

A G E N D A
***** SPECIAL MEETING *****

**Board of Library Commissioners
City of Los Angeles**

Thursday, January 9, 2020

CENTRAL LIBRARY
Board Room, 4th Floor
630 W. 5th Street
Los Angeles, CA 90071

TIME: 11:15 A.M. or soon thereafter

Agenda: In compliance with Government Code Section 54957.5, you may view the agenda its attachments at the Information Desk of the Central Library and online at www.lapl.org/about-lapl/board-library-commissioners. Some large agreements or attachments that may not be viewable on the website will be available in their entirety at the Information Desk of the Central Library and provided at the Board Meeting.

1. Roll Call

BOARD DISCUSSION

- 2. Approval of Memorandum of Understanding (MOU) between (EXHIBIT A)
the Economic and Workforce Development Department (EWDD)
and the Los Angeles Public Library for the use of tax allocation
bond proceeds and approval of Project Work Order for the
Will and Ariel Durant Branch Library Improvement Project.**

3. Adjournment

Finalization of Board Actions - Charter Section 245: In accordance with Charter Section 245, actions of the Board of Library Commissioners shall become final at the expiration of the next five (5) meeting days of the City Council during which the Council has convened in regular session.

Title II of the American with Disabilities Act: The City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodations to ensure equal access to its programs, services, and activities. Sign language interpreters, communication access real-time transcription (CART), assistive listening devices or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. For Sign Language Interpreters is strongly recommended to make the request five (5) or more business days prior to the meeting. For additional information, please contact the Board Office at (213) 228-7530.

Rules of Decorum: Persons addressing the Commission shall not utter loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts or disturbs the orderly conduct of any Commission Meeting and prevents the Commission from carrying out its public business. The Presiding Officer has the authority to issue a warning to a person violating the Rules. At the discretion of the Commission President or upon a majority vote of the Commission, the Commission President may order removed from the Commission meeting place any person who fails to observe the rules of decorum. Any person failing to leave after being ordered to do so by the Presiding Officer and who willfully resists, delays or obstructs removal by the Sergeant-at-Arms, may be subject to arrest for violation of the Penal Code or Los Angeles Municipal Code. (Rev.11/2018)

For more information, contact: Library Commission Office (213) 228-7530.

POSTED: 1/8/20

**LOS ANGELES PUBLIC LIBRARY
BOARD REPORT**

January 9, 2020

TO: Board of Library Commissioners

FROM: John F. Szabo, City Librarian 

SUBJECT: **MEMORANDUM OF UNDERSTANDING BETWEEN THE ECONOMIC
AND WORKFORCE DEVELOPMENT DEPARTMENT AND THE LOS
ANGELES PUBLIC LIBRARY**

RECOMMENDATIONS

That the Board of Library Commissioners:

1. Approve the Memorandum of Understanding (MOU) between the Economic Workforce Development Department (EWDD) and the Los Angeles Public Library (LAPL) regarding the use of tax allocation proceeds for the benefit of the Will and Ariel Durant Branch Library;
2. Approve the Project Work Order No. LAPL PWO 1-S64 CRA/LA Excess Bond Proceeds, Council File No. CF 14-1174-S64;
3. Authorize the City Librarian to make technical changes if needed; and,
4. Adopt the attached resolution.

FINDINGS

1. The City of Los Angeles (City) and CRA/LA, a Designated Local Authority (CRA/LA) in its capacity as the successor agency to the Community Redevelopment Agency (the "Former Agency"), entered into a Bond Expenditure Agreement (the BEA) dated January 16, 2015, Contract No. 125212.
2. In January 2015 and thereafter, the CRA/LA pursuant to the terms of the BEA transferred to the City an approximate amount of Eighty Eight Million, Four Hundred Thousand, Three Hundred Fifty Three Dollars (\$88,400,353.00) in excess bond proceeds (EBP).
3. In accordance with the requirements of BEA and with the Mayor's concurrence, EWDD was designated as the Department responsible for the administration of EBP with the authority to encumber and disburse such funds to other City Departments and to such developers, contractors, consultants and vendors (collectively "City Contractors") retained by the City for City projects.

