JUL 0 9 2014

NO. <u>14-187</u>

DATE July 9, 2014

C.D. ____3___

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LANARK PARK – RESCISSION OF AGREEMENT WITH THE TONY HAWK FOUNDATION FOR THE DONATION OF DESIGN AND CONSTRUCTION DOCUMENTS FOR A NEW SKATE PLAZA; REVISED AGREEMENT

R. Adams	 *V. Israel
R. Barajas	 K. Regan
H. Fujita	 N. Williams
A	

General Manager

Approved ____

Disapproved

Withdrawn

RECOMMENDATIONS:

That the Board:

- 1. Rescind the Board's prior approval (Report No. 13-176) of a gift agreement (Agreement) with the Tony Hawk Foundation, approved on June 27, 2013, for a donation of design and construction documents valued at approximately \$27,500.00 (Gift) for a new skate plaza at Lanark Park;
- 2. Approve a proposed revised Agreement (Revised Agreement), substantially in the form on file in the Board Office, which includes modifications to the previously approved Agreement with the Tony Hawk Foundation (Foundation), a California non-profit organization, for the donation of the same Gift consisting of design and construction documents valued at approximately \$27,500.00, for a new skate plaza at Lanark Park, specifying the terms and conditions for the donation, subject to the approval of the Mayor and City Attorney as to form;
- 3. Direct the Board Secretary to transmit the proposed Revised Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review as to form; and,
- 4. Authorize the Board President and Secretary to execute the Revised Agreement upon receipt of the necessary approvals, and that appropriate recognition be provided to the Foundation.

REPORT OF GENERAL MANAGER

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SUMMARY:

On June 27, 2013, the Board approved an Agreement (Agreement) with the Tony Hawk Foundation (Foundation) for the Gift consisting of design and construction documents for a proposed new skate plaza at Lanark Park (Report No. 13-176). Pursuant to Executive Directive No. 3, the approved Agreement was approved by the Mayor's Office, and transmitted by the Board Office to the Foundation for their final execution. However, upon further review of the Agreement by the Foundation, the Department of Recreation and Parks (RAP) Partnership Division was contacted by the Foundation with a request for the following changes to be added to the Agreement:

- Add the following additional clarifying language to Section 5.
 - E. Notwithstanding anything to the contrary contained in this Agreement, all of the parties' respective obligations and covenants under this Agreement shall survive any termination of the Agreement, including, without limitation, pursuant to Section 11 and 13 below.
- Remove the words "third-party" in Section 11 (Indemnification/Hold Harmless), line 8 of the Agreement.
 - The CAO Risk Management Section was consulted and has given their approval for the deletion of the words "third-party" in Section 11, line 8 of the Agreement, as the deletion will not affect or increase the risk of liability for the City.
- Remove Exhibit B Standard Provisions for City Contracts.

The City Attorney was consulted and has given their approval for the deletion of the Standard Provisions for City Contracts from the Agreement, stating that the language in the Standard Provisions is not applicable to this Agreement because there are no services being provided, nor is there any payment transaction occurring.

The Board's approval of this Report and above changes to the previously approved Agreement, shall constitute the Board's approval of the Revised Agreement, once again authorizing RAP's use of the design and construction documents given to RAP as a gift to the City of Los Angeles by the Foundation, for the construction of a new Skate Plaza at Lanark Park, and thereby recognizes that the Foundation has satisfied all of its obligations related to the Gift. Planning, Construction, and Maintenance Branch staff has confirmed that the Foundation has fulfilled its obligations under the proposed Agreement.

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FISCAL IMPACT STATEMENT:

There will be no fiscal impact to RAP's General Fund, as the revisions to the previously approved Agreement, and approval of the Revised Agreement for the Board's acceptance of the Gift will be provided at no cost, resulting in a savings to the City.

This report was prepared by Joel Alvarez, Senior Management Analyst I, and Chinyere Stoneham, Senior Recreation Director, Partnership Division.