

ANALYSIS

This ordinance amends Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Program Implementation Ordinance – of Los Angeles County Flood Control District Code, to change the frequency of progress and expenditure reporting from quarterly to midyear reporting and to clarify that certain defined responsibilities regarding the preparation of Stormwater Investment Plans and progress and expenditure reports are to be carried out by the Chief Engineer.

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Requested: 03/12/2024
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ORDINANCE NO. _____

An ordinance amending Sections 18.07, 18.08, and 18.09 of Chapter 18 – the Safe, Clean Water Program Implementation Ordinance – of the Los Angeles County Flood Control District Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 18.07 is hereby amended to read as follows:

18.07 Regional Program Implementation.

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B. Stormwater Investment Plans (SIP).

1. A SIP shall be adopted for each Watershed Area, ~~annually~~, in accordance with the following procedure:

a. The ~~District~~Chief Engineer shall prepare a five (5) year revenue forecast for each Watershed Area;

b. The ~~District~~Chief Engineer shall request proposals for Projects to be included in the Infrastructure Program, Project concepts to be included in the Technical Resources Program, and studies and other activities to be included in the Scientific Studies Program, for each Watershed Area SIP. The Chief Engineer may, in their discretion, request proposals either annually or biennially. Small and medium scale, community-level Projects may be combined into a single Project proposal to promote efficiency, achieve economies of scale and advance local-hire and job-training goals. If an Infrastructure Program Project Applicant intends for operation and maintenance costs to be considered for inclusion in a SIP, the Applicant's proposal must

include an operation and maintenance plan that identifies the required activities over the useful life of the Project and any expertise or technical training necessary to perform the activities, identify the party that will be responsible for operation and maintenance of the Project, and include a letter of commitment from that party to operate and maintain the Project throughout the Project's useful life;

c. Each Watershed Area Steering Committee shall determine which proposed Feasibility Studies and/or Projects to submit to the Scoring Committee for evaluation. Only Projects meeting the following criteria shall be submitted to the Scoring Committee for evaluation:

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(3) Projects that are included in a stormwater resource plan developed in accordance with Part 2.3 (commencing with § 10560) of Division 6 of the Water Code, a watershed management program developed pursuant to an MS4 Permit, an Integrated Regional Water Management Plan, or other regional water management plan if determined to be equivalent by the ~~District~~Chief Engineer; and

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f. The ~~District~~Chief Engineer shall establish a Threshold Score for Projects proposed for inclusion in the Infrastructure Program. The Threshold Score shall be identified in the Feasibility Study Guidelines;

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F. Progress/Expenditure Reports.

1. Infrastructure Program Project Developers shall prepare ~~quarterly~~midyear progress and expenditure reports, as described in subsection 3 below, for their respective Projects and Programs.

2. The ~~District~~Chief Engineer shall prepare ~~quarterly~~midyear progress and expenditure reports, as described in subsection 3 below, for activities undertaken by the District pursuant to the Technical Resources (e.g. Watershed Coordinators and Technical Assistance Teams) and Scientific Studies Programs.

3. ~~Quarterly~~Midyear progress and expenditure reports shall include the following information:

- a. An estimate of the percentage of work completed;
- b. The amount of SCW Program funds expended;
- c. Documentation that the SCW Program funds were used for eligible expenditures;
- d. A discussion of work accomplished during the reporting period;
- e. The milestones or deliverables completed/submitted during the reporting period;
- f. A discussion of any scheduling concerns and issues encountered that may delay completion of the Program or Project;
- g. The work anticipated to be accomplished during the next reporting period;

h. Photo documentation of the progress and current status of the Project, as appropriate;

i. Any anticipated schedule or budget modifications; and

j. A summary of the outreach activities to DACs and expenditures that achieve DAC Benefits.

4. Infrastructure Program Project Developers shall prepare an annual summary report of the ~~quarterly~~ progress and expenditures ~~reports~~ for their respective Programs and Projects, including all items listed in Section 18.07.F.3. The annual summary reports shall also include a description of the Water Quality Benefits, Water Supply Benefits, Community Investment Benefits and the SCW Program Goals achieved during the prior year.

5. The Watershed Area Steering Committees shall review the Infrastructure Program Project Developers' ~~quarterly~~ midyear progress and expenditure reports and the annual summary reports to evaluate whether the schedules, budgets, scopes and expected benefits have significantly changed and remain consistent with the SCW Program Goals. Programs and Projects that are over budget or behind schedule, or that demonstrate reduced or revised scope or benefits, may be adjusted or removed from future SIPs.

6. The Watershed Area Steering Committees shall forward each ~~quarterly~~ midyear progress and expenditure report and each annual summary report to the ROC, together with the Watershed Area Steering Committees' evaluations.

SECTION 2. Section 18.08 is hereby amended to read as follows:

18.08 Regional Oversight Committees (ROC).

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

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2. The ROC shall review the ~~quarterly~~midyear and annual progress and expenditure reports: (a) prepared by the ~~District~~Chief Engineer for the Technical Resources Program and the Scientific Studies Program, and (b) prepared by the Infrastructure Program Project Developers for the Infrastructure Program, and the ROC shall provide any comments or concurrence with the evaluations by the WASCs, as appropriate.

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SECTION 3. Section 18.09 is hereby amended to read as follows:

18.09 Transfer Agreements.

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B. Contents. The standard template Transfer Agreement will require recipients of funds to comply with the requirements of the SCW Program and other appropriate provisions established by the Board, including but not limited to:

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8. Requirements for auditing and ~~Annual or Quarterly Progress/ Expenditure Reports~~ and midyear progress and expenditure reports.

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