



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE  
REFER TO FILE

July 17, 2018

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**PUBLIC HEARING  
WATER RESOURCES CORE SERVICE AREA  
PROPOSED SAFE, CLEAN WATER PROGRAM FUNDING MEASURE  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

Public Works is seeking Board approval to adopt the Safe, Clean Water Program resolution to place a parcel tax measure and Safe, Clean Water Program ordinance on the November 6, 2018, election ballot for approval by the voters.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find the proposed actions are not a project under the California Environmental Quality Act for the reasons stated in this letter and the record of the project.
2. Open the public hearing regarding the proposed Safe, Clean Water Program funding measure, hear and consider all comments made by stakeholders and other members of the public, and close the public hearing.
3. Adopt a resolution calling for and giving notice of an election on a measure to impose a special tax upon parcels located within the Los Angeles County Flood Control District, to fund projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution, to be held on November 6, 2018, and consolidating the special election with other elections to be held on November 6, 2018.

4. Instruct the Chief Executive Officer, Department of Public Works, Treasurer-Tax Collector, County Counsel, and Registrar Recorder/County Clerk to take all necessary actions to place the special tax on the ballot for the November 6, 2018, election.

5. Instruct County Counsel to prepare an ordinance establishing criteria and procedures to implement the Safe, Clean Water Program that has provisions substantially similar to those contained in the Program Element document, if the special tax measure is approved.

6. Instruct the Chief Executive Officer to amend the existing delegated authority agreement with Conservation and Natural Resources Group, LLC to provide additional services for stakeholder engagement, development of public education outreach materials, and assistance with development of the Program Elements for the Safe, Clean Water Program; with an increase to the existing contract by an amount not to exceed \$2,000,000, using Los Angeles County Flood Control District funds for a total contract sum not to exceed \$11,203,606.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

#### Funding Measure

On May 30, 2017, the Board authorized the Chief Engineer of the Los Angeles County Flood Control District to develop an expenditure plan that would determine an appropriate parcel tax to implement stormwater projects and programs. On October 9, 2017, Assembly Bill (AB) 1180 (Holden) was signed in to law, which amended the Los Angeles County Flood Control Act that would authorize the District to levy a tax to pay the costs and expenses of carrying out projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the District. The purpose of the recommended actions is to carry out the Board's direction in accordance with the May 30, 2017, motion.

The proposed Safe, Clean Water Program (Program) funding measure affects parcels within the District (see map Enclosure A). The parcel tax revenue would be allocated for regional multi-benefit projects, municipal projects, and District programs and administration costs, as described in AB 1180. The calculation of the tax for each parcel is based on each parcel's impermeable area, which has been determined by a Countywide survey using aerial imagery combined with other survey technology. This survey can differentiate between various types of surfaces such as concrete, grass, bare soil, shrubs, and trees.

After closing the public hearing, the Board must determine whether or not to adopt the resolution (Enclosure B) calling and giving notice of an election, on November 6, 2018, regarding a measure to impose a special tax upon parcels located within the District. The ballot question to be presented to the voters is stated in the resolution. The resolution also includes a proposed ordinance for voter approval, that specifies the tax formula, expenditure plan, exemptions from the parcel tax, and other Program elements.

If the parcel tax is approved, the total projected gross revenues from the tax would be approximately \$300 million per year for the Los Angeles Region, subject to reductions as provided for in the credit program section of the Program Elements document, exemptions for parcels owned by qualifying low income seniors, and exemptions that apply to parcels subject to exemptions from the ad valorem property tax. Ten percent (approximately \$30 million gross) would be distributed to the District for implementation and administration of projects, programs, and activities to increase stormwater

capture and reduce stormwater and urban runoff pollution (Eligible Activities), and for costs incurred in connection with the levy and collection of the tax and distribution of the funds. Forty percent (approximately \$120 million gross) would be allocated to municipalities within the District, including the unincorporated area of the County, in proportion to the tax collected in each jurisdiction, to carry out Eligible Activities. Fifty percent (approximately \$150 million gross) would be allocated to the nine watershed areas to fund regional watershed-based Eligible Activities proportional to the funds generated in each watershed area. Each watershed area will have a Watershed Area Steering Committee who will determine and grant funding to regional projects within their area.

See Enclosures C and D for a list of the estimated revenue and distribution among watershed areas and municipalities.

If approved by the voters, the tax will be reflected on the annual property tax bills for each parcel, beginning in 2019. Also, further details and other provisions regarding the criteria and procedures for implementing the Program would be established in a subsequent ordinance, substantially similar to the provisions contained in the draft Program Elements document (Enclosure E).

#### Public Education and Outreach

On May 30, 2017, the Board authorized the District to amend the existing agreement with Conservation and Natural Resources Group, LLC (CNRG) to continue to provide extensive water education and outreach program services, which included development of communication and media materials for the Safe, Clean Water Program. CNRG possesses key experience and a unique expertise in the areas of integrated water management and the development of water-related funding measures. If the Board adopts the proposed resolution to place the special parcel tax on the November 6, 2018 ballot, it will be necessary to continue the public education and outreach efforts already in place.

#### **Implementation of Strategic Plan Goals**

The County Strategic Plan directs the provisions of Strategy II.3, Make Environmental Sustainability our Daily Reality and Objective II.3.1, Improve Water Quality, Reduce Water Consumption, and Increase Water Supplies; Objective II.3.2, Foster a Cleaner, More Efficient, and More Resilient Energy System; and Objective II.3.3, Address the Serious Threat of Global Climate Change. This action will strengthen the County's capacity to effectively prepare for emergent environmental and natural hazards, address the threat of climate change, and improve water quality.

#### **FISCAL IMPACT/FINANCING**

##### Public Hearing

There will be no impact to the County General Fund 2018-19 Budget. Funding to amend the existing agreement for CNRG, LLC for a not-to-exceed amount of \$2,000,000 is available in the Flood Fund Fiscal Year 2018-19 Budget.

##### Safe, Clean Water Program Tax

If the parcel tax of 2.5 cents per square foot of impermeable surface is approved, the total projected gross revenues from the tax would be approximately \$300 million per year for the Los Angeles Region subject to reductions as provided for in the credit program section of the Program Elements document, exemptions for parcels owned by qualifying low income seniors, and exemptions that

apply to parcels subject to exemptions from the ad valorem property tax. The funds collected would be managed by the Flood Control District.

The Los Angeles County Flood Control Act as amended by AB 1180 requires that 10 percent, (approximately \$30 million gross) would be distributed to the District for Eligible Activities, and for costs incurred in connection with the levy and collection of the tax and distribution of the funds.

Forty percent (approximately \$120 million gross) would be allocated to municipalities within the District, including the unincorporated area of the County, in proportion to the tax collected in each jurisdiction, to carry out Eligible Activities.

Fifty percent (approximately \$150 million gross) would be allocated to the nine watershed areas to fund regional watershed-based Eligible Activities proportional to the funds generated in each watershed area. Each watershed area will have a Watershed Area Steering Committee that will develop annual funding plans for regional projects within their area.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The District was established by the State of California legislature in 1915 for purposes of controlling and conserving flood waters and providing flood protection. On September 30, 2010, the Governor approved AB 2554 (Brownley), sponsored by the Board, which amended the Los Angeles County Flood Control Act to authorize the District to impose a fee or charge to pay the costs of carrying out projects and providing services to improve water quality and reduce stormwater and urban runoff pollution in the District. Pursuant to AB 2554, the District's authority to impose the fee is subject to applicable provisions of Proposition 218, including the requirement for a noticed protest hearing and an election. This was explored in 2012, yet was not pursued.

On October 9, 2017, the Governor approved AB 1180, sponsored by the Board, which further amended the Los Angeles County Flood Control Act, similarly to AB 2554, but authorized the District to levy a tax in addition to a fee to pay the costs of carrying out projects and programs to increase stormwater capture, reduce stormwater and urban runoff pollution in the District.

AB 1180 provides the authority for the proposed parcel tax, which requires two-thirds passage by the voters in accordance with Articles XIII A and XIII C (Proposition 218) of the California Constitution.

In addition to calling an election on the parcel tax measure, the enclosed resolution also includes a proposed ordinance specifying the tax methodology, expenditure plan, exemptions from the parcel tax, and other Program Elements.

The enclosed draft Program Elements document sets forth criteria and guidance for the implementation of the proposed parcel tax. The Program Elements includes key components of the Program such as definitions, the roles and responsibilities for all participants, eligible expenditures, reporting and auditing requirements, and procedures for both lapsing and misused funds.

If the Board adopts the resolution, the ordinance will become effective only if the parcel tax measure is approved by the voters.

If the tax measure is approved by the voters, the Chief Engineer will prepare for the Board's consideration, a Program Implementation Manual to establish specific policies, guidelines, procedures, standards or requirements necessary to implement the Program that is consistent with

the draft Program Elements document.

## **ENVIRONMENTAL DOCUMENTATION**

The proposed actions are not a project pursuant to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Section 15378 (b) of the State CEQA Guidelines. The proposed actions would create a government funding mechanism that does not involve any commitment to a specific project, which may result in a potentially significant physical impact on the environment.

## **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impacts on current services. The projected new revenue would provide a tremendous benefit to the County's ability to implement necessary stormwater capture and pollution reduction projects and programs.

If the proposed parcel tax is approved, the County may require realignment of County unincorporated area resources, Public Works' resources, and/or District resources, as well as possible additional staff, all of which would be funded from the projected new revenue to the County and to the District from the tax.

## **CONCLUSION**

Please return an original of the resolution and a copy of this letter to the Department of Public Works, Stormwater Planning Division.

Respectfully submitted,



MARK PESTRELLA

Director

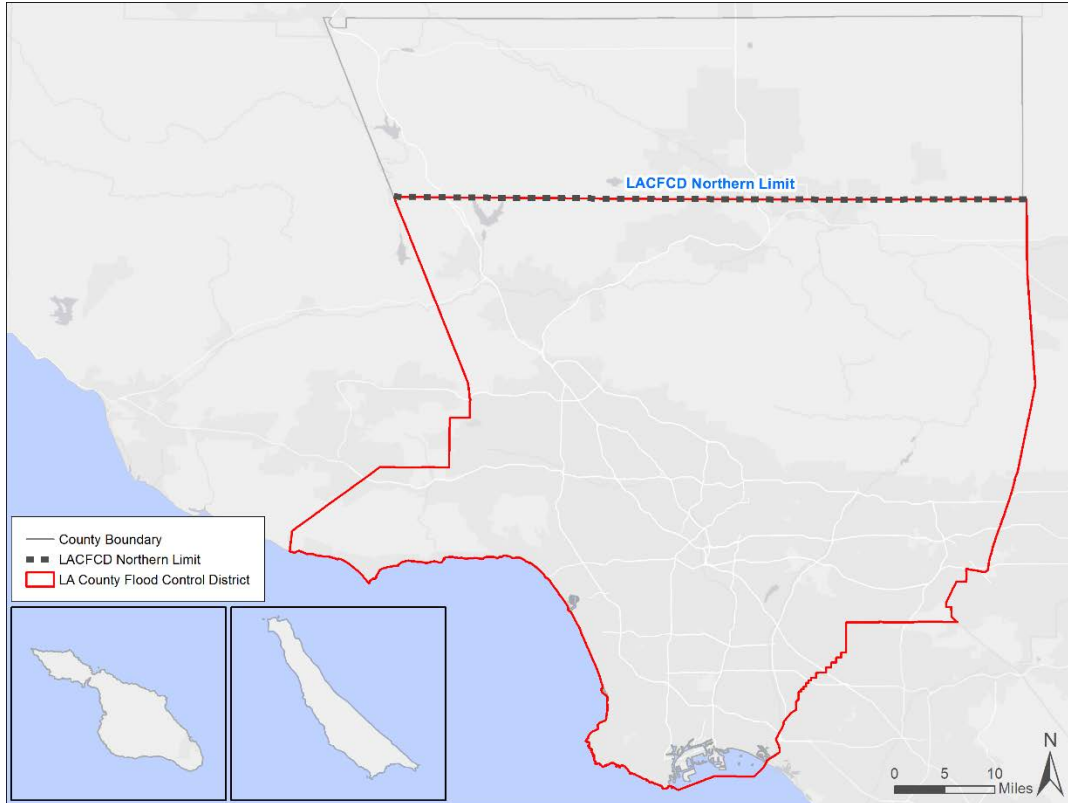
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Enclosures

c: Chief Executive Office (Chia-Ann Yen)  
County Counsel (Mark Yanai)  
Executive Office  
All Department Heads

# ENCLOSURE A

## LOS ANGELES COUNTY FLOOD CONTROL DISTRICT BOUNDARY MAP



**RESOLUTION OF THE LOS ANGELES COUNTY BOARD OF SUPERVISORS, ALSO ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, CALLING AND GIVING NOTICE OF AN ELECTION TO IMPOSE A SPECIAL TAX UPON PARCELS LOCATED WITHIN THE FLOOD CONTROL DISTRICT TO IMPLEMENT THE SAFE, CLEAN WATER PROGRAM, TO BE HELD IN THE DISTRICT ON NOVEMBER 6, 2018, AND CONSOLIDATING THE SPECIAL TAX ELECTION WITH OTHER ELECTIONS TO BE HELD WITHIN THE COUNTY ON NOVEMBER 6, 2018**

WHEREAS, the Board of Supervisors of the Los Angeles County, acting as the governing body of the Los Angeles County Flood Control District (District), has determined that it is in the best interests of the District to implement the Safe, Clean Water Program; and

WHEREAS, the Safe, Clean Water Program will provide for increased stormwater capture to prepare for future droughts, reduced stormwater runoff pollution to protect public health, marine life and county waterways, increased water supply, improved water quality and community enhancements such as greening of schools, parks and wetlands, and increased public access to rivers, lakes and streams; and

WHEREAS, pursuant to all applicable state law, including the Los Angeles County Flood Control Act, as amended, and Government Code Section 50075 et seq., and in compliance with California Constitution Articles XIII A and XIII C, the Board of Supervisors of the Los Angeles County, also acting as the governing body of the District, is authorized to adopt this Resolution to establish and impose (subject to voter approval) a special parcel tax upon all taxable real property, except as exempted, located within the District; and

WHEREAS, the specific intended purposes of the special parcel tax is to fund projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the District to increase water supply, improve water quality, and, where appropriate, provide community enhancements such as the greening of schools, parks, and wetlands, and increased public access to rivers, lakes, and streams, and the revenue from this parcel tax may only be used for these specific purposes; and

WHEREAS, the Board of Supervisors of the Los Angeles County, acting as the governing body of the District, calls for an election to impose a special parcel tax in the amount of two and one-half cents per square foot of impermeable surface, except as exempted, beginning with fiscal year 2019-20; and

WHEREAS, the Board of Supervisors of the Los Angeles County, acting as the governing body of the District, deems it necessary and essential to submit the question of a special tax to the qualified voters within the District at a special election to be held November 6, 2018, and to consolidate such election with the other elections to be held on that date; and

WHEREAS, the Board of Supervisors of the Los Angeles County, acting as the governing body of the District, conducted a public hearing on this matter on July 17, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Los Angeles County, acting as the governing body of the District, as follows:

1. Call of the Election and Purpose. A special election shall be held and the same is hereby called and ordered to be held in the District on the 6th day of November, 2018, for the purpose of submitting to the voters of the District the question of a special parcel tax to be levied by the District in the amount of two and one-half cents per square foot of impermeable surface, except as exempted for the purposes specified in the proposed ordinance. The special election called for by this resolution shall be consolidated with the elections conducted by the Registrar-Recorder/County Clerk to be held in the County of Los Angeles on November 6, 2018, and the measure shall be placed on the same ballot to the extent the elections are concurrent, and the same precincts, polling places, election officers, and facilities shall be used for the elections.

2. Ballot Measure. The Measure for the Los Angeles County Flood Control District to levy the special tax pursuant to this resolution shall appear on the ballot substantially as follows:

**Los Angeles Region's Public Health; Safe, Clean Water Program**

Shall an ordinance improving/protecting water quality; capturing rain/stormwater to increase safe drinking water supplies and prepare for future drought; protecting public health/marine life by reducing pollution, trash, toxins/plastics entering Los Angeles County waterways/beaches by establishing a parcel tax of 2.5¢ per square foot of impermeable surface, exempting low-income seniors, raising \$312,500,000 annually until ended by voters, with audits, oversight and local control be adopted?  
YES\_\_\_\_ NO\_\_\_\_

3. Ordinance. The attached ordinance, Exhibit A, imposing the special tax and setting forth the specific purposes for which the tax will be collected, is incorporated herein by reference (Ordinance).

4. Tax Collection. Upon passage of this measure, The Treasurer and Tax Collector of the County of Los Angeles 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 of Los Angeles.

5. Tax Account. Upon passage of this measure, the Auditor-Controller of the County of Los Angeles shall create a new account into which the proceeds from the special parcel tax authorized by this resolution shall be deposited.

