



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:

SWP-0

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:

REVISED

**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. 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.

AFTER THE PUBLIC HEARING, 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 Safe, Clean Water Program.

2. 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.
3. 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.
4. 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 Elements document, if the special tax measure is approved.
5. 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 and authorized 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 subject to voter approval. 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 among others.

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 including parcels owned by qualifying low income seniors and parcels subject to exemptions from the ad valorem property tax (including qualifying non-profit organizations and others), and other Program details.

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 described in the Program Elements document, and exemptions for parcels owned by qualifying low income seniors. 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 allocate 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 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 improve water quality and increase water supplies, effectively prepare for emergent environmental and natural hazards, and address the threat of climate change.

FISCAL IMPACT/FINANCING

Public Hearing

There will be no impact to the County General Fund.

Funding to amend the existing agreement for CNRG, LLC for a not-to-exceed amount of \$2,000,000 is included 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 described in the Program Elements document and exemptions for parcels owned by qualifying low income seniors. 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 revenues be distributed as follows: 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, and 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 details.

The enclosed Program Elements document sets forth criteria and guidance for the implementation of the proposed parcel tax. The Program Elements include 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.

Subsequently, the Chief Engineer will work with County Counsel to prepare additional ordinances substantially similar to the Program Elements document for the Board's consideration.

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.

The Honorable Board of Supervisors
July 17, 2018
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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 of Public Works

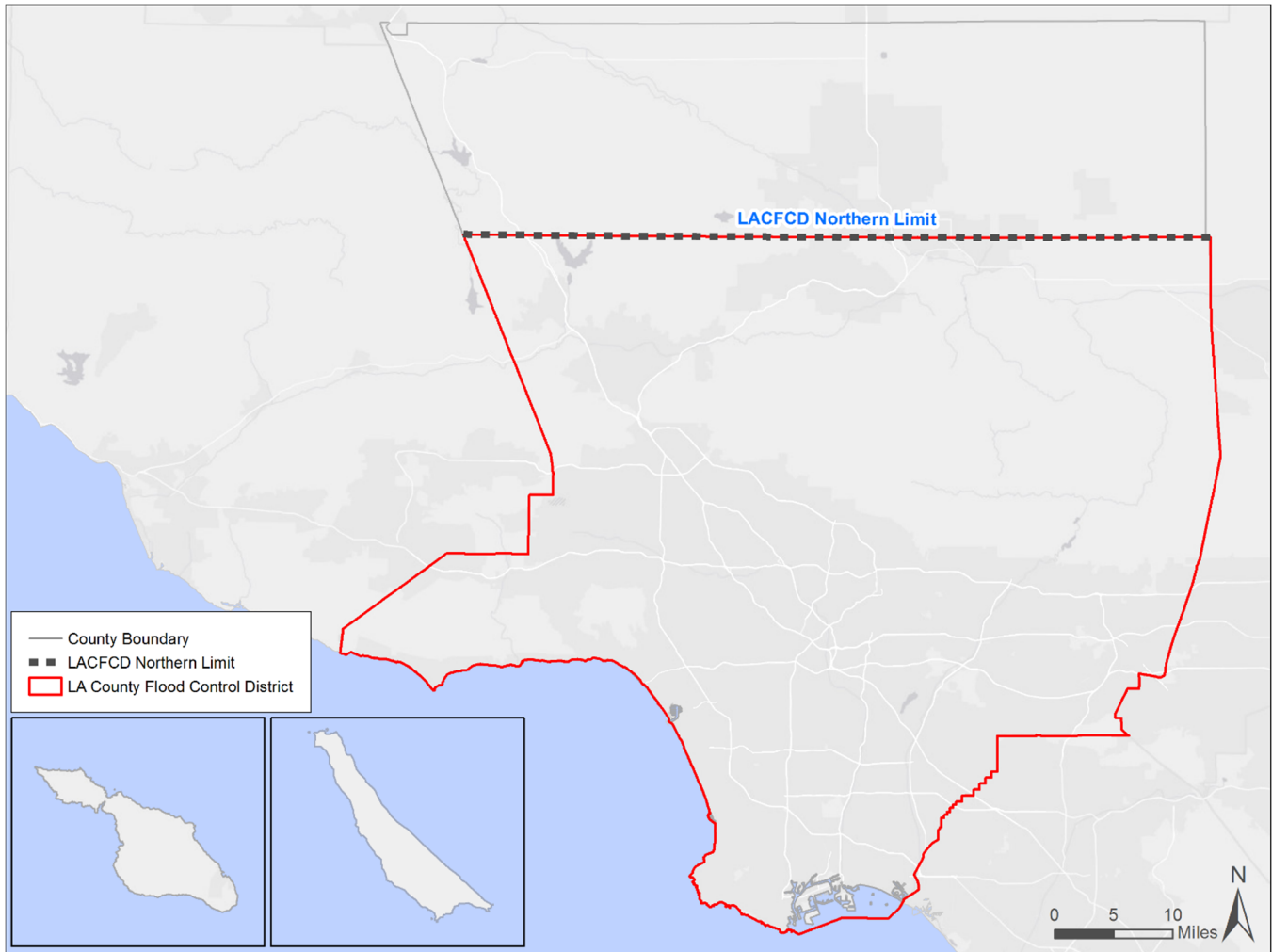
MR:ARG:ba

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



REVISED

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, 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 County of Los Angeles, also acting as the governing body of the Los Angeles County Flood Control District ("District") (the "Board"), 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 XIIC, the Board is authorized to adopt this resolution to establish and impose (subject to voter approval) a special parcel tax upon taxable real property, except as exempted, located within the District; and

WHEREAS, the specific intended purposes of the special parcel tax are to fund projects and programs to increase stormwater capture and reduce stormwater and urban runoff pollution in the District so as 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 special parcel tax may only be used for these specific purposes; and

WHEREAS, should the Board adopt an interim or permanent rent stabilization program ordinance in the future, it shall include, at a minimum, a provision permitting any person or entity with common ownership of 50 rental units or fewer within the County to pass through to its tenants the direct cost of such special parcel tax, as applicable, should such special parcel tax be approved by the voters. This means the cost of such special parcel tax would not be counted as part of rent for purposes of determining compliance with such an interim or permanent rent stabilization program ordinance; and

WHEREAS, the Board calls for an election to impose a special parcel tax in the amount of two and one-half cents per square foot of impermeable area, except as exempted, beginning with fiscal year 2019-20; and

WHEREAS, the Board deems it necessary and essential to submit the question of a special parcel 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 conducted a public hearing on this matter on July 17, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, also acting as the governing body of the Los Angeles County Flood Control 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 area, 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 parcel tax pursuant to this resolution shall appear on the ballot substantially as follows:

Los Angeles Region's Public Health;and 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/and marine life by reducing pollution, trash, toxins/plastics entering Los Angeles County waterways/bays/beaches; establishing a parcel tax of 2.5¢ per square foot of impermeable area, exempting low-income seniors, raising approximately \$300,000,000 annually until ended by voters, withrequiring independent audits, oversight and local control be adopted? **YES**___ **NO**___

3. **Ordinance.** The attached ordinance, Exhibit A, imposing the special parcel tax and setting forth the specific purposes for which the special parcel 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 revenues 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, by no later than January 1, 2021, and by January 1 of each year thereafter, stating the amount of funds collected pursuant to the 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.

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 that do not involve commitment to any specific project that may result in a potentially significant physical impact on the environment.

8. **Proclamation.** Pursuant to section 12001 of the Elections Code, the Board 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 parcel 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.

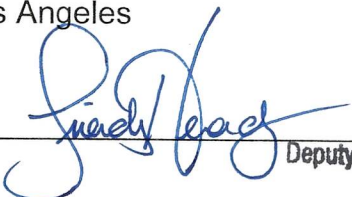
11. **Consolidation.** The election called by this resolution shall be consolidated with the other elections conducted by the Registrar-Recorder/County Clerk to be held in the County of Los Angeles on November 6, 2018, and the measure shall be placed on the same ballot.

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.

The foregoing resolution was on the 17TH 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-Clerk of the Board of
Supervisors of the County of
Los Angeles

By:  Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: 
Principal Deputy
County Counsel

EXHIBIT A

REVISED

ANALYSIS

This ordinance amends the Los Angeles County Flood Control District Code by adding Chapter 16 establishing the Los Angeles Region, Safe, Clean Water Program and imposing a special parcel tax within the Los Angeles County Flood Control District to provide for increased stormwater and urban runoff capture and reduced stormwater and urban runoff pollution, as authorized by Section 2, subsections 8a-8c of the Los Angeles County Flood Control Act, as amended by Assembly Bill 1180 (2017). The ordinance will become effective only after approval by two-thirds (2/3) of the qualified voters voting in an election on the issue.

MARY C. WICKHAM
County Counsel

By



MARK T. YANAI
Principal Deputy County Counsel
Public Works Division

MTY:lt

Requested: 06/01/18
Revised: 07/13/18

ORDINANCE NO. _____

An ordinance amending the Los Angeles County Flood Control District Code by adding Chapter 16 establishing the Los Angeles Region, Safe, Clean Water Program and imposing a special parcel tax within the Los Angeles County Flood Control District to provide for increased stormwater and urban runoff capture and reduced stormwater and urban runoff pollution in the Los Angeles County Flood Control District.

The Board of Supervisors of the County of Los Angeles, acting as the governing body of the Los Angeles County Flood Control District, ordains as follows:

SECTION 1. Chapter 16 is hereby added to read as follows:

CHAPTER 16

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

SECTIONS:

16.01 – TITLE.

16.02 – PURPOSE.

16.03 – DEFINITIONS.

16.04 – EXPENDITURE PLAN.

16.05 – PROGRAM ELEMENTS.

16.06 – SPECIAL ACCOUNT.

16.07 – INDEPENDENT AUDIT.

16.08 – SPECIAL PARCEL TAX RATE.

16.09 – EXEMPTIONS.

16.10 – CREDIT AND INCENTIVE PROGRAM.

16.11 – LAPSED FUNDS.

16.12 – REPORTING REQUIREMENTS.

16.13 – AUDIT RECORDKEEPING.

16.14 – INDEMNIFICATION.

16.15 – AMENDMENT OF ORDINANCE.

16.16 – DIRECTION TO BOARD.

16.17 – SEVERABILITY.

16.18 – EFFECTIVE DATE.

16.19 – STATUTE OF LIMITATIONS.

16.20 – EXECUTION.

16.01 Title.

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

16.02 Purpose.

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

- A. Impose a Special Parcel Tax upon Parcels of property within the boundaries of the District at the rate of two and one-half (2.5) cents per square foot of Impermeable Area, except as exempted, to be used for the purposes set forth herein.

B. Provide funding for Programs and Projects to increase Stormwater and Urban Runoff capture and reduce Stormwater and Urban Runoff pollution in the District, including Projects and Programs providing a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit.

