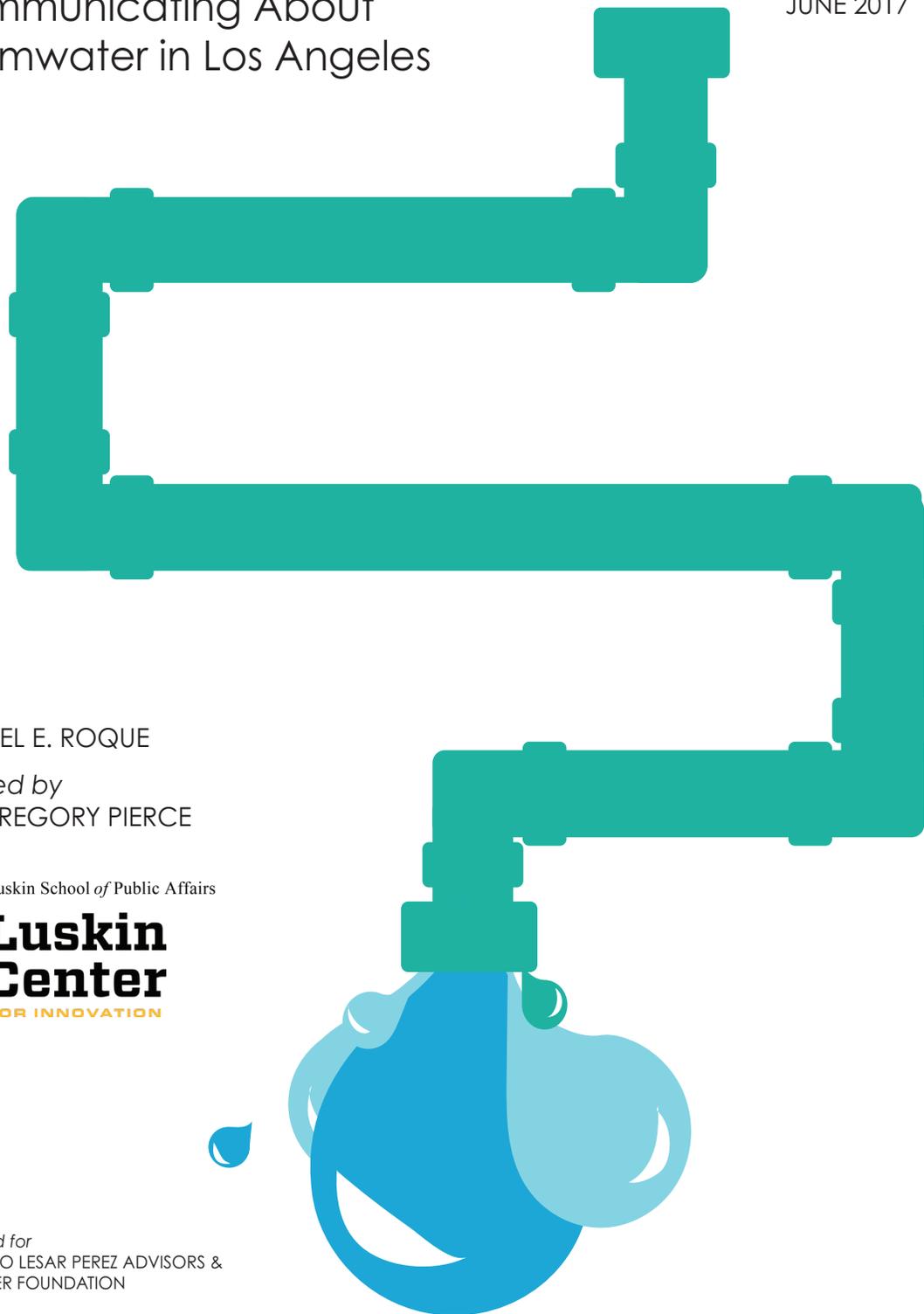


# LIQUID GOLD

Communicating About  
Stormwater in Los Angeles

JUNE 2017



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Special thanks to  
Cynthia Guzmán & Tulsi Patel

*Disclaimer: This report was prepared in partial fulfillment of the requirements for the Master in Urban and Regional Planning degree in the Department of Urban Planning at the University of California, Los Angeles. It was prepared at the direction of the Department and of the Water Foundation and Estolano LeSar Perez Advisors as planning clients. The views expressed herein are those of the author and not necessarily those of the Department, the UCLA Luskin School of Public Affairs, UCLA as a whole, or the clients.*



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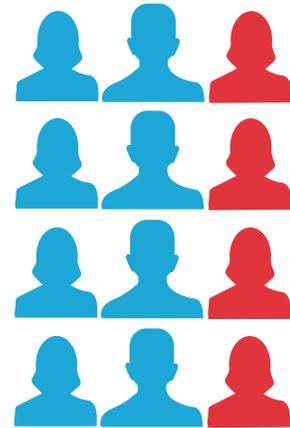
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# EXECUTIVE SUMMARY

## the question:

WHAT COMMUNICATION STRATEGIES HAVE STAKEHOLDERS IN LOS ANGELES COUNTY DEVELOPED THROUGH PAST STORMWATER CAPTURE CAMPAIGNS TO SHIFT ENVIRONMENTAL NARRATIVES AND ESTABLISH NEW NORMS?

Urban planning in Los Angeles has been stymied in recent decades by a disconnect between the practice of planning, and the political realities of implementation. A wave of voluntary and forced retirements over the last decade decimated the city's senior planning staff, leaving a dearth of politically sophisticated planners. Thoughtful plans are drawn up, but without an elected official to legislatively champion them, coalitions of local elites to disseminate and push them, and citizens to demand them, plans wither and die on the vine. Indeed, 29 of 35 community plans have not been updated in 15 years.



**66.67%**

of voters  
must agree

*Propositions 218 & 13 constrain our ability to pay for stormwater capture, so we need a supermajority of voters to fund nature-based solutions.*

Simultaneously, Propositions 13 and 218 have severely limited funding options for large-scale projects, requiring long, expensive campaigns for initiatives that must pass with a 67% supermajority of voter support.



This disconnect has increased the role of private and nonprofit firms in policy advocacy. A nascent coalition of environmental and political advocacy groups is pushing for a countywide ballot initiative on green infrastructure for water resilience. This report will assess and analyze facets of campaigns around stormwater capture and use such as Culver City's successful recent CW ballot

THE FISCAL COST OF **DOING NOTHING** IS

**24 BILLION  
DOLLARS  
OVER 20 YEARS**

According to the cost modeling of  
Watershed Management and  
Enhanced Watershed Management  
Groups in Los Angeles County

measure, along with the stillborn 2013 Clean Water, Clean Beaches initiative.

This examination aims to demystify the hyperlocal dynamics of specific communities, coalitions and the demographic of 'grasstops,' or people who are leaders in their communities that are able to share information

with their grassroots members.

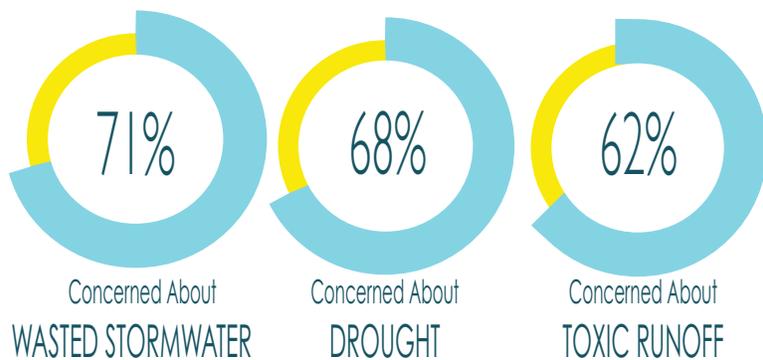
# TALKING ABOUT WATER

Research shows that voters in Los Angeles are sophisticated, and they understand the stakes; at the beginning of January 2016, their top three concerns were wasted stormwater, drought, and toxic runoff.

These worries have receded somewhat with the end of our historic drought, and a strongly contested local election measures around development, homelessness and affordable housing. But the cyclical nature of our el niño-driven climate means that water security and water quality will remain a driving regional concern for the foreseeable future.

Stormwater capture is

## TOP 3 CONCERNS OF ANGELENOS



*According to a poll in January 2016 by Hart Research Associates*

a complex topic. Tell people what it could mean for their communities, and be specific.

Even better, show them with exhibition projects like rain gardens, wetland restorations, and parks.

Open space, clean rivers, lakes and bays, and safer, more self-reliant neighborhoods for our families are common sense goals that we can all agree on.

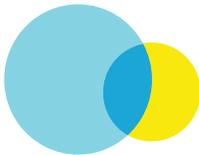
# narrative & specificity

Outreach should start early, be ongoing, and take place at multiple levels. Use this framework to think through your message.



## tailor your approach

- Tell a compelling story
- Localize your narrative
- Consider your audience



## find the nexus

- Listen carefully to potential allies
- Win over or neutralize opponents
- Craft thoughtful, nuanced policy



## build trust

- Develop & maintain relationships
- Appeal to fairness & efficiency
- Send credible messengers

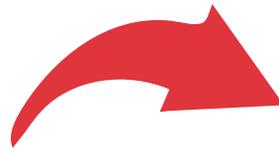


## change the culture

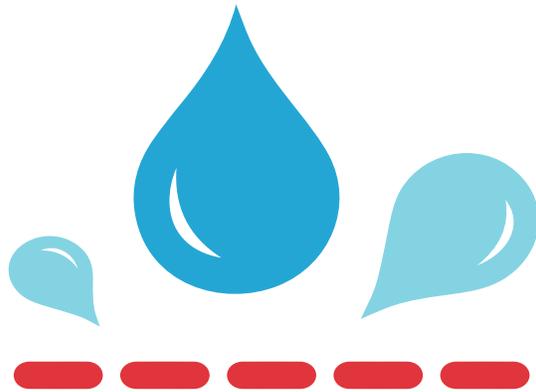
- Good outreach can transform perspectives
- Connect the dots between different fields
- Develop civic pride & our collective sense of self

# jargon swaps

Polling by FM3 has found that buzz-words are often tuned out, mistrusted or misunderstood by the public. Use clear, direct words and terms instead.



