



Safe Clean Water Program

Regional Program
Committee
Handbook



Safe, Clean Water Program Regional Program Committee Handbook



Table of Contents

	Page
Section 1: SCW Program Definitions	1
Section 2: Los Angeles County Flood Control District Code Chapter 16	9
Section 3: Los Angeles County Flood Control District Code Chapter 18	25
Section 4: Feasibility Study Guidelines	45
Section 5: Watershed Area Steering Committee Operating Guidelines	57
Section 6: Regional Oversight Committee Operating Guidelines	71
Section 7: Scoring Committee Operating Guidelines	79
Section 8: Conflict of Interest	87
Section 9: Committee Structure and Flowchart	99
Section 10: Watershed Area Maps	101

Other References:

Website: www.safecleanwaterla.org

Phone: 833- ASK-SCWP

Email: SCWPCommittees@pw.lacounty.gov or SafeCleanWaterLA@pw.lacounty.gov



**Section 1:
SCW Program Definitions**



Safe, Clean Water Program

Definitions

The definitions set forth in Sections [16.03](#) and [18.02](#) of the Los Angeles County Flood Control District Code. This represents the compiled list of definitions that may be used as reference.

TERM	DEFINITION
Additional Activities Credit	means a credit against a Parcel's Special Parcel Tax amount for Parcel owners that initiate and complete qualifying additional activities after November 6, 2018, that confer benefits to the broader regional community related to SCW Program Goals. Implementation criteria and procedures related to Additional Activities Credit will be established in the Credit Program Procedures and Guidelines.
Assessor	means the County of Los Angeles Office of the Assessor.
Auditor-Controller	means the Auditor-Controller of the County of Los Angeles.
Benefited Development	means a group of Parcels that drain to common, centralized Stormwater Improvements. Implementation criteria and procedures related to Benefited Developments will be established in the Credit Program Procedures and Guidelines.
Board	means the Los Angeles County Board of Supervisors, acting as the governing body of the Los Angeles County Flood Control District.
Census Block Group	means, as defined by the United States Census Bureau, a statistical division of census tracts, which are generally defined to contain between six hundred (600) and three thousand (3,000) people, and are used to present data and control block numbering. A Census Block Group consists of clusters of blocks within the same census tract. Each census tract contains at least one (1) Census Block Group and each Census Block is uniquely numbered within the census tract.
Chief Engineer	means the Chief Engineer of the District or their authorized deputy, agent, or representative.

Community Investment Benefit	means 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.
Community Investment Credit	means a credit against a Parcel's Special Parcel Tax amount for Stormwater Improvement that results in a Community Investment Benefit.
County	means the County of Los Angeles.
Credit Program Procedures and Guidelines	means the implementation procedures and guidelines for the credit program described in Section 18.10.A. of the Los Angeles County Flood Control District Code.
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).
Disadvantaged Community (DAC) Benefit	means a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefits directly to a DAC population.
District	means the Los Angeles County Flood Control District.
District Program	means that part of the SCW Program described in Section 16.05.B. of the Los Angeles County Flood Control District Code.
Feasibility Study	means a detailed technical investigation and report that is conducted to determine the feasibility of a proposed Project.
Feasibility Study Guidelines	means the guidelines for the preparation of Feasibility Studies described in Section 18.07.B.3. of the Los Angeles County Flood Control District Code.
Impermeable Area	means a Parcel area covered by materials or constructed surfaces such as buildings, roofs, paved roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, and other constructed surfaces or hardscape features. Impermeable Areas do not include permeable surfaces such as vegetated areas, grasses, bushes, shrubs, lawns, bare soil, tree canopy, natural water bodies, wetland areas, gravel, gardens and planters on bare soil, rocky shores, and other natural areas.

Industrial General Permit (IGP)	means the set of requirements by which the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board implement and enforce regulations on industrial storm water discharges and authorized non-storm water discharges from industrial facilities in California. The Industrial General Permit is called a general permit because many industrial facilities are covered by the same permit but comply with its requirements at their individual industrial facilities.
Infrastructure Program	means the program, implemented as part of the Regional Program, described in Section 16.05.D.1 of the Los Angeles County Flood Control District Code.
Infrastructure Program Project Applicant	means any individual, group, business or governmental entity, including, but not limited to, the District, a Municipality, watershed management group, joint powers authority, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, federally-recognized Indian tribe, State Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, or mutual water company, that submits a proposed Project or Feasibility Study for consideration for funding by the SCW Program.
Infrastructure Program Project Developer	means the individual, group or entity that carries out or causes to be carried out part or all of the actions necessary to complete a Project.
Low Impact Development Ordinance (LID Ordinance)	means the most recent ordinance establishing local low impact development standards and requirements on certain new development and redevelopment projects operative within the Municipality in which the project is located that conforms to requirements imposed by the Los Angeles Regional Water Quality Control Board on that Municipality through the Municipality's MS4 Permit. In the absence of an operative LID Ordinance in the Municipality in which the project is located, the most current LID Ordinance adopted by the County shall apply.
Low-Income Household	means a household in the District with a household income that does not exceed the Low-Income limit for Los Angeles County, as determined annually by the California Department of Housing and Community Development.
Low-Income Senior-Owned Parcels	means Parcels within the District that are owned and occupied as a residence by individuals over the age of sixty-two (62) who are the head of a Low-Income Household.

MS4 Permit	means Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01) NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm Sewer System (MS4) Discharges Within The Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From The City of Long Beach MS4 or Order No. R4-2014-0024 (As Amended By Order No. R4-2014-0024-A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sewer System Discharges From The City of Long Beach, or any successor permit issued by the Los Angeles Regional Water Quality Control Board.
Multi-Benefit Project	means a Project that has: (1) a Water Quality Benefit, and (2) a Water Supply Benefit or a Community Investment Benefit, or both.
Municipal Program	means that part of the SCW Program described in Section 16.05.C. of the Los Angeles County Flood Control District Code.
Municipality	means a city within the District, or the County, pertaining to unincorporated areas within the District.
Nature-Based Solution	means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities. Nature-Based Solution includes Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.
Parcel	means a parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.
Program	means a planned, coordinated group of activities related to increasing Stormwater or Urban Runoff capture or reducing Stormwater or Urban Runoff pollution in the District.

Project	means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance (including monitoring), of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.
Regional Oversight Committee (ROC)	means the body created by the Board whose responsibilities include, but are not limited to, assessing and making recommendations to the Board regarding whether the SCW Program Goals are being achieved.
Regional Program	means that part of the SCW Program described in Section 16.05.D. of the Los Angeles County Flood Control District Code.
ROC Operating Guidelines	means the operating guidelines for the ROC described in Section 18.08.A.3. of the Los Angeles County Flood Control District Code.
RWQCB Stormwater Permit	means a permit other than an IGP, issued by the Los Angeles Regional Water Quality Control Board, governing the discharge of Stormwater or Urban Runoff.
Safe, Clean Water (SCW) Program	means the program established by the Los Angeles County Flood Control District Code, including the administration of revenues from the Special Parcel Tax levied pursuant to the Los Angeles County Flood Control District Code, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.
Scientific Studies Program	means the program, implemented as part of the Regional Program, described in Section 16.05.D.3. of the Los Angeles County Flood Control District Code.
Scoring Committee	means a group of six (6) subject-matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits created by the Board to review and score Projects and Feasibility Studies in connection with the Infrastructure Program.
Scoring Committee Operating Guidelines	means the operating guidelines for the Scoring Committee described in Section 18.07.C.3.c. of the Los Angeles County Flood Control District Code.
SCW Program Goals	means the goals of the SCW Program described in Section 18.04 of Chapter 18 of the Los Angeles County Flood Control District Code.

SCW Program Progress Report	means a biennial report that summarizes all Regional Program WARPP Reports, all Municipal Program annual progress and expenditure reports, and all District Program annual reports and makes findings regarding whether and the extent to which SCW Program requirements were met and SCW Program Goals were achieved.
Special Parcel Tax	means the tax described in Section 16.08 of the Los Angeles County Flood Control District Code.
Stakeholder	means a person; Municipality; watershed management group; joint powers authority; citizens' group; homeowner or other property owner; business; non-governmental organization; social justice group; health advocate; local park representative; school board member; environmental group; labor union; academic institution; neighborhood council; town council; community group; water resources agency, such as a groundwater pumper or manager, or a private or public water agency; other governmental agency; or other interested party that has a direct or indirect stake in the SCW Program.
Standard Urban Stormwater Mitigation Plan (SUSMP)	means a plan that designates best management practices that must be used in specified categories of development projects under NPDES permits, as approved by the Los Angeles Regional Water Quality Control Board.
Stormwater	means water that originates from atmospheric moisture (rainfall or snowmelt) and falls or flows onto land, water or other surfaces.
Stormwater Improvement	means a structure or facility, or system of structures or facilities, that captures Stormwater or Urban Runoff or reduces Stormwater or Urban Runoff pollution in the District.
Stormwater Investment Plan (SIP)	means a five (5) year plan developed by a Watershed Area Steering Committee that allocates funding for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program for the ensuing fiscal year and lays out tentative funding for four (4) subsequent years. SIPs will be approved by the Board on an annual basis.
Surface Water	means water that flows or collects on the surface of the ground.
Technical Assistance Team	means a group of subject-matter experts in Stormwater and/or Urban Runoff infrastructure design, hydrology, soils, Nature-Based Solutions, green infrastructure, Stormwater and/or Urban Runoff quality, water supply, recreation, open space, community needs, and other related areas, provided by the District to assist Infrastructure Program Project Applicants and others, as part of the Technical Resources Program.
Technical Resources Program	means the program, implemented as part of the Regional Program, described in Section 16.05.D.2. of the Los Angeles County Flood Control District Code.

Threshold Score	means a minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding.
Transfer Agreement	means the agreement described in Section 16.05.A.1. of the Los Angeles County Flood Control District Code, between the District and an Infrastructure Program Project Developer or Municipality to transfer SCW Program funds.
Treasurer	means the Treasurer and Tax Collector of the County of Los Angeles.
Urban Runoff	means Surface Water flow that may contain, but is not composed entirely of, Stormwater, such as flow from residential, commercial, or industrial activities.
WASC Operating Guidelines	means the operating guidelines for the WASC described in Section 18.07.G.1.e. of the Los Angeles County Flood Control District Code.
Water Quality Benefit	means 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 Quality Credit	means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Quality Benefit by complying with: (1) an applicable LID Ordinance, (2) applicable SUSMP requirements, (3) an applicable IGP, (4) an applicable RWQCB Stormwater Permit, or (5) any combination of the foregoing.
Water Supply Benefit	means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities resulting in this benefit include, but are not limited to, the following: 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, or offset of potable water use.
Water Supply Credit	means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Supply Benefit.
Watershed Area	means the regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions and other factors. The SCW Program includes the following nine (9) Watershed Areas: (1) Central Santa Monica Bay; (2) Lower Los Angeles River; (3) Lower San Gabriel River; (4) North Santa Monica Bay; (5) Rio Hondo; (6) Santa Clara River; (7) South Santa Monica Bay; (8) Upper Los Angeles River; and (9) Upper San Gabriel River.

Watershed Area Regional Program Progress (WARRP) Report means an annual report describing the progress of all Projects and Programs included in an SIP during the previous year and summarizing how the implementation of the SIP during the previous year has achieved SCW Program Goals.

Watershed Area Steering Committee means a body created by the Board, one for each Watershed Area, for the purpose of developing SIPs and recommendations for other activities to be funded through the Regional Program.

Watershed Coordinator means one or more persons assigned to assist a Watershed Area Steering Committee with community and stakeholder education and engagement and to perform the other activities described in Section 18.07.D.3. of the Los Angeles County Flood Control District Code.



**Section 2:
Los Angeles County Flood Control District
Code Chapter 16**



Chapter 16 - LOS ANGELES REGION SAFE, CLEAN WATER PROGRAM AND SPECIAL PARCEL TAX TO PROVIDE FOR STORMWATER AND URBAN RUNOFF CAPTURE AND REDUCED STORMWATER AND URBAN RUNOFF POLLUTION

16.01 - Title.

This Chapter shall be known as the "The Los Angeles Region Safe, Clean Water Program" ordinance.

(Ord. 2018-0044 § 1, 2018.)

16.02 - Purpose.

This ordinance is adopted to achieve the following purposes and directs that the provisions hereof be interpreted in order to:

- A. Impose a Special Parcel Tax upon Parcels of property within the boundaries of the District at the rate of two and one-half (2.5) cents per square foot of Impermeable Area, except as exempted, to be used for the purposes set forth herein.
- B. Provide funding for Programs and Projects to increase Stormwater and Urban Runoff capture and reduce Stormwater and Urban Runoff pollution in the District, including Projects and Programs providing a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit.

(Ord. 2018-0044 § 1, 2018.)

16.03 - Definitions.

As used in this Chapter, the following terms mean:

- A. "Assessor" means the County of Los Angeles Office of the Assessor.
- B. "Auditor-Controller" means the Auditor-Controller of the County of Los Angeles.
- C. "Board" means the Los Angeles County Board of Supervisors, acting as the governing body of the Los Angeles County Flood Control District.
- D. "Census Block Group" means, as defined by the United States Census Bureau, a statistical division of census tracts, which are generally defined to contain between six hundred (600) and three thousand (3,000) people, and are used to present data and control block numbering. A Census Block Group consists of clusters of blocks within the same census tract. Each census tract contains at least one (1) Census Block Group and each Census Block is uniquely numbered within the census tract.
- E. "Chief Engineer" means the Chief Engineer of the District or their authorized deputy, agent, or representative.
- F. "Community Investment Benefit" means 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 also includes 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 or other vegetation that increase carbon reduction/sequestration and improve air quality.

- G. "County" means the County of Los Angeles.
- H. "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).
- I. "Disadvantaged Community (DAC) Benefit" means a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefits directly to a DAC population.
- J. "District" means the Los Angeles County Flood Control District.
- K. "District Program" means that part of the SCW Program described in Section 16.05.B. of this Chapter.
- L. "Feasibility Study" means a detailed technical investigation and report that is conducted to determine the feasibility of a proposed Project.
- M. "Impermeable Area" means a Parcel area covered by materials or constructed surfaces such as buildings, roofs, paved roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, and other constructed surfaces or hardscape features. Impermeable Areas do not include permeable surfaces such as vegetated areas, grasses, bushes, shrubs, lawns, bare soil, tree canopy, natural water bodies, wetland areas, gravel, gardens and planters on bare soil, rocky shores, and other natural areas.
- N. "Infrastructure Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.1 of this Chapter.
- O. "Infrastructure Program Project Applicant" means any individual, group, business or governmental entity, including, but not limited to, the District, a Municipality, watershed management group, joint powers authority, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, federally-recognized Indian tribe, State Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, or mutual water company, that submits a proposed Project or Feasibility Study for consideration for funding by the SCW Program.
- P. "Infrastructure Program Project Developer" means the individual, group or entity that carries out or causes to be carried out part or all of the actions necessary to complete a Project.
- Q. "Low-Income Household" means a household in the District with a household income that does not exceed the Low-Income limit for Los Angeles County, as determined annually by the California Department of Housing and Community Development.
- R. "Low-Income Senior-Owned Parcels" means Parcels within the District that are owned

and occupied as a residence by individuals over the age of sixty-two (62) who are the head of a Low-Income Household.

- S. "Multi-Benefit Project" means a Project that has: (1) a Water Quality Benefit, and (2) a Water Supply Benefit or a Community Investment Benefit, or both.
- T. "Municipal Program" means that part of the SCW Program described in Section 16.05.C. of this Chapter.
- U. "Municipality" means a city within the District, or the County, pertaining to unincorporated areas within the District.
- V. "Nature-Based Solution" means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities. Nature-Based Solution includes Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.
- W. "Parcel" means a parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.
- X. "Program" means a planned, coordinated group of activities related to increasing Stormwater or Urban Runoff capture or reducing Stormwater or Urban Runoff pollution in the District.
- Y. "Project" means the development (including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities), operation and maintenance (including monitoring), of a physical structure or facility that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.
- Z. "Regional Oversight Committee" ("ROC") means the body created by the Board whose responsibilities include, but are not limited to, assessing and making recommendations to the Board regarding whether the SCW Program Goals are being achieved.
- AA. "Regional Program" means that part of the SCW Program described in Section 16.05.D. of this Chapter.
- BB. "Safe, Clean Water Program" ("SCW Program") means the program established by this ordinance, including the administration of revenues from the Special Parcel Tax levied

pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

- CC. "SCW Program Goals" means the goals of the SCW Program described in Section 18.04 of Chapter 18 of this code.
- DD. "Scientific Studies Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.3. of this Chapter.
- EE. "Special Parcel Tax" means the tax described in Section 16.08 of this Chapter.
- FF. "Stakeholder" means a person; Municipality; watershed management group; joint powers authority; citizens' group; homeowner or other property owner; business; non-governmental organization; social justice group; health advocate; local park representative; school board member; environmental group; labor union; academic institution; neighborhood council; town council; community group; water resources agency, such as a groundwater pumper or manager, or a private or public water agency; other governmental agency; or other interested party that has a direct or indirect stake in the SCW Program.
- GG. "Stormwater" means water that originates from atmospheric moisture (rainfall or snowmelt) and falls or flows onto land, water or other surfaces.
- HH. "Stormwater Investment Plan" ("SIP") means a five (5) year plan developed by a Watershed Area Steering Committee that allocates funding for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program for the ensuing fiscal year and lays out tentative funding for four (4) subsequent years. SIPs will be approved by the Board on an annual basis.
- II. "Surface Water" means water that flows or collects on the surface of the ground.
- JJ. "Technical Resources Program" means the program, implemented as part of the Regional Program, described in Section 16.05.D.2. of this Chapter.
- KK. "Transfer Agreement" means the agreement described in Section 16.05.A.1. of this Chapter, between the District and an Infrastructure Program Project Developer or Municipality to transfer SCW Program funds.
- LL. "Treasurer" means the Treasurer and Tax Collector of the County of Los Angeles.
- MM. "Urban Runoff" means Surface Water flow that may contain, but is not composed entirely of, Stormwater, such as flow from residential, commercial, or industrial activities.
- NN. "Water Quality Benefit" means 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.
- OO. "Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater or Urban Runoff capture. Activities

resulting in this benefit include, but are not limited to, the following: 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, or offset of potable water use.

PP. "Watershed Area" means the regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions and other factors. The SCW Program includes the following nine (9) Watershed Areas: (1) Central Santa Monica Bay; (2) Lower Los Angeles River; (3) Lower San Gabriel River; (4) North Santa Monica Bay; (5) Rio Hondo; (6) Santa Clara River; (7) South Santa Monica Bay; (8) Upper Los Angeles River; and (9) Upper San Gabriel River.

QQ. "Watershed Area Steering Committee" means a body created by the Board, one for each Watershed Area, for the purpose of developing SIPs and recommendations for other activities to be funded through the Regional Program.

(Ord. 2019-0042 § 1, 2019; Ord. 2018-0044 § 1, 2018.)

16.04 - Expenditure Plan.

The District shall expend all Special Parcel Tax revenues consistent with the expenditure plan contained in this section.

- A. The District shall use the Special Parcel Tax revenues to pay the costs and expenses of carrying out Projects and Programs to increase Stormwater or Urban Runoff capture or reduce Stormwater or Urban Runoff pollution in the District in accordance with criteria and procedures established in this Chapter and Chapter 18 of this code. Projects and Programs funded by the revenues from the Special Parcel Tax may provide a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit. The District shall allocate the revenues derived from the Special Parcel Tax as follows:
1. Ten percent (10%) shall be allocated to the District for implementation and administration of Projects and Programs, and for the payment of the costs incurred in connection with the levy and collection of the Special Parcel Tax and the distribution of the funds generated by imposition of the Special Parcel Tax in accordance with the criteria and procedures established in this Chapter.
 2. Forty percent (40%) shall be allocated to Municipalities within the District, in the same proportion as the amount of revenues collected within each Municipality, to be expended by those cities within the cities' respective jurisdictions and by the County within the unincorporated areas that are within the boundaries of the District, for the implementation, operation and maintenance, and administration of Projects and Programs, in accordance with the criteria and procedures established in this Chapter.
 3. Fifty percent (50%) shall be allocated to pay for the implementation, operation and maintenance, and the administration of Projects and Programs implemented through the Regional Program, including Projects and Programs identified in

approved 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, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the criteria and procedures established in this Chapter and Chapter 18 of this code. Funds allocated to the Regional Program shall be distributed among the nine (9) Watershed Areas in proportion to the funds generated in each Watershed Area.

- B. The District, and Municipalities within the boundaries of the District, may use the funds from the Special Parcel Tax to finance bonds issued by the District or Municipalities so long as the bond proceeds are used for Projects and Programs that are eligible for funding under the SCW Program.

(Ord. 2019-0042 § 2, 2019; Ord. 2018-0044 § 1, 2018.)

16.05 - Program Elements.

- A. General Requirements.

- 1. SCW Program funds shall be transferred to Municipalities, Infrastructure Program Project Developers and the District in advance of eligible expenditures taking place. Prior to their receipt of SCW Program funds, Municipalities and Infrastructure Program Project Developers must enter into an agreement with the District to transfer SCW Program funds.
- 2. Expenditures eligible for SCW Program funds include, but are not limited to, the following:
 - a. Infrastructure development tasks including design and planning, preparation of grant applications, preparation of environmental documents, obtaining permits, construction, operations and maintenance, and inspection;
 - b. Real property acquisition, including fee title, leases, easements and right of entry permits, necessary to implement Projects selected for funding under the SCW Program;
 - c. Scientific and technical studies, and Stormwater or Urban Runoff modeling and monitoring;
 - d. Water quality or regional water resilience planning;
 - e. Stormwater or Urban Runoff residential and/or commercial retrofits;
 - f. Projects or studies to pilot or investigate new technologies or methodologies to increase or improve Stormwater or Urban Runoff capture or reduce Stormwater or Urban Runoff pollution for improving water quality, increasing local water supplies, or improving the quality of life for communities;
 - g. The development of Feasibility Studies to enable Infrastructure Program Project Applicants to submit Projects for consideration for SCW Program

- funds;
 - h. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase Stormwater or Urban Runoff capture and reduce Stormwater or Urban Runoff pollution to provide an additional Water Quality Benefit, Water Supply Benefit, or Community Investment Benefit;
 - i. Debt financing, should the District or a Municipality determine that bonds or loans are prudent and necessary to implement Projects or Programs;
 - j. Stormwater or Urban Runoff Programs such as, but not limited to, school education and curriculum, public education, watershed coordination efforts, regional water quality planning and coordination, and local workforce job training;
 - k. Administration and implementation of the SCW Program; and
 - l. Payments pursuant to an incentive program, as may be established by the Board.
3. 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 allegations of noncompliance with regulations brought forth by any State, federal, or local regulatory agency, or a third party unrelated to Projects and Programs selected for funding under the SCW Program;
 - 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 funds;
 - d. Costs associated with any litigation, including investigation, defense, or attorneys' fees, related to the design and implementation of Projects or Programs selected for funding under the SCW Program;
 - e. Payment of any settlement or judgment related to any claim or lawsuit arising from the negligence or wrongdoing of a Municipality or Infrastructure Program Project Developer or their respective agents in connection with any Project or Program funded under the SCW Program; and
 - f. Costs and expenses incurred prior to November 6, 2018.
- B. District Program. Ten percent (10%) of the revenue from the annual Special Parcel Tax shall be allocated for the District Program. The District shall perform the following functions as part of the District Program:
- 1. Administer the SCW Program, including collection of the Special Parcel Tax and distribution of funds, tax and payment administration, including administration of credit and incentive programs, review budgets and reports, and conduct audits.

2. Plan, implement, and maintain District Projects.
 3. Administer the Regional Program.
 4. Provide technical assistance, including the hiring and coordination of watershed coordinators.
 5. Oversee regional water quality planning and coordination, scientific studies, and water quality modeling.
 6. The District will administer the Programs described below. Not less than twenty percent (20%) of District Program funds shall be allocated for these Programs over a revolving five (5) year period. These Programs will be implemented throughout the District with special attention to the needs of DACs. The District will partner with Stakeholders to collaboratively implement these Programs. Programs shall include, but are not limited to:
 - a. Public education Programs;
 - b. Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, operation and maintenance of Stormwater or Urban Runoff management and Multi-Benefit Projects; and
 - c. Schools education and curriculum Programs.
- C. Municipal Program. Forty percent (40%) of the revenue from the annual Special Parcel Tax shall be allocated for the Municipal Program. Each Municipality shall receive a proportional share of these Municipal Program funds based on the Special Parcel Tax revenues collected within each Municipality.

