



Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: NOVEMBER 7, 2017**

**FROM: EXECUTIVE OFFICE**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF HARBOR COMMUNITY BENEFIT FOUNDATION'S COMMUNITY BENEFIT GRANT PROGRAM, ROUND 5 SELECTION OF TEN PROJECTS TO RECEIVE GRANT AWARDS AND THE TRANSFER OF PORT COMMUNITY MITIGATION TRUST FUNDS**

**SUMMARY:**

Staff requests that the Board of Harbor Commissioners (Board) approve Harbor Community Benefit Foundation's (HCBF) selection of 10 projects to receive awards from the Community Benefit Grant Program, Round 5 and transfer \$330,019 from the Port Community Mitigation Trust Fund (PCMTF) to HCBF. The PCMTF was established by the City of Los Angeles Harbor Department (Harbor Department) for the purpose of funding appropriate mitigation projects and grants addressing port-related impacts for the communities of San Pedro and Wilmington. The HCBF, an independent nonprofit organization established to operate the PCMTF, is responsible for identifying qualifying projects to receive grant funding from the PCMTF to be approved by the Board.

The HCBF Board of Directors has selected 10 projects to receive funding for the fifth round of the Community Benefit Grant Program, and is requesting Board approval of the award recipients and transfer of funds from the PCMTF, in accordance with the requirements of the TraPac Memorandum of Understanding (MOU) and Operating Agreement of the TraPac MOU (Operating Agreement). The proposed projects have a Tidelands nexus and will mitigate, reduce and address the Port of Los Angeles' (Port) impact on the local communities of in Wilmington and San Pedro. Upon approval, \$330,019 will be transferred from the PCMTF to HCBF for 10 total grant awards. Upon the transfer of funds from the PCMTF to HCBF, HCBF will be financially responsible for the proposed projects and for the disbursement of funds to grantees in accordance with the TraPac MOU, Operating Agreement and the Grant Agreements. The Harbor Department funded the original PCMTF, but no additional payments from the Harbor Department will be required to fund this request.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;

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2. Approve Harbor Community Benefit Foundation's selection of 10 projects to receive awards from the Community Benefit Grant Program Round 5, funded by the Port Community Mitigation Trust Fund;
3. Authorize the Executive Director or his designee to execute a joint letter with the Harbor Community Benefit Foundation to approve the distribution of funds in one lump sum payment of \$330,019 from J.P. Morgan Private Bank to the Harbor Community Benefit Foundation to be used in accordance with Harbor Community Benefit Foundation's request; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context - On April 2, 2008, the Board approved a MOU between the City of Los Angeles and certain organizations and individuals (TraPac Appellants) to resolve an appeal of the certification of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the TraPac Container Terminal Project (TraPac) to the Los Angeles City Council. The MOU provides for resolution of the EIR/EIS appeals and creation of the PCMTF designated for mitigation projects that mitigate impacts from port and port-related operations and are consistent with the Tidelands Trust and the MOU. In addition the MOU required the creation of a nonprofit entity, the HCBF, to operate the PCMTF and oversee the grant selection and grant-making process in accordance with the TraPac MOU.

On October 20, 2010, the Board approved the Operating Agreement of the MOU, among the Harbor Department, TraPac Appellants, and the HCBF. The Operating Agreement provides specific details regarding the PCMTF and the role and responsibilities of the nonprofit entity and the bylaws which govern it. The terms of the Operating Agreement will remain in effect as long as there is balance in the PCMTF. As of September 30, 2017, balance of the PCMTF was \$3,229,896. After the initial funding established by the TraPac Project, funds are added to the PCMTF primarily by contributions from the Harbor Department for projects designated in TraPac MOU Exhibit B that have EIRs certified by May 31, 2016 and have notices to proceed with construction or actual construction commences.

Use of the PCMTF by the HCBF is subject to rules, restrictions, compliance, and monitoring imposed by the MOU, Operating Agreement, and Tidelands Trust Doctrine. The approval of PCMTF-funded projects and transfer of funds from the PCMTF to the HCBF is subject to review and approval by the Board as well as approval as to form and legality by the Office of the City Attorney.

