COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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March 31, 2009

IN REPLY PLEASE
REFER TO FILE: WM-5

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:

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT TO ENSURE COORDINATED REVIEWS OF PROJECTS PROPOSED ALONG THE LOS ANGELES RIVER WITHIN THE CITY OF LOS ANGELES BOUNDARIES (SUPERVISORIAL DISTRICTS 1 AND 3) (3 VOTES)

SUBJECT

This action is to authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to enter into a Memorandum of Understanding with the City of Los Angeles to ensure coordinated reviews of projects proposed along the Los Angeles River within the City of Los Angeles boundaries.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to execute a Memorandum of Understanding between the City of Los Angeles and the Los Angeles County Flood Control District to ensure coordinated reviews of projects proposed along the Los Angeles River within the City of Los Angeles boundaries in a form approved by County Counsel and to take all steps necessary to implement the Memorandum of Understanding.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to authorize the Chief Engineer or her designee to execute, on behalf of the Los Angeles County Flood Control District (LACFCD), a Memorandum of Understanding (MOU) with the City of Los Angeles (City). The main purpose of the MOU is to establish a partnership with the City, a primary stakeholder within the Los Angeles River Watershed, to ensure coordinated reviews of projects proposed to be implemented along the Los Angeles River within the City's boundaries. The establishment of this MOU with the City will allow for a coordinated assessment of the City's efforts to implement its Los Angeles River Revitalization Plan and ensure consistency with the Los Angeles River Master Plan adopted by your Board in 1996. It will provide a model to pursue with other cities and agencies along the river as they seek partnerships to implement projects within the LACFCD's right of way. The MOU will also establish a River Cooperation Committee consisting of representatives from the City and the LACFCD. The U.S. Army Corps of Engineers will be invited to participate as well. Establishment of this committee will streamline communication between the three agencies and require them to consider flood protection, liability, water quality, maintenance, and security in the areas in and surrounding the river.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by developing partnerships to effectively leverage our resources using a collaborative effort.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The attached MOU has been reviewed by County Counsel and executed by the City.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from the provisions of the California Environmental Quality Act. This proposed action is an organization and administrative activity of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current services.

Approval of this action will benefit the LACFCD by providing a means of collaborating with the City to share intentions, goals, and plans concerning potential improvements and developments along the Los Angeles River within the City's boundaries.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Watershed Management Division.

Respectfully submitted,

GAIL FARBER
Director of Public Works

GF:MP:jtz

Attachment

c: Chief Executive Office (Lari Sheehan)
County Counsel

LOS ANGELES RIVER
MEMORANDUM OF UNDERSTANDING

CITY OF LOS ANGELES

AND

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), dated as of _____, 2008, is made by and between the City of Los Angeles ("CITY") and the Los Angeles County Flood Control District ("DISTRICT") who shall be collectively known as the "Contracting Parties."

WHEREAS, the Los Angeles River is located within the County of Los Angeles and falls within the jurisdiction of DISTRICT; and

WHEREAS, DISTRICT and CITY own a majority of the fee title for that portion of the Los Angeles River located within CITY'S boundaries; and

WHEREAS, DISTRICT is a flood control district, the objects and purposes of which are to provide for the control and conservation of the flood, storm, and other waste waters of said district, to conserve such waters for beneficial and useful purposes and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district; and

WHEREAS, DISTRICT shares responsibility with the U.S. Army Corps of Engineers for the operation and maintenance of approximately 51 miles of flood control and water conservation improvements along the Los Angeles River, 32 miles of which lie within CITY's boundaries; and

WHEREAS, DISTRICT is further authorized to provide, by agreement with other public agencies or private persons or entities, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent with the primary use and purpose of such lands, facilities, and works for flood control and water conservation, and to preserve, enhance, and add recreational features to its properties for the protection, preservation, and use of the scenic beauty and natural environment; and

WHEREAS, in July 1991, the Los Angeles County ("County") Board of Supervisors directed the County Departments of Public Works, Parks and Recreation and Regional Planning to undertake a public planning effort and to coordinate all interested stakeholders including political, environmental, technical and the community in the planning, financing and implementation efforts of a master plan for the Los Angeles River; and

WHEREAS, the Los Angeles River Master Plan, completed and adopted by the County Board of Supervisors in 1996, formulates a multi-objective program for the Los Angeles River while recognizing its primary purpose for flood control and advocates for environmental enhancement and recreational opportunities, and serves as a guide to capital improvement planning to be implemented by DISTRICT within the Los Angeles River corridor; and

