

REPORT OF GENERAL MANAGER

PG. 2 NO. 14-187

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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PG. 3 NO. 14-187

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.