

ORDINANCE NO. 171636

An ordinance amending the Los Angeles Administrative Code, creating a Zoo Department and an advisory Board of Zoo Commissioners, and providing for the transfer to said Department of the powers, duties and functions relating to the operation, management, maintenance and control of the Los Angeles Zoo.

WHEREAS, the City Council intends to provide, pursuant to Charter Section 32.1, an orderly phased transfer and consolidation of all City governmental activities affecting the Los Angeles Zoo into a single department with authority to develop the Los Angeles Zoo comprehensively and effectively in order to support and enhance animal welfare and the visitor experience.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Chapter 27 is added to Division 22 of the Los Angeles Administrative Code to read as follows:

CHAPTER 27

THE DEPARTMENT OF THE ZOO

ARTICLE 1

CREATION AND PURPOSE

Sec. 22.700 Creation of the Department and Purpose.

(a) There is hereby created a department in the City government to be known as the Department of the Zoo, hereinafter referred to in this Chapter as the "Department," which shall operate,

manage, maintain and control all of the property heretofore operated by the Department of Recreation and Parks for zoo purposes . All property will remain park property, but the Department of the Zoo will have permission to use the real property specified on the map attached hereto, a true and correct copy of which shall be maintained in Council File 94-0989 S1, for all purposes reasonably related to the operation, maintenance and management of a zoo. The Department shall have no authority or obligation for the operation and maintenance of the public streets, sewers in the public streets, Water and Power facilities, street lights and other City facilities or equipment that are located on or adjacent to Zoo property, but which are operated, managed, maintained and controlled by City departments other than the Department of Recreation and Parks. All real property under the management and control of the Department shall be hereinafter referred to as the " Zoo".

(b.) The Department shall operate, manage, maintain and control the Zoo in a manner that will enhance the existing animal exhibits, visitor amenities and infrastructure, and shall design and construct new exhibits and facilities for the purpose of providing optimal conditions for animal welfare and safety, educating visitors and the community about wildlife, providing a recreational destination for visitors, promoting conservation of species and their habitats, and conducting scientific research.

(c.) The Department shall promote the educational offerings and exhibits at the Zoo as a resource to attract economic development to the City of Los Angeles;

(d.) For the purposes of this Chapter, the phrase "operate, manage, maintain and control" shall have the same meaning as the commonly understood meaning of each of those terms and shall include the power and duty to plan, design, develop, construct, rehabilitate, reconstruct, restore, repair, improve and otherwise administer any and all parts of the Zoo.

The Department shall be the successor in interest to all rights, liabilities, benefits, privileges and immunities of the Department of Recreation and Parks, with the exception of underground

mineral, oil or gas rights, created by or arising from any and all contracts and agreements relating to the operation, management, maintenance and control of the Zoo and in effect as of the operative date of the transfer of powers, duties and functions under this Chapter.

ARTICLE 2
CONTROL AND MANAGEMENT

Sec. 22.701 General Manager

The Department is under the control and management of a General Manager, who shall also be known as the Zoo Director.

Sec. 22.702 Appointment and Removal of the General Manager

The General Manager shall be appointed and may be removed by the Mayor, subject to the provisions of Charter Section 79.

Sec. 22.703 Powers and Duties of the General Manager

The powers and duties of the General Manager shall be those specified in Section 80 (b) of the Los Angeles City Charter.

Sec. 22.704 Los Angeles Zoo Commission

(a) There is hereby created an advisory "Board of Zoo Commissioners", referred to in this Chapter as the "Commission" or "Board" .

(b.) The Board shall be comprised of five members.

(c.) The Commissioners shall be appointed, and may be removed, by the Mayor, subject to confirmation of each appointment and removal by the City Council by majority vote. In case of a vacancy during the term of office of any member, the same shall be filled by appointment by the Mayor for the period of the unexpired term subject to the approval of the Council by majority vote.

(d.) The members of the Board shall be exempt from all Civil Service provisions.

