AGENDA

Board of Library Commissioners
City of Los Angeles

Thursday, August 11, 2016

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

TIME: 11:00 A.M.

Agenda: In compliance with Government Code Section 54957.5, you may view the agenda and all available documents related to the items at the Central Library's Information Desk or via the Internet at: http://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 and provided at the Board Meeting.

1. Roll Call


3. Public Comments (Matters within the Board’s Jurisdiction)

   (In accordance with Board Policy, a total of 15 minutes shall be allocated for public comment not to exceed three (3) minutes per speaker. Items arising during the public comment portion of the meeting shall be referred by the President to the staff or Board Committee for appropriate action or report back thereon to the Board.)

4. City Librarian’s Comments and Announcements

5. City Librarian’s Reports

   Consent Calendar

   Commissioners who wish to discuss particular items should ask that such items be called as Special. The remaining items will be subject to a single vote.)

   a. Recommendation to accept gifts from the following friends groups (EXHIBIT “A”) for the “Hot Off The Press” Bestseller Program:

      $3,000 From the Friends of the Kaufman-Brentwood Branch Library to the Donald Bruce Kaufman – Brentwood Branch Library

      $3,000 From the Friends of Westwood Library to the Westwood Branch Library
b. Recommendation to accept California Library Literacy Services Baseline Grant of $18,000 for the Los Angeles Public Library’s Adult Literacy Services for Fiscal Year 2016/17

   (EXHIBIT “B”)

c. Recommendation to approve appropriation of funds in the amount of $2,000,000 from the Unreserved and Undesignated Fund Balance (UUFB), Fund 300, Department 44, Account 2539 to the Library Budget Reserve Fund, Fund Number 58N

   (EXHIBIT “C”)

d. Recommendation to approve re-appropriation of $3,070,000 from the Library’s Unreserved and Undesignated Fund Balance (UUFB), Fund 300, Department 44, Account 2539: $2,945,000 to Account 3040-Contractual Services and $125,000 to Account 9510-Various Special, within Library Budget Fiscal Year 2016-17

   (EXHIBIT “D”)

e. Recommendation to approve revision to Memorandum of Agreement (MOA) between the Library Department and the Department of Recreation and Parks regarding the use of a portion of the Chinatown Branch Library property

   (EXHIBIT “E”)

   (Original date: 1/28/16)

6. Various Communications: None

7. Commissioners’ Comments, Announcements and Review of Matters Pending

8. Adjournment

NEXT BOARD MEETING NOTICE

THE NEXT MEETING OF THE BOARD IS SCHEDULED FOR THURSDAY, AUGUST 25, 2016
AT THE CENTRAL LIBRARY, 630 WEST FIFTH STREET, LOS ANGELES, CA 90071, CONVENING AT 11:00 A.M

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.

Parking: Reduced parking rate validation can be obtained by showing your library card at the Information Desk, and is only valid for parking on the Westlawn Garage at 524 S. Flower Street. The Westlawn Garage is not owned or operated by the Library Department. Additional information is available at lapl.org

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. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. For additional information, please contact the Board Office at (213) 228-7530.

Rules of Decorum: Persons addressing the Commission shall not make impertinent, slanderous or profane remarks to the Commission, any member of the Commission, staff or general public, nor 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. 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 who has been ordered removed from a meeting may be charged with a violation of Penal Code Section 403, or other appropriate Penal Code or Los Angeles Municipal Code sections.

Posted 8/8/16

For more information, contact: Library Commission Office (213) 228-7530
TO: Board of Library Commissioners
FROM: John F. Szabo, City Librarian
SUBJECT: ACCEPTANCE OF GIFT FROM THE FRIENDS OF THE KAUFMAN BRENTWOOD BRANCH LIBRARY

RECOMMENDATION:

That the Board of Library Commissioners adopts the following resolutions:

RESOLVED, That a gift of $3,000 received from The Friends of the Kaufman Brentwood Branch Library, for the benefit of the Donald Bruce Kaufman - Brentwood Branch Library be accepted; and

FURTHER RESOLVED, That a letter of thanks be sent to The Friends of the Kaufman Brentwood Branch Library, expressing the grateful appreciation of the Board and staff for the generous gift.