ENVIRONMENT	▶	LAND, AIR & WATER
ECOSYSTEM	▶	NATURAL AREAS
ENDANGERED SPECIES/BIODIVERSITY	▶	FISH & WILDLIFE
REGULATIONS	▶	SAFEGUARDS & PROTECTIONS
RIPARIAN	▶	RIVERS, LAKES & STREAMS
AQUIFER	▶	GROUNDWATER
WATERSHED	▶	LAND AROUND RIVERS, LAKES & STREAMS
ENVIRONMENTAL GROUPS	▶	CONSERVATION GROUPS
AGRICULTURAL LANDS	▶	WORKING FARMS & RANCHES
URBAN SPRAWL	▶	POORLY PLANNED GROWTH
GREEN INFRASTRUCTURE	▶	NATURE-BASED SOLUTIONS
SPENDING	▶	INVESTMENT



## STRATEGIES FOR RAIN...

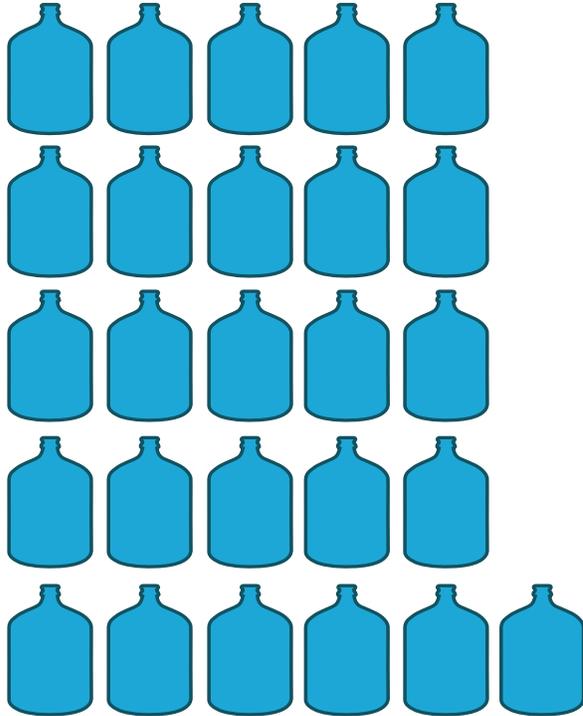
Because of Southern California's unusual climate cycles, it's important to think about a dual strategy for talking about stormwater. During drought, water security is easier to grasp. But during rainy winters, flooding and pollution are more dominant concerns.

60% of Los Angeles County is covered by impermeable surfaces like asphalt, concrete, and other materials. This means that rain can't be absorbed back into to recharge the groundwater. Instead, it picks up tons of trash as it rolls down our gutters, into our rivers and bays. Cities are left struggling to pay the onerous costs of cleaning up toxic runoff.

Los Angeles' water quality is threatened by pollution from flooding and urban runoff. People, neighborhoods and businesses are vulnerable to dangerous and expensive flooding.

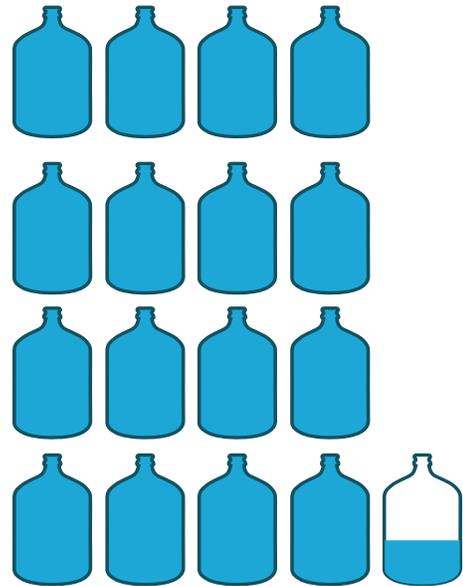
# Water Shortfall

by 2025



# Wasted Stormwater

in billions of gallons



Right now, Los Angeles only collects about 15% of available stormwater.

163 billion gallons are first polluted, and then wasted every year. At the same time, LA faces a projected shortfall of 260 billion gallons by 2025.

Stormwater could fill 2/3 of that need.



...OR SHINE

Currently, the county of Los Angeles imports 85% of our water from more than 100 miles away. The costs to import water are rapidly increasing.

Our water security is threatened by climate change, including extreme weather events.

California has suffered four long-term droughts over the last 40 years. In the event of a natural or manmade disaster, our water supply faces many potentially devastating problems.

The Colorado River, like many of our sources, has a persistent, large water deficit. Future supplies are unreliable due to climate uncertainty, and water needs for agricultural and urban use are increasing even as supply falls.

Los Angeles County needs a water supply that is *sustainable, local, and cost-effective*.

LA can and must become climate resilient to prepare for our future. Stormwater capture can help get us there.

# MULTI- BENEFITS



**green jobs**  
projected to increase to 8% of LA's workforce by 2030



**open space**  
green space improves property values & health outcomes



**habitat**  
for fish, birds, humans, & wildlife.



**clean & quiet**  
natural solutions reduce air and noise pollution

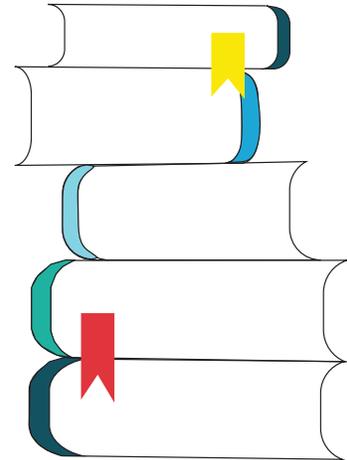


Nature-based solutions come with a host of aesthetic, ecological, social & fiscal benefits.

In addition to capturing and cleaning stormwater, biomimetic infrastructure provides neighborhood amenities that make cities more beautiful, equitable, and resilient.

# LITERATURE REVIEW

HOW HAVE PLANNERS WRESTLED WITH THEORETICAL ISSUES LIKE POWER, COMMUNITY, COLLABORATION AND POLITICS TO BUILD CRITICAL URBAN INFRASTRUCTURE?



Like much of planning theory, this type of analysis traces its lineage from the social sciences. A comprehensive historical evaluation of planning requires a broad contextual lens, looking at how the practice was informed by Weber's rationalism first, and then successive strains of utilitarianism, positivism, pragmatism and critical rationalism. Indeed, although planning is commonly viewed as an apolitical profession, John Friedmann argued that spatial

*“Consensus building builds shared meaning.”  
(Innes 2007)*

organization reflects and shapes social organization, and that planning is simultaneously a form of public management, and a force for social reform (Friedmann 1987). Similarly, Habermas' theories of

communicative rationality proved highly influential on later planning theorists like Patsy Healey and Judith Innes. “Habermas' project,” Healey wrote, “is to extend

the range of argument, beyond the important but limited sphere of philosophical logic and scientific demonstration, to encompass

moral argument and aesthetic appreciation (Habermas 1984; Healey 2003)."

Communicative planners and social reformers alike realized that the arrangement of physical and spatial urban forms is not a static exercise – it will either reinforce or undermine existing hierarchies and power structures.

Patsy Healey's work on

collaborative planning in the late 1990's and early 2000's addressed the matter head-on. She traced how the concept of a plan as a "spatial

*"I suggest an approach... to expand the critical imaginative range of those designing new process forms beyond the well-known possibilities of manipulative politics, the rational-technical process, top-down command-and-control practices and bureaucratic rule governed behavior."*  
(Healey 2003)

*"The task of the planning enterprise is to critically interrogate the governance practices that currently exist and to help governance communities concerned with place qualities to develop different approaches where these are seen to be failing."*  
(Healey 2003)

blueprint" from a schematic to the built environment evolved, from the massive projects of the modernist era into "policy planning" – abstracted plans that function as an overarching statement of regulatory norms and principles to guide specific spatial choices.

Implementation of urban plans began to relate more directly to the process of negotiation, and less to construction. In the UK, the

process of planning became both a mechanism to mediate between different interests, and also the arena upon which these conflicts play out. Comprehensive planning strategies receded as neoconservative political ideals and postmodern cynicism held sway through the 1980's; piecemeal planning and market failures led to a resurgence of holistic planning focused on distributive justice, environmental conservation, and reduction of risk in the mid-1990s (Healey 1997, chapter 7; Healey 2003; Albrecht 2004).

The future of planning, she suggested, lies in deliberately approaching how communities construct their sense of self.

Judith Innes describes the gap between academic perspectives and the actual practice of planning, and prescribes bridging the gap via

what she calls “communicative planning.” This model engages with the political, economic and social realities that control outcomes, rather than relying on idealized forms and theories. Innes argues that it is indeed an entirely different paradigm from the classic ‘systematic thinking’ planning approach – communicative action focuses on the “messy part of planning” that has stymied systematic thinkers. Like Healey, Innes argued that the process was the product – “Consensus building...builds shared meaning” (Innes 2007).

Critiques of communicative/collaborative planning models have addressed how a deliberate or accidental misapplication of the

*Planners must engage in a “progressive or radical form of planning [required] in order to transform ‘the social and political structures hindering sustainability.’”  
(Harrill, 1999)*

“collaborative planning” label provides cover to more business-friendly meanings and contexts, and may in fact be used as a euphemism for agency capture by industry. Furthermore, these theories focus on process over context, neglecting structural factors like globalization and capitalism. However, Healey counters that a focus on purely structural economic forces denies local agency and misses how interactions are robustly contested. The outcome, she argues, is not predetermined and the process provides space for innovation (Lubell et al 2002; Healey 2003).

Clearly, there is a balance to be struck between collaborative and communicative planning approaches that focus on local agency, and structural perspectives that emphasize power imbalances and the dynamics of contestation. The classic Foucauldian concept of power posits not merely access to resources, but embodied assumptions of what appropriate ways of speaking and behaving look and sound like. These multiscalar “dimensions of linkage” from individuals to systems that allocate resources and generate and maintain institutions can provide insight for planners into how the currents of power move through the urban systems where they engage.

Indeed, extensive discussion has centered on the discomfort and unfamiliarity of planners with power dynamics, who are more at home in the realm of rationality. Collaborative deliberation allows people to transcend their personal limitations, but must also account for conflict. Additionally, a focus on experimentation can localize focus, depoliticize urban transition and may fail to account for deep structural causes of problems (Wilkinson 2012; Innes 1995; Flyvbjerg 1998; Foucault 1980; Giddens 1984; Healey 2003).