6. Accountability Measures. The Auditor-Controller of the County of Los Angeles shall file a report with the Board of Supervisors of the Los Angeles County, also acting as the governing body of the Los Angeles County Flood Control District, by



no later than January 1, 2020, and by January 1 of each year thereafter stating the amount of funds collected and expended pursuant to this ordinance, and also the status of the projects required or authorized to be funded pursuant to the expenditure plan contained in this ordinance. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Auditor-Controller shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board of Supervisors.

7. California Environmental Quality Act. Based upon all of the facts before it on this matter, the Board finds that the submission of this question of a special parcel tax to the voters is not subject to, or is exempt from, the California Environmental Quality Act (CEQA) because it is not a project as defined by State CEQA Guidelines section 15378(b)(4) relating to the creation of government funding mechanisms which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

8. Proclamation. Pursuant to section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that an election shall be held in the District on Tuesday, November 6, 2018, to vote upon the proposed Ordinance. The polls shall be open from 7:00 a.m. to 8:00 p.m.

9. Election Procedure. All qualified voters residing within the District shall be permitted to vote in the election and in all particulars not recited in this Resolution, the elections shall be held as nearly as practicable in conformity with the Elections Code of the State of California. The votes cast for and against the measure shall be separately counted and if the measure receives the required number of votes, two-thirds (2/3) of the votes cast by the qualified electors voting on the measure, the special tax in the amounts stated in the Ordinance shall be effective and ratified.

10. Sample Ballot. The Registrar-Recorder/County Clerk is instructed to print the entire proposed Ordinance in the sample ballot.

11. Consolidation. The election called by this Resolution shall be consolidated with the other elections conducted by the Registrar-Recorder/County Clerk to be held in the County of Los Angeles on November 6, 2018, and the measure shall be placed on the same ballot.

12. Authority. This Resolution is adopted pursuant to section 12001 of the Elections Code and section 25201 of the Government Code. The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Resolution with the Registrar-Recorder/County Clerk at least eighty-eight (88) days prior to the day of the election. The Registrar-Recorder/County Clerk is authorized, instructed and directed to prepare any documents and take any additional actions that may be necessary in order to properly and lawfully conduct the election.

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The foregoing resolution was on the \_\_\_\_ day of July 2018, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

CELIA ZAVALA  
Acting Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By \_\_\_\_\_  
Deputy

## **PROPOSED ORDINANCE**

An ordinance adding Chapter 16 to the Los Angeles County Flood Control District Code related to the adoption of a special Parcel tax within the District to provide for increased Stormwater and/or Urban Runoff capture and reduced Stormwater and/or Urban Runoff pollution, and help put Los Angeles County on a path to water resiliency and economic security through equity-focused strategies and policies to increase drought preparedness, improve water quality and public health, create jobs, build capabilities, and remove barriers.

The people of the Los Angeles County Flood Control District ordain as follows:

### **Chapter 16**

#### **Special Parcel Tax to Provide for Stormwater and/or Urban Runoff Capture and Reduced Stormwater and/or Urban Runoff Pollution**

##### **Sections:**

16.01 Title.

16.02 Operative Date.

16.03 Purpose.

16.04 Definitions.

16.05 Separate Section with True and Impartial Statement of Facts Identifying the Tax and Specific Limitations on How the Revenue Can Be Spent

16.06 Expenditure Plan.

16.07 Program Elements.

16.08 Special Account.

16.09 Independent Audit.

16.10 Special Parcel Tax Rate.

16.11 Exemptions and Exclusions.

16.12 Miscellaneous Provisions

16.13 Amendment of Ordinance.

16.14 Severability.

16.15 Effective Date.

16.16 Statute of Limitations.

16.17 Execution.

**16.01 Title.**

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

**16.02 Operative Date.**

This ordinance shall be operative commencing with July 1, 2019.

**16.03 Purpose.**

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

- A. Impose a special Parcel tax upon Parcels of property within the boundaries of the District at the rate of two and one-half cents per square foot of impermeable surface, except as exempted, to be used for the purposes set forth herein.
- B. Exempt certain Parcels from the special Parcel tax, specifically parcels not subject to the Los Angeles Region Water Quality Control Plan, and parcels owned by qualifying low-income seniors.
- C. Provide funding for programs and Projects to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution in the District, including Projects providing Water Supply Benefit, Water Quality Benefit, and Community Enhancement Benefit.

**16.04 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. “
- D. “Board” means the Los Angeles County Board of Supervisors, also acting as the governing body of the Los Angeles County Flood Control District.
- E. “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 600 and 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 Census Block Group and is uniquely numbered within the census tract.

- F. "Chief Engineer" means Chief Engineer of the District or their authorized deputy, agent, or representative.
- G. "Community Enhancement Benefit" means a benefit created in conjunction with Stormwater Capture and reduced Stormwater and/or Urban Runoff pollution Projects and Programs as stated in AB 1180, including but not limited to: improved flood management, conveyance, and flood risk mitigation; creation, enhancement and/or restoration of parks, habitat and/or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. May also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect, increasing shade, and/or planting of trees and other vegetation that increase carbon reduction/sequestration and improve air quality.
- H. "County" means the County of Los Angeles.
- 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. "Disadvantaged Community" (DAC) means a community defined by a Census Block Group with an annual median household income of less than 80 percent of the Statewide annual median household income (as defined in California Water Code §79505.5).
- K. "District" means the Los Angeles County Flood Control District.
- L. "District Program" means that part of the Safe, Clean Water (SCW) Program as described in Section 16.06(A)1 of this Chapter.
- M. "Feasibility Study" means a detailed technical investigation and report that is conducted to determine the feasibility of a proposed Project.
- N. "Flood Control Act" means the Los Angeles County Flood Control Act.
- O. "Impermeable Surface" means Parcel area covered by materials or constructed surfaces, such as buildings, roofs, awnings, roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, fountains, and other constructed surfaces. Impermeable

surfaces do not include permeable surfaces such as vegetated or natural 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.

- P. "Multi-Benefit Project" means a Project that has a Water Quality Benefit as well as either or both a Water Supply Benefit and Community Enhancement Benefit.
- Q. "Municipal Program" means that part of the SCW Program as described in Section 16.06(A)2 of this Chapter.
- R. "Municipal Project" means a Project carried out through the Municipal Program that has a Water Quality Benefit. A Municipal Project may also be a Multi-Benefit Project.
- S. "Municipality" means a city or a County unincorporated area within the District.
- T. "Nature-Based Solution" means Projects that manage Stormwater and/or Urban Runoff to provide a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit by doing any of the following: rely predominantly on soils and vegetation to restore the natural ecosystem processes required to slow, detain, and absorb water, infiltrate water to aquifers; and filter pollutants out of water and air. These may include removing or increasing permeability of impervious surfaces, utilizing spreading grounds, strategically protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; using rain gardens, bioswales, soil enhancement through composting and mulching and, tree and vegetation planting, with preference for native species; and creating parkway basins. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon; supporting biodiversity; providing shade; and aesthetically enriching environments.
- U. "Parcel" means a Parcel of real property situated within the established boundaries of the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number ("APN") , and that is tributary to a receiving water as identified in the Water Quality Control Plan for the Los Angeles Region as adopted by the Los Angeles Regional Water Quality Control Board. Parcel shall not include a possessory interest based on a private, beneficial use of publicly owned real property.

- V. "Project" means the development, including design, preparation of environmental documents, obtaining applicable regulatory permits, construction, inspection, and similar activities, operation and maintenance of a physical structure or facility .
- W. "Project Applicant" means any individual, group, business or governmental entity including but not be limited to a corporation, special district, school, Municipality, non-governmental organization, non-profit organization, community-based organization, public utility, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Commission's California Tribal Consultation List or mutual water company that submits a Project or Feasibility Study for consideration.
- X. "Project Developer" means the individual, group or entity that carries out or causes to be carried out part or all the actions necessary to complete a Project for Regional Infrastructure Program. "Regional Oversight Committee (ROC)" means a body empaneled by the Board whose responsibilities are to assess whether the SCW Program purposes are being achieved.
- Y. "Regional Program" means that part of the SCW Program as described in Section 16.06(A)3 of this Chapter.
- Z. "Safe, Clean Water (SCW) Program" means a program established by the District to administer revenues from the parcel tax levied pursuant to this ordinance, including the criteria and procedures for selecting and implementing Projects and allocating revenues among the Municipal, Regional and District Programs.
- AA. "Stakeholder" means a person, 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 or other similar community group, water resources agency such as groundwater pumper or manager, private or public water agency, other government agency, or other interested party that has a direct or indirect stake in the SCW Program.
- BB. "Stormwater" means water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.
- CC. "Surface Water" means water that flows or collects on the surface of the ground.

DD. "Treasurer" means the Treasurer and Tax Collector of the County of Los Angeles.

EE. "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.

FF. "Water Quality Benefit" means an increase in Stormwater and/or Urban Runoff capture and reduction in Stormwater and/or Urban Runoff pollution that results in an improvement in the chemical, physical, and biological characteristics of a waterbody in the District. Activities resulting in this benefit include but are not limited to: infiltration or treatment of Stormwater and/or Urban Runoff, non-point source pollution control, and diversion of Stormwater and/or Urban Runoff to sanitary sewer system.

GG. "Water Supply Benefit" means an increase in the amount of locally available water supply, provided there is a nexus to Stormwater and/or Urban Runoff capture. Activities resulting in this benefit include but are not limited to the following: reuse and conservation practices, diversion of Stormwater and/or Urban Runoff to sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment, storage or available yield, offset of potable water use. Water Supply Benefit created through SCW Program is subject to applicable adjudicated judgments of water rights.

HH. "Watershed Area" means a regional boundary adopted by the Board.

II. "Watershed Area Steering Committees" means the bodies empaneled, one for each Watershed Area, whose responsibilities are to program funding for the Regional Program.

#### **16.05 Separate Section with True and Impartial Statement of Facts Identifying the Tax and Specific Limitations on How the Revenue Can Be Spent**

This ordinance enacts an annual special Parcel tax in the amount of two and one-half cents per square foot of Impermeable Surface, upon all Parcels located within the District, commencing in fiscal year 2019-20. Pursuant to Section 16.11 of this Chapter government Parcels, Parcels not subject to the Los Angeles Region Water Quality Control Plan, as well as Parcels owned by qualifying low income senior citizens as further described in Section 16.11 of this Chapter below are exempt from this special Parcel tax.



Revenue from this special Parcel tax specifically funds Projects pursuant to the Expenditure Plan contained in Section 16.06 of this Chapter to pay the costs and expenses needed to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution in the District in accordance with criteria and procedures specified in this ordinance and additional criteria and procedures adopted by the Board consistent with the purposes of this ordinance. Projects funded by the revenues from the special Parcel tax shall be used to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution in the District, and may include Projects that provide Water Supply Benefit, Water Quality Benefit, and Community Enhancement Benefit.

#### **16.06 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 to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution in the District in accordance with criteria and procedures established in the Chapter. Projects funded by the revenues from the special Parcel tax may provide Water Supply Benefit, Water Quality Benefit, and Community Enhancement Benefit. The District shall allocate the revenues derived from the special Parcel tax as follows:
  1. Ten (10) percent shall be allocated to the District for implementation and administration of Projects and programs described in subsection A, and for 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 (40) percent shall be allocated to cities within the boundaries of the District and to the County of Los Angeles, in the same proportion as the amount of revenues collected within each jurisdiction and within the unincorporated territories, to be expended by those cities within the cities' respective jurisdictions and by the County of Los Angeles within

the unincorporated territories that are within the boundaries of the district, for the implementation, operation and maintenance, and administration of Projects and programs described in subsection A, in accordance with the criteria and procedures established in this Chapter.

3. Fifty (50) percent shall be allocated to pay for the implementation, operation and maintenance, and administration of watershed-based Projects and programs described in subsection A, including Projects and programs identified in regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system (MS4) discharges within the coastal watersheds of the County of Los Angeles, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the criteria and procedures established in this Chapter.
- B. The District and Municipalities within the boundaries of the District may use the proceeds from the special Parcel tax to finance bonds issued by the District or Municipalities so long as the bond proceeds are used for Projects that meet the requirements of this expenditure plan.
  - C. The expenditure plan in subsection A is specific and legally binding and an enforceable limitation on how the revenue from this Parcel tax may be spent.
  - D. The revenue collected pursuant to section 16.10 of this Chapter may not be used for any purpose not specifically identified in this section.

#### **16.07 Program Elements**

##### **A. General Requirements**

1. SCW Program funds shall be transferred to Municipalities and Project Developers in advance of eligible expenditures taking place. Prior to their receipt of SCW Program funds, Municipalities and 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, preparation of environmental documents, obtaining permits, construction, operations & maintenance (O&M), and inspection.
  - b. Real property acquisition, including leases, easements and right of entry permits, necessary to implement eligible Projects.
  - c. Scientific and technical studies, and Stormwater and/or Urban Runoff modeling and monitoring.
  - d. Stormwater and/or Urban Runoff residential and/or commercial retrofits.
  - e. Projects or studies to investigate new technologies or methodologies to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution for improving water quality, increasing local water supplies, or improving the ability of communities to adapt to the impacts of climate change.
  - f. The development of Feasibility Studies to enable Project Applicants to submit Projects for SCW Program funds.
  - g. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase Stormwater and/or Urban Runoff capture and reduce Stormwater and/or Urban Runoff pollution to provide additional Water Quality Benefit, Water Supply Benefit, and Community Enhancement Benefit.
  - h. Debt financing should the District or a Municipality determine that bonds or loans are prudent and necessary to implement a Project.
  - i. Stormwater and/or Urban Runoff programs such as but not limited to school education and curriculum, public education, watershed coordinators, regional water quality planning and coordination, local workforce job training, and others.
  - j. Credit, incentive, and credit trading programs aligned with the core principles and outcomes of the SCW Program.
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 noncompliance regulations brought forth by any State, Federal, local regulatory agency, or a third party unrelated to eligible Projects.
- c. Expenditures for the investigation or litigation of any claim or action against the District, County, or their officers, employees or agents alleging improper allocation, withholding or reassignment of SCW Program revenues.
- d. Costs associated with any litigation including investigation, defense, litigation, settlement, and payment of any judgements for claims and liability related to the design and implementation of eligible Projects.

#### B. District Program

Ten (10) percent of the revenue from the annual SCW Program tax shall be allocated for the District Program. The District will have the following responsibilities:

- 1. Administer the SCW Program including tax and payment administration, 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 of watershed coordinators.
- 5. Regional Water Quality planning and coordination, scientific studies, and water quality modeling.
- 6. The District will administer the programs below. Not less than 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 disadvantaged communities. The District will partner with stakeholders to collaboratively implement these programs. Programs may 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 and/or Urban Water management and Multi-Benefit Projects.

- c. Schools education and curriculum program, such as classroom curriculum, guest speakers, etc.

#### C. Municipal Program

Forty (40) percent of the funds from the annual SCW Program tax revenues shall be allocated for the Municipal Program. Each municipality shall receive a proportional share of these Municipal Program revenues based on the SCW Program tax revenues collected within each municipality. Projects implemented through the Municipal Program shall include a Water Quality Benefit. Multi-Benefit Projects that incorporate a Water Supply Benefit and/or a Community Enhancement Benefit are strongly encouraged. Each Municipality receiving Municipal Program funding from the SCW Program will have the following responsibilities:

1. Engage stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Municipal Program Projects.
2. Prepare a Progress/Expenditure Report that details a program-level summary of expenditures and a quantification of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Enhancements realized through use of Municipal Program funds.
3. Comply with all SCW Program fund transfer, reporting and audit requirements.

#### D. Regional Program

Fifty (50) percent of the annual SCW Program tax revenues shall be allocated to the Regional Program. The Regional Program shall consist of three programs: an Infrastructure Program, a Technical Resources Program, and a Scientific Studies Program.

1. Infrastructure Program

The Infrastructure Program shall implement Multi-Benefit watershed-based Projects that have a Water Quality Benefit as well as either a Water Supply Benefit or Community Enhancement Benefit, or both. Infrastructure Program funds:

- a. Shall be spent on post-Feasibility Study eligible activities.
- b. Shall be programmed by Watershed Area Steering Committees proportional to the funds generated in each Watershed Area.
- c. Shall be programmed such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction.
- d. Shall be programmed such that a spectrum of project types and sizes are implemented throughout the region.
- e. Shall be allocated such that funding for Projects that provide a Benefit to DACs be not less than 110% of the ratio of the DAC population to the total population in each Watershed Area.
- f. Non-Municipal Project Applicants are required to secure a Municipal letter of support to receive funding through the Infrastructure Program.

