

REVISED MOTION BY SUPERVISORS LINDSEY P.

MARCH 19, 2024

HORVATH AND HILDA L. SOLIS

**PROGRESS AND ADAPTIVE MANAGEMENT OF THE SAFE CLEAN WATER PROGRAM**

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

The first years of the SCWP focused on successfully establishing this complex program, establishing numerous sub-programs, governance committees, guidance documents, tools, and processes. To date, the SCWP has committed approximately \$514 million to 126 regional multi-benefit infrastructure projects and programs and has

MOTION

SOLIS \_\_\_\_\_

MITCHELL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

HORVATH \_\_\_\_\_

provided approximately \$446 million in direct funding to municipalities to undertake an additional 360 projects and activities. Together, these projects promise to provide nearly 60,000 acre-feet annually of additional stormwater capture.

In addition to early successes, the initial years of program implementation and investment have daylighted some important issues, some of which will require Board action to address, and others that can be addressed through policy and programmatic updates at the Flood Control District (District) level. Proposed adaptive management of the Program to address these issues is described below. For example, several of the projects for which funding has been allocated are experiencing significant cost increases due to inflation and challenges that have arisen during project development. This issue of cost overruns is sometimes exacerbated when a project that is yet to be designed receives funding for the estimated total costs of the design through construction phases, increasing the chance that costs or anticipated benefits may change as project development proceeds. Several Watershed Area Steering Committees have committed hundreds of millions of dollars of future funds to projects with high potential for water quality, water supply, and community benefits; however, these early project approvals have limited near-term investment funding, particularly in areas with the highest opportunity for water supply. Proposed remedies include process and guidance improvements to better facilitate proposals for distinct project phases and allowing for changes in costs or benefits to be better anticipated and therefore incorporated into overarching watershed planning efforts that will inform future recommended investments.

Several reviews of the Program — a performance audit commissioned by the

District, the July 25, 2023 “Accelerating Implementation of the Safe Clean Water Program” motion (Horvath) and report back, the recently completed Regional Oversight Committee Biennial Progress Report, and the Public Works Director’s March 2024 Report on Program status and plans — include recommendations for Program modifications and improvements.

In January of 2024, the SCWP Regional Oversight Committee (ROC) completed a SCWP Biennial Progress Report which includes several findings and recommendations. Findings include that the Program has been launched successfully, that watershed-specific needs and capabilities should be considered in planning, and that the Program needs to better quantify program success and progress towards goals. These findings resulted in a recommendation to expedite watershed planning with specific goals, metrics, and timelines associated for issues like water quality, water supply, community benefits, and disadvantaged community investments. The ROC also recommends that the District create processes to support collaborative planning and co-funding with other agencies and organizations, develop guidelines and criteria for different sized projects and distinct stages of development, and make strategic investments in workforce development programs.

This month, the Director of Public Works submitted to the Board a report that summarizes the status of the Program and includes a series of recommendations for accelerating Program and project delivery to meet Program Goals. Highlights of the report recommendations include:

- Establishing additional programmatic metrics and indicators of success
- Targeted planning to more strategically drive the Program towards desired

outcomes

- Improving and streamlining processes
- Increasing Public Works and District capacity to provide expanded services to municipalities in designing, building, and managing infrastructure projects
- Ramping up public engagement, education, and workforce development

The Director's Report parallels many of the ROC recommendations, with the highest priority being development and adoption of indicators and watershed plans. Other priorities include updating and developing new guidance, revisions to the Regional Program Scoring and Feasibility Study Guidelines and Transfer Agreements for different project phase applicants. The report also highlights updates that the District will make to valuable tools and data that are utilized by project developers and municipalities. Some actions in the Director's report require action by the Board while others can be completed at the District level. As such, the processes (e.g., public comment period, stakeholder engagement, etc.) for the different actions vary. Some actions, like the Ordinance changes called for in this motion, can happen quickly if Board approval is provided. Others, like the updates to and creation of guidance documents, require a comprehensive development and deployment strategy to ensure consistency across the many nuanced program elements. Many of the recommended program changes are already underway, and others are forthcoming.