A representative of the Greater Los Angeles Zoo Association (GLAZA), hereinafter referred to in this Chapter as GLAZA, which is the support group for the Zoo, shall be appointed as an ex officio member of the Commission. However, no person shall be appointed or confirmed to serve on the Board who is a tenant, lessee, or operator of a concession on Zoo property. No person shall be appointed to serve as a member of the Commission who is not a qualified elector of the City of Los Angeles.

Sec. 22.705 Terms of Members of the Board

The term of office for each member of the Board shall be for five (5) years and shall begin with the first day of July of the respective years. Provided, however, that the terms of the initial appointments of Board members shall begin on the date the appointee is confirmed and sworn into office and end on June 30 of the year indicated below for the respective offices:

Office No. 1	- 1998
Office No. 2	- 1999
Office No.3	- 2000
Office No. 4	- 2001
Office No. 5	- 2002

Each appointment to fill a vacancy on the Board shall be for the period of the unexpired term of the incumbent.

Sec. 22.706

Organization and Meetings of the Commission

(a.) During the last week in July of each year, the Commission, at a meeting thereof held in such period, shall elect a President and a Vice-President, and each shall hold office for one year and until their successors are elected, unless their respective membership on the Commission ceases sooner. The Commission may fill from its membership the unexpired term of any vacancy occurring in the office of President or Vice-President. The first appointed Commission shall elect interim officers from its members to serve as President and Vice-President until succeeded as provided.

(b.) The Commission shall hold a regular meeting at least once a month. All meetings of the Commission shall be in a municipal or other facility open to the public, and there shall be reasonable provision for notice and attendance by the public. Members of the Board shall be paid \$50 per meeting for each meeting of the Board attended, not to exceed \$250 in any one calendar month.

(c.) The General Manager shall assign a Commission Executive Assistant to the Commission from among position authorities of the Department of the Zoo.

(d.) The Commission Executive Assistant shall keep a record of the proceedings and transactions of the Commission. The Commission Executive Assistant shall post and publish all orders, resolutions and notices which the Commission shall order to be posted or published, and shall perform such other duties imposed by this Article, by the General Manager, or by order of the Commission.

(e.) Three members of the Commission must be present at any meeting in order to constitute a quorum, but a smaller number may adjourn from time to time until a quorum is present.

(f.) The Commission may establish a committee(s), composed of two of its members, to consider matters for, to conduct hearings on behalf of, and make recommendations to, the Commission on matters related to the Zoo.

(g.) The powers conferred upon the Commission shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with "Ayes" and "Noes" at length. The minutes shall be attested by the signatures of the President or Vice-President, or two members of the Commission, and by the signature of the Commission Executive Assistant.

Sec. 22.707 Powers and Duties of the Board

(a.) The Board's relationship to the General Manager of the Department of the Zoo shall be advisory.

(b.) Advisory Committees: The Board may create advisory committees pursuant to subsection f. of Section 22.706.

(c.) The Board may request the General Manager to report on the status of the Department's operations, including progress of construction projects, animal transactions, fund raising, and revenue.

Sec. 22.708 Conflict of Interest

Members of the Board and Board nominees shall be subject to all ethics and conflict of interest laws and regulations applicable to advisory boards and commissions of the City of Los Angeles.

Sec. 22.709 Limitation as to Real Property

Neither the Board nor the Department shall have the power or the right to acquire or sell any real property for or on behalf of itself or of the City.

Sec. 22.710 General Charter Requirements

Except as otherwise expressly provided in this Chapter, the provisions of Charter Sections 71 through 89, inclusive, shall apply to the Department in the same manner and to the same extent as they apply to departments created by Charter Section 70(c). All employees of the Department shall be subject to Article IX of the City Charter. The General Manager shall be exempted from the substantive provisions of Article IX by Section 111 thereof.

