



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

October 29, 2019

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

38 October 29, 2019

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**WATER RESOURCES CORE SERVICE AREA
LEASE BETWEEN THE 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; 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 2019-20
(SUPERVISORIAL DISTRICTS 1, 4, AND 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval of a lease agreement 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 and maintain 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:

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,

beginning on July 1, 2019, through and including June 30, 2020.

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 2019-20.

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

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 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 his 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, beginning on July 1, 2019, through and including June 30, 2020.

4. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a Funding Agreement on behalf of the Los Angeles County Flood Control District, with 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 2019-20.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the Bonelli Lease (Enclosure A), between the County of Los Angeles and the Los Angeles County Flood Control District (District) for Bonelli Park, is to allow the District to acquire a real property interest in Bonelli Park. The District acquisition of a leasehold interest in Bonelli Park is a prerequisite under the Los Angeles County Flood Control Act for the District to contribute funds toward the preservation of recreational features related to the use of adjacent Puddingstone Reservoir, such as lifeguards, grounds maintenance, and safety police around the shoreline in Bonelli Park.

The purpose of the Funding Agreement (Enclosure B) is to establish the terms and conditions for the District to contribute funds to preserve and maintain recreational features in Bonelli Park, Peck Road Park, and certain trails located on the District right of way.

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 District is the owner of the Puddingstone Dam and Reservoir, which is located adjacent to Bonelli Park. The District 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 District "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 District 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 District will acquire a leasehold interest in Bonelli Park beginning on July 1, 2019, through and including June 30, 2020, and thereby be authorized, as stated under Section 2, subsection 15 of the Los Angeles County Flood Control Act, to fund recreational features at Bonelli Park related to the use of the adjacent Puddingstone Reservoir during that period.

The Funding Agreement sets forth the terms and conditions under which the District will provide funding for the operation and maintenance of recreational features at Bonelli Park and Peck Road Park, which are already owned by the District; and for certain riding and hiking trails located on other District rights of way such as Rio Hondo River, Santa Anita Wash, Walnut Creek, and the San Gabriel River. Under the Fiscal Year 2018-19 Funding Agreement, which expired on June 30, 2019, the District provided funding to the Department of Parks and Recreation for these purposes. The proposed Funding Agreement will continue the District's contribution to the Department of Parks and Recreation for Fiscal Year 2019-20 for these purposes.

It is the intention of the parties that the Bonelli Lease be approved before the District 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 District from any liability as set forth in the Funding Agreement and Bonelli Lease.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provisions of Strategy III.3, Pursuing Operational Effectiveness, Fiscal Responsibility, and Accountability to improve the quality of life for residents in these communities, which 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

The total cost to the District is \$4,900,000 for Fiscal Year 2019-20. The District's contribution of \$4,900,000 from Flood Fund to the County General Fund will have a positive impact on the County General Fund balance.

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 District 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 District's contribution under the Funding Agreement is included in the Flood Control District Fiscal Year 2019-20 Budget. The revenue of \$4,900,000 to the Parks Operating Budget is also included in the Fiscal Year 2019-20 Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

As described above, subsection 15 of Section 2 of the Los Angeles County Flood Control Act authorizes the District to protect, preserve, and develop recreational features for the use of the scenic beauty and natural environment of its properties, and to acquire interests in lands contiguous to its properties for such purposes.

The respective Deputy County Counsels representing the Department of Parks and Recreation and the District 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 District and the County.

ENVIRONMENTAL DOCUMENTATION

The proposed Bonelli Lease is categorically exempt from the California Environmental Quality Act (CEQA). The Bonelli Lease, which consists of giving the District a leasehold interest in Bonelli Park, beginning on July 1, 2019, through and including June 30, 2020, is within a class of projects that have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301 of the State 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, based on the proposed Bonelli Lease records, it will comply with all applicable regulations and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or indications that it may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable.

