County of Los Angeles
CHIEF EXECUTIVE OFFICE
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
http://ceo.lacounty.gov

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

July 10, 2012

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:

DEPARTMENT OF PARKS AND RECREATION: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 17.04 OF TITLE 17 (PARKS AND RECREATION AREAS) OF THE LOS ANGELES COUNTY CODE, AND DESIGNATION OF GRAND PARK AS UNDER THE JURISDICTION OF THE CHIEF EXECUTIVE OFFICER (FIRST DISTRICT) (3 VOTES)

SUBJECT

Approval of the recommended actions will delegate to the Chief Executive Officer jurisdiction over the new Grand Park, including the authority to approve rules and regulations, and will authorize an update of the Chapter 17.04 of Title 17, the County Code relating to parks and recreation areas owned or operated by the County.

JOINT RECOMMENDATION WITH THE DEPARTMENT OF PARKS AND RECREATION THAT THE BOARD:

1. Introduce, waive reading, and place on the Board's agenda for adoption on July 17, 2012, an ordinance amending Chapter 17.04 (Parks and Recreation Areas) of Title 17 of the Los Angeles County Code to update those provisions.

2. Delegate to the Chief Executive Officer jurisdiction over Grand Park, so as to provide him or her authority to manage Park operations, including establishment of hours of operation.

3. Authorize the Chief Executive Officer to take any other actions consistent with and/or necessary for the implementation of the foregoing approvals.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will provide authority for the Chief Executive Officer (CEO) to manage and operate Grand Park (Park) and other parks designated as CEO parks by specific Board action.

Background

In May 2012, the Board delegated to the CEO the authority to negotiate and execute a Maintenance, Operating, and Programming Agreement with the Performing Arts Center of Los Angeles County (PACLAC), a non-profit corporation, as the initial Park operator.

The Park improvements have been designed to serve as an active, welcoming setting for daily activities, and to create a civic gathering place for community celebrations, cultural and ethnic celebrations, festivals, holiday events, and other similar gatherings.

In anticipation of the Park's opening in Summer 2012, the CEO and PACLAC have been working together to establish administrative rules and regulations that will govern the Park. Initially, the daily Park hours will be from 6:00 a.m. to sunset for the enjoyment of the public. To allow for event programming flexibility, it is recommended that jurisdiction of the Park, including changes in hours of operation, be delegated to the CEO.

The Park is owned by the County and managed by the County's Asset Manager, the CEO. However, current County regulations in Title 17 (Parks and Recreation Areas) of the Los Angeles County Code relate only to the use and operation of parks that are owned, controlled, or managed by the County's Director of Parks and Recreation.

It is recommended that Title 17 be amended to add provisions pertaining to parks under the jurisdiction of the CEO, and by reference, vest the CEO with the same authority held by the Director of Parks and Recreation to enforce and establish rules for the safe and orderly operation of parks under the jurisdiction of the CEO. Additional amendments are recommended for regulation of camping in park areas and limitations on noise and other park disturbances.

Ordinance Title 17, As Amended

The proposed specific ordinance changes include the addition of the CEO of Los Angeles County, or other person authorized by him or her pursuant to law, to act in his or her stead, to manage and operate parks when a park is placed under the jurisdiction of the CEO by specific action of the Board.

Further, proposed ordinance changes related to all County parks include clarification of definitions related to camping in parks, removal of violators, noise and other disturbances, and aggressive solicitation.

Implementation of Strategic Plan Goals

These actions will support the Board-approved County Strategic Plan Goals of Operational Effectiveness (Goal 1) to efficiently improve the delivery of services and enhance activities which promote good health, social, and emotional well-being.

FISCAL IMPACT/FINANCING

In May 2012, the Board approved an appropriation adjustment to reallocate $1.5 million of net County cost to the Park Operating Budget from Provisional Financing Uses to fund one-time start-up and initial operating costs. Fiscal Year (FY) 2012-13 Adopted Budget includes appropriation of $3.3 million for maintenance, operations, and an allocation for public programming partially offset revenue of $524,000 collected from concessions, parking, and facility rental and event fees, and $2.8 million net County cost.

FY 2012-13 will be the Park's initial year and the operations will be monitored monthly by CEO staff and PACLAC. Based on this monitoring of actual operational expenditures and revenue, the ongoing County obligation can be estimated and included as part of the County Budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The County is committed to open, inclusive, welcoming, safe, and enjoyable parks for the benefit of all. The Department of Parks and Recreation and County Counsel have reviewed the accompanying amended ordinance as to form.

ENVIRONMENTAL DOCUMENTATION

On February 13, 2007, acting as a Responsible Agency, the Board certified the Grand Avenue Project Environmental Impact Report (EIR), as prepared and certified by the Grand Avenue Authority, as the lead agency for the Grand Avenue Project. The recommended actions are within the scope of the Grand Avenue Project in the previously certified Environmental Impact Report.