FINDINGS:

1. The gift of $3,000 is for the "Hot Off The Press" Bestseller Program 2016/2017.
2. A letter of thanks should be sent to:

   Mr. Said Jabbarri, President
   Friends of the Kaufman Brentwood Branch Library
   11820 San Vicente Blvd.
   Los Angeles, CA 90049

Prepared by: Erika Thibault, Western Area Manager
Reviewed by: Cheryl Collins, Director of Branches
LOS ANGELES PUBLIC LIBRARY
BOARD REPORT

August 11, 2016

TO: Board of Library Commissioners
FROM: John F. Szabo, City Librarian
SUBJECT: ACCEPTANCE OF GIFT FROM THE FRIENDS OF WESTWOOD LIBRARY

RECOMMENDATION:

That the Board of Library Commissioners adopts the following resolutions:

RESOLVED, That a gift of $3,000 received from The Friends of Westwood Library, for the benefit of the Westwood Branch Library be accepted; and

FURTHER RESOLVED, That a letter of thanks be sent to The Friends of Westwood Library, expressing the grateful appreciation of the Board and staff for the generous gift.

FINDINGS:

1. The gift of $3,000 is for the "Hot Off The Press" Bestseller Program 2016/2017.
2. A letter of thanks should be sent to:

   Ms. Linda Blank, President
   Friends of Westwood Library
   1246 Glendon Avenue
   Los Angeles, CA 90024

Prepared by: Erika Thibault, Western Area Manager
Reviewed by: Cheryl Collins, Director of Branches
LOS ANGELES PUBLIC LIBRARY
BOARD REPORT

August 11, 2016

TO: Board of Library Commissioners

FROM: John F. Szabo, City Librarian

SUBJECT: ACCEPTANCE OF CALIFORNIA LIBRARY LITERACY SERVICES BASELINE GRANT FOR THE LOS ANGELES PUBLIC LIBRARY’S ADULT LITERACY SERVICES FOR FISCAL YEAR 2016/17

RECOMMENDATION:

That the Board of Library Commissioners adopt the following resolution:

RESOLVED, That the Board of Library Commissioners accepts the California Library Literacy Services (CLLS) baseline grant of $18,000 for the Los Angeles Public Library’s Adult Literacy Services for Fiscal Year 2016/17; and

FURTHER RESOLVED, That the funds be deposited in Trust Fund 419.

FINDINGS:

1. On July 18, 2016, the California State Library announced that the Los Angeles Public Library (LAPL) Adult Literacy Service program grant application was accepted and was eligible for a baseline $18,000 grant. LAPL and the Library Foundation of Los Angeles provide matching funds to make us eligible for this grant.

2. The remainder of our 2016/17 CLLS award will be determined by applying a CLLS formula. The formula will include the amount of local dollars expended by the LAPL and the LFLA on Adult Literacy Services in 2015/16 added to a per capita amount based on the 1,375 adult learners enrolled in the Adult Literacy Services program by the Los Angeles Public Library in 2015/16. The amount of the remaining award will be revealed over the next two months.

3. These funds must be accepted by the Board of Library Commissioners to activate this award.
4. These funds will be used for purchasing adult literacy textbooks, workbooks, fiction and nonfiction reading material (general interest and parenting, education and workforce development titles), and nonfiction audio visual materials. Funding will also support professional development training for 21 contract staff employees.

Attachments

Prepared by:  Kelly Tyler, Senior Librarian  
Adult Literacy & Volunteer Services

Reviewed by:  Eva Mitnick, Director  
Engagement & Learning Division
August 11, 2016

LIBRARY RESOLUTION NO. 2016-38 (C-33)

RESOLVED, that the Board of Library Commissioners accepts the California Library Literacy Services (CLLS) baseline grant of $18,000 for the Los Angeles Public Library’s Adult Literacy Services for Fiscal Year 2016/17; and

FURTHER RESOLVED, that the funds be deposited in Trust Fund 419.