Projects implemented through the Municipal Program shall include a Water Quality Benefit. Multi-Benefit Projects and Nature-Based Solutions are strongly encouraged. The responsibilities of each Municipality receiving Municipal Program funding from the SCW Program shall include, but not be limited to:

1. Preparation of a progress/expenditure report that details a program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.
2. Compliance with all SCW Program fund transfer, reporting, and audit requirements.
3. Engagement with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.
4. Prioritization and development of Projects that, to the extent feasible, assist in achieving compliance with Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01 NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm Sewer System (MS4) Discharges Within The Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From The City of Long Beach MS4 and Order

No. R4-2014-0024 (As Amended By Order No. R4-2014-0024-A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sewer System Discharges From The City of Long Beach, or successor permits issued by the Los Angeles Regional Water Quality Control Board for such permits.

D. Regional Program. Fifty percent (50%) of the annual revenues from the Special Parcel Tax shall be allocated to the Regional Program. Watershed Areas shall be established to facilitate implementation of the Regional Program. Each Watershed Area shall be overseen by a Watershed Area Steering Committee that includes Municipalities, agencies, and other Stakeholders. Members of the Watershed Area Steering Committees shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the County's conflict of interest policies. The Regional Program shall include an "Infrastructure Program," a "Technical Resources Program," and a "Scientific Studies Program."

1. Infrastructure Program. This program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit, as well as, either a Water Supply Benefit or Community Investment Benefit, or both. Infrastructure Program funds:
 - a. Shall be spent on activities performed after the Feasibility Study phase, to implement Projects and Programs;
 - b. Shall be allocated proportional to the revenues generated in each Watershed Area;
 - c. Shall be programmed in accordance with the Board-approved SIPs for each of the Watershed Areas;
 - d. Shall be allocated such that funding for Projects that provide a DAC Benefit is not less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area;
 - e. Shall be programmed, to the extent feasible, such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs;
 - f. Shall be programmed, to the extent feasible, such that a spectrum of project types and sizes are implemented throughout the region;
 - g. Shall be programmed, to the extent feasible, such that Nature-Based Solutions are prioritized;
 - h. Shall be disbursed to a non-municipal Infrastructure Program Project Applicant only after the Infrastructure Program Project Applicant has secured a letter of support from the Municipality in which the Project is located; and
 - i. Shall be prioritized and spent on Projects that, to the extent feasible, assist in achieving compliance with Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01 NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal

Separate Storm Sewer System (MS4) Discharges Within The Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From The City of Long Beach MS4 and Order No. R4-2014-0024 (As Amended By Order No. R4-2014-0024-A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sewer System Discharges From The City of Long Beach, or successor permits issued by the Los Angeles Regional Water Quality Control Board for such permits.

2. Technical Resources Program. This program shall provide technical resources for the development of Feasibility Studies through support from teams and coordinators providing technical assistance, outreach, and education.
 3. Scientific Studies Program. This program shall provide funding for eligible scientific and other activities, such as, but not limited to: scientific studies, technical studies, monitoring, modeling, and other similar activities. The District will administer this program and will seek to utilize independent research institutions or academic institutions to carry out or help design and peer review activities carried out by other entities. All activities implemented through this program shall be conducted in accordance with accepted scientific protocols.
- E. Regional Oversight Committee. The Regional Oversight Committee ("ROC") is an independent body that ensures the SCW Program Goals are met. The ROC shall consist of subject-matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Investment Benefits, public health, sustainability, and other pertinent subject-matter. The ROC shall prepare SCW Program progress reports and submit recommendations to the Board. ROC members shall be governed by and comply with State conflict of interest laws (e.g., Gov. Code §§ 1090 et seq. and 87100 et seq.) and the County's conflict of interest policies.

(Ord. 2019-0042 § 3, 2019; Ord. 2018-0044 § 1, 2018.)

16.06 - Special Account.

The Auditor-Controller shall create a new account into which the revenues from the Special Parcel Tax authorized by this ordinance shall be deposited.

(Ord. 2018-0044 § 1, 2018.)

16.07 - Independent Audit.

- A. The Board shall cause independent financial audits to be conducted for the purpose of determining compliance with the terms of this ordinance. The audits shall be posted on the District's publicly-accessible website.
- B. Municipalities shall be subject to an independent audit of their use of SCW Program funds not less than once every three (3) years. Audits of Municipalities shall be funded with Municipal Program funds.
- C. Infrastructure Program Project Developers shall be subject to an independent audit

upon completion of the Project. Additional interim audits may be conducted by the District. Audits of Infrastructure Program Project Developers shall be funded with Regional Program funds.

- D. The District shall be subject to an independent audit of their use of SCW Program funds not less than once every three (3) years. District audits shall be funded with District Program funds.

(Ord. 2018-0044 § 1, 2018.)

16.08 - Special Parcel Tax Rate.

- A. Commencing the fiscal year 2019-20, an annual special parcel tax in the amount of two and one-half (2.5) cents per square foot of Parcel Impermeable Area, is hereby imposed upon all Parcels located within the District, except as provided in Section 16.09 of this Chapter. All revenues from the Special Parcel Tax shall be used to fund Projects and Programs consistent with the expenditure plan as set forth in Section 16.04 of this Chapter, and to fund the costs incurred in connection with the levy and collection of the tax and distribution of the funds.
- B. All laws and procedures regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, late payments, liens and collections for the secured roll ad valorem property taxes shall be applicable to the collection of the Special Parcel Tax. The secured roll tax bills shall be the only notices required for the levying of the Special Parcel Tax. The Auditor-Controller shall place the Special Parcel Tax on the secured tax roll for the initial fiscal year 2019-20, and for subsequent fiscal years. The Treasurer shall collect the Special Parcel Tax for the initial Fiscal Year 2019-20, and for subsequent fiscal years, on the tax roll at the same time and in the same manner, and subject to the same penalties as the ad valorem property taxes fixed and collected by or on behalf of the County. The County shall be entitled to deduct its reasonable costs incurred in collecting the Special Parcel Tax before such tax is remitted to the District, including all costs incurred in connection with the levy and collection of the tax and distribution of the funds.
- C. The District shall establish and administer an appeals process to address and correct errors in the levy of the Special Parcel Tax. Parcel owners or any other person or entity subject to the Special Parcel Tax may seek review of the amount of their tax on the following grounds:
 - 1. Mathematical error in the calculation of the tax; or
 - 2. Significant discrepancy between the assessed and the actual Impermeable Area.
- D. The Auditor-Controller shall file a report with the Board by no later than January 1, 2021, and by January 1 of each year thereafter, stating the amount of funds collected pursuant to this ordinance. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Auditor-Controller may determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board.

- E. Nothing in this ordinance shall limit a Parcel owner's ability to pass through the Special Parcel Tax to a tenant, subject to all applicable rent control ordinances, contractual provisions in the special parcel tax, federal subsidized housing requirements, and other applicable laws.

(Ord. 2018-0044 § 1, 2018.)

16.09 - Exemptions.

The following Parcels shall be subject to exemption from the Special Parcel Tax specified in Section 16.08 of this Chapter:

- A. All Parcels exempt from ad valorem property taxes to the same extent partially or fully exempt as determined by the Assessor, including, but not limited to, government Parcels and Parcels owned by non-profit organizations satisfying the requirements of Revenue and Taxation Code Section 214.
- B. Upon application, Low-Income Senior-Owned Parcels.

(Ord. 2019-0042 § 4, 2019; Ord. 2018-0044 § 1, 2018.)

16.10 - Credit, Incentive and Credit Trading Program.

- A. Credit program. The District shall implement a credit program consistent with the following provisions and in accordance with the provisions of Section 18.10 of Chapter 18 of this code. The credit program shall provide a credit to Parcel owners (including Parcel owners in developments served by a centralized Stormwater or Urban Runoff system) for qualifying improvements that capture or treat Stormwater or Urban Runoff or reduce Stormwater or Urban Runoff pollution in the District.
 - 1. Unless otherwise approved by the District, water quality credit shall be calculated based on the extent to which a Parcel(s) has complied with (1) an applicable Low Impact Development (LID) ordinance, (2) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, (3) an Industrial General Permit (IGP), (4) another Los Angeles Regional Water Quality Control Board-approved permit governing the discharge of Stormwater or Urban Runoff (RWQCB Stormwater Permit), or (5) some combination of Stormwater or Urban Runoff discharge requirements for the Parcel. Credit shall also be available for improvements or projects that result in Water Supply Benefits or Community Investment Benefits.
 - 2. The maximum credit under the credit program shall be one hundred percent (100%) of each Parcel's specific Special Parcel Tax amount.
 - 3. The credit program shall include provisions allowing for aggregating Parcels under common ownership and applying the credit in developments served by centralized Stormwater or Urban Runoff improvements.
- B. Credit trading program. The District shall establish a credit trading program that, at a minimum, would allow Parcel owners to purchase and sell credits to satisfy Special Parcel Tax obligations. The program shall be implemented in accordance with the provisions of Section 18.11 of Chapter 18 of this code.

- C. The Chief Engineer shall work with stakeholders to develop and implement a general income tax reduction program, including implementation procedures and guidelines for the program. The Chief Engineer shall update those implementation procedures and guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the program.
- D. The Chief Engineer shall work with stakeholders to explore the feasibility of, and options for, additional incentives beyond or in support of the credit, income-based tax reduction, low-income senior exemption, and credit trading programs.

(Ord. 2019-0042 § 5, 2019; Ord. 2018-0044 § 1, 2018.)

16.11 - Lapsed Funds.

- A. Municipalities and Infrastructure Program Project Developers shall be able to carry over uncommitted Special Parcel Tax funds for up to five (5) years from the end of the fiscal year in which those funds are transferred from the District to the Municipality or Infrastructure Program Project Developer. Additional requirements may be included in the Transfer Agreement.
- B. Municipalities and Infrastructure Program Project Developers who are unable to expend SCW Program funds in a timely manner shall be subject to lapsing funds procedures. Lapsed funds are funds that were transferred to a Municipality or an Infrastructure Program Project Developer, but were not committed to eligible expenditures by the end of the fifth (5th) fiscal year after the fiscal year in which those funds were transferred from the District.
- C. Lapsed funds shall be allocated by the Watershed Area Steering Committee of the respective Watershed Area to a new Project or Program recommendation with benefit to that Municipality or Watershed Area.

(Ord. 2019-0042 § 6, 2019; Ord. 2018-0044 § 1, 2018.)

16.12 - Reporting Requirements.

- A. Each Municipality shall prepare a progress/expenditure report describing their use of Municipal Program funds in accordance with the provisions of Section 18.06.D. of Chapter 18 of this code.
- B. Each Infrastructure Program Project Developer shall prepare progress/expenditure reports describing its use of Regional Program funds in accordance with the provisions of Section 18.07.F. of Chapter 18 of this code.

(Ord. 2019-0042 § 7, 2019; Ord. 2018-0044 § 1, 2018.)

16.13 - Audit Recordkeeping.

The following recordkeeping and audit requirements shall apply:

- A. SCW Program funds distributed to the District, Municipalities, and Infrastructure Program Project Developers shall be held in separate interest-bearing accounts and

shall not be combined with other funds. Interest earned from each account shall be used by the account holder only for eligible expenditures consistent with the requirements of the SCW Program.

- B. Municipalities, Infrastructure Program Project Developers, and the District shall retain, for a period of seven (7) years after Project completion, all records necessary in accordance with Generally Accepted Accounting Principles to determine the amounts expended, and eligibility of Projects and Programs implemented using SCW Program funds. Municipalities and Infrastructure Program Project Developers, upon demand by authorized representatives of the District, shall make such records available for examination and review or audit by the District or its authorized representatives. Records shall include: accounting records, written policies and procedures, contract files, original estimates, correspondence, change order files, including documentation covering negotiated settlements, invoices, and any other supporting evidence deemed necessary to substantiate charges related to SCW Program funds and expenditures.
- C. At all reasonable times, Municipalities and Infrastructure Program Project Developers shall permit the Chief Engineer to examine all Projects and Programs that were erected, constructed, implemented, operated, or maintained, in whole or part, using SCW Program funds. Municipalities and Infrastructure Program Project Developers shall permit the authorized District representative, including the Auditor-Controller, to examine, review, audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to Projects or Programs funded, in whole or part, by the SCW Program.

(Ord. 2019-0042 § 8, 2019; Ord. 2018-0044 § 1, 2018.)

16.14 - Indemnification.

The District shall not be required to accept ownership or responsibility for any Project developed, implemented or constructed by a Municipality or an Infrastructure Program Project Developer with SCW Program funds. Unless the District enters into an express agreement with an Infrastructure Program 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") shall be liable in connection with errors, defects, injuries, or property damage caused by or attributed to any Project that is funded in whole or in part with SCW Program funds, and each Municipality and Infrastructure Program Project Developer shall 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 Infrastructure Program Project Developer that is funded, in whole or in part, with the SCW Program funds, except for claims, liability, and expenses, resulting from the sole negligence or willful misconduct of District Indemnitees.

(Ord. 2018-0044 § 1, 2018.)

16.15 - Amendment of Ordinance.

- A. Except for amendments that would increase the Special Parcel Tax rate, impose the Special Parcel Tax on exempt properties, reduce the maximum available credit in the program, change the terms and use of the Special Parcel Tax, violate State law or conflict with the purposes of this ordinance, the Board is hereby authorized to amend this ordinance as may be convenient or necessary to carry out the intent of this ordinance or as otherwise required by law, without submitting the ordinance to the voters for approval.
- B. After a period of no longer than thirty (30) years, the Board shall evaluate the needs of the SCW Program and make an affirmative determination that the Special Parcel Tax is needed to build additional Projects to achieve Water Quality Benefits and other benefits in accordance with the SCW Program Goals. Should the Board determine that no additional Projects are needed, the Special Parcel Tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with SCW Program funds during the previous thirty (30) years.

(Ord. 2019-0042 § 9, 2019; Ord. 2018-0044 § 1, 2018.)

16.16. - Direction to Board.

The Board shall adopt an ordinance or ordinances implementing the following provisions:

- A. Criteria and procedures consistent with Section 16.05 to implement the purposes of this ordinance.
- B. An exemption from the Special Parcel Tax for Low-Income Senior-Owned Parcels who apply for such exemption consistent with Section 16.09.B.

(Ord. 2019-0042 § 10, 2019; Ord. 2018-0044 § 1, 2018.)

16.17 - Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions or applications, and, to this end, the provisions of this ordinance are declared to be severable. The Board and the electorate, should it approve the Special Parcel Tax, do hereby declare that they would have adopted and approved this ordinance and the Special Parcel Tax and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional. In case any provision of this ordinance is held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions of this ordinance shall not in any way be affected or impaired thereby.

(Ord. 2018-0044 § 1, 2018.)

16.18 - Effective Date.

This ordinance shall take effect immediately upon approval by two-thirds (⅔) of the electorate voting in an election on this ordinance.

(Ord. 2018-0044 § 1, 2018.)

16.19 - Statute of Limitations.

Pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860, any judicial action or proceeding to attack, review, set aside, or annul this Special Parcel Tax, if approved by the voters, shall be commenced within sixty (60) days of the effective date of this ordinance.

(Ord. 2018-0044 § 1, 2018.)

16.20 - Execution.

The Chair of the Board is authorized to attest to the adoption of this ordinance by the voters of the District.

(Ord. 2018-0044 § 1, 2018.)



**Section 3:
Los Angeles County Flood Control District
Code Chapter 18**



18.01 - Title.

This Chapter shall be known as the "Safe, Clean Water Program Implementation Ordinance."

(Ord. 2019-0042 § 11, 2019.)

18.02 - Definitions.

The definitions set forth in Section 16.03 of Chapter 16 of this code shall apply to this Chapter 18. In addition, the following definitions shall apply to this Chapter 18:

- A. "Additional Activities Credit" means a credit against a Parcel's Special Parcel Tax amount for Parcel owners that initiate and complete qualifying additional activities after November 6, 2018, that confer benefits to the broader regional community related to SCW Program Goals. Implementation criteria and procedures related to Additional Activities Credit will be established in the Credit Program Procedures and Guidelines.
- B. "Benefited Development" means a group of Parcels that drain to common, centralized Stormwater Improvements. Implementation criteria and procedures related to Benefited Developments will be established in the Credit Program Procedures and Guidelines.
- C. "Community Investment Credit" means a credit against a Parcel's Special Parcel Tax amount for Stormwater Improvement that results in a Community Investment Benefit.
- D. "Credit Program Procedures and Guidelines" means the implementation procedures and guidelines for the credit program described in Section 18.10.A. of this Chapter.
- E. "Feasibility Study Guidelines" means the guidelines for the preparation of Feasibility Studies described in Section 18.07.B.3. of this Chapter.
- F. "Industrial General Permit" ("IGP") means the set of requirements by which the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board implement and enforce regulations on industrial storm water discharges and authorized non-storm water discharges from industrial facilities in California. The Industrial General Permit is called a general permit because many industrial facilities are covered by the same permit but comply with its requirements at their individual industrial facilities.
- G. "Low Impact Development Ordinance" ("LID Ordinance") means the most recent ordinance establishing local low impact development standards and requirements on certain new development and redevelopment projects operative within the Municipality in which the project is located that conforms to requirements imposed by the Los Angeles Regional Water Quality Control Board on that Municipality through the Municipality's MS4 Permit. In the absence of an operative LID Ordinance in the Municipality in which the project is located, the most current LID Ordinance adopted by the County shall apply.
- H. "MS4 Permit" means Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01) NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm Sewer System (MS4) Discharges Within The Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From The City of Long Beach MS4 or Order No. R4-2014-0024 (As Amended By Order No. R4-2014-0024-A01) NPDES Permit No. CAS004003 Waste Discharge Requirements For Municipal Separate Storm Sewer System Discharges From The City of Long Beach, or any successor permit issued by the Los Angeles Regional Water Quality Control Board.
- I. "ROC Operating Guidelines" means the operating guidelines for the ROC described in Section 18.08.A.3. of this Chapter.
- J. "RWQCB Stormwater Permit" means a permit other than an IGP, issued by the Los Angeles Regional

Water Quality Control Board, governing the discharge of Stormwater or Urban Runoff.

- K. "SCW Program Progress Report" means a biennial report that summarizes all Regional Program WARPP Reports, all Municipal Program annual progress and expenditure reports, and all District Program annual reports and makes findings regarding whether and the extent to which SCW Program requirements were met and SCW Program Goals were achieved.
- L. "Scoring Committee" means a group of six (6) subject-matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits created by the Board to review and score Projects and Feasibility Studies in connection with the Infrastructure Program.
- M. "Scoring Committee Operating Guidelines" means the operating guidelines for the Scoring Committee described in Section 18.07.C.3.c. of this Chapter.
- N. "Standard Urban Stormwater Mitigation Plan" ("SUSMP") means a plan that designates best management practices that must be used in specified categories of development projects under NPDES permits, as approved by the Los Angeles Regional Water Quality Control Board.
- O. "Stormwater Improvement" means a structure or facility, or system of structures or facilities, that captures Stormwater or Urban Runoff or reduces Stormwater or Urban Runoff pollution in the District.
- P. "Technical Assistance Team" means a group of subject-matter experts in Stormwater and/or Urban Runoff infrastructure design, hydrology, soils, Nature-Based Solutions, green infrastructure, Stormwater and/or Urban Runoff quality, water supply, recreation, open space, community needs, and other related areas, provided by the District to assist Infrastructure Program Project Applicants and others, as part of the Technical Resources Program.
- Q. "Threshold Score" means a minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding.
- R. "WASC Operating Guidelines" means the operating guidelines for the WASC described in Section 18.07.G.1.e. of this Chapter.
- S. "Water Quality Credit" means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Quality Benefit by complying with: (1) an applicable LID Ordinance, (2) applicable SUSMP requirements, (3) an applicable IGP, (4) an applicable RWQCB Stormwater Permit, or (5) any combination of the foregoing.
- T. "Water Supply Credit" means a credit against a Parcel's Special Parcel Tax amount for a Stormwater Improvement that results in a Water Supply Benefit.
- U. "Watershed Area Regional Program Progress (WARRP) Report" means an annual report describing the progress of all Projects and Programs included in an SIP during the previous year and summarizing how the implementation of the SIP during the previous year has achieved SCW Program Goals.
- V. "Watershed Coordinator" means one or more persons assigned to assist a Watershed Area Steering Committee with community and stakeholder education and engagement and to perform the other activities described in Section 18.07.D.3. of this Chapter.

(Ord. 2019-0042 § 11, 2019.)

18.03 - Purpose.

The purpose of this Chapter is to establish additional criteria and procedures related to the implementation of the Los Angeles Region Safe, Clean Water Program described in Chapter 16 of this code. The Board may consider revisions to Chapter 16 of this code and this Chapter 18 in connection with the first biennial public hearing, as described in Section 18.08.C.5. below, and as needed thereafter.

(Ord. 2019-0042 § 11, 2019.)

18.04 - SCW Program Goals.

The Los Angeles Region Safe, Clean Water Program shall be implemented consistent with the following goals:

- A. Improve water quality and contribute to attainment of water-quality requirements.
- B. Increase drought preparedness by capturing more Stormwater and/or Urban Runoff to store, clean, reuse, and/or recharge groundwater basins.
- C. Improve public health by preventing and cleaning up contaminated water, increasing access to open space, providing additional recreational opportunities, and helping communities mitigate and adapt to the effects of climate change through activities such as increasing shade and green space.
- D. Leverage other funding sources to maximize SCW Program Goals.
- E. Invest in infrastructure that provides multiple benefits.
- F. Prioritize Nature-Based Solutions.
- G. Provide a spectrum of project sizes from neighborhood to regional scales.
- H. Encourage innovation and adoption of new technologies and practices.
- I. Invest in independent scientific research.
- J. Provide DAC Benefits, including Regional Program infrastructure investments, that are not less than one hundred and ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area.
- K. Provide Regional Program infrastructure funds benefitting each Municipality in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred and ten percent (110%) return to DACs, to the extent feasible.
- L. Implement an iterative planning and evaluation process to ensure adaptive management.
- M. Promote green jobs and career pathways.
- N. Ensure ongoing operations and maintenance for Projects.

(Ord. 2019-0042 § 11, 2019.)

18.05 - District Program Implementation.

- A. The District Program shall be implemented in accordance with the provisions of this Section.
- B. The District shall perform the following functions as part of the implementation of the District Program:
 - 1. Administer the SCW Program, including collection of the Special Parcel Tax and distribution of funds; administration of credit, credit trading, low-income senior, and any income-based tax reduction or incentive programs; review of budgets and reports; and conducting of audits.
 - 2. Annually prepare a five (5) year revenue forecast for each Watershed Area.
 - 3. Plan, implement, and maintain District Projects.
 - 4. Administer and provide staffing for the Regional Program.
 - 5. Provide staffing for the Scoring Committee, Watershed Area Steering Committees, and the ROC.
 - 6. Provide for coordination of Watershed Coordinators to ensure consistency and sharing of best practices and resources across the District.
 - 7. Provide Technical Assistance Teams and Watershed Coordinators funded by the Technical Resources Program. The District may, in its discretion, also provide Technical Assistance Teams using funds allocated to the District Program.
 - 8. Coordinate Watershed Area scientific studies funded by the Scientific Studies Program.
 - 9. Engage Stakeholders in the planning process for use of the District Program funds.
 - 10. Operate in accordance with best practices for government agencies.
 - 11. Conduct independent audits to ensure compliance with requirements of the SCW Program.

12. Prepare, prior to the start of the District's fiscal year, a plan for how SCW Program funds will be used
 13. 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 description of Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits realized through use of District Program funds.
 14. Comply with all SCW Program audit requirements.
- C. Educational Programs.
1. The Chief Engineer shall implement and administer the following educational Programs:
 - a. Public education and community engagement Programs throughout the District, including a sustained education and engagement Program for disadvantaged communities;
 - b. Local workforce job training, which will provide certification classes and vocational training at the community level for the construction, inspection, operation and maintenance of Stormwater or Urban Runoff management and Multi-Benefit Projects, including instruction regarding applicable design concepts; and
 - c. Schools education and curriculum Programs.
 2. Not less than twenty percent (20%) of District Program funds shall be allocated for these Programs over a revolving five (5) year period.
 3. These Programs will be implemented throughout the District with special attention to the needs of DACs.
 4. The Chief Engineer shall partner with Stakeholders to collaboratively develop and implement these Programs.