2. Technical Resources Program

The Technical Resources Program shall provide resources for the development of Feasibility Studies through support from Technical Assistance Teams and Watershed Coordinators. The Technical Resources Program funds shall be allocated such that Benefits to DACs be not less than 110% of the ratio of the DAC population to the total population in each Watershed Area.

3. Scientific Studies Program

The Scientific Studies 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 the Scientific Studies 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 funded by the Scientific Studies Program shall be conducted in accordance with accepted scientific protocols.

4. Watershed Areas

Watershed Areas shall be established for implementation of the Regional Program. The Chief Engineer shall maintain on file detailed maps establishing the precise boundaries of the Watershed Areas.

5. Watershed Area Steering Committees

Each Watershed Area shall have a Watershed Area Steering Committee that shall include Municipalities, water agencies and other stakeholders. No member of the Watershed Area Steering Committee shall participate in discussions or vote where that member has a direct personal financial interest in the Project under consideration.

6. Regional Oversight Committee

The Regional Oversight Committee (ROC) is an independent body that ensures SCW Program goals are met. The ROC consists of subject matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Enhancement Benefits, public health, sustainability, and/or other pertinent subject matter. The ROC shall prepare SCW Program progress reports and submit recommendations and public feedback to the Board. ROC members shall not have any direct personal connection to Projects implemented through the SCW Program.

**16.08 Special Account.**

The Auditor-Controller shall create a new account into which the proceeds from the special Parcel tax authorized by this ordinance shall be deposited.

**16.09 Independent Audit.**

The Board shall cause an independent financial audit to be conducted every five years by an independent auditing firm for the purposes of determining compliance by the District with the terms of this ordinance, and to report on the status of all revenues and expenditures as of the end of each fiscal year, including all

fund balances. The audit shall be completed and such auditor's report to be issued by June 30 of the following year and shall be posted on the District's publicly accessible Internet Website.

**16.10 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 impermeable surface, except as exempted, to raise revenue to fund Projects and programs pursuant to the expenditure plan contained in Section 16.06 of this Chapter is hereby imposed upon all Parcels located within the District, except as provided in section 16.11 of this Chapter. As provided in section 16.05 of this Chapter, all proceeds from the special Parcel tax shall be deposited in the account created by the Auditor-Controller. All proceeds from the special Parcel tax shall be used to fund the Projects and programs pursuant to the expenditure plan as set forth in section 16.06 of this Chapter.
- 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 and Tax Collector of the County 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 District shall establish and administer an appeals process to address and correct potential errors in the levy of the special Parcel tax. The County shall be entitled to deduct its reasonable costs incurred collecting the special Parcel tax before such tax is remitted to the District.
- C. Parcel owners may seek review with the District the following grounds:
  - 1. Mathematical error in the calculation of the tax
  - 2. Discrepancy of more than either the result of a ten (10) percent error in the actual impermeable area or \$50 in the tax amount, whichever is greater.



- D. The Auditor-Controller shall file a report with the Board by no later than January 1, 2020, and by January 1 of each year thereafter stating the amount of funds collected and expended pursuant to this ordinance, and also the status of the Projects required or authorized to be funded pursuant to the expenditure plan contained in this ordinance.
- E. Nothing in this ordinance shall limit a Parcel owner's ability to pass through the Parcel tax to a tenant. Land owners must comply with all applicable rent control ordinances, contractual provisions in the specific lease, federal subsidized housing requirements, and other applicable laws.
- F. After a period of thirty (30) years, the Board shall evaluate the need for the SCW Program and make a determination of whether the tax should be reduced or rescinded.

#### **16.11 Exemptions and Exclusions**

The following Parcels shall be exempt from the special Parcel rate tax specified in Section 16.10 of this Chapter:

- A. Government Parcels as provided by law.
- B. Parcels not subject to the Los Angeles Region Water Quality Control Plan.
- C. Upon application, Parcels that are considered non-profit organization per State ad valorem exemptions
- D. Upon application, low income senior owned Parcels as determined by the Board.

#### **16.12 Miscellaneous Provisions**

- A. Municipalities and Project Developers shall be able to carry over uncommitted SCW Program tax revenues for up to five (5) years from the end of the fiscal year in which those revenues are transferred from the District to the Municipality or Project Developer. Additional requirements may be included in the transfer agreement.
- B. Municipalities and Project Developers who are unable to expend their approved funding as described in their Stormwater Investment Plan shall be subject to lapsing funds procedures. Lapsing funds are funds that were committed and approved but were not able to be spent per the approved schedule. Funds are considered lapsed five (5) years after the transfer agreement execution date.

Lapsed funds shall revert back to the Watershed Area Steering Committee of the respective Watershed Area and be reprogrammed to a new Project with benefit to that Municipality or Watershed Area.

Each Project Developer shall prepare a Progress/Expenditure Report for all Projects to be filed within the District. The report shall include details that summarize the expenditures and quantification of Water Quality Benefit, Water Supply Benefit, Nature-Based Solutions, and Community Enhancement Benefit realized through use of SCW Program funds. The entity shall be subject to and comply with all applicable requirements of the District regarding Project reporting requirements.

- C. Each Municipality shall prepare an Annual Progress/Expenditure Report for all Projects implemented through the Regional Program. The Annual report shall include details that summarize the expenditures and quantification of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Enhancement Benefits realized through use of SCW Program funds. The project developer shall be subject to and comply with all applicable requirements of the District regarding Project reporting.
- D. The following recordkeeping and audit requirements shall apply:
  - 1. SCW Program funds distributed to the District, Municipalities, and Project Developers shall be held in separate interest-bearing accounts and not combined with other funds. Interest earned shall be used for SCW Projects in the Watershed Area Steering Committee or Municipality in which it was earned, consistent with the requirements of the SCW Program.
  - 2. Municipalities, 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 implemented using SCW Program funds. Municipalities and Project Developers, upon demand by authorized representatives of the District shall be required to make such records available for examination and review or audit by the District or its authorized representative. 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.

3. At all reasonable times, Municipalities and Project Developers shall permit the Chief Engineer, or his or her authorized representative, to examine all Projects that were erected, constructed, implemented, operated, or maintained, in whole or part, using SCW Program funds. Municipalities and Watershed Area Steering Committees shall permit the authorized District representative, including the Auditor, to examine, review or audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to Projects funded with revenues from the SCW Program.
  4. Municipalities shall be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years. Municipal audits are to be funded with Municipal Program funds.
  5. Project Developers shall be subject to an independent audit upon completion of the Project. Additional interim audits may be conducted.
  6. District shall be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.
- E. The following procedures apply for misuse of funds and failure to comply with requirements.
1. If the District determines that a Project Developer or Municipality has misused SCW Program funds, the District may issue a written notice to the Project Developer or Municipality of that determination and to refund those funds, including associated interest, to the District within thirty (30) days of notification.
  2. Funds refunded by a Project Developer or Municipality shall, at the Board' discretion, be reassigned and used to plan, implement, and maintain Projects in accordance with the following:
    - a. SCW Program funds refunded by a Municipality shall be used to fund Municipal or Regional Projects that are located within the jurisdiction of the Municipality.

- b. SCW Program funds refunded by a Project Developer shall be used to implement Projects in the same Watershed Area from which the revenues were collected.
  3. Failure to comply with a notice to refund funds by the required date shall result in immediate suspension of future SCW Program fund disbursements to that entity until such time as funds are refunded.
  4. If the District determines that a Municipality or Project Developer has failed to comply with any applicable requirement of the SCW Program, the District, at its discretion, may issue a written notice to the Municipality or Project Developer of that determination and that the District shall withhold future disbursements of SCW Program funds pending compliance. Withheld disbursements shall be retained by the District for a period of five (5) years after which, if the violation has not been resolved, they shall revert back to the District and be reprogrammed by the respective Watershed Area Steering Committee for another Project.
  5. If a Project Developer or Municipality disputes a determination by the District, as described above, the Project Developer or Municipality may submit a notice of appeal to the District not later than ten (10) business days from the date of the written notice from the District. The District shall appoint a hearing officer to conduct a hearing on the appeal. The submission of a notice of appeal does not relieve the Municipality or Project Developer of the obligation to refund the SCW Program funds in dispute. If the hearing officer determines an adjustment is required, that adjustment shall be reflected in the next disbursement of SCW Program funds.
- F. The District shall not be required to accept ownership or responsibility for any Project developed, implemented or constructed by a Municipality or a Project Developer with SCW Program funds. Unless the District enters into an express agreement with a Project Developer or Municipality to the contrary, neither the District, nor the County to the extent that it is acting on behalf of the District, their officers, employees, agents or volunteers ("District Indemnitees") shall be liable in connection with errors, defects, injuries, property damage caused by or attributed to any Project that is funded in whole or in part with SCW Program funds, and each Municipality and 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 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.

**16.13 Amendment of Ordinance.**

Except for amendments that would increase the tax rate, impose the tax on properties exempt, change the expenditure plan, violate state law or be inconsistent with the purposes of this ordinance, the Board is hereby authorized to amend this ordinance as may be convenient or necessary to comply with the intent of this ordinance or otherwise required by law without submitting the amendment to the voters for approval.

**16.14 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 shall be 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.

**16.15 Effective Date.**

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

**16.16 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 60 days of the effective date of this ordinance.

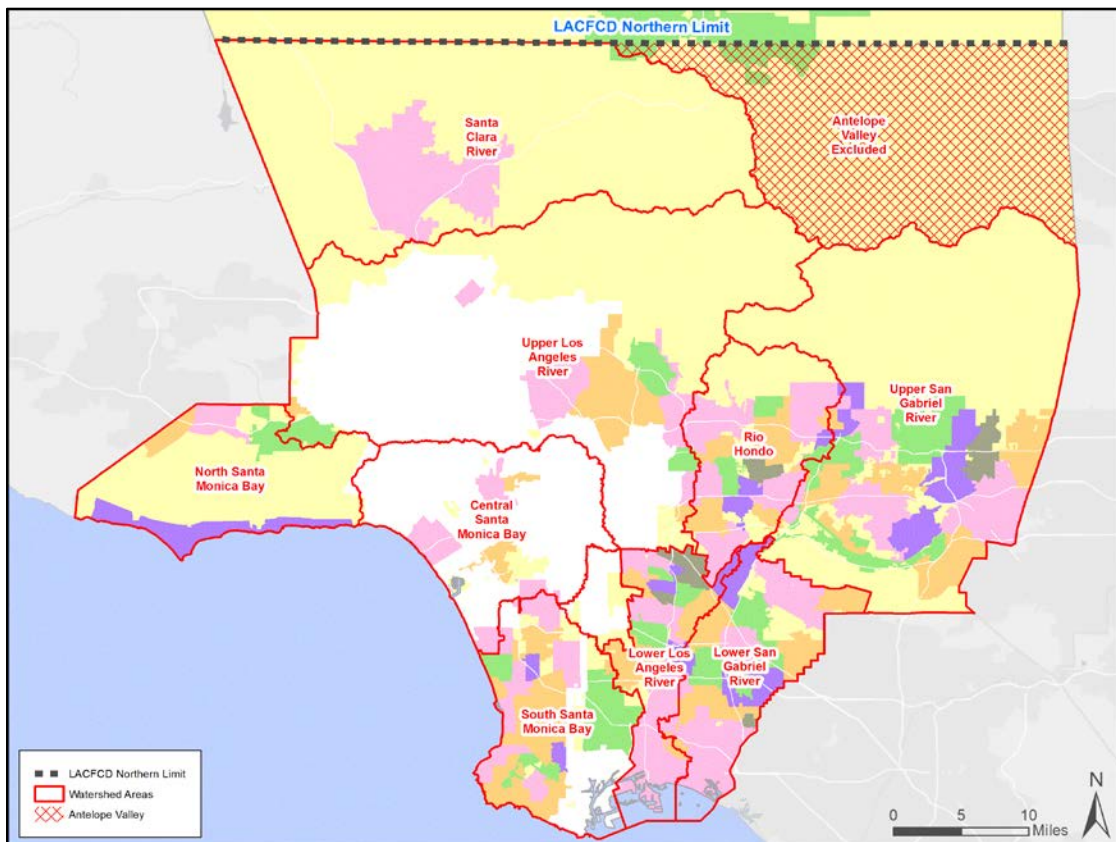
**16.17 Execution.**

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

## ENCLOSURE C

### ESTIMATED ANNUAL REGIONAL PROGRAM FUNDS - BY WATERSHED AREA

<b>Central Santa Monica Bay</b>	\$18.9M
<b>Lower Los Angeles River</b>	\$14.2M
<b>Lower San Gabriel River</b>	\$17.9M
<b>North Santa Monica Bay</b>	\$2.3M
<b>Rio Hondo</b>	\$12.4M
<b>Santa Clara River</b>	\$7.2M
<b>South Santa Monica Bay</b>	\$19.9M
<b>Upper Los Angeles River</b>	\$41.1M
<b>Upper San Gabriel River</b>	\$20.7M



## ENCLOSURE D

### ESTIMATED ANNUAL MUNICIPAL PROGRAM FUNDS - BY MUNICIPALITY

Agoura Hills	\$0.37M
Alhambra	\$0.93M
Arcadia	\$1.05M
Artesia	\$0.23M
Azusa	\$0.71M
Baldwin Park	\$0.77M
Bell	\$0.34M
Bell Gardens	\$0.34M
Bellflower	\$0.89M
Beverly Hills	\$0.57M
Bradbury	\$0.06M
Burbank	\$1.52M
Calabasas	\$0.49M
Carson	\$2.83M
Cerritos	\$1.04M
Claremont	\$0.72M
Commerce	\$1.30M
Compton	\$1.27M
Covina	\$0.79M
Cudahy	\$0.19M
Culver City	\$0.57M
Diamond Bar	\$0.91M
Downey	\$1.54M
Duarte	\$0.30M
El Monte	\$1.21M
El Segundo	\$0.90M
Gardena	\$0.89M
Glendale	\$1.76M
Glendora	\$0.97M
Hawaiian Gardens	\$0.14M

Hawthorne	\$0.84M
Hermosa Beach	\$0.17M
Hidden Hills	\$0.10M
Huntington Park	\$0.45M
Industry	\$1.87M
Inglewood	\$1.07M
Irwindale	\$0.52M
La Canada Flintridge	\$0.41M
La Habra Heights	\$0.19M
La Mirada	\$1.04M
La Puente	\$0.37M
La Verne	\$0.66M
Lakewood	\$1.15M
Lawndale	\$0.24M
Lomita	\$0.24M
Long Beach	\$5.01M
Los Angeles	\$39.33M
Lynwood	\$0.61M
Malibu	\$0.46M
Manhattan Beach	\$0.44M
Maywood	\$0.18M
Monrovia	\$0.56M
Montebello	\$1.02M
Monterey Park	\$0.80M
Norwalk	\$1.18M
Palmdale	\$0.00M
Palos Verdes Estates	\$0.26M
Paramount	\$0.70M
Pasadena	\$1.72M
Pico Rivera	\$1.01M

Pomona	\$2.10M
Rancho Palos Verdes	\$0.74M
Redondo Beach	\$0.77M
Rolling Hills	\$0.12M
Rolling Hills Estates	\$0.20M
Rosemead	\$0.63M
San Dimas	\$0.65M
San Fernando	\$0.29M
San Gabriel	\$0.47M
San Marino	\$0.26M
Santa Clarita	\$3.69M
Santa Fe Springs	\$1.61M
Santa Monica	\$0.87M
Sierra Madre	\$0.16M
Signal Hill	\$0.30M
South El Monte	\$0.47M
South Gate	\$1.07M
South Pasadena	\$0.26M
Temple City	\$0.47M
Torrance	\$2.56M
Unincorporated	\$12.88M
Vernon	\$1.13M
Walnut	\$0.51M
West Covina	\$1.44M
West Hollywood	\$0.28M
Westlake Village	\$0.26M
Whittier	\$1.31M



# ENCLOSURE E

## **SAFE, CLEAN WATER PROGRAM** **Draft Program Elements**

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## I. Safe, Clean Water Program Goals

The Safe, Clean Water Program is a multi-benefit Stormwater and/or Urban Runoff capture program intended to improve water quality in a manner that achieves additional benefits such as increasing water supply and investing in the health and well-being of Los Angeles County communities. The Program helps put Los Angeles County on a path to water resiliency and economic security through strategies, projects, and policies that increase drought preparedness, improve the water quality of rivers, lakes, and streams, and ensure investment in improved quality of life, especially for communities most exposed to pollution and vulnerable to climate change.

