



GAIL FARBER, Director

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

July 05, 2016

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

Dear Supervisors:

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

20 July 5, 2016

A handwritten signature in cursive script, reading "Lori Glasgow".

LORI GLASGOW  
EXECUTIVE OFFICER

**LEASE BETWEEN LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND COUNTY OF LOS ANGELES FOR FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA IN THE CITY OF SAN DIMAS, AND FUNDING AGREEMENT FOR BONELLI PARK, PECK ROAD PARK IN THE UNINCORPORATED COUNTY AREA ADJACENT TO ARCADIA, AND CERTAIN HIKING AND EQUESTRIAN TRAILS LOCATED ON LOS ANGELES COUNTY FLOOD CONTROL DISTRICT RIGHT OF WAY FOR FISCAL YEAR 2016-17  
(SUPERVISORIAL DISTRICTS 1 AND 5)  
(3 VOTES)**

### **SUBJECT**

This action is to approve a lease between the County of Los Angeles and the Los Angeles County Flood Control District for the Frank G. Bonelli Regional Park. This action will also allow the approval of a funding agreement between the County of Los Angeles and the Los Angeles County Flood Control District to provide funds to preserve recreational features in the Frank G. Bonelli Regional Park, Peck Road Park, and certain hiking and equestrian trails located at various Los Angeles County Flood Control District facilities.

### **IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE COUNTY OF LOS ANGELES**

1. Find that the recommended actions are categorically exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter and the record of the project.
2. Authorize the Director of Parks and Recreation or his designee to execute a lease agreement, hereinafter referred to as the Bonelli Lease, on behalf of the County of Los Angeles, giving the Los Angeles County Flood Control District a leasehold interest in Frank G. Bonelli Regional Park, through

and including June 30, 2017.

3. Authorize the Director of Parks and Recreation or his designee to execute a funding agreement on behalf of the County of Los Angeles, providing for the Los Angeles County Flood Control District to contribute \$4,900,000 to the County of Los Angeles for the maintenance and preservation of recreational features in the Frank G. Bonelli Regional Park, Peck Road Park, and certain hiking and equestrian trails located at various facilities owned by the Los Angeles County Flood Control District in Fiscal Year 2016-17.

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

1. Find the recommended actions are categorically exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter and in the record of the project.
2. Find that the acquisition by the Los Angeles County Flood Control District of a leasehold interest in the Frank G. Bonelli Regional Park, contiguous to the Puddingstone Reservoir, is necessary to preserve, enhance, and maintain recreational features in the park and the reservoir for the protection, preservation, and use of the scenic beauty and natural environment.
3. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to execute the Bonelli Lease on behalf of the Los Angeles County Flood Control District, with the County of Los Angeles, giving the Los Angeles County Flood Control District a leasehold interest in the Frank G. Bonelli Regional Park, through and including June 30, 2017.
4. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to execute a funding agreement on behalf of the Los Angeles County Flood Control District, providing for the Los Angeles County Flood Control District to contribute \$4,900,000 to the County of Los Angeles for the maintenance and preservation of recreational features in the Frank G. Bonelli Regional Park, Peck Road Park, and certain hiking and equestrian trails located at various facilities owned by the Los Angeles County Flood Control District in Fiscal Year 2016-17.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the Bonelli Lease, between the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) for Bonelli Park, is to allow the LACFCD to acquire a real property interest in Bonelli Park. The LACFCD acquisition of a leasehold interest in Bonelli Park is a necessary prerequisite under the Los Angeles County Flood Control Act for the LACFCD to contribute funds toward the preservation of recreational features in Bonelli Park.

The purpose of the funding agreement is to establish the terms and conditions for the LACFCD to contribute funds to preserve and maintain recreational features in Bonelli Park, Peck Road Park, and certain trails located on the LACFCD right of way.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The quality of life for residents in these communities is enhanced when sufficient monies are provided for the Department of Parks and Recreation to continue to maintain recreational features at these parks and the hiking and equestrian trails.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The total cost to the LACFCD is \$4,900,000 for Fiscal Year 2016-17.