In addition, the proposed actions are not a project pursuant to the California Environmental Quality Act (CEQA) because they are excluded from the definition of a project by Section 15378(b) of the State CEQA Guidelines. The proposed Title 17 ordinance changes and delegation to CEO of the management of Park operations involve organizational or administrative activity of government not resulting in direct or indirect changes to the environment.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division, and the Department of Parks and Recreation.

Respectfully submitted,

WILLIAM T FUJIOKA
Chief Executive Officer

RUSS GUINEY
Director, Parks and Recreation

WTF:RG:RLR
DJT:DKM:CF:mc

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Performing Arts Center of Los Angeles County

U:\BOARD LETTERS 2012\[WORD]\CAPITAL PROJECTS\BOARD LETTER FOR PARK ORDINANCE 7.10.2012

ANALYSIS

An ordinance amending Title 17 – Parks, Beaches and Other Public Areas of the Los Angeles County Code, relating to the use and operation of parks located in the County that are under the jurisdiction of the County's Director of the Department of Parks and Recreation ("Director") or that are placed under the jurisdiction of the County's Chief Executive Officer ("CEO") by specific action of the Board of Supervisors. Among other things, the ordinance vests the CEO with the authority to manage and control parks under the CEO's jurisdiction, and to establish and enforce all regulations for the safe and orderly operation of such parks. The ordinance also amends certain park provisions related to camping in parks and violations for park disturbances.

JOHN F. KRATTLI
County Counsel

By
BYRON SHIBATA
Deputy County Counsel
Property Division

BGS:ss

Requested: 06-07-12

Revised: 06-13-12

HOA.891847.3

ORDINANCE NO. _____

An ordinance amending Title 17 – Parks, Beaches and Other Public Areas of the Los Angeles County Code, relating to the use and operation of parks located in the County that are under the jurisdiction of the County's Director of the Department of Parks and Recreation or that are placed under the jurisdiction of the County's Chief Executive Officer by specific action of the Board of Supervisors.

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

SECTION 1. Section 17.04.025 is hereby added to read as follows:

17.04.025 Camp.

"Camp" means to erect, maintain, or occupy a camp facility.

SECTION 2. Section 17.04.027 is hereby added to read as follows:

17.04.027 Camp facility.

"Camp facility" means one or more of the following: a cot, hammock, bed, bedroll, sleeping bag, groundsheet, tent, hut, or other temporary physical shelter that is erected, maintained, or used for lodging or living accommodation. Any sleeping bag, bedroll, umbrella, canopy, groundsheet or similar ground cover, or sun shade or similar sun cover, that is used temporarily for recreational purposes, shall not be considered a camp facility provided such item(s) is removed from the park prior to its closure for the day.

SECTION 3. Section 17.04.033 is hereby added to read as follows:

17.04.033 Chief Executive Officer.

"Chief Executive Officer" means the Chief Executive Officer of the County, or any other person authorized by him or her pursuant to law to act in his or her stead.

SECTION 4. Section 17.04.050 is hereby amended to read as follows:

17.04.050 Director.

"Director" means the ~~d~~Director of the Department of ~~p~~Parks and ~~r~~Recreation, or any other person authorized by him or her pursuant to law to act in his or her stead. Director shall also be deemed to mean the Chief Executive Officer when he or she has jurisdiction over a park in accordance with section 17.04.130.

SECTION 5. Section 17.04.130 is hereby amended to read as follows:

17.04.130 Park.

"Park" means every park, roadside rest, golf course, reservoir, riding and hiking trail, open space easement to which the public has an unrestricted right of access and use for park or recreation purposes, and every other recreation facility owned, managed, or controlled by the ~~c~~County~~ and under the jurisdiction of the director~~, in either incorporated or unincorporated territory, that is under the jurisdiction of the Director of Parks and Recreation, or that is placed under the jurisdiction of the Chief Executive Officer by specific action of the Board of Supervisors.

SECTION 6. Section 17.04.140 is hereby amended to read as follows:

17.04.140 Park waters.

"Park waters" means any lake, reservoir, pond, fountain or similar water-related facility, or other body of water within a park.

SECTION 7. Section 17.04.187 is hereby added to read as follows:

17.04.187 Solicitation.

"Solicitation" means to ask or beg another, by word, conduct, or other form of communication, for money or some other thing of value.

SECTION 8. Section 17.04.205 is hereby added to read as follows:

17.04.205 Tent

"Tent" means a shelter or structure that is not entirely open and that lacks an unobstructed view into the shelter or structure from the outside.