The proposed Funding Agreement is either not subject to CEQA because it is excluded from the definition of a project by Section 21065 of the Public Resources Code and Section 15378(b) of the State CEQA Guidelines or, in the alternative, is exempt pursuant to Class 1 of the State CEQA Guidelines and Class 1, subsections (c), (f), (j), (s), and (x) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. The proposed Funding Agreement would create a government-funding mechanism that does not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment. In addition, there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or indications that it may cause a substantial adverse change in the significance of a historical resource 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.

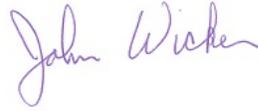
CONCLUSION

Please return two adopted copies of this letter to Public Works, Stormwater Maintenance Division. Also, please forward one adopted copy of the letter to the Department of Parks and Recreation.

Respectfully submitted,



MARK PESTRELLA
Director



JOHN WICKER
Director

MP:SS:sg

Enclosures

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

**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 _____, 2019, between the County of Los Angeles "COUNTY" and the Los Angeles County Flood Control District "DISTRICT."

WHEREAS, the DISTRICT 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 DISTRICT 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 DISTRICT properties, for the protection, preservation, and use of the scenic beauty and natural environment of such properties or such lands; and

WHEREAS, DISTRICT intends to enter an Agreement with COUNTY, to contribute funding, during the Fiscal Year 2019-20, for the preservation of recreational features at said BONELLI PARK; and

WHEREAS, in order to facilitate said DISTRICT 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 DISTRICT propose to execute a lease of BONELLI PARK.

NOW, THEREFORE, COUNTY and DISTRICT, 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 DISTRICT 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.

2. Term

The term of this Lease begins on July 1, 2019, through and including June 30, 2020.

3. Consideration

As consideration for this Lease, DISTRICT shall provide partial funding for certain operational and maintenance costs of existing recreational features at the 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 DISTRICT and the COUNTY.

4. Purpose

The sole purpose of this Lease is to enable the DISTRICT 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 DISTRICT to use or occupy the leased premises or to perform the actual maintenance thereof.

5. Assignment of Lease

The DISTRICT 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. In addition, this Lease is not assignable.

6. Indemnification

COUNTY agrees to indemnify, defend, and save harmless DISTRICT, 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.

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:

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

MARY C. WICKHAM
County Counsel

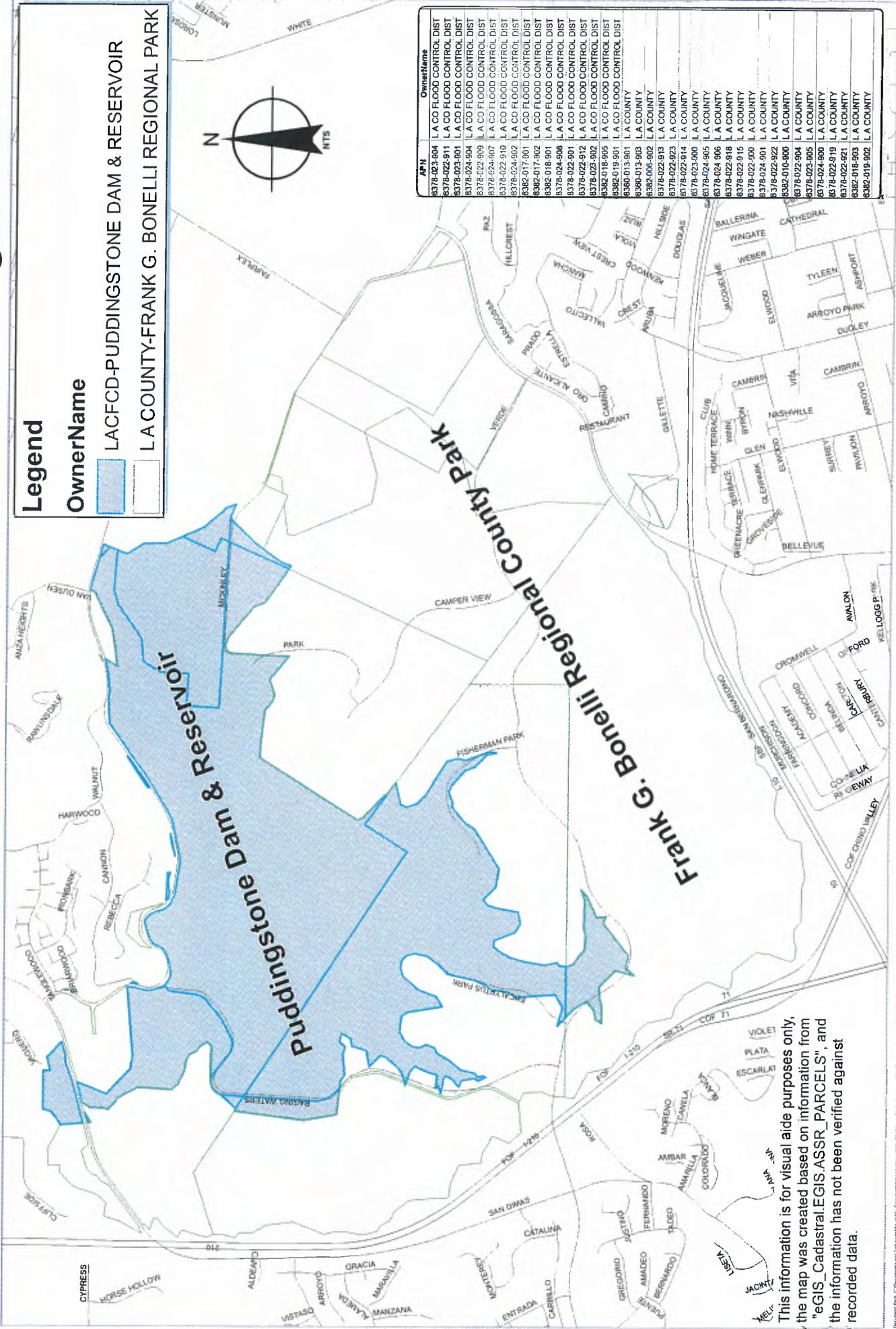
By _____
Deputy

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.

Source: PWS - © 2008 and GIS - 2008 by City of Los Angeles and City of Long Beach. All rights reserved. No warranty is made for the accuracy of this information.

**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 2019-20**

THIS FUNDING AGREEMENT is made and entered into by and between the Los Angeles County Flood Control District (hereinafter referred to as DISTRICT), 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 DISTRICT 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 DISTRICT 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 DISTRICT property or on property adjacent to DISTRICT property in which the DISTRICT has acquired an interest; and

WHEREAS, to facilitate said DISTRICT funding for the preservation of recreational features at BONELLI PARK, COUNTY and the DISTRICT propose to execute a lease under which the DISTRICT 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 parties hereto that the sole purpose of this FUNDING AGREEMENT is to provide partial DISTRICT funding, during the Fiscal Year 2019-20, and the mutual written approval of the Chief Engineer of the DISTRICT 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, DISTRICT 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, DISTRICT 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 DISTRICT 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 DISTRICT 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. DISTRICT'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 DISTRICT entering into the BONELLI LEASE. In no event shall DISTRICT have any obligation whatsoever to reimburse COUNTY for any BONELLI COSTS unless and until COUNTY and DISTRICT 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 DISTRICT

pursuant to this FUNDING AGREEMENT. The books and records of the DEPARTMENT will be available upon reasonable notice for review by DISTRICT 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 DISTRICT 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 the DISTRICT are appropriate and proper expenditures under Section 2, subsection 15, of the Los Angeles County Flood Control Act.

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

8. The term of this FUNDING AGREEMENT begins on July 1, 2019, through and including June 30, 2020.

9. In executing this FUNDING AGREEMENT, the DISTRICT 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 DISTRICT, nor any officer or employee of DISTRICT, 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 DISTRICT, 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, arising from the acts or omissions by COUNTY 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 _____, 2019, 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 C. WICKHAM
County Counsel

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

Deputy

Deputy