The funding agreement is based on historical costs incurred by the County in the operation and maintenance of these parks and trails. The funding agreement provides for the LACFCD to reimburse the County's actual allowable costs incurred during the term of the funding agreement and Bonelli Lease, up to a maximum reimbursement of \$4,900,000. The funding to cover the LACFCD's contribution under the funding agreement is included in the Flood Control District Fiscal Year 2016-17 Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The County is the owner of certain real property, commonly known as the Frank G. Bonelli Regional Park and Recreation Area in the City of San Dimas. The LACFCD is the owner of the Puddingstone Dam and Reservoir, which is located adjacent to Bonelli Park. The LACFCD leases to the County the right to use the water surface of the reservoir for boating and recreational purposes, pursuant to Lease No. 75733.

Section 2, subsection 15, of the Los Angeles County Flood Control Act, authorizes the LACFCD "to preserve, enhance, and add recreational features to its properties and, upon a finding by the Board of Supervisors that the acquisition is necessary for such purposes, to acquire, preserve, enhance, and add recreational features to lands or interests in lands contiguous to the LACFCD properties for the protection, preservation, and use of the scenic beauty and natural environment of such properties or such lands..."

Through the enclosed Bonelli Lease, the LACFCD will acquire a leasehold interest in Bonelli Park through June 30, 2017, and thereby be authorized to fund recreational features at Bonelli Park during that period.

The funding agreement sets for the terms and conditions under which the LACFCD will provide funding for the operation and maintenance of recreational features at Bonelli Park and Peck Road Park, which is already owned by the LACFCD, and for certain riding and hiking trails located on other LACFCD rights of way. Under Funding Agreement No. 78233, which will expire on June 30, 2016, the LACFCD provided Fiscal Year 2015-16 funding to the Department of Parks and Recreation for these purposes. The proposed funding agreement will continue the LACFCD's contribution to the Department of Parks and Recreation for Fiscal Year 2016-17 for these purposes.

It is the intention of the parties that the Bonelli Lease be approved before the LACFCD reimburses the County for any actual costs incurred under the funding agreement. The proposed funding agreement and Bonelli Lease provide that the County will indemnify the LACFCD from any liability as set forth in the funding agreement and Bonelli Lease.

The respective Deputy County Counsels representing the Department of Parks and Recreation and the LACFCD have reviewed the Bonelli Lease and the funding agreement and will be approving the funding agreement and Bonelli Lease as to form, prior to execution by the LACFCD and the County.

## **ENVIRONMENTAL DOCUMENTATION**

The recommended actions are categorically exempt from the California Environmental Quality Act (CEQA).

The proposed Bonelli Lease is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Sections 15301 and 15325 of the State CEQA Guidelines and Class 1, subsections (c), (f), (j), (s), and (x), and Class 25, of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G, as adopted by the Board on November 17, 1987, Synopsis No. 57.

The proposed funding agreement is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301 of the CEQA Guidelines and Class 1, subsections (c), (f), (j), (s), and (x) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

In addition, there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the above-referenced exemptions inapplicable based on the project records.

## **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The funding agreement and the Bonelli Lease are a continuation of prior agreements. As such, current services will not be impacted.

## **CONCLUSION**

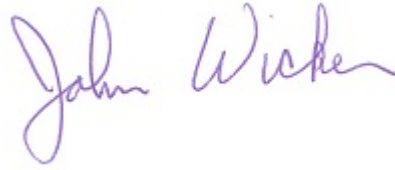
Please return one adopted copy of this letter to the Department of Public Works, Flood Maintenance Division, and one adopted copy of this letter to the Department of Parks and Recreation.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid.

GAIL FARBER

Director

A handwritten signature in purple ink that reads "John Wicker". The script is cursive and fluid.

JOHN WICKER

Director

GF:SR:sg

Enclosures

- c: Auditor-Controller (Accounting Division – Asset Management)  
Chief Executive Office (Rochelle Goff)  
Executive Office  
Department of Parks and Recreation

**FUNDING AGREEMENT REGARDING THE PRESERVATION OF  
RECREATIONAL FEATURES AT FRANK G. BONELLI REGIONAL PARK AND  
RECREATION AREA, PECK ROAD PARK, AND  
VARIOUS HIKING AND EQUESTRIAN TRAILS  
FOR FISCAL YEAR 2016-17**

THIS FUNDING AGREEMENT is made and entered into by and between the Los Angeles County Flood Control District (hereinafter referred to as LACFCD) and the County of Los Angeles (hereinafter referred to as COUNTY).