The SCW Program Goals are:

- Improve water quality and contribute to attainment of water quality requirements
- Increase drought preparedness by capturing more Stormwater and/or Urban Runoff to store, clean and re-use
- 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
- Leverage other funding sources to maximize program goals
- Prioritize Nature-Based Solutions to the extent feasible
- Provide a spectrum of project sizes from neighborhood to regional scales
- Encourage innovation and adoption of new technologies and practices
- Invest in independent scientific research
- Provide funds such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction
- Provide Disadvantaged Community (DAC) Benefits in proportion to the DAC population in the County

## II. Definitions

The following definitions apply to this SCW Program Elements document:

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

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

**Census Block Group:** As defined by the United States Census Bureau, a Census Block Group is a statistical division of census tracts, which are generally defined to contain between 600 and 3,000 people and are used to present data and control block numbering. A block group consists of clusters of blocks within the same census tract. A block group usually covers a contiguous area. Each census tract contains at least one block group, and block groups are uniquely numbered within the census tract.

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

**Community Investment Benefit:** Benefit created in conjunction with Stormwater Capture and reduced Stormwater and/or Urban Runoff pollution Projects and Programs as stated in AB 1180, including but not limited to: improved flood management, conveyance, and flood risk mitigation; creation, enhancement and/or restoration of parks, habitat and/or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. May also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect, increasing shade, and/or planting of trees and other vegetation that increase carbon reduction/sequestration and improve air quality.

**County:** County of Los Angeles.

**DAC Benefit:** A Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefits directly to a DAC population. Benefits may be achieved by Projects, Programs and/or policies including those that promote living-wage jobs and job training; credit and incentive Programs; technical assistance and capacity building; and education Programs. For purposes of evaluating whether a Project or Program provides benefit to a DAC, benefits will be measured by a variety of means including wages paid to workers constructing or maintaining Projects who reside in DACs; credit and incentives for properties located in DACs; funds expended for technical assistance and capacity building paid to individuals and organizations located in DACs; and the amount expended for construction, operations and maintenance of Multi-Benefit Projects providing benefits directly to a DAC.

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

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

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

**Feasibility Study:** A detailed technical investigation and report that is conducted to determine the feasibility of a proposed Project. At a minimum, a Feasibility Study must provide: a description of the Project and its objectives; an estimate of the benefits provided (determined through best engineering estimates and modeling as appropriate); a preliminary lifecycle cost estimate and schedule required to design, construct, operate and maintain the Project (including land acquisition costs); a historical background for the Project site location; a review of effectiveness of similar types of Projects already constructed; an engineering analysis of site conditions (e.g. soil sampling, preliminary hydrology report, site layout, utility search, environmental impacts, etc.); an assessment of potential CEQA and permitting challenges; details for how operations and maintenance will be carried out; a plan to address and incorporate stakeholder input on the Project; and a summary of any legal requirements or obligations that may arise as a result of constructing the Project. The District will provide guidance on the minimum requirements, as well as a template for Feasibility Studies.

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

**Impermeable Area:** Parcel area covered by materials or constructed surfaces, such as buildings, roofs, awnings, roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, fountains, and other constructed surfaces. Impermeable Areas do not include permeable surfaces such as vegetated or natural 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.

**Multi-Benefit Project:** A Project that has a Water Quality Benefit as well as either or both a Water Supply Benefit and Community Investment Benefit.

**Municipal Program Project:** A Project carried out through the Municipal Program that has a Water Quality Benefit. A Municipal Program Project may also be a Multi-Benefit Project.

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

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

**Nature-Based Solutions:** Projects that manage Stormwater and/or Urban Runoff to provide a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit through any of the following processes: rely predominantly on soils and vegetation to restore the natural ecosystem processes required to slow, detain, and absorb water, infiltrate water to aquifers; and filter pollutants out of water and air. These may include removing or increasing permeability of impervious surfaces, utilizing spreading grounds, strategically protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; using rain gardens, bioswales, soil enhancement through composting and mulching and, tree and vegetation planting, with preference for native species; and creating parkway basins. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon; supporting biodiversity; providing shade; and aesthetically enriching environments.

**Parcel:** A Parcel of real property situated within the established boundaries of the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water as identified in the Water Quality Control Plan for the Los Angeles Region as adopted by the Los Angeles Regional Water Quality Control Board. Parcel shall not include a possessory interest based on a private, beneficial use of publicly owned real property.

**Program:** A planned, coordinated group of activities designed to further the goals of the SCW Program.

**Project Applicant:** Any entity, which could include but not be limited to an individual, group, business entity, special district, school, Municipality, NGO, non-profit organization, CBO, public utility, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Commission's California Tribal Consultation List, mutual water company, that submits a Project or Feasibility Study for consideration.

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

**Project:** The development of Stormwater infrastructure designed to further the goals of the SCW Program, including the design, preparation of environmental documents, obtaining applicable permits, construction, inspection, operation and maintenance, and similar activities.

**Regional Oversight Committee (ROC):** A body empaneled by the Board of Supervisors whose responsibilities are to assess whether the SCW Program is implemented in accordance with the ordinance, Program Elements, and other implementing documents, and is achieving SCW Program goals.

**Regional Program:** Part of the SCW Program as described in Section 2, subsection 8b(C) of the Flood Control Act. The Regional Program includes subprograms: Infrastructure Program, Technical Resource Program, and Scientific Studies Program.

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

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

**Stormwater Investment Plan:** A five (5) year plan developed by Watershed Area Steering Committees that programs funding for Projects in the Regional Program's Technical Resources Program, Infrastructure Program, and Scientific Studies Program.

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

**Surface Water:** Water that flows or collects on the surface of the ground.

**Threshold Score:** A minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding. The initial recommendations for the Threshold Score is sixty (60) points but may be modified by the ROC and approved by the Board of Supervisors.

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

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

**Water Supply Benefit:** Increase in the amount of locally available water supply, provided there is a nexus to Stormwater and/or Urban Runoff capture. Activities resulting in this benefit include but are not limited to the following: reuse and conservation practices, diversion of Stormwater and/or Urban Runoff to sanitary sewer system for direct or indirect water recycling, increased groundwater replenishment, storage or available yield, offset of potable water use. Water Supply Benefit created through the SCW Program is subject to applicable adjudicated judgments of water rights.

**Watershed Area Steering Committees:** The nine (9) bodies empaneled by the Board of Supervisors, one for each Watershed Area, whose responsibilities are to program funding for the Regional Program.

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

### III. General SCW Program Requirements

#### A. Authority and Allocation of Revenues

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

- District Program: *“(A) Ten percent shall be allocated to the district for implementation and administration of projects and programs described in subsection 8a, and for payment of the costs incurred in connection with the levy and collection of the tax, fee, or charge and the distribution of the funds generated by imposition of the tax, fee, or charge, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*
- Municipal Program: *“(B) Forty percent shall be allocated to cities within the boundaries of the district and to the County of Los Angeles, in the same proportion as the amount of revenues collected within each jurisdiction and within the unincorporated territories, to be expended by those cities within the cities’ respective jurisdictions and by the County of Los Angeles within the unincorporated territories that are within the boundaries of the district, for the implementation, operation and maintenance, and administration of projects and programs described in subsection 8a, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*
- Regional Program: *“(C) Fifty percent shall be allocated to pay for the implementation, operation and maintenance, and administration of watershed-based projects and programs described in subsection 8a, including projects and programs identified in regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system (MS4) discharges within the coastal watersheds of the County of Los Angeles, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the procedures established by the ordinance adopted pursuant to subsection 8c.”*

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

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

SCW Program funds will be transferred to Municipalities and Project Developers in advance of eligible expenditures being made. Prior to their receipt of SCW Program funds, Municipalities and Project Developers must enter into an agreement with the District to transfer SCW Program funds. The funds transfer agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board of Supervisors. A standard agreement will be prepared by the Chief Engineer and approved by the Board of Supervisors, including but not limited to:

- a. Requirements for compliance with the terms of the SCW Program.
- b. Provisions, as necessary, to provide clarity and accountability in the use of SCW Program funds.
- c. Provisions, processes, and schedules for disbursement of funds.



- d. Project parameters such as schedule, budget, scope, and benefits.
- e. Provisions for management of interest funds, debt, liability, and obligations.
- f. Provisions for indemnification of the District.
- g. Requirements for auditing and Annual or Quarterly Progress/Expenditure Reports.
- h. Current Los Angeles County contracting requirements shall be applied only to Infrastructure Program Projects. These requirements currently include: Local and Targeted Worker Hire Policy, Jury Service Program, Safely Surrendered Baby Law, Prevailing Wage Rates, Child support Compliance Program, County Equal Employment Provisions, Best Efforts Hiring Goal, etc. SCW contracting requirements will be updated overtime to remain consistent with current County contracting requirements, including any future County-wide Project Labor Agreement (PLA). Contracting requirements are not required but highly encouraged for Municipal Program Projects.
- i. Requirements for post-construction/implementation monitoring as appropriate.

### C. Eligible Expenditures

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

- a. The development of Feasibility Studies to enable interested parties to submit Projects for SCW Program funds.
- b. Infrastructure development tasks including design, preparation of environmental documents, obtaining permits, construction, operations & maintenance (O&M), inspection, and similar activities.
- c. Operation and maintenance of Projects.
- d. Water quality and/or regional resilience planning
- e. Real property acquisition, leases, and easements necessary to implement eligible Projects.
- f. Scientific and technical studies such as Stormwater and/or Urban Runoff modeling and monitoring.
- g. Projects or studies to investigate new technologies or methodologies to increase Stormwater and/or Urban Runoff Capture and reduce Stormwater and/or Urban Runoff pollution for improving water quality, increasing local water supplies, or improving the ability of communities to adapt to the impacts of climate change.
- h. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase Stormwater and/or Urban Runoff Capture and reduce Stormwater and/or Urban Runoff pollution to provide additional Water Quality Benefit, Water Supply Benefit, and/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. Watershed Area Steering Committees may request the District to issue a bond for their Watershed Area's revenue stream for Regional Projects.

- j. Stormwater Programs such as but not limited to school education and curriculum, public education, watershed coordinators, technical assistance teams, regional water quality planning and coordination, local workforce job training, and others
- k. Administration and implementation of the SCW Program.
- l. Maintenance of Effort: Use of up to 30% annually of a Municipality's Municipal Program funds to pay for SCW Program eligible activities commenced before the election date of the SCW Program Tax. Operation and maintenance activities for Projects built to comply with the 2012 Los Angeles MS4 Permit or 2014 Long Beach MS4 Permit are not subject to the 30% limitation so long as they comply with Municipal Program requirements.
- m. Stormwater and/or Urban Runoff residential and/or commercial retrofit Programs.

#### D. Ineligible Expenditures

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

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

### IV. Regional Program

#### A. Regional Program Fund Allocation

Fifty (50) percent of the revenue from the tax is allocated for the Regional Program pursuant to the Flood Control Act section 2, subsection 8b(C). The Regional Program will consist of three (3) Programs:

- Infrastructure Program (not less than 85% of Regional Program funds)
- Technical Resources Program (up to 10% of the Regional Program funds)
- Scientific Studies Program (up to 5% of Regional Program funds)

#### Infrastructure Program

The objective of the Infrastructure Program is to plan, build, and maintain Multi-Benefit watershed-based Projects that have a Water Quality Benefit as well as either or both a Water Supply Benefit and Community Investment Benefit.

Infrastructure Program funds:

- Shall be spent on post-Feasibility Study activities such as: design, permits, CEQA compliance, right-of-way and land acquisition, construction, operation and maintenance, associated staffing costs, and other related eligible activities. Development of Feasibility Studies is funded through the Technical Resources Program.
- Shall be programmed by the nine (9) Watershed Area Steering Committees proportional to the funds generated in each Watershed Area.
- Shall be programmed such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction, , after accounting for allocation of the 110% return to DACs, to be evaluated over a ten (10) year period.
- Shall be programmed such that a spectrum of Project types and sizes are implemented throughout the region, to be evaluated over a five (5) year period.
- Shall be programmed such that Nature-Based Solutions are prioritized to the extent feasible.
- Shall be allocated such that funding for Projects that provide DAC Benefits be not less than 110% of the ratio of the DAC population to the total population in each Watershed Area.

**Table 1. Disadvantaged Community Population by Watershed**

Watershed Area	Population	DAC Population	Percent DAC
Central Santa Monica Bay	1,757,708	885,846	50%
Lower Los Angeles River	895,933	607,650	68%
Lower San Gabriel River	903,045	177,905	20%
North Santa Monica Bay	71,764	0	0%
Rio Hondo	744,634	259,860	35%
Santa Clara River	286,114	23,753	8%
South Santa Monica Bay	1,003,438	342,049	34%
Upper Los Angeles River	2,969,577	1,496,863	50%
Upper San Gabriel River	1,015,552	218,467	22%
<b>Total</b>	<b>9,647,765</b>	<b>4,012,392</b>	<b>42%</b>

\* These figures are based on the 2016 US Census and will be updated periodically.

The following parameters shall apply to the Infrastructure Program:

- A Feasibility Study is required before a Project can be submitted for consideration for funding. Projects that may already have Feasibility Study level information shall be considered functionally equivalent. Projects with functionally equivalent Feasibility Study level information will not need to conduct an additional Feasibility Study as long as the information and metrics available are conducive to scoring by the Infrastructure Program Scoring Criteria. The District will provide guidance on the minimum requirements, as well as a template for Feasibility Studies.
- Projects may receive funding for any post-Feasibility Study phase. Projected and actual operations and maintenance costs for Projects are to be considered and included in the Infrastructure Program to ensure that Projects are properly maintained.

- Project Developers are responsible to carry out the actions necessary to complete a Project that is selected for funding.
- Project Applicants must demonstrate technical, financial, and other necessary capabilities to be the Project Developer. If the Project Applicant is unable to be the Project Developer for any aspect of a Project, the District may take on that role for the Project.
- Applicants are encouraged to bundle small and medium scale, community level Projects to promote efficiency, achieve economies of scale and advance local hire and job training goals.
- Project Developers may utilize a construction authority to implement Projects.
- Projects must be designed for a minimum useful life of thirty (30) years. Operations and maintenance of Projects constructed with Infrastructure Program funds may be funded by the Infrastructure Program for the useful life span of the Project, even if only a portion of the initial capital costs were funded by the Infrastructure Program.
- Projects commenced before the election date of the SCW Program consistent with the SCW Program but constructed using non-Infrastructure Program funds may receive Infrastructure Program funds for operations and maintenance.
- Funding for operations and maintenance of Projects must include an O&M plan that includes the required maintenance activities for the life of the project and minimum required expertise and training to perform the maintenance. The O&M plan shall identify and include a commitment from the agency(ies) that will be responsible for the maintenance and their specific roles.
- Projects must be included in an approved water quality plan such as E/WMPs and their updates, Integrated Regional Water Management Plans, or other approved water quality plans. Projects can be part of a programmatic EIR, but it is not a requirement. All Projects will be scored by the Scoring Committee.

#### Technical Resources Program

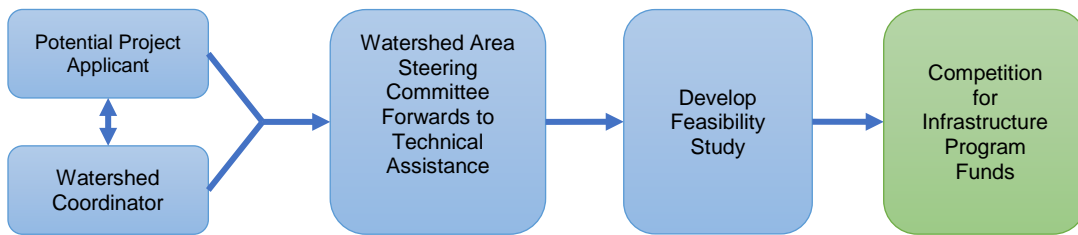
The objective of the Technical Resources Program is to provide resources for the development of Feasibility Studies through support from Technical Assistance Teams; and provide Watershed Coordinators to educate and build capacity in communities and facilitate community and stakeholder engagement. The Technical Resources Program funds shall be allocated to support achievement of SCW Program goals as articulated in Section I.

#### ***Technical Assistance Teams***

- The District will provide Technical Assistance Teams comprised 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 areas. The Watershed Area Steering Committees will decide which Project concepts will be forwarded to the Technical Assistance Teams for development. The Technical Assistance Teams will complete Feasibility Studies in partnership with and on behalf of Municipalities, CBOs, NGOs, and others who may not have the technical resources or capabilities to develop Feasibility Studies.

- The Technical Resources Program funds the development of Project Feasibility Studies. Technical Assistance Teams will work with the necessary parties to add the Projects for which there are completed Feasibility Studies to an eligible water quality plan, and assist in acquiring a letter of support for non-Municipal Project Applicants, and addressing other prerequisites to apply to the Infrastructure Program. Upon completion of a Feasibility Study, Feasibility Studies shall be submitted to the Watershed Area Steering Committees for consideration.
- The Technical Assistance Teams will be funded through the Technical Resource Program funds.

