

Workbook

Safe, Clean Water Program Regional Oversight Committee

Public Comment

Phone participants and the public are encouraged to submit public comments (or a request to make a public comment) to SafeCleanWaterLA@pw.lacounty.gov. All public comments will become part of the official record.

Please complete the Comment Card Form available on the Safe, Clean Water website and email to SafeCleanWaterLA@pw.lacounty.gov by at least 5:00pm the day prior to the meeting.

Date: February 25, 2021
Time: 9:00am to 12:00pm
Location: WebEx Meeting

Safe, Clean Water Program Regional Oversight Committee

Date February 25, 2021
Time 9:00am to 12:00pm
Location WebEx Meeting – See below or SCW website for WebEx meeting details.

Agenda

1. Welcome and Introductions (and review WebEx function and protocols)
2. Public Comment Period
3. Approval of January 28, 2020 meeting minutes
4. Committee Member and District Updates
5. Ex Parte Communication Disclosures
6. Public Comment Period
7. Discussion of focused topics re: upcoming Safe Clean Water Program guidance
 - a) Applying consistent Disadvantaged Community Benefits program policies
 - b) Strengthening Community Engagement and Support
8. Items for Next Agenda
9. Meeting Adjourned

Supporting documentation will be available at the Committee meeting location and on the Safe, Clean Water website at www.safecleanwaterla.org

Next meeting: *TBD, based on preparation of new SIPs*

Join via WebEx Events (recommended):

<https://lacountydpw.webex.com/lacountydpw/onstage/g.php?MTID=e888558c52ddf9d31bfb1507792654d98>

Event number: 146 167 8723, Event password: scwp

OR

Join by phone:

+1-213-306-3065 (Los Angeles) or +1-408-418-9388, Access code: 146 933 6558

Requests for accommodations to assist persons with disabilities may be made to: SafeCleanWaterLA@pw.lacounty.gov or by telephone, to 833-ASK-SCWP

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Meeting Goal

Identify where predominance of thought (common ground or high-level agreement) exists across the ROC, along with details and extent as applicable, regarding core principles/needs for associated upcoming program guidance.

ROC Role

The primary role of the Regional Oversight Committee (ROC) is to assess and make recommendations to the Board of Supervisors, who serve as the elected leaders of the Flood Control District, regarding whether the Safe, Clean Water (SCW) Program Goals are being achieved. While this does not explicitly include reviewing/developing policy, predominance of thought from the ROC is a valuable input for the District's efforts to provide implementation guidance for all involved parties.

There are two primary mechanisms for the ROC to provide policy and Program guidance recommendations:

- 1) Through recommendations/feedback about annual Stormwater Investment Plans (SIP) provided to Watershed Area Steering Committees (WASCs) and the Board
- 2) Through the biennial reporting and hearing process

SCW Program District staff provide support for both mechanisms as part of adaptively managing the Program, including releasing iterative guidance as available and able. In developing guidance documents, Program staff seek to understand the predominance of thought within the ROC regarding certain known topics of interest (first outlined in the October 2019 staff memo to the ROC).