WHEREAS, Section 2, subsection 15, of the Los Angeles County Flood Control Act empowers LACFCD to preserve, enhance, and add recreational features to its properties and, upon a finding by the Board of Supervisors that the acquisition is necessary for such purposes, to acquire, preserve, enhance, and add recreational features to lands or interests in lands contiguous to LACFCD properties for the protection, preservation, and use of the scenic beauty and natural environment of such properties or such lands; and

WHEREAS, the COUNTY by and through its Department of Parks And Recreation (hereinafter referred to as DEPARTMENT) currently operates and maintains the Frank G. Bonelli Regional Park and Recreation Area (hereinafter referred to as BONELLI PARK), Peck Road Park, and the following hiking and equestrian trails:

- Rio Hondo River Trail
- Santa Anita Wash Trail
- San Gabriel River Trail
- Van Tassel Trail
- San Jose Creek Trail
- Walnut Creek Trail
- Bonelli Regional Park Trail
- Marshall Canyon Trail
- Gould Canyon Trail
- La Canada Open Space

all of which are hereinafter collectively referred to as "PARKS AND TRAILS;" and

WHEREAS, said PARKS AND TRAILS are either located on LACFCD property or on property adjacent to LACFCD property in which the LACFCD has acquired an interest; and

WHEREAS, in order to facilitate said LACFCD funding for the preservation of recreational features at BONELLI PARK, COUNTY and the LACFCD propose to execute a lease under which the LACFCD will acquire a leasehold interest in BONELLI PARK for a leasehold term concurrent with the term of this FUNDING AGREEMENT (hereinafter referred to as the BONELLI LEASE); and

WHEREAS, it is the intention of both of the parties hereto that the sole purpose of this FUNDING AGREEMENT is to provide partial LACFCD funding, during the Fiscal Year 2016-17, and the mutual written approval of the Chief Engineer of LACFCD and Director of DEPARTMENT, or its designee, for the preservation of existing recreational features at said PARKS AND TRAILS, all as set forth herein.

NOW, THEREFORE, LACFCD and COUNTY, for and in consideration of the mutual benefits, promises, and agreements set forth herein, do agree as follows:

1. Subject to the terms and conditions of this FUNDING AGREEMENT, LACFCD shall reimburse COUNTY for ACTUAL COSTS (as described below) incurred during the term of this FUNDING AGREEMENT for certain of the COUNTY'S operation and maintenance expenditures at said PARKS AND TRAILS. The total of all LACFCD reimbursements made pursuant to this FUNDING AGREEMENT shall not exceed the sum of Four Million Nine Hundred Thousand and 00/100 Dollars (\$4,900,000.00).

In no event shall any provision of this FUNDING AGREEMENT nor any obligation or liability imposed either directly or indirectly by or because of this FUNDING AGREEMENT obligate LACFCD to expend any monies in excess of the amounts indicated within this section.

2. ACTUAL COSTS shall consist of and be limited to actual costs incurred at said PARKS AND TRAILS for trails maintenance, grounds maintenance, building maintenance, utilities, lifeguards, and safety police and shall include currently applicable percentages added to salary, wage, and equipment costs to cover overhead, administration, and depreciation in connection with any or all of the aforementioned items. The maximum allowable costs for each facility are as follows:

Bonelli Park	\$4,260,000
Peck Road Park	\$27,000
Park Trails	\$613,000

3. LACFCD'S obligation to reimburse COUNTY for any ACTUAL COSTS incurred during the term of this FUNDING AGREEMENT at BONELLI PARK (hereinafter referred to as BONELLI COSTS), is contingent upon COUNTY and LACFCD entering into the BONELLI LEASE. In no event shall LACFCD have any obligation whatsoever to reimburse COUNTY for any BONELLI COSTS unless and until COUNTY and LACFCD enter into said lease.

