WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
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November 12, 2014

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
9 November 12, 2014
SACHI A. HAMAI
EXECUTIVE OFFICER

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 THE INTRODUCTION OF AN ORDINANCE TO AMEND THE ELECTRIC FRANCHISE GRANTED TO SOUTHERN CALIFORNIA EDISON COMPANY BY ORDINANCE NO. 7062, AS AMENDED, AND APPROVE AN AMENDMENT TO AN AGREEMENT FOR THE PREVENTION AND ABATEMENT OF GRAFFITI (ALL DISTRICTS) (3 VOTES)

SUBJECT

Approval of these recommendations will amend the existing electrical franchise granted to Southern California Edison Company and amend the existing supplemental agreement with Southern California Edison Company for the prevention and abatement of graffiti.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve the introduction of an ordinance to amend the electrical franchise granted to Southern California Edison Company by Ordinance No. 7062, as amended, to extend the term of the franchise through December 31, 2015.

2. Introduce, waive reading, and place on the Board's agenda for adoption on November 18, 2014 the accompanying ordinance that implements the above recommendation becoming operative January 1, 2015.

3. Approve and instruct the Chairman to sign the accompanying "Amendment No. 4 to the Graffiti Abatement and Coordination Agreement," to extend through December 31, 2015, a program for prevention and removal of graffiti from the above-ground facilities of Southern California Edison Company.

4. Find that this project is categorically exempt under the California Environmental Quality Act pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, and Section 15301 (Existing Facilities) of the State of California Guidelines for implementation of the California Environmental Quality Act.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to adopt an ordinance to amend and extend the term of the Southern California Edison Company (Edison) franchise, in order to allow additional time to finalize proposed revisions to the County's franchise codes; to negotiate the terms and conditions of a new longer-term franchise with Edison; to develop an additional cooperative agreement to establish protocols for coordination with the County during emergencies and natural disasters; and to amend and extend an existing agreement with Edison for prevention and abatement of graffiti.

Implementation of Strategic Plan Goals

The County's Strategic Plan Goal of Organizational Effectiveness/Fiscal Sustainability (Goal 1) directs that we maximize the effectiveness of processes, structure, operations, and strong fiscal management to support timely delivery of customer-oriented and efficient public services. The Board's adoption of an ordinance to extend the term of the Edison franchise and approval of an amendment to extend the term of the Edison Graffiti Abatement and Coordination Agreement is consistent with this goal.

FISCAL IMPACT/FINANCING

Edison has paid the County a one-time fee of $5,000 to process an ordinance to amend and extend the term of the franchise, and will continue to pay an annual franchise fee and a "municipal public lands use surcharge" (surcharge) pursuant to California Public Utilities Code. Edison paid an annual franchise fee of over $6.2 million and a surcharge of $394,828 for the 2013 calendar year.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On November 27, 1956, the Board adopted Ordinance No. 7062 granting a 50-year County-wide electrical franchise to Edison that expired December 27, 2006. The Board has adopted various ordinances to extend the term of the Edison franchise, the most recent being Ordinance No. 2013-0058F that extended the term of the franchise to December 31, 2014. Upon the Board's adoption of the accompanying ordinance, the term of the Edison franchise will be extended through December 31, 2015.

Upon the Board's approval of Amendment No. 4 the Graffiti Abatement and Coordination Agreement with Edison will be extended for a term to run conterminously with the term of the amended Edison electrical franchise through December 31, 2015.

The Department of Public Works and Fire Department have reviewed this request and expressed no objections. County Counsel has reviewed the accompanying ordinance to amend the Edison franchise and Amendment No. 4 to the Edison Graffiti Abatement and Coordination Agreement and approved them as to form.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, and Section 15301 (Existing Facilities) of the State of California CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

These actions will not impact or adversely affect any current services or future projects.