(Ord. 2019-0042 § 11, 2019.)

18.06 - Municipal Program Implementation.

- A. The Municipal Program shall be implemented in accordance with the provisions of this Section.
- B. Each Municipality receiving Municipal Program funding from the SCW Program shall perform the following functions as part of the Municipal Program:
 1. Prioritize the development of Projects that, to the extent feasible, assist in achieving compliance with the MS4 Permit.
 2. Prepare, prior to the start of that Municipality's fiscal year, a plan for how SCW Program funds will be used in the ensuing fiscal year.
 3. Comply with all SCW Program reporting and audit requirements, and provide to the District additional financial and other information, as required by the SCW Program or upon request of the District.
 4. As part of the Municipal Program planning process, consider Municipal-level requests for Projects from eligible Infrastructure Program Project Applicants.
 5. At least annually, prepare and provide to the public informational materials containing up-to-date information on the Municipality's actual and budgeted use of revenues from the SCW Program.
 6. Operate in accordance with best practices for government agencies.
 7. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.
 8. Identify or establish, and then execute, a plan to engage with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.
 9. Comply with all Transfer Agreement requirements.
 10. Prepare a vector minimization plan addressing vector considerations for the design, operation,

and maintenance of each Project.

C. Maintenance of Effort.

1. 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.
2. Up to thirty percent thirty percent (30%) of a Municipality's Municipal Program funds may be used to pay for costs and expenses incurred on or after November 6, 2018, related to the continuation of Programs implemented or the maintenance of Projects implemented prior to November 6, 2018.

D. Municipal Program Annual Progress/Expenditure Reports.

1. Each Municipality shall prepare and submit an annual report to the District, not later than six months after the end of that Municipality's fiscal year.
2. The annual report shall include the following information:
 - a. A summary of the expenditures and Water Quality, Water Supply, and Community Investment Benefits realized through use of SCW Program funds;
 - b. The amount of SCW Program funds expended;
 - c. Documentation that the SCW Program funds were used for eligible expenditures;
 - d. A description of work accomplished during the reporting period;
 - e. The milestones or deliverables completed/submitted during the reporting period;
 - f. The work anticipated to be accomplished during the next reporting period;
 - g. Photo documentation of the above, as appropriate;
 - h. Additional information as required by the District; and
 - i. A description of the Municipality's stakeholder-engagement activities during the reporting period, including documentation, as appropriate.
3. The District shall review each Municipality's annual report to make a preliminary determination of whether and the extent to which each Municipality's expenditures achieved SCW Program Goals, and the District shall forward its preliminary determination to the ROC.
4. The ROC shall review the Municipalities' annual reports after the District has completed its preliminary determination, to evaluate whether and the extent to which the Municipalities' expenditures achieved SCW Program Goals and develop recommendations as appropriate. The ROC shall report its findings and recommendations to the Board and provide copies to the respective Municipalities.

(Ord. 2019-0042 § 11, 2019.)

18.07 - Regional Program Implementation.

- A. The Regional Program shall be implemented in accordance with the provisions of this Section.
- B. Stormwater Investment Plans (SIP).
 1. A SIP shall be adopted for each Watershed Area, annually, in accordance with the following procedure:
 - a. The District shall prepare a five (5) year revenue forecast for each Watershed Area;
 - b. The District shall request proposals for Projects to be included in the Infrastructure Program, Project concepts to be included in the Technical Resources Program, and studies and other activities to be included in the Scientific Studies Program, for each Watershed Area SIP. Small and medium scale, community-level Projects may be combined into a single Project proposal

- to promote efficiency, achieve economies of scale and advance local-hire and job-training goals. If an Infrastructure Program Project Applicant intends for operation and maintenance costs to be considered for inclusion in a SIP, the Applicant's proposal must include an operation and maintenance plan that identifies the required activities over the useful life of the Project and any expertise or technical training necessary to perform the activities, identify the party that will be responsible for operation and maintenance of the Project, and include a letter of commitment from that party to operate and maintain the Project throughout the Project's useful life;
- c. Each Watershed Area Steering Committee shall determine which proposed Feasibility Studies and/or Projects to submit to the Scoring Committee for evaluation. Only Projects meeting the following criteria shall be submitted to the Scoring Committee for evaluation:
 - (1) Projects for which a Feasibility Study has been completed or for which equivalent information has been developed and is available for review by the Scoring Committee;
 - (2) Projects that are Multi-Benefit Projects;
 - (3) Projects that are included in a stormwater resource plan developed in accordance with Part 2.3 (commencing with § 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to an MS4 Permit, an Integrated Regional Water Management Plan, or other regional water management plan if determined to be equivalent by the District; and
 - (4) Projects designed for a minimum useful life of thirty (30) years.
 - d. Projects for which a Feasibility Study has not been completed and that lack equivalent information may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee;
 - e. The Scoring Committee shall evaluate each proposed Project submitted by the Watershed Area Steering Committees and shall return scores for each proposed Project to the respective Watershed Area Steering Committee;
 - f. The District shall establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program. The Threshold Score shall be identified in the Feasibility Study Guidelines;
 - g. Each Watershed Area Steering Committee shall review and evaluate the proposed Project scores, proposed Project concepts and proposed studies, and shall prepare and submit a SIP, in a standard format established in the WASC Operating Guidelines, to the Regional Oversight Committee for review. Projects that lack sufficient information to be scored, or that do not score above the Threshold Score, may be included in the Technical Resources Program at the discretion of the Watershed Area Steering Committee;
 - h. The ROC shall review each SIP, determine whether and the extent to which each SIP achieves the SCW Program Goals, and provide its findings and recommendations to the respective WASC and to the Board;
 - i. The Board shall consider each SIP together with the Regional Oversight Committee's recommendation and shall either approve the SIP or return it to the appropriate Watershed Area Steering Committee for revision and resubmittal; and
 - j. Once the Board approves a SIP, the District shall transfer SCW Program funds to Infrastructure Program Project Developers as indicated in the SIP.
2. SIPs shall be developed by the Watershed Area Steering Committees in accordance with the following criteria:
 - a. Not less than eighty-five percent (85%) of the budget shall be allocated to Infrastructure Program activities, not more than ten (10%) of the budget shall be allocated to Technical

Resource Program activities, and not more than five percent (5%) of the budget shall be allocated to Scientific Studies Program activities;

- b. Projects that assist in achieving compliance with a MS4 Permit shall be prioritized, to the extent feasible;
- c. 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. To facilitate compliance with this requirement, 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;
- d. Each Municipality shall receive benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs, to the extent feasible, to be evaluated annually over a rolling five (5) year period;
- e. A spectrum of Project types and sizes shall be implemented throughout the region, to the extent feasible, to be evaluated annually over a rolling five (5) year period;
- f. Nature-Based Solutions shall be prioritized, to the extent feasible;
- g. Projects, Feasibility Studies, scientific and technical studies, and other activities selected for inclusion in a SIP should be recommended to receive funding for their total estimated costs, unless a lesser amount has been requested;
- h. Operation and maintenance costs for any Project may be included in the Infrastructure Program portion of a SIP, whether or not the design and construction of that Project was included in a SIP; and
- i. Only Projects that meet or exceed the Threshold Score shall be eligible for inclusion in the Infrastructure Program. Projects that receive a score below the Threshold Score may be referred to the Technical Resources Program at the discretion of the Watershed Area Steering Committee.

3. The Chief Engineer shall develop and adopt guidelines for the preparation of Feasibility Studies (Feasibility Study Guidelines), including required contents, and shall update those guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the Regional Program. Prior to adopting or updating the guidelines, the Chief Engineer shall provide not less than thirty (30) days' advance public notice of the proposed guidelines or revisions. Public notice shall, at a minimum, include posting the proposed guidelines or revisions on the SCW Program website.

C. Infrastructure Program Implementation.

1. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must identify the Infrastructure Program Project Developer for the Project. The individual, group or entity identified as the Infrastructure Program Project Developer must have sufficient knowledge, experience and resources to effectively manage the design and construction of the Project and ensure its completion. An Infrastructure Program Project Applicant may designate a construction authority to be the Infrastructure Program Project Developer. Also, at the request of the Infrastructure Program Project Applicant or the Infrastructure Program Project Developer, the District, at its discretion, may act as the Infrastructure Program Project Developer for all or any aspects of a Project.
2. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, the Infrastructure Program Project Applicant must also identify the person or entity that will be responsible for the operation, maintenance and repair of the Project

and the source of funds that will be used to pay for the operation, maintenance and repair of the Project, throughout the Project's useful life.

3. Prior to the disbursement of any funds for a Project that has been selected for inclusion in the Infrastructure Program, a vector minimization plan must be prepared addressing vector considerations for the Project.
4. Scoring Committee.
 - a. The Scoring Committee shall include at least two subject-matter experts in Water Quality Benefits, at least one subject-matter expert in Nature-Based Solutions or Community Investment Benefits, and at least one subject-matter expert in Water Supply Benefits.
 - b. The members of the Scoring Committee shall comply with State conflict of interest laws (e.g., Gov. Code §§ 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County;
 - c. The Chief Engineer shall develop and adopt operating guidelines for the governance of the Scoring Committee and the conduct of Scoring Committee business (Scoring Committee Operating Guidelines), including standard Project-scoring criteria, and shall update those guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the Scoring Committee and the conduct of Scoring Committee business. Each Scoring Committee member will be required to read and comply with the Scoring Committee Operating Guidelines, among other things, as a condition of serving as a member of the Scoring Committee;
 - d. The District shall provide staff support to the Scoring Committee using funds from the District Program;
 - e. The District may compensate members of the Scoring Committee who are not otherwise compensated, in the amount of one hundred dollars (\$100) per meeting attended, using funds from the District Program; and
 - f. Meetings conducted by the Scoring Committee shall be open to the public.

D. Technical Resource Program Implementation.

1. The purpose of the Technical Resources Program is to provide Technical Assistance Teams to assist persons or organizations that do not have the necessary technical resources or capabilities with the development of Feasibility Studies and compliance with other technical requirements of the Infrastructure Program, and to provide Watershed Coordinators to educate and build capacity in Watershed Areas and facilitate community and Stakeholder engagement with the Technical Resources Program and the Watershed Area Steering Committees as a whole.
2. Technical Assistance Teams.
 - a. A Technical Assistance Team shall be assigned to assist with the development of a Feasibility Study for each Project concept identified in a SIP;
 - b. The District, at the request of a Watershed Area Steering Committee, shall provide a Technical Assistance Team to assist Infrastructure Program Project Applicants and others, as appropriate, in meeting other technical requirements of the Infrastructure Program, including, but not limited to, the amendment of eligible water-quality plans to include a Project and assisting non-Municipal Project Applicants with obtaining letters of support from the applicable Municipality; and
 - c. Technical Assistance Teams shall be paid for with funds allocated to the Technical Resources Program in the applicable SIP. In addition, the District may, in its discretion, provide Technical Assistance Teams using funds allocated to the District Program.
3. Watershed Coordinators.

- a. Not less than one (1) Watershed Coordinator will be assigned to each Watershed Area; plus, one Watershed Coordinator will be assigned for each additional one-million people within the Watershed Area;
- b. Each Watershed Area Steering Committee shall select their respective Watershed Coordinator(s) from a list of eligible candidates provided by the District and shall designate them in their respective SIPs as part of the Technical Resource Program budget. A single Watershed Coordinator position may be filled by an individual or by multiple employees of a single entity at the discretion of the applicable WASC; and
- c. The duties and responsibilities of Watershed Coordinator(s) center around connecting potential applicants with technical resources and building inclusion and meaningful engagement in pursuit of SCW Program Goals, and shall include, but not be limited to, the following:
 - (1) Work with Technical Assistance Teams to bring resources to potential Infrastructure Program Project Applicants;
 - (2) Work with Municipalities and Stakeholders to identify and develop Project concepts that may be elevated to the Watershed Area Steering Committees and Technical Assistance Teams to assist with development of Feasibility Studies;
 - (3) Identify and help leverage and secure additional funding sources for Regional Projects and Programs;
 - (4) Engage Municipalities, community groups, and other watershed Stakeholders to ensure diverse perspectives are included in planning and implementation of the Regional Program;
 - (5) Conduct community outreach to diverse communities, with an emphasis on disadvantaged communities;
 - (6) Provide leadership in community outreach efforts related to watershed planning;
 - (7) Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities;
 - (8) Integrate community, Municipality, and regional priorities through partnerships and extensive networks;
 - (9) Organize public outreach events included in SIPs, such as workshops, demonstrations, community forums and restoration activities, to educate Stakeholders on stormwater-related topics;
 - (10) Serve as non-voting members of the Watershed Area Steering Committees for their respective Watershed Areas; and
 - (11) Collaborate with all other Watershed Coordinators and the District to help ensure consistency in implementation and to inform each other of effective efforts, outreach, and communication approaches, including sharing best practices and resources.

E. Scientific Studies Program Implementation.

- 1. The purpose of the Scientific Studies Program is to provide funding for scientific and technical activities, including, but not limited to, scientific studies, technical studies, monitoring, and modeling related to Stormwater and Urban Runoff capture and pollution reduction.
- 2. Watershed Area Steering Committees will recommend studies and other activities for funding by including the studies or other activities in the Scientific Studies Program portion of their respective SIPs.
- 3. All studies and other activities included in the Scientific Studies Program portion of a SIP shall be conducted in accordance with accepted scientific protocols.
- 4. The Scientific Studies Program shall be administered by the District and, to the extent feasible,

shall utilize independent research institutions or academic institutions to carry out Scientific Studies or to help design and peer review Scientific Studies carried out by other entities.

F. Progress/Expenditure Reports.

1. Infrastructure Program Project Developers shall prepare quarterly progress and expenditure reports, as described in subsection 3 below, for their respective Projects and Programs.
2. The District shall prepare quarterly progress and expenditure reports, as described in subsection 3 below, for activities undertaken by the District pursuant to the Technical Resources (e.g. Watershed Coordinators and Technical Assistance Teams) and Scientific Studies Programs.
3. Quarterly progress and expenditure reports shall include the following information:
 - a. An estimate of the percentage of work completed;
 - b. The amount of SCW Program funds expended;
 - c. Documentation that the SCW Program funds were used for eligible expenditures;
 - d. A discussion of work accomplished during the reporting period;
 - e. The milestones or deliverables completed/submitted during the reporting period;
 - f. A discussion of any scheduling concerns and issues encountered that may delay completion of the Program or Project;
 - g. The work anticipated to be accomplished during the next reporting period;
 - h. Photo documentation of the progress and current status of the Project, as appropriate;
 - i. Any anticipated schedule or budget modifications; and
 - j. A summary of the outreach activities to DACs and expenditures that achieve DAC Benefits.
4. Infrastructure Program Project Developers shall prepare an annual summary of the quarterly progress and expenditure reports for their respective Programs and Projects, including all items listed in Section 18.07.F.3. The annual summary reports shall also include a description of the Water Quality Benefits, Water Supply Benefits, Community Investment Benefits and the SCW Program Goals achieved during the prior year.
5. The Watershed Area Steering Committees shall review the Infrastructure Program Project Developers' quarterly progress and expenditure reports and the annual summary reports to evaluate whether the schedules, budgets, scopes and expected benefits have significantly changed and remain consistent with the SCW Program Goals. Programs and Projects that are over budget or behind schedule, or that demonstrate reduced or revised scope or benefits, may be adjusted or removed from future SIPs.
6. The Watershed Area Steering Committees shall forward each quarterly progress and expenditure report and each annual summary report to the ROC, together with the Watershed Area Steering Committees' evaluations.

G. Watershed Area Steering Committees.

1. Membership Requirements.
 - a. Each Watershed Area Steering Committee shall be comprised of seventeen (17) members plus the Watershed Coordinator(s) for the Watershed Area. Seven (7) members shall represent the Municipalities located within the Watershed Area, five (5) members shall represent agency members, and five (5) members shall represent community Stakeholders. Each member shall have a designated alternate to attend committee meetings, participate in accordance with the WASC Operating Guidelines, and vote in the absence of the primary member; and
 - b. The Municipal members and their alternates shall be selected in accordance with the following:
 - (1) A Municipality with at least fourteen percent (14%) of the Impermeable Area located

- within the Watershed Area shall appoint one primary member and one alternate member. A Municipality with at least twenty-eight percent (28%) of the Impermeable Area located within the Watershed Area shall appoint two primary members and two alternate members. A Municipality with at least forty-three percent (43%) of the Impermeable Area located within the Watershed Area shall appoint three primary members and three alternate members. A single Municipality shall not appoint more than three primary and three alternate members to any Watershed Area Steering Committee, unless the Watershed Area is comprised of less than three Municipalities;
- (2) The remaining primary Municipal members shall be selected by the unrepresented Municipalities in the Watershed Area; and
 - (3) All persons selected as primary or alternate members must meet the applicable qualifications described in the WASC Operating Guidelines.
- c. The agency members and their alternates shall be selected in accordance with the following:
- (1) The Board shall appoint the primary agency members. The agency members will be, to the maximum extent feasible, selected to represent a range of interests within the Watershed Area and to maintain a regional focus;
 - (2) One member shall represent the District;
 - (3) One member shall represent the largest municipal water district in the Watershed Area;
 - (4) One member shall represent the largest watermaster or groundwater agency in the Watershed Area or, if no such agency exists, a second municipal water district;
 - (5) One member shall represent the largest local park and open space agency in the Watershed Area;
 - (6) One member shall represent the largest sanitation agency in the Watershed Area;
 - (7) Each primary member shall designate an alternate member from their organization; and
 - (8) All persons selected as primary or alternate members must meet the applicable qualifications described in the WASC Operating Guidelines.
- d. The community Stakeholder members and their alternates shall be selected in accordance with the following:
- (1) The Board shall appoint all primary community Stakeholder members. The primary community Stakeholder members will be, to the maximum extent feasible, selected to maintain a geographic balance and represent a range of interests within the Watershed Area and maintain a regional focus;
 - (2) One member shall represent environmental justice interests;
 - (3) One member shall represent business interests;
 - (4) One member shall represent environmental interests;
 - (5) The two remaining primary community Stakeholder members will be from the community, including, but not limited to, public health agencies, labor organizations, non-governmental organizations, community-based organizations, schools and academia;
 - (6) Each primary member shall designate an alternate member from their organization; and
 - (7) All persons selected as primary or alternate members must meet the applicable qualifications described in the WASC Operating Guidelines.
- e. The Chief Engineer shall develop and adopt operating guidelines for the governance of the WASCs and the conduct of WASC business (WASC Operating Guidelines), including minimum

qualifications to serve as a committee member, and shall update those guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the WASCs and the conduct of WASC business. Each WASC member will be required to read and comply with the WASC Operating Guidelines, among other things, as a condition of serving as a member of the WASC.

2. Meeting Procedures.
 - a. Each Watershed Area Steering Committee shall hold regular meetings at a frequency and on a schedule determined by that Committee. Watershed Area Steering Committee meetings shall be open to the public;
 - b. A quorum is required for Watershed Area Steering Committees to act on any item of business at a meeting. A quorum will consist of a simple majority of the members or their alternates in attendance at the meeting, out of the total existing membership positions currently occupied. If a quorum is present at a meeting, the Watershed Area Steering Committee may approve of any item of business by a simple majority vote;
 - c. Each Watershed Area Steering Committee member or their alternate shall have one equally weighted vote;
 - d. Watershed Coordinators shall participate in the meetings of the Watershed Area Steering Committees for their respective Watershed Areas as non-voting members;
 - e. The District will provide staff support to the Watershed Area Steering Committees using funds from the District Program;
 - f. Members and alternates of the Watershed Area Steering Committees who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program; and
 - g. Members and alternates of the Watershed Area Steering Committees shall comply with State conflict of interest laws (e.g., Gov. Code §§ 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.
3. Additional Duties and Responsibilities. In addition to the preparation of the SIPs and review of the progress and expenditure reports, as described above, Watershed Area Steering Committees shall have the following additional duties and responsibilities:
 - a. Each Watershed Area Steering Committee shall annually prepare a WARPP Report;
 - b. Each Watershed Area Steering Committee shall provide information about its Watershed Area as requested by the Board; and
 - c. Each Watershed Area Steering Committee, in conjunction with its Watershed Coordinator(s), shall help potential Infrastructure Program Project Applicants identify potential partners and additional sources of funding to augment and leverage SCW Program revenues for Projects and Programs.

(Ord. 2019-0042 § 11, 2019.)

18.08 - Regional Oversight Committees (ROC).

A. Membership Requirements.

1. The ROC shall be comprised of nine (9) voting members who shall be subject-matter experts in the areas of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other fields related to Stormwater

capture or the reduction of Stormwater or Urban Runoff pollution. The ROC shall also include two (2) non-voting members, one representing the Los Angeles Regional Water Quality Control Board and one representing the District.

2. The Board shall appoint all members of the ROC. The members of the ROC will be selected to ensure a diverse representation of the subject-matter experts described above.
3. The Chief Engineer shall develop and adopt operating guidelines for the governance of the ROC and the conduct of ROC business (ROC Operating Guidelines), and shall update those guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the ROC and the conduct of ROC business. Each ROC member will be required to read and comply with the ROC Operating Guidelines, among other things, as a condition of serving as a member of the ROC.

B. Meeting Procedures.

1. The ROC shall hold regular meetings at a frequency and on a schedule determined by the ROC, but typically no less than quarterly. ROC meetings shall be open to the public.
2. A quorum is required for the ROC to act on any item of business at a meeting. A quorum will consist of five (5) voting members in attendance at the meeting. If a quorum is present at a meeting, the ROC may approve of any item of business by a simple majority vote.
3. Each voting member shall have one equally weighted vote.
4. The District will provide staff support to the ROC using funds from the District Program.
5. Members of the ROC who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended, subject to qualifying circumstances, to be paid through the District Program.
6. Members of the ROC shall comply with State conflict of interest laws (e.g., Gov. Code §§ 1090 et seq. and 87100 et seq.) and all applicable conflict of interest policies of the County.

C. Duties and Responsibilities. The ROC shall have the following duties and responsibilities:

1. The ROC shall annually review the SIP for each Watershed Area.
2. The ROC shall review the quarterly and annual progress and expenditure reports: (a) prepared by the District for the Technical Resources Program and the Scientific Studies Program, and (b) prepared by the Infrastructure Program Project Developers for the Infrastructure Program, and the ROC shall provide any comments or concurrence with the evaluations by the WASCs, as appropriate.
3. The ROC shall annually review the WARPP Reports for each Watershed Area to determine whether and the extent to which Regional Program requirements were met and SCW Program Goals were achieved for the prior year and, based on its review, shall make recommendations for adjustments to the following year's SIPs and provide those recommendations to the respective Watershed Area Steering Committees and the Board.
4. The ROC shall review, evaluate and develop recommendations regarding the Municipalities' annual reports, as described in Section 18.06.D. of this Chapter.
5. The ROC shall biennially prepare a SCW Program Progress Report for the Board in accordance with the following procedures:
 - a. The ROC shall prepare a draft SCW Program Progress Report, circulate the draft for public comment, and conduct a noticed public hearing to receive public comments on the draft;
 - b. After the conclusion of the public hearing, the ROC shall revise the draft SCW Program Progress Report as it determines necessary or appropriate based on the public comments received; and
 - c. The ROC shall submit the final SCW Program Progress Report to the Board and make the

final Report available to the public.

(Ord. 2019-0042 § 11, 2019.)

18.09 - Transfer Agreements.