The SCWP is ambitious, unprecedented, and complex. It cultivates sustained regional and community partnerships and prioritizes historically underserved communities, all while advancing multi-benefit stormwater initiatives to promote regional water resilience. It is the envy of all local and state governments facing the

challenge of sustainably managing water resources in an era of climate change. While much has been accomplished to date, it is time to move the SCWP into the next level of strategic implementation. To best accelerate the effective adaptive management of the SCWP and ensure the most strategic investments going forward, certain new efforts must be prioritized, while certain existing efforts must be modified so that they can proceed according to evolved information, best practices, and tools. Doing so is a critical aspect for advancing the recently adopted County Water Plan's vision of a shared, inclusive, regional path forward to sustainably and equitably achieve safe, clean, and reliable water resources for Los Angeles County.

**IWE, THEREFORE, MOVE** that the Board of Supervisors direct of the Department of Public Works to report back in 90 days with a progress report and timeline for completion of the items below, with a target date no later than June 2025 for completion of all the following:

1. Indicators and targets for the Program, to be developed with the Regional Oversight Committee, that can be used to measure achievement of Program Goals, guide watershed planning, and inform project development, solicitation, and evaluation efforts.
2. Precise metrics, updated definitions of Local Water Supply Benefit, Nature-Based Solutions, Disadvantaged Community Benefit, and Local Water Supply Benefit, dry- and wet-weather water quality, and scoring criteria that better align with the SCWP goals.
3. Watershed planning efforts, including data and gaps analysis, community needs assessment (including engagement with WASCs), and alignment with the plan

to capture 300,000 acre-feet per year of new stormwater by 2045.

4. Revised Regional Program application processes, feasibility study guidelines, and scoring criteria to account for additional performance indicators and distinct project phases. These revisions should include the required public processes and input from the governing bodies as appropriate.
5. Revised Regional Program Transfer Agreements to better align with distinct project phases like design, construction, and maintenance. Transfer Agreement revisions will be brought back to the Board for approval.
6. Updated or new guidance documents, tools, and information for governance bodies and project developers to facilitate achievement of performance indicators and targets.
7. Updated strategies for monitoring of completed projects towards meeting stated project goals and a regular update with cumulative findings on impacts, including any related recommendations for adaptive management of the program to maximize program outcomes.
8. Guidance and recommendations to WASCs for managing cost overruns and project modification requests in the context of watershed planning and constrained funding availability in certain watersheds.
9. An assessment of community engagement processes to date and how they could be improved upon, including strategies to better engage small cities, tribal interests, CBOs, and others who have been less involved or underrepresented.
10. An assessment of viability and potential responsibilities of a scientific or technical advisory committee for the SCWP, specifically for review and recommendations

for scientific studies.

11. An assessment of viability and a strategy to fund scientific studies that have Countywide significance without requiring approval of every WASC.
12. Collaboration with and funding of the Department of Economic Opportunity to design and implement Workforce Development program(s) to support SCWP program goals. Corresponding workforce requirements shall be integrated into Feasibility Study Guidelines, Project Modules, and Transfer Agreements.
13. District Public Education programs, including progress of Public Education and Community Engagement Grants Program and investments in school curricula.
14. A report on strategies and best practices for engaging school campuses in implementing stormwater capture projects that help achieve schoolyard transformation, greening, cooling, and other benefits in concert with the water supply, water quality, and multi-benefit goals of the Program. The report should also include best practices for integration of school projects with school curriculum such as those being developed and/or funded as part of the District Education Programs.
15. Ongoing communication and consultation with the Watershed Area Steering Committees and ROC in the development of new policies and programs.

**IWE, FURTHER, MOVE** that the Board of Supervisors direct the District to work with County Counsel to prepare amendments to the Safe Clean Water Program Ordinance to:

1. Amend Section 18.07 of the Safe, Clean Water Implementation Ordinance to authorize the Chief Engineer of the Los Angeles County Flood Control District to

request proposals for new Projects, Project concepts, and scientific studies for inclusion in Stormwater Investments Plans on either an annual or biennial basis.

2. Amend Sections 18.07, 18.08 and 18.09 to change the frequency of progress and expenditure reporting from quarterly to semi-annually, and to clarify that certain District responsibilities are carried out by the Chief Engineer.

**IWE, FURTHER, MOVE** that the Board of Supervisors request the Regional Oversight Committee to provide further recommendations to the Board to improve the efficacy and accelerate project delivery of the SCWP by the end of 2024.

**IWE, FURTHER, MOVE** that the Board of Supervisors thank the members of the Regional Oversight Committee, Scoring Committee, and nine Watershed Area Steering Committees for their service during the first four years of the program and congratulate the newly appointed community leaders that will help to actively manage the program moving forward.

# # #

LPH:ao