Sec. 22.711 Duty to Prepare Business and Marketing Plans

The Department shall prepare and submit to the Mayor and City Council, a least every five (5) years, a (1) Marketing Plan and (2) Business Plan. The Marketing and Business Plans shall contain marketing and financial projections for the Department for a maximum period of five (5) years and shall include, but not be limited to, methods to attract additional visitors and funds to the Zoo and calculations of funds anticipated to be received from fund raising, admissions (paid attendance) at the Zoo, City General Fund, membership, grants, concession(s) and other commercial enterprises

**Sec. 22.712 Power of General Manager to Enter into Memoranda of Understanding with
 GLAZA**

Pursuant to the Operating Agreement entered into by the City and GLAZA, the General Manager shall negotiate and execute Memoranda of Understanding (MOU) covering (1) annual goals and details of fund raising; (2) terms and conditions of membership in GLAZA and distribution of membership funds between the Zoo and GLAZA , and (3) as appropriate, activities, other than fund raising, to be performed by GLAZA (See also Sec. 22.716). The Memoranda will have their own respective periods of performance, terms and conditions, but will operate as subagreements

to the reformulated Operating Agreement, dated July 1, 1997. Each Memorandum entered into by the General Manager will have a maximum term of three (3) years, and no Memorandum will extend beyond the twenty-five (25) year term of the Operating Agreement. Each Memorandum will conform with and carry out the objectives and strategies of the (1) Marketing Plan and (2) Business Plan as approved and adopted by the City Council.

ARTICLE 3

MAYOR AND COUNCIL APPROVALS

Sec. 22.713 Actions Requiring Mayor and Council Approval

The following actions of the Department shall require prior approval of the City Council and the Mayor in order to become effective and before their implementation:

- (1) Master plans, development plans related to master plan projects, and amendments thereto.
- (2.) Debt financing of any kind.
- (3.) The annual budget for the Department, including expenditures for capital improvements, and amendments, deletions, or additions thereto.
- (4.) Creation of all personnel authority.
- (5.) Five (5) Year Marketing and Business Plans

ARTICLE 4

FINANCIAL RESPONSIBILITIES

Sec. 22.714 Zoo Enterprise Trust Fund

(a.) All revenues derived from the operation of the Department or activities at the Zoo, including the proceeds from any rental or lease thereof, all other revenues or monies received by the Department, and all appropriations made to the Department shall be deposited into a special interest earning trust fund to be designated as the "Zoo Enterprise Trust Fund" which fund is hereby established within the Treasury of the City of Los Angeles. Said fund is hereinafter referred to in this Chapter as the "Fund". All interest and earnings which accrue from the investment of monies in the Fund shall accrue and be deposited to the credit of the Fund. All costs and expenses incurred in the operation, management, maintenance and control of the Department or related thereto, shall be paid solely from the Fund. The monies deposited in the Fund shall be expended solely for the purpose set forth herein and shall not revert to the General Fund.

(b.) All offers of monetary gifts, contributions, or bequests accepted by the City Council or the General Manager for any of the purposes discussed above shall be placed in the Fund.

(c.) All offers of gifts, contributions, or bequests made directly to the City for the Zoo with a value of more than \$10,000 shall be submitted to the City Council for acceptance or rejection. All offers of gifts, contributions, or bequests of personal property which have a value of \$10,000 or less may be accepted by the General Manager of the Department.

(d.) The Controller, at the request of the Department, shall establish a separate account for each accepted monetary gift, contribution or bequest which includes any special requirements, qualifications or conditions for use. All accepted monetary gifts, contributions, or bequests which do not include special requirements, qualifications or conditions for use shall be placed in the general account of the Fund.

(e.) The Fund shall be administered and expenditures shall be authorized by the General Manager or the General Manager's designee in accordance with established City practice. The General Manager shall not utilize the fund for purposes which are contrary to the budgetary policy of the Department as established by the Mayor and Council.

(f.) The General Manager shall report to the Council semiannually, commencing on October 1 with respect to all receipts placed in the Fund, the source thereof and all expenditures from the Fund and the purposes thereof.

