

ANALYSIS

This ordinance amends Section 2.18.015 of Title 2 – Administration – and Section 20.94.030 of Title 20 – Utilities – of the Los Angeles County Code as follows:

This ordinance clarifies that the Director of Public Works ("Director") is authorized to issue permits for the use of real property and improvements to real property under the Director's administrative control, subject to specified limits.

This ordinance revises the limits on the delegated authority of the Director to issue permits and enter into and amend agreements for the use of real property under the Director's administrative control by others.

This ordinance clarifies the Director's authority to take specified actions to comply with the California Environmental Quality Act ("CEQA") in connection with issuing permits and entering into and amending agreements for the use of real property under the Director's administrative control by others, when the County is acting as a Responsible Agency under CEQA.

This ordinance extends the delegated authority of the Director to enter into and amend agreements for the use of real property and improvements to real property owned by the County through and including May 1, 2025.

This ordinance also amends Section 2.18.015 of Title 2 – Administration – and Section 20.94.030 of Title 20 – Utilities – to conform to recent amendments to Chapter 19 of the Flood Control District Code.

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BY



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MTY:lm

Requested: 11/01/18
Revised: 03/06/20

ORDINANCE NO. _____

An ordinance amending (1) Section 2.18.015 of Title 2 – Administration – of the Los Angeles County Code, relating to the authority of the Director of Public Works ("Director") to issue permits and enter into agreements for the use of property under the Director's administrative control and (2) Section 20.94.030 of Title 20 – Utilities – relating to the use of property and facilities of the Los Angeles County Flood Control District.

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

SECTION 1. Section 2.18.015 is hereby amended to read as follows:

2.18.015 Director of Public Works—Powers and Duties Generally.

In addition to the functions, duties, and responsibilities specified by the Charter of the County and by State statute or ordinance, and except as otherwise provided in this Chapter, the Director of Public Works ("Director") also shall have the duties specified in this Section:

. . .

Q. To negotiate and execute, enter into and amend agreements, and issue permits, for the use of real property, or interests therein, or improvements to real property, under the administrative control of the Director, including properties owned by the County of Los Angeles, ~~the Los Angeles County Flood Control District~~, and other special districts for which the Board of Supervisors is the ex officio governing body, provided the rental amount in the agreement does not exceed five thousand dollars ~~(\$5,000.00) per month, and the term of the agreement is month to month not exceeding~~

~~a maximum duration of ten (10) years or is a non-renewable fixed term not exceeding ten (10) years. When the proposed agreement involves property owned by the County of Los Angeles, the Director shall comply with the notice requirements of section 25537 of the Government Code. Except as provided in Section R, below, the authority granted to the Director pursuant to this section, as it pertains to agreements for the use of real properties owned by the County of Los Angeles, shall be effective through and including June 30, 2019, after which time it shall be deemed expired and of no further effect; in~~
accordance with the following provisions:

1. The agreement, amendment or permit shall not interfere with or be inconsistent with the County of Los Angeles' uses and purposes.

2. With respect to permits, the compensation shall conform to Chapter 16.10 of this Code.

3. With respect to agreements and amendments, the compensation shall not exceed ten thousand dollars (\$10,000.00) per month, and the term shall be month-to-month not exceeding a maximum duration of ten (10) years or a non-renewable fixed term not exceeding ten (10) years.

4. When a proposed agreement or amendment involves property owned by the County of Los Angeles, the Director shall comply with the notice requirements of section 25537 of the Government Code.

5. Except as provided in subsection R, below, the authority granted to the Director pursuant to this subsection, as it pertains to agreements for the use of real properties owned by the County of Los Angeles, shall be effective through and including May 1, 2025, after which time it shall be deemed expired and of no further effect.

6. The Director is authorized to take the following actions related to the California Environmental Quality Act ("CEQA") in connection with the Director's determination to enter into or amend any agreement or issue any permit when the County or special district is acting as a Responsible Agency under CEQA:

a. Determine whether a project is exempt from CEQA;

b. Review and consider Environmental Impact Reports, Mitigated Negative Declarations and Negative Declarations certified or adopted by other public agencies;

c. Determine whether or not a project described in an Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration certified or adopted by another public agency would have a significant effect on the environment;

d. Make findings as required by section 15091 of Title 14 of the California Code of Regulations; and

e. Adopt a mitigation monitoring program as required by section 15091 of Title 14 of the California Code of Regulations.

7. This subsection Q shall not apply to property of the Los Angeles County Flood Control District ("District") (see Chapter 19 of the Los Angeles County Flood Control District Code for provisions applicable to property of the District).

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SECTION 2. Section 20.94.030 is hereby amended to read as follows:

20.94.030 Using ~~p~~Property ~~p~~Prohibited ~~w~~Without ~~p~~Permit—Terms and ~~e~~Conditions.

It is unlawful for any person, firm, corporation, municipality or district to interfere with, cause damage to, destroy or use in any manner whatsoever any flood control, storm drain or water conservation structure, facility, appurtenance, or any other property owned, constructed, maintained or controlled by or on behalf of the Los Angeles County Flood Control District, ~~a body politic and corporate created by law for the purpose of controlling and conserving the flood, storm and other waste waters of said District,~~ without having received a written permit or agreement therefor from the ~~board of supervisors of the District, which permit shall be revocable whenever, in the opinion of the board of supervisors, the public interest and welfare require the revocation thereof.~~ Application for the use of any property of the District shall be made to the chief engineer of the District, setting forth the particular use desired and the purpose and duration thereof, and the chief engineer shall investigate such application and make his recommendations thereon to the board of supervisors of the District, and the board of supervisors may impose such terms and conditions as may be necessary to insure the proper maintenance of the property for the purpose for which it was constructed,

~~proper maintenance of the property for the purpose for which it was constructed,~~
~~acquired or maintained.~~ This section does not apply to any entry or use in the course of
duty by any peace or police officer, or by a duly authorized employee of the
~~Los Angeles County Flood Control District.~~

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