**Figure 1. Technical Assistance Process**



***Watershed Coordinators***

- In addition to working with Technical Assistance Teams to bring resources to potential Project Applicants, Watershed Coordinators will also:
  - Provide leadership in community outreach efforts related to watershed planning.
  - 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.
  - Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community issues.
  - Identify cost-share partners such as local water agencies, conservancies, transportation agencies.
  - Identify and help leverage and secure additional funding including state bond funds, transportation funding such as Measure M, parks funding such as Measure A, and others.
  - Reach out to municipalities, community groups, and other watershed stakeholders to ensure diverse perspectives are included in planning and implementation of the Regional Program.
  - Integrate community, Municipality, and regional priorities through partnerships and extensive networks.
  - Educate local stakeholders through public outreach events such as workshops, demonstrations, community forums and restoration activities.
- Not less than one Watershed Coordinator will be funded from Technical Resource Program funds for each Watershed Area plus one additional Watershed Coordinator for each one-million of population.

- The District shall provide a list of eligible Watershed Coordinators; Watershed Area Steering Committees shall select Watershed Coordinators from the eligible list.

**Table 2. Watershed Coordinator Breakdown**

Watershed Area	Total Population	Watershed Coordinators
Central Santa Monica Bay	1,757,708	2
Lower Los Angeles River	895,933	1
Lower San Gabriel River	903,045	1
North Santa Monica Bay	71,764	1
Rio Hondo	744,634	1
Santa Clara River	286,114	1
South Santa Monica Bay	1,003,438	1
Upper Los Angeles River	2,969,577	3
Upper San Gabriel River	1,015,552	1

- Watershed Area Steering Committees will determine how to appropriate funds for the Technical Resources Program funds.
- The District will administer the Technical Assistance Teams and Watershed Coordinators.

Scientific Studies Program

The objective of the Scientific Studies Program is to provide funding for eligible scientific and other activities, such as but not limited to: scientific studies, technical studies, monitoring, modeling, and other similar activities. Watershed Area Steering Committees will determine how to appropriate funds for the Scientific Studies Program. The District will administer the Scientific Studies 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 funded by the Scientific Studies Program shall be conducted in accordance with accepted scientific protocols.

B. Stormwater Investment Plans

Regional Program funds shall be programmed by each Watershed Area Steering Committee via Stormwater Investment Plans. Stormwater Investment Plans shall be formatted substantially similar to the table below. The table reflects the first budget submittal for the Regional Programs starting in fiscal year 2020-21. Each subsequent annual submittal of the Stormwater Investment Plan shall reflect funds programmed for the next five (5) years.

**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
<b>PROJECT – FEASIBILITY STUDY DEVELOPMENT</b>					
<b>TECHNICAL RESOURCES PROGRAM (up to 10%)</b>					
<b>Feasibility Studies/Concepts</b>					
Watershed Coordinators					
Technical Assistance Team/Feasibility Study					
Technical Assistance Team/Feasibility Study					
<b>PROJECT – POST-FEASIBILITY STUDY</b>					
<b>INFRASTRUCTURE PROGRAM (not less than 85%)</b>					
<b>Design/Permits/CEQA Budget</b>					
Project					
Project					
Project					
<b>Right of Way Acquisition Budget</b>					
Project					
Project					
Project					
<b>Construction</b>					
Project					
Project					
Project					
<b>O&amp;M</b>					
Project					
Project					
Project					
<b>NON-PROJECT ACTIVITIES</b>					
<b>SCIENTIFIC STUDIES PROGRAM (Up to 5%)</b>					
<b>Special Studies</b>					
Project					
Project					
<b>Monitoring</b>					
Project					
<b>TOTAL =</b>					

Funding Allocations for Projects

Watershed Area Steering Committees will assign funding to Projects in the Technical Resources Program, Infrastructure Program, and Scientific Studies Program. Projects will be given conditional funding approval for their entire Project budget, including operations and maintenance. Funding will be transferred to Project Developers in annual increments subject to the Project meeting the schedule, budget, scope and benefit terms outlined in the transfer agreement.

Quarterly, the suite of Projects included in the Stormwater Investment Plans shall be evaluated by the corresponding Watershed Area Steering Committees using the information provided in the Quarterly Expenditure/Progress Report. Watershed Area Steering Committees will verify 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.

### C. Regional Program Quarterly Progress/Expenditure Reports

Each Project Developer shall arrange for a Quarterly Progress/Expenditure Report for all Projects. The Quarterly report shall include details that summarize the expenditures and quantify the benefits of Water Quality, Water Supply, and Community Investment realized through use of SCW Program funds. The Project Developer shall be subject to and comply with all applicable requirements of the District regarding Project-reporting requirements. The Quarterly Progress/Expenditure Report details:

- Percent complete estimate.
- SCW Program funds expended.
- Documentation that the SCW Program funds were used for eligible expenditures.
- Discussion of work accomplished during the reporting period.
- Milestones or deliverables completed/submitted during the reporting period.
- Scheduling concerns and issues encountered that may delay completion of the task.
- Work anticipated for the next reporting period.
- Photo documentation, as appropriate.
- Any anticipated schedule or budget modifications.
- Additional information as necessary.

Annually, Quarterly Progress/Expenditure Reports shall include a summary of funds have been allocated to achieve SCW Program Goals as articulated in Section I for the prior year.

### D. Regional Program Governance Structure and Selection Process

A procedure is established for the funding for the Infrastructure, Technical Resources, and Scientific Studies Programs.

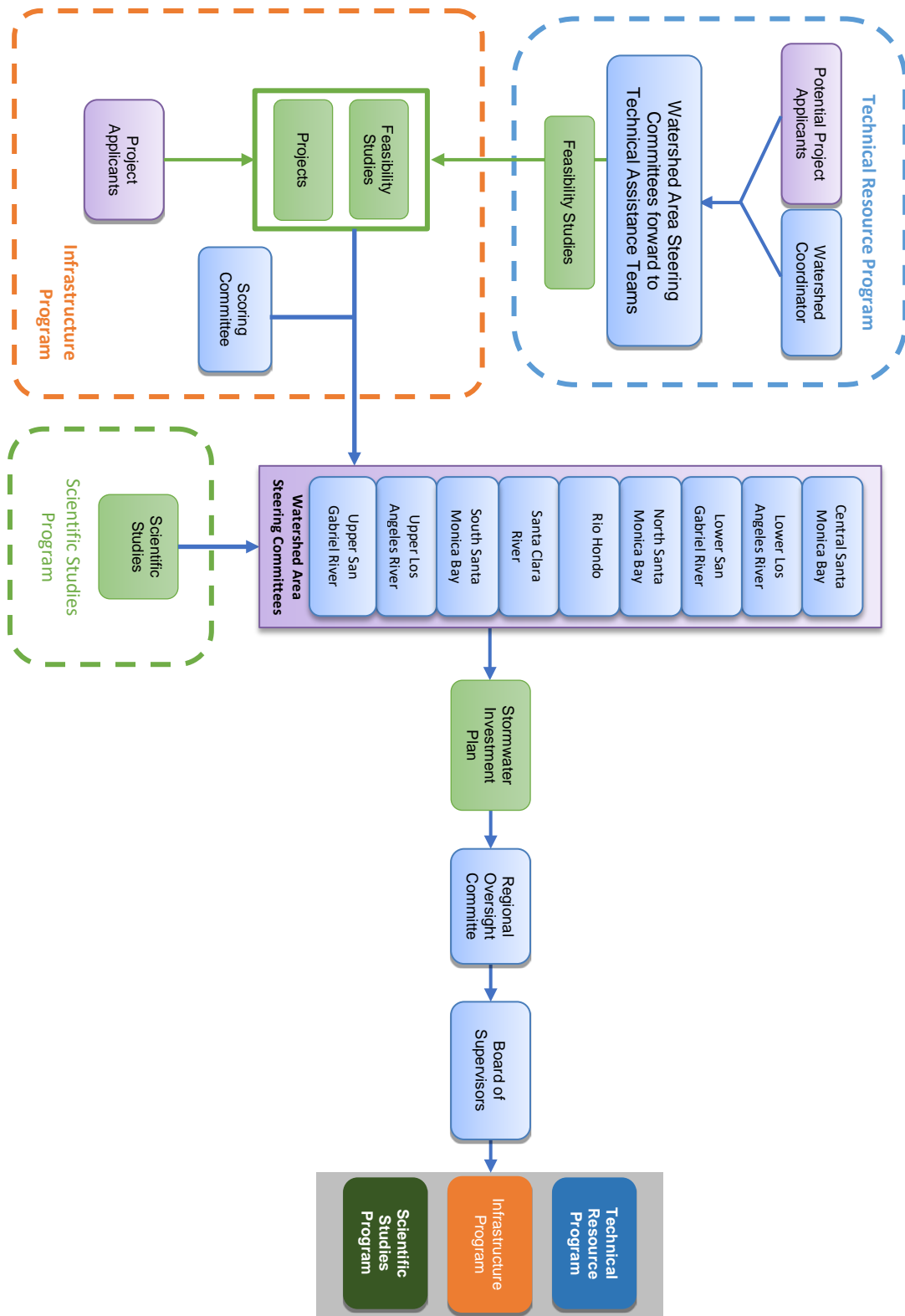
Annually, these steps will occur:

- Step 1:
  - Board of Supervisors, via the District, prepares a five (5) year revenue forecast for each Watershed Area.
- Step 2
  - District, on behalf of the Watershed Area Steering Committees, initiates a request for Projects to be funded through the Infrastructure, Technical Resources, and Scientific Studies Programs.



- Watershed Area Steering Committees forward select Projects and Feasibility Studies received to the Scoring Committee. Scoring Committee scores these Projects and Feasibility Studies and applies a Threshold Score.
  - Scoring Committee returns all scored Projects and Feasibility Studies to the Watershed Area Steering Committee.
- Step 3
  - Watershed Area Steering Committee reviews Projects and Feasibility Studies and prepares a Stormwater Investment Plan which programs funds for the Infrastructure, Technical Resources, and Scientific Studies Programs.
- Step 4
  - Watershed Area Steering Committee submits the Stormwater Investment Plan to the Regional Oversight Committee (ROC). For details on the membership of the ROC.
  - The ROC reviews the Stormwater Investment Plans and makes a recommendation to the Board of Supervisors.
- Step 5
  - Board of Supervisors considers approval of the Stormwater Investment Plans. Board of Supervisors may return Stormwater Investment Plans to the Watershed Area Steering Committees for further revision.
- Step 6
  - Project Developers enter into an agreement with the District to transfer annual funding allocations.

Figure 2. Regional Program Governance Structure and Selection Process Flowchart



## E. Regional Program: Initial Year Events

Should voters approve the SCW Program tax in November 2018, the following schedule of events will occur:

- Winter 2018
  - Formation of Watershed Area Steering Committees, the Regional Oversight Committee, and Scoring Committee.
  - Initiation of Technical Assistance Teams and Watershed Coordinators.
  - Initiation of District administered Stormwater and/or Urban Runoff Programs.
- Spring 2019
  - Watershed Area Steering Committees initiate a request for Projects to be funded through the Infrastructure, Technical Resources, and Scientific Studies Programs.
  - Watershed Area Steering Committee forwards select Projects to the Scoring Committee
  - Scoring Committee scores and forwards results to the Watershed Area Steering Committees.
  - Watershed Area Steering Committees prepare Stormwater Investment Plans including budgets for Projects in the Infrastructure, Technical Resources, and Scientific Studies Programs.
- Summer 2019
  - Regional Oversight Committee reviews Stormwater Investment Plans and provides a recommendation to the Board of Supervisors.
- Fall/Winter 2019
  - Board of Supervisors considers approval of the Stormwater Investment Plans.
  - District executes agreements for transfer of funds to begin implementation of Projects.
- Beginning of 2020
  - First installment of the tax will be available.
  - District transfers funds to Project Developers.

## F. Eligible Project Applicants

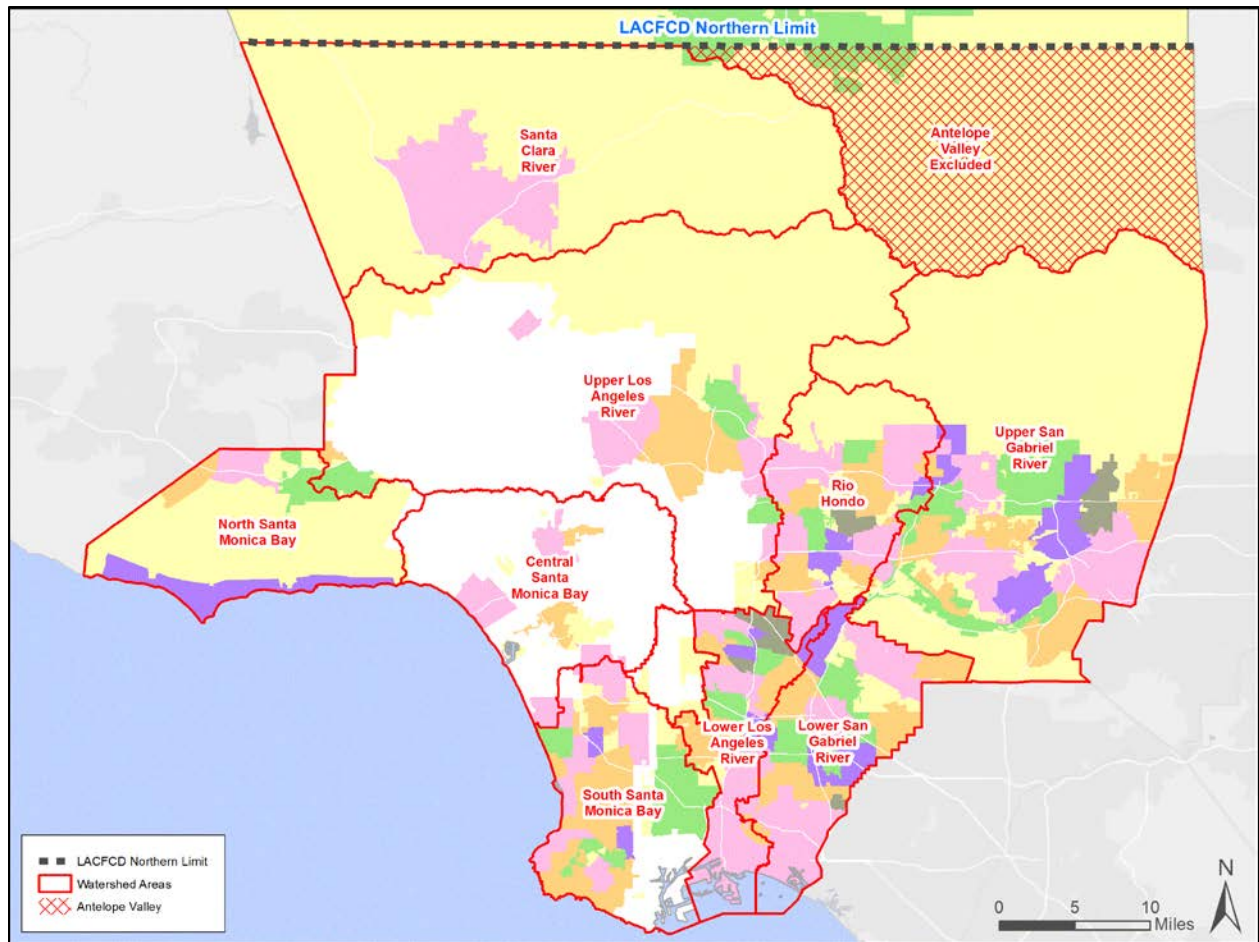
An eligible Project Applicant can be any entity, which could include but not be limited to an individual, group, business entity, special district, school, Municipality, NGO, non-profit organization, CBO, public utility, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Watershed Area Steering Committee's California Tribal Consultation List, mutual water company, or others that submits a Project for consideration. Non-Municipal Project Applicants are required to secure a Municipal letter of support, from the municipality(ies) within which the Project is located, to receive funding through the Infrastructure Program.