16.03 Definitions.

As used in this Chapter, the following terms mean:

- A. "Assessor" means the County of Los Angeles Office of the Assessor.
- B. "Auditor-Controller" means the Auditor-Controller of the County of Los Angeles.
- C. "Board" means the Los Angeles County Board of Supervisors, acting as the governing body of the Los Angeles County Flood Control District.
- D. "Census Block Group" means, as defined by the United States Census Bureau, a statistical division of census tracts, which are generally defined to contain between six hundred (600) and three thousand (3,000) people, and are used to present data and control block numbering. A Census Block Group consists of clusters of blocks within the same census tract. Each census tract contains at least one (1) Census Block Group and each Census Block is uniquely numbered within the census tract.
- E. "Chief Engineer" means the Chief Engineer of the District or their authorized deputy, agent, or representative.
- F. "Community Investment Benefit" means a benefit created in conjunction with a Project or Program, such as, but not limited to: improved flood management, flood conveyance, or flood risk mitigation; creation, enhancement or restoration of

parks, habitat or wetlands; improved public access to waterways; enhanced or new recreational opportunities; and greening of schools. A Community Investment Benefit may also include a benefit to the community derived from a Project or Program that improves public health by reducing heat island effect, and increasing shade or planting of trees and other vegetation that increase carbon reduction/sequestration, and improve air quality.

G. "County" means the County of Los Angeles.

H. "Disadvantaged Community" ("DAC") means a Census Block Group that has an annual median household income of less than eighty percent (80%) of the Statewide annual median household income (as defined in Water Code section 79505.5).

I. "Disadvantaged Community (DAC) Benefit" means a Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefits directly to a DAC population.

J. "District" means the Los Angeles County Flood Control District.

K. "District Program" means that part of the SCW Program described in Section 16.05.B. of this Chapter.

L. "Feasibility Study" means a detailed technical investigation and report that is conducted to determine the feasibility of a proposed Project.

M. "Impermeable Area" means a Parcel area covered by materials or constructed surfaces such as buildings, roofs, paved roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, and other

constructed surfaces or hardscape features. Impermeable Areas do not include permeable surfaces such as vegetated areas, grasses, bushes, shrubs, lawns, bare soil, tree canopy, natural water bodies, wetland areas, gravel, gardens and planters on bare soil, rocky shores, and other natural areas.

N. "Infrastructure Program Project Applicant" means any individual, group, business or governmental entity, including, but not limited to, a Municipality, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, federally-recognized Indian tribe, State Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, or mutual water company, that submits a proposed Project or Feasibility Study for consideration for funding by the SCW Program.

O. "Infrastructure Program Project Developer" means the individual, group or entity that carries out or causes to be carried out part or all of the actions necessary to complete a Project.

P. "Multi-Benefit Project" means a Project that has: (1) a Water Quality Benefit, and (2) a Water Supply Benefit or a Community Investment Benefit, or both.

Q. "Municipal Program" means that part of the SCW Program described in Section 16.05.C. of this Chapter.

R. "Municipality" means a city within the District, or the County, pertaining to unincorporated areas within the District.

S. "Nature-Based Solution" means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may

include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, and improving quality of life for surrounding communities. Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

T. "Parcel" means a parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.

U. "Program" means a planned, coordinated group of activities related to increasing Stormwater or Urban Runoff capture or reducing Stormwater or Urban Runoff pollution in the District.

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 that increases Stormwater or Urban Runoff capture or reduces Stormwater or Urban Runoff pollution in the District.

W. "Regional Oversight Committee (ROC)" means a body created by the Board whose responsibilities include, but are not limited to, assessing whether the SCW Program purposes are being achieved.

X. "Regional Program" means that part of the SCW Program described in Section 16.05.D. of this Chapter.

Y. "Safe, Clean Water (SCW) Program" means the program established by this ordinance, including the administration of revenues from the Special Parcel Tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

Z. "Special Parcel Tax" means the tax described in Section 16.08 of this Chapter.

AA. "Stakeholder" means a person; Municipality; citizens' group; homeowner or other property owner; business; non-governmental organization; social justice group; health advocate; local park representative; school board member; environmental group; labor union; academic institution; neighborhood council; town council; community group; water resources agency, such as a groundwater pumper or manager, or private or public water agency; other governmental 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 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 a reduction in Stormwater or Urban Runoff pollution, such as improvements in the chemical, physical, and biological characteristics of Stormwater or Urban Runoff in the District. Activities resulting in this benefit include, but are not limited to: infiltration or treatment of Stormwater or Urban Runoff, non-point source pollution control, and diversion of Stormwater or Urban Runoff to a sanitary sewer system.

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

HH. "Watershed Area" means the regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions and other factors.

II. "Watershed Area Steering Committee" means a body created by the Board, one for each Watershed Area, whose responsibilities include programming funding for the Regional Program.

16.04 Expenditure Plan.

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

A. The District shall use the Special Parcel Tax revenues to pay the costs and expenses of carrying out Projects and Programs to increase Stormwater or Urban Runoff capture or reduce Stormwater or Urban Runoff pollution in the District in accordance with criteria and procedures established in this Chapter. Projects and Programs funded by the revenues from the Special Parcel Tax may provide a Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit. The District shall allocate the revenues derived from the Special Parcel Tax as follows:

1. Ten percent (10%) shall be allocated to the District for implementation and administration of Projects and Programs, and for the payment of the costs incurred in connection with the levy and collection of the Special Parcel Tax and the distribution of the funds generated by imposition of the Special Parcel Tax in accordance with the criteria and procedures established in this Chapter.

2. Forty percent (40%) shall be allocated to Municipalities within the District, in the same proportion as the amount of revenues collected within each Municipality, to be expended by those cities within the cities' respective jurisdictions and by the County within the unincorporated areas that are within the boundaries of the District, for the implementation, operation and maintenance, and administration of Projects and Programs, in accordance with the criteria and procedures established in this Chapter.

3. Fifty percent (50%) shall be allocated to pay for the implementation, operation and maintenance, and the administration of Projects and Programs implemented through the Regional Program, including Projects and Programs identified in approved regional plans such as stormwater resource plans developed in accordance with Part 2.3 (commencing with section 10560) of Division 6 of the Water Code, watershed management programs developed pursuant to waste discharge requirements for municipal separate storm sewer system (MS4) discharges within the coastal watersheds of the County, issued by the Los Angeles Regional Water Quality Control Board, and other regional water management plans, as appropriate, in accordance with the criteria and procedures established in this Chapter.

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

16.05 Program Elements.

A. General Requirements.

1. SCW Program funds shall be transferred to Municipalities, Infrastructure Program Project Developers and the District in advance of eligible expenditures taking place. Prior to their receipt of SCW Program funds, Municipalities and Infrastructure Program Project Developers must enter into an agreement with the District to transfer SCW Program funds.

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

a. Infrastructure development tasks including design and planning, preparation of environmental documents, obtaining permits, construction, operations and maintenance, and inspection;

b. Real property acquisition, including fee title, leases, easements and right of entry permits, necessary to implement Projects selected for funding under the SCW Program;

c. Scientific and technical studies, and Stormwater or Urban Runoff modeling and monitoring;

d. Water quality or regional water resilience planning;

e. Stormwater or Urban Runoff residential and/or commercial retrofits;

f. Projects or studies to pilot or investigate new technologies or methodologies to increase or improve Stormwater or Urban Runoff capture or reduce

Stormwater or Urban Runoff pollution for improving water quality, increasing local water supplies, or improving the quality of life for communities;

g. The development of Feasibility Studies to enable Infrastructure Program Project Applicants to submit Projects for consideration for SCW Program funds;

h. The modification, upgrade, retrofit, or expansion of an existing Project to incorporate new elements to increase Stormwater or Urban Runoff capture and reduce Stormwater or Urban Runoff pollution to provide an additional Water Quality Benefit, Water Supply Benefit, or Community Investment Benefit;

i. Debt financing, should the District or a Municipality determine that bonds or loans are prudent and necessary to implement Projects or Programs;

j. Stormwater or Urban Runoff Programs such as, but not limited to, school education and curriculum, public education, watershed coordination efforts, regional water quality planning and coordination, and local workforce job training;

k. Administration and implementation of the SCW Program;
and

l. Payments pursuant to an incentive program, as may be established by the Board.

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

- a. Payment of fines imposed by any State, federal, or local regulatory agency;
- b. Expenditures related to the investigation, defense, litigation, or judgment associated with any regulatory permit violations, notices of violation, or allegations of noncompliance with regulations brought forth by any State, federal, or local regulatory agency, or a third party unrelated to Projects and Programs selected for funding under the SCW Program;
- c. Expenditures for the investigation or litigation of any claim or action against the District, County, or their officers, employees or agents alleging improper allocation, withholding or reassignment of SCW Program funds;
- d. Costs associated with any litigation, including investigation, defense, or attorneys' fees, related to the design and implementation of Projects or Programs selected for funding under the SCW Program; and
- e. Payment of any settlement or judgment related to any claim or lawsuit arising from the negligence or wrongdoing of a Municipality or Infrastructure Program Project Developer or their respective agents in connection with any Project or Program funded under the SCW Program.

B. District Program.

Ten percent (10%) of the revenue from the annual Special Parcel Tax shall be allocated for the District Program. The District shall perform the following functions as part of the District Program:

1. Administer the SCW Program, including collection of the Special Parcel Tax and distribution of funds, tax and payment administration, including administration of credit and incentive programs, review budgets and reports, and conduct audits.

2. Plan, implement, and maintain District Projects.

3. Administer the Regional Program.

4. Provide technical assistance, including the hiring of watershed coordinators.

5. Oversee regional water quality planning and coordination, scientific studies, and water quality modeling.

6. The District will administer the Programs described below. Not less than twenty percent (20%) of District Program funds shall be allocated for these Programs over a revolving five (5) year period. These Programs will be implemented throughout the District with special attention to the needs of DACs. The District will partner with Stakeholders to collaboratively implement these Programs. Programs shall include, but are not limited to:

a. Public education Programs;

b. Local workforce job training, which will provide certification classes and vocational training at the community level for the design, construction, inspection, operation and maintenance of Stormwater or Urban Runoff management and Multi-Benefit Projects; and

c. Schools education and curriculum Programs.

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C. Municipal Program.

Forty percent (40%) of the revenue from the annual Special Parcel Tax shall be allocated for the Municipal Program. Each Municipality shall receive a proportional share of these Municipal Program funds based on the Special Parcel Tax revenues collected within each Municipality.

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

1. Preparation of a progress/expenditure report that details a program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.