*“...political decision-making often seems like a black box to planners.”*  
(Albrecht 2004)

The growing specter of climate change, ecosystem collapse, and resource scarcity adds an additional concern to the mix. Generally, environmentalism within the planning context has tended toward utilitarian concerns – thinking about ecologies in terms of whether they can support municipal, agricultural and household needs. However, as understanding of the bio-physical boundaries of our planet have advanced, the “interconnectivity ...and the non-linearity of causal relationships” has complicated the question of what constitutes a safe operating space for humans

(Rockström 2009; Wilkinson 2012).

Ecologically sustainable urban regions must address the dynamism of nonlinear interactions, with a focus on iterative processes and adaptive governance. Wilkinson presents the “concept of ‘panarchies’ to ‘capture the adaptive and evolutionary nature of adaptive cycles that are nested one within the other across space and time scales’, thus emphasizing the importance of cross-scale dynamics” (Gunderson & Holling 2002, quoted by Wilkinson 2012).

Spatial planning for socio-ecological interaction between humans and nature through an ecosystems services (ESS) or ecosystem approach (EA) requires that planners grapple with a body of planning theory literature that represents a “fragmented and sometimes contradictory range of world views.” Therefore, Wilkinson draws from both the critical and normative schools of planning theory to de-silo analytical, explanatory, descriptive and conceptual practices (Wilkinson 2012). Building institutional capacity to deal with swift, frequent change is a major normative focus of EA, which theoreticians hope will enable cities and communities to mitigate and adapt to climate change and mainstream conservation ideals. The process of adaptive co-management “relies on rapid scientific information about the natural resource to inform adjustments to the management of the system by informed stakeholder” (Armitage et al 2007, quoted by Wilkinson 2012). Within these constraints, it is clear that planners must engage in a “progressive or radical form of planning [required] in order to transform ‘the social and political structures hindering sustainability’” (Harrill, 1999: 72 quoted by Wilkinson 2012).

Louis Albrecht examines some of these political structures in his theory of strategic spatial planning, which expands on the social science of strategic rationality and the comprehensive planning movements of the mid-twentieth century. Drawing from both European and North American histories, Albrecht defines strategic spatial planning as a social process that is led by the public sector, with key

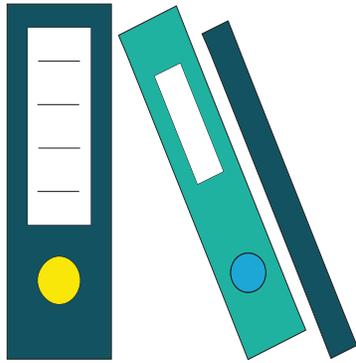
Planning theory covers  
“a fragmented  
and sometimes  
contradictory range of  
world views.”  
(Wilkinson, 2012)

stakeholders: they are frameworks for continuous and ongoing actions. In case studies from his own experience as a planner in Belgium, Albrecht explains the gulf between planning theory and implementation:

“In planning literature .... Hardly any examples of cases analysed from the perspective of the political class are available. Therefore political decision-making often seems like a black box to planners. Planning needs a fine-grained analysis of what actually takes place in formal decision-making and implementation, in the transition from plan to formal adoption of the plan and in its actual implementation, as opposed to what they normatively would like to see happen (see Friedmann, 1998). Research by Flyvbjerg (1998) makes it clear that critical analysis of cases is needed to discover the ‘whys and wherefores’ of how elected representatives or preferential actors change the plan and why and how executive officers depart from the formally approved plan (Albrecht 2004).”

This study aims to fill in that need for a ‘fine-grained analysis’ of political decision-making in the context of planning, to understand why some plans advance and others do not. The first step for crossing the bridge from planning theory into the physical field of resource management ties together Albrecht’s theories of strategic spatial planning, Healey and Innes’ theories of communication and collaboration, and Wilkinson’s appreciation for adaptive co-management. All of these can all be observed in action in Integrated Regional Water Management plans active across California.

*“Planning needs a fine-grained analysis of what actually takes place in formal decision-making and implementation, in the transition from plan to formal adoption of the plan and in its actual implementation, as opposed to what they normatively would like to see happen.”*  
(Albrecht 2004)



# BACKGROUND

INTEGRATED REGIONAL WATER MANAGEMENT, CASE LAW,  
REGULATIONS AND LEGISLATION THAT CURRENTLY GOVERN  
STORMWATER CAPTURE IN CALIFORNIA

## INTEGRATED REGIONAL WATER MANAGEMENT

In California, the Integrated Regional Water Management (IRWM) Planning Act of 2002 (SB 1672) attempts to create a framework to address interrelated, complex ecological problems. The purpose of the act is to “...facilitate the development of integrated regional water management plans, thereby maximizing the quality and quantity of water available to meet the state's water needs by providing a framework for local agencies to integrate programs and projects that protect and enhance regional water supplies” (Strategic Plan 2015, p. 18).

Challenges facing water managers and planners in California are legion. The consequences of climate change, like lower levels of rainfall, higher temperatures that lead to greater amounts of evaporation, along with overall changing precipitation patterns; population growth and its corresponding increased demand on water systems; collapsing ecosystems, particularly in the San Joaquin Delta; and a host of other issues demand urgent attention. These pressures result in water scarcity, environmental injustices, hazards, loss of biodiversity, and higher water and energy costs (Lassiter 2015).

IRWM crosses professions and disciplines (engineering, planning, environmental science), as well as whatever political jurisdictions are contained within the hydrographic boundary of the watershed itself. It is both a strength and a weakness of IRWM that it is contextual, nonlinear, and processual. There is no single one-size-fits-all model. Because of its flexibility, IWRM as a management and development process has been adopted by 2/3 of UN member countries. However, it comes with high transaction costs, and requires a great deal of time and patience (Lassiter 2015). In many ways, IRWM processes are intimately related to social and relational skillsets. Conflict management and negotiation are centered, which calls back to relational models like alternative dispute resolution (ADR), which attempts to "...replace win-lose adjudication with win-win consensus agreements that reduce conflict," increase the representativeness of policy solutions, and offer a greater chance for progress than traditional political legislation (Koontz & Johnson 2004, p.

17). Indeed, Celeste Cantú writes, IRWM is like every other collective action problem – if it is approached as a zero-sum game, it will fail. Unfortunately, engineers and scientists are not generally equipped with these skills in their professional training (Lassiter 2015).

As of 2012, the California Department of Water Resources recognizes 48 IRWM planning areas that span 87% of our geography and 99% of our population. It is a major part of the California Water Plan. Who constitutes a stakeholder and must therefore be included in the collaboration can be contentious. Clearly, there is a range of participation that becomes unrealistically broad, as in a suggestion that Denver water use required input from "... everyone from Southern California to Nebraska," a group that is prohibitively large and unwieldy (Strategic Plan 2015; Leach 2001). On the other hand, there are significant examples of how constructs of partnership may in fact provide cover for patterns of dominance, which necessitates

a clear and appropriate definition of how inclusive IRWM should be to uphold democratic ideals. For instance, only about 1/3 of the 45 current IRWM plans in CA have “a significant level of DAC [disadvantaged communities] involvement” (Strategic Plan 2015; Grimsey & Lewis 2004).

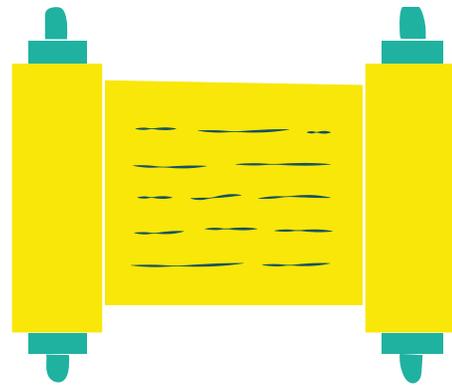
IRWM is an iterative and adaptive process that focuses on developing local capacity (sometimes called production capacity or the legal term “TMF capacity” for technical, managerial and financial ability to execute projects). It is ongoing over long periods of time. Principal negotiations are face-to-face and processual rules are designed to build trust. Indeed, trust has proven to be the single most important factor in any collaboration. In this context, trust encompasses two separate but related meanings: first, trust in the professional competence of partners, and second, the perception of honesty and good faith among participants (Calanni et al 2014; Lassiter 2015).

## FEDERAL & STATE LEGISLATIVE ENVIRONMENT

California is subject to a number of federal and state constitutional constraints. The Dillon Rule established state preeminence over local governments in an 1868 Supreme Court case which ruled that “Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy. If it may destroy, it may abridge and control” [Clinton v Cedar Rapids and the Missouri River Railroad, (24 Iowa 455; 1868)]. The legal theory of pre-emption establishes the supremacy of federal law over state law, and state law over municipal law; this case was primarily litigated in response to the corruption and market failures around financing the railroad expansion west (Albuquerque, p. 190). California is a Dillon’s Rule state, Los Angeles is excepted as a charter city.

Two provisions in the California constitution re-empower cities in the state. Article 11,

*Article XIII B “...attempted to restrict spending at all levels of government in California. The Appropriations Limit applies to ‘all taxes levied by and for’ a government entity. The law applies to the State, as well as to all local governments including ‘any city, county, city and county, school district, special district, authority, or other political subdivision...’”*  
(CA City Finance)



section 5 allows charter cities to overrule state law in municipal affairs, and section 7 grants cities and counties “police power” to make their own ordinances. But at the state level, Article XIII has sealed off traditional sources of municipal funding for

almost 40 years. Proposition 4 amended the California Constitution in 1979 with limits on government spending. It also set into motion legal uncertainty around “unfunded mandates,” or rules that state agencies impose on municipalities without providing funds. This is why California voters are required to affirmatively fund major infrastructure projects.