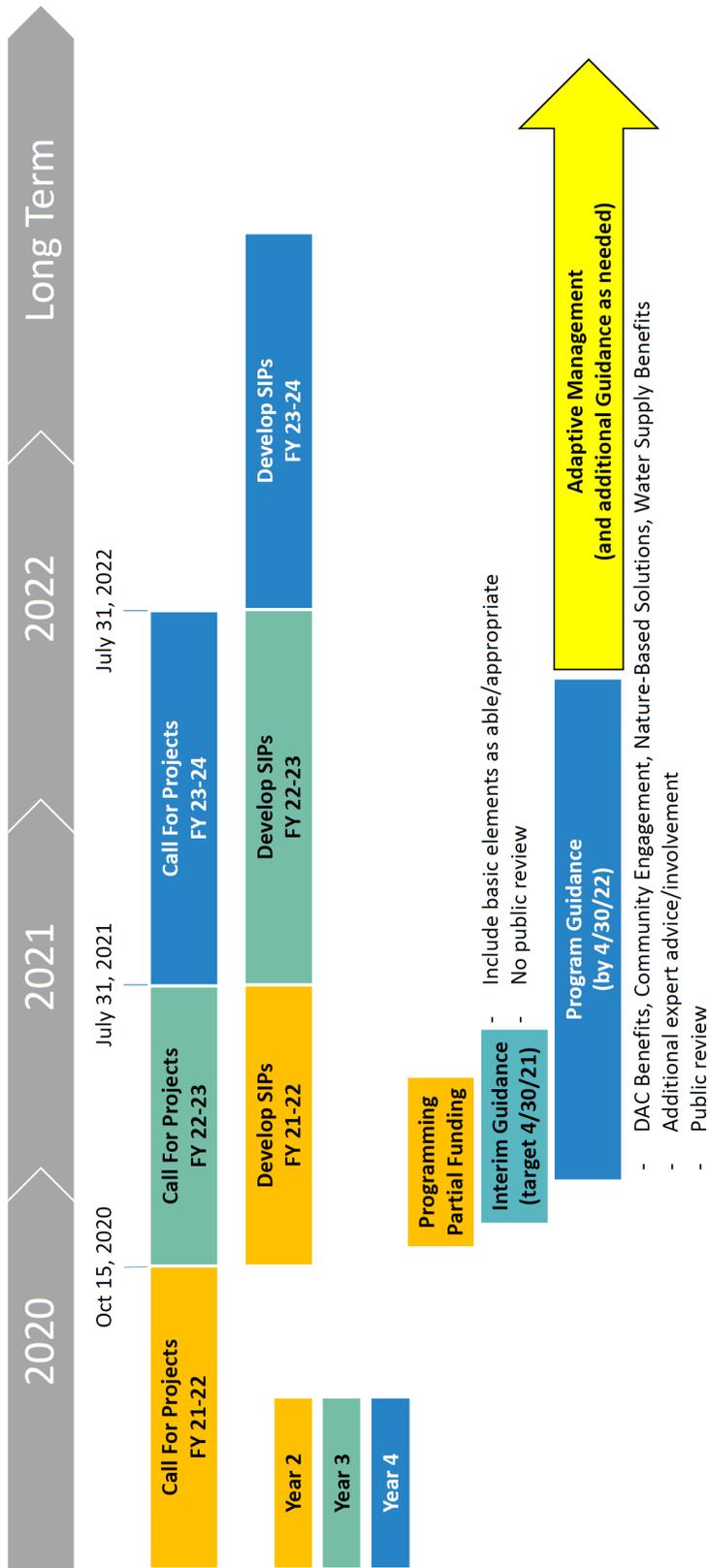
The February 25 workshop is the second of two meetings (the first occurred Jan 28, 2021) where the ROC is asked to explore and identify any areas of common ground and/or determine the potential to move towards a predominance of thought (POT) among its members. In this effort, the ROC is acting as a collective body rather than as individual advocates for discrete perspectives. More specific details from individual ROC members, as individual or representative stakeholders, would be anticipated during future public comment periods.

Common Acronyms and Terms

2022 Program Guidance	<p>The targeted program guidance to be available by 4/30/22 (for facilitation of Regional Program Implementation year 4) and incorporate more comprehensive consideration of ROC’s Jan/Feb input, along with:</p> <ul style="list-style-type: none"> • Additional input from appropriate experts • Public Review period comments [during which ROC members could comment more specifically to own interests] • ROC meeting to review and respond to public comments • Adoption by Chief Engineer (to facilitate Regional Year 4) <p>This document may be further updated or expanded upon in the future as part of the LACFCD adaptive management of the SCWP.</p>
Community Investment Benefit	<p>A benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit may also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect, and increasing shade or planting of trees and other vegetation that increase carbon reduction/sequestration, and improve air quality.</p>
DAC	<p>Disadvantaged Community (DAC) means a Census Block Group that has an annual median household income of less than eighty percent (80%) of the Statewide annual median household income (as defined in Water Code section 79505.5).</p>
DAC Benefits	<p>Water Quality Benefits, Water Supply Benefits, and/or Community Investment Benefits located in a DAC or providing benefits directly to a DAC population.</p>
TA	<p>Transfer Agreement</p>
Interim Guidance	<p>The targeted program guidance to be available by 4/30/21 and incorporate any short-term solutions, as able, to help facilitate Regional Program Implementation Year 3.</p>
Nature Based Solution (NBS)	<p>A Project that utilizes natural processes that slow, detain, infiltrate or filter stormwater or urban runoff. These methods may include, among other things:</p> <ul style="list-style-type: none"> • Relying predominantly on soils and vegetation • Increasing the permeability of impermeable areas