Board Report

Memorandum of Understanding Between the EWDD and LAPL

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4. Councilmember Ryu has been a strong advocate of neighborhood infrastructure improvements, library services, and programs, and requested that CRA/LA Excess Bond Proceeds in the amount of \$180,417 be reallocated to be used for improvements to the Will and Ariel Durant Branch Library.
5. The Will and Ariel Durant Branch Library, located at 7140 W. Sunset Boulevard, Los Angeles, California 90046, opened to the public in 2004 and has enhanced the lives of Hollywood residents by providing access to the Los Angeles Public Library system.
6. The Will and Ariel Durant Branch Library has received heavy public use over its 15 years of service to the community, and some areas of the building are now needing enhancements.
7. The Library staff identified areas that need improvements to enrich the public's safety, security, experience, and usability of the Will and Ariel Durant Branch Library.
8. The CRA/LA funds will be expended for the following improvement projects at the Will and Ariel Durant Branch Library:
 - New Entrance Doors with Graffiti Film: \$103,917
 - Upgrade Building Data Cables to Cat6: \$52,315
 - Drinking Fountain/Water Bottle Filling Station: \$15,000
 - Access Control for Staff Door: \$9,185
 - **Total Project Cost Estimates: \$180,417**
9. A letter of thanks should be sent to Councilmember Ryu expressing the grateful appreciation of the Board of Library Commissioners and Library staff for authorizing and allocating funds from the Hollywood Redevelopment Project to fund the improvements at the Will and Ariel Durant Branch Library:

The Honorable David Ryu
Councilmember, Fourth District
Room 425, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Attachments

Prepared by: Paul Montgomerie, Principal Librarian,

Reviewed by: Eloisa Sarao, Director, Facilities and Event
Madeleine M. Rackley, Business Manager

**BOARD OF LIBRARY
COMMISSIONERS**

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**LOS ANGELES
PUBLIC LIBRARY
ADMINISTRATIVE OFFICES**

RICHARD J. RIORDAN
CENTRAL LIBRARY
630 WEST FIFTH STREET
LOS ANGELES, CA 90071

(213) 228-7515 Phone
(213) 228-7096 TDD
(877) 488-4327 TDD
(TOLL FREE NO.)

JOHN F. SZABO
CITY LIBRARIAN

January 9, 2020

LIBRARY RESOLUTION NO. 2020-XX (C-XX)

WHEREAS, The Will and Ariel Durant Branch Library is owned and operated by the Los Angeles Public Library (LAPL) and is located at 7140 W. Sunset Boulevard, Los Angeles CA 90046; and

WHEREAS, CRA/LA Excess Bond Proceeds from the Hollywood Redevelopment Project Area in the amount of \$180,417 will be used for the benefit of the Will and Ariel Durant Branch Library:

THEREFORE RESOLVED, That the Board of Library Commissioners approve the Memorandum of Understanding between the Economic Workforce Development Department (EWDD) and the Los Angeles Public Library; and

FURTHER RESOLVED, That the Board of Library Commissioners approve the Project Work Order No. LAPL PWO 1-S64, Council File No. CF 14-1174-S64; and

FURTHER RESOLVED, That the funds will be expended for the following improvement projects at the Will and Ariel Durant Branch Library:

- New Entrance Door with Graffiti Film: \$103,917
- Upgrade Building Data Cables to Cat6: \$52,315
- Drinking Fountain/Water Bottle Filling Station: \$15,000
- Access Control for Staff Door: \$9,185

This is a true copy:

Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES:

NOES:

ABSENT:

MEMORANDUM OF UNDERSTANDING BETWEEN
THE ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT
AND
THE LOS ANGELES PUBLIC LIBRARY

This Memorandum of Understanding ("MOU") is made and entered this 5th day of November, 2019 by and between the Economic and Workforce Development Department of the City of Los Angeles ("EWDD") and the Los Angeles Public Library ("Department") regarding the use of tax allocation bond proceeds. EWDD and Department are referred to herein individually as a "Party" and collectively "Parties."

