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July 23, 2003

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:

APPROVE AMENDMENT NO. 1 TO NO-FEE PERMIT WITH ASSOCIATION OF VOLLEYBALL PROFESSIONALS, INC.
(4th DISTRICT)
(3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the recommended action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 4(j) of the County's Environmental Document Reporting Procedures and Guidelines.

2. Authorize and instruct the Chair of the Board of Supervisors to sign the attached amendment (Amendment) to the No-Fee Permit (the "Permit") with the Association of Volleyball Professionals, Inc. (AVP) to make the AVP primarily responsible for recruiting low income and/or at-risk youth to participate in volleyball clinics from throughout the County of Los Angeles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On July 2, 2002, your Honorable Board approved the Permit with the AVP to provide youth volleyball clinics at Dockweiler State Beach (Dockweiler) for participants in the Department's W.A.T.E.R. (Water Awareness, Training, Education and Recreation) Program. During the first year of the Permit, the Department was unsuccessful in recruiting W.A.T.E.R. youth to participate in the clinics. Thus, the clinics the AVP conducted and continues to conduct have been organized primarily through using the promotion and recruiting resources of the AVP itself.

The proposed Amendment to this Permit would allow the AVP itself to directly recruit low income and at-risk youth from around the County of Los Angeles to participate in the volleyball clinics, instead of solely relying on participants from the Department's W.A.T.E.R. Program. The AVP

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Stan Wisniewski Director • Kerry Gottlieb Chief Deputy

has developed over the years the resources for promoting and recruiting youth participation in clinics such as these. The clinics the AVP has thus far provided included youth from Catholic Youth, a downtown-based organization dealing with latchkey kids; West Valley YMCA; and South East Rio Vista YMCA (serving Bell, Bell Gardens, Cudahy, Huntington Park, Lynwood, Maywood, Southgate, Vernon and Walnut Park).

Although W.A.T.E.R. program participants have not proved to be a source for volleyball clinic participation, the spirit and intent of the Permit was to provide new recreational opportunities for low income and at-risk youth and will be furthered through future years with the AVP's obligation to provide these clinics to such youth from all five Supervisorial Districts. Thereby, the County will have a further opportunity to develop the public's awareness and use of its volleyball center at Dockweiler, as well as build up a viable, ongoing youth volleyball program at that beach. The low income and/or at-risk youth who participate in these clinics will benefit from receiving first class volleyball instruction from AVP professionals that is designed not only to develop an appreciation for the sport of volleyball itself, but also to strengthen important life skills such as teamwork and mutual respect that comes from learning how to successfully play that sport. By working directly with the AVP's professional athletes, the youth will have an excellent opportunity to develop their own interest in a career in professional athletics or related fields.

The Department is recommending that this Amendment be applicable throughout the term of the Permit in order that the AVP can be credited for the provision of clinics already and currently being provided to youth recruited by the AVP instead of through the W.A.T.E.R. Program. The existing Permit allows the AVP to provide unused volleyball clinic sessions into the next year, but the Department is without authority to consider these clinics in satisfaction of the Permit conditions without your Board's approval of this Amendment, which allows non-W.A.T.E.R. youth to participate in these clinics.

Implementation of Strategic Plan Goals

The services obtained through this Permit promote Service Excellence of the County's Strategic Plan Goals by providing volleyball instruction to both low income and/or at-risk school-age youth through this seamless service arrangement with the AVP. Continuance of the Permit also promotes the County's goal of Organizational Effectiveness by encouraging cooperation across jurisdictional boundaries to deliver a quality recreational experience for the youth.

FISCAL IMPACT/FINANCING

There is no fiscal impact in approving this Amendment.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

W.A.T.E.R. participants interested in participating in the AVP clinics will be accommodated. The Department will monitor the success of the AVP in recruiting low income and at-risk youth from all five Supervisorial Districts when considering future annual extensions of this Permit, which can continue the Permit until June 30, 2007.

This Amendment has been reviewed by County Counsel and the CAO's Risk Management Section to ensure compliance with County indemnification, insurance and other standard provisions.

At its July 16 meeting, the Beach Commission had 8 members present and they unanimously approved this Amendment.

ENVIRONMENTAL DOCUMENTATION

Approval of this Amendment is categorically exempt from the provisions of CEQA pursuant to Class 4(j) of the County's Environmental Document Reporting Procedures and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the Amendment to this no-fee Permit will enable the Department to continue to substantially enhance the quality of the recreational experience available to low income and/or at-risk youth throughout the County.

Respectfully submitted,

Stan Wisniewski

Stan Wisniewski
Director

SW:wp
Attachments (1)
c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller

AMENDMENT NO. 1 TO THE REVOCABLE PERMIT FOR USE OF DOCKWEILER BEACH VOLLEYBALL CENTER BY THE ASSOCIATION OF VOLLEYBALL PROFESSIONALS, INC.

This Amendment No. 1 to the Revocable Permit for Use of Dockweiler Beach Volleyball Center by the Association of Volleyball Professionals, Inc. (the "Permit") is entered into this ___ day of _____, 2003 by and between the COUNTY OF LOS ANGELES (the "County"), a political subdivision of the State of California, and the ASSOCIATION OF VOLLEYBALL PROFESSIONALS, INC. (the "Permittee"), a California corporation.