	<ul style="list-style-type: none"> • Protecting undeveloped mountains and flood plains • Creating and restoring riparian habitat and wetlands • Creating rain gardens, bioswales, and parkway basins • Enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species
Predominance of Thought (POT)	Predominance of Thought (POT) refers to views of the ROC that are the general view (or common ground) of the ROC regarding areas of guidance and/or recommendations.
ROC	Regional Oversight Committee
SCW / SCWP	Safe, Clean Water Program
SIP	Stormwater Investment Plan
Water Quality Benefit	A reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include, but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system.
Water Supply Benefits	<p>Activities that increase the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff pollution. Activities may include but are not limited to:</p> <ul style="list-style-type: none"> • Reuse and conservation practices • Diversion of stormwater or urban runoff to a sanitary sewer system for direct or indirect water recycling • Increased groundwater replenishment or available yield • Offset of potable water use
WASC	Watershed Area Steering Committee

Anticipated Timeline for Additional Guidelines



Discussion Topic 1 – Applying consistent DAC Benefits program policies

Issue Statement

Complying with the disadvantaged community benefit policy in the Program can be a complex process. One difficulty has been quantifying the benefits that accrue to identified communities.

In Round 1, WASCs struggled to agree about which projects provided a benefit to one or many disadvantaged communities, including confusion about whether a project needed to be located within a disadvantaged community to claim the benefit, and which project attributes would be considered “beneficial.” As such, there was a recognized opportunity to ensure consistent application of criteria for DAC Benefits when programming funding within each WASC and across the Program.

For those projects that WASCs agreed provided disadvantaged community benefits, there was additional confusion about when and how to quantify that benefit relative to the program 110% investment requirement.¹

Under those requirements, “Funding for Projects that provide DAC Benefits shall not be less than one hundred and ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.”²

In order to facilitate the 110% benefit “the District will work with stakeholders and Watershed Coordinator(s) to utilize existing tools to identify high-priority geographies for water-quality improvement projects and other projects that create DAC Benefits within DACs to help inform WASCs as they consider project recommendations.”

Further, in the Regional Program, the Feasibility Study Guidelines require that applicants develop a plan for outreach and engagement that “should also address issues related to displacement and gentrification.”

In Round 1, however, numerous project proponents failed to outline explicit anti-displacement policies for their projects. This is an aspect that the District seeks to strengthen in future funding rounds.

Given the level of existing confusion, there may be benefit in amplifying the importance of the existing guidance and providing additional clarity regarding the intent and desired outcomes of the policies. Following are two potential principles to be incorporated into the program guidance.

¹ Program Goal, Section 18.04

² July 2019, Implementation Ordinance (18.07.B.2.c)

Potential Principles for Upcoming Program Guidance;

1. A key outcome of the SCWP disadvantaged community policies is directed investment to benefit communities that are and have been underinvested in. All benefit categories, and dollars spent within the SCWP, when they achieve benefits to disadvantaged communities shall count toward the 110% determination.,.
2. SCWP projects claiming to provide DAC Benefits under the DAC provisions should demonstrate that they meet identified community needs, and actively avoid and/or mitigate any harms that may result from project implementation (e.g. displacement of community members).

Discussion

1. To what extent do these potential principles:
 - a. Improve the clarity of the DAC provisions?
 - b. Advance the desired outcomes?
2. What is the best way to identify community needs and subsequently demonstrate such needs are being met? What additional suggestions do you have for creating a shared understanding of the SCWP DAC benefits provisions?

Future Guidance Objectives

During the development of additional guidance, the District continues to make updates to the Project Module that will facilitate more detailed justifications for claimed DAC Benefits and provide data that may be used to inform future guidance. In order to ultimately achieve greater consistency in how the Watershed Areas interpret and calculate the DAC Benefit, the District intends to develop additional near and long-term guidance.

In the near term the District plans to seek clarifications and input that can inform potential guidance in relation to the Round 3 Regional Program. There are two focus areas:

1. The activities and/or outcomes considered beneficial under the DAC Benefit definition and by which the applicants and WASCs can claim and defend a DAC Benefit.
2. How to quantify the contributions of projects, within and outside of Disadvantaged Communities, for the purpose of determining compliance with the 110% investment provisions.