HCBF Role and Responsibilities - HCBF is an independent legal entity that serves as the neutral, third-party to administer the PCMTF and solicit, develop, and select projects

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for grant funding. HCBF must request the Board to approve the selected projects and approve a transfer of funds from the PCMTF to fund grant awards. HCBF must provide, for each project recommended for approval, “a Project-specific Tidelands nexus analysis that includes a description of the Port and Port-related operations to be mitigated and an analysis of how the recommended mitigation measure will address, reduce or eliminate such impacts...[and] how the recommended mitigation measure is reasonable and appropriate for an impact.” (Operating Agreement p. 6, Section 5.B.iv.) Additionally, HCBF must report on progress of previously approved grant funded projects and the balance of the PCMTF with all requests for PCMTF funding. Moreover, HCBF will remain the nonprofit organization to administer the PCMTF until the fund is completely spent, or HCBF is dissolved, or all parties agree to terminate the Operating Agreement or the PCMTF without reviewing the MOU.

Since its inception, HCBF has completed an Off-Port Impact Land Use Study, a Noise Assessment in Wilmington (Phase I of the Noise Mitigation Program), and launched three competitive grant programs: Community Benefit Grants, Healthy Harbor Grants, and Harbor Schools STEAM Initiative Grants. To date, HCBF has distributed \$5,220,000 in grants to fund projects designed to address Port impacts on aesthetics, air quality, biological resources, cultural resources, health risks and land use for San Pedro and Wilmington.

Community Benefit Grant Program – In 2013, the HCBF launched its Community Benefit Grant Program and awarded \$506,000 in grant funding, approved by the Board on December 12, 2013, for 19 projects focused on addressing impacts to the communities of San Pedro and Wilmington from Port or Port-related operations through beautification, education/training, safety, employment opportunities, and/or community initiatives. On October 16, 2014, the Board approved 20 of 23 projects and awarded \$570,000 in grant funding for Round 2 of the Community Benefit Grant Program for projects also aimed at addressing Port or Port-related impacts to the community. On March 19, 2015, the Board approved the three remaining Round 2 projects totaling \$50,000. On November 23, 2015 the Board approved 10 of 17 projects and awarded \$350,000 in grant funding for Round 3 of the Community Benefit Grant Program aimed at addressing Port air quality impacts, Port incompatible land use impacts, and Port safety impacts. On October 24, 2017, the Board approved 15 of 22 projects and awarded \$800,000 in grant funding for Round 4 of the Community Benefit Grant Program for projects also aimed at addressing Port or Port-related impacts to the community.

HCBF released a Request for Request for Letters of Intent (LOI) the fifth round solicitation for the Community Benefit Grant Program on February 27, 2017. HCBF received 35 LOIs. Of those, 25 were invited to apply, with 5 being provided technical assistance, and ultimately 22 organizations submitted full applications. HCBF Board of Directors unanimously approved 10 projects for funding at its June 9, 2017 meeting: two programs in Wilmington for \$55,326; four programs in San Pedro for a total of \$79,643; and four programs which serve both communities for a total of \$195,050.

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Applicant	Recommended	Community Served	Program
1. Clean San Pedro	\$50,050	San Pedro and Wilmington	Provide tree care and maintenance for 1,100 trees in Port-adjacent areas throughout San Pedro and Wilmington.
2. COPE Preparedness	\$38,087	San Pedro	Retrofit a shipping container for use as a Volunteer Point of Distribution (VPOD) in San Pedro that contains emergency supplies, medical provisions and critical necessities..
3. Harry Bridges Span School	\$33,000	Wilmington	Three-part program where students create micro green spaces throughout Wilmington, water quality testing with the use of ROVs, and Port-related environmental education.
4. Heal the Bay	\$30,000	San Pedro	Environmental education programming at the Marine Science/ Math Science/ Technology Magnet at San Pedro High School.
5. IQAir Foundation	\$6,606	San Pedro	Installation of air filters in a preschool located in San Pedro that is affected by air pollution from Port and Port-related operations.
6. Los Angeles Biomedical Research Institute	\$75,000	San Pedro and Wilmington	Provide Pulmonary screening, education and research for Wilmington and San Pedro residents whose health is affected by operations of the Port.
7. Saints Peter and Paul School	\$22,326	Wilmington	Students will participate in a STEM project-based learning program where they will conduct water and air quality tests, research current and past mitigation efforts and conduct scientific experiments.
8. SBCC, Thrive LA	\$30,000	Wilmington	Design and implement a series of community group aesthetics and air quality impacts projects plus conduct air quality education in Wilmington.
9. Sharefest Community Development, Inc.	\$4,950	San Pedro	Design of a landscaping project on land converted from an oil tank farm.
10. Think Earth Environmental Education Foundation	\$40,000	San Pedro and Wilmington	Floating lab that allows students to explore the Port, from the water, and assess the impact of Port operations on marine life and water quality.
<b>TOTAL</b>	<b>\$330,019</b>		