Even more severe limits were established by Proposition 218,

### Proposition 13

*“...sharply constrained local governments’ ability to raise property taxes, the mainstay of local government finance.*

*Proposition 13 also specified that any local tax imposed to pay for specific governmental programs – a ‘special tax’ – must be approved by two-thirds of the voters.”*

(Legislative Analysts Office, 1996)

a constitutional initiative passed in 1996 that changes how local governments are financed. They cannot impose fees for services that exceed the “actual cost,” without respect to future supply costs or past fixed costs. This has a number

of consequences, including the prohibition of increasing block tariffs even though they are the consensus choice to balance equity and conservation. In contrast, the private sector does use increasing block tariffs, as 218 only applies to “... California’s nearly 7,000 cities,

counties, special districts, schools, community college districts, redevelopment agencies, and regional organizations.... Proposition 218 seeks to curb some perceived abuses in the use of assessments

and property-related fees...” (Legislative Analysts Office 1996).

The federal Safe Drinking Water Act of 1974 and the Clean Water Act of 1972 address water quality, but regard water infrastructure as primarily the responsibility of local governments. The CWA uses National Pollution Discharge Elimination System (NPDES) permitting to enforce compliance in various municipalities’ municipal separate storm sewer systems (MS4s), but California’s own Porter-Cologne Act preceded and aligns closely to Clean Water Act (EPA 2015). The CWA is jointly administered by the EPA and states in “cooperative federalism;” states issue permits in lieu of federal permits.

The 2012 NPDES permit for Los Angeles County arrived late, and carried with it an unusually high standard of action. Based on August 2015 calculations, it would cost LA County more than \$20 billion over the next 20 years to meet the permit requirements. For many cities in LA, this would take around half of their budgets. Some portions of the permit were found to count as “unfunded mandates,” but the matter has remained tied up in litigation and cities do not expect that the court will grant a stay (EPA 2015).

As daunting as those figures are, estimates of costs for water infrastructure nationally range from \$655 billion to more than \$1 trillion over the next 25 years. Capital investments on this nature are debt-financed; local governments use tax-exempt municipal bonds. In 2014, \$34 billion in water, sewer, and sanitation project bonds were issued (Copeland 2014). Although experts had put forth multiple ideas to consolidate or leverage federal funding options, from State Revolving Fund (SRF) programs to a theoretical Water Infrastructure Finance and Innovation Act program modeled after the transportation version, it is unlikely that significant funding for water infrastructure will be available at the federal level in the near future.



# ENVIRONMENTAL INITIATIVES

## THE LOCAL INITIATIVE

Local initiatives have emerged in California as a way to exercise one of the nation's purest expressions of direct democracy. Public Policy Institute of California (PPIC) found that:

"...the most popular topics for initiatives in the 1990s were land use,

*"In the November 2000 election, over half of all U.S. local measures relating to growth and development appeared on the ballot in California."*

*(Meyers & Puentes 2001)*

governance, and safety— issues that are typically local and controversial. Issues relating to zoning changes, urban growth boundaries, open space preservation, and new development were frequently taken to the ballot box. At the county level, initiatives relating to

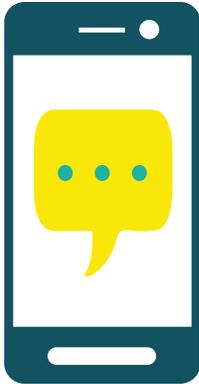
the environment, water, and general service delivery were often the most likely to qualify for the ballot." (Gordon 2004, p. iii)

Indeed, Californians are more likely than the residents of any other state to circumvent anti-tax constitutional amendments and make policy via local initiatives. Local initiatives are significantly more successful than statewide

initiatives – 80% of county measures but only 15% of statewide initiatives made it onto the ballot. However, success in the voting booth was comparable (once they made it to the ballot, 42% of local measures and 40% of state measures were passed). Primary elections and nonconcurrent local elections were the best times for measures to appear on the ballot, as voter turnout tended to be more politically sophisticated during these “off” elections (Gordon p. vi-vii).

Two attempts to bring a stormwater capture infrastructure measure to the ballot have occurred in Los Angeles in the last three years: a countywide measure called the Clean Water, Clean Beaches Act in 2013, and a Culver City initiative called Measure CW in 2016. The Los Angeles County Flood Control District (LACFCD) unsuccessfully pushed for the 2013 initiative, but the Board of Supervisors chose not to include it on the ballot.

The League of California Cities and California Contract Cities Association commissioned a postmortem report to understand why the measure failed to gain support among stakeholders generally, and particularly among the elite gatekeepers (Farfaring & Watson 2014). On the other hand, Measure CW exceeded its 67% requirement with a stunning 73.9% of the vote, in spite of limited outreach, coalitional support, and funding. The next half of this report will shift from the theoretical background to an in-depth analysis of these two case studies for “lessons learned” about how to approach specific demographics, including elected officials, in order to successfully fund stormwater initiatives via a ballot initiative.



## HOW VOTERS RESPOND TO ENVIRONMENTAL MESSAGING

Since voters must choose to self-fund stormwater infrastructure projects with a 2/3 supermajority, and elected officials must choose whether and how to present that choice, clear lines of communication

between voters and policy makers are essential. Determining how voters receive and perceive environmental planning information has been studied extensively by public policy polling firms like FM3. Though FM3 works nationally on political campaigns, they are headquartered in California and have spent decades conducting in-depth surveys of opinion leaders

and polling of the public to assess how terms, concepts and appeals used in messaging can resonate or fail in California broadly, and Los Angeles County specifically.

Less than 1/4 of Californians know where their water comes from or what the word “watershed” means.

FM3's water resilience research in California has teased out a nuanced portrait of how environmental activists are breaking through to voters, and when their messaging is breaking down. For instance, less than 1/4 of people know the origins of their water – most Californians have not thought this through beyond ‘the faucet.’ An almost identical number of voters do not understand what the word “watershed” means; close to a

80% believe that nature-based solutions are as good or better than current approaches

83% believe that taking action on water will save money in the long run

71% believe that technological innovation can solve California's problems

*Poll results provided by FM3*

third of respondents guessed that it must be a building or shed that holds water. In spite of this and other recurring semantic disconnects, the polls do show an increasing understanding that our drought and water scarcity in the state are serious, long term problems (from a bare majority in 2009, to 65% of respondents by 2015).

Plain English conveys meaning better than academic or legal vocabulary. Vivid language is more effective than technical descriptors, and positive/hopeful wording is more compelling than negative/fear-based appeals, even if the question relates to solving an urgent problem. "Protecting human health" is the single most persuasive term polled, and the concept of "safe & clean drinking water" has increased in effectiveness in our post-Flint era. An appeal to preserve environmental features for future

generations remains compelling, and 71% of voters believe in the power of “technological innovation” to solve the state’s problems.

Overall, Californian voters demonstrate a promising level of sophistication around environmental concepts. For instance, an overwhelming 83% of people believe that taking action on water will save money in the long run. More than 80% of voters and grass-top elites believe that “nature-based solutions” are as good or better than current approaches – and this approval is amplified by repetition, examples and explanation. For instance, the term “water independence” is generally well-received, but the effect is heightened during ongoing public conversations about water scarcity.

However, it is a mistake for opinion leaders to assume that the public will blindly accept their messaging. In spite of its widespread saturation in the academic and political communities, FM3 found that voters do not like the term “green infrastructure.” In fact, people across the board mistrust the words “green” and “natural,” viewing them as marketing buzzwords. Although “green streets” and “green alleys” are very popular initiatives with elites, voters neither like nor understand these concepts. Furthermore, respondents associate infrastructure with transportation, not water. People understand “resilience” as an individual character description, or as a euphemism for disaster recovery. They do not associate it with cities. “Sustainability” only scores a little better.

The polling reveals a number of complications in our relationship to water and water infrastructure. Individuals in California are deeply concerned about water wasting, but tend to believe that the problem lies with other people and uses – farmers, renters, and other neighborhoods. Because of this, they are generally supportive of regulations. However, groundwater

infiltration schemes often have tested poorly, because they are expensive and yet not visible. People care about what they can see in their own communities – the more specific and visible the better. Additionally, it matters what politicians prioritize, and what the popular press covers. For example, water scarcity is a pressing concern to voters during times of mandatory water cuts and widespread discussion of drought. When the public conversation shifts to el niño during rainy season, voter attention wanes.

Another layer of complexity occurs in how policy makers speak about spending. Voters approve of a policy emphasis on long-term thinking, but can be hesitant to fund initiatives. Semantically, this problem can be negotiated by using the term “investment,” which implies the long timeframe in a way that is palatable to voters – and “infrastructure investment” is even better. Overall, adding sunsets to bills doesn’t matter to voters, but has at times proved necessary to win over elected officials. Voters are more willing to pay for initiatives when they understand the specific dollar amount that they will be responsible for. Unsurprisingly, relative affluence matters – Culver City’s \$99 parcel tax for Measure CW would be prohibitively high in many other locations.

To their credit, Angeleños have repeatedly demonstrated that they are willing to send money to poorer locations, in the form of schools, parks, and other public resources. Pollsters recommend framing redistributive policies as “taking care of those who need it most, first,” which implicitly reassures that voters that their interests will also be met. One economic appeal that was not effective with everyday citizens centers on “green sector jobs.” Voters don’t think that these jobs are relevant to them. However, the possibility of job creation does have utility in appealing to policy leaders.

## LOCAL CONTEXT: LOS ANGELES COUNTY

Within Los Angeles County the trendlines indicate a growing sense of optimism about the direction we are taking, even as voters in California more broadly are ambivalent about the direction of the state.

A poll in early 2016 found that the top three concerns of Angeleños regard the supply, scarcity, and pollution of water. Public anxiety about the environmental health of rivers, beaches and other waters has proved durable and consistent over decades of polling. Angeleños have consistently also focused on “marine life protection” as an important concern that should be integrated into messaging. Taxes are seen as much less serious, with only 37% of people in Los Angeles County labeling the amount of taxes they pay as a serious problem.



These numbers have shifted over recent elections, with issues of affordable housing and development impacts surging after a contentious election around Measure S; the takeaway is that the public is attuned to the conversation among grassroots media members, legislators, and community activists.

This is applicable on multiple levels for outreach: in addition to the need for a coordinated campaign that raises issues, local experts make for excellent messengers. For issues

around water, the public responds particularly well to aquarium scientists, nurses, and firefighters.

