 6, 2018.

Is the Municipal report a one-time report or every three years until the end of the Project? How long after project completion

The Municipal Annual Reports are due each year. The Audits for Municipal funds are done every 3 years in addition to the Annual reports.

The Regional Program has different reporting and audit requirements.

The Annual Report will detail the Municipality's stake-holder engagement activities during the reporting year. If a municipality includes FY 19/20 eligible expenses (say MS4 compliance expenses) in the Annual Plan for FY 20/21, what type of stake-holder engagement activity is expected to meet this requirement?

Both the Annual Plan and the Annual Report should outline the plan, type (outreach and engagement), and expenses for the engagement activities. The Municipal Program TA requirement asks for a description the community and stakeholder outreach and engagement plan for the Municipality's use of the SCW Program payment. Reporting should include the results of the engagement activities.

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County Code Chapter 18 states that each Municipality must submit an annual expenditure report to the District no later than six months after the end of the fiscal year, but the draft municipal transfer agreement states that these will be due 45 days after the end of the fiscal year. Can you clarify which timeline municipalities should expect?

The Annual Plan, or the plan for the expenditures, is due 45-days after execution of the agreement and then April 1 every year afterwards. The Annual Report, or the summary of the expenditures that occurred, is due 6 months after the District's Fiscal Year as stated in the Ordinance. This is incorrect in the draft Municipal Transfer Agreement and will be revised in the final version to match the Ordinance language.

For the Municipal Program, if the stormwater projects are already in place, does it still require the community outreach/engagement?

For the Municipal Program the requirement is to provide stakeholder and community outreach/engagement on an annual basis to inform their residents of the activities anticipated to be funded with the SCW Program Payment; this will include information on all projects that are using SCW Program funds.

For the Municipal Program, is personnel staff time an allowable expenditure? Are the personnel time involved in preparing annual plans and annual reports allowed expenditures under the municipal program?

Yes. Water Quality related staff time is an eligible expenditure if satisfying all other requirements as well.

Will Municipalities be able to submit a list of proposed expenditures to the County for approval prior to beginning projects under the Municipal Program? If so, when can this review process begin?

District will not approve the plan but will compare what was submitted by the municipality to see if the funds were used for what was in the plan. If you have a questionable expenditure, please contact the District in advance.

The Municipality's Annual Plan will be posted for public display. The District does not approve. Plans will be used to compare against the Annual Reports.