County of Los Angeles
CHIEF EXECUTIVE OFFICE
713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
http://ceo.lacounty.gov

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

December 4, 2007

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:

APPROVE FUNDING AGREEMENT WITH THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY AND RELATED APPROPRIATION ADJUSTMENT (THIRD DISTRICT) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this action is exempt from California Environmental Quality Act (CEQA) for the reason cited herein.

2. Approve the appropriation adjustment to transfer $800,000 from Fiscal Year 2007-08 Capital Project Budget, Yedvart Parcel Acquisition, C.P. No. 77492, to the Project and Facility Development Budget.

3. Approve and instruct the Chief Executive Officer (CEO) to sign the Funding Agreement with the Mountains Recreation and Conservation Authority (MRCA), to act for the Board in providing consent to any potential future request by MRCA to assign its interest in either the Property or the Agreement, and to transfer $800,000 from the Project and Facility Development Fund to the MRCA to assist with the acquisition of a parcel in the Garapito Canyon tributary of Topanga Canyon (Property).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to provide MRCA with funding necessary to acquire the Property which contains substantial riparian habitat and authorize CEO to sign the attached Funding Agreement, substantially similar to Exhibit A, to maintain it as an open space natural area. The acquisition would also provide a trail connection from Paradise Lane to the north into the National Park Services (NPS) property.

Background

The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 60,000 acres of public lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or other agencies and provides comprehensive education and interpretation programs for the public. The MRCA works in cooperation with the Conservancy and other local government partners to acquire parkland, participate in vital planning processes, and complete major park improvement projects.

The subject Property is located in the Garapito Canyon, which is a component of the Topanga Canyon Watershed. The Property is adjacent to both the western boundary of Topanga State Park and Southern boundary of a stand alone, 40-acre property owned by the NPS. The attached map shows the subject property relative to surrounding parklands (Exhibit B). The Property is on the NPS high priority fee acquisition list (Santa Monica Mountains Nation Recreation Area Land Protection Plan). The Property has scenic and ecological value. Development of the Property would significantly degrade the Topanga Canyon watershed and be a great loss to the Santa Monica Mountains National Recreation Area. After the Property is acquired, the MRCA will own and maintain the property unless either State Parks or NPS assumes ownership.

The proposed Funding Agreement requires the MRCA to use the County's contribution to acquire the Property for purpose of preservation and prevent further development in an open space that has scenic and ecological value. The MRCA agrees to maintain the Property as an open space natural area with reasonable public trail access in perpetuity and to ensure that County has no liabilities beyond the amount of the County's contribution.

The MRCA may not assign its interest in either the Property or the Agreement without prior County consent. In the event MRCA decides to sell or otherwise disposes of the Property acquired under this Agreement, MRCA shall reimburse the County in an amount equal to the greater of 1) the amount of monies provided under this Agreement; 2) the fair market value of the real property; or 3) the proceeds from the portion of the property acquired under this Agreement.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide the public with beneficial and responsive services (Goal 1). The acquisition of the subject property will support MRCA's effort to maintain and expand recreational opportunities in the Santa Monica Mountains to benefit the public.

FISCAL IMPACT/FINANCING

The estimated cost to acquire the subject property is $975,000. The Santa Monica Conservancy approved the grant to MRCA in the amount of $175,000 for land acquisition to directly preserve and protect land, water and other natural resources in a watershed of Santa Monica Bay from Proposition 84. The County has appropriated $800,000 in funds for Enhanced Unincorporated Area Services in the Fiscal Year 2007-08 Capital Projects/Refurbishments Final Budget under the Yedvart Parcel Acquisition (CP No. 77492) to assist in the acquisition of a 38-acre parcel (APN 4434-009-015) in the Garapito Canyon tributary of Topanga Canyon.

Upon your Board's approval of the attached appropriation adjustment, sufficient appropriation will be available in the Project and Facility Development Budget for this action. Further, as the MRCA will continue to operate and maintain the property, the County will not incur any additional operating costs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The MRCA works in cooperation with Santa Monica Mountains Conservancy and other local government partners to acquire parkland, participate in park planning processes, and complete major park improvement projects. The MRCA provides natural resources and scientific expertise, critical regional planning services, park construction services, park operations, fire prevention and ranger services. MRCA is a local government public entity established in 1985 pursuant to the Joint Powers Act.

County Counsel has approved the Funding Agreement as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed actions are not subject to CEQA in that the actions do not meet the definition of a project according to Sections 15378 (b)(4)(5) of the State CEQA Guidelines, because the actions are administrative activities for government grants which by their terms do not involve any commitments to any specific projects which may result in a potentially significant physical impact on the environment.