WHEREAS, CITY has updated and expanded the vision of the County's Los Angeles River Master Plan for enhancing the Los Angeles River within its jurisdiction by adopting the CITY's Los Angeles River Revitalization Master Plan on May 9, 2007 with the goals of enhancing flood storage, improving water quality, providing better neighborhood access and connection, increasing open space, wildlife habitat and recreation, incorporating art and cultural activities, generating economic development and providing education opportunities and civic engagement through a comprehensive public stakeholder process; and

WHEREAS, CITY and DISTRICT desire to implement and construct projects in the spirit of both the County's Los Angeles River Master Plan and CITY's Los Angeles River Revitalization Master Plan on DISTRICT's property or easements within CITY limits; and

WHEREAS, CITY and DISTRICT desire to work together to develop a framework to improve the process by which projects along the Los Angeles River are reviewed and approved.

NOW THEREFORE, the Contracting Parties hereto agree as follows:

1. PURPOSE.

1.01 The purposes of this MOU are as follows:

1.01.01 To provide an understanding of the Contracting Parties' intentions, goals and plans concerning potential improvements and developments along the Los Angeles River that lie within CITY's boundaries.

1.01.02 To provide for the coordinated review by both Contracting Parties of projects proposed to be constructed within the Los Angeles River that lie within CITY's boundaries.

1.01.03 To provide for timely and efficient communication between both Contracting Parties on Los Angeles River projects within CITY's boundaries or those that may have substantial effect on the Los Angeles River within CITY's boundaries.

1.01.04 To attempt to establish a Master Use Agreement and/or other future cooperative agreements with the goal of expediting the review and permit process in connection with projects to be constructed or installed on DISTRICT properties that are within the scope of authority of both of the Contracting Parties.

2. RIVER COOPERATION COMMITTEE.

2.01 The Contracting Parties shall establish a committee (the "River Cooperation Committee") to perform the functions described in Section 3, below. The River Cooperation Committee shall be comprised of the following:

2.01.01 The City Engineer of the City of Los Angeles, or designee (Co-Chair);

2.01.02 Chief Engineer of the DISTRICT (Co-Chair);

2.01.03 Director of CITY's Bureau of Sanitation, or designee;

2.01.04 A representative from CITY's Department of Recreation and Parks;

2.01.05 A representative from the Department of Water and Power;

2.01.06 Assistant Deputy Director of DISTRICT's Watershed Management Division, or designee;

2.01.07 Assistant Deputy Director of DISTRICT's Water Resources Division, or designee;

2.01.08 Assistant Deputy Director of DISTRICT's Flood Maintenance Division, or designee;

The U.S. Army Corps of Engineers shall also be invited to serve in an advisory capacity to the River Cooperation Committee.

2.02 The RRC shall hold meetings no less than 2 times per year.

3. REVIEW OF PROJECTS.

3.01 When either of the Contracting Parties propose to construct any project within or along the Los Angeles River, the party proposing the project shall submit the proposed project to the River Cooperation Committee (established pursuant to Section 2.01, above) for review and shall obtain a recommendation from that committee prior to the project being approved by DISTRICT, the U.S. Army Corps of Engineers, and/or CITY.

3.02 When either of the Contracting Parties receives an application for a permit or other development approval in connection with any facility or project to be constructed within the Los Angeles River/or its easements, the party to whom the application was made shall, in addition to any other applicable procedures, refer the application to the River Cooperation Committee and obtain a recommendation from that committee prior to granting or denying the application.

3.03 As soon as is reasonably practicable, the Contracting Parties shall refer any and all grant applications related to any facility or project to be constructed within the Los Angeles River/or its easements to the River Cooperation Committee and obtain a recommendation from that Committee prior to submitting the application. If the deadline for a grant application will run prior to a meeting of the River Cooperation Committee, the Contracting Party may submit such grant application without first obtaining the approval of the River Cooperation Committee, however such Contracting Party shall inform the River Cooperation Committee of the grant application at the next available River Cooperation Committee meeting. Both Contracting Parties shall also endeavor to refer as many possible projects for which they may be seeking future grants to the River Cooperation Committee for recommendation as soon as is reasonably practicable.

3.04 The River Cooperation Committee shall be responsible for reviewing all projects or applications submitted or referred to it. The River Cooperation Committee will determine which projects are appropriate for its consideration. Generally, maintenance activities and regular permit requests for property modifications, such as fencing and utility encroachments and those for small-scale events, will not be considered by the River Cooperation Committee.