RECITALS

WHEREAS, on July 9, 2002, the Permittee and the County entered into the Permit, whereby the Permittee agreed to provide youth volleyball clinics at the volleyball center located at Dockweiler State Beach in exchange for the waiver of the Permittee's gross receipt fees for the AVP Manhattan Beach Open conducted on Manhattan County Beach; and

WHEREAS, the County desires through the volleyball clinics to introduce and increase the use of the Dockweiler Beach Volleyball Center to youth throughout the County of Los Angeles; and

WHEREAS, the County desires to amend the Permit to allow the Permittee to directly recruit participants for the volleyball clinics from low income and/or at-risk youth from throughout the County of Los Angeles rather than only allowing W.A.T.E.R. Program Participants; and

WHEREAS, the Permittee desires to invest its own resources to increase awareness of and participation in the sport of volleyball amongst low income and/or at-risk youth throughout the County of Los Angeles through coordinating, promoting and transporting youth to attend the volleyball clinics.

AMENDMENT

NOW, THEREFORE, in consideration of the above, it is hereby agreed by and between the parties as follows:

1. The first optional renewal period of the Permit is hereby renewed, commencing July 1, 2003.

2. Section 1.2, Recitals, is hereby amended as follows:

   a. The first sentence is deleted and replaced with the following:

      The County desires to provide volleyball-related educational and recreational opportunities either for participants enrolled in Department youth programs or for low income and/or at-risk youth from all five County Supervisorial Districts (collectively defined as "County Youth").

b. The fourth sentence is deleted and replaced with the following:

In exchange for the waiver of these fees, the AVP will use the volleyball center located at Dockweiler State Beach to conduct clinics that teach volleyball-related skills to County Youth, as well as promote the clinics, recruit County Youth to participate in the clinics, and arrange for transportation, as needed, of the County Youth to the clinics from the County's five Supervisorial Districts.

3. Section 4.7, Supervision, is deleted in its entirety and replaced with the following:

The Permittee shall supervise and direct the Permittee's instructors and its educational and recreational volleyball-related programs and County Youth while they are on the Premises.

4. Section 4.8, Permittee's Services, is deleted in its entirety and replaced with the following:

The Permittee shall provide the services described in this Section on mutually agreed-upon dates during the term of the Permit, recognizing that the services should be rendered on a year-around basis and especially during the school vacation periods to afford the greatest degree of access. The Permittee shall annually provide at the Premises no less than 10 volleyball clinic sessions that are at least 3 hours each, accommodating County Youth and, as necessary, their adult supervisors. Both the County and the Permittee will mutually agree upon the date of each session and the number of County Youth in each session. All clinics combined will annually serve at least 400 County Youth, or other number as is mutually agreed to by the County and Permittee. The clinics will generally involve teaching volleyball-related skills to the County Youth and the course of instruction for all such clinics is subject to the mutual agreement of the County and the Permittee. The AVP will provide enough instructors to maintain a ratio between 15 and 25 to 1 between AVP instructors and County Youth. While the County will provide volleyball courts with nets, the AVP will supply all other instructional items needed for the clinic sessions (e.g., boundary lines, volleyballs, etc.). The Permittee will submit a report to the Department on the first day of every three-month period that reports on the progress of the volleyball clinics with the information requested in Attachment A.

5. Section 4.9, Payment by AVP of County Fees Waived in Section 4.1, is hereby amended as follows:

The first sentence is deleted and replaced with the following:

The AVP will be required to repay fees waived by County in Section 4.1 for the respective permit year in which any of the following occur: (1) if the AVP violates any condition(s) of this Permit that subsequently causes the Director to terminate the Permit, or (2) if AVP cannot provide its annual allotment of volleyball clinic sessions due either to the AVP's inability to provide them during hours that accommodate County Youth or due to the cancellation of volleyball clinic sessions because of a lack of interest by

County Youth (as demonstrated by less than 25 County Youth signing up for a session, or as otherwise determined by County).

6. Section 6, Indemnification, is hereby amended as follows:

   a. The last sentence is deleted.

7. Section 7.5, Liability Waivers, is hereby inserted as follows:

   The Permittee will obtain signed liability waivers in a format approved by the County from every youth participant in the volleyball clinic sessions. However, the Department will obtain signed liability waivers for youth participants enrolled through Department youth programs.

8. Except as otherwise expressly stated herein, all other terms and conditions of the Permit shall remain in full force and effect and are hereby reaffirmed by the County and the Permittee.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 to the Permit as of the date first above written.

The Association of Volleyball Professionals, Inc., a California corporation

By: _____
Andy Reif, Chief Operating Officer

COUNTY OF LOS ANGELES

By: _____
Chair, Board of Supervisors

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer-
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By: _____
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles } ss.

On July 18, 2003 (Date) before me, Linda L. Walker, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public")) personally appeared Andy Reif (Name(s) of Signer(s)),

☒ personally known to me
~~☐ proved to me on the basis of satisfactory evidence~~

to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LINDA L. WALKER
Commission # 1327823
Notary Public - California
Los Angeles County
My Comm. Expires Nov 27, 2005

WITNESS my hand and official seal.

Linda L Walker
Signature of Notary Public

OPTIONAL

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Attachment A

Three-Month Report on Progress of AVP Volleyball Clinics at Dockweiler State Beach

Permit Year: _____

Reporting Period: _____

Clinic Date and Length*	Number of Children	Name/Address of Youth Group(s) Served	Contact Name and Phone # of the Youth Group(s)	Zip Code of Areas Served by the Youth Groups	Volleyball Instruction Provided and # of Instructors

Notes:

*One line for each youth group served at each clinic