- A. The Board shall approve standard template Transfer Agreements for use by the District, Municipalities, and Infrastructure Program Project Developers.
- B. Contents. The standard template Transfer Agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board, including but not limited to:
 1. Requirements for compliance with the terms of the SCW Program.
 2. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds.
 3. Provisions, processes, and schedules for disbursement of funds.
 4. For Regional Infrastructure Program Project Developers, Project parameters such as schedule, budget, scope, and benefits.
 5. For Municipalities, a requirement to annually submit a plan of how SCW Program funds will be used during the ensuing year, which shall include, at a minimum, anticipated activities, anticipated engagement activities with stakeholders, an initial programmatic budget, and the SCW Program Goals that are anticipated to result from the planned expenditures.
 6. Provisions for management of interest funds, debt, liability, and obligations.
 7. Provisions for indemnification of the District.
 8. Requirements for auditing and Annual or Quarterly Progress/Expenditure Reports.
 9. With respect to a Project funded with SCW Program funds through the Regional Program, if the Project has an estimated capital cost of over twenty-five million dollars (\$25,000,000), as adjusted periodically by the Chief Engineer in accordance with changes in the Consumer Price Index for all urban consumers in the Los Angeles area, or other appropriate index, a provision that the Infrastructure Program Project Developer for such a Project must require that all contractors performing work on such a Project be bound by the provisions of: (1) a County-wide Project Labor Agreement ("County PLA"), if such an agreement has been successfully negotiated between the County and the Trades and is approved by the Board, or (2) a Project Labor Agreement ("PLA") mirroring the provisions of such County PLA.
 10. With respect to a Project funded with SCW Program funds through the Regional Program, if one or more of the Municipalities that is a financial contributor to a Project has its own PLA, a provision that the Infrastructure Program Project Developer for the Project must require that contractors performing work on the Project are bound to such PLA. If more than one of the contributing Municipalities to a capital project has a PLA, the Project Developer shall determine which of the PLAs will be applied to the Project.
 11. With respect to a Project funded with SCW Program funds through the Regional Program, a provision that the Infrastructure Program Project Developer for such a Project must apply and enforce provisions mirroring those set forth in the then-current version of the County's Local and Targeted Worker Hire Policy ("LTWHP"), adopted by the Board on September 6, 2016, as to contractors performing work on such a Project; or, if the Infrastructure Program Project Developer is a Municipality and has adopted its own policy that is substantially similar to the LTWHP, a provision that the Infrastructure Program Project Developer may, at its election, choose to apply and enforce the provisions of its own such policy as to contractors performing work on such a Project in lieu of the provisions of the LTWHP.
 12. With respect to a Project funded with SCW Program funds through the Regional Program, a provision that the Infrastructure Program Project Developer for such a Project must apply and

enforce provisions mirroring those set forth in County Code Chapter 2.211 (Disabled Veteran Business Enterprise Preference Program), County Code Chapter 2.204 (Local Small Business Enterprise Preference Program), and County Code Chapter 2.205 (Social Enterprise Preference Program), as to contractors performing work on such an Infrastructure Program Project, subject to statutory authorization for such preference program(s), and subject to applicable statutory limitations for such preference(s); and, furthermore, a provision that the Infrastructure Program Project Developer implementing such a Project must take actions to promote increased contracting opportunities for Women-Owned Businesses on such a Project, subject to applicable State or federal constitutional limitations.

13. Requirements for post-construction/implementation monitoring as appropriate.
14. Requirements on Infrastructure Program Project Developers to carry out all actions necessary to complete the Project.
15. Requirements related to the operation, maintenance, and repair of the Project throughout its useful life.
16. A prohibition against the use of SCW Program funds for any Project implemented as an Enhanced Compliance Action ("ECA") and/or Supplemental Environmental Project ("SEP") as defined by State Water Resources Control Board Office of Enforcement written policies, or any other Project implemented pursuant to the settlement of an enforcement action or to offset monetary penalties imposed by the State Water Resources Control Board, a Regional Water Quality Control Board, or any other regulatory authority, except as provided in subsection 17, below.
17. A provision that SCW funds may be used for any Project implemented pursuant to a time schedule order ("TSO") issued by the Los Angeles Regional Water Quality Control Board provided that, at the time the TSO is issued, the Project is included in an approved watershed management program (including enhanced watershed management programs) developed pursuant to the MS4 Permit.

(Ord. 2019-0042 § 11, 2019.)

18.10 - Credit Program Implementation.

- A. The credit program described in Section 16.10.A. of Chapter 16 of this code shall be implemented in accordance with the provisions of this Section. The Chief Engineer shall develop and adopt additional or revised implementation procedures and guidelines for the program (Credit Program Procedures and Guidelines) consistent with the purposes and goals of the SCW Program, including a standard formula for calculating the specific amount of Water Quality, Water Supply, Community Investment, and Additional Activities Credits, and additional criteria for credit eligibility, and shall update those implementation procedures and guidelines from time to time, as the Chief Engineer deems necessary or appropriate for the effective operation of the program. Prior to adopting or updating the Credit Program Procedures and Guidelines, the Chief Engineer shall provide not less than thirty (30) days' advance public notice of the proposed procedures and guidelines or revisions. Public notice shall, at a minimum, include posting the proposed procedures and guidelines or revisions on the SCW Program website. The Chief Engineer shall review this Section every five (5) years and propose revisions, for approval of the Board, as necessary to conform the provisions of this Section with the provision of the Credit Program Procedures and Guidelines.
- B. Credit Eligibility Criteria and Calculation of Credit Amounts.
 1. Water Quality Credit. Parcels that include a Stormwater Improvement, or that are located in a Benefited Development that includes a Stormwater Improvement, shall be eligible for a Water Quality Credit as follows:

Stormwater Improvement Criteria	Maximum Credit Amount
---------------------------------	-----------------------

The Stormwater Improvement meets the requirements of an applicable LID Ordinance.	Up to sixty-five percent (65%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement exceeds the requirements of an applicable LID Ordinance.	Up to seventy-five percent (75%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement provides Water Quality Benefits that are comparable to or greater than the Water Quality Benefits that would be achieved by a Stormwater Improvement that complies with the requirements of <u>Section 12.84.440</u> of the Los Angeles County Code.	Up to sixty-five percent (65%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement was commenced prior to November 6, 2018, and meets the requirements of an applicable SUSMP.	Up to fifty percent (50%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement was commenced prior to November 6, 2018, and exceeds the requirements of an applicable SUSMP.	Up to sixty-five percent (65%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit.	Up to sixty-five percent (65%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement meets the requirements of an applicable RWQCB Stormwater Permit and has a design volume greater than or equal to the runoff volume resulting from a 2-inch, 24-hour rain event.	Up to seventy-five percent (75%) of the Parcel's Special Parcel Tax amount.
The Stormwater Improvement retains one hundred percent (100%) of all Urban Runoff from the Parcel or Benefited Development.	Up to 50% of the Parcel's Special Parcel Tax amount, through and including 2024, and up to twenty percent (20%) of the Parcel's Special Tax amount thereafter.

2. Water Supply Credit. Parcels that include a Stormwater Improvement or that are located in a Benefited Development that includes a Stormwater Improvement providing a Water Supply Benefit shall be eligible for a Water Supply Credit of up to twenty percent (20%) of the Parcel's Special Parcel Tax amount.
3. Community Investment Credit. Parcels that include a Stormwater Improvement or that are located in a Benefited Development that includes a Stormwater Improvement providing a Community Investment Benefit shall be eligible for a Community Investment Credit of up to ten percent (10%)

of the Parcel's Special Parcel Tax amount.

4. Notice of Non-Applicability ("NONA") Credit. A Parcel or portion of a Parcel that is the subject of a NONA issued by the Los Angeles Regional Water Quality Control Board shall be eligible for a credit of up to one-hundred percent (100%) of the Parcel's Special Parcel Tax amount.
 5. Maximum Combined Credit Amounts:
 - a. Water Quality Credits, Water Supply Credits and Community Investment Credits may be combined up to a maximum of eighty percent (80%) of a Parcel's Special Parcel Tax amount; and
 - b. An additional credit of up to twenty percent (20%) of a Parcel's Special Parcel Tax amount, may be awarded to Parcel owners that perform Additional Activities after November 6, 2018, that confer benefits to the broader regional community related to SCW Program Goals. Examples and additional details will be included in the Credit Program Procedures and Guidelines.
- C. Credit Program Implementation Procedures. The District shall grant Parcel owners credit for qualifying Stormwater Improvements and Additional Activities, as described in Section 18.10.B., in accordance with the following procedures:
1. The owner or an authorized representative of the owner of a Parcel that includes a Stormwater Improvement or that is located in a Benefited Development, may submit an application for credit or recertification to the District. The application shall include the following information, as applicable:
 - a. Photo documentation of the construction or installation of the Stormwater Improvement on the Parcel or Benefited Development, as applicable;
 - b. A maintenance management plan for the Stormwater Improvement;
 - c. The applicable LID Ordinance design storm volume or IGP or RWQCB Stormwater Permit or SUSMP design standard for the Impermeable Area of the Parcel or Benefited Development;
 - d. Calculations of the following:
 - (1) The total Impermeable Area of the Parcel or Benefited Development;
 - (2) The Impermeable Area tributary to the Stormwater Improvement;
 - (3) The maximum volume that the Stormwater Improvement is designed to capture and/or treat; and
 - (4) The amount of the Water Quality Credit, Water Supply Credit, Community Investment Credit, and/or Additional Activities Credit applied for.
 - e. A certification by a civil engineer licensed to practice in California, that all information in the application pursuant to subsections 1.a through d, above, is correct, that the calculations are accurate, and that the Stormwater Improvement is performing as designed; and
 - f. A certification by the Parcel owner or the owner's authorized representative verifying the claimed Community Investment, NONA, and Additional Activities Credits.
 2. The District shall establish application deadlines for each fiscal year and only applications submitted prior to the deadline will be considered for approval.
 3. If the District approves an application for credit, the credit will be applied to the Parcel's Special Parcel Tax amount for the next two (2) fiscal years. Parcel owners or their authorized representatives must thereafter re-certify to continue the credit, every two (2) years. The re-certification to continue the credit shall contain the same information as the initial application for credit, as applicable, and shall be subject to the application deadlines established for the year of re-certification.
 4. Procedures for aggregating multiple Parcels with common ownership and procedures for

Benefited Developments shall be included in the Credit Program Procedures and Guidelines. In addition, the Chief Engineer shall consider developing procedures for preliminary review of credit eligibility for Parcel owners and Benefited Developments for inclusion in the Credit Program Procedures and Guidelines.

5. Applicants shall have the right to appeal a credit determination in accordance with the procedures established in the Credit Program Procedures and Guidelines.

(Ord. 2019-0042 § 11, 2019.)

18.11 - Credit Trading Program.

- A. The credit trading program described in Section 16.10.C. of Chapter 16 shall be implemented in accordance with procedures and guidelines developed and adopted by the Chief Engineer, in consultation with stakeholders, and updated from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the program. Prior to adopting or updating the procedures and guidelines, the Chief Engineer shall provide not less than thirty (30) days' advance public notice of the proposed procedures and guidelines or revisions. Public notice shall, at a minimum, include posting the proposed procedures and guidelines or revisions on the SCW Program website.

- B. Credits earned but not applied in the Credit Program will be eligible for trading.

(Ord. 2019-0042 § 11, 2019.)

18.12 - Exemption for Low-Income Senior-Owned Parcels.

The exemption for Low-Income Senior-Owned Parcels described in Section 16.09.B. of Chapter 16 shall be implemented in accordance with procedures and guidelines developed and adopted by the Chief Engineer, and updated from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective implementation of the exemption. Prior to adopting or updating the procedures and guidelines, the Chief Engineer shall provide not less than thirty (30) days' advance public notice of the proposed procedures and guidelines or revisions. Public notice shall, at a minimum, include posting the proposed procedures and guidelines or revisions on the SCW Program website.

(Ord. 2019-0042 § 11, 2019.)

18.13 - Appeals Process for Review of Calculation of Special Parcel Tax Amount.

The appeals process referenced in Section 16.08.C. of Chapter 16 of this code shall be administered in accordance with procedures and guidelines developed and adopted by the Chief Engineer and updated from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective administration of the appeals process. Prior to adopting or updating the procedures and guidelines, the Chief Engineer shall provide not less than thirty (30) days' advance public notice of the proposed procedures and guidelines or revisions. Public notice shall, at a minimum, include posting the proposed procedures and guidelines or revisions on the SCW Program website.

(Ord. 2019-0042 § 11, 2019.)

18.14 - Enforcement and Remedies for Violations.

- A. The purpose of this Section is to establish baseline alternate remedies for the District to utilize in enforcing the provisions of this Chapter. The remedies authorized in this Chapter are cumulative to any other remedy provided for in this code, or the laws of the State of California or the United States of America, so long as the cumulative application of such available remedies would not violate any applicable law.

- B. If the District determines that a Municipality, Infrastructure Program Project Developer, or any other recipient of SCW Program funds has violated any provision of this Chapter or an applicable Transfer Agreement, the District is authorized to issue a notice of violation to the Municipality, Infrastructure Program Project Developer or other recipient of SCW Program revenues. The notice shall be in writing and shall describe the violation, the remedial actions the recipient must take to correct the violation, and the date by which the violation must be corrected.
- C. If the violation involves the use of SCW Program funds for a purpose not authorized by this Chapter, the remedial actions specified in the notice may include a requirement to reimburse the funds, plus interest, to the District.
 - 1. SCW Program funds reimbursed by a Municipality will be used to fund Regional Projects that, to the extent feasible and as determined by the WASC, are located within the jurisdiction of the Municipality.
 - 2. SCW Program funds reimbursed by an Infrastructure Program Project Developer will be used to implement Projects in the same Watershed Area from which the funds were collected.
- D. If the violation is not corrected by the date specified in the notice, the District is authorized to immediately suspend and withhold future disbursements of SCW Program funds to the Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds, until the violation is corrected; provided, however, that if the violation remains uncorrected for a period of five (5) years, the withheld funds may be reallocated to a different Program or Project in the same Watershed Area, as determined by the applicable Watershed Area Steering Committee.
- E. A Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds that disputes a notice of violation that has been issued to it may submit a written notice of appeal to the District not later than twenty (20) business days from the date of the written notice from the District. The District shall appoint a hearing officer to conduct a hearing on the appeal.
 - 1. Where the notice of violation requires the recipient to reimburse SCW Program funds, the submission of a notice of appeal does not relieve the Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds of the obligation to reimburse to the District the SCW Program funds in dispute. If the hearing officer determines that the expenditures in dispute did not violate this Chapter, the reimbursed funds will be returned in the next disbursement of SCW Program revenues to that Municipality, Infrastructure Program Project Developer, or other recipient of SCW Program funds.

(Ord. 2019-0042 § 11, 2019.)

THIS PAGE LEFT INTENTIONALLY BLANK



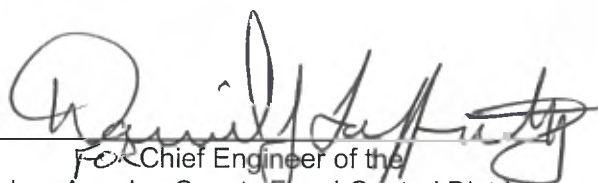
**Section 4:
Feasibility Study Guidelines**



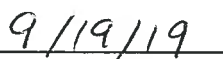


Safe, Clean Water Program

Feasibility Study Guidelines



Chief Engineer of the
Los Angeles County Flood Control District



Date Adopted

Safe, Clean Water Program Feasibility Study Guidelines

1.0 Background and Purpose

The definitions set forth in Sections 16.03 and 18.02 of the Los Angeles County Flood Control District Code shall apply to these Guidelines.

The objective of the Infrastructure Program is to plan, build, and maintain watershed-based Multi-Benefit Projects. In order for a Project to be eligible for consideration by the Watershed Area Steering Committee (WASC) and scoring by the Scoring Committee, a Feasibility Study for that Project must first be completed.

Section 18.07.B.3. of the Los Angeles County Flood Control District Code states:

The Chief Engineer shall develop and adopt guidelines for the preparation of Feasibility Studies (Feasibility Study Guidelines), including required contents, and shall update those guidelines from time to time, consistent with the purposes and goals of the SCW Program, as the Chief Engineer deems necessary or appropriate for the effective operation of the Regional Program.

The purpose of these Feasibility Study Guidelines ("Guidelines") is to describe the minimum requirements for Feasibility Studies. If a Feasibility Study does not meet the minimum requirements described in these Guidelines, the proposed Project will not be eligible for consideration and scoring. These Guidelines may be periodically updated as deemed necessary or appropriate by the Chief Engineer of the LA County Flood Control District.

If a Feasibility Study or functionally equivalent Feasibility Study level information (see Section 5.0) has not been prepared for a proposed Project, a WASC may recommend that a Feasibility Study for the proposed Project be prepared through the Technical Resources Program, in a Stormwater Investment Plan (SIP). When included in an approved SIP, the District will provide Technical Assistance Teams to complete the Feasibility Studies in partnership with and on behalf of Municipalities, community-based organizations ("CBOs"), non-governmental organizations ("NGOs"), and others who may not have the technical resources or capabilities to develop Feasibility Studies. Each Feasibility Study will be uploaded through a web-based tool that also provides applicants with a preliminary score based on their inputs. Each WASC will determine which completed Feasibility Studies will be sent to the Scoring Committee for official scoring.

The requirements in the following section are intended to be used in combination with the Project Scoring Criteria (Exhibit A) and the SCW Regional Projects Module (Exhibit B) described in Section 4.0 below.

2.0 Requirements

A Feasibility Study is required before a Project can be submitted for consideration, scoring, and potential recommendation for incorporation into a SIP. At a minimum, a Feasibility Study must include:

1. A detailed description of the proposed Project, including:
 - A summary of the Project's primary objective(s), secondary objective(s), and any additional objective(s).
 - A description of the primary mechanisms by which the Project will achieve its objectives (e.g., runoff and/or pollutant reduction through infiltration, treat and release, capture and use, etc.).
 - A description and schematic of the Project layout including its anticipated footprint and key components such as, but not limited to: inlet, outlet, diversion point, recreational components, nature-based components, pumps, treatment facilities, underdrains, conveyance, above ground improvements, and other Project components.
 - An outline of the capture area for the Project on a map and a breakdown of acreage, land uses and percent imperviousness within the capture area.
 - Land ownership and related rights of way.
 2. A description and estimate of the benefits provided (determined through best engineering estimates and modeling as appropriate). More information on how to estimate Project benefits are provided in Section 3.0.
 3. An estimated schedule to design, obtain permits for, construct, operate and maintain the Project.
 4. A review of the effectiveness of similar types of Projects already constructed, when available.
 5. A monitoring plan to measure the effectiveness of the proposed Project once completed, including metrics specific to the identified benefits.
 6. A lifecycle cost estimate and schedule required to design, obtain permits for, construct, operate and maintain the Project.
 - Life-cycle cost estimates must contain Project costs including but not be limited to: costs related to early concept design, pre-Project monitoring, Feasibility Study development, site investigations, formal Project design, intermediate and Project completion audits, California Environmental Quality Act (CEQA) compliance and other environmental impact studies, land acquisition, permitting, construction, full lifetime operations and maintenance, monitoring, etc. The only costs not to be included in the life-cycle cost estimate are the dismantling and replacement costs at the end of life.
 7. A plan for how operations and maintenance of the Project will be carried out. The plan should include but not be limited to: estimated annual costs associated with maintenance (including: estimates for number of crew required, hours of maintenance per month/year, the staff expertise level, Projections of maintenance cost increases over the life of the Project); how Project maintenance will accommodate Project Labor Agreement (PLA) considerations (if applicable); and identification of the responsible party that has agreed to perform the operations and maintenance.
-

-
8. An engineering analysis of the proposed Project (e.g., estimates of site conditions, soil sampling, appropriate geotechnical investigations, preliminary hydrology report, site layout, utility search, environmental impacts, pertinent historical background for site location, etc.).
 - o The minimum requirements for engineering analysis will depend primarily on the type of Project.
 - o The engineering analysis should, at a minimum, support all benefits claimed.
 - o It is understood that not all Projects will have completed CEQA and other environmental studies, so estimates and engineering analyses do not have to be as comprehensive as a full CEQA or other environmental study (unless those studies have already been completed and are available to support the Project).
 9. An assessment of potential CEQA-related and permitting challenges and associated time requirements and costs.
 10. For non-municipal Project applicant/developers (meaning entities that are not cities/municipalities, the LA County Flood Control District, or other government agencies) an initial letter of support from the Municipality in which the Project is proposed that includes concurrence with the plan for operations and maintenance and the responsible party that has agreed to perform the operation and maintenance.
 11. A plan for outreach/engagement to solicit, address, and incorporate stakeholder input on the Project, which should also address issues related to displacement and gentrification.
 12. As applicable, the Feasibility Study must include an acknowledgment that the Project will be fully subject to and comply with any County-wide displacement policies as well as with any specific anti-displacement requirements associated with other funding sources.
 13. A plan to incorporate vector minimization into the Project design, operations, and maintenance. The California Department of Public Health's Checklist for Minimizing Vector Production in Stormwater Management Structures can serve as a basic guideline in developing the vector minimization plan. Projects creating vector-related public nuisances may be subject to abatement proceedings as specified in California Health and Safety Code sections 2060 et seq. It is recommended that Infrastructure Program Project Applicants have their vector minimization plans reviewed by the local vector control district or agency.
 14. A description of how Nature-Based Solutions are utilized to the maximum extent feasible. If Nature-Based Solutions are not used, include a description of what options for Nature-Based Solutions were considered and why they were not feasible.
 15. A summary of any legal requirements or obligations that may arise as a result of constructing the Project, and how those requirements will be satisfied.
 16. For Projects involving LA County Flood Control District (LACFCD) infrastructure, facilities, or right-of-way, provide confirmation of conceptual approval from LACFCD.
 17. Acknowledgment of eligible expenditures being only those incurred on or after November 6, 2018.
 18. A summary of the other sources of funding that are being leveraged for Project costs (if applicable). If no other sources of funding are being utilized, provide a summary of what other sources of funding were explored and/or why funding could not be secured through these other sources.
-

19. If the Project is located within a Disadvantaged Community (DAC), a summary of how the Project will benefit that DAC and a discussion of measures on displacement avoidance.

The Feasibility Study should provide enough information about a proposed Project to allow the Watershed Area Steering Committee members to make an informed decision as to which Projects should move forward for consideration for funding. The Feasibility Study should provide enough information or estimates to allow each Project to be scored through the 110-point Infrastructure Program Project Scoring Criteria (Exhibit A).

3.0 Estimating Score-Based Benefits

To the extent possible, Feasibility Studies should provide estimates of the benefits provided by each Project. These include Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits as well as a characterization of any Nature-Based Solutions employed by the Project, and how a Project may be leveraging funds and engaging the public.

Additional information for characterization of benefits are provided in the following subsections.

3.1 Water Quality Benefits

The scoring criteria for Water Quality Benefits is broken into two separate tracks, wet weather Projects and dry weather Projects. Only one track may be used for the purposes of scoring. Any Project may utilize the wet weather scoring section; however, only Projects designed for 0.25-inch rain events or below may utilize the dry weather scoring section. For Water Quality Benefit scoring, the management of stormwater includes activities that capture, infiltrate, divert, or treat and release stormwater or urban runoff.

At a minimum, a Feasibility Study must include the following:

Wet Weather (all Projects, 0-inch storms and above)

- An estimate of the design 24-hour BMP capacity volume, including a breakdown of the capacity volume calculation such as Project storage capacity, estimated infiltration rate (if applicable), footprint area, etc (i.e., typically the 85th percentile, 24-hour capacity).
- An estimate of the capital cost of the Project.
- A description of the diversion structure for the Project (if applicable), diversion rate(s) and conditions when diversion would and would not occur.
- An assessment of any available/anticipated monitoring data collected for the Project.
- An assessment of anticipated event-based Project performance (e.g., during the Project's 24-hour design condition) including a breakdown of the following:
 - Estimated peak inflow rate and total inflow volume.
 - Estimated portion of the peak inflow that would be retained by the Project through infiltration, capture, diversion, use, or other means.
 - Estimated outflow from the Project and bypassed flow with a breakdown of the portion released from each outlet (where multiple outlets are proposed) and portion of the outflow through each outlet that would be treated, untreated and the mechanism of treatment.
 - Estimated primary and secondary pollutant concentrations in the inflow to the Project.

- Estimated primary and secondary pollutant concentrations in the outflow from each outlet of the Project (where multiple outlets are proposed).
 - Flow and pollutant balance based on the estimates above including calculations of the pre- and post-Project flows, pollutant loads and concentrations and resulting reductions of each.
 - If the Project includes a diversion structure, the estimated portion of the flow volume at the diversion structure that would bypass the diversion/not be captured.
 - Citations or description of methods to generate the estimates above.
- An assessment of the long-term pollutant reduction from the Project for the applicable primary and secondary pollutants. The assessment should be based on modeling similar to the Watershed Management Modeling System (WMMS) used to develop the MS4 Permit's enhanced watershed management and watershed management programs ("E/WMPs"). The assessment should include a calculation of the pollutant reduction expected to result from the Project over the most recently available 10-year model output period by comparing influent and effluent flows, concentrations and loads. The assessment should incorporate the latest applicable performance data regarding the efficiency of the BMP type utilized in the Project. Modeling results can be based on the best-case reduction among the pollutants in each class and should be expressed as a percentage and be consistent with the applicable TMDLs and E/WMPs for the pollutants in the Project's watershed. The assessment should also include justification of the selected modeling metric. The following table shows the potential modeling metrics for analysis of long-term pollutant reduction benefit.