### G. Boundaries of the Watershed Areas

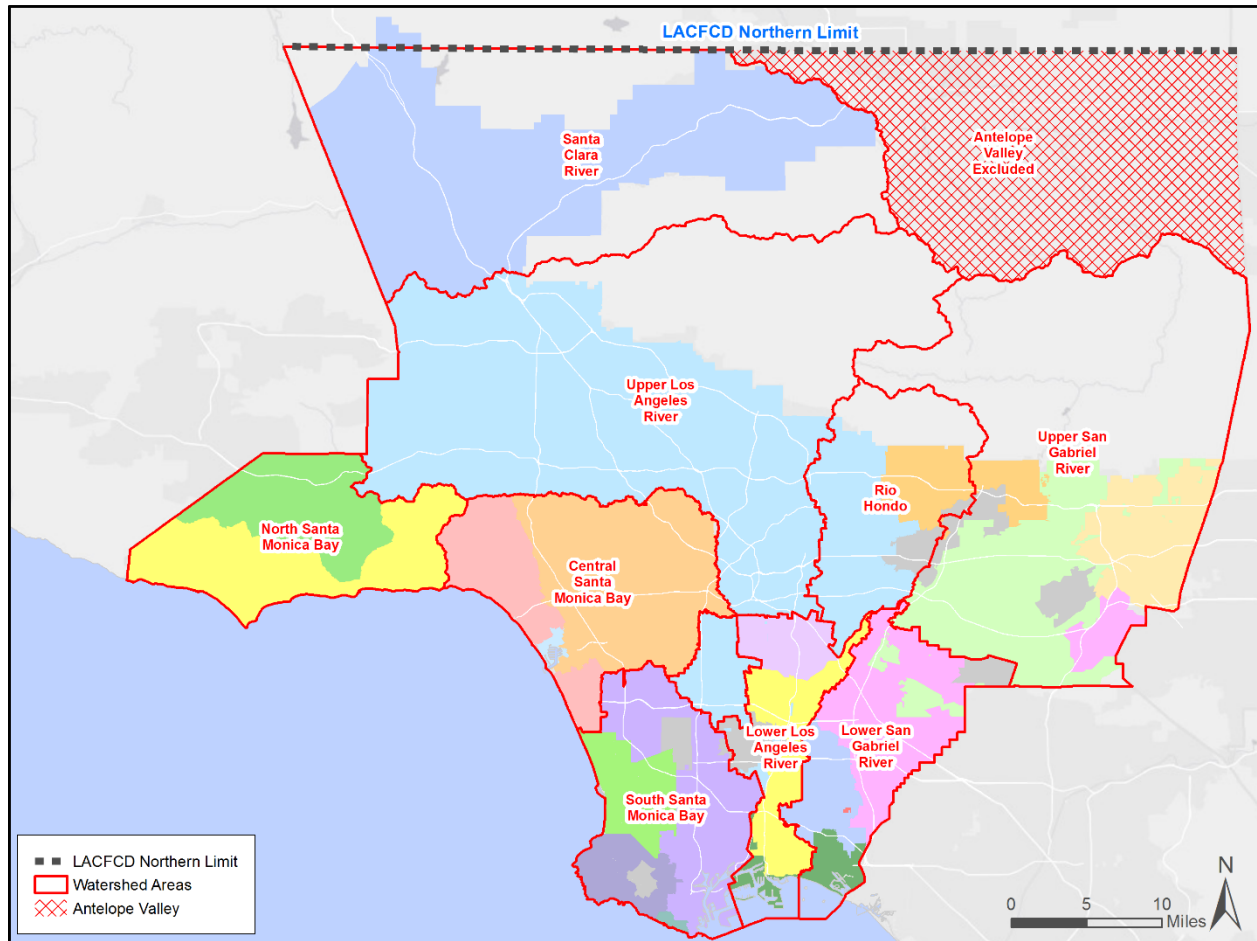
The Chief Engineer will maintain on file detailed maps establishing the precise boundaries of the Watershed Areas. The boundaries of the Watershed Areas are based on hydrologic conditions and modified to keep E/WMP groups whole, wherever practical. The Watershed Area boundaries may be updated as necessary.

There are nine (9) Watershed Areas within the District, as shown in Figure 3 and Figure 4.

**Figure 3. Regional Watershed Area Boundaries with City Boundaries**



**Figure 4. Regional Watershed Area Boundaries with E/WMP Boundaries**



#### H. Membership of the Watershed Area Steering Committees

The Board of Supervisors will empanel Watershed Area Steering Committees for each of the nine (9) Watershed Areas for the purpose of recommending funding appropriations for the Regional Program. The District will provide staff support to each Watershed Area Steering Committee and carry out their decisions..

Each Watershed Area Steering Committee consists of seventeen (17) members and each member receives one equally weighted vote. Seven (7) members are designated from Municipalities located within the Watershed Area, five (5) members are agency stakeholder representatives, and five (5) members are community stakeholder representatives, as shown in Table 3.

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

The District will provide staff support to the Watershed Area Steering Committees using funds from the District Program.

Members 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. Said compensation will be paid through the District Program.

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

**Municipal Members:** Seven (7) seats will be assigned to Municipalities. Any Municipality with at least 16% of the Impermeable Area located within the Watershed Area receives one seat. A Municipality with at least 33% of the Impermeable Area located within the Watershed Area receives two seats. A Municipality with at least 50% of the Impermeable Area located within the Watershed Area receives three (3) seats. A single Municipality may occupy up to three (3) seats on each Watershed Area Steering Committee.

Municipal members for the remaining seats will be chosen by the unrepresented Municipalities. The remaining seats are flexible and could be assigned to a Municipality, E/WMP, COG, or other jurisdiction. Each member will assign an alternate to serve in their absence who must meet the requirements of a Watershed Area Steering Committee member.

**Agency Members:** Five (5) agency seats will be assigned by the Board of Supervisors. A seat will be assigned to each of the following agencies:

- District
- Water agency (to be filled by municipal water district in the Watershed Area)
- Groundwater (to be filled by the largest watermaster in the Watershed Area), or second water agency if a groundwater agency does not exist in the Watershed Area
- Sanitation (to be filled by the largest sanitation service provider in the Watershed Area)
- Municipal Parks/Open Space (to be filled by the largest local park and/or open space agency in the Watershed Area)

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

**Community Stakeholder Members:** Representatives for the five (5) Community Stakeholder seats will be appointed by the Board of Supervisors. A dedicated seat will be assigned to represent environmental justice interests, business interests, and environment interests. The two remaining seats will be assigned to representatives from the community, such as: public health, labor, non-governmental organization, disadvantaged community, community-based organization, schools, academia, and others.

In addition to these members, the Watershed Coordinator will also participate on the Steering Committee as a non-voting member. Each community stakeholder member will assign an alternate from their organization to serve in their absence who must meet the requirements of a Watershed Area Steering Committee member and is subject to Board of Supervisors' approval.

**Table 4. Regional Program Watershed Area Steering Committee Membership**

	Member	Appointed By
1	Municipality	Varies for Each Watershed Area
2	Municipality	Varies for Each Watershed Area
3	Municipality	Varies for Each Watershed Area
4	Municipality	Varies for Each Watershed Area
5	Municipality	Varies for Each Watershed Area
6	Municipality	Varies for Each Watershed Area
7	Municipality	Varies for Each Watershed Area
8	District	Appointed by Board of Supervisors
9	Largest Service Provider- Water Agency	Appointed by Board of Supervisors
10	Largest Service Provider- Groundwater/Water Agency #2	Appointed by Board of Supervisors
11	Largest Service Provider- Sanitation	Appointed by Board of Supervisors
12	Largest Municipality Agency- Municipal Parks/Open Space/Recreation	Appointed by Board of Supervisors
13	Business	Appointed by Board of Supervisors
14	Environmental Justice	Appointed by Board of Supervisors
15	Environment	Appointed by Board of Supervisors
16	At large	Appointed by Board of Supervisors
17	At large	Appointed by Board of Supervisors
	Watershed Coordinator	Non-voting

**I. Voting and Meeting Requirements of the Watershed Area Steering Committees**

The Watershed Area Steering Committees will determine the frequency and schedule for regular meetings necessary to select Projects for inclusion in their Stormwater Investment Plan.

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

Meetings conducted by the Watershed Area Steering Committee will be made public and meeting materials will be made available

**J. Responsibilities of the Watershed Area Steering Committees**

Watershed Area Steering Committees have the following responsibilities:

- a. Select studies for submittal to the Scientific Studies Program.
- b. Select Project concepts for submittal for the Technical Resources Program.
- c. Forward select Project Feasibility Studies or functionally equivalent Feasibility Study level information to the Scoring Committee for scoring.
- d. Review the list of scored Projects and Feasibility Studies returned by the Scoring Committee.



- e. Prepare a Stormwater Investment Plan detailing funding allocations to the Infrastructure Program, Technical Resource Program, and Scientific Studies Program.
- f. Provide the recommended Stormwater Investment Plan to the ROC which will be submitted to the Board of Supervisors.
- g. Quarterly, review Quarterly Progress/Expenditure reports submitted by Project Developers and forward the reports to the ROC with any recommendations and/or concerns. The Watershed Area Steering Committees will review the Quarterly Progress/Expenditure reports to 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.
- h. Annually, provide the ROC a Watershed Area Regional Program Progress (WARPP) report on Stormwater Investment Plan activities authorized for the previous year. The WARPP reports shall summarize how funds have achieved SCW Program Goals as articulated in Section I.
- i. Provide additional relevant information, as requested by the Board of Supervisors.
- j. Help identify Project partners and additional sources of funding to augment and leverage SCW Program revenues for Projects and Programs.
- k. Select Watershed Coordinators from a list of eligible candidates provided by the District.

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

No member of the Watershed Area Steering Committee shall participate in discussions or vote where that member has a direct personal financial interest in the Project under consideration.

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

The ROC is an independent body that reviews all Regional Program Stormwater Investment Plans to ensure Regional 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/or other pertinent subject matter experts. The Board of Supervisors shall provide a list of eligible candidates for ROC membership. The Watershed Area Steering Committees will select from the list of eligible candidates. The Board of Supervisors will confirm the final members of the ROC to ensure a diverse mixture of subject-matter experts. The ROC members shall not have any direct personal connection to Projects implemented through the SCW Program. The District will provide staff support to the Regional Oversight Committee.

Members of the Regional Oversight Committee, 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. Said compensation will be paid through the District Program.

The District will provide staff support to the Regional Oversight Committee using funds from the District Program.



**Table 5. Regional Oversight Committee Membership**

	Member	Appointment
1	<u>Subject Matter Experts:</u> Water Quality Benefits Water Supply Benefits Nature-Based Solutions Community Investment Benefits	Appointed by Board of Supervisors
2		Appointed by Board of Supervisors
3		Appointed by Board of Supervisors
4		Appointed by Board of Supervisors
5		Appointed by Board of Supervisors
6		Appointed by Board of Supervisors
7		Appointed by Board of Supervisors
8		Appointed by Board of Supervisors
9		Appointed by Board of Supervisors

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

The ROC will determine the frequency and schedule for regular meetings necessary to process the review of Stormwater Investment Plans submitted by the Watershed Area Steering Committees.

A quorum is required for the ROC to act on any item of business. A quorum will consist of five (5) members of the ROC. If a quorum is present, approval of any item of business requires a simple majority vote of those in attendance.

Meetings conducted by the ROC will be made public and meeting materials will be made available.

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

The ROC has the following responsibilities:

- a. Annually, review each of the Watershed Area Steering Committee's Stormwater Investment Plans to forecast whether Regional Program requirements will be met.

Additionally, the ROC will summarize how the Stormwater Investment Plans will meet the SCW Program Goals as articulated in Section I for the upcoming year.

Through this review process, the ROC will provide feedback to the Watershed Area Steering Committees and report findings and recommendations to the Board of Supervisors.

- b. Annually, review WARPP reports submitted by the Watershed Area Steering Committees to determine whether Regional Program requirements were met for the prior year and make recommendations for adjustments to the following year's Stormwater Investment Plans if Regional Program requirements were not met the prior year.

Additionally, the ROC will determine the extent to which Regional Program funds were expended to achieve SCW Program Goals as articulated in Section I for the prior year.

The ROC will provide feedback to the Watershed Area Steering Committees and report findings to the Board of Supervisors.

- c. Annually, review the Annual Progress/Expenditure Reports received from Municipalities to determine the extent to which Municipal Program funds were expended to achieve SCW Program Goals as articulated in Section I. The ROC will provide feedback to the Municipalities and report findings to the Board of Supervisors.
- d. Biennially, draft a SCW Program Progress Report that summarizes the Regional Program WARPP reports, the Municipal Program Annual Progress/Expenditure Reports, and District Program's annual summary to determine whether SCW Program requirements were met. Additionally, the ROC will determine the extent to which SCW Program funds were expended to achieve SCW Program Goals as articulated in Section I for the entire region.
- e. Biennially, hold a noticed public hearing to obtain feedback from the public on the SCW Program Progress Report and recommend actions and adjustments to the SCW Program to better achieve SCW Program Goals. Public feedback will be incorporated into the final SCW Program Progress Report and submitted to the Board of Supervisors. The final report will be made publicly available.

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

The intent of the Regional Oversight Committee is to be a fully independent oversight committee with no direct personal financial connection to Projects or Programs implemented through the SCW Program. However, in the event a member has a direct personal financial interest in a Project, that member shall abstain from discussions or voting on the Project under consideration.

#### P. Board of Supervisors Approval of Stormwater Investment Plans

The Board of Supervisors shall review the Stormwater Investment Plans to ensure they conform to the parameters of the SCW Program. Upon approval of each of the Stormwater Investment Plan, the Board of Supervisors will direct the District to transfer funds.

#### Q. Scoring Committee

The Board of Supervisors will empanel a Scoring Committee composed of six (6) subject matter experts in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits. The Board of Supervisors shall provide a list of eligible candidates for Scoring Committee membership. The Watershed Area Steering Committees will select from the list of eligible candidates. The Board of Supervisors will confirm that the final members of the Scoring Committee will include 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.

The members of the Scoring Committee shall not have any personal connection to Projects implemented through the SCW Program. District will provide staff support for the Scoring Committee using funds from the District Program. The Scoring Committee will utilize technical documents for reference and consideration such as new water quality and water supply studies, plans, and white papers.

The Scoring Committee will score s Projects and Feasibility Studies selected by the WASCs using the Infrastructure Program Project Scoring Criteria and will apply a Threshold Score. The Threshold Score is currently set at sixty (60) points. The Scoring Committee forwards Projects with their respective score to the appropriate Watershed Area Steering Committees. Projects that lack sufficient information to be scored, or that fail to pass the Threshold Score will be referred to the Technical Resources Program at the discretion of the WASC.

Members of the Scoring Committee, 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. Said compensation will be paid through the District Program.

Meetings conducted by the Scoring Committee will be made public and meeting materials will be made available.

**Table 6. Scoring Committee Membership**

	Member	Appointment
1	<u>Subject Matter Experts:</u> Water Quality Benefits Water Supply Benefits Nature-Based Solutions/ Community Investment Benefits	Appointed by Board of Supervisors
2		Appointed by Board of Supervisors
3		Appointed by Board of Supervisors
4		Appointed by Board of Supervisors
5		Appointed by Board of Supervisors
6		Appointed by Board of Supervisors

#### R. Infrastructure Program Project Scoring Criteria

Scoring of Projects utilizes the Infrastructure Program Project Scoring Criteria, shown in Table 5. Projects will be eligible for scoring if they have a completed Feasibility Study or functional equivalent. The District will provide guidance on the minimum requirements, as well as a template for Feasibility Studies. All Projects must have a Water Quality Benefit and either or both a Water Supply Benefit or a Community Investment Benefit. The Projects shall be scored according to the Infrastructure Program Project Scoring Criteria. All scores will be made available to the public.

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

- Section A: Water Quality Benefit (50 Points)
  - Wet weather Projects:
    - Applies a range of points for effectiveness and extent of pollution reduction
  - Dry weather Projects:
    - Applies a range of points for full capture of Urban Runoff and tributary size.
- Section B: Water Supply Benefit (25 Points)
  - Applies a range of points for cost effectiveness and volume of supply created or offset

- Section C: Community Investment Benefit (10 Points)
  - Applies a range of points for Projects that provide one or more Community Investment Benefits.
- Section D: Nature-Based Solutions (15 Points)
  - Applies a range of points for Projects that utilize Nature-Based Solutions.
- Section E: Leveraging Funds (10 Points)
  - Applies points for Project funding match, partnerships, and community involvement.
  - Funding matches could include but are not limited to: grants, other Measures, in-kind services, Municipal Program funds, and others.

The Scoring Committee will score Projects, apply the Threshold Score, and forward all scored Projects to the appropriate Watershed Area Steering Committee.