Potential obstacles to passing this type of infrastructure legislation include worries about accountability and waste. For instance, prior to the failure of the Clean Water, Clean Beaches Act, a spokesman for Supervisor Antonovich told the Los Angeles Times that "...he opposes 'unfunded mandates from the state and feds' to meet clean water standards and opposed the previous measure because it 'had no local support — nor did it identify projects' and still fell short of raising the money needed to meet clean water mandates" (Sewell 2016). Hart's polling found that this is common to other demographics, as well: both voters and the business community oppose stormwater capture funding in the absence of specificity. To gain support, cities and municipalities must clearly articulate intended

*"[Antonovich] opposed the previous measure because it 'had no local support — nor did it identify projects' and still fell short of raising the money needed to meet clean water mandates."*

projects.

The second half of Supervisor Antonovich's statement raises questions of scale. For instance, some experts have expressed concern that Measure CW will only provide a "drop in the bucket" for the amount of funding that the city's projects will really need. The danger to passing piecemeal local measures, city by city, is that communities who have passed these initiatives may resist a larger scale countywide initiative – they will correctly feel as though they are being double-taxed. In this way, seemingly positive steps like passing Measure CW may remove a large

number of supportive voters from the overall pool, because they assess that they have already contributed to their city-level tax. Nonetheless, allowing cities to opt in or out fails to address problems at the watershed scale, and opens up questions of proportionality that could violate Proposition 218. Allowing watershed or sub-watershed groups to participate on a voluntary basis would inevitably lead to both environmental injustices – where wealthier cities invest heavily in green infrastructure, while poor or unincorporated cities are isolated with aging gray infrastructure – and corresponding inefficiencies of scale. Moreover, introducing a measure at the county scale removes a potential competitive handicap for cities who choose to make an investment in stormwater capture.

The 2013 Clean Water Act attempted to take advantage of the option to target property owners via a mail-in ballot, which only requires a simple majority of votes to pass. A lack of communication with voters doomed the measure – many homeowners were never contacted until they received their protest vote packets. Homeowners perceived the ballot as simply more junk mail. In order to avoid this, the appearance of the logo and envelope containing a ballot are critical. To open the envelope, read the contents, vote, sign, and mail back the ballot requires voters to take many steps. Among those who invest the time in the process, support actually increases. Unlike a county-wide ballot, the mail-in ballot is much more narrowly targeted, to only “Likely Yes” voters. No budget is required for television or other advertisement.

In spite of the appeal of a simple majority vote, the mail-in ballot itself may have played a role in the Act’s failure. Elected officials in Los Angeles don’t like or trust mail-in ballots. Mayor Eric Garcetti called them “sneaky,”

and the local press presented the concept as undemocratic. And indeed, since votes are allocated by parcel rather than person, a large landowner with 10,000 parcels has 10,000 votes, while an apartment renter has none. Additionally, a vote by mail-in ballot constricts the way that policy is written – no exemptions are allowed. This alienated politically powerful school districts, who balked at millions of dollars in new annual taxes coming out of their already tight budgets. Other institutional stakeholders like Metro, Universal Studios (which hold their own stormwater permit and are in full compliance), and cities and developers who had already invested in their own infrastructure similarly protested the fairness of being taxed at a universal rate.



# DESIGN & METHODS

## RESEARCH DESIGN

The end goal of this research is to inform the feasibility of a county-wide ballot initiative to fund green infrastructure in Los Angeles within the next 2 years. Due to the unusual legislative environment described in the literature review, stormwater is an “orphaned” utility and infrastructure to capture it can only be funded through a special tax. Voters must approve any such measure by an overwhelming 67% supermajority, which requires a strong coalition of well-organized advocacy groups and elected officials to conduct a targeted

campaign in a geographically sprawling, ethnically and economically diverse landscape in one of the most expensive media markets in the United States. The aim of this research is to identify the pitfalls of previous failures and the useful techniques of successful efforts, in order to craft good legislation and build strong coalitions to meet the city's challenges.

This study engages with empirical reality on multiple fronts, and required multiple methods. Clearly

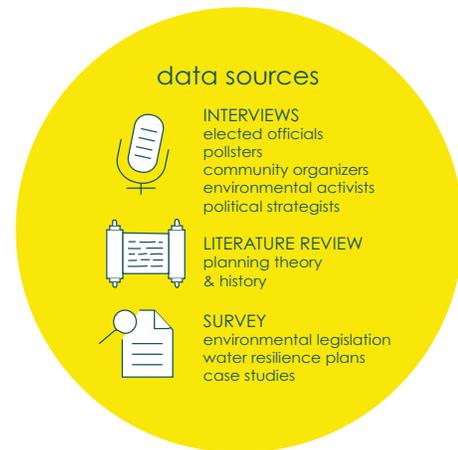
there is an element of descriptive research, since the examination zooms from the neighborhood and organization level to a regional scale, and I hypothesized that these multiscale conditions and interactions will prove crucial to determining outcomes. Similarly, a major component of this study's utility will hinge on interpretation of textual evidence, in the form of individual interviews, press coverage, and other forms of narrative analysis. Perhaps most importantly, however, formative techniques to inform the practice of planning through an analysis of policy, along with evaluative techniques to clarify and measure impacts, form the core of this study (du Toit, p. 63).

## METHODOLOGY

This research aims to provide instrumental knowledge that can affect the objectively measured outcome of a vote. However, the factors that lead up to this binary result are notoriously slippery – the classic “wicked little problems” of collective action, coalition-building, and power dynamics that have always plagued social scientists. These are essentially relational questions, and as such rely heavily on narratives, social learning, and a subjective understanding of reality.

The overarching question dictates multiple research paradigms, because it crosses multiple fields. There are a number of potential entry points; one could assemble data like vote totals and demographic makeup of districts, and then analyze how many campaign dollars were spent across said district to determine correlation. There are several problems with this type of purely quantitative approach, however. First, it would not capture ballot measures that failed because they ultimately were not put up for a vote, like the Clean Water, Clean Beaches Act. Secondly, inadequate sample sizes (the small number of county-wide ballots addressing environmental measures, for instance) could make meaningful inferences difficult. Third, this type of research design would not account for a number of influential factors – op-eds and articles in the local press, negotiations between interest groups, coalitional or antagonistic relationships between elected officials, and so forth.

With these caveats, this study includes as much numerical data as is



practical to provide evidentiary support. For instance, the scale and scope of watersheds, along with climatological, population and related consumption data for the region, might be helpful in performing a simplified cost-benefit analysis for green infrastructure projects to address potential voter concerns. A flexible hybrid of qualitative and quantitative approaches and techniques is necessary to capture the diverse array of interactions.

The participatory nature of this research is intended to empower the stakeholders with whom I interacted by providing actionable, instrumental knowledge.



# FINDINGS

EMERGENT THEMES AND NARRATIVES FROM INTERVIEWS  
WITH EXPERTS IN THE FIELD

This study uses analysis and manipulation of existing data from sources like case law, as well as collecting 'primary data' in the form of coalition discussions and individual responses to semi-structured interviews. As a participatory process, interviews impact the questions asked, so the subject matter discussed evolves. Questions were designed to be open-ended, and subjects were encouraged to answer expansively. Responses are narrative, subjective, and qualitative.

The primary unit level of analysis in this study is local-regional political campaigns organized around a

specific piece of environmental legislation. The two main research procedures consist of case studies of campaigns for local environmental measures, primarily the failed Clean Water, Clean Beaches act of 2013; Culver City's CW measure, passed in 2016; and Measure A, which passed countywide in 2016. I observed numerous meetings on policy, communications, and strategies for water resilience attended by a cross-section of NGOs, business leaders, public officials, and other stakeholders. Then, I conducted interviews with subjects who have expertise and/or were involved with one or more of the above case

studies, including:

- Former executive director of Heal the Bay
- Culver City councilmember
- Environmental science & policy director
- Polling expert
- Political strategist
- Academic expert in environmental policy
- City Manager
- Public Works director

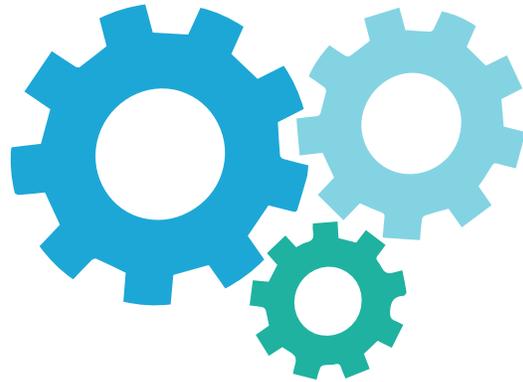
One particularly thorny question that emerged over the course of data assembly was that the community of people who work on stormwater policy in Los Angeles is small and highly interconnected. Interview subjects tended to have multiple professional linkages to one another; they often served on boards together, attended or presented at the same conferences, or had overlapping employment at various research universities, environmental organizations, and private firms. As with any subculture, it is a necessarily insular group with a shared history and their own vernacular.

Two specific pieces of material connected the interviews, and discussion in coalition meetings. First, almost all subjects had, at one point or another, viewed the meticulously researched presentation on decades of polling environmental issues in Los Angeles County by FM3 Polling. Second, the League of Cities' post-mortem analysis of the 2013 Clean Water bill's failure, written by Ken Farfing and Richard Watson, has been similarly disseminated throughout the community of environmental policy professionals in the region. The prevalence of these two sources raises several questions: it could indicate the limits of my positionality as

a student, and an over-reliance on the professional network of my client. This connective material could also illuminate a widespread “echo chamber” effect within the industry at large.

On the other hand, the saturation of these reports could represent precisely the type of communication success that this research set out to find.

## STAKEHOLDER INTERVIEWS: EMERGENT THEMES



*“What’s missing right now is a compelling message of any kind.”*

Over the course of many meetings and interviews with subjects, several broad themes emerged. Many of these refrains are familiar to community activists and local politicians in any community or issue space; this likely reflects both the dissemination of conventional wisdom, as well as a frustration with the lack of competence in addressing the political fundamentals of a complex campaign in a county as ethnically, geographically, and culturally diverse as Los Angeles.

### ● TAILOR YOUR APPROACH

As the cliché goes, all politics is local. Over and over again, every subject mentioned in one way or another that it is crucial to talk about neighborhood-level projects to communities. An elected official

*“Tell them what it means for their neighborhood.”*

from Culver City stressed that there was no official campaign for Measure CW beyond Facebook ads, handing out fliers, and one direct mailing to residents. Instead, the city did “educational outreach” – in particular, Public Works took the lead on more than a dozen community meetings. City Council members and staffers also did face-to-face meetings with community groups.

Similarly, a political strategist expounded that, “There’s a lot of room to engage people in their communities when we’re talking about pollutants running through the streets.” Explaining how these projects can have multiple benefits, like creating parks and cleaning up streets, makes the concept even more accessible. Furthermore, “There is an opportunity to talk about improving our communities in a broader sense than just environmental, and these types of projects will create a lot of jobs too.” In that vein, it was helpful that Prop O had specific projects like Echo Park Lake to demonstrate what it looks like when multi-benefit

projects are made real and visible in neighborhoods.

Tailoring a political message for an audience extends beyond the specific projects proposed in a specific neighborhood, however.

*“We can invest in enhancing public spaces, or we can pay the lawyers and the fees. Either way, we will have to pay.”*

While aesthetic benefits may appeal to homeowners, describing the huge fees for noncompliance with the Clean Water Act and the rising fiscal and security costs of imported water reliance may be more persuasive to fiscal hawks and the local chambers of commerce. Indeed, in Culver City the impetus for Measure CW was a sense of

urgency as the city tried to deal with the recession.

Public Works not only lobbied the city council to take up the issue, but also brought the Chamber of Commerce on board by couching the argument in financial terms: “The Chamber cares about the overall financial health of the city, and understood that this money would have to come from the general fund, where it would impact services.” They understood that third party lawsuits from environmental groups were guaranteed.

This calculation can be effective across other political jurisdictions, too. While the costs of a comprehensive countywide stormwater capture plan are high – a minimum of \$300 million annually – they are dwarfed by the price tags for the Watershed Management Plans and Enhanced Watershed Management Plans (WMPs and EWPMs) required by the Clean Water Act. Total costs for these programs are projected to reach upwards of \$24 billion over the next 20 years (Boxall, 2017). For many cities, compliance with the stormwater permits would require more than half of their budgets.

Questions of scale necessitate a delicate balance in using a localized approach to achieve regional goals. For instance, veterans of both successful and unsuccessful campaigns brought up the fact that open space might be more relevant in Boyle Heights, while marine pollution is more important to voters in Palos Verdes. Demographics matter as much as geography: people of color, low-income workers, and immigrants have a different relationship with environmental issues than many environmental groups do. Where Greenpeace might organize direct action to draw attention to South American rainforests, neighborhood activists are more likely to work on environmental justice issues, like mitigating pollution in disadvantaged communities. Tangible environmental issues that are more integrated with daily life and communities, like cleaning up streets and parks that flood every time it rains, may be more persuasive to groups

that have been marginalized by traditional approaches to environmental action.

Los Angeles has been built up and mythologized by boosters for centuries, and weaving narratives is a significant part of our economy and culture. To bring the city on board, one must be a good storyteller – and you must

have more than one story. One subject described how the appeals of Heal the Bay had plateaued shortly after its founding, relying on a ‘poor sea creature’ approach of diseased fish and animals trapped in plastic rings. The organization didn’t drop that approach entirely, but diversified to include archetypical images of women and children at the beach.

*“Sometimes, negative facts resonate strongly. For Prop O, the winning message was that ‘10,000 tons of trash end up on our beaches.’ But if you present a problem, also present the solution.”*

*“We often localize to downtown, South Bay and the west side – but that is not the whole picture.”*

The emotional appeal of a mother and child in front of a storm drain was powerful, and allowed Heal the Bay to tap into a new, larger audience.

Another time-honored political approach is going negative – not necessarily against an opponent, but against negative environmental outcomes. Several respondents concurred that the general public tends to vote yes on environmental measures when they perceive that there is a serious

problem. For instance, according to one respondent the framing that “Our water is being poisoned” works better than “This program will make our water clean.”

In order to tell a compelling story, don’t get caught in the jargon-filled echo chamber of other water policy experts. Messages should be simple. Those who are involved in the issue are well-versed in the arguments for and against a measure, but people who are interconnected, have worked together, and may share a common perception can fall into groupthink. Messages should also create a personal connection, and be delivered by credible messengers like aquarium scientists, firefighters, nurses, and so forth.



*“I use ‘the mom test’ – my mother is 83 and not a native English speaker. If I can explain it to her in 20 seconds, and she gets it, I know it has a chance to work.”*

***anecdota:***

***get personal with emotional appeals***

“Fifteen years ago, the Los Angeles County healthcare system was running in the red and couldn’t keep up with the costs of its public hospitals. They wanted a revenue measure, but knew that asking the public for money for hospitals to support the poor was not likely to be effective.

So they focused on trauma centers, which are emergency rooms that are outfitted to deal with gunshots, severe car accidents, and so forth. They are prohibitively expensive for a single hospital to run, so they are operated at the regional level. There are only six in LA County, but they made the whole measure about the trauma centers: ‘if your loved one is in a car accident, will they be able to get to the trauma center fast enough to save their life?’ Only a tiny part of the funding was for the trauma system, most of it was actually to support hospitals that provide service to the poorest of the poor. But they made trauma centers the entire message, and it was successful.”

## ● NEUTRALIZE OPPONENTS & CREATE ALLIES

There is a tricky balance to achieve successful compromise – not every group or industry is persuadable. But whenever it is feasible, find the nexus between your goal and the goals of potential coalition members to increase your reach and craft more thoughtful legislation. The first step is educating your potential allies, and educating yourself about the goals of your potential allies.

The second step is communicating to the public. Groups like AAGLA (the Apartment Association of Greater Los Angeles) and BizFed (Los Angeles Federation of Businesses) chose to hold their fire when Culver City put forward Measure CW. BizFed is organized as a C3 but also as a 501(4), meaning that they can lobby for or against legislation in a

*“Certain people serve on boards, write letters, and act as a self-appointed watchdog. One older white male comes to mind... Many of us thought that he might write the ballot argument opposing Measure CW, because he sees himself as a fiscal hawk.*

*Instead, he wanted us to go bigger.*

*We scared the hawks into voting for this.”*

## *“Find the nexus between your issue and others.”*

way that the Los Angeles Chamber can't. “Had they chosen to get involved,” one elected official said, “it would have been completely different.”

Measure CW champions did careful groundwork and brought potentially oppositional groups into the dialogue early on. The city manager contextualized the need for stormwater capture by bringing a list of the major budget concerns (pensions and MS4 compliance) to every meeting, so involved citizens and business interests alike were primed to understand the fiscal logic of the legislation. It is also important to note that the business community is not monolithic: property owners (of office buildings, commercial space, and rental

property) have come out against recent stormwater measures because they don't want to pay higher property taxes. On the other hand, the building industry association, which represents real estate developers and financial communities, is usually supportive because the fees would be used to pay for regional fixes. With current regulatory structure, the biggest fiscal burden for stormwater capture falls on new development.

In other campaigns, a lack of thoughtful outreach has doomed water measures. Several subjects discussed the political importance of labor unions in Los Angeles politics, so it's crucial to think through how labor will be involved in stormwater capture. Municipal employees principally belong to the SEIU, and projects built and maintained by city workers in the public sector are most applicable to them. Construction unions have historical importance, so

even though their numbers have shrunk, they still hold key leadership positions. The labor community is heterogeneous, and varies widely in culture and history. Historically, labor had an antagonistic relationship with environmentalists, as “the protesters blocking the bulldozers.” It is only through an investment in relationship-building and meaningful cooperation that workers and environmental activists have been able to develop common cause.

A former head of Heal the Bay described how he was able to shift hardened opponents into a partnership. Heal the Bay had cut its teeth by litigating against the city, and had developed animosity with construction and development firms, as well as with city employees. He decided to “back off of the bashing” and pivot to a new relational paradigm: that these firms and public servants could be partners in solving the problem. This strategy required multiple steps to repair

damage and build trust. They began by advocating for bigger budgets and increased attention for departments like sanitation and public works. Heal the Bay added a column in their monthly newsletter called “Secret Heroes” that profiled, in glowing terms, various bureaucrats. They nominated public servants for awards.

With the business community, the organization showed that

*“We were cognizant of the mistakes of the Clean Water, Clean Beaches Act. For instance, we made sure that the schools understood that they didn’t have to pay – this was the big weakness of the county measure.”*

their environmental litigation had produced \$22 billion in new work for engineering firms, and reframed the relationship by telling executives that “We are your marketing department.” To bring along Heal the Bay’s membership, the leadership arranged tours of sewage plants, led by the staff, and encouraged interaction with city departments. This resulted in a lasting, committed coalition that appears organic in hindsight, but was actually strategically constructed.

By painstakingly aligning the self-interest of public agencies, private firms, and environmental activists, Heal the Bay attempted to include disparate groups in constructing a joint concept of self.

In contrast, one of the most consequential opponents of the Clean Water, Clean Beach Act was a cross-section of elected officials, city governments, and public agencies. A faction of municipal elected officials from anti-tax communities like Santa Clarita and Azusa opposed it on

*“Creating a space for dialogue was helpful. We started with basic communication – ‘here is what we are doing.’”*

*The school district passed a bond measure, and they had funding to spend. We talked about redoing the school yards, how we could cooperate to work on infiltration. So now, everybody is on the same page, looking for opportunities that are mutually beneficial.*

*Trust is important.”*

principle as an unfunded mandate. Environmentally progressive cities like Santa Monica felt that they should be exempted because of their already sizable investments in water capture and treatment, and therefore also opposed the fee. Large government property owners like the department of public health and school districts across the county opposed the measure because the fees also applied to them; for instance, LAUSD would have had to pay an additional \$15 million per year. Cities that own significant property and municipal power agencies aligned against stormwater capture. Metro, the largest landowner in Los Angeles, almost formally opposed the fee, but stayed neutral. Overall, more than 40 cities and the large institutional players in the region raised politically insurmountable

questions for the proponents of the 2013 stormwater fee.

The lesson was not lost on Culver City that creating nuanced policy with exemptions (which requires a tax rather than a fee) may enable you to partner with organizations that would otherwise oppose a stormwater measure, like school districts. Schools and government buildings were exempted from

*“Small cities don’t have the resources to deal with the complexity of stormwater permits. Most people don’t understand stormwater, it’s a difficult message to get across. The general public and even elected officials don’t understand it.”*

*“Equity and fairness were very important to voters.”*

Measure CW.

Businesses were wary but agreeable. The business community was encouraged to send in questions to the chief financial officer, and he answered them – “They weren’t thrilled, but they understood.” No incentives were offered or requested, but where possible, the city leveraged P3 relationships to appeal to voters that they were not only asking the public for funds.

Both those involved in the Culver City measure and political strategists involved in labor coalitions talked about the importance of building trust as early as possible to bridge difficult policy negotiations later. In fact, Culver City created partnerships with the schools by piggybacking on school improvement bonds: the city gets the land without high acquisition costs, the schools get the stormwater capture improvements, and the citizens benefit from shared facilities that open to the public outside of school hours. Similarly, a labor advocate described how inter-organizational relationships develop: “People see as they are working together in a coalition where they each have responsibilities and a piece of the game plan that they really are together in it as a team. On some

ballot measures, one progressive group may simply ask for support, as when environmental groups signed off on living wage policy that labor is working for. That builds goodwill, but doesn't develop meaningful relationships. If you have a smart plan, a good angle on solving these problems, and you take on tangible problems where there is a clear, concrete plan then people see their roles together."

At the ground level, it is helpful to appeal to sense of fairness and desire for efficiency in voters. In Culver City, Measure CW faced initial concerns from residents. "The Sierra Club wanted to know that businesses were going to pay their fair share," the councilmember explained.

Questions of equity become even more urgent in less affluent communities. A widely respected city manager described the strategy of many small cities: "We developed the Coalition for Practical Regulation. We came up with the acronym CPR because we felt like we would need financial CPR to implement the permits." In the absence of clear guidelines, CPR litigated against the permits to force clarification. When the 2012 permits were being circulated for comment, the cities and county pushed for a planning requirement, which was adopted and evolved into the watershed management programs. "In 2005," the manager explained, "there was no thought to water quality, it was based on protection of property. By picking up the surface water and moving it quickly out to the ocean, you don't have time to deal with it from a pollution standpoint. You need time to get pollution out of water. It also wasn't dealing with water as a resource, it's just going to the ocean. We thought we should have a stormwater quality plan embedded in the permits."

The EWMPS forced cities to develop water quality plans, and think through

the projects they propose. “Cities are pursuing different options to improve water quality and water supply. But it also put a spotlight on the cost.”

His city qualifies as a disadvantaged community, but their plan requires more than \$400 million to implement over a 20-year period. “That’s a real stretch for our city. It’s unaffordable – I don’t know how my city will afford \$10 million per year. We’ll get dragged into court. We’ve been running a deficit in 9 of the last 11 years. You get to the point where you cut services – the streets are falling apart, the parks are falling apart, city buildings are falling apart – we’re in a no-win situation. You have to wonder if cities are financially viable. The stakeholders have not had a dialogue about what’s affordable.”

## ● THINK BIGGER

Creative techniques are crucial to explaining a complicated topic like stormwater capture. Rain gardens, the Ballona Wetlands, and Echo Park Lake are accessible to non-expert residents who might never attend a political meeting. These are powerful tools for education and communication. Elected officials as well as the general public needed to be educated on the complexities of stormwater. Tangible successes were instrumental in the Culver City measure; for instance, the city secured grant funding for rain gardens, and made sure to place them in visible locations. “We were able to point to these projects and say ‘this is what green infrastructure looks like, this is what we have achieved, and we can do even more.’” To go a step further, holistic outreach can not only educate voters and policy makers about the specific measure in question, it can prime the ground for future actions.

To achieve that lofty goal, it helps to connect the dots between public

*“We have the ability to not only tap into where people are, but to shift their view of these issues in the future.*

*In this case, I think there are important environmental and relational things in how people can look to government as a place where we all go to solve problems.”*

## ***anecdota: made in los angeles***

“40% of all port traffic in country comes through the ports of Los Angeles. Under Reagan, they deregulated the port trucking industry. It went from a few companies to a bunch of guys with trucks – independent contractors. These operators were pitted against each other, and beholden to one or two companies. They had no leverage. Often, they would end up making minimum wage or less at the end of the month.

Secondarily, these individuals weren't driving new trucks, were skimping on maintenance, and so on. It was both a labor problem and a pollution problem. LAANE, Change to Win, Teamsters, community groups, and the NRDC developed coalitional policy models together. These Teamsters and NRDC lawyers went to bat for each other and built up a lot of trust together from working hand in hand that is still in place a decade later.

This is a campaign where there was pretty clear overlap of interest once you got into the details of the policy; job standards, environmental impacts and community effects. The more that the substantive campaign came together, the more that there is trust in general between the big environmental orgs and Los Angeles County federation of labor.”

health, open space, and economic benefits like high-paying green jobs. It is important to note that this is most effective on a macro-scale, in communication with elected officials and grassroots community leaders, rather than to individual voters. Some organizations are primarily concerned with health, and the environment is indirect. If you bridge that divide by connecting health and environmental factors, it opens up a whole new constituency.

There is current research laying the groundwork for a countywide measure that would pay for green infrastructure for stormwater and watershed management, since LA and Southern California are failing EPA standards in every watershed. Specifically, firms like LAANE and Geosyntec are looking at the economic impact of which jobs would be created by the billions of dollars in spending over the coming decades. This research

*“We’ve got a chance to look to ourselves as leaders, and put messages and good models out there, to show that Los Angeles by investing through government is creating a city that everybody wants to live in.”*

builds on previous coalitions between environmental and labor groups.

Additionally, policy makers should connect safety measures like hazard mitigation from flooding to scarcity issues like self-reliance on local water. The national context is changing the political realities of environmental initiatives in Los Angeles. The new Trump administration has made it clear that they are hostile to environmental measures, which

creates a perception locally that there is no climate change cavalry coming – the EPA is in turmoil. The drought presented an opportunity to talk about water in a way that is accessible, and it has opened up larger conversations about resilience and self-governance.

*“I have a desire to change the culture.”*

This admittedly optimistic possibility relies heavily on an appeal to the better angels of Angeleños' natures. Civic pride can be developed and harnessed through conversations about who we are, who we want to be, and what we can make in our city. However, it is important to justify idealism with specificity. For example, Culver City strategically leveraged the city's image to her inhabitants as a green city. The Ballona Wetlands serve as an example of a successful project that demonstrated co-benefits and appealed to community pride. This helped voters and residents develop a civic sense of self that includes sustainability. In practical terms, the local government modeled and educated with highly visible projects like a large cistern in front of public works, complete with signage. Prior to Measure CW, the city had a long public process with heavy participation over grass on parkways. There were many discussions on drought-tolerant plantings and the potential uses of stormwater. “That process concluded where this one started,” the councilmember said, and it left the public primed to vote yes.

## ● KEEP IT REAL

Because of how propositions 13 and 218 constrained cities ability to raise revenue, officials in many locations are hard-pressed to deliver basic services and programs. Providing adequate funding for stormwater is a major challenge, particularly in Los Angeles' long el niño climate cycles where 10 months without rain are followed by 2 months of monsoon flooding, within much longer cycles of drought and deluge.

The Prop 218 election system is hugely expensive in a jurisdiction as large and diverse as Los Angeles County; during the runup to the Clean Water, Clean Beaches Act, the county spent

\$2 million on postage alone. Interview subjects who were further inland argued that the election process was wholly different for more affluent cities like Culver City with a tangible connection to the ocean. "There are communities that are very conservative, and disadvantaged communities where kids don't go to the beach. They don't know where the beach is. I doubt they'll ever be able to do a 2/3 vote. So then what happens? They end up in litigation, or the regional board fines them, they have to start cutting back on essential city services. The costs are so large and you put them on a downward spiral."

*"The problem is with the drought receding in everybody's memory, you have a half-life. You start losing support. It's not a slamdunk, it's not just based on outreach to the cities."*

Another concern is that cities will oppose a measure like the one currently under discussion because it is not enough. The county polls are based

## ***anecdota:*** ***the orphaned utility***

“We’ve tried over the years to amend the constitution. Salinas tried to characterize stormwater as sewage, and they were taken to court by Jarvis. The third appellate court ruled against the city of Salinas. Prop 218 was so complex that the legislature had to do an implementation act to interpret voter intent. Water, sewage, and refuse were given an exception in recognition that there are certain health and safety utilities that should not be subject to these votes. Utilities, when they need to raise their rates, they go through ...a streamlined process. Historically, stormwater wasn’t considered a critical utility at that point.

There’s been different legislation, and the appellate court (Griffith v. Parajo) ruled in favor of the Parajo [Valley Water Management Agency]. Two of the justices who had ruled in the Jarvis case said that people have overread that ruling. Rendon sponsored legislation to broaden the water code to allow for capture of stormwater for use in a water system. There’s been an evolution in thought in how to deal with stormwater from a utility standpoint.

If Hertzberg’s legislation passes, it’s going to be challenged. Cities have to step up with a good fact pattern and form a stormwater utility using SB231. There’ll be a legal challenge from Jarvis and the courts will have to weigh in. If the rate is set at a reasonable amount, and they can legitimately say we have a stormwater utility and this is what we’re going to use it for. Now, you can’t say what a court is going to do. But if the court says no, you have to go through the 218 process, I don’t think anything is lost at that point. There’s more clarity.

That would allow cities to form stormwater utilities and they could go through that process for their rates. There’s a debate on that. Some people think it should be a fee or a tax, but I land in that camp that it’s a utility that is critical to the way we function in a society. If you put everything that’s critical – water rates, sewer rates - to a 2/3 vote, the cities we live in would be a complete mess...You’d have all kinds of issues where you don’t have enough revenue to operate your utility in a safe manner.”

on a charge of roughly \$56 per single family home, while Measure CW came in at \$99 per household, but these do not add up to the \$300 million annual investment described by experts as the minimum – and this is before exemptions are granted to underfunded institutions. According to one player who has been deeply involved in previous efforts, “We have

*“Cities have sticker shock.”*

to assure the voters that we have programs that will get us there in a reasonable amount of time, that won't bankrupt the cities. We don't have that yet with the environmental communities or

the regional board. We haven't really sat down to figure out, how are we going to make these permits affordable for cities. It's been the sticking point for 20 years. We have to have that discussion.”

Meanwhile, as better funded cities lose patience with the time-consuming process, they act on their own and disadvantaged cities are left further behind. Many of the cities believe that the current proposal won't be enough to pay for the projects that they are responsible for. “There will be more bond measures,” an expert explained. “But putting all of our eggs in the basket of a stormwater fee is not adequate.”