2. Compliance with all SCW Program fund transfer, reporting, and audit requirements.

3. Engagement with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.

4. Prioritization and development of Projects that, to the extent feasible, assist in achieving compliance with Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01 NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm

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

D. Regional Program.

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

1. Infrastructure Program.

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

a. Shall be spent on activities performed after the Feasibility Study phase, to implement Projects and Programs;

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- b. Shall be allocated proportional to the revenues generated in each Watershed Area;
- c. Shall be programmed by Watershed Area Steering Committees for respective Watershed Areas;
- d. Shall be allocated such that funding for Projects that provide a DAC Benefit is not less than one hundred ten percent (110%) of the ratio of the DAC population to the total population in each Watershed Area;
- e. Shall be programmed, to the extent feasible, such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the one hundred ten percent (110%) return to DACs;
- f. Shall be programmed, to the extent feasible, such that a spectrum of project types and sizes are implemented throughout the region;
- g. Shall be programmed, to the extent feasible, such that Nature-Based Solutions are prioritized; ~~and~~
- h. Shall be disbursed to a non-municipal Infrastructure Program Project Applicant only after the Infrastructure Program Project Applicant has secured a letter of support from the Municipality in which the Project is located; ~~and~~
- i. Shall be prioritized and spent on Projects that, to the extent feasible, assist in achieving compliance with Order No. R4-2012-0175 (As Amended By State Water Board Order WQ 2015-0075 and Order No. R4-2012-0175-A01 NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm

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

2. Technical Resources Program.

This program shall provide technical resources for the development of Feasibility Studies through support from teams and coordinators providing technical assistance, outreach, and education.

3. Scientific Studies Program.

This program shall provide funding for eligible scientific and other activities, such as, but not limited to: scientific studies, technical studies, monitoring, modeling, and other similar activities. The District will administer this program and will seek to utilize independent research institutions or academic institutions to carry out or help design and peer review activities carried out by other entities. All activities implemented through this program shall be conducted in accordance with accepted scientific protocols.

E. Regional Oversight Committee.

The Regional Oversight Committee ("ROC") is an independent body that ensures SCW Program goals are met. The ROC shall consist of subject matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, Community Investment Benefits, public health, sustainability, and other pertinent subject matter. The ROC shall prepare SCW Program progress reports and submit recommendations to the Board. ROC members shall be governed by and comply with State conflict of interest laws (e.g., Government Code sections 1090 et seq. and 87000 et seq.) and the County's conflict of interest policies.

16.06 Special Account.

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

16.07 Independent Audit.

A. The Board shall cause independent financial audits to be conducted for the purpose of determining compliance with the terms of this ordinance. The audits shall be posted on the District's publicly-accessible website.

B. Municipalities shall be subject to an independent audit of their use of SCW Program funds not less than once every three (3) years. Audits of Municipalities shall be funded with Municipal Program funds.

C. Infrastructure Program Project Developers shall be subject to an independent audit upon completion of the Project. Additional interim audits may be

conducted by the District. Audits of Infrastructure Program Project Developers shall be funded with Regional Program funds.

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

16.08 Special Parcel Tax Rate.

A. Commencing the fiscal year 2019-20, an annual special parcel tax in the amount of two and one-half (2.5) cents per square foot of Parcel Impermeable Area, is hereby imposed upon all Parcels located within the District, except as provided in Section 16.09 of this Chapter. All revenues from the Special Parcel Tax shall be used to fund Projects and Programs consistent with the expenditure plan as set forth in Section 16.04 of this Chapter, and to fund the costs incurred in connection with the levy and collection of the tax and distribution of the funds.

B. All laws and procedures regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, late payments, liens and collections for the secured roll ad valorem property taxes shall be applicable to the collection of the Special Parcel Tax. The secured roll tax bills shall be the only notices required for the levying of the Special Parcel Tax. The Auditor-Controller shall place the Special Parcel Tax on the secured tax roll for the initial fiscal year 2019-20, and for subsequent fiscal years. The Treasurer shall collect the Special Parcel Tax for the initial Fiscal Year 2019-20, and for subsequent fiscal years, on the tax roll at the same time and in the same manner, and subject to the same penalties as the ad valorem property taxes fixed

and collected by or on behalf of the County. The County shall be entitled to deduct its reasonable costs incurred in collecting the Special Parcel Tax before such tax is remitted to the District, including all costs incurred in connection with the levy and collection of the tax and distribution of the funds.

C. The District shall establish and administer an appeals process to address and correct errors in the levy of the Special Parcel Tax. Parcel owners or any other person or entity subject to the Special Parcel Tax may seek review of the amount of their tax on the following grounds:

1. Mathematical error in the calculation of the tax; or
2. Significant discrepancy between the assessed and the actual

Impermeable Area.

D. The Auditor-Controller shall file a report with the Board by no later than January 1, 2021, and by January 1 of each year thereafter, stating the amount of funds collected pursuant to this ordinance. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Auditor-Controller may determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board.

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

16.09 Exemptions.

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

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

B. Upon application, low-income senior-owned Parcels.

16.10 Credit, Incentive and Credit Trading Program.

The Board shall adopt an ordinance, not later than August 1, 2019, establishing criteria and procedures consistent with the following provisions:

A. Credit program. The credit program shall provide a credit to Parcel owners (including Parcel owners in developments served by a centralized Stormwater or Urban Runoff system) for qualifying improvements that capture or treat Stormwater or Urban Runoff or reduce Stormwater or Urban Runoff pollution in the District.

1. Unless otherwise approved by the District, water quality credit shall be calculated based on the extent to which a Parcel(s) has complied with (1) an applicable Low Impact Development (LID) ordinance, (2) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, (3) an Industrial General Permit (IGP), (4) another Los Angeles Regional Water Quality Control Board-approved permit governing the discharge of Stormwater or Urban Runoff (RWQCB Stormwater Permit), or (5) some combination of Stormwater or Urban Runoff discharge requirements for the

Parcel. Credit shall also be available for improvements or projects that result in Water Supply Benefits or Community Investment Benefits.

2. The maximum credit under the credit program shall be one hundred percent (100%) of each Parcel's specific Special Parcel Tax amount.

3. The credit program shall include provisions allowing for aggregating Parcels under common ownership and applying the credit in developments served by centralized Stormwater or Urban Runoff improvements.

B. Incentive Program. The District may establish an incentive program to recognize and reward efforts that advance the goals of the SCW Program.

C. Credit trading program. The District shall establish a credit trading program that would allow Parcel owners to purchase and sell credits to satisfy Special Parcel Tax obligations.

D. Low-income credit. The District may establish a credit for qualifying Parcel owners who are low-income.

16.11 Lapsed Funds.

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

B. Municipalities and Infrastructure Program Project Developers who are unable to expend their approved funding as described in their budgets 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. Unspent funds are considered lapsed five (5) years after the transfer agreement execution date.

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

16.12 Reporting Requirements.

A. Each Municipality shall prepare a progress/expenditure report describing their use of Municipal Program funds. The report shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.

B. Each Infrastructure Program Project Developer shall prepare progress/expenditure reports describing its use of Regional Program funds. The reports shall include details that summarize the expenditures and describe the Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Regional Program funds.

16.13 Audit Recordkeeping.

The following recordkeeping and audit requirements shall apply:

A. SCW Program funds distributed to the District, Municipalities, and Infrastructure Program Project Developers shall be held in separate interest-bearing accounts and shall not be combined with other funds. Interest earned from each

account shall be used by the account holder only for eligible expenditures consistent with the requirements of the SCW Program.

B. Municipalities, Infrastructure Program Project Developers, and the District shall retain, for a period of seven (7) years after Project completion, all records necessary in accordance with Generally Accepted Accounting Principles to determine the amounts expended, and eligibility of Projects and Programs implemented using SCW Program funds. Municipalities and Infrastructure Program Project Developers, upon demand by authorized representatives of the District, shall make such records available for examination and review or audit by the District or its authorized representatives. Records shall include: accounting records, written policies and procedures, contract files, original estimates, correspondence, change order files, including documentation covering negotiated settlements, invoices, and any other supporting evidence deemed necessary to substantiate charges related to SCW Program funds and expenditures.

C. At all reasonable times, Municipalities and Infrastructure Program Project Developers shall permit the Chief Engineer, or their authorized representative, to examine all Projects and Programs 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-Controller, 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 by the SCW Program.

16.14 Indemnification.

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

16.15 Amendment of Ordinance.

A. Except for amendments that would increase the Special Parcel Tax rate, impose the Special Parcel Tax on exempt properties, change the purpose and use of the Special Parcel Tax, violate State law or conflict with the purposes of this ordinance, the Board is hereby authorized to amend this ordinance as may be convenient or

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necessary to comply with the intent of this ordinance or as otherwise required by law, without submitting the amendment to the voters for approval.

B. After a period of no longer than thirty (30) years, the Board shall evaluate the need for needs of the SCW Program and make an affirmative determination of whether that the Special Parcel Tax ~~should be reduced or repealed~~ is needed to build additional Projects to achieve Water Quality Benefits and other benefits in accordance with the goals of the SCW Program. Should the Board determine that no additional Projects are needed, the Special Parcel Tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with SCW Program funds during the previous thirty (30) years.

16.16. Direction to Board.

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

A. Criteria and procedures consistent with Section 16.05 to implement the purposes of this ordinance.

B. An exemption from the Special Parcel Tax for low-income senior-owned Parcels who apply for such exemption consistent with Section 16.09.B.

16.17 Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions or applications,

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

16.18 Effective Date.

This ordinance shall take effect immediately upon approval by two-thirds (2/3) of the electorate voting in an election on this ordinance.

