



REVISED

December 11, 2018

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:

**PROPOSED AMENDMENT OF TITLE 2 OF THE LOS ANGELES COUNTY CODE TO
DELEGATE AUTHORITY TO THE DIRECTOR OF BEACHES AND HARBORS TO
LEASE, SUBLEASE, LICENSE, AND PERMIT THE USE OF PORTIONS OF THE
HARBORS AND BEACHES AND TO ENTER INTO LEASE AND LICENSES OF REAL
PROPERTY FOR COUNTY USE PURSUANT TO CHAPTER 2.116.020
(SUPERVISORIAL DISTRICT THIRD AND FOURTH)
(THREE VOTES)**

SUBJECT

This action is to approve an Ordinance amending Title 2 (Administration), Section 2.116.020 of the Los Angeles County Code to continue the Director of Beaches and Harbors' delegated authority to lease, sublease, license, or permit harbors and beaches that are controlled or managed by the Department of Beaches and Harbors, ~~and to delegate additional authority to the Director to lease or license property for use by the County in accordance with and subject to Government Code Section 25350.51, which currently allows such leasing and licensing at a maximum monthly rental of seven thousand five hundred dollars (\$7,500) per month for a maximum term of five years, and to amend real property leases or licenses for improvements or alterations.~~

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15378(b);
2. Approve the proposed amendments to Title 2 (Administration) of the Los Angeles County Code as reflected in the draft Ordinance; and
3. Instruct County Counsel to prepare the final Ordinance and submit it to the Board for its consideration.

Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director



PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Your Board previously delegated authority to the Director of Beaches and Harbors to lease, sublease, license, or permit use of real property that are owned, controlled, or managed by the County pursuant to Title 2, Section 2.116.020.

The purpose of the recommended actions is to continue this delegated authority of the Director, ~~and to establish the Director's additional authority to enter into leases and licenses for the use of real property by the County for a term not to exceed five (5) years and at a rental rate of no more than \$7,500 per month. Such additional authority was not included in the previous ordinance.~~

~~Pursuant to Government Code Section 25350.51, your Board may delegate authority to the Director to lease or license property for the County's use.~~

Implementation of Strategic Plan Goals

The County Strategic Plan Goal directs the provision Strategy III.3 Operational, Effectiveness, Fiscal Responsibility and Accountability. This action reduces the number of instances in which the Board and Chief Executive Office will have to act regarding minor transactions involving the leasing, subleasing, licensing, or permitting of real property by the County, ~~for County use.~~

FISCAL IMPACT/FINANCING

Approval and implementation of the proposed Ordinance amendment will not result in any loss of revenue to the County or significant new costs to the Department of Beaches and Harbors or other County departments. Furthermore, adoption of the proposed amendment will not result in the need for additional department staffing. The proposed Ordinance amendment will not result in additional net County costs, and therefore, a request for funding is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The delegations of authority being proposed are authorized by Government Code Sections 25537 ~~and 25350.51~~. County Counsel has reviewed and approved the proposed Ordinance. At its meeting of September 12, 2018, the Small Craft Harbor Commission voted in favor of endorsing the Director's recommendation that your Board approve and execute the Ordinance.

ENVIRONMENTAL DOCUMENTATION

Adoption of the proposed Ordinance amendment is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378 (b) of the State CEQA Guidelines. This proposed

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action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed Ordinance amendment will not significantly impact County services or projects.

CONCLUSION

Please return one adopted copy of this letter to the Department of Beaches and Harbors, Asset Management Division. Should you have any questions, please contact Susana Graether at (424) 526-7737 or sgraether@bh.lacounty.gov.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Jones", with a stylized, cursive flourish at the end.

GARY JONES, Director

GJ:BL:SP:SVG:SN:lp

Attachments (1)

c: Chief Executive Officer
County Counsel
Auditor-Controller
Executive Officer, Board of Supervisors

ORDINANCE NO. _____

An Ordinance amending Title 2 (Administration) of the Los Angeles County Code.

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

SECTION 6. Section 2.116.020. is hereby amended to read as follows:

2.116.020 - Director—Powers and duties.