In the long term, the District intends to enlist third-party experts, including academics, to assist in creating additional guidance for the DAC Benefit implementation that may include, but not be limited to:

1. Identification of disadvantaged community geographies of greatest need, by Watershed Area
 2. Criteria and metrics for assessing DAC Benefits of projects, including Community Investment Benefits, Water Quality Benefits, Water Supply Benefits, and issues that are beyond the current “DAC Benefit” definition, like job creation, local hire, and living wages (but could potentially fall under the umbrella of CIBs)
 3. Best practices for verifying the presence of a DAC Benefit, both inside and outside of DAC census boundary (e.g. support letters, quantitative tools, reference to needs assessment)
 4. Recommendations on how better to quantify project contribution toward 110% DAC Benefit requirement
 5. Best practices, realistic expectations, and meaningful processes for anti-displacement measures by project developers
 6. Evaluation framework for gauging impacts to DACs over time and how to strengthen them, including qualitative and quantitative indicators
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Discussion

1. In addition to the two short term focus areas already identified for Round 3, what, if any, immediate needs are there for Round 3 clarification?

2. In addition to the six items for potential long-term DAC Benefit guidance, what additional items should be considered?

Regarding DAC Benefit definition and quantifying the DAC Benefit, the following Round 3 guidance is under consideration.

Potential Program Guidance

Potential Guidance for DAC Benefit Definition	Discussion
<p>Disadvantaged communities have diverse needs, ranging from community-based enhancements to capital and maintenance infrastructure deficits.</p> <p>Consistent with the definition of “DAC Benefit” in the SCWP Ordinance, the three major types of SCWP Program benefits –</p> <ul style="list-style-type: none"> • Community Investment Benefit • Water Quality Benefit • Water Supply Benefit <p>can each constitute a DAC Benefit. Project developers could demonstrate (and governance committees determine) the extent to which a project provides a DAC Benefit using a combination of quantitative measure and/or qualitative measures (to be discussed later in workbook).</p>	<ol style="list-style-type: none"> 1. What tweaks would you propose near-term? 2. Long-term?

Potential Guidance for Quantifying DAC Benefit	Discussion
<p>To ensure consistency in implementing the 110% allocation requirement for DAC Benefit projects across WASCs.</p> <p>Projects within (or substantially within, per discretion of WASC) a DAC:</p> <ul style="list-style-type: none"> • Assuming DAC Benefit is verified, Projects located within a disadvantaged community will be judged as providing benefit to that community, and their entire budget will be supportive of the 110% return policy. 	<ol style="list-style-type: none"> 1. What, if anything could be adjusted to improve broad agreement with the near-term guidance? 2. What, if anything could be adjusted to improve broad agreement in the long-term?

<p>Projects outside of a DAC:</p> <ul style="list-style-type: none"> Projects that provide a water quality compliance benefit to a municipality categorized as disadvantaged (as per the California Department of Water Resources Disadvantaged Community Mapping Tool https://gis.water.ca.gov/app/dacs/), <i>regardless of its location</i>, be considered as providing benefit to that community, and therefore the entire budget be considered supportive of the 110% return requirement. If projects located adjacent to or outside of a disadvantaged community claim either a Water Supply or Community Investment Benefit, the WASC will use its discretion to determine the validity of that claim. If determined to be valid, the project benefit to a DAC Benefit could be determined using a combination of quantitative measures and/or qualitative measures. <p><u>Quantitative examples being considered:</u> DAC Benefit % based on proximity – If within 1 mi of DAC, apply 75% of total [or maximum applicable] budget towards 110% investment, while if between 1 and 5 mi of DAC, 40% counts toward 110% investment).</p> <p>DAC Benefit % = (WS score + CI score) x Community Support % [# of points out of maxim VS points] / Max. Total WS & CI Score</p>	<ol style="list-style-type: none"> 1. What is your assessment of the additional policy clarifications? 2. To what extent does this provide a workable approach for Round 3 Guidance? 3. What, if anything could be adjusted to improve broad agreement with the near-term guidance? 4. What, if anything could be adjusted to improve broad agreement in the long-term?
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<p><u>Qualitative examples being considered:</u> DAC Benefit % based on a High/Medium/Low level of community benefit acknowledgment (with defining matrix), which could (in part) be linked to letters from the community that include specific support for those benefits. “Support” would be demonstrated by a representative body of the community, like a neighborhood council, city representative, community group, or other body. Support could also be categorized proportional to the size of the project.</p> <p><u>Hybrid examples being considered:</u> DAC Benefit % based on a Good/Better/Best matrix factoring in scored points, demonstrated community support, proximity, and/or other pertinent factors.</p> <p>DAC Benefit % = Sum of (weighted?) benefit-specific %'s = (WS proximity * acknowledgment) + (CI proximity * acknowledgment)</p>	<p>5. To potentially inform long-term guidance, could it be valuable to have proponents break down Project costs (during their submission into the Projects Module) to identify portions applicable to each benefit category?</p> <p>6. Is there POT that it is reasonable to pursue a hybrid approach to calculating applicable DAC % portions of a project located outside a DAC that provides WS and/or CI Benefits?</p>
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Discussion Topic 2 – Strengthening Community Engagement and Support