16.19 Statute of Limitations.

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

16.20 Execution.

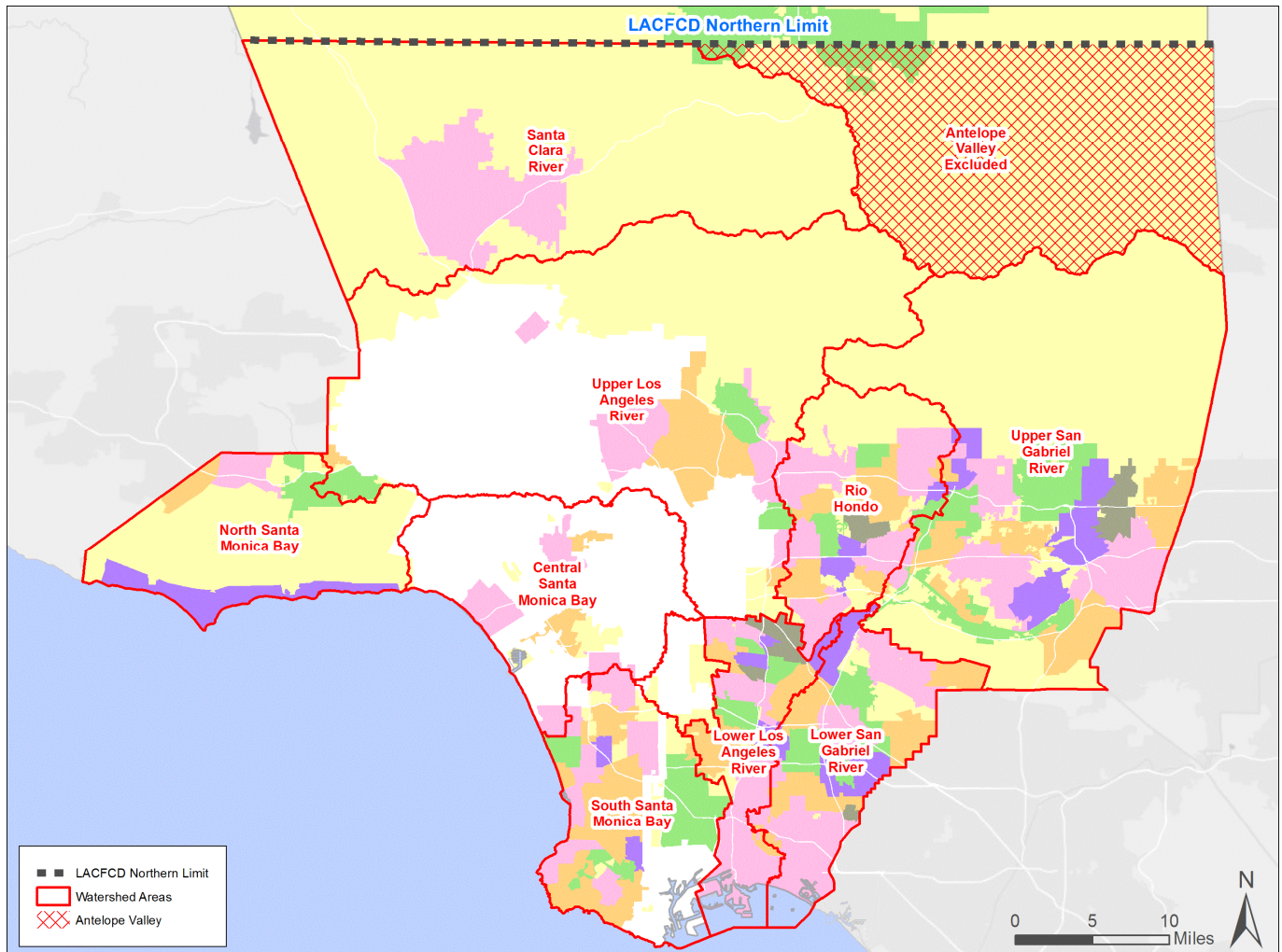
The Chair of the Board is authorized to attest to the adoption of this ordinance by the voters of the District.

[FCDCHAPTER16MYCC]

ENCLOSURE C

ESTIMATED ANNUAL REGIONAL PROGRAM FUNDS - BY WATERSHED AREA

Central Santa Monica Bay	\$18.1M
Lower Los Angeles River	\$13.9M
Lower San Gabriel River	\$17.4M
North Santa Monica Bay	\$2.2M
Rio Hondo	\$12.0M
Santa Clara River	\$7.1M
South Santa Monica Bay	\$19.5M
Upper Los Angeles River	\$39.9M
Upper San Gabriel River	\$20.1M



ENCLOSURE D

ESTIMATED ANNUAL MUNICIPAL PROGRAM FUNDS - BY MUNICIPALITY

Agoura Hills	\$0.37M
Alhambra	\$0.90M
Arcadia	\$1.03M
Artesia	\$0.21M
Azusa	\$0.67M
Baldwin Park	\$0.75M
Bell	\$0.33M
Bell Gardens	\$0.33M
Bellflower	\$0.85M
Beverly Hills	\$0.56M
Bradbury	\$0.06M
Burbank	\$1.49M
Calabasas	\$0.48M
Carson	\$2.81M
Cerritos	\$1.03M
Claremont	\$0.61M
Commerce	\$1.30M
Compton	\$1.24M
Covina	\$0.77M
Cudahy	\$0.18M
Culver City	\$0.56M
Diamond Bar	\$0.90M
Downey	\$1.49M
Duarte	\$0.26M
El Monte	\$1.18M
El Segundo	\$0.90M
Gardena	\$0.86M
Glendale	\$1.72M
Glendora	\$0.94M

Hawaiian Gardens	\$0.13M
Hawthorne	\$0.83M
Hermosa Beach	\$0.16M
Hidden Hills	\$0.10M
Huntington Park	\$0.44M
Industry	\$1.86M
Inglewood	\$1.04M
Irwindale	\$0.51M
La Canada Flintridge	\$0.40M
La Habra Heights	\$0.18M
La Mirada	\$1.00M
La Puente	\$0.36M
La Verne	\$0.62M
Lakewood	\$1.13M
Lawndale	\$0.23M
Lomita	\$0.23M
Long Beach	\$4.86M
Los Angeles	\$37.99M
Lynwood	\$0.59M
Malibu	\$0.45M
Manhattan Beach	\$0.43M
Maywood	\$0.18M
Monrovia	\$0.54M
Montebello	\$1.00M
Monterey Park	\$0.79M
Norwalk	\$1.15M
Palmdale	\$0.00M
Palos Verdes Estates	\$0.26M
Paramount	\$0.69M

Pasadena	\$1.58M
Pico Rivera	\$0.99M
Pomona	\$2.01M
Rancho Palos Verdes	\$0.72M
Redondo Beach	\$0.76M
Rolling Hills	\$0.12M
Rolling Hills Estates	\$0.20M
Rosemead	\$0.61M
San Dimas	\$0.64M
San Fernando	\$0.28M
San Gabriel	\$0.46M
San Marino	\$0.24M
Santa Clarita	\$3.62M
Santa Fe Springs	\$1.59M
Santa Monica	\$0.83M
Sierra Madre	\$0.15M
Signal Hill	\$0.30M
South El Monte	\$0.46M
South Gate	\$1.05M
South Pasadena	\$0.26M
Temple City	\$0.46M
Torrance	\$2.50M
Unincorporated	\$12.55M
Vernon	\$1.13M
Walnut	\$0.51M
West Covina	\$1.40M
West Hollywood	\$0.27M
Westlake Village	\$0.25M
Whittier	\$1.25M

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ENCLOSURE E

SAFE, CLEAN WATER PROGRAM
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 SCW 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 reuse.
- 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.
- Invest in infrastructure that provides multiple benefits.
- Prioritize Nature-Based Solutions.
- 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.
- Implement an iterative planning and evaluation process to ensure adaptive management.
- Promote green jobs and career pathways.
- Provide ongoing operations and maintenance for Projects.

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 statistical division of census tracts, which are generally defined to contain between six hundred (600) and three thousand (3,000) people, and are used to present data and control block numbering. A Census Block Group consists of clusters of blocks within the same census tract. Each census tract contains at least one (1) Census Block Group and each is uniquely numbered within the census tract.

Chief Engineer: Chief Engineer of the District or their authorized deputy, agent, or representative.

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

County: County of Los Angeles.

County Landcover Survey: A Geographic Information System (GIS) land cover dataset for Los Angeles County, which was developed using County LiDAR data, United States Department of Agriculture (USDA) National Agriculture Imagery Program (NAIP) imagery, along with County Orthophotography Imagery. Object-based image analysis (OBIA) techniques were employed to extract land cover information, which groups imagery pixels into meaningful objects based on their spectral and spatial properties. A rule-based system was designed to mimic the process of manual image analysis by incorporating the elements of image interpretation of color, tone, texture, pattern, location, size, and shape into the classification process. Following the automated OBIA mapping, a detailed manual review of the dataset was carried out, and all observable inaccuracies were corrected.

Disadvantaged Community (DAC): A Census Block Group with an annual median household income of less than eighty (80) percent of the Statewide annual median household income (as defined in Water Code section 79505.5).

Disadvantaged Community (DAC) Benefit: A Water Quality Benefit, Water Supply Benefit, and/or Community Investment Benefit located in a DAC or providing benefit 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 located in a DACs or providing benefit directly to a DAC.

District: Los Angeles County Flood Control District.

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

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 the 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).

Infrastructure Program Project Applicant: Any entity, which could include but not be limited to a Municipality, individual, group, business, governmental entity, public utility, special district, school, community-based organization, non-governmental organization, non-profit organization, corporation, federally recognized Indian tribe, state Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List or mutual water company that submits a Project or Feasibility Study for consideration for funding by the SCW Program.

Infrastructure Program 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 Infrastructure Program Project Developer.

Impermeable Area: Parcel area covered by materials or constructed surfaces, such as buildings, roofs, paved roadways, sidewalks, driveways, parking lots, brick, asphalt, concrete, pavers, covers, slabs, sheds, pools, and other constructed surfaces. 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: Part of the SCW Program as described in Section 2, subsection 8b(B) of the Flood Control Act.

Municipality: A city within the District, or the County, pertaining to unincorporated areas within the District.

Nature-Based Solutions: A Project that utilizes natural processes that slow, detain; infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; and enhancing soil through composting, mulching, and, planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon; supporting biodiversity; providing shade; and improving quality of life for surrounding communities. Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity. Nature-Based Solutions include Nature-Mimicking Solutions.

Nature-Mimicking Solutions: Projects that mimic natural processes, such as green streets, spreading grounds, and planted areas with water storage capacity.

Parcel: A parcel of real property situated within the District, as shown on the latest equalized assessment roll of the County and identified by its Assessor's Parcel Number, and that is tributary to a receiving water identified in the Water Quality Control Plan for the Los Angeles Region in effect as of January 1, 2018. Parcel shall not include a possessory interest based on a private, beneficial use of government-owned real property.

Program: A planned, coordinated group of activities, related to increasing Stormwater and/or Urban Runoff capture and/or reducing Stormwater and/or Urban Runoff pollution designed to further one or more goals of the SCW Program.

Project: The development of Stormwater and/or Urban Runoff 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 created by the Board of Supervisors whose responsibilities include, but are not limited to assessing 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 the following subprograms: Infrastructure Program, Technical Resource Program, and Scientific Studies Program.

Safe, Clean Water (SCW) Program: Program established by the District to implement Los Angeles Region Safe, Clean Water Program Ordinance, including the administration of revenues from the special Parcel tax levied pursuant to this ordinance, and the criteria and procedures for selecting and implementing Projects and Programs and allocating revenues among the Municipal, Regional, and District Programs.

Stakeholder: A person; Municipality; 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 a 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.

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

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.

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

Transfer Agreement: An agreement between the District and an Infrastructure Program Project Developer or Municipality to transfer SCW Program funds.

Threshold Score: A minimum score that Projects must meet or exceed in order to be eligible for Infrastructure Program funding.

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: Reduction in Stormwater and/or Urban Runoff pollution such as improvements in the chemical, physical, and biological characteristics of Stormwater and/or Urban Runoff 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 a 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, or offset of potable water use. Water Supply Benefit created through the SCW Program is subject to applicable adjudicated judgments of water rights.

Watershed Area: Regional hydrologic boundaries as depicted on maps maintained by the District for the SCW Program, that are established in consideration of topographic conditions, as well as other considerations.

Watershed Area Steering Committees: The nine (9) bodies created by the Board of Supervisors, one for each Watershed Area, whose responsibilities include, but are not limited to, programming funding for the Regional Program.