There are several layers of dynamic tension on the regulatory side: first, between the Los Angeles Regional Water Board, which is uninterested in levying fines on financially strapped communities who are attempting to make progress on their water quality goals, and the State Water Board, who have in the past gone after communities who have missed deadlines even with the Regional Board's permission. Second, there are elected officials who lack the political will to act, and are in fact hoping that outrageous fines will spur their citizens to demand action without

the political costs of championing the issue. Indeed, it is worth noting that both the council member and city manager interviewed for this report were originally introduced to the topic of stormwater by their cash-strapped public works departments. Third, large industries already pay for and implement their own stormwater permits.

*“The way to get the board [of supervisors] to approve the stormwater fee is to get the cities to ask for it. They didn’t ask for it the last time. If they had asked for it, they would have gotten it.”*

As many as 50% of businesses that should be operating under industrial permits currently are not. If cities increase the frequency and rigor of their industrial inspections, they can avoid allowing costs of stormwater compliance to be externalized to taxpayers. Enforcing industrial permit compliance can ensure that businesses pay their fair share, which is important to demonstrate to citizen and environmental groups. P3 partnership opportunities can also help to ensure that the business community is included in stormwater capture in non-punitive ways.

An additional sticking point in 2013 proved to be regional versus distributed projects. Both the cities and the counties wanted to maintain control over the funding for projects, and both made excellent arguments: cities believe that they and their residents know best what

projects they need and want. The county believes that larger-scale projects benefit from economies of scale and strategic coordination. Both of these perspectives have merit. The more distributed or exempted projects the county funds, the less money there is to operate and maintain larger projects; and private, property-specific projects may change hands to a new owner who is unable or unwilling to properly manage them. On the other hand, the necessity of a supermajority vote and the complexity of the topic mean that the opportunities for education and innovation afforded by distributed projects using nature-based solutions in communities is simply not negotiable. The county and the cities, and to some degree the state, will need to work closely together to develop projects in a variety of scales, from reconstructed wetlands to large spreading grounds.

*“I’ve been working on public policy at the local level for 40 years, and this is the most complicated policy issue that I’ve encountered.*

*It’s not for lack of wanting to do something. Everyone wants to improve water quality. But there are issues we’re contending with as cities that are out of our control.*

*I don’t manufacture herbicides and pesticides that end up in the stormwater. I didn’t put copper in break pads.*

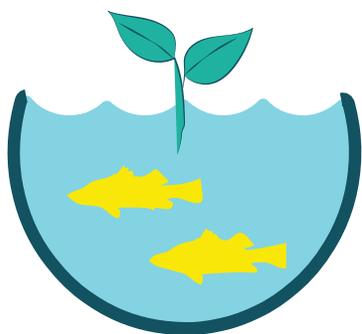
*Why is a city asked to remove the zinc from tires? Because it shows up in our storm drains? There are issues of source control that we need to get a handle on instead of expensive capital improvement projects.”*

## ***anecdota: the lay of the land***

“It’s not water expertise that is needed, but more people who can explain to the average person why they should pay for the amount of rain that falls onto their properties. With stormwater pollution, for upstream cities that are far from the ocean and don’t see garbage, it’s really hard for them to understand why it’s harmful for water to drain from their property to the street. It’s hard to see that. The biggest issue is what strategies are most effective in telling people what they need to do and why they should do it.

We have different demographics and different cities with different levels of openness to these issues. The areas closest to the LA River, people use the river and can see the pollution are more connected to it. There’s a complete lack in the efforts to restore the river to communicate that you have to restore it because it’s polluted *as well as* because it’s degraded. We’re focused on the degradation, but people that live close to the river may be more open to the fact that runoff is a problem. People who view runoff as a waste of resources are open.

One of the reasons why the San Gabriel Valley is less open is because they are more conservative, and they have been burdened by stormwater regulation in a way that they can’t see benefits to them. Because of their development of dams and basins, they don’t buy as much imported water. All of these programs to improve water quality don’t increase their capture, because they already capture so much.”



# CONCLUSIONS

RECOMMENDATIONS FOR LOS ANGELES COUNTY, CITIES,  
GRASSTOPS AND CONCERNED CITIZENS

The good news is that previous environmental campaigns in Los Angeles County have provided stormwater advocates with a number of techniques for moving forward. The bad news is that these previous attempts have not yet proven successful, and the complex makeup and massive size of the county make a ballot initiative for stormwater capture a heavy lift. Passing a measure will require considerable creativity, investment, and hard work from a number of institutional and community members who may not be traditional collaborators.

The current political climate holds huge challenges and opportunities. At the federal level, the Trump administration is proposing to slash the EPA and withdraw the United States from the widely popular Paris Accords. Governor Jerry Brown and Mayor Eric Garcetti are leading a coalition of states and cities that pledge to uphold the agreements and address adaptation to climate change at the local and regional levels.

Simultaneously, Los Angeles County just elected two new Supervisors to the Board in November of 2016. As a city councilmember, Janice Hahn was a strong advocate for Prop O, and the south bay cities in her district

are among those that bear the brunt of stormwater clean-up costs. She has an opportunity to join forces with her fellow Supervisors Sheila Kuehl and Hilda Solis to deal with water security and water quality in the County.

On May 30, 2017 the Board of Supervisors unanimously passed a motion directing the new head of the Public Works Department and the Los Angeles County Flood Control District to develop an expenditure plan to determine an appropriate parcel tax for multi-benefit stormwater capture. The Board motion specified that this must include an outreach and education component, as well as allocation of funds for local return - meaning that cities would have access to and control over their own funds. There are provisions for job training and employment opportunities, and the motion covers both capital projects and operations/maintenance costs. The relevant departments were given 9 months to complete the Expenditure plan, and directed to report back to the Board in February of 2018.

This timeframe is important - elections matter. Many interview subjects suggested that successful measures passed not because of the quality of outreach or the design of the legislation, but because they were on the ballot in the right election. Presidential elections typically boast the highest turnout and the most liberal voters, but waiting until 2020 is a risky strategy since affluent cities may lose patience and move to act alone. Therefore, the next best opportunity for a stormwater initiative is the November 2018 gubernatorial election.

This presents a short window of opportunity for Los Angeles to approach a complicated and difficult topic.

## ● EXISTING TOOLS

### Needs Assessment

With the help of consultants, the county completed an exhaustive needs assessment for Measure A (the parks measure), and a thoughtfully designed version for stormwater would certainly be helpful. This approach should not be oversold, however; parks are conceptually much more accessible than stormwater, and the process of a good needs assessment is both time-consuming and expensive. Representatives of cities and the environmental community complained that it became a ‘check the box’ exercise rather than true community outreach, but the final report was persuasive to opinion leaders like the Los Angeles Times.

### Watershed Management Plans (WMPs and EWMPs)

Currently, 17 working groups have developed dozens of watershed-scale plans with the help of consulting groups. On the positive side, these plans are well-designed to deal with water quality issues, and the background study has been completed – these projects are shovel-ready. However, many of the WMPs and EWMPs were prepared with minimal community input, and without a specific focus on nature-based solutions. They are a valuable resource for action, but these plans should be considered a starting point. Along with a critical analysis of the WMPs, the county and cities must carefully consider the appropriate balance between distributed and regional projects, and to continue seeking the state grants and private investments that Los Angeles cities have successfully pursued in recent years.

## Gray infrastructure

In order to maximize the cost-effectiveness of a massively expensive program, repurposing or 'greening' existing gray infrastructure as well as developing new green infrastructure will help to stretch tax dollars. However, it is important for new construction to focus on investment in more resilient, natural systems, and on training for the workers who will operate and maintain them.

## ● NEXT STEPS

### Data

A valuation system that could quantify the benefit of capturing water, coupled with a stormwater capture model, is in the works. Up till now, stormwater agencies have been stuck with a cost. If agencies were able to evaluate how many acre-feet of water they could capture for every investment they make in water capture, they could more accurately evaluate the true costs and benefits of project. For a given project, costs could be split between the agencies responsible for water quality and the agency responsible for water supply. Quantifying the costs and benefits could also make cities more comfortable with undertaking projects. In a similar vein, collecting water monitoring data and mapping for community use could directly link pollution to its sources, and help people to understand surface water pollution.

## Legal tools

In addition to a ballot initiative, other approaches to dealing with stormwater capture are also proceeding on parallel tracks. The first, redefining stormwater as a utility, might be the best option in an ideal world. However, this course of action requires cooperation from the courts, which is highly uncertain. Constitutional reform, or seeking a constitutional amendment to define stormwater as a utility, also requires a 2/3 supermajority, but of a different demographic – in this case, California legislators. Regardless of which approach (if any) is successful, it is crucial to understand that California's very complicated system of water rights will have to be addressed if we radically shift how we obtain our water.

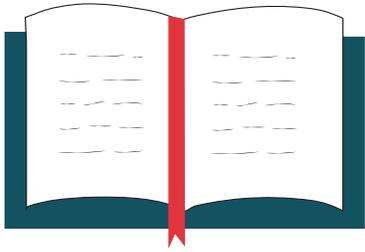
## Narrative

Don't get bore or confuse your audience with complicated science and technical jargon. Only a very small number of professionals care about TMDLs, EWMPs, or any of the acronyms in the alphabet soup of water policy. Tell the story of why stormwater matters, here, to our families, and show what nature-based solutions look like in our communities. Explain how it fits into the challenges that our region faces, from high-paying green jobs to public health to environmental justice. Start discussions with advocates in those fields, and get up to speed with where their priorities overlap with yours and where there are opportunities to work together.

Los Angeles County needs to make a strong effort to provide clarity and transparency for cities, the press, and grasstops, if they want to persuade a supermajority of voters. Angeleños are sophisticated. They want a good plan with clearly articulated projects that deliver multiple benefits. Keep in mind that folks are bombarded with information on a huge variety of

topics, and they have a limited amount of time. Policy advocates need to understand the priorities and interests of different demographics, and reach people where they are today, while simultaneously striving to craft outreach that can reach beyond a single issue and prime the public for future actions.

Though the task at hand is difficult, stakeholders in Los Angeles have a real opportunity to demonstrate leadership and innovation in water policy that can provide a template for other cities and regions.



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