This is a true copy:

__________________________
Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES:
NOES:
ABSENT:
LOS ANGELES PUBLIC LIBRARY
BOARD REPORT

August 11, 2016

TO: Board of Library Commissioners

FROM: John F. Szabo, City Librarian

SUBJECT: RECOMMENDATION TO APPROVE AN APPROPRIATION IN THE AMOUNT OF $2,000,000 FROM THE UNRESERVED AND UNDESIGNATED FUND BALANCE TO THE LIBRARY BUDGET RESERVE FUND

A. RECOMMENDATION:

THAT the Board of Library Commissioners:

1. Approve the appropriation of funds in the amount of $2,000,000 from the Unreserved and Undesignated Fund Balance (UUFB), Fund 300, Department 44, Account 2539, to the Library Budget Reserve Fund, Department 44, Fund Number 58N.

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>From: Fund 300; UUFB, Account 2539</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>To: Fund 58N; LBRF</td>
<td>$ 2,000,000</td>
</tr>
</tbody>
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2. Adopt the attached Resolution regarding the appropriation in the amount of $2,000,000 to the Library Budget Reserve Fund.

B. FINDINGS:

1. The Library Budget Reserve Fund (LBRF) was established by the Board of Library Commissioners (Board) on September 24, 2015, Library Resolution No. 2015-49 (C-39), to set aside savings during periods of economic growth which can be drawn upon to stabilize revenue during economic downturns, address unforeseen circumstances in a timely manner, and provide any necessary capital improvements.

   Library Resolution No. 2015-49 (C39) is attached for the Board’s convenience and reference regarding the LBRF Policies.

2. The LBRF was initially funded through an appropriation approved by the Board from the Unreserved and Undesignated Fund Balance (UUFB) in the amount $2,000,000 from the Fiscal Year 2014-15 uncommitted balance.
3. Staff recommends an appropriation from the UUFB in the amount of $2,000,000 from the Fiscal Year 2015-16 uncommitted balance.

4. In accordance with policy established by the Board on September 24, 2015, upon approval of this recommendation, staff will forward the approved resolution to the Mayor and Council for approval and action.

Prepared by: Robert Morales, Senior Management Analyst II
Reviewed by: Kris Morita, Assistant General Manager
August 11, 2016

LIBRARY RESOLUTION NO. 2016-39 (C-34)

WHEREAS, on September 24, 2015, the Board of Library Commissioners approved the establishment of the Library Budget Reserve Fund to set aside savings during period of economic growth which can be drawn upon to stabilize revenue during economic downturns, address unforeseen circumstances in a timely manner, and provide necessary capital improvements; and

WHEREAS, the Library Budget Reserve Fund is to be funded by a portion of the previous fiscal year's uncommitted balance; and

WHEREAS, Library staff recommends an appropriation in the amount of $2,000,000 from the Unreserved and Undesignated Fund Balance (UUFB) to the Library Budget Reserve Fund:

THEREFORE, RESOLVED, That the Board of Library Commissioners hereby approves an appropriation of $2,000,000 from UUFB, Fund 300, Department 44, Account 239, to the Library Budget Reserve Fund, Department 44, Fund 58N.

This is a true copy:

__________________________________________________________
Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES:
NOES:
ABSENT:
LIBRARY RESOLUTION NO. 2015-49 (C-39)

WHEREAS, the Los Angeles City Charter provides that the Board shall control, appropriate, and expend all Library Funds for the purposes of the department; and

WHEREAS, a budget reserve fund is necessary to ensure sufficient funds are available for economic downturns, to address unforeseen circumstances in a timely manner, and to provide for any necessary capital improvements; and

WHEREAS, a transfer of funds to provide for the initial funding and future funding for the budget reserve fund is necessary:

RESOLVED, That the Board of Library Commissioners hereby establishes a Library Budget Reserve Fund (LBRF) to set aside savings during periods of economic growth, which upon approval from the Board, can be used to stabilize revenue during economic downturns, to address unforeseen circumstances in a timely manner, and to provide for any necessary capital improvements; and

FURTHER RESOLVED, That the Library Budget Reserve Fund (LBRF) be funded through an annual approval process whereby a portion of the previous fiscal year uncommitted balance from Fund 300 be appropriated to the LBRF from the Unreserved and Undesignated Fund Balance (UUFB), and that the maximum amount of the LBRF be set at ten percent (10%) of the current year Mayor-Council Appropriation to the Library Department. The Board of Library Commissioners may increase or decrease the maximum amount; and

FURTHER RESOLVED, That the Board of Library Commissioners hereby approves the appropriation of funds in the amount of $2,000,000 from the Unreserved and Undesignated Fund Balance (UUFB), Fund 300, Department 44, Account 2539, to the Library Budget Reserve Fund, Account Number to be assigned by the Office of the City Controller.