The Director of the Department of Beaches and Harbors shall, subject to the authority of the Board of Supervisors, protect, develop, manage, regulate, and have complete and exclusive charge and control, except as provided in subsection C of this section, below, or as is otherwise delegated to the Fire Chief of the District, ocean lifeguards, or the Sheriff pursuant to Chapters 2.20, 17.12, or 19.12 of this code, of all harbors and beaches that are owned, controlled, or managed by the County, including the harbor known as the Marina del Rey. His duties shall include, but not be confined to:

- A. The establishment and enforcement of rules and regulations pertaining to the use of the harbors and beaches.
- B. The imposition and collection of charges, rates, and rentals for the use of the facilities of the harbors and beaches.
- C.
 1. The leasing, subleasing, licensing, or permitting the use, individually or collectively, of portions of the harbors and beaches and the imposition and collection of rentals, charges, and rates therefor, and enforcement of license or permit agreements by suit against any person in breach of contract with the department for the use of a facility that is owned, controlled, or managed by the County within those areas and for which the Director is responsible. The licensing or permitting authority under this subsection shall be pursuant to and consistent with the delegation and related provisions of California Government Code section 25537, except that the maximum monthly rental amount for any license or permit issued pursuant to this subsection shall be \$15,000. This licensing or permitting authority shall be used for, among other things, licensing or permitting beach events and activities on beaches and the public areas of Marina del Rey, as such events and activities are described in Sections 17.12.345 and 19.12.1292 of this code, and permitting of construction-related activities, and permitting of parking-related activities in any area over which the Director has jurisdiction. The terms and conditions of any such license or permit issued pursuant to this subsection shall be enforceable by the Director, the Director's representatives, the Fire Chief of the District, and ocean lifeguards, as applicable;
 2. No suit shall be filed by the Director without the concurrence of the County Counsel; and
 3. The Chief Executive Officer shall participate with, and assist the Director in, negotiating the terms and conditions of leases of County-owned properties in the Marina del Rey.
- ~~D. The development, improvement, expansion, maintenance, operation, and supervision of the use of the harbors and beaches, and facilities thereon.~~

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~~D. Director shall have the authority set forth in Government Code Section 25350.51 to lease or license real property for use by the County and amend such leases or licenses.~~

~~E. The issuance of right-of-entry permits to third parties for construction-related activities, and parking permits for parking-related activities in any area under which the Director has jurisdiction.~~

E. The development, improvement, expansion, maintenance, operation, and supervision of the use of the harbors and beaches, and facilities thereon.

F. The determination of the kind and extent of recreational programs to be carried out at the harbors and beaches.

G. The development of a program of community relations with citizens residing in the harbor and incorporated and unincorporated beach areas.

H. The delegated authority on behalf of the Board of Supervisors to enter into contracts pursuant to California Government Code section 25559(a) for the furnishing of music and musical entertainment to the public at the harbors, either by employment of individual musicians or by entering into contracts, with or without bids, with orchestras, bands, symphony associations, or other organizations. Expenditures authorized for such events may also include event-related catering, transportation, lodging, and security services, and rental of performance, sound and lighting equipment, dressing rooms, and tents, which shall be procured through the Internal Services Department. To the extent available, proceeds from public-private partnerships established by the Board of Supervisors to sponsor musical entertainment events shall be used to fund expenditures authorized by this section; any County funds necessary to augment the funding for such expenditures shall only be committed by the Director with the prior approval of the Chief Executive Officer from funds appropriated for such purposes by the Board of Supervisors.

I. Any other authority and duties possessed by the Department of Beaches and Department of Small Craft Harbors and the Directors thereof prior to July 1, 1982, the time that such departments were merged into the Department of Beaches and Harbors, and not enumerated above, except for any authority or duty delegated solely to the Fire Chief of the District, the ocean lifeguards, or the Sheriff, in Chapters 17.12 and 19.12 of this code.

J. Such other authority and duties as the Board of Supervisors shall delegate to the Director.

(Ord. 2012-0005 § 6, 2012: Ord. 2009-0006 § 1, 2009: Ord. 97-0068 § 2, 1997: Ord. 86-0067 § 1, 1986: Ord. 82-0112 § 4, 1982: Ord. 7496 § 1 (part), 1959: Ord. 6542 § 1 (part), 1954: Ord. 4099 Art. 27 § 392, 1942.)