3.04.01 DISTRICT regularly considers permit requests for a variety of activities, including: modifications to DISTRICT structures and appurtenances (e.g., catch basins, maintenance holes, fences, gates, and trees); motion picture filming; artwork installation and removal; access to DISTRICT facilities (e.g., for training, nature walks, tours, and boating); discharges to receiving waters; utility encroachments (e.g., telephone, gas, cable, and water); building encroachments and overbuilds; landscaping; cleaning and maintenance activities; and bikeway closures.

3.04.02 DISTRICT will notify the River Cooperation Committee, of projects submitted to it for permit approval which may impact other projects under consideration by the River Cooperation Committee. These would include, but not be limited to: non-emergency large-scale infrastructure modifications, significant right-of-way encroachments, long-term facility closures, and high-profile events and artworks.

3.05 The River Cooperation Committee shall evaluate each project or group of projects and each application and shall make a recommendation to approve, approve with modifications, or deny the project (for any one or all of a group of projects) or application, based on factors which shall include, but shall not be limited to, the following as priority guidelines:

3.05.01 The Los Angeles River Master Plan;

3.05.02 The Los Angeles River Revitalization Master Plan;

3.05.03 The Integrated Resources Plan of the City of Los Angeles;

3.05.04 Potential hydraulic impacts of the proposed project;

3.05.05 Potential water quality issues associated with the proposed project;

3.05.06 Responsibility for operation and maintenance of the proposed project;

3.05.07 Potential liability associated with the proposed project; and

3.05.08 Security and safety issues associated with the proposed project.

The River Cooperation Committee shall be a part of the overall review and approval process which is described in the attached Exhibit A. Furthermore, the review conducted by the River Cooperation Committee shall be in addition to any consultation requirements that may apply for specific California Environmental Quality Act (CEQA) projects under that statute. This MOU does not obligate either Contracting Party to undertake any specific projects and the River Cooperation Committee's recommendations are not a commitment to any specific project. Separate CEQA review and compliance for specific projects as required by CEQA will be conducted.

4. LOS ANGELES RIVER MASTER USE AGREEMENT

4.01 Contracting Parties agree to cooperate with each other in an attempt to develop a Los Angeles River Master Use Agreement that will establish the general rights and responsibilities of each party with respect to the use, by the CITY, of DISTRICT property within the Los Angeles River. The Master Use Agreement shall, at a minimum, address the following:

4.01.01. Operation and maintenance issues including but not limited to trash and rubbish removal, graffiti removal repairs, landscaping, and public access.

4.01.02. Liability including but not limited to insurance and indemnification requirements.

4.01.03. Security including but not limited to patrolling by law enforcement and the prevention of criminal or dangerous activity.

5. AMENDMENTS TO THE MOU.

5.01 This MOU may be amended at any time as needed by the Contracting Parties either to carry out any provisions of this MOU or for any other purposes of this MOU.

6. TERM.

6.01 This MOU shall become effective on the date that this MOU has been executed by all parties hereto, and shall continue in perpetuity, or until terminated in accordance with Section 6.02 of this MOU.

6.02 This MOU may be terminated by either party by giving the other party at least 60 days prior written notice of the termination.

7. NOTIFICATION.

7.01 Whenever a notice is required under this MOU, such notice shall be in writing and shall be sufficient if delivered to the addresses below. Notice shall be effective on the next business day after delivery by whatever means prior to 5:00 pm to addresses below:

If to CITY:
City of Los Angeles
City Engineer
1149 S. Broadway, Suite 700
Los Angeles, CA 90015-2213

With a copy to:
General Manager
Department of Recreation and Parks
1200 West 7th Street, 7th Floor
Los Angeles, CA 90017

With another copy to:
Los Angeles City Attorney's Office
200 North Main Street, 7th Floor
Los Angeles, CA 90012

If to DISTRICT:
County of Los Angeles Flood Control District
Chief Engineer
Los Angeles County Department of Public Works
900 South Fremont Avenue, 12th Floor
Alhambra, CA 91803-1331

With a copy to:
Los Angeles County Counsel
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

IN WITNESS WHEREOF the Contracting Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of all the Contracting Parties:

CITY OF LOS ANGELES

Gary Lee Moore — 10/16/08

Gary Lee Moore, P.E., City Engineer — Date

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

_____ — _____

Chief Engineer — Date

APPROVED AS TO FORM:

City Attorney: Rockard J. Delgadillo

By: Laura M. Cadogan — 10/20/08

Laura M. Cadogan
Deputy City Attorney — Date

County Counsel: Raymond G. Fortner, Jr.