This is a true copy:

Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES: Bettinelli/Cao/Salinas/Lassiter/Walters
NOES: None
ABSENT: None
TO: Board of Library Commissioners

FROM: John F. Szabo, City Librarian

SUBJECT: APPROVAL TO RE-APPROPRIATE $3,070,000 FROM THE UNRESERVED AND UNDESIGNATED FUND BALANCE (UUFB) FOR THE FISCAL YEAR 2016-17 BUDGET

A. RECOMMENDATIONS:

THAT the Board of Library Commissioners:

1. Approve to re-appropriate $3,070,000 from the Library's Unreserved and Undesignated Fund Balance (UUFB), Fund 300, Department 44, Account 2539, to the accounts listed below in Fund 300, Department 44:

<table>
<thead>
<tr>
<th>Account</th>
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<tbody>
<tr>
<td>From: Fund 300; UUFB, Account 2539</td>
<td>$3,070,000</td>
</tr>
<tr>
<td>To: 3040 – Contractual Services</td>
<td>2,945,000</td>
</tr>
<tr>
<td>9510 – Various Special</td>
<td>125,000</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$3,070,000</td>
</tr>
</tbody>
</table>

2. Adopt the attached Resolution regarding the re-appropriation in the amount of $3,070,000 from the UUFB.

B. FINDINGS:

1. The Fiscal Year 2015-16 uncommitted balance in the approximate amount of $5,070,000 reverted to the Unreserved and Undesignated Fund Balance (UUFB) at the end of the Fiscal Year (FY). This is due to several projects that were delayed and services which could not be completed.

2. The FY 2015-16 Library Budget included funding to upgrade the Central Library escalators and elevators. The project was delayed and should be completed this fiscal year. Funds in the amount of $1.6 million need to be re-appropriated in the FY 2016-17 Budget.
3. Funds were budgeted in FY 2015-16 for the design and installation of the Digital Media Labs. A contract with Gensler and Associates for design consultant services was approved by the Commission on March 10, 2016, and was subsequently approved by the Mayor on June 23, 2016. The project is anticipated to be completed in FY 2016-17. Funds in the amount of $1,345,000 need to be re-appropriated in the FY 2016-17 Budget.

4. Funds were appropriated in FY 2015-16 for two (2) Library Security vehicles. The Los Angeles Police Department (LAPD) was unable to procure the items in Fiscal Year 2015-16 due to their backlog in LAPD vehicle procurement. Funds in the amount of $125,000 need to be re-appropriated in the FY 2016-17 Budget.

Prepared by:  Robert Morales, Senior Management Analyst II

Reviewed by:  Kris Morita, Assistant General Manager
August 11, 2016

LIBRARY RESOLUTION NO. 2016-40 (C-35)

WHEREAS, Funds in the amount of $5,070,000 reverted to the Library’s Unreserved and Undesignated Fund Balance (UUFB) at the end of Fiscal Year 2015-16. The surplus resulted from projects that were delayed and services which could not be completed; and

WHEREAS, Staff requested the re-appropriation of $3,070,000 from the UUFB to various accounts within the Library’s Fiscal Year 2016-17 Budget:

THEFORE, RESOLVED, That the Board of Library Commissioners hereby approves a re-appropriation of $3,070,000 from the Unreserved and Undesignated Fund Balance, Fund 300, Department 44, Account 239, to the accounts listed below in Fund 300, Department 44:

<table>
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</tr>
<tr>
<td>TOTAL:</td>
<td>$3,070,000</td>
</tr>
</tbody>
</table>

This is a true copy:

_____________________________
Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES:
NOES:
ABSENT:
LOS ANGELES PUBLIC LIBRARY
BOARD REPORT