Per the Fund Transfer Agreements for the Regional Program and Municipal Program:

Community Outreach Activities

Outreach activities to provide information to residents and information about upcoming meetings or other engagement activity event is to be scheduled. Methods used should be appropriate in scale and type to the community being served. Methods include but are not limited to:

- Online Media Outreach (email blasts, social media, publication on a website)
- Local Media Outreach (newsletters, local and regional newspapers, and local radio and television)
- Grassroots Outreach (door-to-door canvassing, phone banking, surveys and focus groups, and distribution of flyers or other printed materials).

The District will support outreach efforts through web-based platforms if requested at least four weeks prior to the requested publish date. The District should be included in all social media outreach and notified of all meetings and other engagement events.

Community Engagement Activities

Engagement activities solicit, address and seek input from community members for Funded Activities. These events may occur as part of any public meeting with multiple agenda items such as council, commission or committee meetings where public input is invited; or at festivals, fairs, or open houses where a table or booth may be set up.

Issue Statement

A key element of the Safe, Clean Water Program is community engagement. Engagement is asked of every proponent and every recipient and is central to the Watershed Coordination and Regionwide education programs. Projects submitted for inclusion in SIPs must document any engagement prior to submittal³ and describe plans for engagement during implementation.

In the Regional Program, the Feasibility Study Guidelines require that applicants develop a “plan for outreach/engagement to solicit, address, and incorporate stakeholder input on the Project.”

Even so, executing community engagement prior to receiving funding can be challenging for many applicants. Other resources, like Watershed Coordinators and/or the Technical Resources Program may be key assets in delivering community engagement prior to the award of funding.

Regional Program applicants can receive up to 4 points from the Scoring Committee if the project “demonstrates strong local, community-based support and/or has been developed as

³ Completion of a certain level of engagement in advance is not currently required, however, as the submittals can be at various stages of development.

part of a partnership with local NGOs/CBOs.” This aspect of project development is not required, and how points are awarded between 0 and 4 is currently at the discretion of the Scoring Committee.

The Implementation Ordinance for the SCWP Program specifies that community engagement must be undertaken by Regional Program Watershed Coordinators, who are currently being on-boarded to serve each of the WASCs, and by municipalities participating in the Municipal Program.

Even with Regional Program Feasibility Study Guidelines, some stakeholders and some members within the governing committees are concerned about the sufficiency and timing of community engagement, and the appropriate way to document community support for a project. Some believe sufficient quantity, quality, and frequency of engagement is not properly encouraged by the Program, and some feel unable to complete engagement prior to a funding award. Some believe that support from elected leaders, on behalf of the people they represent, is sufficient evidence of community support, while others wish for more direct engagement with people who will be impacted by projects be required.

Further, extensive community engagement does not guarantee community support, and a strong demonstration of community support may not necessarily be the result of extensive engagement.

Potential Principles for Upcoming Program Guidance (POT)

The depth of community engagement efforts can vary greatly, resulting in disparate engagement and support outcomes. Community outreach, meaningful engagement, and the pursuit of community support are important tools for ensuring that SCWP Program projects and expenditures deliver tangible and perceived benefits on the ground. In developing guidance on community engagement, the District will be guided by several principles:

- A consistent standard for executing and evaluating community engagement must be developed to avoid subjectivity.
- To the extent feasible, project proponents receiving funding through the SCWP Program will be expected to execute robust community engagement upon receipt of funding.
- There is a clear link between the successful delivery of meaningful project benefits, especially DAC Benefits, and the execution of robust community engagement, which must be institutionalized through program guidance.

Discussion

1. To what extent do these potential principles:
 - a. Improve the guidance for the Engagement provisions?
 - b. Advance the desired outcomes?

Future Guidance Objectives

As with the DAC Benefit guidance, to achieve consistency between the Scoring Committee and across Watershed Areas in how community engagement is interpreted and evaluated, the District plans to develop both near- and long-term guidance.