		Pick Any One Primary Pollutant Class and Any One Secondary Pollutant Class		
Pollutant Class	Pollutant Name	Method 1 (% Concentration Reduction)	Method 2 (% Load Reduction)	Method 3 (% Exceedance Day Reduction)
Primary or Secondary	Bacteria	✓	✓	✓
	Metals	✓	✓	
	Toxics		✓	
	Nutrients	✓	✓	
	Chloride	✓	✓	
Secondary	Trash		✓	✓
	Bacteria	✓	✓	✓
	Metals	✓	✓	
	Toxics		✓	
	Nutrients	✓	✓	
	Chloride	✓	✓	

Notes:

- The Secondary Pollutant Class includes all primary pollutants with the addition of trash (NOTE: the primary pollutant class cannot be the same as the secondary pollutant class).
- Primary and secondary pollutants are pollutants subject to TMDLs for the nearby downstream receiving waters of the project.
- Secondary pollutants may also include 303(d)-listed pollutants and pollutants that have been subject to exceedances during recent monitoring programs.
- Trash is not considered a valid primary pollutant. For estimate of trash reduction, the analysis can demonstrate equivalence with the Full Capture System definition for 100% reduction.

Dry Weather (Only Projects designed for 0.25-inch storms and below)

- An analysis (with or without modeling) showing that the Project is designed to capture, infiltrate, divert, or treat and release 100% (unless infeasible or prohibited for habitat, etc) of all tributary dry weather flows at the site location.
- A description of the method used to estimate dry weather flows at the site location.

3.2 Water Supply Benefits

At a minimum, a Feasibility Study must include the following:

- An estimate of (1) the annual average amount of stormwater or urban runoff captured by the Project for reuse onsite and (2) the annual average amount of stormwater or urban runoff captured by the Project to augment water supplies, whether infiltrated or diverted (such as to a spreading facility or to a sanitary sewer for recycled water).
 - The estimate should be based on modeling or other similar approach, with justification.
 - The Feasibility Study should specify whether the Water Supply Benefit claimed will result from offsetting potable demand, increasing water supply, or both (and how). Since not all reuse offsets demand (e.g., if the Project creates new demand), the Feasibility Study should provide an analysis of supply and demand impacts when claiming an offset of potable demand.
 - Stormwater that is treated and released to a storm drain or receiving water should not be considered as reuse.
 - Stormwater that is treated and released to a storm drain or receiving water should not be considered as augmenting the local water supply unless the Project is tributary to a groundwater recharge facility, and/or unless the Project would facilitate the continued recharge of water that would otherwise be prohibited for use in the water supply (eg. the infiltration of mixed or treated reclaimed or recycled water).
 - Where a Project's Water Supply Benefits include an increase in water supply through soil infiltration, the Feasibility Study should include an engineering analysis demonstrating that the infiltrated water is reaching a managed, usable groundwater aquifer and confirmation that the agency managing the groundwater basin concurs.
 - For Projects that treat and use stormwater to directly offset potable water use through irrigation or similar means, projections of the irrigation demand and use should be included.
 - The estimate of annual average capture should account for the inflow to the Project from the Project capture area, the storage of the Project, and the overflow/bypass during storm events (when capacity is exceeded).
 - The annual average estimate should clearly document the basis for the annual average precipitation/hydrology (e.g., whether a specific year was used as a representative average year with justification, or whether the long-term average was calculated across many years). A minimum of 20-years should be used for the annual average calculations.

-
- The Feasibility Study must demonstrate that the diverted water would not otherwise be diverted/captured downstream of the Project site¹.
 - The Feasibility study must identify whether and how the 85th percentile storm is being captured/diverted. If the Project will not capture the 85th percentile storm, the Feasibility Study must explain why.
- The nexus between water supply and the Stormwater and/or Urban Runoff that is captured/infiltrated/diverted by the Project should be clearly documented and justified.
 - Total life-cycle cost of the Project based on annualized value. (See section 2.0 Requirements)

3.3 Community Investment Benefits

A Feasibility Study must include the following, as applicable:

- An explanation, with supporting analysis and information, of how the Project will improve flood management, flood conveyance, or flood risk mitigation.
- An explanation, with supporting analysis and information, of how the Project will create, enhance, or restore park space, habitat, or wetland space.
- An explanation, with supporting analysis and information, of how the Project will improve public access to waterways.
- An explanation, with supporting analysis and information, of how the Project will enhance or create new recreational opportunities.
- An explanation, with supporting analysis and information, of how the Project will create or enhance green spaces at schools.
- An explanation, with supporting analysis and information, of how the Project will improve public health by reducing local heat island effect and increasing shade.
- An explanation, with supporting analysis and information, of how the Project will improve public health by increasing the number of trees and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality.

3.4 Nature-Based Solutions

A Feasibility Study must include the following, as applicable:

- An explanation, with supporting analysis and information, of how the Project will implement or mimic natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances or restores habitat, green space or usable open space.
- An explanation, with supporting analysis and information, of how the Project will utilize natural materials such as soils and vegetation with a preference for native vegetation.

¹ In the first year (SIPs for FY20-21), Projects that capture water that is already captured downstream can still be submitted and scored to receive water supply points as applicable. Public Works will continue to evaluate value added in capturing onsite and/or allowing downstream capacity to remain.

-
- An engineering estimate for how much impermeable area is removed after the construction of the Project. Compares the impermeable area of the site to before construction to after the Project is completed.
 - If Nature-Based Solutions are not utilized, an explanation, with supporting analysis and information, of why it is not feasible to do so.

3.5 Leveraging Funds and Community Support

A Feasibility Study must include the following, as applicable:

- A discussion of how other funding sources are being leveraged to finance the Project, including documentation of such other funding sources (e.g., existing agreements, MOUs, grant awards). Other funding sources could include funds from the SCW Municipal Program.
- A discussion of whether the Project has community-based support and/or has been developed as part of a partnership with local non-governmental organizations or community-based organizations.

4.0 Feasibility Study and SCW Regional Projects Module

Exhibit B is an online web-based SCW Regional Projects Module and is available at <https://portal.safecleanwaterla.org/projects-module/login>. This interactive tool guides the user through the process of inputting all necessary Project data (for a Feasibility Study or otherwise) as well as data required for scoring by the Scoring Committee. It effectively represents a template for Feasibility Studies and incorporates all required information called out in these Guidelines. A complete submission will be equivalent to a Feasibility Study upon confirmation from the WASCs. Each user will have the ability to estimate their score and/or modify the Project inputs before submitting a Feasibility Study or Project for consideration by a WASC.

The Scoring Committee will use the same tool to evaluate Projects and generate an official score for WASC consideration. All Feasibility Studies and Projects that are submitted by a WASC to the Scoring Committee will be preserved in the SCW Regional Projects Module.

5.0 Functional Equivalence

Information about a proposed Project that was not developed in connection with a Feasibility Study, but that nonetheless meets the requirements of these Guidelines, shall be considered "functionally equivalent Feasibility Study level information". Where functionally equivalent Feasibility Study-level information exists regarding a proposed Project that addresses all the requirements in these Guidelines, the Infrastructure Program Project Applicant may utilize this information in lieu of preparing a Feasibility Study for the proposed Project. However, where functionally equivalent Feasibility Study-level information exists for only some of requirements of these Guidelines, the Infrastructure Program Project Applicant will need to supplement that existing information with a Feasibility Study that all includes all remaining required information detailed in these Guidelines.

Infrastructure Program Project Applicants electing to use functional equivalent Project-Feasibility Study level information must still enter that information into the SCW Regional Projects Module for scoring purposes using the Infrastructure Program Project Scoring Criteria.



Exhibit A – Infrastructure Program Project Scoring Criteria

All Regional Program Projects must meet the Threshold Score of **60 points or more** using the following Project Scoring Criteria to be eligible for consideration.

Section	Score Range	Scoring Standards			
A.1 Wet + Dry Weather Water Quality Benefits	50 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)¹ / (Capital Cost in \$Millions)</p> <ul style="list-style-type: none"> • <0.4 (acre feet capacity / \$-Million) = 0 points • 0.4-0.6 (acre feet capacity / \$-Million) = 7 points • 0.6-0.8 (acre feet capacity / \$-Million) = 11 points • 0.8-1.0 (acre feet capacity / \$-Million) = 14 points • >1.0 (acre feet capacity / \$-Million) = 20 points <p>¹. 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 85th percentile design storm capacity. Units are in acre-feet (AF).</p>			
	30 points max	<p>A.1.2: For Wet Weather BMPs Only: Water Quality Benefit - Quantify the pollutant reduction (i.e. concentration, load, exceedance day, etc.) for a class of pollutants using a similar analysis as the E/WMP which uses the Districts Watershed Management Modeling System (WMMS). The analysis should be an average percent reduction comparing influent and effluent for the class of pollutant over a ten-year period showing the impact of the Project. Modeling should include the latest performance data to reflect the efficiency of the BMP type.</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><u>Primary Class of Pollutants</u></td> <td style="text-align: center;"><u>Second or More Classes of Pollutant</u></td> </tr> <tr> <td> <ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points <p style="text-align: center;">(20 Points Max)</p> </td> <td> <ul style="list-style-type: none"> • >50% = 5 points • >80%= 10 points <p style="text-align: center;">(10 Points Max)</p> </td> </tr> </table>	<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>	<ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points <p style="text-align: center;">(20 Points Max)</p>
<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>				
<ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points <p style="text-align: center;">(20 Points Max)</p>	<ul style="list-style-type: none"> • >50% = 5 points • >80%= 10 points <p style="text-align: center;">(10 Points Max)</p>				
- OR -					
A.2 Dry Weather Only Water Quality Benefits	20 points	A.2.1: For dry weather BMPs only, Projects must be designed to capture, infiltrate, treat and release, or divert 100% (unless infeasible or prohibited for habitat, etc) 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"> • <200 Acres = 10 points • >200 Acres = 20 points 			
B. Significant Water Supply Benefits	25 points max	The Project provides water re-use and/or water supply enhancement benefits			
	13 points max	<p>B1. Water Supply Cost Effectiveness. The Total Life-Cycle Cost² per unit of acre foot of Stormwater and/or Urban Runoff volume captured for water supply is:</p> <ul style="list-style-type: none"> • >\$2500/ac-ft = 0 points • \$2,000–2,500/ac-ft = 3 points • \$1500–2,000/ac-ft = 6 points • \$1000–1500/ac-ft = 10 points • <\$1000/ac-ft = 13 points <p>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.</p>			
	12 points max	<p>B2. Water Supply Benefit Magnitude. The yearly additional water supply volume resulting from the Project is:</p> <ul style="list-style-type: none"> • <25 ac-ft/year = 0 points • 25 - 100 ac-ft/year = 2 points • 100 - 200 ac-ft/year = 5 points • 200 - 300 ac-ft/year = 9 points • >300 ac-ft/year = 12 points 			

Section	Score Range	Scoring Standards
C. Community Investment Benefits	10 points max	The Project provides Community Investment Benefits
	10 points	<p>C1. Project includes:</p> <ul style="list-style-type: none"> • One of the Community Investment Benefits identified below = 2 points • Three distinct Community Investment Benefits identified below = 5 points • Six distinct Community Investment Benefits identified below = 10 points <p>Community Investment Benefits include:</p> <ul style="list-style-type: none"> • 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 • Greening of schools • Reducing local heat island effect and increasing shade • Increasing the number of trees increase and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality.
D. Nature-Based Solutions	15 points max	The Project implements Nature-Based Solutions
	15 points	<p>D1. Project:</p> <ul style="list-style-type: none"> • Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points • Utilizes natural materials such as soils and vegetation with a preference for native vegetation = 5 points • Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points
E. Leveraging Funds and Community Support	10 points max	The Project achieves one or more of the following:
	6 points max	<p>E1. Cost-Share. Additional Funding has been awarded for the Project.</p> <ul style="list-style-type: none"> • >25% Funding Matched = 3 points • >50% Funding Matched = 6 points
	4 points	E2. The Project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.
Total	Total Points All Sections 110	

THIS PAGE LEFT INTENTIONALLY BLANK



**Section 5:
Watershed Area Steering Committee
Operating Guidelines**

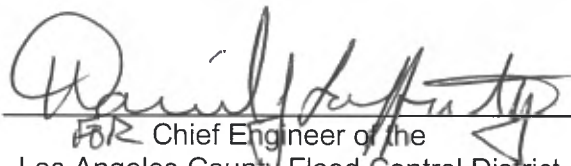




Safe, Clean Water Program

Watershed Area Steering Committee

Operating Guidelines


FOR Chief Engineer of the
Los Angeles County Flood Control District

9/19/19
Date Adopted

Safe, Clean Water Program Watershed Area Steering Committee Operating Guidelines

ARTICLE I. PURPOSE

The purpose of these Safe, Clean Water (SCW) Program Watershed Area Steering Committee Operating Guidelines ("WASC Operating Guidelines") are to establish procedures, requirements and recommended protocols for governance of the Watershed Area Steering Committees (WASC) and the conduct of WASC business.

ARTICLE II. DEFINITIONS

The definitions set forth in Sections 16.03 and 18.02 of the Los Angeles County Flood Control District Code shall apply to these WASC Operating Guidelines.

ARTICLE III. MEMBERSHIP REQUIREMENTS

Section 1. Minimum Requirements

Unless otherwise provided by the Board, or by the Chief Engineer during the duration of a term, each member must meet the minimum requirements for their type of membership seat described in Table 1 below.

Table 1. Regional Program Watershed Area Steering Committee Minimum Requirements.

Member	Years of Experience	Description
Municipalities	Five +	<ul style="list-style-type: none"> 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. Knowledge 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.
Groundwater	Five +	<ul style="list-style-type: none"> Experience in one of the following groundwater areas: remediation, supply, management and/or storage. Educational background or equivalent work experience in engineering, natural sciences, land use management, conservation, or other water resource-related field.

Water Agency	Five +	<ul style="list-style-type: none"> • Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field. • Ability to provide a regional perspective on water supply issues. • 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. • Sound knowledge of existing and emerging regulations, as well as environmental matters and familiarity with California water law and regulations. • Knowledge 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. • Experience in the acquisition of water rights.
Sanitation	Five +	<ul style="list-style-type: none"> • Experience in local or regional agency that provides wastewater collection, treatment, recycling and/or disposal services. • Education background and work experience in science, engineering, waste management or related fields.
Municipal Parks/Open Space	Five +	<ul style="list-style-type: none"> • Experience with habitat, open space and/or recreational issues at a regional level (i.e. across Municipal jurisdictions and watershed boundaries). • Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field. • Familiar with the agencies and organizations involved in habitat/open space issues in the District who are likely to be Infrastructure Program Project Developers, land owners or permittees of Projects.
At large Community Stakeholders	Two +	<ul style="list-style-type: none"> • Experience in community engagement • Knowledge of and experience working with government agencies to achieve community investment • Willingness to be trained and educated on pollution abatement, Stormwater programs, and TMDL related issues.
Environmental	Two +	<ul style="list-style-type: none"> • Experience in water resource issues • Educational background or equivalent work experience in natural sciences, ecology, land use management, conservation, or other water resource-related field • Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.



Business	Two +	<ul style="list-style-type: none"> • Experience in developing commercial/business Stormwater and/or Urban Runoff capture facilities • Knowledge and experience in working with government agencies to achieve water resource improvements for residential and commercial properties • Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field.
Environmental Justice	Two +	<ul style="list-style-type: none"> • Experience in community engagement • Knowledge and experience in community priorities regarding resource needs for quality of life issues with respect to the development, implementation, and enforcement of environmental law, regulation, and policies. • Knowledge and experience in working with government agencies to achieve community investment.
Watershed Coordinator	Two +	<ul style="list-style-type: none"> • Experience in coordination and implementation of technical assistance. • Knowledge and experience in watershed protection planning, water quality, and/or watershed assessment. • 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 • Experience in community engagement particularly with disadvantaged communities and small cities is desirable.
<p>General Minimum Qualifications for all Members:</p> <ul style="list-style-type: none"> • The knowledge of or willingness to be trained and educated on pollution abatement, Stormwater Programs, NPDES Stormwater Permit and TMDL related issues as related to the region. • Must be able to attend and participate in Watershed Area Steering Committee meetings. 		

ARTICLE IV. TERM LENGTHS AND VACANCIES

Section 1. Serving on Multiple Committees

A person may sit on more than one WASC, the Regional Oversight Committee (ROC), or Scoring Committee, provided they can demonstrate the capacity to do so effectively. If the person is appointed by the Board, or subsequently by the Chief Engineer, to more than one committee of the Regional Program, it shall be deemed that the person has the required capacity.

The roles and responsibilities of committee members are described in ARTICLE V, below. Should a member's performance suffer as a result of multiple memberships, the WASCs are encouraged to address the member's performance with the member and decide if potential action is warranted. Withdrawal or removal of members and the filling of membership vacancies is discussed in ARTICLE IV Section 6 below.

An individual Watershed Coordinator will only sit on one WASC as a non-voting member, as this is considered a full-time position unless noted otherwise for a specific Watershed Area. A single Watershed Coordinator position may be filled by an individual or by multiple employees of a single



entity at the discretion of the WASC. If a contract for Watershed Coordinator services is awarded to an entity for multiple Watershed Areas, and that entity assigns individual full-time employees to any Watershed Areas, that entity shall provide different full-time employee for each applicable Watershed Area.

Section 2. Member Term Lengths for the WASC

Members shall be appointed or selected according to the schedule shown in Table 2 below. Members may serve multiple terms if reaffirmed through the appointment or selection process.

District staff for each WASC will track the expiration of all members' terms of service, notify the WASC of upcoming term expiration dates, and facilitate any necessary appointments and selections.

Table 2. WASC Appointment/Selection Schedule

Watershed Area Steering Committee Appointment/Selection Schedule											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Municipal	Initiate WASC			X			X			X	
Agency						X (45)					X (45)
Community					X (45)				X (45)		

Section 3. Municipal Members

Individuals selected as Municipal committee members shall serve a 3-year term. An individual may serve additional terms if reselected during the self-selection process.

Municipalities holding designated member seats, based on their percentage of Impermeable Area as described in Chapter 18 Section 7 of the Los Angeles County Flood Control District Code, shall select one individual to serve as a primary member and one individual to serve as an alternate member for each designated member seat for each 3-year term. Designated Municipal member seats are subject to changes in the County Landcover Survey that will occur periodically and be facilitated by District staff with at least 3-months' notice prior to a new selection process. A Municipality with multiple designated member seats may select a single individual to serve as the primary member for all the Municipality's designated municipal member seats (such that the single individual will represent all of that Municipality's municipal member seat votes) and may select a second single individual to serve as the alternate member for all the Municipality's designated member seats.

The primary and alternate members for the remaining Municipal member seats shall be selected by a group ("Selection Group") comprised of the Municipalities not holding designated member seats based on their impermeable area within the WASC and, at their discretion, some or all of the Municipalities holding designated member seats. The Municipalities selected by the Selection Group will select one individual to serve as the primary member and one individual to serve as the alternate member for each of the remaining Municipal member seats.



Every 3rd year starting 2022, the Municipalities within the Watershed Area will be invited to self-select the unrepresented seats for the upcoming term.

During the 3-year term, if a primary member withdraws or is removed from the WASC, as described in Section 6 below, the individual serving as the alternate member shall become the primary member and the Municipality that selected the outgoing primary member shall select a replacement alternate member in consultation with the Chief Engineer or their designee. If an alternate member withdraws or is removed from the WASC, as described in Section 6 below, the Municipality that selected the alternate member shall identify a replacement alternate member in consultation with the Chief Engineer or their designee.

Section 4. Agency Members

Every 5th year starting 2024, the Board, in consultation with the agencies described in Section 18.07.G.1.c. of the Los Angeles County Flood Control District Code, shall appoint one primary member to each of the agency member seats for a 5-year term. Individuals appointed as agency members may serve additional terms if reappointed in subsequent appointment cycles.

During the 5-year term, if a primary or alternate member withdraws or is removed from the WASC, the Chief Engineer or their designee shall select a replacement member in consultation with the agency represented by the outgoing member.

Section 5. Community Stakeholder Members

Every 3rd year starting 2023 (after an initial 4-year term), the Board will appoint one primary member for all five (5) Community Stakeholder member seats for 3-year terms on each WASC. Community Stakeholder members may serve additional terms if reappointed in subsequent appointment cycles. Each primary member shall have the option to designate an alternate member for the primary member's seat that is within the same organization.

During the term, if a primary member withdraws or is removed from the WASC, the alternate member shall become the primary member. The vacancy for the Community Stakeholder alternate member will be filled by someone from the same organization as determined by the new primary member. If an alternate member withdraws or is removed from the WASC, the primary member may identify a replacement alternate from the same organization. If a vacancy in a primary or alternate seat cannot be filled for any reason, that seat will remain vacant until the next appointment cycle or until the Board takes sooner action to appoint a new primary or alternate member to fill the vacancy.

Section 6. Withdrawal and Removal of Members

A member may withdraw from participation as a member of a WASC by providing sixty (60) days' prior written notice to the District.

A member may be removed from a WASC if the Chief Engineer determines that the member is no longer able to serve on the WASC, the member fails to comply with these WASC Operating Guidelines, or fails to regularly attend meetings as described in ARTICLE V, Item C. The removal



of the member shall be effective as of the date of written notice to the member from the Chief Engineer.

The WASC may also vote to request that the Chief Engineer remove a Watershed Coordinator if that Watershed Coordinator is deemed to not be satisfactorily meeting the needs of the WASC.

ARTICLE V. ROLES AND RESPONSIBILITIES

WASC members have the responsibilities identified in Chapter 18 of the Los Angeles County Flood Control District Code **and** the following additional responsibilities:

- A. Select a Chair, Co-Chairs, and/or Vice-Chair as deemed prudent;
- B. Work with District staff to schedule and commit to meetings in advance;
- C. Regularly attend WASC meetings and conduct other WASC business. An absence of two consecutive meetings or more than three meetings in one year will be considered failure to attend meetings making the member eligible for removal as a member of the WASC;
- D. Communicate regularly with District staff via phone, electronic messaging, email, and other means of communication;
- E. Meet, confer, coordinate, collaborate, and cooperate with one another, in good faith, to carry out the responsibilities of the WASC;
- F. Share expertise and provide guidance, and information on those matters for which it has specific expertise;
- G. Participate in the development of Stormwater Investment Plans (SIP) so that the development of the SIPs benefits from various stakeholder perspectives;
- H. Consider findings and recommendations from the Regional Oversight Committee before submitting final recommended SIP;
- I. Collectively confirm Scoring Committee Members from the Board approved member lists of eligible candidates;
- J. Use discretion and good business judgment in discussing the affairs of the WASC with Non-WASC-related parties – any media related inquires shall be directed to the District; and
- K. If intending to claim a stipend for attended meetings, submit certification that he/she is not otherwise being compensated per ARTICLE VI, Section 8.

ARTICLE VI. MEETINGS

Section 1. Frequency & Schedule

Each WASC shall hold regular public meetings at a frequency and schedule determined by the members, in coordination with District staff, but no less than quarterly. Alternate forms of meeting participation such as in person teleconference or video conference will be available.

Section 2. Chair

Each WASC shall elect a Chair, Co-Chairs, and/or Vice-Chair to help direct WASC meetings and processes. In the absence of a Chair, Co-Chairs or a Vice-Chair, District staff will facilitate WASC meetings. The election of any Chair, Co-Chairs, and Vice-Chair should be revisited on an annual basis. District staff will support, and Chair, Co-Chair, and/or Vice-Chair as needed and be available to address and coordinate WASC and WASC meeting logistics.

Section 3. Facilitator

The facilitator or Chair(s) shall open the meeting, announce activities according to the agenda, recognize members, state questions and put to a vote, refuse to recognize dilatory motions, enforce order and decorum, expedite business, decide all questions of order, respond to inquiries, clarify items for future action, facilitate public comment, and close meeting.

Section 4. Minutes

Minutes of WASC meetings, including votes taken, shall be kept by District staff and made available to the public for review on the SCW Program website at www.safecleanwaterla.org.

Section 5. Quorum

A quorum shall consist of a simple majority of the non-vacant primary member seats (or their alternates if in attendance on behalf of the primary) provided that at least two members from each of the categories of members (i.e., Municipalities, Agencies, and Community Stakeholders) are in attendance. If a quorum is present at a meeting, the WASC may approve any item of business by a simple majority vote. If a tie exists on any item of business, the Agency member from the District will cast the tie breaking vote.