CONCLUSION

Instruct the Executive Office, Board of Supervisors, to send conformed copies of the adopted Board recommendation, adopted ordinance, and adopted Amendment No. 4 to the Graffiti Abatement and Coordination Agreement Attention: Linda Delgado, Manager, Local Public Affairs, Southern California Edison Company, 9901 Garvey Avenue, Santa Fe Springs, CA 90670, and the offices of County Counsel, Fire, Public Works and the Chief Executive Office, Real Estate Division.

Respectfully submitted,

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:RLR:CMM
KW:RB:ls

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Fire
Public Works

AMENDMENT NO. 4 TO THE GRAFFITI ABATEMENT AND COORDINATION AGREEMENT BY AND BETWEEN SOUTHERN CALIFORNIA EDISON COMPANY AND THE COUNTY OF LOS ANGELES

This Amendment to the Graffiti Abatement and Coordination Agreement, as amended ("Amendment No. 4") by and between Southern California Edison Company, a California Corporation ("SCE"), and the County of Los Angeles ("County"), is hereby made and entered into on the day, month and year it is fully executed by the County hereinbelow.

RECITALS

WHEREAS, the County is a duly organized subdivision of the State of California;

WHEREAS, the County in pertinent part provides law enforcement services to the unincorporated portions of the County of Los Angeles;

WHEREAS, SCE is a regulated public utility operating under the laws of the State of California;

WHEREAS, over the course of time, the County has attempted to control and remediate the problems associated with graffiti in the public rights-of-way and elsewhere;

WHEREAS, SCE's electric facilities installed in the public right-of-way are particularly vulnerable to graffiti;

WHEREAS, SCE and the County entered into a Graffiti Abatement and Coordination Agreement on December 15, 2009;

77184, Supplement 4

WHEREAS, the Graffiti Abatement and Coordination Agreement, as amended, was to remain in effect through December 31, 2014;

NOW THEREFORE, in consideration of the foregoing recitals, which are hereby deemed a contractual part hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the covenants and agreements hereinafter contained, the parties hereto and each of them do agree to amend the Graffiti Abatement and Coordination Agreement as follows:

SECTION 1. Section 12.0 of the Graffiti Abatement and Coordination Agreement, as amended, is hereby amended as follows:

Section 12.0 Term of Agreement. This Agreement shall remain in effect through December 31, 2015, or until earlier terminated by the mutual written consent of SCE and the County.

SECTION 2. All undefined terms when used herein shall have the same respective meanings as set forth in the Graffiti Abatement and Coordination Agreement, as amended, unless expressly provided otherwise in this Amendment No. 4.

SECTION 3. Each of the signatories for this Amendment No. 4 personally covenant, warrant and guarantee that each of them, jointly and severally, have the power and authority to execute this Amendment No. 4 upon the terms and conditions stated herein and each agrees to indemnify and hold the County harmless from all damages, costs, and expenses that result from a breach of this representation.

SECTION 4. In the event of a conflict between the terms and conditions of this Amendment No. 4 and the terms and conditions of the Graffiti Abatement and

Coordination Agreement, as amended, the terms and conditions of this Amendment No. 4 shall prevail. All other terms and conditions contained in the Graffiti Abatement and Coordination Agreement, as amended, shall remain in full force and effect.

[END OF TERMS]

The foregoing was on this 12th day of November, 2014, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

COUNTY OF LOS ANGELES

By Don Knabe
Don Knabe, Chairman

ATTEST:

SACHI A. HAMAI
Executive Officer-Clerk
Of the Board of Supervisors

By
Deputy

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By
Deputy

APPROVED AS TO FORM:

MARK J. SALADINO
County Counsel

By:
Kathy Bramwell
Principal Deputy County Counsel

77184 Supplement No. 4

IN WITNESS WHEREOF, Southern California Edison Company has caused this Amendment No. 4 to the Graffiti Abatement and Coordination Agreement to be executed on its behalf, effective on the day, month and year first written above.

ADOPTED
BOARD OF SUPERVISORS

9 NOV 12 2014

SACHI A. HAMAI
EXECUTIVE OFFICER

SOUTHERN CALIFORNIA EDISON COMPANY, a California corporation

By:
Veronica Gutierrez
Print Name
Vice President, LPA
Title