By: _____ — _____

Date

ATTEST:

City Clerk: Karen E. Kalfayan

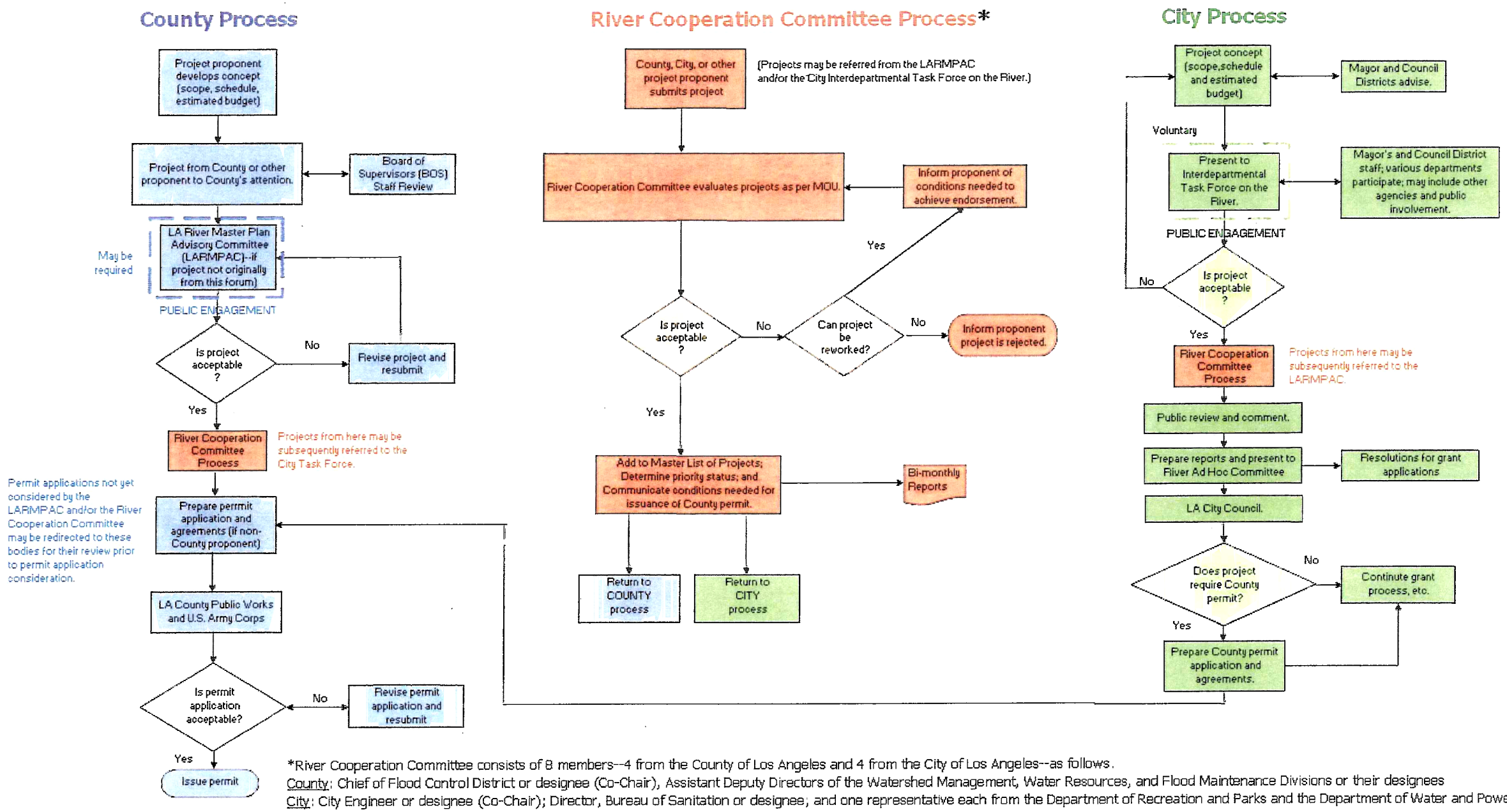
By: Guadalupe N. Rodarte — 10-20-08

Deputy — Date

EXHIBIT A
River Project Coordination Process

Attached.

Los Angeles River Cooperation MOU: Project Coordination Flowchart (Attachment to River MOU)



*River Cooperation Committee consists of 8 members--4 from the County of Los Angeles and 4 from the City of Los Angeles--as follows.
County: Chief of Flood Control District or designee (Co-Chair), Assistant Deputy Directors of the Watershed Management, Water Resources, and Flood Maintenance Divisions or their designees
City: City Engineer or designee (Co-Chair); Director, Bureau of Sanitation or designee; and one representative each from the Department of Recreation and Parks and the Department of Water and Power