Section 6. Brown Act

The WASC's meetings are subject to the Brown Act. This means, among other things, that:

- An agenda for each meeting will be posted at least 72 hours prior to the meeting;
- The WASC may only take action on items that appears on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Each meeting will include an opportunity for public comment.

Section 7. Conflict of Interest

Voting and non-voting Members of the Regional Program committees shall be governed by and comply with State conflict of interest laws (e.g., Government Code section 87000 et seq.; and section 1090 et seq.) and the following guidelines. Additionally, committee members may be required to file a Statement of Economic Interests ("Form 700"), and the District will provide the necessary guidance and corresponding County Model Disclosure Categories, as applicable.

Prohibited conflicts may arise where it is reasonably foreseeable that a Committee's decision could affect the personal financial interests of a Committee member. As such:



-
- A. Once it's determined that a Committee member has a conflict of interest as to any item before the Committee for decision, that Committee member must disqualify themselves from voting on that item, participating in any Committee discussion of that item, or attempting to influence in any other manner, the Committee's decision on that item.
 - B. Employees and/or elected officials of Municipalities or other public agencies are NOT considered to have a personal financial interest in a program or project proposed by their employer.
 - C. Employees of private consulting firms or other private business entities are generally considered to have a personal financial interest in a program or project proposed by their employer. In addition, such employees are generally considered to have a personal financial interest in any program or project which they or their employer had provided services for in the past or which they or their employer might be hired to work on in the future.
 - D. Officers or employees of a non-profit organization, whether paid or volunteer, are generally NOT considered to have a personal financial interest in a program or project proposed by the non-profit organization solely because of their employment with that organization.

Section 8. Compensation for Participation

Committee members who are not otherwise compensated to participate may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended. Committee Members shall annually submit to the District a signed certification statement from their employer, or a self-certification if self-employed, that compensation is not provided for WASC meetings to be considered for a stipend.

ARTICLE VII. STORMWATER INVESTMENT PLANS

Section 1. Overview

The Stormwater Investment Plan (SIP) is an annual five (5) year plan developed by each WASC that recommends funding allocations for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Table 3 below reflects the first budget submittal for the Regional Program starting in fiscal year 2020-21. Each subsequent annual submittal of the SIP shall reflect projected funds to be recommended for programming for the subsequent five (5) years. Revenue collected from fiscal year 2019 – 2020 will be budgeted for fiscal year 2020 – 2021 expenses and allocated prior to the start of fiscal year 2020 – 2021, and so forth.

The purpose of SIP is to capture recommended programming for the upcoming fiscal year (to be approved by Board) as well as anticipated recommendations for the next four subsequent years. The SIP projection for the subsequent four years should remain fluid/open for revisions as:

- (1) The actual amount of available revenue for subsequent years is unknown and subject to change each year due to exemptions, credits, and appeals;
- (2) Other projects or project concepts may become available that were not ready for consideration in prior years; and

(3) Contingencies for programmed projects may be required and/or change.

As such, the WASCs will apply a monetary cap to the recommended programming in the four subsequent years. For example, a WASC may choose to recommend projects and programs totaling only 50% of the current budget year for the subsequent four years.

A typical Project included on a SIP for any phase prior to operations and maintenance (O&M) will also subsequently be funded for O&M for the lifetime of the project or for the duration of available funding, whichever ends first. Therefore, the O&M for the completed project must be accounted for and earmarked in the SIPs for the lifetime of the project.

For a multi-year project, the Infrastructure Program Project Developer must either present the project in phases that can be funded annually, demonstrate the capacity and acknowledge the risk of performing the work without encumbering the entirety of funds in advance (with earmarked future funding subject to WASC annual confirmation of budget, scope, and schedule, and ultimate Board approval), or accrue approved budget recommendations of multiple years in order to encumber the required funding in advance.

Section 2. Process for SIP project recommendations

WASCs are encouraged to use the following process when determining which Projects to include in the Infrastructure Program portion of the SIP in accordance with Section 18.07 of the Los Angeles County Flood Control District Code:

- (1) WASC considers watershed-wide needs in consultation with Watershed Coordinator and all interested stakeholders, with an emphasis on striving toward Program Goals, as defined in Section 18.04 of the Los Angeles County Flood Control District Code.
 - (2) Applicants, or authorized representative(s), submit potential Feasibility Studies, project concepts, or scientific studies into the SCW Regional Program Projects Module. Technical Resources Program applicants must also submit a letter of non-objection from the municipality in which the project concept is being proposed.
 - (3) District staff sends an acknowledgment of receipt to the applicants and notice(s) of official submittals to the WASC(s).
 - (4) WASC initiates a discussion of submitted Feasibility Studies, project concepts, and scientific studies and determines which projects to transmit to the Scoring Committee for scoring. District staff will support effort to determine completeness of the Feasibility Studies (i.e. readiness for scoring).
 - (5) Chair(s) or District staff contact applicants to schedule a presentation of the Feasibility Study, project concept, or scientific study at a future WASC meeting after receipt of score from the Scoring Committee (with standard presentation content for all applicants to be determined by WASC).
 - (6) Chair(s) or District staff schedule additional discussion of the scored projects and other eligible activities on the agenda for the next WASC meeting(s) so developer(s) and public/stakeholders can sufficiently comment and share considerations.
 - (7) WASC further discusses the scored projects and determines whether to include the project in the SIP in consideration of all other potential items to be included in the SIP for the
-



subject fiscal year, funds allocated to projects providing Disadvantaged Community (DAC) Benefits, as well as any known future considerations.

- (8) Consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs and/or revise current SIPs before Board consideration. The WASC will need to confirm final recommendation as soon as possible following ROC feedback and ROC feedback will be included in the transmittal of SIPs to the Board.



Table 3. Stormwater Investment Plan Budget Template

	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025
	Budget	Projection	Projection	Projection	Projection
PROJECT – FEASIBILITY STUDY DEVELOPMENT					
TECHNICAL RESOURCES PROGRAM (up to 10%)					
Feasibility Studies/Concepts					
Watershed Coordinators					
Technical Assistance Team/Feasibility Study					
Technical Assistance Team/Feasibility Study					
PROJECT – POST-FEASIBILITY STUDY					
INFRASTRUCTURE PROGRAM (not less than 85%)					
Design/Permits/CEQA Budget/Pre-project planning/					
Project					
Project					
Project					
Right of Way Acquisition Budget					
Project					
Project					
Project					
Construction					
Project					
Project					
Project					
O&M					
Project					
Project					
Project					
NON-PROJECT ACTIVITIES					
SCIENTIFIC STUDIES PROGRAM (Up to 5%)					
Special Studies					
Project					
Project					
Monitoring					
Project					
TOTAL =					



Section 3. Funding Allocations for Projects and Programs

The WASCs will make a recommendation to the Board of Supervisors for the Regional Projects and Programs to be funded within the Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Projects and Programs will typically be given conditional funding approval for their entire budget less any anticipated leveraged funds identified. Projects, scientific studies, and other activities recommended for funding do not represent procurement of services for the District. Recipients of SCW Program funds must comply with any applicable laws pertaining to construction contracting and the procurement of architectural, engineering, or other services which will be paid for by the SCW Program funds.

WASCs should review the budgets for each proposed Project or Program to confirm that all expenditures included in the budget have a reasonable nexus to the implementation of the Project or Program. Proposed expenditures that appear unrelated to carrying out the Project or Program should be questioned and deleted from the approved budget for the Project or Program if a reasonable nexus cannot be demonstrated to the WASC's satisfaction.

Quarterly, the suite of Projects and Programs included in the SIPs shall be evaluated by the corresponding WASC using the information provided in the Quarterly Expenditure/Progress Report. WASCs will verify that the Project schedule, budget, scope and benefits have not significantly changed and are consistent with the Transfer Agreement. Projects that run over budget, are behind schedule, or reduce scope or benefits may be subject to loss of funding.

ARTICLE VIII. REVIEW OF QUARTERLY PROGRESS/EXPENDITURE REPORTS

The WASCs are responsible for reviewing quarterly progress and expenditure reports, described in Section 18.07.F, prepared by all Infrastructure Program Project Developers receiving Infrastructure Program funds and the District, on behalf of the Technical Resources Program and Scientific Studies Program. District staff will track and facilitate report submissions as well as organize and distribute reports for WASC review.

The purposes of the WASC's review of the reports are: (1) to determine whether the Project's schedule, budget, scope and benefits have significantly changed and are consistent with the Transfer Agreement; and (2) for Projects that are over budget, behind schedule, or have reduced scope or benefits, to determine whether to adjust funding or remove those Projects from future SIPs.

In addition, the WASC's evaluation of each report will be forwarded to the ROC for the ROC's consideration.

ARTICLE IX. WATERSHED AREA REGIONAL PROGRAM PROGRESS REPORTS

Annually prepare a Watershed Area Regional Program Progress (WARPP) report as identified in the Los Angeles County Flood Control District Code.



District staff will prepare a draft WARPP report on behalf of each WASC. Each WASC will be responsible for review and approval of the WARPP before submittal of the report to the ROC.

ARTICLE X. AMENDMENTS

Prior to making any amendment to these WASC Operating Guidelines, the District's Chief Engineer or their designee shall solicit input on the proposed amendments from the WASCs and shall consider all input received from the WASCs, ROC, Scoring Committee, and public.



**Section 6:
Regional Oversight Committee
Operating Guidelines**





Safe, Clean Water Program

Regional Oversight Committee

Operating Guidelines



Chief Engineer of the
Los Angeles County Flood Control District

9/19/19
Date Adopted

Safe, Clean Water Program

Regional Oversight Committee

Operating Guidelines

ARTICLE I. PURPOSE

The purposes of these Safe, Clean Water Program (SCW) Regional Oversight Committee Operating Guidelines ("ROC Operating Guidelines") are to establish procedures, requirements and recommended protocols for the members of the Regional Oversight Committees (ROC) and the conduct of ROC business.

ARTICLE II. DEFINITIONS

The definitions set forth in Chapter 16 Section 3 and Chapter 18 Section 2 of the Los Angeles County Flood Control District Code shall apply to the ROC Operating Guidelines.

ARTICLE III. MEMBERSHIP REQUIREMENTS

The ROC is an independent body that reviews all Regional Program Stormwater Investment Plans (SIPs) to ensure the Safe, Clean Water (SCW) Program Goals are met. The ROC consists of nine (9) subject matter experts with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and other pertinent subject matter. The ROC also consists of two (2) non-voting members representing the Chair of the Regional Water Quality Control Board and the District. The ROC members will be appointed by the Los Angeles County Board of Supervisors (Board) to ensure a diverse representation of subject-matter experts.

ARTICLE IV. TERM LENGTHS AND VACANCIES

[Section 1. Serving on Multiple Committees](#)

A person may sit on the Regional Oversight Committee, more than one Watershed Area Steering Committee (WASC), or Scoring Committee, provided they can demonstrate the capacity to do so effectively. If the person is appointed by the Board to more than one committee of Regional Program, it shall be deemed that the person has the required capacity.

The roles and responsibilities of committee members are described in ARTICLE V, below. Should a member's performance suffer as a result of multiple memberships, the members of the ROC are encouraged to address the member's performance with the member and decide if potential action is warranted. Withdrawal or removal of members and the filling of membership vacancies is discussed in ARTICLE IV Sections 3 and 4, below.

Section 2. Member Term Lengths

Members shall be appointed or selected according to the schedule shown in Table 1 below. Members may serve multiple terms if reaffirmed through the appointment or selection process. ROC term length is typically four (4) years. After the initial 4-year term, new members will be appointed in a rotating schedule (approximately half of the membership every 2 years) to keep continuity of information and knowledge in the ROC. Each term appointment will include at least two water quality experts, one water supply expert and one community investment/nature-based solutions.

District staff for the ROC will track the expiration of all members' terms of service, notify the ROC of upcoming term expiration dates, and facilitate any necessary appointments and selections.

Table 1. ROC Appointment/Selection Schedule

Regional Oversight Committee Appointment Schedule											
Subject matter experts have expertise in the following categories: Water Quality Benefits (WQ), Water Supply Benefits (WS), Nature-Based Solutions (NBS)/ Community Investments Benefits (CIB)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
ROC					X (9)		X (4)		X (5)		X (4)

** X denotes when the members will be appointed (#) indicates the number of seats to be appointed.*

** Note: In 2023, 4 members may be appointed to 2-year terms and 5 members to 4-year terms to initiate the staggered appointment cycle going forward.*

Section 3. Withdrawal and Removal of Members

A member may withdraw from participation as a member of the ROC by providing sixty (60) days' prior written notice to the District.

A member may be removed from the ROC if the Chief Engineer determines that the member is no longer able to serve on the ROC, the member fails to comply with these Guidelines, or fails to regularly attend meetings as described in ARTICLE V, Item C. The removal of the member shall be effective as of the date of written notice to the member from the Chief Engineer.

Section 4. Vacancies

During a ROC term, if a member withdraws or is removed from the ROC, the vacancy will be filled with someone having similar subject matter expertise by the Chief Engineer or their designee for the remainder of the term.

ARTICLE V. ROLES AND RESPONSIBILITIES

ROC members have the responsibilities identified in Chapter 18 of the Los Angeles County Flood Control District Code and the following additional responsibilities:

-
- A. Select a Chair, Co-Chairs, and/or Vice-Chair as deemed prudent;
 - B. Work with District staff to schedule and commit to meetings in advance.
 - C. Regularly attend ROC meetings and conduct other ROC business. An absence of two consecutive meetings or more than five meetings within the ROC term will be considered failure to attend meetings making the member eligible for removal as a member of the ROC;
 - D. Communicate regularly with District staff via phone, electronic messaging, email, and other means of communication;
 - E. Meet, confer, coordinate, collaborate, and cooperate with one another, in good faith, to carry out the responsibilities of the ROC;
 - F. Share expertise and provide guidance, and information on those matters for which it has specific expertise;
 - G. Use discretion and good business judgment in discussing the affairs of the ROC with Non-ROC-related – any media related inquires shall be directed to the District; and
 - H. If intending to claim a stipend for attended meetings, submit certification that he/she is not otherwise being compensated per ARTICLE VI, Section 8.

ARTICLE VI. MEETINGS

Section 1. Frequency & Schedule

The ROC shall hold regular public meetings at a frequency and schedule determined by the members, in coordination with the District staff, but no less than quarterly and additionally as-needed. Alternate forms of meeting participation such as in person teleconference or video conference may be considered.

Section 2. Chair

The ROC shall elect a Chair, Co-Chairs, and/or Vice-Chair to help direct ROC meetings and processes. In the absence of a Chair, Co-Chairs or a Vice-Chair, District staff will facilitate ROC meetings. The election of any Chair, Co-Chairs, and Vice-Chair should be revisited on an annual basis. District staff will support and Chair, Co-Chair, and/or Vice-Chair as needed and be available to address and coordinate ROC and ROC meeting logistics.

Section 3. Facilitator

The Chair(s) or facilitator shall open the meeting, announce activities according to the agenda, recognize members, state questions and put to a vote, refuse to recognize dilatory motions, enforce order and decorum, expedite business, decide all questions of order, respond to inquiries, clarify items for future action, facilitate public comment, and close meeting.

Section 4. Minutes

Minutes of ROC meetings, including votes taken, shall be kept by District staff and made available to the public for review on the SCW Program website at www.safecleanwaterla.org.

Section 5. Quorum

A quorum is required for the ROC to act on any item of business at a meeting. A quorum will consist of at least five (5) members in attendance at the meeting. If a quorum is present at a meeting, the ROC may approve any item of business by a simple majority vote.

Section 6. Brown Act

The ROC's meetings are subject to the Brown Act. This means, among other things, that:

- An agenda for each meeting will be posted at least 72 hours prior to the meeting;
- The ROC may only take action on items that appears on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Each meeting will include an opportunity for public comment.

Section 7. Conflict of Interest

Members of the Regional Program committees shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the following guidelines. Additionally, committee members may be required to file a Statement of Economic Interests ("Form 700"), and the District will provide the necessary guidance and corresponding County Model Disclosure Categories, as applicable.

Prohibited conflicts may arise where it is reasonably foreseeable that a Committee's decision could affect the personal financial interests of a Committee member. As such:

- A. Once it's determined that a Committee member has a conflict of interest as to any item before the Committee for decision, that Committee member must disqualify themselves from voting on that item, participating in any Committee discussion of that item, or attempting to influence in any other manner, the Committee's decision on that item.
- B. Employees and/or elected officials of Municipalities or other public agencies are NOT considered to have a personal financial interest in a program or project proposed by their employer.
- C. Employees of private consulting firms or other private business entities are generally considered to have a personal financial interest in a program or project proposed by their employer. In addition, such employees are generally considered to have a personal financial interest in any program or project which they or their employer had provided services for in the past or which they or their employer might be hired to work on in the future.
- D. Officers or employees of a non-profit organization, whether paid or volunteer, are generally NOT considered to have a personal financial interest in a program or project proposed by the non-profit organization solely because of their employment with that organization.

Section 8. Compensation for Participation

Committee Members who are not otherwise compensated to participate, may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended. Committee Members shall annually submit to the District a signed certification statement from their employer, or a self-certification if self-employed, that compensation is not provided for Regional Oversight Committee meetings to be considered for a stipend.

ARTICLE VII. STORMWATER INVESTMENTS PLANS

Section 1. Overview

The SIP is an annual five (5) year plan developed by each WASCs that recommends funding allocations for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program.

The purpose of SIPs is to capture recommended programming for the upcoming fiscal year (to be approved by the Board) as well as anticipated recommendations for the next four subsequent years. The SIP projection for the subsequent four years should remain fluid/open. A typical Project included on a SIP for any phase prior to operations and maintenance will also subsequently be funded for operations and maintenance for the lifetime of the project or for the duration of available funding, whichever ends first. Therefore, the operations and maintenance for the completed project must be accounted for and earmarked in the SIPs for the lifetime of the project.

For a multi-year project, the Project Developer must either present the project in phases that can be funded annually, demonstrate the capacity and acknowledge the risk of performing the work without encumbering the entirety of funds in advance (with earmarked future funding subject to WASC annual confirmation of budget, scope, and schedule, and ultimate Board approval), or accrue approved budget recommendations of multiple years in order to encumber the required funding in advance.

The ROC reviews each SIP, determines whether, and the extent to, each SIP achieves the SCW Program Goals, and provides its findings to the Board with recommendations regarding whether or not each SIP should be approved. Before providing recommendation to the Board, the ROC shall provide its findings and recommendations on each SIP to the respective WASCs. The ROC does not have line item veto power, but the WASCs will consider the findings and recommendations from the ROC as guidance to potentially enhance future SIPs and/or revise current SIPs prior to Board consideration. ROC feedback to WASCs will be included in the transmittal of SIPs to the Board for approval.



ARTICLE VIII. REVIEW OF REGIONAL PROGRAM QUARTERLY AND ANNUAL PROGRESS AND EXPENDITURE REPORTS

The ROC is responsible for reviewing quarterly and annual progress and expenditure reports, described in Chapter 18 Section 8.C, prepared by the District for the Technical Resources Program and Scientific Studies Program and by the Project Developers for the Infrastructure Program.

The purposes of the ROC's review of the reports are to: (1) determine whether the WASC evaluations are valid; and (2) identify additional comments or recommendations.

ROC will provide feedback to the WASCs and report findings to the Board.

District staff will track and facilitate report submissions as well as organize and distribute reports for ROC review.

ARTICLE IX. REVIEW OF MUNICIPAL PROGRAM ANNUAL PROGRESS AND EXPENDITURE REPORTS

The ROC is responsible for reviewing annual progress and expenditure reports, described in Chapter 18 Section 8.C and Chapter 18 Section 6.D of the Los Angeles County Flood Control District Code, prepared by all Municipalities.

The purposes of the ROC's review of the reports are to: (1) determine whether the Municipalities used SCW Program funds for qualifying eligible expenses; and (2) determine whether and the extent to which each Municipality has achieved the SCW Program Goals.

The ROC will provide feedback to the Municipalities and report findings to the Board.

District staff will track and facilitate report submissions as well as organize and distribute reports for ROC review.

ARTICLE X. REVIEW OF WATERSHED AREA REGIONAL PROGRAM PROGRESS REPORTS

Review of annual Watershed Area Regional Program Progress (WARPP) report from each WASC to determine whether the SCW Program Goals were met for the prior year and make recommendations for adjustments to the following year's SIP if SCW Program Goals were not met the prior year.

The ROC will provide feedback to the WASCs and report findings to the Board.

District staff will track and facilitate report submissions as well as organize and distribute reports for ROC review.



ARTICLE XI. BIENNIAL SCW PROGRAM PROGRESS REPORT

The ROC will biennially prepare and submit to the Board a SCW Program Progress Report that summarizes the Regional Program WARPP reports, Municipal Program annual progress and expenditure reports, and the District Program annual summary to determine and present the extent the SCW Program Goals have been met for the prior two years.

The ROC will hold a noticed public hearing to obtain feedback from the public and recommend actions and adjustments to the Safe, Clean Water Program to better achieve the SCW Program Goals.

ARTICLE XII. AMENDMENTS

Prior to making any amendment to the ROC Operating Guidelines, the District's Chief Engineer or their designee shall solicit input on the proposed amendments from the ROC and shall consider all input received from the ROC, WASCs, Scoring Committee, and public.



**Section 7:
Scoring Committee
Operating Guidelines**





Safe, Clean Water Program

Scoring Committee
Operating Guidelines



Chief Engineer of the
Los Angeles County Flood Control District

9/19/19

Date Adopted

Safe, Clean Water Program Scoring Committee Operating Guidelines

ARTICLE I. PURPOSE

The purposes of these Safe, Clean Water Program Scoring Committee Operating Guidelines ("SC Operating Guidelines") are to establish procedures, requirements and recommended protocols for the members of the Scoring Committees (SC) and the conduct of SC business.

ARTICLE II. DEFINITIONS

The definitions set forth in Chapter 16 Section 3 and Chapter 18 Section 2 of the Los Angeles County Flood Control District Code shall apply to the SC Operating Guidelines.

ARTICLE III. MEMBERSHIP REQUIREMENTS

The SC consists of six (6) members that are subject matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits. The committee shall be comprised of at least two subject matter experts in Water Quality Benefits, not less than one subject matter expert in Nature-Based Solutions/Community Investment Benefits, and not less than one subject matter expert in Water Supply Benefits.

ARTICLE IV. TERM LENGTHS AND VACANCIES

[Section 1. Serving on Multiple Committees](#)

A person on the SC may also serve on a Watershed Area Steering Committee (WASC) or the Regional Oversight Committee (ROC) provided they can demonstrate the capacity to do so effectively. If the person is appointed by the Board to more than one committee of the Regional Program, it shall be deemed that the person has the required capacity.

The roles and responsibilities of committee members are described in ARTICLE V below. Should a member's performance suffer as a result of multiple memberships, the members of the SC are encouraged to address the member's performance with the member and decide if potential action is warranted. Withdrawal or removal of members and the filling of membership vacancies is discussed in ARTICLE IV Sections 3 and 4, below.

[Section 2. Member Term Lengths](#)

Members shall be appointed or selected according to the schedule shown in Table 1 below. Members may serve multiple terms if reaffirmed through the appointment or selection process. SC term length is typically four (4) years. After the initial 4-year term, new members will be appointed in a rotating schedule (3 members every 2 years) to keep continuity of information and



knowledge in the SC. Each term appointment will include at least one water quality expert, one water supply expert, and one community investment/nature-based solutions.

District staff for the SC will track the expiration of all members' terms of service, notify the SC of upcoming term expiration dates, and facilitate any necessary appointments and selections.

Table 1. SC Appointment/Selection Schedule

Scoring Committee Appointment Schedule											
Subject matter experts have expertise in the following categories: Water Quality Benefits (WQ), Water Supply Benefits (WS), Nature-Based Solutions (NBS)/ Community Investments Benefits (CIB)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Scoring Committee					X (6)		X (3)		X (3)		X (3)

** X denotes when the members will be appointed (#) indicates the number of seats to be appointed.*

** Note: In 2023, 3 members may be appointed to 2-year terms and 3 members to 4-year terms to initiate the staggered appointment cycle going forward.*

Section 3. Withdrawal and Removal of Members

A member may withdraw from participation as a member of the SC by providing sixty (60) days' prior written notice to the District.

A member may be removed from the SC if the Chief Engineer determines that the member is no longer able to serve on the SC, the member fails to comply with these Guidelines, or fails to regularly attend meetings as described in ARTICLE V, Item C. The removal of the member shall be effective as of the date of written notice to the member from the Chief Engineer.