III. General SCW Program Requirements

A. Authority and Allocation of Revenues

The Board of Supervisors shall annually levy the SCW Program tax upon the taxable Parcels within the District. The District shall use the SCW Program tax revenues to pay the costs and expenses of carrying out Projects and Programs to increase Stormwater and/or Urban Runoff capture and/or reduce Stormwater and/or Urban Runoff pollution in the District. The District shall allocate the revenues derived from the SCW Program tax as follows:

- Ten percent (10%) shall be allocated to the District for implementation and administration of Projects and Programs, and for the payment of the costs incurred in connection with the levy and collection of the SCW Program tax and the distribution of the funds generated by imposition of the SCW Program tax.
- Forty percent (40%) shall be allocated to Municipalities within the District, in the same proportion as the amount of revenues collected within each Municipality for the implementation, operation and maintenance (O&M), and administration of Projects and Programs.
- Fifty percent (50%) shall be allocated to pay for the implementation, O&M, and administration of watershed-based Projects and Programs.

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 Infrastructure Program Project Developers in advance of eligible expenditures being made. Prior to their receipt of SCW Program funds, Municipalities and Infrastructure Program Project Developers must enter into an agreement with the District to transfer SCW Program funds. The 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. With respect to a Project funded with SCW Program funds through the Regional Program, if the Project has an estimated capital cost of over \$25 million, the Infrastructure Program Project Developer for such a Project shall require that all contractors performing work on such a Project be bound by the provisions of: (1) a County-wide Project Labor Agreement (County PLA), if such an agreement has been successfully negotiated between the County and the Trades and is approved by the Board of Supervisors, or (2) a Project Labor Agreement (PLA) mirroring the provisions of such County PLA.
- i. With respect to a Project funded with SCW Program funds through the Regional Program, if one or more of the Municipalities that is a financial contributor to a Project has its own PLA, the Infrastructure Program Project Developer for the Project shall require that contractors performing work on the Project are bound to such PLA. If more than one of the contributing Municipalities to a capital project has a PLA, the Project Developer shall determine which of the PLAs will be applied to the Project
- j. With respect to all Regional Program Projects funded with SCW Program funds, the Infrastructure Program Project Developer for such a Project shall apply and enforce provisions mirroring those set forth in the then-current version of the County's Local and Targeted Worker Hire Policy (LTWHP), adopted by the Board of Supervisors on September 6, 2016, as to contractors performing work on such a Project. Alternatively, if the Infrastructure Program Project Developer is a Municipality and has adopted its own policy that is substantially similar to the LTWHP, the Infrastructure Program Project Developer may, at its election, choose to apply and enforce the provisions of its own such policy as to contractors performing work on such a Project in lieu of the provisions of the LTWHP.
- k. With respect to all Regional Program Projects funded with SCW Program funds, the Infrastructure Program Project Developer for such a Project shall apply and enforce provisions mirroring those set forth in County Code Chapter 2.211 (Disabled Veteran Business Enterprise Preference Program), County Code Chapter 2.204 (Local Small Business Enterprise Preference Program), and County Code Chapter 2.205 (Social Enterprise Preference Program), as to contractors performing work on such an Infrastructure Program Project, subject to statutory authorization for such preference program(s), and subject to applicable statutory limitations for such preference(s); and, furthermore, the Infrastructure Program Project Developer implementing such a Project shall take actions to promote increased contracting opportunities for Women-Owned Businesses on such a Project, subject to applicable State or federal constitutional limitations.
- l. 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, O&M, inspection, and similar activities.
- c. Operation and maintenance of Projects.

- d. Water quality and/or regional resilience planning.
- e. Real property acquisition, including fee title, leases, easements and right of entry permits, necessary to implement Projects selected for funding under the SCW Program.
- f. Scientific and technical studies such as Stormwater and/or Urban Runoff modeling and monitoring.
- g. Projects or studies to pilot or investigate new technologies or methodologies to increase and/or improve 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 quality of community investments.
- 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 or Programs. Watershed Area Steering Committees may request the District to issue a bond for their Watershed Area's revenue stream.
- j. 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. Administration and payments pursuant to an incentive program, as may be established by the Board of Supervisors.
- m. 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. O&M 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.
- n. 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, or attorneys' fees, related to the design and implementation of Projects and Programs selected for funding under the SCW Program.
- e. Payment of any settlement or judgment related to any claim or lawsuit arising from the negligence or wrongdoing of a Municipality or Infrastructure Program Project Developer or their respective agents in connection with any Project or Program funded under the SCW Program.

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, O&M, 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 prioritized and spent on Projects that, to the extent feasible, assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board.
- 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.
- Shall be programmed, to the extent feasible, such that each Municipality receives benefits in proportion to the funds generated within their jurisdiction, after accounting for allocation of the 110% return to DACs, to be evaluated over a ten (10) year period.
- Shall be programmed, to the extent feasible, 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, to the extent feasible, such that Nature-Based Solutions are prioritized.

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%
Total	9,647,765	4,012,392	42%

*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 O&M costs for Projects are to be considered and included in the Infrastructure Program to ensure that Projects are properly maintained.
- Infrastructure Program Project Developers are responsible to carry out the actions necessary to complete a Project that is selected for funding.
- Infrastructure Program Project Applicants must demonstrate technical, financial, and other necessary capabilities to be the Infrastructure Program Project Developer. If the Infrastructure Program Project Applicant is unable to be the Infrastructure Program Project Developer for any aspect of a Project, the District may act as the Infrastructure Program Project Developer 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.
- Infrastructure Program Project Developers may utilize a construction authority to implement Projects.
- Projects must be designed for a minimum useful life of thirty (30) years. O&M 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 O&M.
- Funding for O&M 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, but are not required to be part of a programmatic EIR. Projects will be scored by the Scoring Committee.

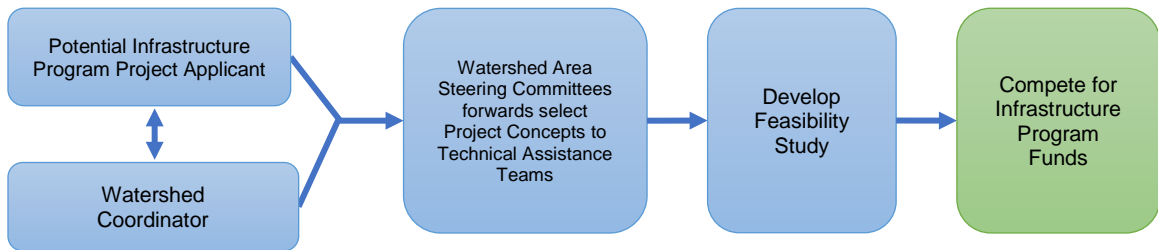
Technical Resources Program

The objectives of the Technical Resources Program are 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. The Technical Resource Program, consisting of Technical Assistance Teams and Watershed Coordinators, will provide services to and be funded by the Regional Program. Watershed Area Steering Committees will determine how to appropriate funds for the Technical Resources Program.

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 Projects for which there are completed Feasibility Studies to an eligible water quality plan, assist in acquiring a letter of support for non-Municipal Infrastructure Program Project Applicants, and address other prerequisites to apply to the Infrastructure Program. Upon completion, Feasibility Studies shall be submitted to the Watershed Area Steering Committees for consideration.

Figure 1. Technical Assistance Process



Watershed Coordinators

- Watershed Coordinators will:
 - Work with Technical Assistance Teams to bring resources to potential Infrastructure Program Project Applicants
 - 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.
 - Identify cost-share partners such as local water agencies, conservancies, and 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.
 - Provide leadership in community outreach efforts related to watershed planning.
 - Facilitate collaborative decision-making between private and public entities to develop and implement actions that best address community priorities.
 - 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 (1) Watershed Coordinator will be funded from Technical Resource Program funds for each Watershed Area plus one (1) additional Watershed Coordinator for each one-million of people within the Watershed Area.
- The District shall provide a list of eligible Watershed Coordinators; Watershed Area Steering Committees shall select their Watershed Coordinator(s) 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

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

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

Funding Allocations for Projects and Programs

Watershed Area Steering Committees will assign funding for Regional Projects and Programs in the Infrastructure Program, Technical Resources Program, and Scientific Studies Program. Projects and Programs will be given conditional funding approval for their entire budget less any leveraged funds. Funding will be transferred to Infrastructure Program 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 and Programs 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 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.

C. Regional Program Quarterly Progress/Expenditure Reports

Infrastructure Program Project Developers receiving Infrastructure Program funds and the District, on behalf of the Technical Resources and Scientific Studies Program, shall prepare a Quarterly Progress/Expenditure Report for all Projects and Programs. The Infrastructure Program Project Developers shall be subject to and comply with all applicable Project-reporting requirements. The Quarterly Progress/Expenditure Report shall detail:

- 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, a summary of the Quarterly Progress/Expenditure Reports shall be submitted to the Watershed Area Steering Committees to explain the previous year's Quarterly Progress/Expenditure Reports. The summary report shall also include a description of the Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits and a summary of how funds have been allocated to achieve SCW Program Goals as articulated in Section I for the prior year.