SECTION 9. Section 17.04.260 is hereby amended to read as follows:

17.04.260 Compliance with chapter provisions – ~~Ejection~~Removal of violators authorized when.

Permission to be within the limits of any park or park waters, as defined by this chapter, or to use any facilities, is conditioned on the person present in said park or park waters complying with all applicable provisions of this chapter or any other applicable laws, ordinances, rules, and regulations. A violation of any provision of this chapter or of any order, rule, or regulation authorized by this chapter, or of any other applicable law, ordinance, rule, or regulation shall result in the person so violating being a

trespasser *ab initio*, whether in incorporated or unincorporated territory, and the ~~s~~Sheriff or ~~d~~Director may ~~eject~~cause any such person to be removed from a park.

SECTION 10. Section 17.04.270 is hereby amended to read as follows:

17.04.270 Enforcement authority.

Except as specifically provided in this chapter, the Sheriff, ~~d~~Director, or either of their respective designee(s) shall be authorized to enforce the provisions of this chapter.

SECTION 11. Section 17.04.300 is hereby amended to read as follows:

17.04.300 Violation – Penalty.

A. Any person who, within the incorporated or unincorporated territory of the ~~c~~County ~~of Los Angeles~~on park property owned, controlled, or managed by the County, violates any provisions of this chapter, the conditions of any permit issued pursuant thereto, or any rule or regulation relating to parks and recreation areas, is guilty of an infraction.

. . .

SECTION 12. Section 17.04.390 is hereby amended to read as follows:

17.04.390 ~~Overnight c~~Camping restrictions – Permit issuance conditions.

A. A person shall not camp ~~or sleep overnight~~ in any park except where a family-type camping area is so designated, and then only in accordance with the rules and regulations governing the use of such area. The ~~d~~Director may issue a permit to any youth group of a character-building nature and to any special-interest group

permitting its members as a group to camp ~~overnight~~ at a designated location in a park if he finds:

1. That, in the case of a youth group, the group was organized in good faith and not for the purpose of obtaining a permit under this section, and the members of such group will be supervised during such camping by an adequate number of responsible adults and such ~~overnight~~ camping will not interfere with or in any way be detrimental to the park or interfere with the uses thereof; and

. . .

SECTION 13. Section 17.04.435 is hereby amended to read as follows:

17.04.435 Disturbances prohibited.

A person shall not disturb the peace and quiet of any park by:

A. ~~Any unduly loud or unusual noise; or~~Willfully making or continuing, or causing to be made or continued, any excessively loud or unnecessary noise which unreasonably disturbs the peace or enjoyment of a park, thereby causing substantial discomfort or annoyance to any reasonable person of normal sensitivities that is present in the park or in its immediate proximity.

~~B. Tooting, blowing or sounding any siren, horn, signal or noise-making device; or~~

~~C~~B. Any obscene, violent, or riotous conduct~~; or~~.

~~D~~C. The use of any vulgar, profane, ~~or~~ indecent, ~~language therein~~offensive, or abusive language or other form of communication that is inherently likely to provoke an immediate violent reaction by the person to whom the communication is directed.

SECTION 14. Section 17.04.460 is hereby amended to read as follows:

17.04.460 ~~**Soliciting for or selling merchandise — Restrictions**~~**Aggressive solicitation prohibited.**

~~A person shall not solicit in any manner or for any purpose, or sell or offer for sale any goods, wares or merchandise, or distribute or pass out any handbill, advertising matter or literature therein except:~~

~~A. Pursuant to a concession or other agreement authorized by the board of supervisors of the county;~~

~~B. A sports team which is a member of a regular sports league and which admits all members of the general public to the sporting event to the extent of capacity without discrimination and without charge to any game played may solicit voluntary contributions from the spectators attending such game;~~

~~C. Pursuant to permission granted by a member of the board of supervisors in whose district the park or any portion thereof is located for one event, if the acts permitted will not in any way detract from the use of the park by the public and if the proceeds are used for charitable purpose and the supervisor so finds;~~

~~D. When found by the director to be consistent with the policies of the department of parks and recreation or to promote the programs of said department, under conditions prescribed by him.~~

No person shall engage in aggressive solicitation in any park, where aggressive solicitation shall mean:

A. Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or likely to cause a reasonable person to (i) fear bodily harm to themself or another, or damage to or loss of property, or (ii) otherwise be intimidated into giving money or other thing of value.

B. In the course of solicitation, intentionally touching or causing physical contact with a person or occupied vehicle without the consent of the person or the vehicle occupant.

C. In the course of solicitation, intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing the pedestrian or vehicle operator to take evasive action to avoid physical contact.

D. Using violent or threatening gestures toward a person either before, during, or after the solicitation.

E. Persisting in the solicitation by closely following or approaching a person after that person has informed the solicitor by words or conduct that he or she does not want to be solicited or otherwise give money or other thing of value to the solicitor.

F. Soliciting within 15 feet of any automated teller machine ("ATM"). When an ATM is located within an ATM structure or facility, the distance set forth in this subsection shall be measured from the entrance or exit of such structure or facility.

[1704050BSCC]