Section 4. Vacancies

During a SC term, if a member withdraws or is removed from the SC, the vacancy will be filled with someone having similar subject matter expertise by the Chief Engineer or their designee for the remainder of the term.

ARTICLE V. ROLES AND RESPONSIBILITIES

SC members have the responsibilities identified in Chapter 18 of the Los Angeles County Flood Control District Code and the following additional responsibilities:

- A. Select a Chair, Co-Chairs, and/or Vice-Chair as deemed prudent;
- B. Work with District staff to schedule and commit to meetings in advance.

-
- C. Regularly attend SC meetings and conduct other SC business. An absence of two consecutive meetings or more than five meetings within the SC term will be considered failure to attend meetings making the member eligible for removal as a member of the SC;
 - D. Communicate regularly with District staff via phone, electronic messaging, email, or other means of communication;
 - E. Meet, confer, coordinate, collaborate, and cooperate with one another, in good faith, to carry out the responsibilities of the SC;
 - F. Share expertise and provide guidance, and information on those matters for which it has specific expertise;
 - G. Use discretion and good business judgment in discussing the affairs of the SC with Non-SC-related parties – any media related inquires shall be directed to the District;
 - H. Serve as the third-party appeal panel for Credit Program applicants that have appealed the credit determination for their Parcel in accordance with ARTICLE VIII below;
 - I. Serve as the third-party appeal panel for Credit Trading Program applicants that have appealed the credit determination for their Parcel in accordance with ARTICLE IX below; and
 - J. If intending to claim a stipend for attended meetings, submit certification that he/she is not otherwise being compensated per ARTICLE VI, Section 8.

ARTICLE VI. MEETINGS

Section 1. Frequency & Schedule

The SC shall hold public meetings at a frequency and schedule to be determined by the members, in coordination with District staff, but no less than 4 times per year. Meetings may occur in higher frequency, as needed depending on number and timing of projects submitted following each call for projects in each WASC, in order to accomplish the goals of the SC. Due to the highly technical nature of the meetings, in person attendance is mandatory.

Additionally, hearings will be scheduled and held as needed to serve as the third-party appeals panel for the Credit Program and Credit Trading Program.

Section 2. Chair

The SC may elect a Chair, Co-Chairs, and/or Vice-Chair to help direct meetings and processes. In the absence of a Chair, Co-Chairs or a Vice-Chair, District staff will facilitate SC meetings. The election of any Chair, Co-Chairs, and Vice-Chair should be revisited on an annual basis. District staff will support and Chair, Co-Chair, and/or Vice-Chair as needed and be available to address and coordinate SC and SC meeting logistics.

Section 3. Facilitator

The facilitator or Chair(s) shall open the meeting, announce activities according to the agenda, recognize members, state questions and put to a vote, refuse to recognize dilatory motions, enforce order and decorum, expedite business, decide all questions of order, respond to inquiries, clarify items for future action, facilitate public comment, and close meeting.

Section 4. Minutes

Minutes of SC meetings, including votes taken, shall be kept by District staff and made available to the public for review on the SCW Program website at www.safecleanwaterla.org.

Section 5. Quorum

A quorum shall consist of a simple majority of the non-vacant member seats are in attendance. If a quorum is present at a meeting, the SC may approve any item of business by a simple majority vote.

Section 6. Brown Act

The SC's meetings are subject to the Brown Act. This means, among other things, that:

- An agenda for each meeting will be posted at least 72 hours prior to the meeting;
- The SC may only take action on items that appears on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Each meeting will include an opportunity for public comment.

Section 7. Conflict of Interest

Members of the Regional Program committees shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the following guidelines. Additionally, committee members may be required to file a Statement of Economic Interests ("Form 700"), and the District will provide the necessary guidance and corresponding County Model Disclosure Categories, as applicable.

Prohibited conflicts may arise where it is reasonably foreseeable that a Committee's decision could affect the personal financial interests of a Committee member. As such:

- A. Once it's determined that a Committee member has a conflict of interest as to any item before the Committee for decision, that Committee member must disqualify themselves from voting on that item, participating in any Committee discussion of that item, or attempting to influence in any other manner, the Committee's decision on that item.
- B. Employees and/or elected officials of Municipalities or other public agencies are NOT considered to have a personal financial interest in a program or project proposed by their employer.
- C. Employees of private consulting firms or other private business entities are generally considered to have a personal financial interest in a program or project proposed by their employer. In addition, such employees are generally considered to have a personal financial interest in any program or project which they or their employer had provided services for in the past or which they or their employer might be hired to work on in the future.

-
- D. Officers or employees of a non-profit organization, whether paid or volunteer, are generally NOT considered to have a personal financial interest in a program or project proposed by the non-profit organization solely because of their employment with that organization.

Section 8. Compensation for Participation

Committee Members who are not otherwise compensated to participate may qualify for a stipend in the amount of one hundred dollars (\$100) per meeting attended. Committee Members shall annually submit to the District a signed certification statement from their employer, or a self-certification if self-employed, that compensation is not provided for SC meetings to be considered for a stipend.

ARTICLE VII. SCORING INFRASTRUCTURE PROGRAM PROJECTS

Section 1. Stormwater Investment Plan

The Stormwater Investment Plan (SIP) is a five (5) year plan developed by Watershed Area Steering Committees that recommends funding allocations for Projects and Programs in the Regional Program's Infrastructure Program, Technical Resources Program, and Scientific Studies Program. The purpose of SIPs is to capture recommended programming for the upcoming fiscal year (to be approved by Board) as well as anticipated recommendations for the next four subsequent years.

When reporting scores, the SC will inform the WASC which of the projects, feasibility studies, and project concepts are eligible for selection into the Infrastructure Program and which do not meet the Threshold Score in the Feasibility Study Requirements document and are therefore candidates for the Technical Resources Program.

Section 2. Process for Scoring Projects

The SC will be informed by each WASC of which potential projects and feasibility studies will be evaluated and scored.

The information to score projects and feasibility studies submitted by the Infrastructure Program Project Applicant (IPPA) will be provided by District staff from the Project Scoring Module. The SC, with assistance and support from District staff, will:

1. Review the IPPA inputs into the Project Scoring Module and the resulting preliminary scores;
 2. Request additional information, utilize technical reference documents, and consider Watershed Area-specific concerns as deemed necessary,
 3. Utilize the Infrastructure Program Project Scoring Criteria contained in the Feasibility Study Requirements to evaluate projects and feasibility studies and determine scores;
 4. Apply the Threshold Score;
 5. Inform the WASC of the scored projects and feasibility studies; and
-



-
6. Inform the WASC of the projects that have been scored but do not reach the Threshold Score.

The SC will provide the WASCs with scores and additional as needed information to inform the SIP selection process.

District staff will track and facilitate report submissions as well as organize and distribute reports to WASCs.

ARTICLE VIII. CREDIT PROGRAM APPLICANT HEARINGS

The SC will serve as the third-party appeal panel for Credit Program applicants who have filed for an appeal. The Credit Program application will initially be reviewed and approved for credit by the District. Applicants that have been denied, or whose approved credit is a lesser percentage than what was applied for and disagree with the determination, may file an appeal. The applicant will present the information and case to the SC for independent consideration based on the Scoring Committee's technical expertise, professional judgment, and experience with similar components in the Infrastructure Program Project Scoring Criteria. The SC will seek additional information as necessary and ultimately vote to either uphold the credit determination or require the District to reconsider the credit determination based on appropriate findings and recommendations.

ARTICLE IX. CREDIT TRADING PROGRAM APPLICANT HEARINGS

The SC will also serve as the third-party appeal panel for Credit Trading Program applicants who have filed for an appeal. The Credit Trading Program application will initially be reviewed and approved for credit by the District. Applicants that have been denied, or whose approved credit is a lesser percentage than what was applied for and disagree with the determination, may file an appeal. The applicant will present the information and case to the SC for independent consideration based on the Scoring Committee's technical expertise, professional judgment, and experience with similar components in the Infrastructure Program Project Scoring Criteria. The SC will seek additional information as necessary and ultimately vote to either uphold the credit determination or require the District to reconsider the credit determination based on appropriate findings and recommendations.

ARTICLE X. AMENDMENTS

Prior to making any amendment to the SC Operating Guidelines, the District's Chief Engineer shall solicit input on the proposed amendments from the SC and shall consider all input received from the other committees of the Regional Program and the public.

THIS PAGE LEFT INTENTIONALLY BLANK



**Section 8:
Conflict of Interest**





Conflict of Interest

Presented by the Office of the Los Angeles
County Counsel, 2019



- Conflict-of-interest laws are grounded on the notion that government officials owe paramount loyalty to the public, and that personal or private financial considerations on the part of government officials should not be allowed to enter the decision-making process.



General Ethical Principles



- Beyond the laws is the public's perception as to whether the public official's conduct is ethical. ("How would the newspaper headline read?")
- The ethics laws create minimum standards for ethical conduct by public officials.
- The public's expectations often create a higher standard of behavior.
- Avoid prohibited activities.
- Comply with disclosure, disqualification and other affirmative ethics obligations.
- Consult with counsel if there is any doubt.

3



Laws Governing Public Officials



- The Political Reform Act
- Penal Code Section 68
- Government Code Section 1090

4



Conflicts Involving Personal Financial Interests/Obligations (Political Reform Act)



- Government Code §§87100, 87103 & 87200 et seq.
- Basic Obligations
 - Disqualification
 - Disclosure



5



Disqualification



- Do not make, participate in the making, or in any way attempt to use your official position to influence a governmental decision in which you know, or have reason to know, that you have a personal financial interest.

6



Five Disqualifying Financial Interests



- Real Property- Investment of \$2,000 or more
- Business Entity- Investment of \$2,000 or more
- Source of Income of \$500 or more provided, promised, or received within 12 months of decision
- Business entity where official is Director, Officer, Partner, Trustee, Employee or Manager
- Gifts

7



Acceptance of Gifts



- Government Code §§82028, 86203, 89503, 89506; Title 2 CCR §§18940-18946.5
- A gift is any payment or other benefit received by a public official unless the official provided something of equal or greater value in return.



8



Acceptance of Gifts (con't.)



- A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business without regard to an individual's status as a public official.

9



Acceptance of Gifts (cont'd)



- Gifts aggregating \$50 or more from a single source in a calendar year must be reported.
- \$500 annual gift limit.

10



Disclosure Rules



- Each agency develops a conflict of interest code:
 - Designates positions involved in making decisions.
 - Designates disclosure categories and enumerates types of financial interests to be disclosed.
 - Designated positions must file an assuming, annual, & leaving office statement of economic interests (Form 700).

11



Penalties for Violating Political Reform Act



- Knowing or willful violations are a misdemeanor
- Criminal and civil fines
- Administrative action
- Disciplinary action

12



Do Not Accept Bribes



- Penal Code §68
- A public official is prohibited from asking for, receiving, or agreeing to receive, anything of value in exchange for his vote.



THE DAILY NEWS

www.dailynews.com

THE WORLD'S BEST ETHICS NEWSPAPER

- Since 1879



City of South Gate Public Official Gets 10 Years for Bribery



LOS ANGELES – Former city treasurer of South Gate, Albert Robles, 41 was taken into custody today.

Robles solicited bribes from city contractors in exchange for promises of favorable treatment.

Robles was sentenced to 10 years in prison for extracting nearly \$2 million in bribes from contractors in violation of Penal Code section 68.

The illegally obtained money paid for Robles' lavish lifestyle including a seaside condo for his mother and an exclusive club membership run by motivational speaker Tony Robbins authorities said.

He was also ordered to pay back more than \$600,000 to the city in southeast Los Angeles County.

When asked for comment regarding his recent arrest, Robles responded by saying that his activities "were not illegal."

Robles was convicted in July 2005 of five counts of bribery from his activities as City Treasurer.



Contractual Conflicts of Interest



- Government Code §§1090, 1091, & 1091.5
- A public official shall not be financially interested in any contract made by him in his official capacity.

15



Contractual Conflicts of Interest (cont'd)



The concept of “making a contract” applies to all aspects of the contracting process:

- Determination to contract
- Drafting solicitation documents
- Selecting contractor
- Monitoring contract
- Decision to terminate contract



16



SAFE
CLEAN
WATER

Contractual Conflicts of Interest (cont'd)



County of Los Angeles
losangeles.gov

- Your abstention may not be enough.
- The entire commission may be precluded from acting on the contract.
- Limited exceptions.

17



SAFE
CLEAN
WATER

Penalties for Violating § 1090



County of Los Angeles
losangeles.gov

Penalties for Violating section 1090

- Willful violations are a felony
- Criminal fines and imprisonment
- Disqualification from ever holding public office in California again
- Contracts entered into are **voided**



18



Brown Act Requirements



Committee meetings are subject to the Brown Act. This means, among other things, that:

- An agenda for each meeting will be posted at least 72 hours prior to the meeting;
- The committee may only take action on items that appears on the agenda for that meeting;
- Members should not discuss agenda items with other committee members outside of the meeting;
- Each meeting will include an opportunity for public comment.

19



Additional Information



- California Attorney General
 - <http://ag.ca.gov/ethics/index.htm>
- California Fair Political Practices Commission
 - <http://www.fppc.ca.gov/index.html?id=466>
- Institute for Local Government
 - <http://www.ca-ilg.org/ethicsfaqs>

20



For questions or more information, contact us at:

www.SafeCleanWaterLA.org

SafeCleanWaterLA@pw.lacounty.gov

1-833-ASK-SCWP (1-833-275-7297)

THIS PAGE LEFT INTENTIONALLY BLANK



**Section 9:
Committee Structure and Flowchart**



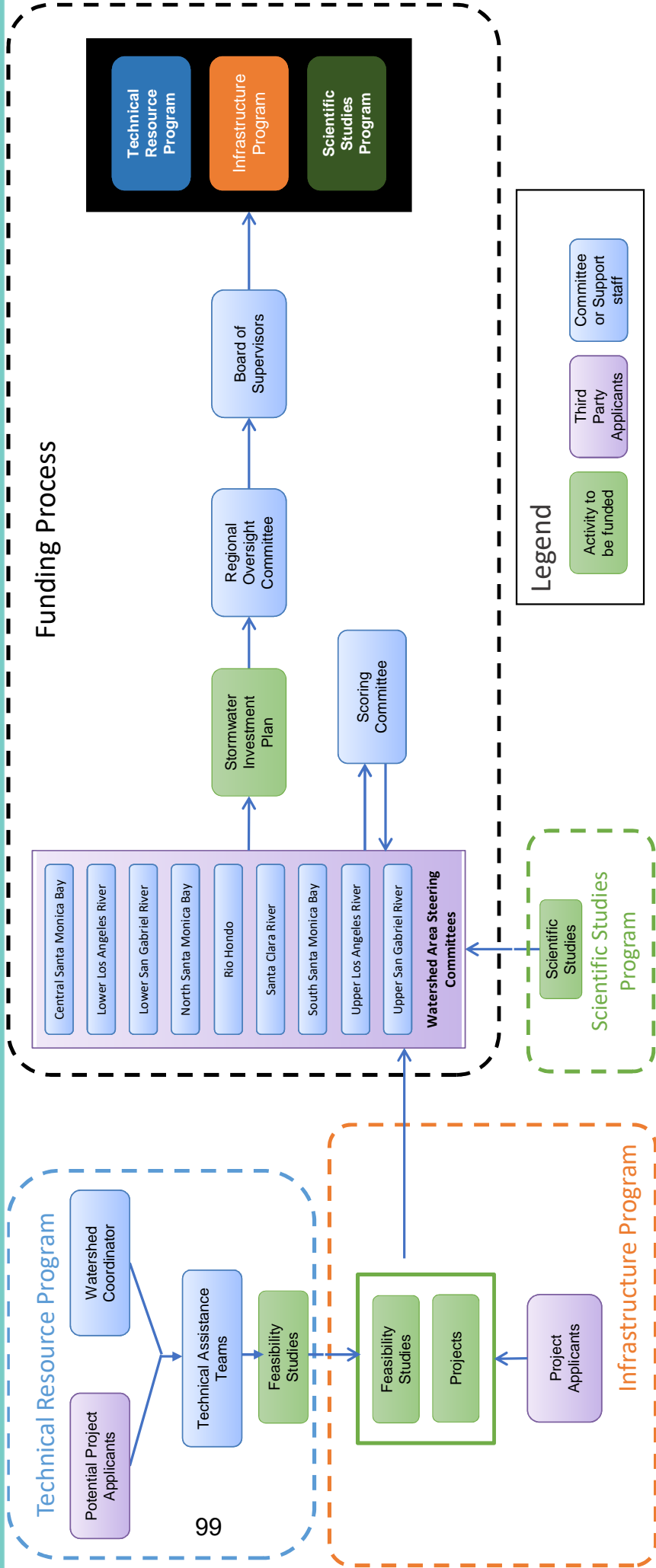


SAFE
CLEAN
WATER

Regional Program



County of Los Angeles
lacounty.gov

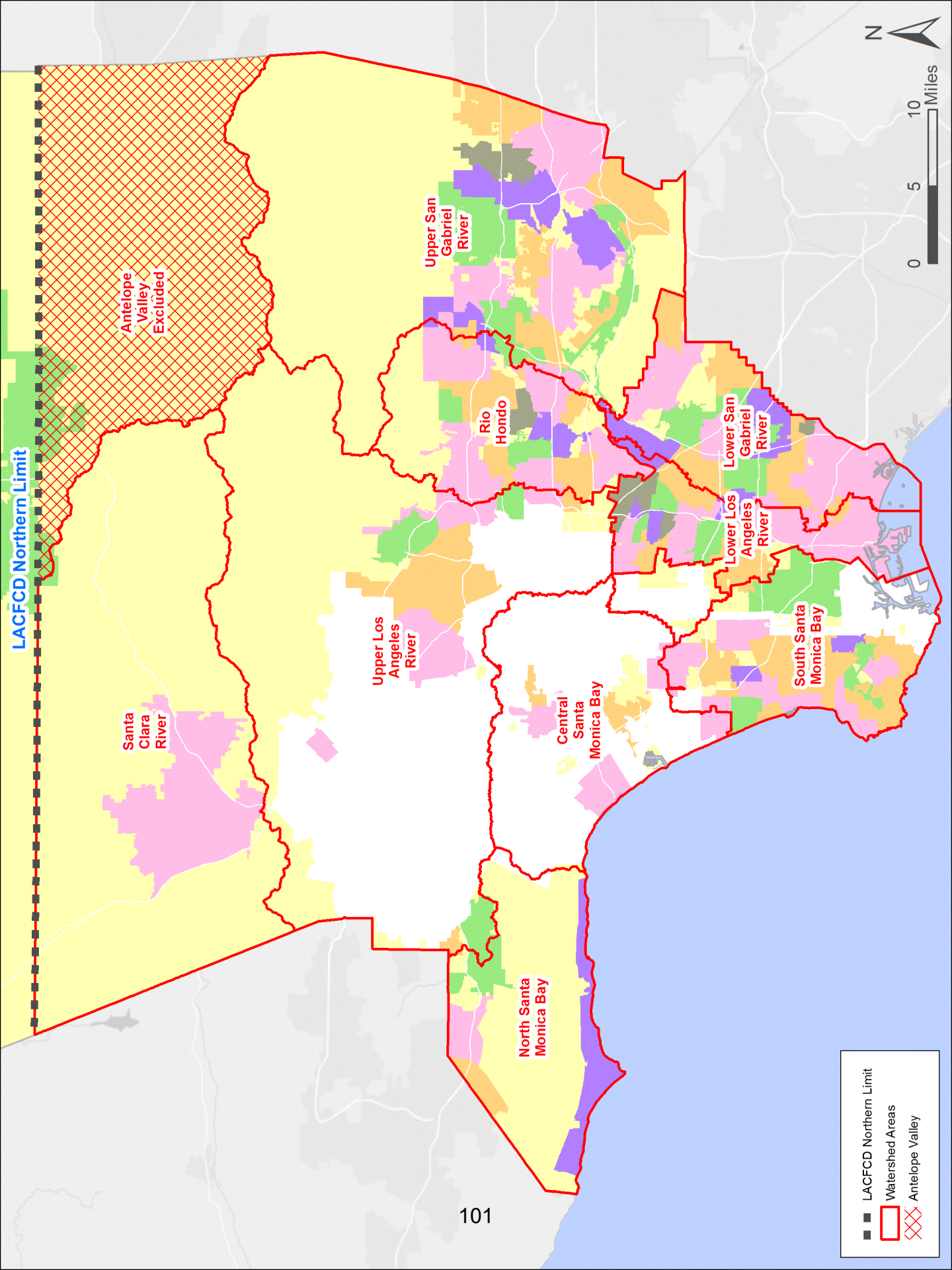


THIS PAGE LEFT INTENTIONALLY BLANK



**Section 10:
Watershed Area Maps**





LACFC Northern Limit

Antelope Valley Excluded

Santa Clara River

Upper Los Angeles River

Upper San Gabriel River

Rio Hondo

Lower San Gabriel River

Lower Los Angeles River

Central Santa Monica Bay

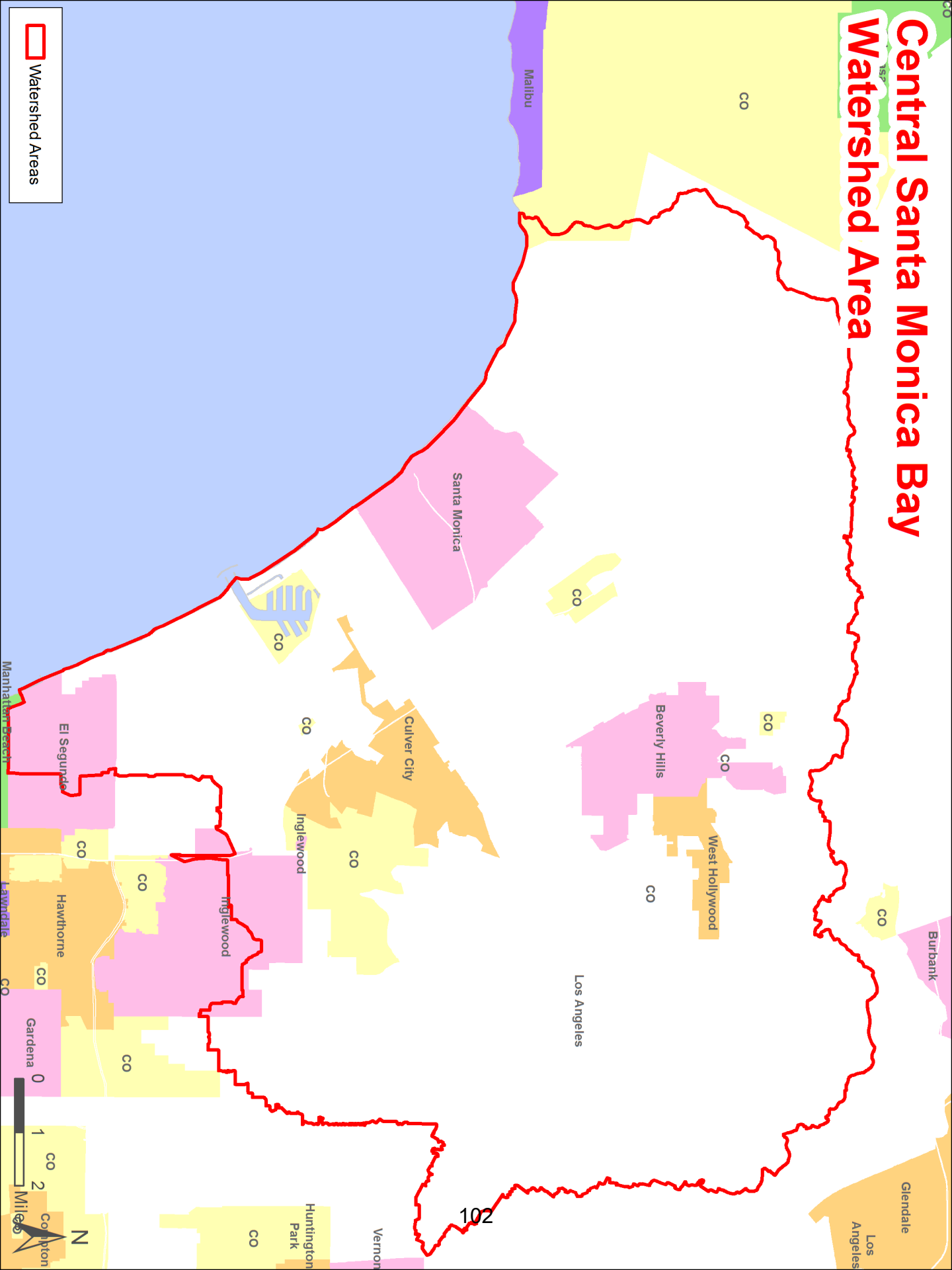
South Santa Monica Bay

North Santa Monica Bay

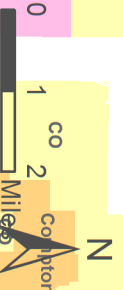
- LACFC Northern Limit
- ▭ Watershed Areas
- ▨ Antelope Valley



