

REPORT OF GENERAL MANAGER

PG. 2

NO. 12-123

4. Approve the proposed revised Agreement, substantially in the form on file in the Board Office, between the City of Los Angeles and Wattles Farm and Neighborhood Gardeners, Inc., a California non-profit corporation, setting forth the terms and conditions for the continued operation and maintenance of the Wattles Farm Community Garden by Wattles Farm and Neighborhood Gardeners, Inc., subject to the approval of the Mayor, and of the City Attorney as to form;
5. Direct the Board Secretary to transmit the proposed revised Agreements, to the Mayor in accordance with Executive Directive No. 3, and concurrently, to the City Attorney for review and approval as to form;
6. Authorize the Board President and Secretary to execute the Agreements upon receipt of the necessary approvals; and,
7. Direct the Department's Chief Accounting Employee to deposit fees and utility and other cost recovery reimbursements received pursuant to these Agreements in the accounts established for such purpose.

SUMMARY:

On September 7, 2011, the Board approved three proposed independent and separate Agreements with operators of three community gardens, each respectively setting forth the terms and conditions for the operation and maintenance of three community gardens: Ocean View Farms, Inc., for the Ocean View Farms Community Garden (Report No. 11-245); Youth Speak Collective, for the Roger Jessup Community Garden (Report No. 11-246); and, Wattles Farm and Neighborhood Gardeners, Inc., for the Wattles Farm Community Garden (Report No. 11-247).

Each Agreement contains substantially similar terms. Following the Board's approval, the Agreements were transmitted to the Mayor in accordance with Executive Directive No. 3, for review and approval. The CAO reviewed the agreements on behalf of the Mayor and advised that the Agreements could not be approved unless the "Holdover" clause in Section 2.d. (Term) of each Agreement was removed. The reason given for the removal of the holdover clause was that the clause would have effectively extended the term beyond the Agreement's original approved three-year term (Term), as upon expiration of the Term the Agreement would continue on a month to month basis indefinitely.

As a result of the CAO recommendations, staff removed the holdover clause from the original version of the Board approved Agreements and is now submitting revised versions of the three Agreements for the Board's consideration and approval. All other terms, conditions, and provisions remain exactly the same. This holdover clause has not been included in later Agreements for community gardens, subsequently approved by the Board.

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FISCAL IMPACT STATEMENT:

The proposed Agreements will have no adverse impact on the Department's General Fund, as program costs will be funded and paid by the respective organizations, at no cost to the City.

This report was prepared by Joel Alvarez, Sr. Management Analyst, and Deanne A. Dedmon, Recreation Supervisor, Partnership Division.