4. COUNTY shall provide the required labor, equipment, and materials for the operation and maintenance of PARKS AND TRAILS in accordance with standard DEPARTMENT practices during the term of this FUNDING AGREEMENT.

5. COUNTY shall keep accurate and up-to-date records of all expenses incurred relative to any ACTUAL COSTS for which COUNTY is reimbursed by LACFCD pursuant to this FUNDING AGREEMENT. The books and records of the DEPARTMENT will be available upon reasonable notice for review by LACFCD staff. DEPARTMENT shall retain operating and fiscal records for a minimum of four (4) years following the termination of this FUNDING AGREEMENT.

6. COUNTY shall invoice LACFCD on a quarterly basis in a form prescribed by the COUNTY Auditor-Controller for the ACTUAL COSTS to be reimbursed pursuant to this FUNDING AGREEMENT. The invoices shall indicate the location of the work performed, type of work performed (i.e., trail maintenance, building maintenance, utilities, etc.), and detail of expenses (i.e., labor classification, equipment, supplies, and applicable overhead rates). The invoices shall also include a statement from the Director of the DEPARTMENT or its designee certifying that all costs billed to LACFCD are appropriate and proper expenditures under Section 2, subsection 15, of the Los Angeles County Flood Control Act.

7. Quarterly invoices prepared by the DEPARTMENT are to be submitted to LACFCD through an eCAPS ITARV document.

8. The term of this FUNDING AGREEMENT shall be for one (1) year beginning July 1, 2016, and ending June 30, 2017.

9. In executing this FUNDING AGREEMENT, the LACFCD is merely providing funding for the preservation of existing recreational features at COUNTY PARKS AND TRAILS. Consistent with the nature of this FUNDING AGREEMENT as strictly a funding mechanism, it is the intention of the parties hereto that neither LACFCD, nor any officer or employee of LACFCD, shall be liable for any damage, cost, or expense, which relates to, arises out of, or is in any way connected with this FUNDING AGREEMENT or with any of the PARKS AND TRAILS for which funding is herein provided as a result of this FUNDING AGREEMENT.

10. COUNTY agrees to indemnify, defend, and save LACFCD, its agents, officers, and employees, harmless from and against any and all actions, causes of action, liability, expense (including any and all legal costs, attorney fees, and litigation expenses), and claims of any nature whatsoever, including but not limited to actions, causes of action, liabilities, expenses, and claims for bodily injury, death, personal injury, or property damage, which relate to, arise out of, or in any way are connected with this FUNDING AGREEMENT, the execution of this FUNDING AGREEMENT by the parties hereto, or the ownership, control, operation, and/or maintenance, including any acts or omissions relating thereto, of any of the PARKS AND TRAILS, including any and all facilities, structures, natural conditions, improved conditions, and hybrid natural and artificial conditions located thereon.



IN WITNESS WHEREOF, the parties hereto have caused this FUNDING AGREEMENT to be executed by and through their respective duly authorized officers on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, as follows.

LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT,  
a body corporate and politic

COUNTY OF LOS ANGELES,  
a body corporate and politic

By \_\_\_\_\_  
Chief Engineer

By \_\_\_\_\_  
Director of Parks and Recreation

APPROVED AS TO FORM:

MARY WICKHAM  
County Counsel

APPROVED AS TO FORM:

MARY WICKHAM  
County Counsel

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Deputy

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EXHIBIT 1

FRANK G. BONELLI  
REGIONAL PARK AND  
RECREATION AREA  
LEASE NO. \_\_\_\_\_

**LEASE OF FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA**

This Lease is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the County of Los Angeles "COUNTY" and the Los Angeles County Flood Control District "LACFCD."