**Sec. 22.715 Use of Funds Previously Approved by Voters for Zoo
Improvements**

The City Council intends that the proceeds from the ballot proposals adopted by the voters in 1992 (Proposition A) and in 1996 (Proposition A and Proposition K) and designated for design and construction of Zoo exhibits and facilities be expended for such purposes in accordance with an expenditure plan prepared by the General Manager and approved by the City Council.

Sec. 22.716 Financial Assistance from GLAZA

The Department shall receive financial assistance from GLAZA to provide and/or enhance Department operations and capital improvements according to the provisions of an Operating Agreement entered into between the City of Los Angeles and GLAZA.

**ARTICLE 5
TRANSFER OF POWERS, DUTIES AND FUNCTIONS**

Sec. 22.717 Operative Date of Transfer of Powers, Duties and Functions

(a.) The transfer of functions for the operation, management, maintenance and control of the Zoo to the Department pursuant to City Charter Section 32.1 shall become operative at such time as personnel, funds and equipment to perform such functions are provided for in an adopted City Budget or any amendment thereto. It is the intention of the City Council to transfer to the Department all positions relative to the Zoo currently assigned to the Zoo and which currently exist in the Department of Recreation and Parks. It is also the intention of the City Council that all positions transferred to the Department be filled with personnel who occupy such positions at the time of such transfer. Rules and Regulations previously authorized for the operation, management, maintenance and control of the Zoo, or relative thereto, shall remain in full force and effect unless subsequently revised by the Department.

(b.) The Zoo Enterprise Trust Fund established by Section 22.714 of this Chapter is the successor to all monies designated by the Department of Recreation and Parks to date for the operation, management, maintenance and control of the Zoo. All such sums residing in the Department of Recreation and Parks on the operative date of this Ordinance shall be, and hereby are transferred to the Zoo Enterprise Trust Fund and may be expended for any purpose for which they could have been expended under the auspices of the Department of Recreation and Parks.

(c.) Between the effective date of this Ordinance creating the Department and the respective applicable effective date of each transfer of resources, the authority to operate the Department will be limited to an exercise of those powers, duties and functions for which resources have already been so provided by the City Council and the Mayor.

(d.) Those powers, duties and functions of the Department of Recreation and Parks related to and affected by the transfer of powers, duties and functions by this Chapter are hereby transferred to the Department of the Zoo in the manner and at the times provided therein. The nature and character of the real property comprising the Zoo as a park or recreational site shall not be affected by this Chapter and said real property shall continue to be subject to the provisions of

City Charter Section 170, except that the General Manager shall act in place and stead of the Board of Recreation and Parks Commissioners with respect thereto.

Sec. 2. Subsection (b) of Section 2.10 of Article 2 of Chapter 1 of Division 2 of the Los Angeles Administrative Code is hereby amended by inserting "Zoo Department" after the phrase "Recreation and Parks Department".

Sec. 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

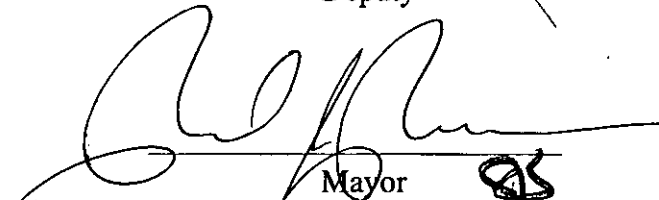

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of **not less than two-thirds** of all its members at its meeting of

JUN 13 1997

J. MICHAEL CAREY, City Clerk

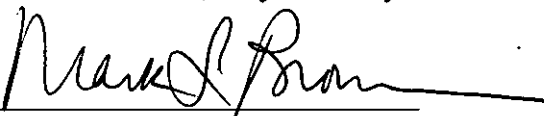
By 
Deputy

Approved JUN 19 1997


Mayor 

Approved as to Form and Legality

June 11, 1997
JAMES K. HAHN, City Attorney

By 
MARK L. BROWN
Assistant City Attorney

File No. 94-0989 S1