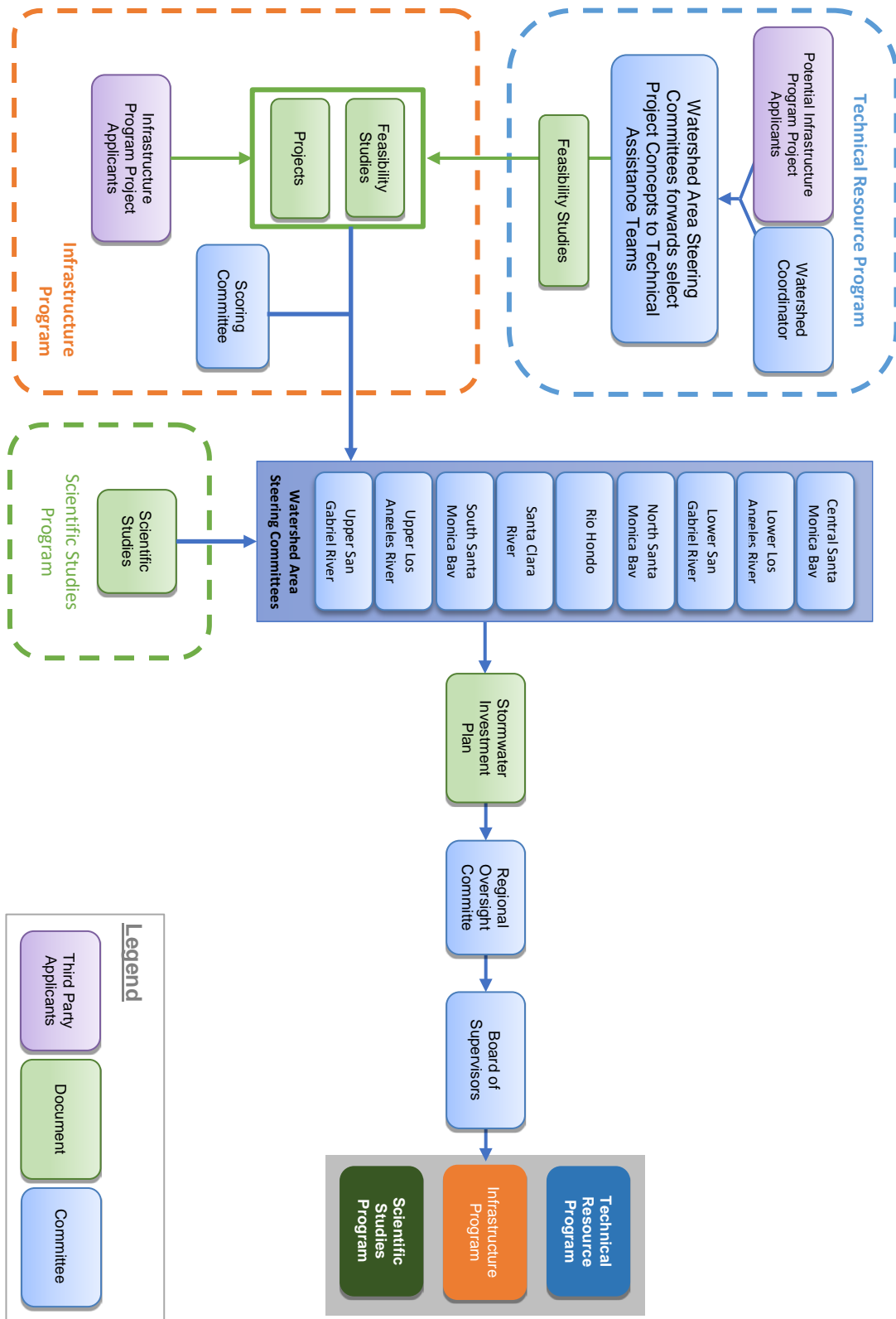
D. Regional Program Governance Structure and Funding Selection Process

The following procedure will determine the funding for the Infrastructure, Technical Resources, and Scientific Studies Programs.

Annually, these steps will occur:

- Step 1: Revenue Forecast Prepared
 - Board of Supervisors, via the District, prepares a five (5) year revenue forecast for each Watershed Area.
- Step 2: Request for Projects and Project Scoring
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for Feasibility Studies to be funded through the Infrastructure Program.
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for Project concepts to be funded through the Technical Resources Program.
 - Watershed Area Steering Committees forward select Project Feasibility Studies or functionally equivalent Feasibility Study-level information received to the Scoring Committee. Scoring Committee scores these Feasibility Studies and functionally equivalent Feasibility Study level information and applies a Threshold Score.
 - Scoring Committee returns all scored Project Feasibility Studies or functionally equivalent Feasibility Study-level information to the Watershed Area Steering Committee.
- Step 3: Request for Special Studies
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for studies to be funded through the Scientific Studies Program.
- Step 4: Watershed Area Steering Committee Funding Selection
 - Watershed Area Steering Committee reviews funding requests for the Infrastructure Program, Technical Resources Program, and Scientific Studies Programs and prepares a Stormwater Investment Plan.
- Step 5: Stormwater Investment Plans and Regional Oversight Committee Review
 - Watershed Area Steering Committee submits the Stormwater Investment Plan to the Regional Oversight Committee (ROC).
 - The ROC reviews the Stormwater Investment Plans and makes a recommendation to the Board of Supervisors.
- Step 6: Consideration for Approval of the Stormwater Investment Plans
 - 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 7: Enter into Transfer Agreements
 - Infrastructure Program Project Developers enter into a Transfer 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 recruiting Technical Assistance Teams and Watershed Coordinators.
 - Initiate development of District-administered Stormwater and/or Urban Runoff Programs.
- Spring 2019
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for Feasibility Studies to be funded through the Infrastructure Program.
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for Project concepts to be funded through the Technical Resources Program.
 - District, on behalf of the Watershed Area Steering Committees, initiates a request for studies to be funded through the Scientific Studies Program.
 - Watershed Area Steering Committee forwards select Project Feasibility Studies or functionally equivalent Feasibility Study-level information to the Scoring Committee
 - Scoring Committee scores and forwards results to the Watershed Area Steering Committees.
 - Watershed Area Steering Committees review funding requests for the Infrastructure Program, Technical Resources Program, and Scientific Studies Program and prepare Stormwater Investment Plans.
 - District develops an evaluation process to quantify Water Quality Benefits, Water Supply Benefits, and other benefits of Nature-Based Solutions for proposed Projects.
 - District develops adaptive management protocols to ensure that SCW Program goals are met.
- 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. Board of Supervisors may return Stormwater Investment Plans to the Watershed Area Steering Committees for further revision
 - Infrastructure Program Project Developers enter into a Transfer Agreement with the District to transfer annual funding allocations.

- Beginning of 2020
 - First installment of the tax will be collected and available for programming
 - District transfers funds to Infrastructure Program Project Developers.

F. Eligible Infrastructure Program Project Applicants

Infrastructure Program funds are available to eligible Infrastructure Program Project Applicants. Non-Municipal Infrastructure Program 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

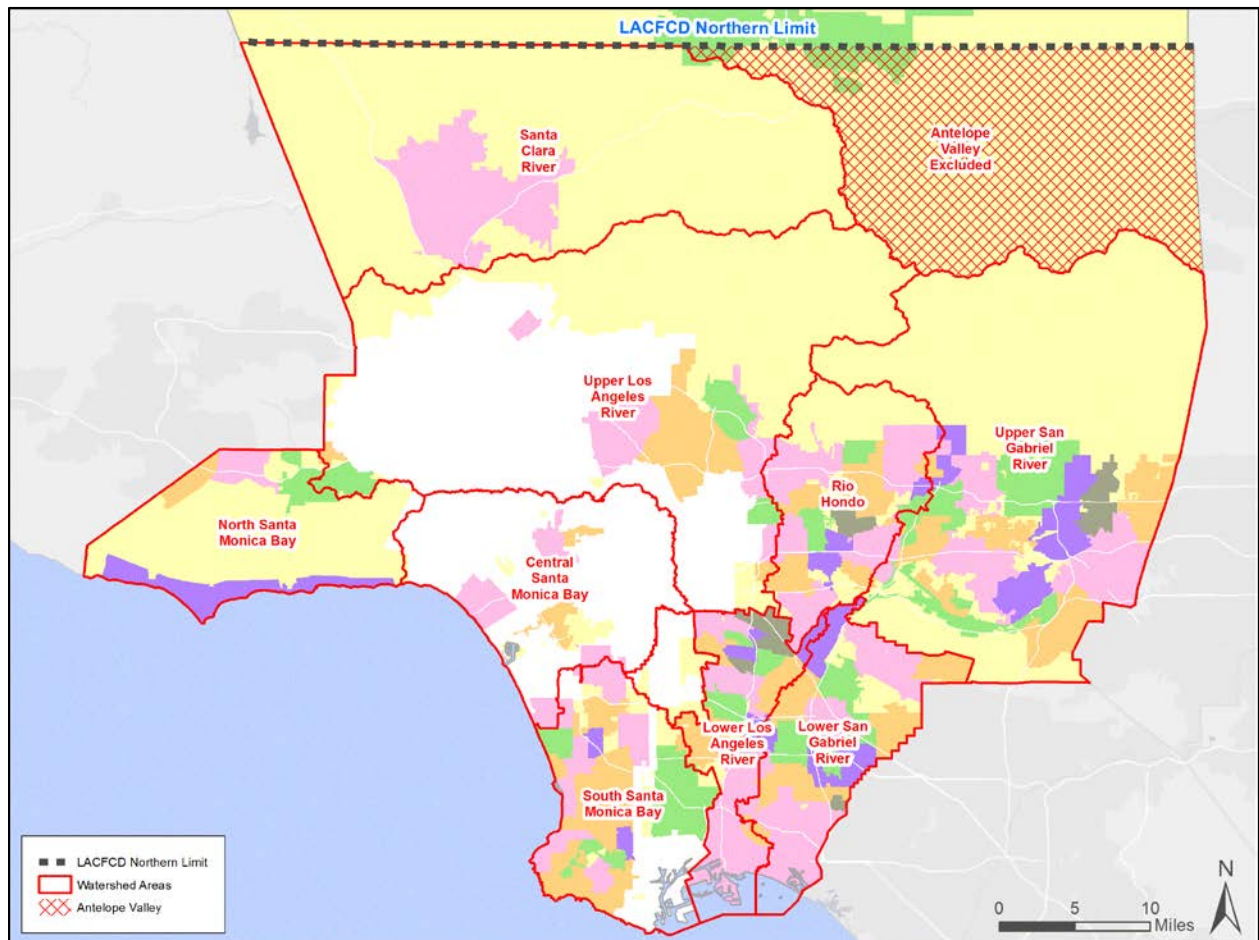
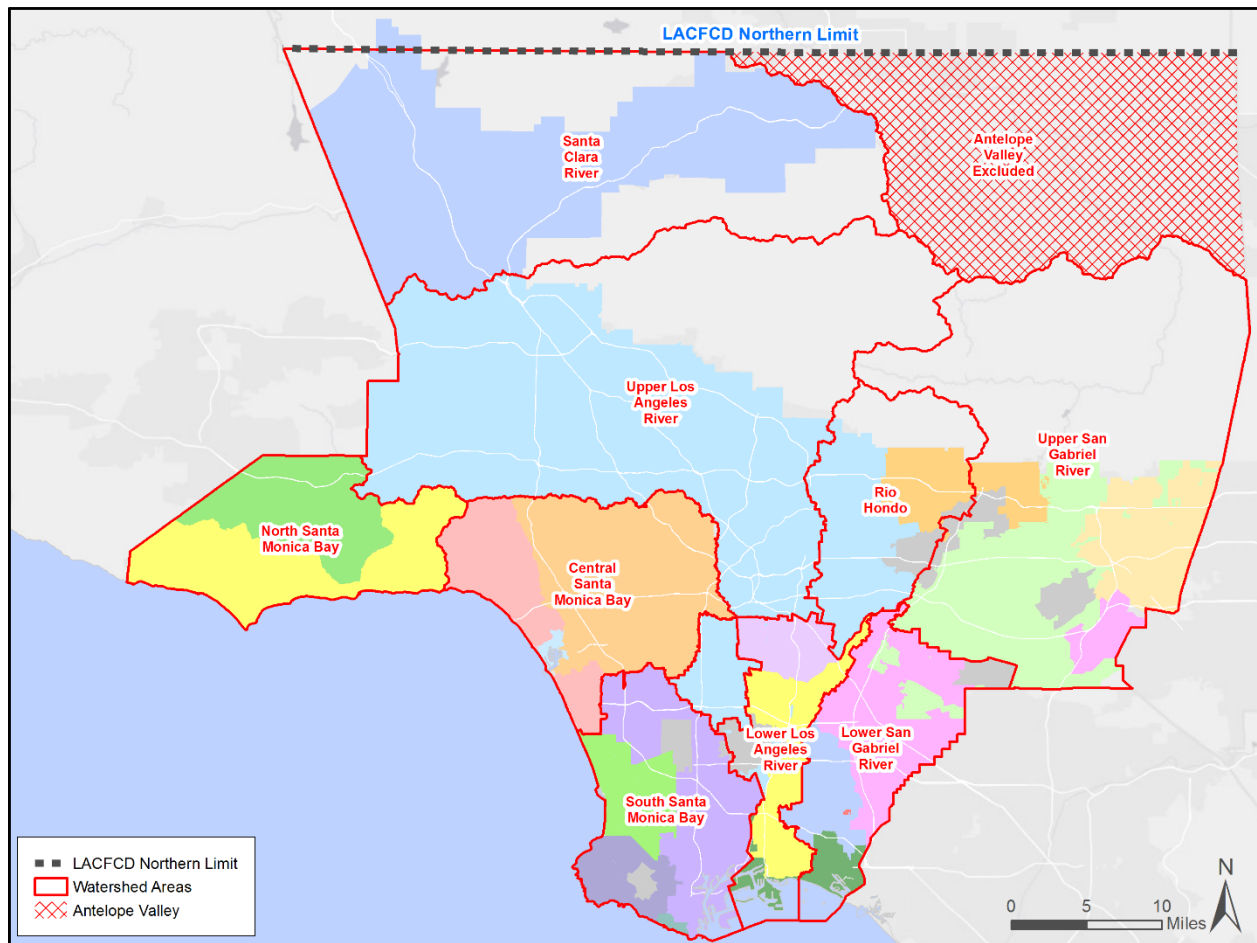