In the event that MRCA proposes to take action which may result in a potentially significant physical impact on the environment, MRCA shall act as lead agency in matters pertaining to compliance with CEQA.

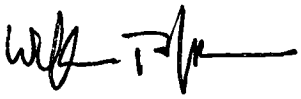
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this recommendation will authorize Chief Executive Office to transfer funds to MRCA to acquire the Yedvart Parcel located in the Garapito Canyon Tributary of Topanga Canyon. There is no impact on any County Projects.

CONCLUSION

Upon approval of the recommendation, please return an adopted copy of this letter to the Chief Executive Office (Capital Projects Division).

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DL:JSE
DJT:AV:zu

Attachments (3)

c: County Counsel
Mountains Recreation and Conservation Authority

Exhibit A

FUNDING AGREEMENT TO MOUNTAINS RECREATION AND CONSERVATION AUTHORITY FOR OPEN SPACE ACQUISITION

THIS AGREEMENT is made and entered into this ____ day of _____, 2007.

BY COUNTY OF LOS ANGELES, a body corporate and politic, hereinafter referred to as "County",

AND MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a California non-profit organization, hereinafter referred to as "MRCA".

W I T N E S S E T H:

WHEREAS, the County's intent is to preserve the riparian habitat, and prevent further development in an open space that has scenic and ecological value; and

WHEREAS, MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails and wildlife habitat; and

WHEREAS, MRCA shall act as lead agency in matters pertaining to compliance with the California Environmental Quality Act; and

WHEREAS, in order to preserve the riparian habitat of the Topanga Canyon and preclude further development, and to provide a public trail connection from Paradise Lane to the north into the National Park Services (NPS) property, the County Board of Supervisors has approved a contribution in the amount of $800,000 to the MRCA for acquisition of a 38-acre parcel in the Garapito Canyon tributary of Topanga Canyon, Assessor Parcel Number 4434-009-015, hereinafter referred to as "Property".

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein the parties hereto agree as follows:

A. Proposed Acquisition

1. The MRCA is to acquire and maintain the Property, as defined herein, in the Garapito Canyon tributary of Topanga Canyon as an open space natural area to provide a trail connection from Paradise Lane to the north into the NPS property. The acquisition would directly preserve and protect land, water and other natural resources in a watershed of Santa Monica Bay.

2. MRCA agrees to use the Property acquired with grant money from the County only for the purposes for which it requested the funds and MRCA agrees to operate the Property acquired as open space area with reasonable public trail access in perpetuity.

3. In the event MRCA decides to sell or otherwise disposes of the Property acquired under this Agreement, MRCA shall reimburse the County in an amount equal to the greater of 1) the amount of monies provided under this Agreement; 2) the fair market value of the real property; 3) the proceeds from the portion of the property acquired under this Agreement.

B. Agreement Term

The term of this Agreement is from the Effective Date until December 30, 2057 except that the obligation to maintain the Property will remain in force in perpetuity.

C. Assignment

MRCA shall not assign their interest in this Agreement or the Property without prior written consent of the County, which shall not be unreasonably withheld.

D. Approved Funding and Costs

1. The County hereby grants to the MRCA the amount not to exceed $800,000 for the acquisition in fee of the Property.

2. County Funds may be used by the MRCA only for direct costs of the acquisition of the Property.

3. MRCA shall not use the fund contributed by the County for any other purposes except for the acquisition of the Property under this Agreement. Any revision of the acquisition plan must have written consent of the County prior to expending County funds.

E. Financial Records

1. The MRCA agrees to maintain satisfactory financial accounts, documents and records of the expenditure of County Funds and to make them available to the County for auditing at reasonable times. The MRCA also agrees to retain such financial accounts, documents and records for five (5) years following termination of this Agreement.

2. The MRCA agrees to use a generally accepted accounting system. The MRCA also agrees to maintain, and make available for County inspection, accurate records of all of its costs, disbursements and receipts with respect to its activities under this Agreement.

3. At any time during the term of this Agreement or at any time within five (5) years of the expiration or prior termination of this Agreement, authorized

representatives of the County may conduct an audit of MRCA records for the purpose of verifying appropriateness and validity of expenditures of County Funds under the terms of this Agreement. If said audit reveals expenditures that cannot be verified or that were paid in violation of the terms of this Agreement, the County may request that the MRCA substitute other funds available to the MRCA, or if all County Funds have not yet been paid to the MRCA, the County may, in its discretion, reduce its County Funds obligation by an amount equal to such expenditures.