RECITALS

WHEREAS, the City of Los Angeles ("City") and CRA/LA, a Designated Local Authority ("CRA/LA"), in its capacity as the successor agency to The Community Redevelopment Agency of the City of Los Angeles (the "Former Agency"), entered into that certain Bond Expenditure Agreement, dated January 16, 2015 (the "BEA")(Contract No. 125212); and

WHEREAS, CRA/LA, pursuant to the terms of the BEA, transferred to the City in January 2015 and thereafter the total approximate amount of Eighty Eight Million, Four Hundred Thousand, Three Hundred Fifty Three Dollars (\$88,400,353.00) in excess bond proceeds, defined generally as the proceeds from specified tax allocation bonds issued by the Former Agency in certain of its redevelopment project areas on or before December 31, 2010, and certain revenues generated by the use of the tax allocation bonds (with earned interest thereon, collectively "Excess Bond Proceeds"); and

WHEREAS, the City, in accordance with the requirements of the BEA, placed the Excess Bond Proceeds received from CRA/LA in a separate City account (EBP Fund 57-D) (the "EBP Account") and formed a Bond Oversight Committee ("BOC") to ensure that such funds will be used in compliance with the provisions of the BEA, the applicable bond covenants, the requirements of the Community Redevelopment Law and the Bond Spending Plan, which was adopted by the City and identifies the anticipated uses of Excess Bond Proceeds; and

WHEREAS, the City Council, also in accordance with the requirements of the BEA and with the Mayor's concurrence, has designated EWDD as the department responsible for the administration of the Excess Bond Proceeds with the authority to encumber and disburse such funds to other City departments and to such developers, contractors, consultants and vendors (collectively "City Contractors") retained by the City for projects approved by the BOC and City Council and Mayor; and

WHEREAS, the BEA requires that all Excess Bond Proceeds be disbursed or encumbered for eligible projects, programs or activities within five (5) years following the effective date of the BEA, or by January 15, 2020, and fully disbursed within ten (10) years of the effective date of the BEA, or by January 15, 2025, or such sooner time as may be required under the applicable bond covenants; and

WHEREAS, the BEA provides that Excess Bond Proceeds shall be deemed encumbered if committed pursuant to a duly executed contract for expenditures for eligible projects, programs or activities, or, as clarified by CRA/LA, by fully executed work orders (similar to ones previously executed between the Former Agency and City departments) if the projects will be performed by City departments; and

WHEREAS, this MOU is intended to document the encumbrance of Excess Bond Proceeds for the projects, programs or activities generally set forth in the Bond Spending Plan and approved by the BOC and City Council and Mayor and identified herein and to set forth a process for the payment of funds by EWDD to Department for the performance of work on those projects, programs or activities; and

WHEREAS, the encumbrance of funds hereunder is subject to the completion of environmental review under the California Environmental Quality Act (CEQA) for each of the eligible projects.

NOW, THEREFORE, EWDD and Department, in consideration of the covenants and agreements set forth herein, hereby agree as follows:

AGREEMENT

1. Purpose of Agreement.

A. To establish the roles and responsibilities of EWDD and Department for the use of Excess Bond Proceeds to provide property improvement services (collectively "Services") in the Former Agency's redevelopment project areas for which the tax allocation bonds were issued.

B. To establish a process for EWDD's preparation of one or more Project Work Orders, which identify the project, program or activity to be funded by Excess Bond Proceeds, definition and delineation of the Services to be provided, cost estimates for such work and the schedule of performance for the work all as approved by the BOC, City Council and Mayor.

