

ORDINANCE NO. 173964

An ordinance adding Chapter 126 of Division 5 and amending Chapter 24 of Division 8 of the Los Angeles Administrative Code to establish the Vermont/Western Station Neighborhood Area Plan Parks First Trust Fund and establish its administration by the L.A. FOR KIDS Steering Committee.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 126 is added to the Los Angeles Administrative Code to read:

CHAPTER 126

**VERMONT/WESTERN STATION NEIGHBORHOOD AREA PLAN
PARKS FIRST TRUST FUND**

Sec. 5.526. Vermont/Western Station Neighborhood Area Plan Parks First Trust Fund.

A. Creation and Administration of Fund. This ordinance creates within the Treasury of the City of Los Angeles a special fund known as the Vermont/Western Station Neighborhood Area Plan Parks First Trust Fund, referred to in this chapter as the Parks First Fund or Fund. The L.A. FOR KIDS Steering Committee shall administer, have overall management of and expend funds from the Parks First Fund in accordance with the provisions of this ordinance. The Steering Committee shall also administer the Fund in accordance with established City practice and in conformity with Government Code Section 66000, *et seq.* All interest or other earnings from money received into the Parks First Fund shall be credited to the Fund and devoted to the purposes listed in this chapter.

B. Purpose. The Parks First Fund shall be used for the deposit of money paid to the City of Los Angeles pursuant to the Vermont/Western Station Neighborhood Area Specific Plan and any other money appropriated or given to this Fund for the creation or development of parks and open space in the Vermont/Western Station Neighborhood area.

C. Definitions.

L.A. FOR KIDS Steering Committee means the Steering Committee created in Chapter 24 of the Los Angeles Administrative Code.

Nonprofit organizations means any charitable organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which has among its purposes the provision of park, recreation or community services or facilities or providing services to youth.

Park means any land open and accessible to the public that provides outdoor recreational opportunities, advances public health and welfare, and enhances environmental quality including neighborhood parks, pocket parks, gardens, freeway lids, and shared streets.

D. Expenditures. Except as set forth below, Parks First Funds collected pursuant to the Vermont/Western Station Neighborhood Area Specific Plan and any other monies placed in this Fund shall be expended only for the purpose of acquiring land and developing, improving and maintaining parks and open space physically located within the boundaries of the Vermont/Western Station Neighborhood Area Specific Plan area.

The L.A. FOR KIDS Steering Committee is authorized to make expenditures from this Parks First Fund in accordance with the Vermont/Western Station Neighborhood Area Plan and the Vermont/Western Station Neighborhood Area Plan Development Standards and Design Guidelines. All expenditures shall be made pursuant to the competitive process described in Subsection E. Administration of the Fund and expenditures from the Fund shall also be in compliance with the requirements in Government Code Section 66000, *et seq.*, including the following:

1. The Steering Committee shall deposit all monies received pursuant to the Vermont/Western Station Neighborhood Area Specific Plan in the Fund and avoid any commingling of the monies with other City revenues and funds, except for temporary investments, and expend those monies solely for the purpose for which the Parks First fee was collected. Any interest income earned by monies in the Fund shall also be deposited in that Fund and shall be expended only for the purpose for which the Parks First fee was originally collected.
2. The Steering Committee shall, within 180 days after the last day of each fiscal year, make available to the public all the information required by Government Code Section 66006 (a).
3. The City Council shall review the information made available to the public pursuant to Paragraph 2 within the time required by Section 66006, and give notice of that meeting as required by that Section.

4. Expend the monies in the Fund within the time limits set forth in the Government Code and when required to do so by Section 66001 (e) and (f), the City Council shall authorize refunds of fees paid to the Parks First Fund.

Funds shall be used for the purposes set forth in Subsection B. Should any project become infeasible for any reason determined by the City Council or there are project savings, the City Council may reprogram the applicable funds during the competitive process described in Section E.

The Steering Committee must plan to allocate at least 15% of the monies in the Fund over the life of the Plan for operation and maintenance of the parks and open spaces developed in the Specific Plan area.

E. Competitive Process. The competitive grants will be available to nonprofit organizations, governmental entities and City departments for projects within the boundaries of the Specific Plan area. Priority for competitive grants will be given to projects that address one or more of the following criteria:

- (a) Demonstrate need for project;
- (b) Demonstrate community support;
- (c) Demonstrate high cost-effectiveness;
- (d) Demonstrate readiness of project;
- (e) Demonstrate sustainability of project;
- (f) Meet any other criteria as the City Council establishes.

The Steering Committee will develop a Request for Proposal process and documents (RFP) pursuant to all applicable state laws and local ordinances and regulations. The Steering Committee will make recommendations to the City Council on issuance of any RFP based on the availability of funding. The relative value afforded to the selection criteria will be included in the RFP. The RFP must be approved by the City Attorney as to form and legality. The City Council shall make the final funding decisions.

As a condition of the funding, every applicant for a non-City project shall agree to maintain and operate the improvements for a period of time as established in the RFP.

The Steering Committee will be responsible for reviewing all applications meeting the basic eligibility requirements of the RFP. The Councilmember of the

District or Districts in which the Specific Plan area is located (Councilmember) will establish a selection panel to review each application and rate the proposal according to the criteria described in the RFP. The Steering Committee shall adopt rules and regulations establishing criteria for membership on this selection panel. The selection panel shall make its recommendations on proposals to the Councilmember and transmit a copy of the recommendations to the Steering Committee for its information. A representative, employee, board member, officer, and/or trustee of a nonprofit organization, City department or other governmental entity applying for a competitive grant is prohibited from participating in the selection process. The Steering Committee shall make recommendations to the City Council for funding the competitive grants.

Regulations to administer these competitive grants shall be promulgated by the Steering Committee.

In order to receive any any money from the Fund, the non-profit organizations, governmental entities and City departments must demonstrate the financial ability to provide maintenance, programming and programming staff once the capital improvements are completed. No park shall become a City owned park unless it has been accepted by the Board of Recreation and Parks Commissioners.

Notwithstanding the above described process, a park or open space area funded by Kaiser Permanente pursuant to an MOU entered into prior to the effective date of this ordinance, shall be subject to the following restrictions: the name of the park or open space shall be acceptable to Kaiser Permanent, provided that Kaiser will not unreasonably withhold approval of a recommendation for a name made by the members of the local stakeholders selection panel; Kaiser Permanente shall have the right to install a plaque at the park or open space area acceptable to the members of the local stakeholders selection panel, provided that the members of that panel will not unreasonably withhold approval of the plaque; and the Councilmember of the district in which the Specific Plan is located shall appoint a representative of Kaiser to be a member of the local stakeholders selection panel.

F. Open and Accessible Requirements. Any park or facility acquired, developed, rehabilitated, or restored with funds derived under this Ordinance shall be open and accessible to the public without discrimination as to race, color, sex, sexual orientation, age, religious belief, national origin, marital status, physical or medical handicap, or medical condition. Reasonable public access to lands and facilities acquired with funds make available pursuant to this Ordinance shall be provided. Reasonable public access includes, but is not limited to, parking and public restrooms.

G. Reporting. The L.A. FOR KIDS Steering Committee shall report annually to the City Council and Mayor identifying and describing in detail receipts and expenditures of

the Fund. The L.A. FOR KIDS Steering Committee shall submit each annual report within 60 days after the close of the fiscal year covered in the report.

Sec. 2. Section 8.325 of Chapter 24 of Division 8 of the Los Angeles Administrative Code is amended to read:

Sec. 8.325.

The City Council designates the L.A. FOR KIDS Steering Committee (the "Steering Committee") as the administering entity of: (a) the L.A. FOR KIDS Program, pursuant to Section 9 of Proposition K. The City Council designates the L.A. for KIDS Steering Committee as the entity to administer the City's program for use of funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, a state ballot measure adopted in 2000, commonly referred to as Proposition 12 ("Proposition 12"). The City Council also designates the Steering Committee as the administering entity of the Vermont/Western Station Neighborhood Area Specific Plan Parks First Program.

Sec. 3. A new Subsection (h) is added to Section 8.325.2 of Chapter 24 of Division 8 of the Los Angeles Administrative Code to read:

(h) Administer the Vermont/Western Station Neighborhood Area Specific Plan Parks First Program Trust Fund and be responsible for the overall management of the Parks First Program and all expenditures from the Parks First Fund.

Sec. 4. A new Section 8.325.4 is added to Chapter 24 of Division 8 of the Los Angeles Administrative Code to read:

Sec. 8.325.4.

Parks First Program and Trust Fund. The Parks First Program is set forth in the Vermont/Western Station Neighborhood Area Specific Plan, Ordinance No. 173,749, and the Vermont/Western Station Neighborhood Area Plan in Council File No. 00-1999. The Parks First Trust Fund is established and described in Chapter 126 of Division 5 of this Code.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in a daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles APR 18 2001 and was passed at its meeting of APR 25 2001.

J. MICHAEL CAREY, City Clerk

By Maria W. Koenig Deputy

Approved _____

Mayor

Approved as to Form and Legality

3/16/01
James K. Hahn, City Attorney

By Claudia Culling
CLAUDIA CULLING
Assistant City Attorney

Said ordinance was presented to the Mayor on April 30, 2001; the Mayor returned said ordinance to the City Clerk on May 11, 2001 without his approval or his objections in writing, being more than ten days after the same was presented to the Mayor.

Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it. (Section 250(b), City Charter)

C.F. 00-1999