Figure 4. Regional Watershed Area Boundaries with E/WMP Boundaries



H. Membership of the Watershed Area Steering Committees

Watershed Area Steering Committees will be formed for each of the nine (9) Watershed Areas for the purpose of recommending funding allocations 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 4.

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 relevant knowledge as described in Appendix A. Each Watershed Area Steering Committee member will assign an alternate, who must also demonstrate relevant knowledge 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 14% of the Impermeable Area located within the Watershed Area receives one seat. A Municipality with at least 28% of the Impermeable Area located within the Watershed Area receives two seats. A Municipality with at least 43% 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, to the extent there are 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 the largest 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. Dedicated seats will be assigned to represent environmental justice interests, business interests, and environmental 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. 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.

In addition to these members, the Watershed Coordinator will also participate on the Watershed Area Steering Committee as a non-voting member.

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.

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, including, but not limited to:

- 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 Project Feasibility Studies or functionally equivalent Feasibility Study-level information returned by the Scoring Committee and select Project Feasibility Studies or functionally equivalent Feasibility Study-level information for funding.
- 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 forwarded to the Board of Supervisors.
- g. Quarterly, review Quarterly Progress/Expenditure reports submitted by Infrastructure Program Project Developers. The Watershed Area Steering Committees will review the Quarterly Progress/Expenditure reports to verify that the Project schedule, budget, scope and expected 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. Quarterly, forward the Quarterly Progress/Expenditure reports to the ROC along with any recommendations and/or concerns.
- i. Annually, provide the ROC with 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.
- j. Provide additional relevant information, as requested by the Board of Supervisors.
- k. Help identify Project partners and additional sources of funding to augment and leverage SCW Program revenues for Projects and Programs.
- l. Select Watershed Coordinators from a list of eligible candidates provided by the District.

K. Watershed Area Steering Committee Conflict of Interest

Members of the Watershed Area Steering Committee shall be governed by and comply with State conflict of interest laws (e.g., Government Code section 87000 et seq.; and section 1090 et seq.) and the County's conflict of interest policies.

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. The Board of Supervisors will confirm the final members of the ROC to ensure a diverse representation of subject-matter experts. The ROC members shall not have any direct personal or financial 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 of meetings necessary to review 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 in advance of the meetings.

N. Responsibilities of the Regional Oversight Committee

The ROC has the following responsibilities including, but not limited to:

- 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

Members of the ROC shall be governed by and comply with State conflict of interest laws (e.g., Government Code section 87000 et seq.; and section 1090 et seq.) and the County's conflict of interest policies.

P. Board of Supervisors Approval of Stormwater Investment Plans

The Board of Supervisors shall confirm that the Stormwater Investment Plans 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 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 or financial 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 Projects and Feasibility Studies selected by the Watershed Area Steering Committee using the Infrastructure Program Project Scoring Criteria and will apply a Threshold Score. The initial Threshold Score is 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 Watershed Area Steering Committee.

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

The Infrastructure Program Project Scoring Criteria, shown in Table 7, shall be used to score Infrastructure Program Projects. 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. All scores will be made available to the public.

Project Scoring Criteria include the following five 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 local bonds and taxes, in-kind services, Municipal Program funds, and others.

Table 7. Infrastructure Program Project Scoring Criteria

Section	Score Range	Scoring Standards			
A.1 Wet Weather Water Quality Benefits	50 points max	The Project provides water quality benefits			
	20 points max	<p>A.1.1: For Wet Weather BMPs Only: Water Quality Cost Effectiveness (Cost Effectiveness) = (24-hour BMP Capacity)¹ / (Capital Cost in \$Millions)</p> <ul style="list-style-type: none"> • <0.4 (acre feet capacity / \$-Million) = 0 points • 0.4-0.6 (acre feet capacity / \$-Million) = 7 points • 0.6-0.8 (acre feet capacity / \$-Million) = 11 points • 0.8-1.0 (acre feet capacity / \$-Million) = 14 points • >1.0 (acre feet capacity / \$-Million) = 20 points <p>¹. Management of the 24-hour event is considered the maximum capacity of a Project for a 24-hour period. For water quality focused Projects, this would typically be the 85th percentile design storm capacity. Units are in acre-feet (AF).</p>			
	30 points max	<p>A.1.2: For Wet Weather BMPs Only: Water Quality Benefit - Quantify the pollutant reduction (i.e. concentration, load, exceedance day, etc.) for a class of pollutants using a similar analysis as the E/WMP which uses the Districts Watershed Management Modeling System (WMMS). The analysis should be an average percent reduction comparing influent and effluent for the class of pollutant over a ten-year period showing the impact of the Project. Modeling should include the latest performance data to reflect the efficiency of the BMP type.</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><u>Primary Class of Pollutants</u></td> <td style="text-align: center;"><u>Second or More Classes of Pollutant</u></td> </tr> <tr> <td> <ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points (20 Points Max) </td> <td> <ul style="list-style-type: none"> • >50% = 5 points • >80%= 10 points (10 Points Max) </td> </tr> </table>	<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>	<ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points (20 Points Max)
<u>Primary Class of Pollutants</u>	<u>Second or More Classes of Pollutant</u>				
<ul style="list-style-type: none"> • >50% = 15 points • >80%= 20 points (20 Points Max) 	<ul style="list-style-type: none"> • >50% = 5 points • >80%= 10 points (10 Points Max) 				
- OR -					
A.2 Dry Weather Water Quality Benefits	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"> • <200 Acres = 10 points • >200 Acres = 20 points 			
B. Significant Water Supply Benefits	25 points max	The Project provides water supply benefits			
	13 points max	<p>B1. Water Supply Cost Effectiveness. The Total Life-Cycle Cost² per unit of acre foot of Stormwater and/or Urban Runoff volume captured for water supply is:</p> <ul style="list-style-type: none"> • >\$2500/ac-ft = 0 points • \$2,000–2,500/ac-ft = 3 points • \$1500-2,000/ac-ft = 6 points • \$1000–1500/ac-ft = 10 points • <\$1000/ac-ft = 13 points <p>². Total Life-Cycle Cost: The annualized value of all Capital, planning, design, land acquisition, construction, and total life O&M costs for the Project for the entire life span of the Project (e.g. 50-year design life span should account for 50-years of O&M). The annualized cost is used over the present value to provide a preference to Projects with longer life spans.</p>			
	12 points max	<p>B2. Water Supply Benefit Magnitude. The yearly additional water supply volume resulting from the Project is:</p> <ul style="list-style-type: none"> • <25 ac-ft/year = 0 points • 25 - 100 ac-ft/year = 2 points • 100 - 200 ac-ft/year = 5 points • 200 - 300 ac-ft/year = 9 points • >300 ac-ft/year = 12 points 			
C. Community Investments Benefits	10 points max	The Project provides Community Investment Benefits			
	10 points	<p>C1. Project includes:</p> <ul style="list-style-type: none"> • One of the Community Investment Benefits defined above = 1 points • Four distinct Community Investment Benefits = 4 points • Seven distinct Community Investment Benefit = 10 points 			

Table 7. Infrastructure Program Project Scoring Criteria (continued)

Section	Score Range	Scoring Standards
D. Nature-Based Solutions	15 points max	The Project implements Nature-Based Solutions
	15 points	D1. Project: <ul style="list-style-type: none"> • Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points • Utilizes natural materials such as soils and vegetation with a preference for native vegetation = 5 points • Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points
E. Leveraging Funds and Community Support	10 points max	The Project achieves one or more of the following:
	6 points max	E1. Cost-Share. Additional Funding has been awarded for the Project. <ul style="list-style-type: none"> • >25% Funding Matched = 3 points • >50% Funding Matched = 6 points
	4 points	E2. The Project demonstrates strong local, community-based support and/or has been developed as part of a partnership with local NGOs/CBOs.
Total	Total Points All Sections 110	

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 and Programs are required to include a Water Quality Benefit. Multi-Benefit Projects and Nature-Based Solutions are strongly encouraged. 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 O&M.

A. Municipal Program Responsibilities

Each Municipality receiving Municipal Program funding from the SCW Program will have the following responsibilities including, but not limited to:

- a. Prioritization and development of Projects that, to the extent feasible, assist in achieving compliance with the 2012 Los Angeles MS4 Permit, 2014 Long Beach MS4 Permit, or successor permits issued by the Los Angeles Regional Water Quality Control Board.
- b. Preparation of, prior to the start of that Municipality's fiscal year, a budget for how SCW Program funds will be used.
- c. Preparation, within six (6) months after the end of that Municipality's fiscal year, of an Annual Progress/Expenditure Report that details a Program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions, and Community Investment Benefits realized through use of Municipal Program funds.
- d. Compliance with all SCW Program reporting and audit requirements, and provision to the District of additional financial and other information, as required by SCW Program or upon request.
- e. As part of the Municipal Program planning process, consideration of a Municipal level request for Projects from eligible Infrastructure Program Project Applicants.
- f. Preparation and provision to the public of 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.
- g. Operation in accordance with best practices for government agencies.
- h. Strict accountability for all funds, receipts, and disbursements by the Municipality.
- i. Engagement with Stakeholders in the planning process for use of the Municipal Program funds during the planning and implementation of Projects and Programs.
- j. Compliance 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 O&M 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 describe 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:

- SCW Program funds expended.
- Documentation that the SCW Program funds were used for eligible expenditures.
- Description of work accomplished during the reporting period.
- Milestones or deliverables completed/submitted during the reporting period.
- 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 including, but not limited to:

- a. Administer the SCW Program, including activities such as: 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, manage appeals of scoring process, and administration of the credit and incentive Programs.
- b. Annually prepare a five (5) year revenue forecast for each Watershed Area.
- c. Plan, implement, and maintain District Projects.
- d. Administer and provide staffing 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. Coordinate Watershed Area scientific studies funded by the Scientific Studies Program
- h. Engage Stakeholders in the planning process for use of the District Program funds.
- i. Plan, implement, and maintain District Projects.
- j. Operate in accordance with best practices for government agencies.
- k. Conduct independent audits to ensure compliance with requirements of the SCW Program.
- l. Prepare, prior to the start of the District's fiscal year, a budget for how SCW Program funds will be used.
- m. Prepare within six (6) months after the end of the District's fiscal year an annual report that details a Program level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits realized through use of Municipal Program funds.
- n. Comply with all SCW Program audit requirements.