C. To identify the roles of EWDD and Department for the approval of Project Work Orders upon such terms and conditions as EWDD deems appropriate to meet the requirements for the use of Excess Bond Proceeds.

D. To provide a process for the encumbrance of Excess Bond Proceeds upon the execution of Project Work Orders to reimburse the Department for documented costs in performing the Services identified in approved Work Orders.

2. Term of Agreement.

This Agreement will commence upon full execution hereof and will expire on January 15, 2025, or such earlier date that all Excess Bond Proceeds have been disbursed or that the Parties have agreed to terminate the Agreement. EWDD may establish additional deadlines for project activities to allow for financial closeout activities. The Parties may agree to extend the Term hereof by written amendment hereto.

3. Preparation of Project Work Orders.

EWDD, upon the approval of the appropriation of Excess Bond Proceeds for specified projects by the BOC, City Council and Mayor ("Approved Appropriation"), shall prepare a Project Work Order for each such project which shall contain (i) the authorizing Council File number and work order number (ii) identification of the EBP Account funds to be encumbered for the project (iii) a description of the project, (iv) a detailed identification of the Services to be performed, (v) a not to exceed estimate of costs to perform the Services, (vi) a schedule for the performance of the work, and (vii) information regarding the completion of CEQA environmental review, as available. (A Project Work Order template is attached hereto as Attachment No. 1.) EWDD shall provide the completed Project Work Order to Department for review. Department shall provide any proposed changes to the Project Work Order to EWDD, which shall revise the Project Work Order to include the proposed changes unless such changes are not consistent with the Approved Appropriation. For any such changes, the Parties may seek to amend the Approved Appropriation by request to the BOC, City Council and Mayor.

4. Approval of Work Orders.

A. The Parties shall execute approved Project Work Orders and enter the date of approval. Each Project Work Order shall be included on the List of Approved Project Work Orders, which is attached hereto as Attachment No. 2, and a copy of the approved Project Work Order shall be included in the Compilation of Approved Project Work Orders, attached hereto as Attachment No. 3, and identified with a number corresponding to the number which it is identified on the List of Approved Project Work Orders.

B. EWDD has prepared City Controller instructions in the BOC report Recommendations sections, and its Interim General Manager is authorized to make technical adjustments that may be required to be consistent with the Approved Appropriation subject to the approval of the Office of the City Administrative Officer. These instructions serve to encumber the EBP Fund 57-D for each Approved Appropriation according to its project area, bond series, taxable/tax-exempt, Council File number, and Council District.

5. Implementation of Work Orders.

A. Department shall commence and complete the Services as set forth in the Project Work Order. If Department cannot complete the work by the stated completion date, then the Project Work Order may be amended to extend the date. No other work shall be performed and paid for with EBP funds except as stated in the Project Work Order and the total costs requested for payment by the Department may not exceed the amount identified in the Project Work Order, except as otherwise provided herein.

B. Department in performing the work authorized under the Project Work Order, shall take all necessary actions to complete the work no later than January 15, 2025, including, but not limited to, assigning Department staff to perform project tasks, allocating supplies and materials, retaining design, engineering and related professional services, preparing bid documents and entering into construction and related contracts, all pursuant to City's procurement guidelines and policy.

C. Extra work and/or additional costs beyond that set forth in the Project Work Order must be authorized by EWDD through an amendment to the Project Work Order subject to the availability of funds. Department shall submit a proposed amendment to the Project Work Order setting forth the additional Services to be performed, the basis for the need for such additional work and the additional amount of EBP needed to fund such work. If the amount of additional Excess Bond Proceeds needed exceeds the amount approved by the BOC, City Council and Mayor, then EWDD shall seek approval of the additional amount subject to the availability of funds. If so approved, the Parties will execute an Amendment to the Project Work Order and attach a copy thereof to the copy of the Project Work Order in the Compilation of Project Work Orders.