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The recommended Community Benefit Grant projects conform to requirements of the TraPac MOU and Operating Agreement and Tidelands Trust. A combined total of 10 proposals have been selected to receive PCMTF funding based on identification of impacts from Port or Port-related operations, the ability of the proposal to mitigate the identified impact, technical feasibility, cost-effectiveness, organizational capacity to complete the project, and the benefits the project proposal would provide within the communities of Wilmington and/or San Pedro, as explained in detail in the HCBF's September 13, 2017 Memorandum to the Harbor Department (Transmittal 1).

PCMTF Disbursement of Funds – Upon Board approval, a single transfer from the PCMTF to HCBF in the amount of \$330,019 will be authorized by the Harbor Department's authorized signatory. Contracts for approved projects and all other PCMTF expenditures are to be executed solely between the Nonprofit and its vendors or grantees.

Factors to be Considered by the Board of Harbor Commissioners - The Operating Agreement of the TraPac MOU sets forth the relationship between the HCBF and the Board. The Board remains the trustee of the Tidelands assets at issue, the funds in the PCMTF, and must exercise "its independent judgment to determine that [proposed HCBF] projects mitigate a direct or indirect impact from Port or Port-related operations and are consistent with the Tidelands Trust and the [TraPac] MOU." (Operating Agreement, Section 5.A)

In accordance with Section 5.C of the Operating Agreement, the Board shall consider the following factors in voting on an HCBF requested project:

- a) consistency with the TraPac MOU and the Tidelands Trust;
- b) whether the identified impact is attributable to Port or Port-related operations;
- c) whether the proposed project reasonably and appropriately mitigates, addresses, reduces, or eliminates the identified impact;
- d) that the budget and schedule for funding draw-downs from the PCMTF is appropriate for the type of project; and
- e) the substantial form of contracts which the Nonprofit proposes to enter into if the project is approved.

The Board may not arbitrarily or unreasonably decline to fund a project. Should the Board decline to fund a project recommended by the HCBF, it shall provide written findings relating to the reasons for the rejection based on the factors above.

Staff has reviewed the request submitted by the HCBF and recommends the Board's approval of the proposed 10 Community Benefit Grants, Round 5 based on these factors.

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**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of HCBF's Community Benefit Grant Program, Round 5 projects and the transfer of funds to the PCMTF. This action is limited to the administrative approval for the distribution of funds. Individual projects implemented with the use of funding will be subject to separate environmental review by the lead agency with jurisdiction over the project. Therefore, as an administrative activity, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The Harbor Department originally funded the PCMTF. Approval of the Community Benefit Grant Program, Round 5 projects will allow a draw-down of funds from the PCMTF with no requirement of the Harbor Department to provide any additional funding. The Harbor Department has made the required contributions to the PCMTF for all eligible projects. As of September 30, 2017, the PCMTF balance, managed by J.P. Morgan Private Bank, was \$3,229,896. Upon Board approval of the Community Benefit Grant Program, Round 5, a lump sum of \$330,019 will be transferred from the PCMTF to HCBF.

To date HCBF has allocated a total of \$5,550,019 to grantees and contractors in combined HCBF-administered funds. Upon transfer of funds, HCBF will be financially responsible for the disbursement of funds to grantees in accordance with the TraPac MOU, Operating Agreement and Grant Agreements.

**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the requested transfer of funds from the PCMTF as to form and legality including compliance with the TraPac MOU and Operating Agreement.

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**TRANSMITTAL:**

1. HCBF Community Benefit Grant Program, Round 5 and PCMTF Transfer Request

FIS Approval: MB (initials)

CA Approval: ML (initials)

APPROVED:

*Mark Bleavin FOR*

EUGENE D. SEROKA  
Executive Director

Author: T. Adams Lopez