The MRCA, within thirty (30) days of notification from the County of its audit findings, may dispute the audit findings in writing to the County and provide the County with records and/or documentation to support the expenditure claims. The County shall review this documentation and make a final determination as to the validity of the expenditures.

The MRCA will provide the County Chief Executive Office with a report itemizing actual expenditures funded by monies received pursuant to this Agreement prior to a request for an extension to this Agreement or within one hundred twenty (120) days following the termination of this Agreement.

F. Hold Harmless and Indemnification

1. The MRCA shall indemnify, defend and hold the County, its officers, and employees harmless from and against any and all liability to any third party for or from loss, damage or injury to persons or property in any manner arising out of, or incident to, the performance of this Agreement and those obligations survive the termination or expiration of this Agreement.

2. The County shall have no liability for any debts, liabilities, deficits, or cost overruns of the MRCA beyond the amount of the County's contribution.

3. The MRCA and the County agree that the liability of the County hereunder shall be limited to the payment of the County Funds pursuant to the terms and conditions of this Agreement. Any contracts entered into, or other obligations or liabilities incurred by the MRCA in connection with the acquisition or otherwise relating to this Agreement shall be the sole responsibility of the MRCA and the County shall have no obligation or liability whatsoever thereunder or with respect thereto, unless the County is a party to any such agreement. This Agreement does not otherwise alter or amend any other agreements or obligations between the County and the MRCA.

G. Notices and Approvals

All notices and approvals shall be directed to and made by the following representatives of the parties:

a. To the County:

Chief Executive Office
Capital Projects/Debt Management Division
Attn: Jan Takata
Kenneth Hahn Hall of Administration, Room 754
500 West Temple Street
Los Angeles, CA 90012

b. To the MRCA:

Mountains Recreation & Conservation Authority
Attn: Cara McLane
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

H. Nondiscrimination

The MRCA shall not discriminate against any person on the basis or race, color, sex, sexual orientation, age, religious belief, national origin, marital status, physical or mental handicap, medical condition, or place of residence in the use of the County Funds paid to the MRCA pursuant to this Agreement.

I. Severability

If any provision of this Agreement, or the application thereof, is held to be invalid, that invalidity shall not affect other provisions or applications of the Agreement that can be given effect without the invalid provision or application, and to this end the provisions of the Agreement are severable.

J. Effective Date

The effective date of this Agreement shall be the date of approval by the County's Chief Executive Officer.

IN WITNESS WHEREOF, the MRCA has executed this Funding Agreement, or caused it to be duly executed by its authorized representative, and the County of Los Angeles by order of its Board of Supervisors, has delegated to its Chief Executive Officer the authority to execute this Agreement on its behalf on the date and year written below.