EXHIBIT “E”

August 11, 2016

TO: Board of Library Commissioners
FROM: John F. Szabo, City Librarian

SUBJECT: APPROVAL TO REVISE PREVIOUSLY APPROVED MEMORANDUM OF AGREEMENT BETWEEN LIBRARY AND THE DEPARTMENT OF RECREATION AND PARKS REGARDING CHINATOWN LIBRARY PROPERTY

A. RECOMMENDATIONS:

1. That the Board of Library Commissioners ("Board"): 
   
a. Approve the revisions proposed by the Department of Recreation and Parks ("RAP") to the attached Memorandum of Agreement (MOA) previously approved by the Board on January 28, 2016 which enables the Department of Recreation and Parks (RAP) to use the northern portion of the Chinatown Branch Library property to construct and install improvements thereon and to jointly use such property with the Library for recreational and Library purposes;

   b. Authorize the City Librarian and City Attorney to make technical changes to the MOA as revised;

   c. Authorize the President of the Board of Library Commissioners to execute the MOA as revised, subject to receipt of the required approvals; and,

   d. Adopt the attached Resolution regarding the use of the Chinatown Branch Library property.

B. BACKGROUND:

1. Summary

On January 28, 2016, the Board approved a proposed Memorandum of Agreement (MOA) between the Los Angeles Public Library (LAPL) and the Department of Recreation and Parks (RAP) for use of the northern portion of the Chinatown Branch Library (Library Resolution No. 2016-4 [C-3]) to construct and install improvements thereon and to jointly use such property with the Library for recreational and Library purposes.
RAP has since reviewed the MOA and has requested two (2) revisions to the proposed MOA before taking the matter to the Board of Recreation and Park Commissioners:

a. Section 1 of the MOA reads, in part: “Accordingly, the PREMISES will not be set aside, dedicated for recreational purposes, or owned or controlled by RAP. (Emphasis added.)”

RAP has requested that the phrase “or controlled” be removed from Section 1 of the MOA. RAP has explained that they are unable to operate, maintain, provide security, or fund park improvements without some ability to control park hours and access to the Premises. Library ownership and the Library’s ability to use the Premises will remain a condition of the MOA.

b. Section 4.A.10 of the MOA reads: “Clear Up Title: RAP, as a condition of LAPL agreeing to enter into this MOA, will pay any fees necessary to clear up LAPL’s title and cooperate fully with GSD.”

RAP has requested that the text be removed in its entirety. The Department of Public Works Bureau of Engineering has identified Prop K funds to clear title to the property.

2. Memorandum of Agreement

A copy of the Memorandum of Agreement (MOA between LAPL and RAP depicting the requested revisions is included as Attachment A of this report. The MOA as revised will be submitted to RAP without the marked revisions.

3. Resolution

Proposed Library Resolution No. 2016-41 (C-36) is included as Attachment B of this report. The Resolution approves the MOA as revised between LAPL and RAP.

Prepared by: Robert Morales, Senior Management Analyst II

Reviewed by: Madeleine M. Rackley, Library Business Manager

Attachments
August 11, 2016

LIBRARY RESOLUTION NO. 2016-41 (C-36)

WHEREAS, on January 28, 2016, the Board of Library Commissioners approved a proposed Memorandum of Agreement (MOA) with the Department of Recreation and Parks (RAP) for use of the northern portion of the Chinatown Branch Library (Library Resolution No. 2016-4[C-3]) to construct and install improvements thereon and to jointly use such property with the Library for recreational and Library; and

WHEREAS, RAP has requested revisions to the previously approved but not executed MOA to clarify RAP responsibilities:

THEREFORE, RESOLVED, That the Board of Library Commissioners hereby approves the Department of Recreation and Parks proposed revisions to Section 1 and Section 4.A.10 of the MOA approved on January 28, 2016, for use of the northern portion of the Chinatown Branch Library by RAP for joint recreational and Library purposes, subject to the terms and conditions of the MOA as revised. The revised MOA has been approved by the Board of Library Commissioners. A copy of the revised MOA is on file in the Board Office.