D. Department shall keep complete and accurate records and documents of all costs of the Services for which Department will seek payment from Excess Bond Proceeds. Such records and documents shall be kept in a form that will allow for audit by EWDD and/or other entity reviewing the use of Excess Bond Proceeds.

E. A Project Work Order may be terminated by EWDD for Department's failure to perform in accordance with the approved Project Work Order. Upon any such termination, the Department shall, unless other funds are available to fund any work not yet completed under the Project Work Order, stop work and submit a final request for payment to EWDD for all costs incurred prior to the termination of Project Work Order. The remaining unspent funds shall be returned to the EBP Account and available for funding of other projects approved through a Project Work Order.

6. Disbursements from EBP Account.

A. Department shall submit an original request or requests containing the Department's official authorization to pay on each request for payment, including the direct payment of invoices from vendors and contractors, of the costs of performing the work under the approved Project Work Order to EWDD. Each request shall identify the project and work

order number and be supported by sufficient documentation, including progress/activity reports showing percentages of completion and deliverables, to allow EWDD to determine that the work was performed in accordance with the approved Project Work Order and the terms of this MOU. EWDD may request Department to provide additional documentation to support the request for payment.

B. EWDD shall review Department's original request for payment for compliance with the approved Project Work Order and this MOU. If the request is approved, then EWDD shall process the payment accordingly.

C. EWDD shall maintain a separate file for each approved Project Work Order that shall include all documentation regarding the approval of Project Work Orders, work performed thereunder and disbursements of Excess Bond Proceeds. Such files shall be maintained in a manner so as to allow for audit by the City Controller, CRA/LA and other third parties.

D. Excess Bond Proceeds shall only be disbursed in accordance with the Bond Spending Plan and the approval of the BOC, the City Council and the Mayor and in compliance with the BEA, the bond covenants, this MOU and the approved Project Work Order, as it may be amended. If it is determined that Excess Bond Proceeds were disbursed to Department for work found to be ineligible, then the Department shall return the amount of said funds for deposit in the EBP Account.

7. Enforcement/Dispute Resolution.

Either Party's failure to perform any of its duties or obligations under this MOU may be deemed a breach hereof by the non-breaching Party by written notice thereof. The non-breaching Party may, upon the failure of the breaching Party to cure the breach to the reasonable satisfaction of the non-breaching Party, terminate this MOU. Prior to any such termination, the General Managers or Interim General Managers of each Party shall meet and confer in regards to the breach. Any resolution of the breach shall be documented by the Parties; if such resolution changes or modifies any provision of this MOU, then this MOU shall be so amended in writing.

8. Notices.

The representatives of the respective Parties are authorized to administer this MOU and to whom formal demands and requests and communications shall be given are as follows:

Economic and Workforce Development Department
1200 Seventh Street, 6th Floor,
Los Angeles, California 90017
Attn: Mr. John L. Reamer, Jr., Interim General Manager

Board of Library Commissioners
630 W. 5th Street
Los Angeles, California 90071
Attn: Ms. BÍCH NGỌC CAO, Board President

IN WITNESS THEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives as of the date first written above.

Economic and Workforce Development Department

JOHN L. REAMER, JR.
Interim General Manager

Date: _____

Approved as to Form:

MICHAEL N. FEUER, City Attorney

By: _____
Curtis S. Kidder
Assistant City Attorney

Date: _____

Board of Library Commissioners

By: _____
BÍCH NGỌC CAO,
Board President

Date: _____

Approved as to Form

MICHAEL N. FEUER, City Attorney

By: _____
Basia Jankowski
Deputy City Attorney

Date: _____

CITY OF LOS ANGELES

CALIFORNIA

JOHN L. REAMER, JR.
INTERIM GENERAL MANAGER



ECONOMIC AND WORKFORCE
DEVELOPMENT DEPARTMENT

1200 W. 7TH STREET
LOS ANGELES, CA 90017

ERIC GARCETTI
MAYOR

PROJECT WORK ORDER NO. LAPL PWO 1-S64
CRA/LA EXCESS BOND PROCEEDS MOU NO. (C-)
COUNCIL FILE NO. CF 14-1174-S64

EFFECTIVE DATE: 11/05/19
COUNCIL DISTRICT 4

Fund 57D, Account 22L9FT Hollywood Taxable Series 2006-E
Fund 57D, Account 22S9FT Hollywood Taxable Series 2006-E
Fund 57D, Account 22L9FN Hollywood Tax-Exempt Series 2008-F
Fund 57D, Account 22S9FN Hollywood Tax-Exempt Series 2008-F

TO: Library Department
630 West 5th Street
Los Angeles, CA 90071
Attention: BÍCH NGỌC CAO, Board President

SUBJECT: DURANT LIBRARY IMPROVEMENTS PROJECT ("Project")

YOU ARE AUTHORIZED TO PROVIDE THE FOLLOWING SERVICES:

SCOPE OF WORK

Pursuant to the above referenced MOU and subject to the completion of environmental review as set forth below, you are authorized to take all necessary actions to complete the work, including, but not limited to, assigning Department staff to perform project tasks, procuring and allocating supplies and materials, retaining design, engineering and related professional services, preparing bid documents and entering into construction and related contracts, all as required, at the Will and Ariel Durant Library, at 7140 W. Sunset Blvd, within the Hollywood Redevelopment Project Area, as further set forth below.

The Project's scope of capital improvements includes the replacement of two sets of entrance doors, replacement of drinking fountains and water bottle filling stations, and the installation of new data cables.

Projected Tasks and Estimated Costs

<u>Taxable EBP Costs Estimate</u>	<u>Est. Amount</u>
Remove/replace 2 sets of entrance doors	\$ 89,561
Replace drinking fountain/water bottle filling station	\$ 16,762
Labor to upgrade data cables	\$ 31,368
Total Taxable EBP Costs Estimate	\$ 137,691
 <u>Tax-Exempt EBP Costs Estimate</u>	
Materials to upgrade data cables	\$ 19,772
Installation of access control system	\$ 9,185
CEQA NOE Filing Fee	\$ 75
Total Tax-Exempt EBP Costs Estimate	\$ 29,032
 Total Taxable and Tax-Exempt EBP Costs Estimate	\$ 166,723
Additional interest through 09/30/19	\$ 13,694
Total Estimate, with interest through 09/30/19	\$ 180,417

TERM

Services are authorized to commence upon execution of this Project Work Order upon the date first written above and shall be completed no later than January 15, 2025.

COMPENSATION

Compensation for the above services shall not exceed **ONE HUNDRED EIGHTY THOUSAND FOUR HUNDRED SEVENTEEN DOLLARS (\$180,417)** plus earned interest where applicable. Compensation shall not exceed the above amount without a written amendment to this work order executed by the parties.

NOTE: By Council action, future additional interest may be added to this project by letter notice from EWDD, which letter notice shall act to amend this Project Work Order and shall be incorporated herein and attached hereto.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Project Work Order is subject to the completion of environmental review under the California Environmental Quality Act (CEQA). Except for planning and environmental review work, all other services authorized herein shall not commence until CEQA review is completed. See Council File referenced above for additional information and requirements regarding CEQA.

If you have questions concerning this Project Work Order, please contact May M. Smith at (213) 744-9360, or by e-mail at May.Smith@lacity.org.

UNDER MEMORANDUM OF UNDERSTANDING PROVISIONS 1 THROUGH 8 DATED NOVEMBER 5, 2019

ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT

Executed By _____

Print Name _____

Title _____

Date _____

ACCEPTANCE:

BOARD OF LIBRARY COMMISSIONERS

Executed By _____

Print Name _____

Title _____

Date _____

Attest: