

DRAFT

**BALDWIN HILLS & URBAN WATERSHEDS CONSERVANCY
PROPOSITION 4 GRANT PROGRAM GUIDELINES
CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 8. BALDWIN HILLS CONSERVANCY
CHAPTER 1.**

FINAL TEXT OF PROPOSED REGULATIONS

Article 1. General Provisions

§ 1001. Applicability and Scope.

This chapter shall be known as the Baldwin Hills & Urban Watersheds Conservancy Proposition 4 Grant Program Guidelines. These regulations apply to Grants funded by the Conservancy from Proposition 4, otherwise known as SB 867 (Allen 2024), The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050 and 90140 of the Public Resources Code.

§ 1002. Definitions

The following definitions shall apply wherever the terms are used throughout this Chapter.

- (a) “Conservancy” means the Baldwin Hills & Urban Watersheds Conservancy established pursuant to Public Resources Code Section 32553 (b)
- (b) “Disadvantaged Community” means a community with a median household income of less than 80 percent of the area average or less than 80 percent of statewide median household income consistent with Public Resources Code section 90100.
- (c) "Environmental Justice" means the fair treatment of people of all races, cultures, income, and national origin with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies consistent with Public Resources Code Section 72000.
- (d) “Grant” means an award of funds made by the Conservancy, in the form advance payment or reimbursement to the Grantee for actual expenditures incurred in performing an eligible project.
- (e) "Grant Agreement" means an arrangement between the State and grantee specifying the payment of funds by the State for the performance of specific objectives by the grantee within a specific project performance period by the grantee.

- (f) "Grantee" means an applicant that has a Grant Agreement.
- (g) "Joint Powers Authority" means any entity formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if at least one of the parties to the joint powers agreement qualifies as an eligible applicant consistent with section 1002.
- (h) "Nonprofit Organization" means any nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code consistent with Public Resources Code section 90100.
- (i) "Secretary" means the Secretary of the Natural Resources Agency consistent with Public Resources Code section 90100.
- (j) "Severely Disadvantaged Community" means a community with a median household income of less than 60 percent of the area average or less than 60 percent of statewide median household income consistent with Public Resources Code section 90100.
- (k) "Tribe" means a federally recognized Native American tribe or a non-federally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission consistent with Public Resources Code section 90100.
- (l) "Vulnerable Population" means a subgroup of a population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts consistent with Public Resources Code section 90100.
- (m) "Southern Ballona Creek Watershed" means the boundaries included in the BH UWC territory consistent with Public Resources Code 32553 (2) (A).

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, and 90140 of the Public Resources Code.

Article 2. Eligibility

§ 1003. Applicant Eligibility.

Eligible Applicants are public agencies, local agencies, nonprofit organizations, special districts, joint powers authorities, tribes, public utilities, local publicly owned utilities, and mutual water companies.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575,

93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, and 90140 of the Public Resources Code.

§ 1003. Project Eligibility.

The following projects are eligible for a Grant:

- (a) Projects that Empower Safe and Resilient Communities
- (b) Projects that Increase Access to Parks and Open Spaces
- (c) Projects that Protect and Manage Water Resources
- (d) Projects that Increase Biodiversity
- (e) Projects that Advance Urban Forest Health
- (f) Projects that Remediate Degraded Lands
- (g) Projects that Mitigate Impacts from Extreme Heat
- (h) Projects that Prevent Wildfire

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050 and 90140 of the Public Resources Code.

Article 3. Application

§ 1004. Concept Proposals.

(a) The Conservancy shall solicit concept proposals on its website from interested applicants when grant funding is available. In its request for concept proposals, the Conservancy shall identify priority project types for the funding opportunity as provided in section 1003, any program priorities listed in section 1006(b)(2), or fiscal limitations applicable to the available funding. Concept Proposals shall be short-form documents intended to allow technical staff to ascertain whether the applicant and/or project are eligible for program funding prior to submitting a full application. At a minimum, all concept proposals shall include the following information:

- (1) Name of organization and preferred email or mail address or other preferred contact information.

- (2) Organization's eligibility pursuant to section 1002.
- (3) Project type.
- (4) Project summary.
- (5) Project location and description of anticipated public access if the project includes acquisition or restoration of real property.
- (6) An explanation of the project's eligibility under section 1003.
- (7) Amount sought by the grant
- (8) Project duration
- (9) Does the project have matching funds? (Yes/No — if yes, specify source and amount)
- (10) Does the applicant or project serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community?
- (b) Concept proposals will undergo an administrative review to determine whether applicant and project eligible requirements in section 1003 are met. Concepts determined ineligible will be not be invited to submit full applications. Concepts determined eligible will be invited to submit full applications.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698, 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050 and 90140 of the Public Resources Code.

Article 4. Full Applications, Evaluation, and Grant Awards

§ 1005. Full Applications.

- (a) Each applicant deemed eligible pursuant to section 1004(b) shall be invited to submit a full application which shall, at a minimum, include the following information:
 - (1) Name of applicant and preferred email or mail address or other preferred contact information.
 - (2) Project description and amount sought
 - (3) Introduction summarizing applicant's interest, goals, and project, and rationale for the project goals and approach
 - (4) A scope of work and narrative description illustrating how the project would advance one or more of the goals and objectives identified in section 1 of Proposition 4.
 - (5) Approach and methods

- (6) Anticipated outcomes and deliverables
- (7) Anticipated community engagement and benefits, including workforce education and training, contractor, or job opportunities for Vulnerable Populations.
- (8) Proposed project timeline
- (9) Proposed budget, including need for advance funding and description of external sources of funding (not required for project selection)
- (10) Project team experience and qualifications, including the use of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.
- (11) Identification of relevant permit compliance requirements and a plan to obtain applicable permits.
- (12) Website accessibility compliance where relevant
- (b) Grants shall be awarded as funding is available and authorized.
- (c) Allocation of funds is contingent on the enactment of the state budget. The Conservancy does not disburse funds until the budget has passed and is signed by the Governor.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050 and 90140 of the Public Resources Code.

§ 1006 Application Evaluation.

- (a) All applications shall be reviewed by a review committee of state-staff experts with relevant qualifications based on the nature of the funding available and the Conservancy's priorities.
 - (1) If state staff with relevant expertise are unavailable, the Conservancy may invite non-state staff experts to participate in the review committee.
 - (2) All review committee members are subject to applicable laws on conflict of interest.
- (b) Each Proposal will be evaluated based on the following criteria:
 - (1) Alignment with and response to the program declarations listed in Section 1 of Proposition 4, including advancing funding to Vulnerable Populations, Disadvantaged Communities, or Severely Disadvantaged Communities, meaningful benefit and advancement of Environmental Justice principles.

- (2) Alignment with program priorities which shall include the following:
 - (a) Access to open space and parks for areas of high need
 - (b) Solicitation and inclusion of underrepresented business enterprises, workforce development and investment in economic empowerment zones
 - (c) Mitigation of environmental harms for frontline communities Resiliency
 - (d) Climate resiliency interventions that prepare vulnerable neighborhoods for extreme heat, wildfire, and flooding
- (3) Demonstration of public benefits anticipated to be derived from the project, including direct and meaningful community benefits, workforce development and training, or the inclusion of community partnerships, where applicable, including tribally led projects or partnerships.
- (4) Demonstration of readiness and capacity to complete the proposed project.
- (5) Inclusion of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.
- (6) Inclusion of innovative and/or effective methodology supported by science.
- (7) Relative need of the project, based on geographic or environmental vulnerability factors, as described in the request for proposals pursuant Section 1004.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698, 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050, and 90140 of the Public Resources Code.

§ 1007. Grant Awards.

- (a) The review committee will consider which proposed Grant projects will best meet the criteria in subsection 1006(b) and make award recommendations to the Conservancy for the full or partial amount requested, or denied, based on the extent to which proposed projects best satisfy the goals of Proposition 4. Each applicant that submits a full application pursuant to section 1005 shall be notified of the review committee's recommendation prior to the Conservancy meeting for final decision. A notice of intent to award a grant for the full or partial amount requested will be based on the following factors:

- (1) Amount of available funding;

(2) Number of Applicants;

(3) Amount of funding requested by Applicants; and

(4) The Conservancy's funding priorities.

(b) The review committee will submit its recommendations for funding to the Conservancy.

The Conservancy shall review the review committee recommendations and will approve, modify, or deny these recommendations based on the information provided and the record before it. Upon a final vote, the Conservancy shall notify successful applicants of a Grant Award, including the amount of a Grant.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698, 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, and 90140 of the Public Resources Code.

§ 1008. Grant Agreements.

(a) The terms and conditions of a Grant shall be set forth in a Grant Agreement entered into by the Conservancy staff and the Grantee. A Grantee has the sole responsibility for the fiscal management of Grant funds, project-specific recordkeeping and reporting, performance of the Project, and all other aspects of compliance with this Chapter and the Grant Agreement. The Grant Agreement shall include, but is not limited to, the following:

(1) Grant amount and any need for advance payment.

(2) Grantee contact information.

(3) Grant duration.

(4) Scope of the Project funded by the Grant award.

(5) Budget.

(6) The Grantee's agreement to comply with existing laws.

(7) Other project-specific terms as may be necessary to protect the state in administering its fiduciary obligations.

Note: Authority cited: Sections 32550, 32551, 32555, 32565.5, 32566, 32568, 325698 32573, 32575, 93020 (a) (1) Public Resources Code. Reference: Sections 32556, 32533 (2) (a), 90100, 90110, 90133, 93010, 93050 and 90140 of the Public Resources Code.