In the near term the District plans to seek clarifications and input that can inform potential guidance in relation to the Round 3 Regional Program. There are two focus areas:

Near-term, the District plans to seek clarifications and input that can inform potential guidance in relation to the Round 3 Regional Program:

1. How projects should be scored for community engagement, potentially linked to both engagement prior to submittal as well as engagement planned for after award.
2. How to document that community engagement or support has occurred

In the long term, the District intends to enlist third-party experts, including academics, to assist in creating additional guidance for the SCWP community engagement that will assist with the planning and execution of engagement activities by project proponent as well as scoring and evaluation of projects. Guidance is currently expected to include the following:

1. Best practices for community engagement (what “good” community engagement looks like in the SCWP and when it should take place)
2. Recommendations for refining the documentation and demonstration of community outreach, engagement, and support
3. Integration with Watershed Coordinators’ work and District Stormwater Education Programs
4. Metrics and indicators for evaluating community engagement efforts over time and how to strengthen it
5. Integration with the guidance for implementation of the DAC Benefit

Discussion

1. In addition to the two short term focus areas already identified, what, if any, immediate needs are there for Round 3 clarification?
2. In addition to the five items for long-term guidance, what additional items should be considered?
3. Are the various different types of support letters (from electeds, NGOs, residents, etc) that could be used to demonstrate community engagement and/or support all of equal merit? Why or why not?

Potential Guidance	Discussion
<p>In the long-term, it's understood that there may be reason to consider adjustments and refinements to the scoring rubric.</p> <p>In the short-term, better documenting outreach and engagement performed (and results) prior to submission for SCWP funds may be prudent. This could go hand-in-hand with establishing terminology for various tiers of engagement at different stages of a project life (and/or at different stages in the SCWP process) and what/how to strengthen engagement with (or following) SCWP funds.</p>	

Additional Outreach and Engagement Processes to Explore

Several concepts have been suggested for consideration in community engagement guidance. Below are some of the concepts that may be considered for long-term guidance.

- Provide guidance for Project developers that clarifies specific expectations for high quality community engagement activities (pre-submission to the SCWP and after award of any funds) based on professional best practices, guidance/input received to date, and benchmarking and existing analyses from Cities and other project developers, the Our Water LA Coalition, the Movement Strategy Center, the Mujeres De La Tierra Engagement Project, the Institute for Sustainable Infrastructure Envision (QL3.1), and the Los Angeles County Public Works Communication Plan.

Guidance may:

- Take the form of a scale, from minimal community engagement efforts to maximal efforts, which would be recorded as part of project and WASC reporting efforts (see example matrix on next page)
- Elaborate on specific collaboration opportunities with and through Watershed Coordinators and District Education and Engagement Program
- Develop potential recommendations to support/foster pre-submittal community engagement
- Incorporate some consideration of claimed benefits in relation to letters of support from community representatives or members
- Identify useful tips. For example:
 - Outreach and engagement methods used should be appropriate in scale and type to the community being served (e.g. neighborhood-specific, family-focused)
 - Coordinate with partner educational, non-profit, and governmental entities to prevent community meeting fatigue/frustration re: redundant meetings
 - Support awareness of outreach/engagement events through multiple platforms (Online Media, Local Media, Grassroots Outreach, etc.)
 - Inform the community at least one week prior and send reminders a day or two before the event
 - Draft language that is plain, clear and relatable
 - Consider multilingual printed materials, signs, and presentations.
 - Provide project team training and consider utilizing residents from the local community
 - Consider transportation options for community members without vehicles
- **Note:** For planned/upcoming engagement, the SCW Funding request should include the costs associated with any community outreach and engagement conducted, unless covered by an alternative funding source.

- Expectations for level of community engagement may be differentiated based on timing and the stage of the project, either pre-feasibility phase, design phase construction phase, or construction phase, etc. Other concepts include:
 - Considering potential eventual linkage of community engagement to certain project scoring considerations or other programmatic efforts.
 - Evaluate and consider additional community engagement requirements and expectations (post-award) in the Fund Transfer Agreements, as appropriate/applicable.
- To establish common terminology for scaling and quality of community engagement, one potential approach would be to adapt a community engagement matrix. For example (adapted from sources cited earlier):

	Good	Better	Best
Goal	<ul style="list-style-type: none"> • Inform - Provide the community with relevant information • Consult - Gather Input from the Community 	<ul style="list-style-type: none"> • Involve - Ensure community needs and assets are integrated into process and inform planning 	<ul style="list-style-type: none"> • Collaborate - Ensure community capacity to play a leadership role in implementation of decisions • Incorporate – Support and empower community reps to serve as Project applicants or explicit partners.
Example Activities	TBD	TBD	TBD

Discussion

2. To what extent would these potential concepts:
 - c. Improve the guidance for the Engagement provisions?
 - d. Advance the desired outcomes?