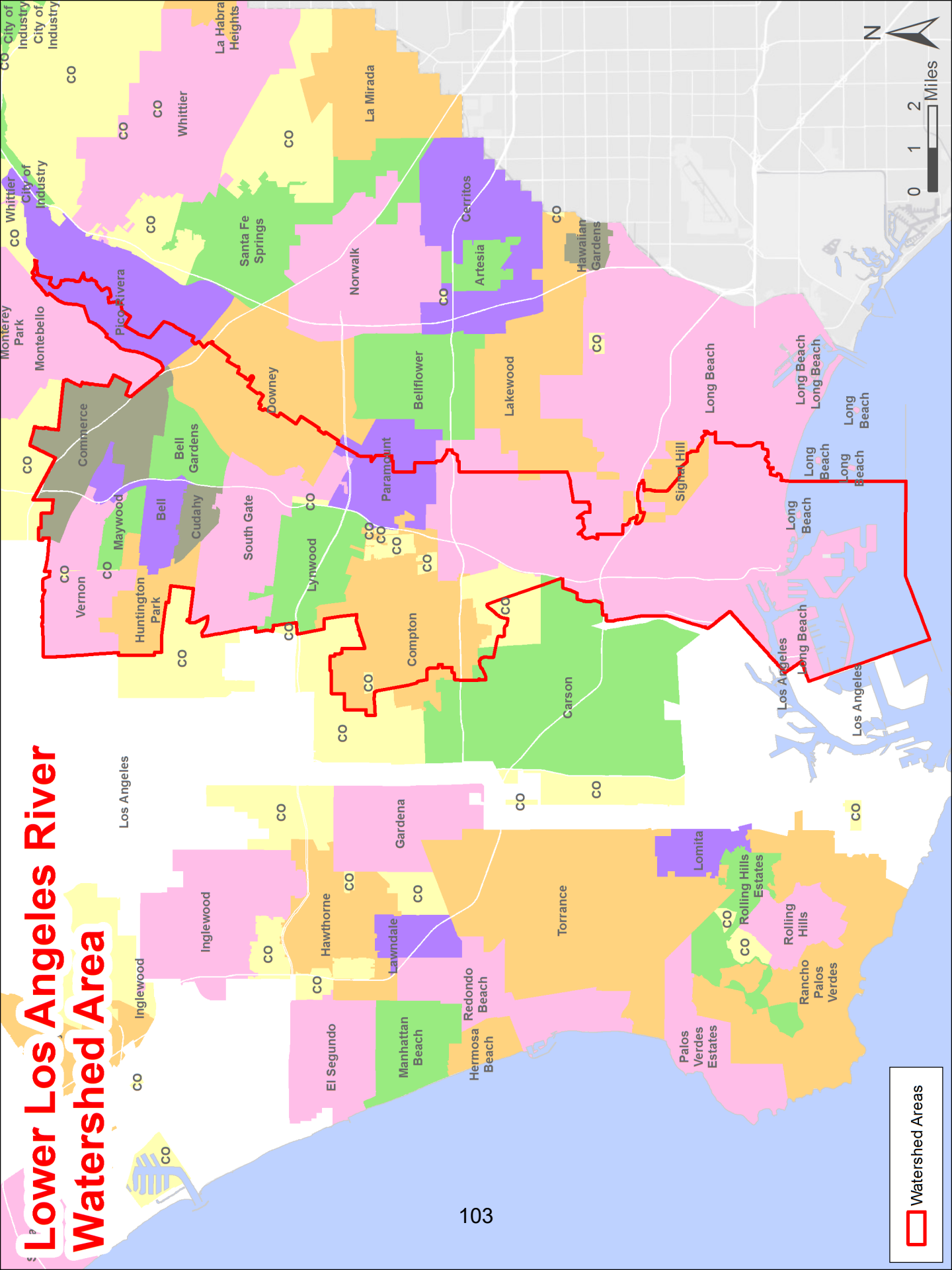
Central Santa Monica Bay Watershed Area



Watershed Areas

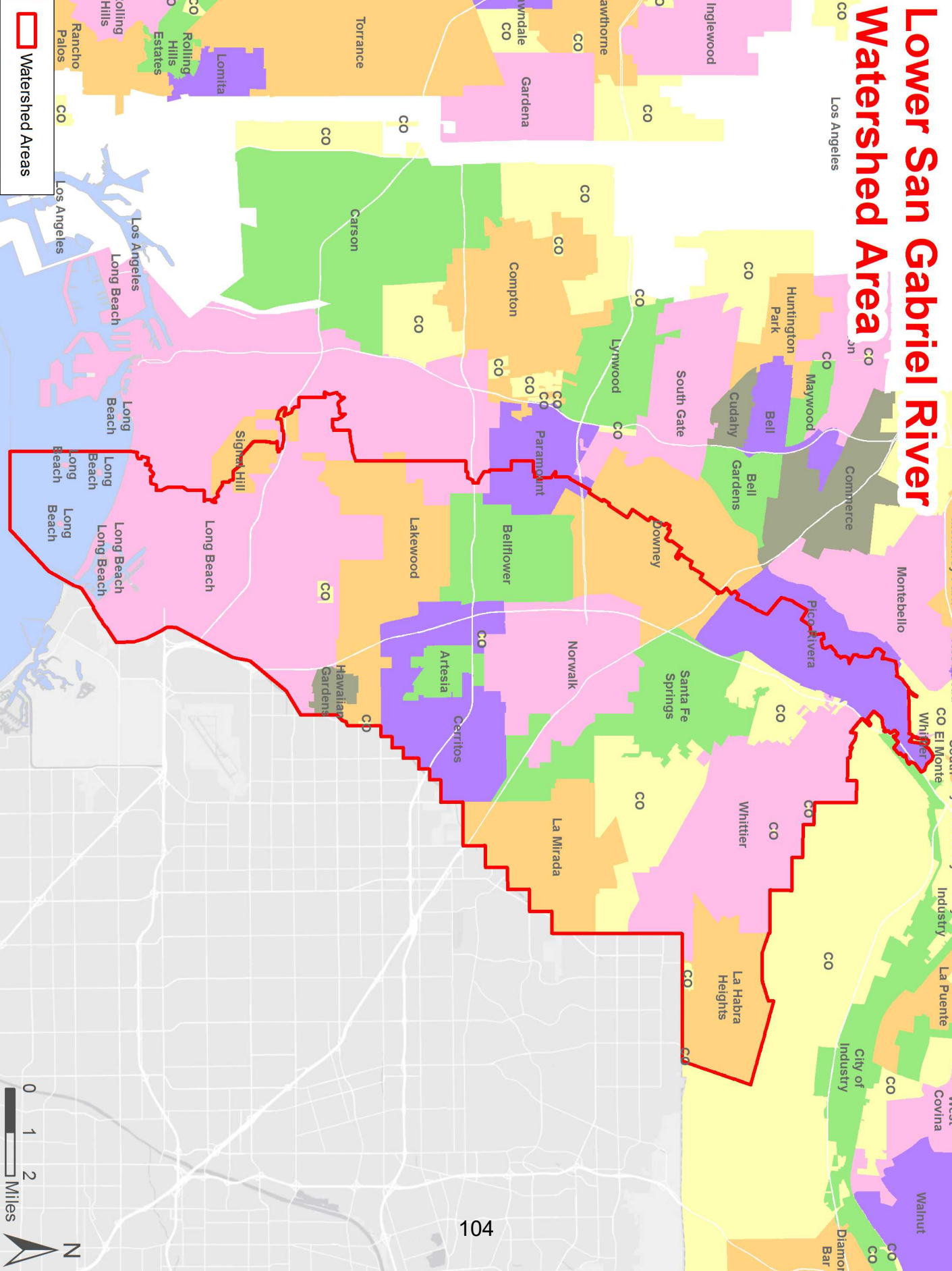


Lower Los Angeles River Watershed Area



Watershed Areas

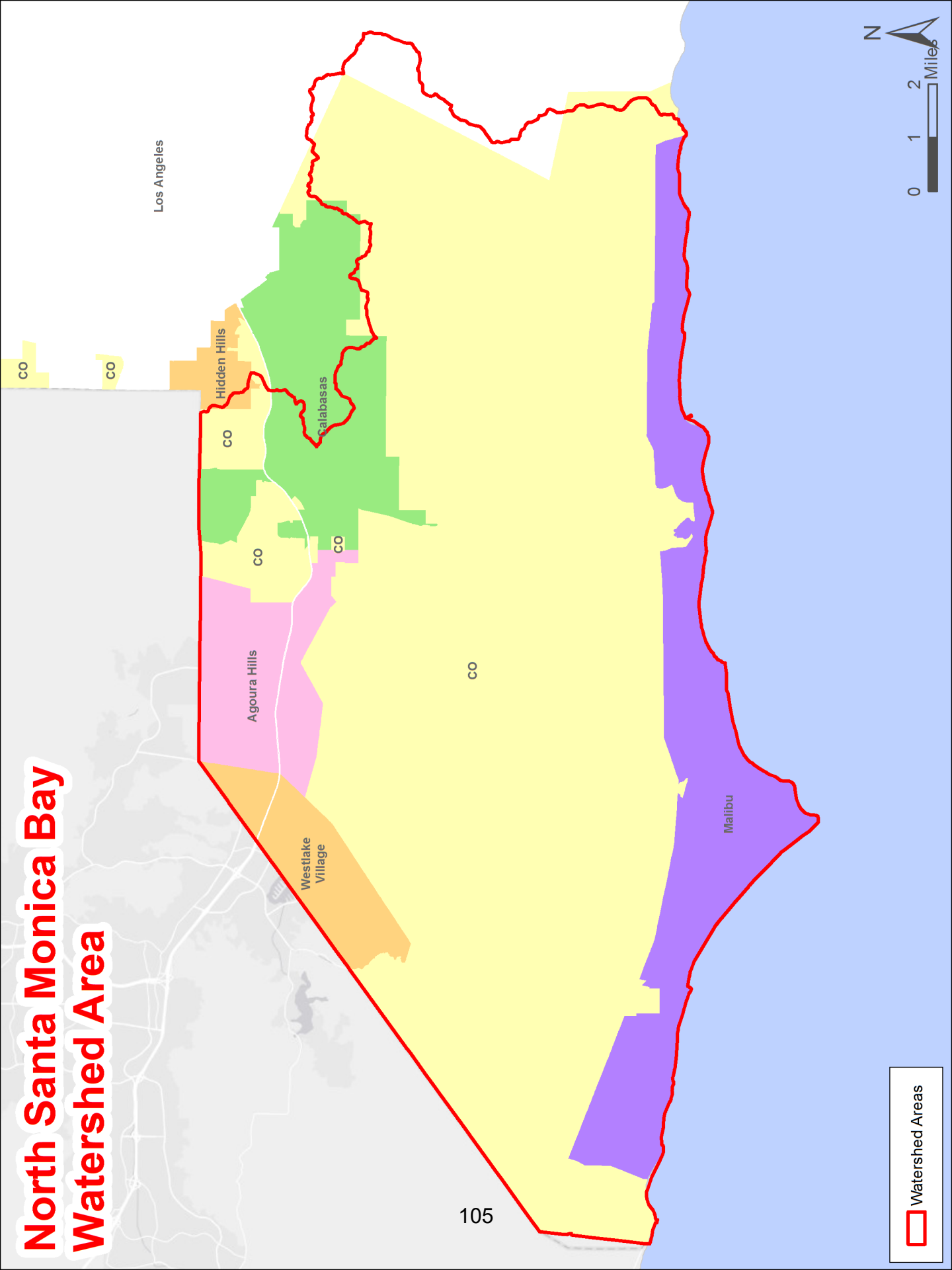
Lower San Gabriel River Watershed Area



Watershed Areas

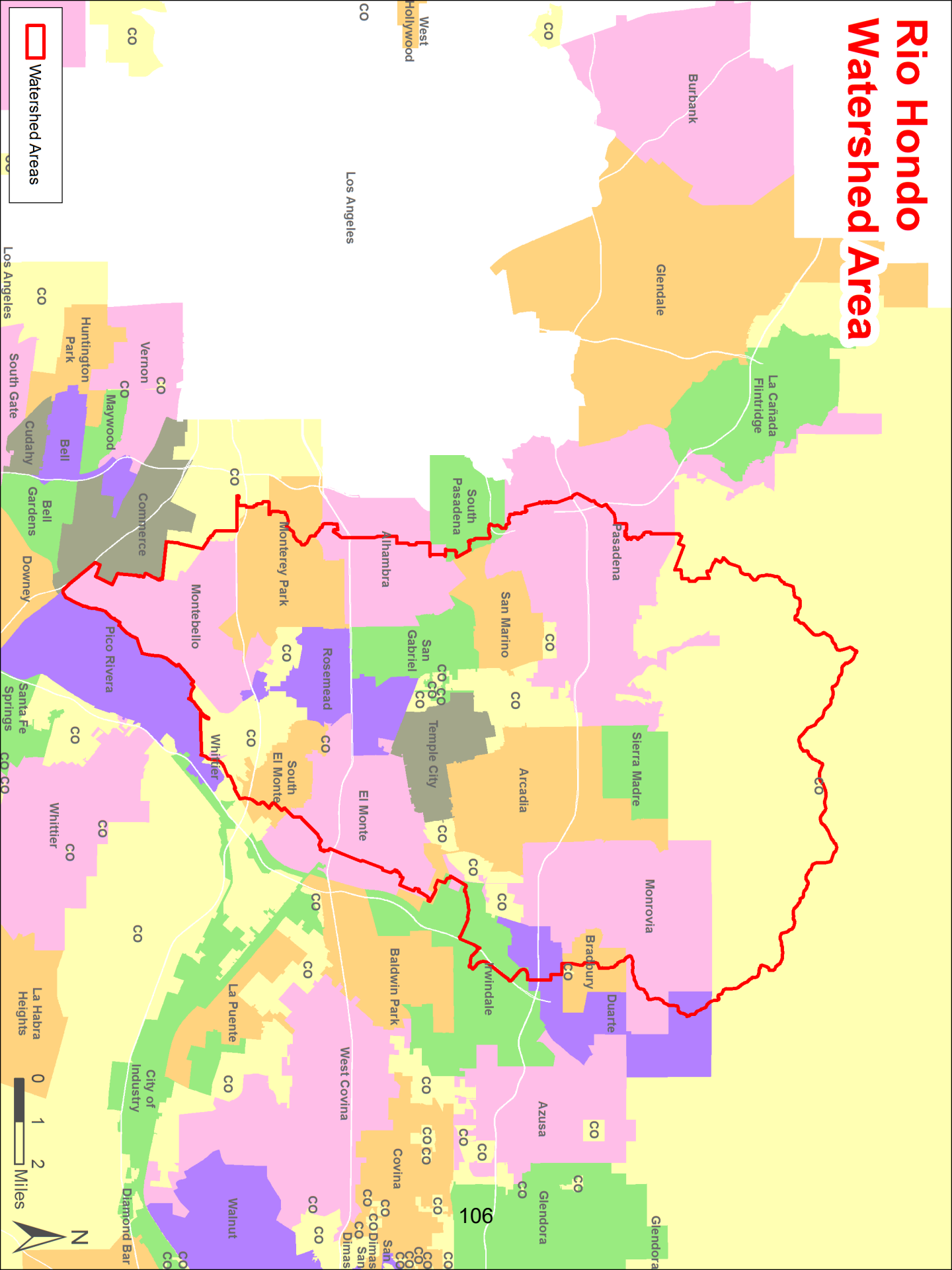


North Santa Monica Bay Watershed Area

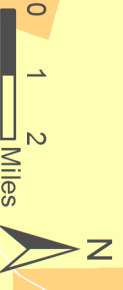


Watershed Areas

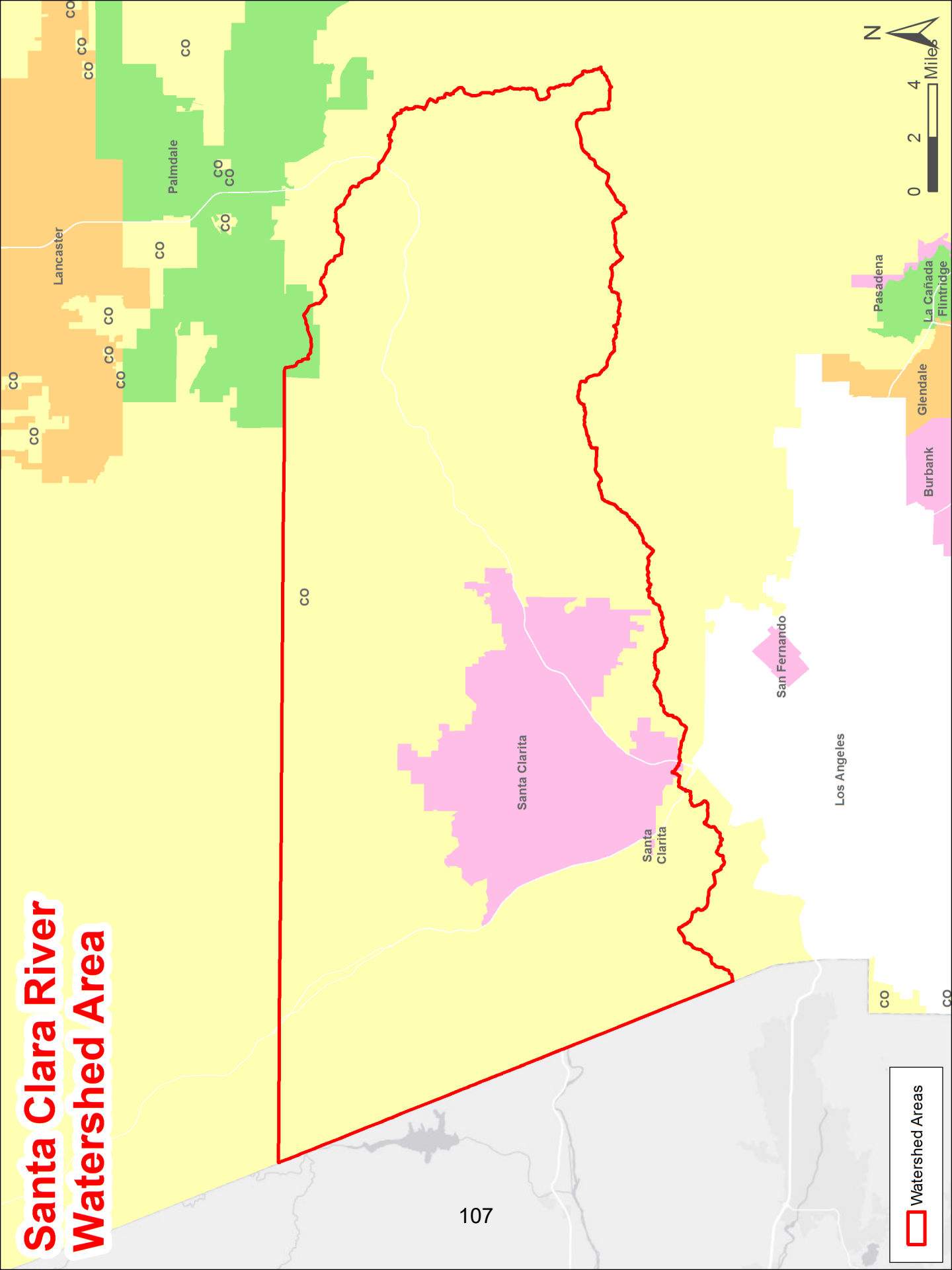
Rio Hondo Watershed Area



Watershed Areas



Santa Clara River Watershed Area



Watershed Areas

0 2 4 Miles

N

107

Los Angeles

San Fernando

Santa Clarita

Santa Clarita

CO

CO

Pasadena

La Cañada Flintridge

Glendale

Burbank

Lancaster

Palmdale

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

CO

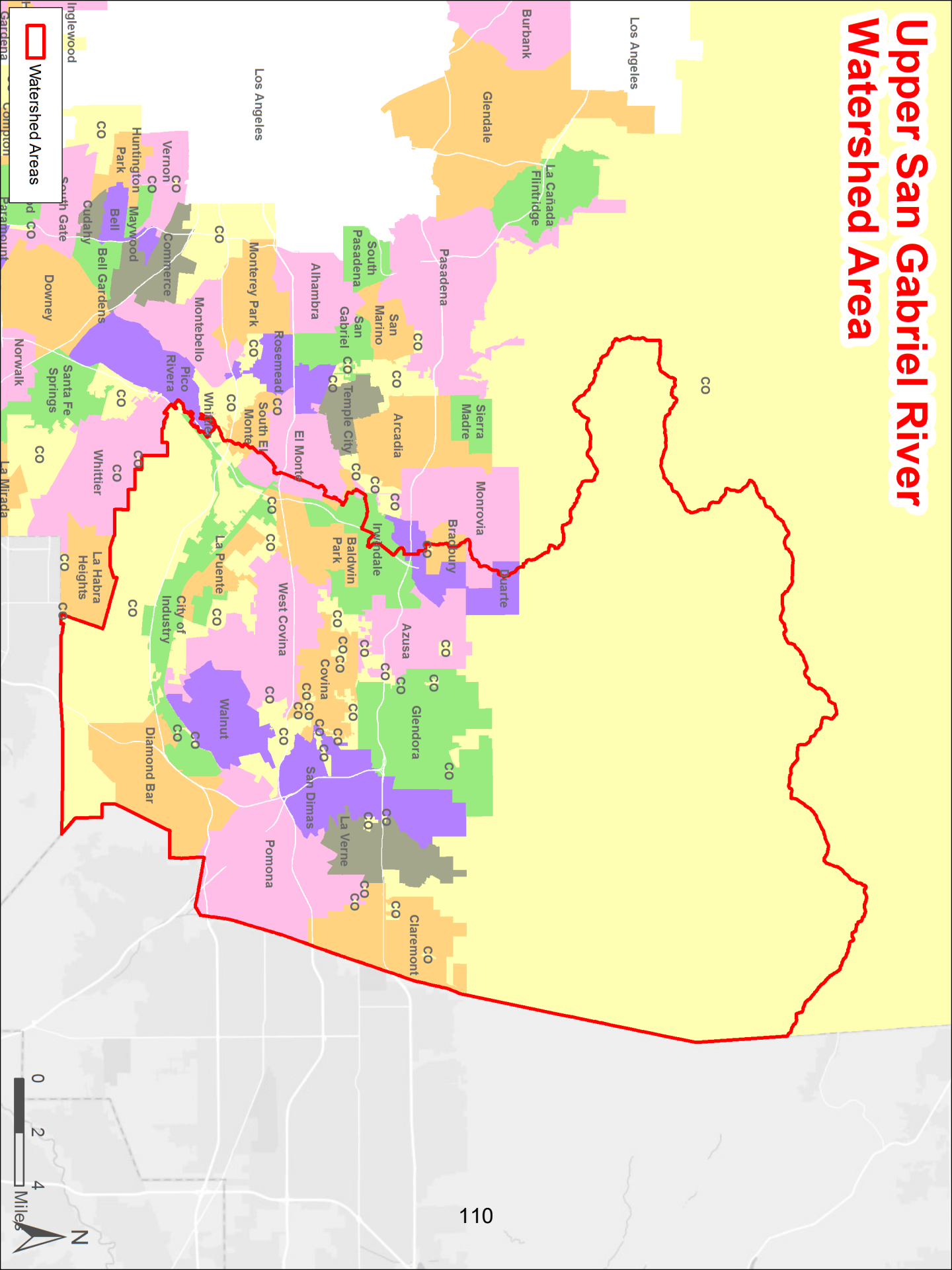
CO

CO

CO

CO

Upper San Gabriel River Watershed Area



Watershed Areas



THIS PAGE LEFT INTENTIONALLY BLANK



www.SafeCleanWaterLA.org

SafeCleanWaterLA@pw.lacounty.gov

833-ASK-SCWP