WHEREAS, the LACFCD is the owner of certain property known as Puddingstone Dam and Reservoir, hereinafter referred to as "PUDDINGSTONE RESERVOIR," generally located in the City of San Dimas; and

WHEREAS, COUNTY is the owner of certain property known as Frank G. Bonelli Regional Park and Recreation Area (hereinafter referred to as BONELLI PARK), which is also located in the City of San Dimas and is adjacent to the PUDDINGSTONE RESERVOIR; and

WHEREAS, Section 2, subsection 15, of the Los Angeles County Flood Control Act empowers the LACFCD to preserve, enhance, and add recreational features to its properties and, upon a finding by the Board of Supervisors that the acquisition is necessary for such purposes, to acquire, preserve, enhance, and add recreational features to lands or interests in lands contiguous to LACFCD properties, for the protection, preservation, and use of the scenic beauty and natural environment of such properties or such lands; and

WHEREAS, LACFCD intends to enter an agreement with COUNTY to contribute funding, during the Fiscal Year 2016-17, for the preservation of recreational features at said BONELLI PARK; and

WHEREAS, in order to facilitate said LACFCD funding for the preservation of recreational facilities at BONELLI PARK and to comply with Section 2, subsection 15, of the Los Angeles County Flood Control Act, COUNTY and LACFCD propose to execute a lease of BONELLI PARK.

NOW, THEREFORE, COUNTY and LACFCD, for and in consideration of the mutual benefits, covenants, and agreements set forth herein, do hereby agree as follows:

1. Leased Premises

The COUNTY hereby leases to the LACFCD, those parcels of land, which are part of BONELLI PARK, as shown on the map identified as Exhibit A, attached hereto and made a part hereof.

## EXHIBIT 1

### 2. Term

The term of this Lease shall be for one (1) year beginning July 1, 2016, and ending June 30, 2017.

### 3. Consideration

As consideration for this Lease, LACFCD shall provide partial funding for certain operational and maintenance costs of existing recreational features at Bonelli Park. The terms of the funding are set forth in the FUNDING AGREEMENT REGARDING PRESERVATION OF RECREATIONAL FEATURES AT FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA, PECK ROAD PARK, AND VARIOUS HIKING AND EQUESTRIAN TRAILS between the LACFCD and the COUNTY (hereinafter referred to as the AGREEMENT).

### 4. Purpose

The sole purpose of this Lease is to enable LACFCD to provide funding for the preservation of recreational features related to the scenic beauty and natural environment at BONELLI PARK and PUDDINGSTONE RESERVOIR. It is not the intention of the LACFCD to use or occupy the leased premises or to perform the actual maintenance thereof.

### 5. Assignment of Lease

LACFCD agrees with regard to any rights obtained pursuant to this Lease, not to sublease, or grant any license to use or occupy any portion of BONELLI PARK, except to the State of California or a nonprofit corporation, which has been granted 501(C)(3) charitable status by the Internal Revenue Service. In addition, this Lease is not assignable.

### 6. Indemnification

COUNTY agrees to indemnify, defend, and save harmless LACFCD, its agents, officers, and employees, from and against any and all actions, causes of action, liability, expense (including any and all legal costs, attorney fees, and litigation expenses), and claims of any nature whatsoever, including but not limited to actions, causes of action, liabilities, expenses and claims for bodily injury, death, personal injury, or property damage, which relate to, arise out of, or in any way are connected with this Lease or the ownership, control, operation and/or maintenance, including any acts or omissions relating thereto, of any of BONELLI PARK, including any and all facilities, structures, natural conditions, improved conditions, and hybrid natural and artificial conditions located thereon.

## EXHIBIT 1

## 7. Taxes

LACFCD shall not be liable for any and all taxes and/or assessments levied upon BONELLI PARK. COUNTY agrees that pursuant to paragraph 6 hereof, the COUNTY shall indemnify, defend, and save LACFCD harmless from any and all such taxes and assessments.

## 8. Notices

All notices by either party to the other shall be sent to the other party at the addresses below.

COUNTY - Executive Office  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713

LACFCD - Los Angeles County Department of Public Works  
Survey/Mapping and Property Management Division  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

[illegible]

EXHIBIT 1

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by and through their respective duly authorized officers, as follows.

LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT,  
a body corporate and politic

COUNTY OF LOS ANGELES,  
a body corporate and politic

By \_\_\_\_\_  
Chief Engineer

By \_\_\_\_\_  
Director of Parks and Recreation

APPROVED AS TO FORM:

MARY WICKHAM  
County Counsel

APPROVED AS TO FORM:

MARY WICKHAM  
County Counsel

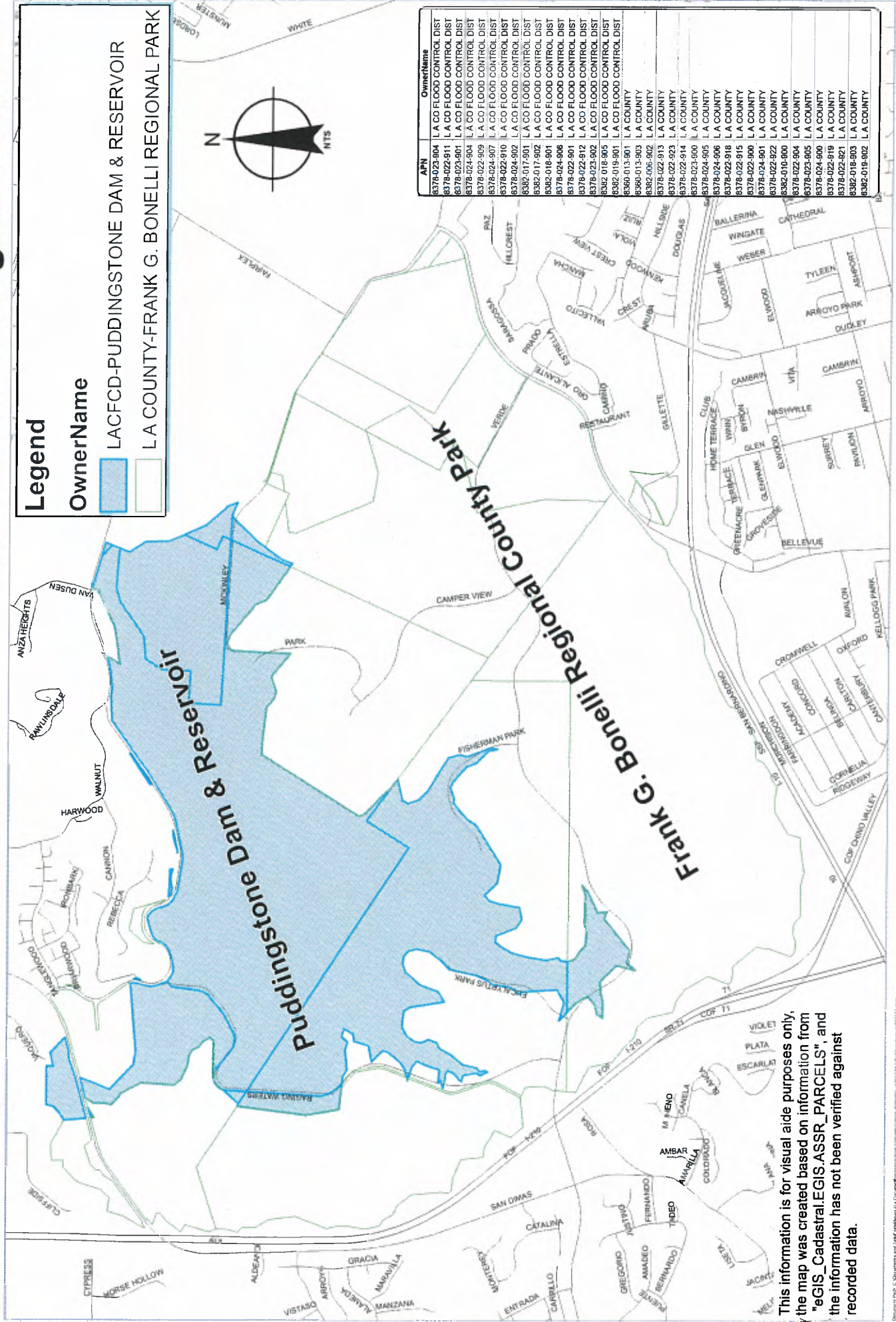
By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

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EXHIBIT A

Puddingstone Dam & Reservoir/Frank G. Bonelli Regional Park



This information is for visual aid purposes only, the map was created based on information from "eGIS\_Cadastral.EGIS\_ASSR\_PARCELS", and the information has not been verified against recorded data.