This is a true copy:

______________________________
Raquel M. Borden
Board Executive Assistant

Adopted by the following votes:

AYES:
NOES:
ABSENT:
ATTACHMENT A

MEMORANDUM OF AGREEMENT
BETWEEN
THE LOS ANGELES PUBLIC LIBRARY
AND
THE DEPARTMENT OF RECREATION AND PARKS
FOR THE JOINT USE OF A PORTION OF THE
CHINATOWN BRANCH LIBRARY PROPERTY

This Memorandum of Agreement (hereinafter referred to as “MOA”) is entered into by and between the Library Department (hereinafter referred to as the “Los Angeles Public Library” or as “LAPL”) and the Department of Recreation and Parks (hereinafter referred to as “RAP”), for the joint use of a portion of the Chinatown Branch Library site for RAP to improve and maintain for recreational purposes during the term of this MOA as further described herein. LAPL and RAP may be referred to individually as a “PARTY” or collectively as the “PARTIES”.

RECITALS

WHEREAS, LAPL owns property located at 639 North Hill Street, Los Angeles, CA 90012, known as the Chinatown Branch Library; and

WHEREAS, RAP owns the property adjacent to the northern portion of the Chinatown Branch Library which RAP desires to improve for use as a park for recreational purposes, currently referred to as the Ord and Yale Street Park, the Alpine Recreation Center Expansion Project and the Vertical Park Project; and

WHEREAS, such northern portion of the Chinatown Branch Library (such northern portion is further described herein and is hereinafter referred to as “PREMISES”) is currently vacant, unimproved property that is not being utilized for any Library purpose; and

WHEREAS, the PARTIES recognize that the proposed uses of the PREMISES described as approximately 10,760 square feet of land located at the northern portion of the Chinatown Branch Library, identified as Assessor Parcel Numbers (APN) 5408-017-904 and 5408-017-905, would best serve the public at this time by providing recreational and Library purposes and desire to enter into this MOA; and

WHEREAS, RAP has the ability and resources to improve and maintain the PREMISES for recreational purposes; and

WHEREAS, in return for assisting GSD in clearing up LAPL’s title over the vacated portion of Teed Street and for improving and maintaining the PREMISES, RAP desires to use such PREMISES for recreational purposes; and
WHEREAS, the improvements to the PREMISES proposed by RAP would allow the PREMISES to also be used by LAPL for Library purposes; and

WHEREAS, PARTIES recognize that the proposed uses of the PREMISES would best serve the public at this time by providing recreational and Library purposes and desire to enter into this MOA; and

WHEREAS, Los Angeles City Charter Section 534 grants the Board of Library Commissioners full control over all Library sites, and on January 28, 2016, the Board of Library Commissioners approved the joint use of the PREMISES by RAP for recreational and Library purposes (Board Resolution No. 16-XX) subject to the terms and conditions of this MOA:

NOW THEREFORE, the PARTIES hereby agree to the following terms and conditions for the use and maintenance of the PREMISES.

SECTION 1 – PURPOSE

The purpose of this MOA is to authorize use of PREMISES by RAP to improve and maintain PREMISES for recreational and Library purposes for the benefit of the public subject to the terms and conditions of this MOA.

Ownership of PREMISES (defined below) will remain with LAPL. Pursuant to City Charter Section 534, the Board of Library Commissioners reserves the right to exercise “full control over” the PREMISES which includes but is not limited to the right to sell, lease, transfer, pledge, hypothecate or revoke the aforementioned use of PREMISES if determined by LAPL in its sole discretion to be in the best interest of LAPL and the public, subject to the terms and conditions set forth in Section 3 below. Accordingly, the PREMISES will not be set aside, dedicated for recreational purposes, or owned or controlled by RAP. (Emphasis added.)

SECTION 2 – DESCRIPTION OF PREMISES

The PREMISES is described as approximately 10,760 square feet of land located at the northern portion of the Chinatown Branch Library (639 North Hill Street, Los Angeles, CA 90012) and identified by the County of Los Angeles as portions of Assessor Parcel Numbers (APN) 5408-017-904 and 5408-017-905.

The PREMISES is shown on Exhibit A (Premises Map) of this MOA.