MRCA
Los Angeles River Center & Gardens

By_____
Cara McLane
Contracts Officer

COUNTY
County of Los Angeles

By_____ _____
William T Fujioka Date
Chief Executive Officer

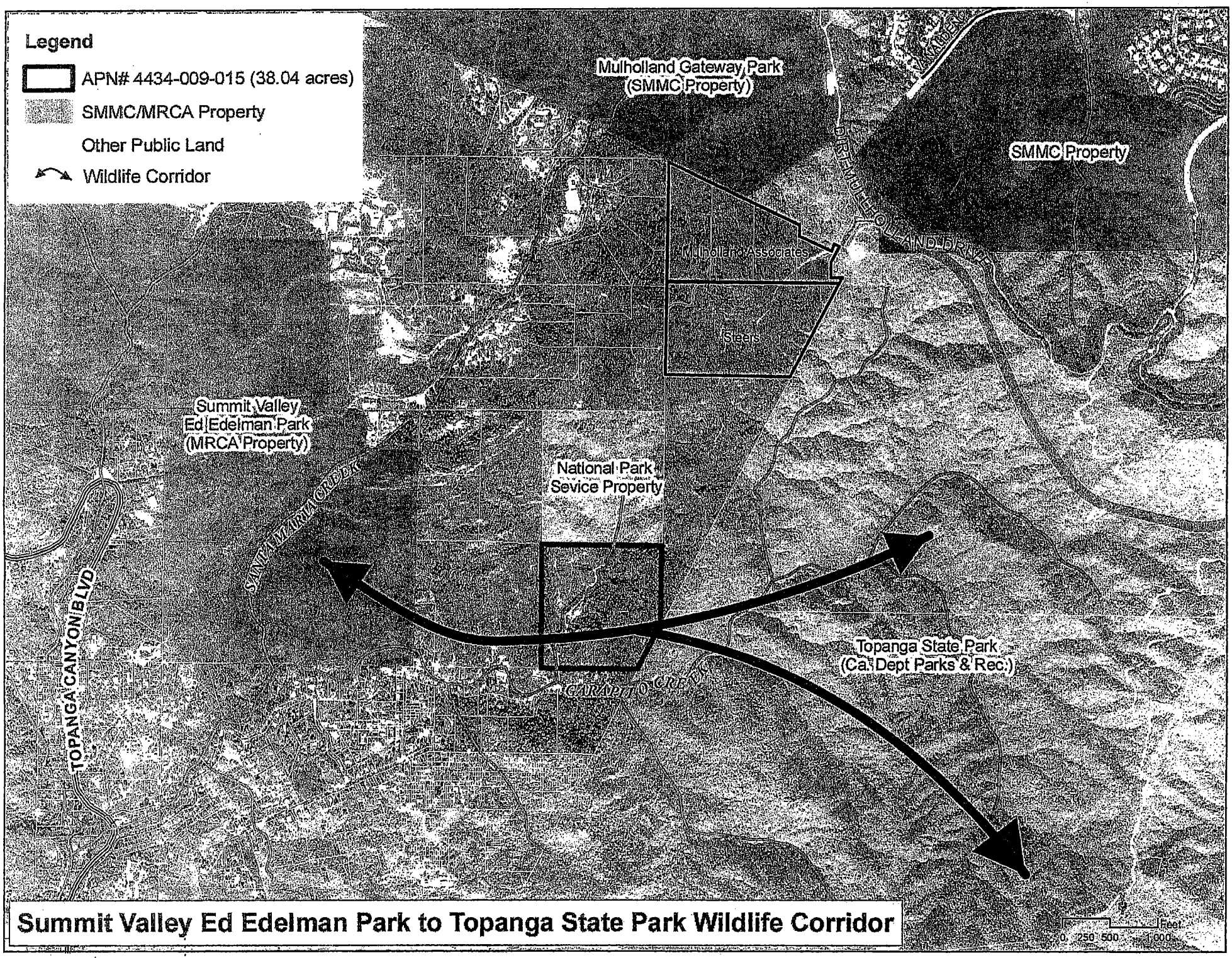
APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By_____
Principal Deputy

N:\AV\Yedvart Funding Agrmnt 111307.DOC

Exhibit B



Summit Valley Ed Edelman Park to Topanga State Park Wildlife Corridor

PINK

76R 352M 11/83 S149

BOARD OF SUPERVISORS OFFICIAL COPY

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPT'S. NO.

DEPARTMENT OF CHIEF EXECUTIVE OFFICE

NOVEMBER 20, 2007

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

FY 2007-08

3 - VOTES

SOURCES	USES
	Fixed Assets - Land See Attached.

JUSTIFICATION

JUSTIFICATION: This appropriation adjustment is to transfer $800,000 Capital Projects (C.P. No. 77492) to the Project and Facility Development Budget to fund a transfer to the Mountains Recreation and Conservation Authority to assist with the acquisition of a parcel in the Garapito Canyon tributary of Topanga Canyon.

David Jan Takata, Senior Manager, CEO

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER FOR – ACTION

✓ RECOMMENDATION

AUDITOR-CONTROLLER BY Helen Fung

NO. 059 Nov 15 2007

APPROVED AS REQUESTED ✓ AS REVISED

11/20 2007

CHIEF ADMINISTRATIVE OFFICER

APPROVED (AS REVISED): BOARD OF SUPERVISORS 20

BY

DEPUTY COUNTY CLERK

SEND 6 COPIES TO THE AUDITOR-CONTROLLER

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

FISCAL YEAR 2007-08

FINANCIAL SOURCES		FINANCIAL USES	
CAPITAL PROJECT/REFURBISHMENT		PROJECT & FACILITY DEVELOPMENT	
Yedvart Parcel Land Acquisition (3)		A01-PF-5500-10190	
A01-CP-6006-65043-77492		Other Charges	
Fixed Assets-Land		INCREASE APPROPRIATION	$ 800,000
DECREASE APPROPRIATION	$ 800,000		

JUSTIFICATION: This appropriation adjustment is to transfer $800,000 Capital Projects (CP No. 77492) to the Project and Facility Development Budget to fund a transfer to the Mountains Recreation and Conservation Authority to assist with the acquisition of a parcel in the Garapito Canyon tributary of Topanga Canyon.

BA # 059 Nov 15, 2007