**Table 7. Infrastructure Program Project Scoring Criteria**

Section	Score Range	Scoring Standards			
<b>A.1 Wet Weather Water Quality Benefits</b>	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)<sup>1</sup> / (Capital Cost in \$Millions)</p> <ul style="list-style-type: none"> <li>• &lt;0.4 (acre feet capacity / \$-Million) = 0 points</li> <li>• 0.4-0.6 (acre feet capacity / \$-Million) = 7 points</li> <li>• 0.6-0.8 (acre feet capacity / \$-Million) = 11 points</li> <li>• 0.8-1.0 (acre feet capacity / \$-Million) = 14 points</li> <li>• &gt;1.0 (acre feet capacity / \$-Million) = 20 points</li> </ul> <p><sup>1</sup>. Management of the 24-hour event is considered the maximum capacity of a Project for a 24-hour period. For water quality focused Projects, this would typically be the 85<sup>th</sup> percentile design storm capacity. Units are in acre-feet (AF).</p>			
	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"> <li>• &gt;50% = 15 points</li> <li>• &gt;80%= 20 points (20 Points Max)</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• &gt;50% = 5 points</li> <li>• &gt;80%= 10 points (10 Points Max)</li> </ul> </td> </tr> </table>	<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>	<ul style="list-style-type: none"> <li>• &gt;50% = 15 points</li> <li>• &gt;80%= 20 points (20 Points Max)</li> </ul>
<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>				
<ul style="list-style-type: none"> <li>• &gt;50% = 15 points</li> <li>• &gt;80%= 20 points (20 Points Max)</li> </ul>	<ul style="list-style-type: none"> <li>• &gt;50% = 5 points</li> <li>• &gt;80%= 10 points (10 Points Max)</li> </ul>				
<b>- OR -</b>					
<b>A.2 Dry Weather Water Quality Benefits</b>	20 points	A.2.1: For dry weather BMPs only, Projects must be designed to capture, infiltrate, or divert 100% of all tributary dry weather flows.			
	20 points max	<p>A.2.2: For Dry Weather BMPs Only. Tributary Size of the Dry Weather BMP</p> <ul style="list-style-type: none"> <li>• &lt;200 Acres = 10 points</li> <li>• &gt;200 Acres = 20 points</li> </ul>			
<b>B. Significant Water Supply Benefits</b>	25 points max	The Project provides water supply benefits			
	13 points max	<p>B1. Water Supply Cost Effectiveness. The Total Life-Cycle Cost<sup>2</sup> per unit of acre foot of Stormwater and/or Urban Runoff volume captured for water supply is:</p> <ul style="list-style-type: none"> <li>• &gt;\$2500/ac-ft = 0 points</li> <li>• \$2,000–2,500/ac-ft = 3 points</li> <li>• \$1500-2,000/ac-ft = 6 points</li> <li>• \$1000–1500/ac-ft = 10 points</li> <li>• &lt;\$1000/ac-ft = 13 points</li> </ul> <p><sup>2</sup>. Total Life-Cycle Cost: The annualized value of all Capital, planning, design, land acquisition, construction, and total life O&amp;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&amp;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"> <li>• &lt;25 ac-ft/year = 0 points</li> <li>• 25 - 100 ac-ft/year = 2 points</li> <li>• 100 - 200 ac-ft/year = 5 points</li> <li>• 200 - 300 ac-ft/year = 9 points</li> <li>• &gt;300 ac-ft/year = 12 points</li> </ul>			
<b>C. Community Investments Benefits</b>	10 points max	The Project provides Community Investment Benefits			
	10 points	<p>C2. Project includes:</p> <ul style="list-style-type: none"> <li>• One of the Community Investment Benefits defined above = 1 points</li> <li>• Four distinct Community Investment Benefits = 4 points</li> <li>• Seven distinct Community Investment Benefit = 10 points</li> </ul>			
<b>D. Nature-Based Solutions</b>	15 points max	The Project implements Nature-Based Solutions			
	15 points	<p>D1. Project:</p> <ul style="list-style-type: none"> <li>• Implements natural processes or mimics natural processes to slow, detain, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points</li> <li>• Utilizes natural materials such as soils and vegetation with a preference for native vegetation in lieu of gray infrastructure = 5 points</li> <li>• Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points</li> </ul>			

**Table 7. Infrastructure Program Project Scoring Criteria (continued)**

<b>E. Leveraging Funds and Community Support</b>	10 points max	The Project achieves one or more of the following:
	6 points max	E1. Cost-Share. Additional Funding has been awarded for the Project. <ul style="list-style-type: none"> <li>• &gt;25% Funding Matched = 3 points</li> <li>• &gt;50% Funding Matched = 6 points</li> </ul>
	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.
<b>Total</b>	<b>Total Points All Sections 110</b>	

**V. Municipal Program**

Forty (40) percent of the funds from the SCW Program tax are allocated for the Municipal Program pursuant to the Flood Control Act section 2, subsection 8b(B). Municipal funds shall be allocated proportionally to the revenues generated within each Municipality or the County Unincorporated Areas in the District. Considering the geologic, geographic and demographic diversity within the District, the Municipal Program is designed to maximize the ability of local governments to address local Stormwater and/or Urban Runoff challenges and opportunities. Projects are required to include a Water Quality Benefit. Multi-Benefit Projects that incorporate a Water Supply Benefit and/or a Community Investment Benefit are strongly encouraged but are not required. Municipal Program funds allow flexibility for Municipalities to fund Stormwater and/or Urban Runoff Programs, activities, studies, associated staffing costs, as well as capital Projects along all phases of Project development, including but not limited to: concept development, planning, design, construction, monitoring, and operations & maintenance.

**A. Municipal Program Responsibilities**

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

- a. Engage stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Municipal Program Projects.
- b. As part of the Municipal Program planning process, consider a Municipal level request for Projects from eligible Project Applicants.
- c. Prepare informational materials to provide members of the public with up-to-date information on the Municipality's actual and budgeted use of revenues from the SCW Program and make the information available to the public through the Municipality's websites and upon request.
- d. Operate in accordance with best practices for government agencies.
- e. Be strictly accountable for all funds, receipts, and disbursements by the Municipality.
- f. Prepare, prior to the start of that Municipality's fiscal year, a budget for how SCW Program funds will be used.
- g. Prepare within six (6) months after the end of that Municipality's fiscal year an Annual Progress/Expenditure Report that details a Program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, Nature-Based Solutions, and Community Investment realized through use of Municipal Program funds.

- h. Comply with all SCW Program reporting and audit requirements. And provide the District additional financial and other information, as required by SCW Program or upon request.
- i. Comply with revenue transfer agreement requirements.

## B. Maintenance of Effort

A Municipality must spend at least 70% of their Municipal Program funds annually on new Projects, which also includes operations and maintenance of infrastructure Projects built to comply with the 2012 Los Angeles MS4 Permit or 2014 Long Beach MS4 Permit, so long as the Project complies with Municipal Program requirements. Up to 30% of a Municipality's Municipal Program funds may be used to pay for SCW Program eligible activities commenced before the election date of the SCW Program Tax.

## C. Municipal Program Annual Progress/Expenditure Reports

Each Municipality shall arrange for an Annual Progress/Expenditure Report for all Projects. The Annual report shall include details that summarize the expenditures and quantify the benefits of Water Quality, Water Supply, and Community Investment realized through use of SCW Program funds. Annual Progress/Expenditure Reports will include a summary of funds that have been allocated to achieve SCW Program Goals as articulated in Section I for the prior year. The Municipality shall be subject to and comply with all applicable requirements of the District regarding Project-reporting requirements. The Annual Progress/Expenditure Report details:

- Percent complete estimate.
- SCW Program funds expended.
- Documentation that the SCW Program funds were used for eligible expenditures.
- Discussion of work accomplished during the reporting period.
- Milestones or deliverables completed/submitted during the reporting period.
- Scheduling concerns and issues encountered that may delay completion of the task.
- Work anticipated for the next reporting period.
- Photo documentation, as appropriate.
- Additional information as necessary.

## VI. District Program

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

### A. Responsibilities

The District will have the following responsibilities:

- a. Administer the SCW Program such as but not limited to: Tax and payment administration including costs incurred in connection with the levy and collection of the tax and distribution of the funds, review annual budgets and reports, conduct audits, and manage appeals of scoring process.



- b. Annually prepare a five (5)-year revenue forecast for each Watershed Area.
- c. Plan, implement, and maintain District Projects.
- d. Administer logistics for the Regional Program.
- e. Provide staff support to the Scoring Committee, Watershed Area Steering Committees, and the ROC.
- f. Provide Technical Assistance Teams and Watershed Coordinators funded by the Technical Resources Program.
- g. Engage stakeholders in the planning process for use of the District Program funds.
- h. Plan, implement, and maintain District Projects in conjunction with stakeholders.
- i. Operate in accordance with best practices for government agencies.
- j. Conduct independent audits as described in Section IX.C. to ensure compliance with requirements of the SCW Program.
- k. Prepare, prior to the start of the District's fiscal year, a budget for how SCW Program funds will be used.
- l. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a Program level summary of expenditures and a quantification of Water Quality Benefit, Water Supply Benefit, and Community Investment realized through use of Municipal Program funds.
- m. Comply with all SCW Program audit requirements (See Section IX.C.).
- n. Administer and ensure effectiveness for the Technical Resources Program Watershed Coordinators and Technical Assistance Teams.

## B. Programs

The District will administer the Programs below. The District will commence these Programs within the first year of passage of the Safe, Clean Water Tax. Not less than 20% annually of District Program funds shall be allocated for these Programs over a revolving five (5) year period. These Programs will be implemented throughout the region with special attention toward the needs of disadvantaged communities. The District will partner with stakeholders to collaboratively implement these Programs.

The District create Stormwater and/or Urban Runoff education Programs that proactively involve stakeholders and community groups to carry out activities that may 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, and operations and maintenance of Stormwater and/or Urban Runoff management and Multi-Benefit Projects.
- c. Schools education and curriculum Program, such as classroom curriculum, guest speakers, etc.



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

The District will carry out the following activities:

- a. Regional water quality planning and coordination to carry out activities which may include but are not limited to providing regional leadership and coordination for scientific studies, research, and water quality modeling.
- b. Implementation of Multi-Benefit Projects. The District will engage stakeholders in the planning process for District Projects.

## VII. Tax Calculation and Collection Provisions

### A. Calculation of the Tax

The tax will be calculated for each Parcel, subject to the tax, based upon the Parcel's Impermeable Area as determined by the County Landcover Survey. The boundaries of the area, identification of the Parcels subject to the tax, and the method for calculating the tax for each Parcel will be established by the ordinance incorporated by the Los Angeles County Flood Control District Code. The rate used for calculating the tax, as established by the ordinance, will remain the same from year to year, unless a change is approved in accordance with all applicable laws. The Chief Engineer may periodically re-evaluate the characteristics of Parcels to ensure accuracy of tax calculations.

The Board of Supervisors will periodically initiate an update to the County Landcover Survey which is used to determine the Impermeable Area for each Parcel throughout the District.

### B. Collection – General Procedure

The tax will be collected for each fiscal year on the property tax roll in the same manner, and at the same time as, the general taxes of the County are collected. The Auditor will provide an annual statement of the revenues collected for the SCW Program to each Municipality as well as each Watershed Area Steering Committee. The Auditor's costs for tax and payment administration including costs incurred in connection with the levy and collection of the tax will be paid by SCW Program funds.

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

### C. Claims for Reimbursement and Appeals

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

- a. Mathematical error in the calculation of the tax.
- b. Discrepancy of more than:
  - 10% error in the actual Impermeable Area; or
  - \$50 in the tax amount, whichever is greater.

Tax appeals must be filed with the District.

#### D. Passthrough of Tax

There are no provisions in the SCW Program Tax that would limit a Parcel owner's ability to passthrough the proposed Parcel tax to a tenant. Land owners must comply with all applicable rent control ordinances, contractual provisions in the specific lease, federal subsidized housing requirements, and others.

#### E. Credit Program

The Credit Program allows for up to 75% of the Safe, Clean Water Program tax to be credited for Parcel owners (1) who have constructed Stormwater and/or Urban Runoff improvements; or (2) who are located within a Benefited Development (as defined below) and may be eligible for additional credit or payments if they achieve additional benefits identified in the Incentive Program. All Parcels subject to the Safe, Clean Water Program tax are eligible for the Credit Program; there is no minimum tax amount or impermeable area required to be eligible for the credit, although the Board of Supervisors may, in its reasonable discretion, impose a minimum eligibility threshold at a later time. Multiple parcels with common ownership may be aggregated for purposes of the Credit Program.

Parcels located within a master planned community, Specific Plan area, subdivision, or an approved regional or sub-regional stormwater management plan area that are served by a centralized Stormwater and/or Urban Runoff improvement, are considered a "Benefited Development." The Stormwater and/or Urban Runoff improvement in the Benefited Development must collect and treat the runoff of the collective multi-Parcel impermeable area and be operated and maintained by a developer, homeowner or neighborhood association or other non-governmental entity. Notwithstanding the foregoing, if the Stormwater and/or Urban Runoff improvements are operated and maintained by a governmental entity, the Benefited Development will still qualify for the Credit Program if a developer, homeowner or neighborhood association, or other non-governmental entity funds the operation and maintenance of such improvements.

The credit shall be based on the total impermeable area of the Parcel (or aggregated Parcels, if applicable) or Benefited Development, not only the portion of the Parcel addressed by the Stormwater and/or Urban Runoff improvement.

Credit will be given for undertaking activities that result in Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits. At a minimum, a Stormwater and/or Urban Runoff improvement must provide a water quality credit to qualify for the Credit Program. The Board of Supervisors may, in its reasonable discretion, revise or update the credit formulas as appropriate at a later time.

#### Water Quality Credit

Water quality credit is given for Stormwater and/or Urban Runoff improvements that result in a Water Quality Benefit. Water quality credit is calculated based on the extent to which a Parcel(s) or Benefited Development has complied with an applicable Low Impact Development (LID) ordinance, SUSMP requirements, an Industrial General Permit (IGP) or other Los Angeles Regional Water Quality Control Board-approved permit governing the discharge of Stormwater and/or Urban Runoff (RWQCB Permit), or some combination of Stormwater and/or Urban Runoff discharge requirements for the Parcel.

Parcels or Benefited Developments with multiple and potentially overlapping Stormwater and/or Urban Runoff improvements may divide their Parcel or Benefited Development into tributary areas for each Stormwater and/or Urban Runoff improvement. Overlapping areas may only be counted once for the maximum applicable water quality credit option.

The water quality credit options are dependent on the construction date of the Stormwater and/or Urban Runoff improvement and are provided below.

Prior to election date of SCW Program:

- **LID Ordinance Compliance (65%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that comply with applicable LID ordinance requirements are eligible for a water quality credit of 65%. The water quality design storm standard shall be equivalent to that found in the applicable LID ordinance and will be used for the calculation of the credit. In the absence of an applicable LID ordinance, the County's 2013 LID ordinance requirements shall apply.
  - **Exceeds LID Ordinance Compliance (From 65% to 75%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that exceed applicable LID ordinance requirements are eligible for additional water quality credit up to 75%. The water quality design storm standard shall be greater than or equal to two times (2x) that found in the applicable LID ordinance and will be used for the calculation of the credit.
  
- **SUSMP Compliance (50%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that are in compliance with applicable SUSMP requirements are eligible for a water quality credit of 50%. The water quality design standard shall be equivalent to the standard required by applicable SUSMP requirements.
  - **Exceeds SUSMP Compliance (From 50% to 65%):** Stormwater and/or Urban Runoff improvements on Parcels or in a Benefited Development that exceed SUSMP requirements are eligible for additional water quality credit up to 65%.

After the election date of SCW Program:

- **LID Ordinance Compliance (65%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that comply with applicable LID ordinance requirements are eligible for a water quality credit of 65%. The water quality design storm standard shall be equivalent to that found in the applicable LID ordinance and will be used for the calculation of the credit. In the absence of an applicable LID ordinance, the County's most up-to-date LID ordinance requirements shall apply.
  - **LID Equivalency (up to 65%):** Stormwater and/or Urban Runoff improvements on Parcels or in a Benefited Development that provide Water Quality Benefits comparable to or greater than LID ordinance requirements are eligible for a water quality credit of up to 65%.
  - **Exceeds LID Ordinance Compliance (From 65% to 75%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that exceed applicable LID ordinance requirements are eligible for additional water quality credit up to 75%. The water quality design storm standard shall be greater than or equal to two times (2x) the design storm standard found in the applicable LID ordinance and will be used for the calculation of the credit.

Other eligible water quality credit activities (pre- or post-election date):

- **General Stormwater IGP Compliance / Individual RWQCB Permit (65%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that are subject to and in compliance with their IGP or Individual Permit are eligible for a water quality credit of 65%. The design standard shall be equivalent to the standard required by the Parcel's IGP or Individual Permit.
  - **Other Individual Stormwater RWQCB Permit Compliance (From 65% to 75%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that are subject to and in compliance with a customized individual RWQCB Stormwater Permit are eligible for additional water quality credit up to 75%. The design volume standard shall be greater than or equal to the runoff volume from a 2-inch, 24-hour rain event and will be used for the calculation of the credit.
- **Dry Weather (20%):** Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that fully retain all dry weather flows are eligible for a water quality credit of 20%.

Water supply credit

Water supply credit is given for Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that result in a Water Supply Benefit.

Community investment credit

Community investment credit is given for Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that result in a Community Investment Benefit.

The Credit Program is based upon Water Quality Benefits, Water Supply Benefits, Community Investments Benefits as shown in the table below.

**Table 8. Credit Formula**

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
<b>Water Quality Credit Percentage (WQ%)</b>  <b>CHOOSE ONE (per tributary area)</b>	LID Compliance (65% max)	$WQ\% = \frac{\text{(LID improvement volume for Impermeable Area)}}{\text{(design storm volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.65) \times 100\%$
	LID Equivalency (65% max)	$WQ\% = \frac{\text{(LID Equivalency improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.65) \times 100\%$
	Exceeds LID (75% max)	$WQ\% = \frac{\text{(LID improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.75) \times 100\%$
	SUSMP (50% max)	$WQ\% = \frac{\text{(SUSMP improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.5) \times 100\%$
	Exceeds SUSMP Standard (65% max)	$WQ\% = \frac{\text{(SUSMP improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.65) \times 100\%$
	IGP/RWQCB Permit (65% max)	$WQ\% = \frac{\text{(IGP Water Permit BMP improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of Parcel)}} \times (0.65) \times 100\%$
	Dry weather (20% max)	$WQ\% = \frac{\text{(Impermeable Area benefited by the improvement)}}{\text{(total Impermeable Area of Parcel area or multi-Parcel area)}} \times (0.2) \times 100\%$
<b>Water Supply Credit Percentage (WS%)</b>	Water Supply (20% max)	$WS\% = \frac{\text{(Water Supply Benefit volume)}}{\text{(design storm volume for Impermeable Area of Parcel or multi-Parcel area)}} \times (0.2) \times 100\%$
<b>Community Investments Percentage (CI%)</b>	Community Investment credit percentage (10% max)	$CI\% = \text{metrics to be determined} \times (0.10) \times 100\%$
<b>Total Credit Percent</b>	Credit percentage (Maximum 75%)	Credit Percent = WQ% + WS% + CI% (Not to exceed 75%)
<b>Final Parcel Credit</b>	Tax Credit (in dollars)	Final Parcel Credit = (Parcel tax) x (Credit Percent)

Implementation of the Credit Program

Prior to collection of the Safe, Clean Water Program Tax for the first year, the District shall establish procedures and guidelines for implementation of the Credit Program. These should include, at a minimum, the following:

1. Procedures for the submittal of initial and biennial Parcel owner certifications;

2. Procedures for the submittal of initial and biennial certifications for Benefited Developments;
3. Procedures for aggregating multiple parcels with common ownership for purposes of the Credit Program;
4. Procedures to facilitate the implementation of the Credit Program for Benefited Developments; and
5. Guidelines for calculating the water quality credit for (1) Stormwater and/or Urban Runoff improvements on Parcels or Benefited Developments for LID requirements and (2) Stormwater and/or Urban Runoff improvements on Parcels or Benefited Development that exceed SUSMP requirements; and (3) Stormwater and/or Urban Runoff improvements on Parcels or Benefited Developments for IGP or other individual RWQCB permits.
6. Guidelines for calculating community investment credit.

The proposed Ordinance adding Chapter 16 to the Los Angeles County Flood Control District Code shall not go into effect until the Credit Program is established.

#### Verification Process

Parcel owners and Benefited Developments must recertify their eligibility for the Credit Program every two (2) years. In addition to adhering to the certification requirements contained in the Parcel or Benefited Development's applicable LID ordinance, SUSMP permit, or IGP/RWQCB Permit, the Credit Program shall require additional documentation. All certifications submitted pursuant to the Credit Program shall be verified and submitted by a civil engineer licensed to practice in California and incorporate, at a minimum, the following elements:

- a. For a new Stormwater and/or Urban Runoff improvement, photo documentation of the construction or installation of new Stormwater and/or Urban Runoff improvement
- b. For an existing Stormwater and/or Urban Runoff improvement, photo documentation that the Stormwater and/or Urban Runoff improvement has been maintained in good working condition for the preceding two (2) years.
- c. The maintenance management plan for the Stormwater and/or Urban Runoff improvement.
- d. Calculations of the following:
  - i. The total impermeable area of the Parcel or Benefited Development;
  - ii. The impermeable area tributary to the Stormwater and/or Urban Runoff improvement;
  - iii. The volume of the Stormwater and/or Urban Runoff improvement;
  - iv. Applicable LID design storm volume or IGP/RWQCB Permit or SUSMP design standard for the impermeable are of the Parcel or Benefited Development.
- e. Certification that the improvement meets or exceeds the applicable LID, IGP/RWQCB Permit, or SUSMP standards.

The Credit Program will provide procedures for: the submittal, review and approval of applications; verification every two (2) years; and aggregating multiple Parcels with the same owner.

For Parcels or Benefited Developments subject to an IGP/ RWQCB Permit, the Parcel or Benefited Development must be in compliance with its IGP/RWQCB Permit and in good standing with no pending Notice of Violations or regulatory agency enforcement actions.

Any Water Supply Benefit created through the SCW Program is subject to applicable adjudicated judgments of water rights.

### Incentives and Credit Trading

Prior to collection of the Safe, Clean Water Program Tax for the first year, the District will establish an “Incentive Program” and “Stormwater Credit Trading Program.”

The Incentive Program will recognize and reward Parcels and Benefited Developments that further advance the goals of the Safe, Clean Water Program in comprehensive, innovative, and efficient manners. Examples of projects that may be eligible for incentives include, but are not limited to:

- Installation and/or maintenance of Stormwater and/or Urban Runoff improvements that exceed the applicable LID, IGP/RWQCB Permit, or SUSMP standards in either water quality, capacity, or both, within the Parcel or Benefited Development;
- Installation and/or maintenance of Stormwater and/or Urban Runoff improvements either by a Parcel owner or within a Benefited Development that are sized and designed to manage Stormwater and/or Urban Runoff from outside of the Parcel or Benefited Development within the Parcel or Benefited Development;
- Managing and/or funding of Stormwater and/or Urban Runoff improvements for public facilities (streets, schools, etc.) outside the Parcel or Benefited Development;
- Dedication of natural open space in perpetuity.

Incentives may be provided in the form of additional annual credit to the Parcel owner or Parcels within a Benefited Development beyond what is available in the Credit Program, direct grants for project implementation, and/or other methods to be determined by the District.

The Stormwater Credit Trading Program is intended to provide a market-based approach for Stormwater and/or Urban Runoff management that will allow a Parcel owner to purchase credits to satisfy their Safe, Clean Water Program Tax obligations. The credits will be generated and provided by other Parcel owners who have implemented Stormwater and/or Urban Runoff improvements. The Stormwater Credit Trading Program will be open to all Parcels.

## **VIII. Revenue Bonds**

Bonds issued hereunder by a Municipality or the District, to the extent such entity is authorized by law to issue and sell revenue bonds, may be secured by SCW Program revenues as set forth in this document. Only those amounts specifically allocated to a Municipality or the District may be used as security for its respective bonds. Watershed Area Steering Committees may request the District to bond against their Watershed Area’s revenue stream for Regional Projects.

## IX. Miscellaneous Provisions

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

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

### B. Procedures for Lapsing Funds

Municipalities and Project Developers who are unable to expend their approved funding as described in their Stormwater Investment Plan will be subject to lapsing funds procedures. Lapsing funds are funds that were committed and approved but were not able to be spent per the approved schedule. Funds are considered lapsed five (5) years after the transfer agreement execution date.

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

### C. Record-Keeping and Audits

The following recordkeeping and audit requirements will apply:

- a. SCW Program revenues received by the District, Municipalities, and Project Developers will be required to be held in separate interest-bearing accounts and not combined with other funds. Interest earned on SCW Program revenues will be required to be used for SCW Projects in the Watershed Area Steering Committee or Municipality in which it was earned, consistent with the requirements of the SCW Program.
- b. Municipalities, Project Developers, and the District will be required to 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. Municipalities and Project Developers, upon demand by authorized representatives of the District will be required to make such records available for examination and review or audit by the District or its authorized representative. 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 Project Developers will be required to permit the Chief Engineer, or his or her authorized representative, to examine all Projects that were erected, constructed, implemented, operated, or maintained using SCW Program revenues. Municipalities and Watershed Area Steering Committees will be required to permit the authorized representative, including the Auditor, to examine, review or audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to Projects funded with revenues from the SCW Program.



- d. Municipalities will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years. Municipal audits are to be funded with Municipal Program funds.
- e. Project Developers will be subject to an independent audit upon completion of the Project. Additional interim audits may be conducted. Project Developer audits are to be funded with Regional Program funds.
- f. District will be subject to an independent audit of their use of SCW Program funds not less than once every five (5) years.

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

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

- a. If the District determines that a Project Developer or Municipality has misused SCW Program revenues, the District may issue a written notice to the Project Developer or Municipality of that determination and to refund those revenues, including associated interest, to the District within thirty (30) days of notification.
- b. Revenues refunded by a Project Developer or Municipality will, at the District's discretion, be reassigned and used to plan, implement, and maintain Projects in accordance with the following:
  - SCW Program revenues refunded by a Municipality will be used to fund Municipal or Regional Projects that are located within the jurisdiction of the Municipality.
  - SCW Program revenues refunded by a Project Developer will be used to implement Projects in the same Watershed Area from which the revenues were collected.
- c. Failure to comply with a notice to refund revenues by the required date will result in immediate suspension of future SCW Program revenue disbursements to that entity until such time as revenues are refunded.
- d. If the District determines that a Municipality or Project Developer has failed to comply with any applicable requirement of the Program, the District, at its discretion, may issue a written notice to the Municipality or Project Developer of that determination and that the District will withhold future disbursements of SCW Program revenues pending compliance. Withheld disbursements will be retained by the District for a period of five (5) years after which, if the violation has not been resolved, they will revert back to the respective Watershed Area Steering Committee for reprogramming to another Project.
- e. If a Project Developer or Municipality disputes a determination by the District, as described above, the Project Developer or Municipality may submit a notice of appeal to the District not later than ten (10) business days from the date of the written notice from the District. The District will appoint a hearing officer to conduct a hearing on the appeal. The submission of a notice of appeal does not relieve the Municipality or Project Developer of the obligation to refund the SCW Program revenues in dispute. If the hearing officer determines an adjustment is required, that adjustment will be reflected in the next disbursement of SCW Program revenues.

#### E. District Held Harmless

The District will not be required to accept ownership or responsibility for any Project developed, implemented or constructed by a Municipality or a Project Developer with SCW Program revenues. Unless the District enters into an express agreement with a Project Developer or Municipality to the contrary, neither the District, nor the County to the extent that it is acting on behalf of the District, their officers, employees, agents or volunteers ("District Indemnitees") will be liable in connection with errors, defects, injuries, property damage caused by or attributed to any Project that is funded in whole or in part with SCW Program revenues, and each Municipality and Project Developer will be required to indemnify the District Indemnitees and hold them harmless for claims, liability, and expenses, including attorneys' fees, incurred by any District Indemnitees as a result of any Project developed, implemented, or constructed by the Municipality or Project Developer that is funded with the SCW Program revenue, except for claims, liability, and expenses, including attorneys' fees, resulting from the sole negligence or willful misconduct of District Indemnitees.

#### F. Periodic Review of the SCW Program

- a. The Board of Supervisors will review and make revisions to the SCW Program in its reasonable discretion, but not limited to updates to the Infrastructure Program Project Scoring Criteria; Watershed Area boundaries, County Landcover Survey; Credit Program, Threshold Score; membership of the Watershed Area Steering Committees, Regional Oversight Committee, and Scoring Committee; and other sections.
- b. After a period of thirty (30) years, the Board of Supervisors shall evaluate the need for the SCW Program and make a determination of whether the tax should be reduced or rescinded.

**SAFE, CLEAN WATER PROGRAM**  
**Draft Program Elements Appendices**

**X. APPENDIX**

## A. Watershed Area Steering Committee Minimum Requirements

Agency	Years of Experience	Description
Municipalities	Five +	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Knowledgeable of the roles of federal, state and local governmental agencies involved in either the regulation of or the operation of water supply facilities, as well as familiarity with key nongovernmental agencies that influence the operations of water systems.</li> </ul>
Groundwater	Five +	<ul style="list-style-type: none"> <li>• Experience in one of the following groundwater areas: remediation, supply, management and/or storage.</li> <li>• Educational background or equivalent work experience in engineering, natural sciences, land use management, conservation, or other water resource-related field.</li> </ul>
Water Agency	Five +	<ul style="list-style-type: none"> <li>• Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.</li> <li>• Ability to provide a regional perspective on water supply issues.</li> <li>• Expertise in the planning, design and construction, financing, and operations of water works facilities which includes storage reservoirs, transmission and distribution systems, pumping plants, water treatment, water conservation, and system optimization particularly as it effects power usage.</li> <li>• Sound knowledge of existing and emerging regulations, as well as environmental matters and familiarity with California water law and regulations.</li> <li>• Knowledgeable of the roles of federal, state and local governmental agencies involved in either the regulation of or the operation of water supply facilities, as well as familiarity with key nongovernmental agencies that influence the operations of water systems.</li> <li>• Experience in the acquisition of water rights.</li> </ul>
Sanitation	Five +	<ul style="list-style-type: none"> <li>• Experience in local or regional agency that provides wastewater collection, treatment, recycling and/or disposal services.</li> <li>• Education background and work experience in science, engineering, waste management or related fields.</li> </ul>
Municipal Parks/Open Space	Five +	<ul style="list-style-type: none"> <li>• Experience with habitat, open space and/or recreational issues at a regional level (i.e. across Municipal jurisdictions and watershed boundaries).</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field.</li> <li>• Familiar with the agencies and organizations involved in habitat/open space issues in the District who are likely to be Project Developers, land owners or permittees of Projects.</li> </ul>
At large Community Stakeholders	Two +	<ul style="list-style-type: none"> <li>• Experience in community engagement</li> <li>• Knowledge and experience in working with government agencies to achieve community investment</li> <li>• The willingness to be trained and educated on pollution abatement, Stormwater programs, and TMDL related issues.</li> </ul>
Environmental	Two +	<ul style="list-style-type: none"> <li>• Experience in water resource issues</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field</li> <li>• Educational background or work experience in engineering, environmental science, biology, chemistry, toxicology, microbiology, urban planning or closely related field.</li> </ul>

Agency	Years of Experience	Description
Business	Two +	<ul style="list-style-type: none"> <li>• Experience in developing commercial/business Stormwater and/or Urban Runoff capture facilities</li> <li>• Knowledge and experience in working with government agencies to achieve water resource improvements for residential and commercial properties</li> <li>• Educational background or equivalent work experience in natural sciences, land use management, conservation, or other water resource-related field.</li> </ul>
Environmental Justice	Two +	<ul style="list-style-type: none"> <li>• Experience in community engagement</li> <li>• Knowledge and experience in community priorities regarding resource needs for quality of life issues with respect to the development, implementation, and enforcement of environmental law, regulation, and policies.</li> <li>• Knowledge and experience in working with government agencies to achieve community investment.</li> </ul>
Watershed Coordinator	Two +	<ul style="list-style-type: none"> <li>• Experience in coordination and implementation of technical assistance.</li> <li>• Knowledge and experience in watershed protection planning, water quality, and/or watershed assessment.</li> <li>• Knowledge and experience to provide and/or coordinate technical assistance that results in Projects that are integrated and result in regionally significant and measurable watershed benefits</li> <li>• Experience in community engagement particularly with disadvantaged communities and small cities is desirable.</li> </ul>
<p>General Minimum Qualifications for all Members:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Must be able to attend and participate in Watershed Area Steering Committee meetings.</li> </ul>		

## B. Watershed Area Steering Committee Membership

	Central Santa Monica Bay	Lower Los Angeles River	Lower San Gabriel River	North Santa Monica Bay	Richmond	Santa Clara River & Antelope Valley	South Santa Monica Bay	Upper Los Angeles River	Upper San Gabriel River
Municipal Representation (7 seats)	Los Angeles								Unincorporated
	San Monica								Permona
	El Segundo								Industry
	Culver City								West Covina
	Beverly Hills								Gardenia
	Inglewood								Diamond Bar
	Unincorporated								Covina
	West Hollywood								South El Monte
									Baldwin Park
									Clermont
									Azusa
									La Verne
									San Dimas
LAFCOD	FOD	FOD	FOD	FOD	FOD	FOD	FOD	FOD	FOD
Water Agency	LADWP	Central Basin	Central Basin	Las Virgenes	Upper San Gabriel District	Cascade Lake	West Basin	LADWP	Upper San Gabriel District
Ground Water/ Water Agency 2	West Basin	Water Replenishment District	Water Replenishment District	County/Waterworks District	Main San Gabriel Basin	CSA for the Santa Clara River Valley	Water Replenishment District	LADWP	Main San Gabriel Basin
Sanitation	LA-SUN	San Districts	San Districts	Las Virgenes	San Districts	San Districts	San Districts	LA-SUN	San Districts
Municipal Parks/ Open Space	LA Rec & Parks	City of Long Beach Parks and Recreation	City of Long Beach Parks and Recreation	Mountains Recreation and Conservation Authority	City of Pasadena Parks and Recreation	City of Santa Clara Parks and Recreation	LA Rec & Parks	LA Rec & Parks	County Parks and Rec
Community Stakeholder (5 seats)	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS	Appointed by BOS