SECTION 3 – TERM

The term of this MOA will commence on February 1, 2016, and will expire on January 31, 2066, unless terminated by written agreement of both PARTIES.
Either PARTY may terminate this MOA without cause by providing the other PARTY 180 days formal written notification of its intent to terminate, served on a representative of the other PARTY by certified mail and/or electronic mail.

SECTION 4 – ROLES AND RESPONSIBILITIES OF THE PARTIES

A. Department of Recreation and Parks

1. Joint Use: RAP is authorized to use the PREMISES throughout the term of this MOA and subject to this MOA for passive and active recreational purposes. RAP will coordinate such use with LAPL and such use will be based on availability.

2. Maintenance: RAP will maintain the PREMISES at no cost to LAPL. This includes ensuring the PREMISES receives routine landscape maintenance, tree trimming and removal as-needed, trash removal and disposal, and replacement of grass, plants, flowers, and trees as-needed to maintain an attractive and inviting atmosphere.

3. Amenities and Equipment: RAP may install amenities (e.g., benches, picnic tables, drinking fountains, etc.) and equipment (e.g., playground equipment, outdoor gym equipment, etc.) for public use at no cost to LAPL. RAP will maintain and repair amenities and equipment as-needed at no cost to LAPL. Upon the termination date of this MOA or written notice of sooner termination, RAP will remove amenities and equipment from PREMISES and retain ownership of such amenities and equipment; provided, however, that RAP and LAPL may agree for such amenities and equipment to remain on the PREMISES. In the event such amenities and equipment remain on PREMISES upon termination of this MOA, LAPL would thereafter become responsible for ongoing maintenance and repair of such amenities and equipment.

RAP shall obtain the prior written approval for any fixed structure (e.g., storage shed, pavilion, stage, etc.) proposed by RAP to be constructed on PREMISES. LAPL shall not unreasonably deny such written approval.

4. Improvements: RAP shall construct and install the improvements to PREMISES for recreational and Library purposes as described herein, and RAP shall incur all costs for providing such improvements to PREMISES.

5. Design and Construction: RAP shall include LAPL staff in PREMISES design and construction meetings.

6. Utilities: RAP shall be responsible for all utility costs related to PREMISES. Such costs include, but are not limited to, the installation, repair and maintenance of utility meters, utility lines, and irrigation system.
7. **Security:** RAP shall be responsible for all security related to PREMISES, which consists of the use of Park Rangers and/or the Los Angeles Police Department.

8. **Rules of Conduct:** RAP shall enforce the most current LAPL Rules of Conduct on the PREMISES. A copy of the latest Rules of Conduct are attached hereto and incorporated herein by reference as Exhibit B.

9. **Emergencies:** With respect to the PREMISES, RAP shall be responsible for responding to emergencies and/or notifying the appropriate agencies to respond to emergencies (e.g., Los Angeles Police Department, Los Angeles Fire Department, etc.) and to perform any action necessary subsequent to such emergency.

10. **Clear Up Title:** RAP, as a condition of LAPL agreeing to enter into this MOA, will pay any fees necessary to clear up LAPL's title and cooperate fully with GSD.

B. **Los Angeles Public Library**

1. **Joint Use:** LAPL is authorized to use the PREMISES throughout the term of this MOA for Library programming and Library events at no cost to LAPL. LAPL will coordinate such use with RAP.

2. **Security:** LAPL will provide and arrange for any security needs for Library programming and Library events.

3. **Design and Construction:** LAPL will designate staff to participate in PREMISES design and construction meetings.

**SECTION 5 – REPRESENTATIVES OF THE PARTIES**

A. **Los Angeles Public Library**
   
   John F. Szabo, City Librarian
   
   630 West Fifth Street, 4th Floor
   
   Los Angeles, CA 90071

   Telephone: (213) 228-7515

   LAPL shall provide RAP with written notice of any name or address change within thirty (30) calendar days of the occurrence of said name or address change.

B. **Department of Recreation and Parks**
   
   Michael A. Shull, General Manager
   
   221 North Figueroa Street, 1st Floor
   
   Los Angeles, CA 90012

Memorandum of Agreement - Chinatown Branch Library
Page 4 of 7
Telephone: (213) 202-2633

RAP shall provide LAPL with written notice of any name or address change within thirty (30) calendar days of the occurrence of said name or address change.

C. PARTICIES reserve the right to appoint an Assistant General Manager level employee to act as a representative in the absence of the above stated representatives.

SECTION 6 – RESOLUTION OF DISPUTES

Should any dispute arise involving the terms and conditions of this MOA, PARTIES agree to meet in good faith within five (5) business days to resolve such dispute. PARTIES commit to dedicate the necessary time and personnel to promptly address and resolve any and all disputes while ensuring effective and efficient service is provided to the public.

SECTION 7 – INDEMNIFICATION AND LIABILITY

RAP undertakes and agrees to defend, indemnify and hold harmless LAPL and any of its Boards, Officers, Agents, Employees, Assigns, and Successor in Interest from and against all suits and causes of action, claims, losses, demands and expenses, including but not limited to, attorney’s fees (both in-house and outside counsel) and cost of litigation (including all actual litigation costs incurred, including but not limited to costs of experts and consultants), damages or liability of any nature whatsoever, for death or injury to any person including RAP employees and agents, or damage or destruction of any property of either party hereto or of third parties, arising in any manner by reason of the negligent acts, errors, omissions or willful misconduct incident to the performance of this MOA by RAP or its Officers, Employees, Agents or Subcontractors of any tier. This provision shall survive expiration or termination of this MOA.

SECTION 8 – ACCEPTANCE OF PREMISES

RAP has inspected the PREMISES and agrees that the PREMISES are suitable for the uses permitted herein. No officer or employee of CITY, RAP, or LAPL has made any representation or warranty with respect to the PREMISES except as described in this MOA.

SECTION 9 – FORCE MAJEURE

Neither PARTY hereto shall be liable to the other for any failure, delay, or interruption in the performance of any of the terms, covenants or conditions of this MOA due to causes beyond the control of that PARTY including, without limitation, strikes, boycotts, labor disputes, embargoes, shortages of material, acts of God, landslides, acts of public enemies, acts of superior governmental authority, floods, fires, riots, rebellion, sabotage, or any other circumstance for which such PARTY is not responsible and which is not in its power to control.
SECTION 10 – INCORPORATION OF DOCUMENTS

This MOA and incorporated documents represent the entire integrated agreement between PARTIES and supersedes all prior written or oral representations, discussions, and agreements. This MOA may not be changed or modified in any manner except by formal, written amendment fully executed by both PARTIES. The following Exhibit is attached and made part of this MOA by reference:

Exhibit A  -  Chinatown Branch Library Premises Map
Exhibit B  -  LAPL Rules of Conduct

(Signature Page to Follow)
IN WITNESS WHEREOF, the Los Angeles Public Library and the Department of Recreation and Parks have caused this Memorandum of Agreement (MOA) to be executed by their duly authorized representatives and have executed this MOA.

LOS ANGELES PUBLIC LIBRARY, acting by and through its Board of Library Commissioners

BICH NGOC CAO, Board President  DATE

ATTEST

RAQUEL BORDEN, Executive Commission Assistant  DATE

DEPARTMENT OF RECREATION AND PARKS, acting by and through its Board of Recreation and Park Commissioners

SYLVIA PATSAOURAS, Board President  DATE

ARMANDO BENCOMO, Board Secretary  DATE

APPROVED AS TO FORM

MICHAEL N. FEUER, CITY ATTORNEY

Arletta Brimsey - Deputy City Attorney  DATE
for the Los Angeles Public Library

Stefan Fauble - Deputy City Attorney  DATE
for the Department of Recreation and Parks
MATTERS PENDING
BOARD OF LIBRARY COMMISSIONERS

August 11, 2016

SUBJECT

SCHEDULED FOR
BOARD MEETING

There are no pending items.

COMMISSIONERS' OVERSIGHT RESPONSIBILITY

Library Foundation of Los Angeles Board
Mai Lassiter, Board Member
Vacant, Board Member

Media Marketing Ad Hoc Committee
Bich Ngoc Cao, President
Mai Lassiter, Board Member

Board Policies & Procedures Committee
Chair: Vacant
Member: Vacant