AGENDA NO.

July 25, 2023

MOTION BY SUPERVISOR LINDSEY P. HORVATH

Accelerating Implementation of the Safe Clean Water Program

The Safe, Clean Water Program funds stormwater infrastructure projects and scientific studies that improve water quality, increase our local water supply, and provide community benefits, like green spaces and parks, local jobs, and recreational opportunities. The program cultivates regional and community partnerships and prioritizes historically underserved communities. In November 2018, voters approved Measure W, a parcel tax to fund the Safe Clean Water Program (Program), which - beginning in Fall 2020 - has provided nearly $280 million per year towards multi-benefit projects and programs. The Program was designed based on extensive and diverse stakeholder engagement and continues to leverage robust regional collaboration.

The Program is implemented and administered by the Los Angeles County Flood Control District. It is designed with strong fiscal controls and both administrative and technical oversight to ensure impactful projects and financial accountability. Forty percent of the revenue is returned to the local jurisdiction (called the Municipal Program) while fifty percent is allocated to the Regional Program, where projects are submitted through a rigorous application process and then considered and recommended for funding by a series of governance committees. The next set of recommendations for the Regional Program is anticipated to come to this Board in August 2023

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and will bring the total Regional Program project count to 126 projects across 50 municipalities, representing nearly $1 billion in direct investments over five years, and leveraging nearly $624 million in outside funding. In addition to many other benefits, these projects will increase annual average stormwater capture by nearly 60,000 acre-feet. If this water fully augmented our potable aquifers, it would be sufficient to serve another 480,000 people.

The Program is a core element in achieving water quality and supply goals essential to the County's long-term sustainability and resilience. The Program has already funded numerous projects that improve the quality of stormwater and support the region's efforts towards compliance with the Clean Water Act/MS4 Permits. These projects also support water resiliency by capturing stormwater that can offset potable uses and become local supply in our aquifers. Additionally, the Program provides community benefits like parks and green spaces, good local jobs, and recreation, while prioritizing these investments in disadvantaged communities.

Dry weather water quality along LA County's coastline has improved dramatically in recent years; however, there are still recurring problem spots. Water quality typically degrades significantly during wet weather, and a recent Heal the Bay report found that during and shortly after rain events, only 31% of LA County's beaches received good or excellent grades (based on bacteria levels). On the first day of Summer 2023 - a dry day - four iconic LA County beaches were under ocean water use warnings due to unsafe bacteria levels. Additionally, the Department of Public Health has indicated that toxic algae blooms exacerbated by runoff into the ocean have recently led to the poisoning of untold numbers of marine mammals from domoic acid.

Regarding water supply, last winter's historic rainfall - double our annual average of 15.3 inches of rain in Downtown LA - pulled California from the brink of our multi-year drought and restored many of our reservoirs and Sierra snowpack to healthier levels that will help meet our region's demand for potable water for at least the next two years. The unsung hero of the water system was the LA County Flood Control District, whose dams, canals, and levies successfully protected our county's residents and their property from damage from the torrents (and fared much better than most communities throughout California). In addition, a record 450,000 acre-feet of water were captured and infiltrated into local groundwater basins. And while the Program was never intended to add projects or features that prevent all stormflows from running to the ocean - especially during particularly intense events - there are many stakeholders eager to partner with the Program to identify and maximize stormwater capture and recharge to a greater level.

The LA County Flood Control District continues to adaptively manage the Program and has multiple efforts in progress to take the Program to the next level, including:

- Ongoing Project Portal improvements to facilitate customer experience while enhancing tools for both project/program planning and tracking.
- A Metrics and Monitoring Study (MMS) to develop further criteria to inform tracking, planning, reporting, and decision-making within specific areas of the program. This study is anticipated to be completed at the end of 2023.
- Pilot watershed master planning efforts based on preliminary MMS results.

- Rollout of an education and workforce development program.
- Ongoing Watershed Coordinator build-out to further enhance community engagement and education while supporting processes and pathways to participate in the Program and leverage funding.
- The Biennial Progress Report to capture all feedback, accomplishments, and lessons learned to date, and provide recommendations to inform next steps of adaptive management. This report is anticipated to be submitted to the Board at the end of 2023.

These efforts are envisioned to address many of the lingering challenges raised by government, non-profit, labor, business, and community partners, but will take time to complete and then incorporate into the Program as appropriate. A broader understanding of these timelines for all stakeholders, as well as an exploration of what else could be done in tandem with these efforts, is warranted. This is particularly true in two categories - maximizing processes and pathways into the Regional Program and comprehensive watershed planning by the LA County Flood Control District.

Enhanced entry into the Regional Program would ultimately reduce future water quality impacts to human and wildlife health by accelerating the delivery of water quality projects. Specifically, several Program partners identified the difficulty in preparing long and complex applications and the cost it involves (many jurisdictions hire a consultant just to complete an application). These burdens are especially true for small municipalities, agencies like school districts, and non-profits that are eligible for funding but have had limited participation in the

Regional Program thus far. Project applications need to be robust to align with Ordinance-defined transparency requirements and to provide sufficient information to ensure analysis and recommendations reflect good stewardship of public funds; however, many proposals, such as those focused on operations and maintenance, back-funding for already completed projects, and extremely common project interventions, might merit a recalibrated application approach.

Regarding comprehensive Flood Control District-led watershed planning, many of the Flood Control District's current efforts are already well on their way to yielding more robust analytics and strategy to identify the areas with the greatest need and opportunity related to water supply, water quality, and community investments. These goals must be balanced with essential flexibility in the Program for governance committee discretion and changing conditions and community needs. These efforts are progressing toward a single publicly accessible planning portal that would provide direction for implementation. This comprehensive planning tool would likely assist a more diverse set of applicants to identify projects that could achieve multiple benefits and best serve our communities. A vision document that identifies areas within each watershed with the greatest potential opportunities for improvements would ensure continuity and connectivity between interventions (currently, projects are scored on individual merit). This vision would lessen the burden on both applicants and committees as they consider which suites of projects could be most impactful.

While these issues will certainly be represented in the Department's upcoming Biennial

Progress Report, that process may not have time to fully explore potential solutions. The Program's limited staff are deeply involved in the preparation and implementation of existing program components and in launching program initiatives that are funded, but, in some cases, have not yet fully launched (e.g. surrounding workforce development and credit trading). It is important that the Board and the public have a full grasp of the efforts taking place and that these efforts - along with any supplemental or resulting activities - can advance as quickly as possible, which would require additional resources and assistance from expert technical, planning, financial, and community engagement consultants.

I, THEREFORE, MOVE that the Board of Supervisors [director of the Department of Public Works, acting as Chief Engineer of the Los Angeles County Flood Control District, with the assistance of the Chief Sustainability Officer, to report back in writing in 120 days, and in advance of the Program's Biennial Progress Report, on the following:

1. Efforts to accelerate the district's comprehensive watershed planning efforts to identify areas that provide the most promising opportunities for developing impactful water quality, water supply, and community enhancing multi-benefit projects. This exercise should also compile the projects already funded by the Program (as well as other large projects that are planned within the watershed and funded through other sources) to identify what portions of the watershed have been adequately covered (including a clear definition, baseline, and goals for what adequate coverage means). These pre-identified opportunity areas can serve as a guide for local partners to collaborate and develop projects with the

highest potential impact. This comprehensive watershed planning effort should also supplement and utilize all other in-progress efforts related to providing program-level tools for developers to consider regional needs and opportunities, aiding the governance committees to consider submissions, and supporting regional reporting of progress.

2. Plans to improve, streamline, and simplify the existing Regional Program application process, accounting for the complex but necessary requirements called for in the Program ordinance. Evaluation of alternatives should include benchmarking other multi-benefit infrastructure finance program best practices, and ultimately suggest recommendations including those that could:
    i. Offer alternative application pathways based on the type of project or type of funding requested
    ii. Be responsive to results of a survey that would be issued and compiled of all Regional Program project applicants to date
    iii. Elaborate on the goals and timeline of the Program's recently approved Community Education and Engagement Grants Program
3. The resources and staffing needed to establish a Safe Clean Water Program planning group at the Flood Control District, dedicated to ongoing and iterative adaptive management and strategy. This would include oversight of all aspects related to comprehensive watershed planning beyond the pilot effort and would be informed by ongoing operations and administration of the Program from both implementation staff as

well as governance committees and stakeholders.

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