B. Programs

The District will administer the Programs below. The District will commence these Programs after receipt of SCW Program funds. 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 will 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 O&M of Stormwater and/or Urban Runoff 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 may 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. Credit Program

The Board shall adopt an ordinance, not later than August 1, 2019, establishing procedures and criteria described in this section.

The Credit Program provides for a SCW Program tax credit for Parcel owners or Benefited Developments, as described below. The Credit Program allows for up to 80% combined maximum credit for Water Quality, Water Supply, and Community Investment Benefits. Parcel owners or Benefited Developments who perform qualifying additional activities, as defined below, commenced after the election date of the SCW Program tax, are eligible for additional credit up to a maximum of 100% of their SCW Program tax. All Parcels subject to the SCW 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 O&M of such improvements.

Prior to the collection of the SCW Program tax, the District shall establish procedures and guidelines for implementation and the verification process of the SCW Program Credit Program, including but not limited to aggregating Parcels with a common ownership and implementing the program in developments served by centralized Stormwater or Urban Runoff 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.

A. Calculation of Credit Program

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 of up to 75% 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 Stormwater 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 entitlement approval or construction date of the Stormwater and/or Urban Runoff improvement. Stormwater and/or Urban Runoff improvements designed to meet LID standards that have received approval through an entitlement process, but that have not been installed prior to the election date of the SCW Program, shall meet the applicable LID ordinance requirements in place at the time of the entitlement approval.

Percentages provided below are multiplied by the ratio of the improvement volume for the Impermeable Area to the design volume for the Impermeable Area of the Parcel or multi-Parcel area.

Improvements commenced 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 a water quality credit of 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.
 - ***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%.
- ***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 a water quality credit up to 65%.

Improvements commenced 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.

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- 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 a water quality credit of 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.
- 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%.

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

- IGP Compliance / RWQCB Stormwater 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 RWQCB Stormwater 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 RWQCB Stormwater Permit.
 - High-Volume IGP Compliance / RWQCB Stormwater Permit (75%): Stormwater and/or Urban Runoff improvements on Parcels or in Benefited Developments that are subject to and in compliance with an IGP or RWQCB Stormwater Permit that has design volume standard greater than or equal to the runoff volume resulting from a 2-inch, 24-hour rain event are eligible for a water quality credit of 75%.
- Dry Weather (50% until 2024, and 20% thereafter): 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 50% until 2024, at which time the water quality credit will be reduced to 20%.

Water Supply Credit

Water supply credit of up to 20% 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 of up to 10% 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.

Additional Activities Credit

The SCW Program Credit Program may recognize and reward qualifying additional activities that advance the SCW Program Goals. In addition to the 80% combined maximum credit for the water quality, water supply, and the community investment credits, Parcel owners who perform qualifying additional activities commenced after the election date of the SCW Program tax are eligible for additional credit up to a maximum of 100% of their SCW Program tax. Qualifying additional activities are to be determined and approved by the District.

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Notice of Non-Applicability (NONA) Credit

NONA (100%): Parcels or portions of a Parcel that have a current NONA from the Los Angeles Regional Water Quality Control Board, provided all wet and dry weather runoff onsite is captured and infiltrated, are eligible for a credit of up to 100%.

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Table 8. Credit Formula

Stormwater &/or Urban Runoff improvement	Credit Type (% Maximum)	Formula
Water Quality Credit Percentage (WQ%) CHOOSE ONE (per tributary area)	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)	$WQ\% = \frac{\text{(LID improvement volume for Impermeable Area)}}{\text{(2 x design volume for Impermeable Area of the Parcel or multi-Parcel area)}} \times (0.75) \times 100\%$
	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 Stormwater Permit (65% max)	$WQ\% = \frac{\text{(IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area)}}{\text{(design volume for Impermeable Area of Parcel)}} \times (0.65) \times 100\%$
	High Volume IGP/RWQCB Stormwater Permit (75% max)	$WQ\% = \frac{\text{(IGP/RWQCB Stormwater Permit BMP improvement volume for Impermeable Area)}}{\text{(design volume (2" storm) for Impermeable Area of Parcel)}} \times (0.75) \times 100\%$
	Dry weather (50% max until 2024, then 20% max)	$WQ\% = \frac{\text{(Impermeable Area benefited by the improvement)}}{\text{(total Impermeable Area of Parcel area or multi-Parcel area)}} \times (0.5 \text{ or } 0.2) \times 100\%$
Water Supply Credit Percentage (WS%)	Water Supply (20% max)	$WS\% = \frac{\text{(Water Supply Benefit volume)}}{\text{(design storm volume for Impermeable Area of Parcel or multi-Parcel area)}} \times (0.2) \times 100\%$
Community Investments Percentage (CI%)	Community Investment credit percentage (10% max)	CI% = metrics to be determined x (0.10) x 100%
Sub-Total Credit Percent	Sub-Total Credit percentage (Maximum 80%)	Sub-Total Credit Percent = WQ% + WS% + CI% (Not to exceed 80%)
<u>NONA Credit</u>	<u>NONA</u> (100% max)	$NONA\% = \frac{\text{(Impermeable Area included in NONA)}}{\text{(total Impermeable Area or multi - Parcel area)}} \times 100\%$
Additional Activities Credit	Credit Percentage (Maximum 100%)	Credit Percentage = (Sub-Total Credit Percent) + (qualifying additional activities percentage) (not to exceed 100%) + (NONA%)
Final Parcel Credit	Tax Credit (in dollars)	Final Parcel Credit = (Parcel tax) x (Credit Percent)

B. Implementation of the Credit Program

Prior to collection of the SCW Program tax, 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 RWQCB Stormwater permits.
6. Guidelines for calculating water supply credit.
7. Guidelines for calculating community investment credit.
8. Guidelines for qualifying additional activities credit.

C. Verification Process of the Credit Program

Prior to collection of the SCW Program tax, the District shall establish procedures and guidelines for the verification process of the Credit Program.

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 Stormwater 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 Stormwater Permit or SUSMP design standard for the impermeable area of the Parcel or Benefited Development.
- e. Certification that the improvement meets or exceeds the applicable LID, IGP/RWQCB Stormwater Permit, or SUSMP standards.
- f. Certification of ownership of aggregating multiple Parcels with the same owner.

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

To the extent existing certifications required pursuant to a LID ordinance, SUSMP permit, or IGP/RWQCB Stormwater Permit are functionally equivalent to the requirements above, such certification may be utilized for credit verification purposes as well.

The verification requirements specified above shall not be required for Parcels and/or Benefited Developments whose qualifying Stormwater and/or Urban Runoff improvements are maintained by a public entity.

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

VIII. Credit Trading Program, Incentive Program, and Low-Income Credit Program

The Board shall adopt an ordinance, not later than August 1, 2019, establishing procedures and criteria described in this section.

The District shall establish, procedures and guidelines for implementation of a Credit Trading Program. The Credit Trading Program will provide a market-based approach for Stormwater or Urban Runoff management that will allow Parcel owners to purchase and sell credits to satisfy SCW Program tax obligations.

The District may establish an incentive program to recognize and reward efforts that advance the goals of the Safe, Clean Water Program.

The District may establish a credit for qualifying Parcel owners who are low-income.

IX. Tax Calculation and Collection Provisions

A. Calculation of the Tax

The tax will be calculated for each Parcel based upon the Parcel's Impermeable Area as determined by the County Landcover Survey or other applicable tool. 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 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 SCW Program 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.

X. Revenue Bonds

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

XI. Miscellaneous Provisions

A. Carryover of Uncommitted Municipal and Regional Program Funds

Municipalities and Infrastructure Program 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 Infrastructure Program Project Developer. Additional requirements may be included in the Transfer Agreement.

B. Procedures for Lapsing Funds

Municipalities and Infrastructure Program Project Developers who are unable to expend their approved funding as described in the applicable planning documents 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 Infrastructure Program 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 Infrastructure Program Project Developers will be required to be held in separate interest-bearing accounts and not combined with other funds. Interest earned from each account shall be used by the account holder only for eligible expenditures consistent with the requirements of the SCW Program.
- b. Municipalities, Infrastructure Program Project Developers, and the District 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 Infrastructure Program 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 Infrastructure Program 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 and Programs 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 three (3) years. Municipal audits are to be funded with Municipal Program funds.
- e. Infrastructure Program Project Developers will be subject to an independent audit upon completion of the Project. Additional interim audits may be conducted. Infrastructure Program 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 three (3) 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 an Infrastructure Program Project Developer or Municipality has misused SCW Program revenues, the District may issue a written notice to the Infrastructure Program Project Developer or Municipality of that determination and to refund those revenues, including associated interest, to the District within twenty (20) business days of notification.
- b. Revenues refunded by an Infrastructure Program 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 an Infrastructure Program 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 Infrastructure Program 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, withheld disbursements will revert back to the respective Watershed Area Steering Committee for reprogramming to another Project.

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- e. If an Infrastructure Program 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 twenty (20) 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 Infrastructure Program 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 an Infrastructure Program 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 Infrastructure Program 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 Infrastructure Program 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, including but not limited to updates to the Infrastructure Program Project Scoring Criteria; Watershed Area boundaries; County Landcover Survey; Credit Program; Credit Trading Program; Incentive Program; Low-Income 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 no longer than thirty (30) years, the Board of Supervisors shall evaluate the ~~need for~~ needs of the SCW Program and make a an affirmative determination of whether that the tax should be reduced or repealed. is needed to build additional Projects to achieve Water Quality Benefits and other benefits in accordance with the goals of the SCW Program. Should the Board of Supervisors determine that no additional Projects are needed, the SCW Program tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with SCW Program funds during the previous thirty (30) years.

SAFE, CLEAN WATER PROGRAM
Program Elements Appendices

XII. APPENDIX

A. Watershed Area Steering Committee Minimum Requirements

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

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

