COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

JAMES A. NOYES, Director

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

September 18, 2003

IN REPLY PLEASE REFER TO FILE: PD-6

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

EXCHANGE OF CITY OF HAWAIIAN GARDENS
FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR
COUNTY OF LOS ANGELES GASOLINE TAX FUNDS
CITY OF HAWAIIAN GARDENS-COUNTY COOPERATIVE AGREEMENT
SUPERVISORIAL DISTRICT 4
3 VOTES

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chair of the Board to sign the enclosed agreement between the County of Los Angeles and the City of Hawaiian Gardens providing for the City to exchange $12,700 of its Federal Surface Transportation Program funds for an equivalent amount of County gasoline tax funds.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Your Board's approval of the enclosed agreement is necessary to effect the exchange of $12,700 of the City of Hawaiian Gardens' Federal Surface Transportation Program funds for an equivalent amount of County gasoline tax funds.

The Los Angeles County Metropolitan Transportation Authority has established procedures that permit the transfer of Federal Surface Transportation Program funds between public agencies. The approval of the enclosed agreement is required under these procedures. This exchange of funds is mutually beneficial to and in the general interest of the City and the County.

Implementation of Strategic Plan Goals

This action meets the County's Strategic Plan Goal of Service Excellence as it provides the City with County assistance in expending its funds for the improvements of its streets for the benefit of the motoring public.

FISCAL IMPACT/FINANCING

Your Board's approval of the enclosed agreement will result in no direct fiscal impact on the County. The County's payment of gasoline tax funds to the City will be offset by the Federal Surface Transportation Program funds received by the County for use on a qualifying County road construction project, which would have otherwise been financed with gasoline tax funds.

The $12,700 in gasoline tax funds to be paid to the City of Hawaiian Gardens is available in the Fiscal Year 2003-04 Road Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed agreement provides for the City of Hawaiian Gardens to assign $12,700 of the City's available Federal Surface Transportation Program funds to the County and the County to pay to the City, following the execution of the agreement, $12,700 in County gasoline tax funds.

ENVIRONMENTAL DOCUMENTATION

A finding of environmental impact is not required for this financial transaction.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County will be processing Federal-aid eligible projects in unincorporated areas to which the City's assignment of Federal Surface Transportation Program funds can be obligated. The City intends to utilize the gasoline tax funds in accordance with Article XIX of the California State Constitution.

CONCLUSION

Enclosed are two copies of the agreement, which have been approved by the City and approved as to form by County Counsel. Upon approval, please return the copy marked "CITY ORIGINAL" to Public Works for processing together with one approved copy of this letter. The copy marked "COUNTY ORIGINAL" is for your files.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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Enc.

cc: Chief Administrative Office
County Counsel

AGREEMENT AND ASSIGNMENT

THIS AGREEMENT AND ASSIGNMENT, made and entered into by and between the CITY OF HAWAIIAN GARDENS, a municipal corporation in the County of Los Angeles, hereinafter referred to as "CITY," and the COUNTY OF LOS ANGELES, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

WITNESSETH

WHEREAS, CITY has One Hundred Fifty-one Thousand Seven Hundred Twenty-five and 00/100 Dollars ($151,725.00) in Federal Surface Transportation Program (STP) funds, of which Twelve Thousand Seven Hundred and 00/100 Dollars ($12,700.00) are scheduled to lapse to the Los Angeles County Metropolitan Transportation Authority on September 30, 2003, unless they are not obligated to a qualifying project or otherwise assigned to another public agency or exchange with another agency; and

WHEREAS, CITY desires to exchange Twelve Thousand Seven Hundred and 00/100 Dollars ($12,700.00) of CITY STP funds for a like amount of COUNTY gasoline tax funds; and

WHEREAS, CITY proposes to expend the gasoline tax funds in accordance with Article XIX of the California State Constitution; and

WHEREAS, COUNTY is currently processing projects under the STP to which CITY'S STP funds can be readily obligated; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority has procedures that permit the transfer of STP funds between public agencies; and

WHEREAS, such an exchange of funds is beneficial to and in the general interest of CITY and COUNTY.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by CITY and COUNTY and of the promises herein contained, it is hereby agreed as follows:

(1) CITY AGREES:

a. To assign to COUNTY a fixed sum of Twelve Thousand Seven Hundred and 00/100 Dollars ($12,700.00) of CITY'S STP funds. Such assignment shall be effective upon full execution of this AGREEMENT AND ASSIGNMENT with no further action required by CITY.

b. To accept COUNTY'S payment of Twelve Thousand Seven Hundred and 00/100 Dollars ($12,700.00) in COUNTY gasoline tax funds, and to expend these funds in accordance with Article XIX of the California State Constitution.

(2) COUNTY AGREES:

a. To accept CITY'S assignment of STP funds.

b. To pay to CITY, following full execution of this AGREEMENT AND ASSIGNMENT, Twelve Thousand Seven Hundred and 00/100 Dollars ($12,700.00) in COUNTY gasoline tax funds.

(3) IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

a. This AGREEMENT AND ASSIGNMENT may be amended or modified only by mutual written consent of COUNTY and CITY.

b. Any correspondence, communication, or contact concerning this AGREEMENT AND ASSIGNMENT shall be directed to the following:

CITY:

Mr. William C. Pagett
City Engineer
City of Hawaiian Gardens
21815 Pioneer Boulevard
Hawaiian Gardens, CA 90716-1257

COUNTY:

Mr. James A. Noyes
Director of Public Works
County of Los Angeles
Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

c. It is understood and agreed that the provisions of Assumption of Liability Agreement No. 32059 between CITY and COUNTY, adopted by the Board of Supervisors on December 27, 1977, and currently in effect, are inapplicable to this AGREEMENT AND ASSIGNMENT.

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IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT AND ASSIGNMENT to be executed by their respective officers, duly authorized, by the CITY OF HAWAIIAN GARDENS on August 12, 2003, and by the COUNTY OF LOS ANGELES on _____, 2003.

COUNTY OF LOS ANGELES

By_____
Chair, Board of Supervisors

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of
the County of Los Angeles

By_____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By_____
Deputy

CITY OF HAWAIIAN GARDENS

By Michitaro A. Oyama-Canada
Mayor

ATTEST:

By Suzanne Underwood
City Clerk

APPROVED AS TO FORM:

By_____
City Attorney

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