

RESOLUTION NO. 17-8047

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES AUTHORIZING THE EXECUTIVE DIRECTOR TO GRANT TEMPORARY ENTRY AND USE PERMITS

WHEREAS, the City of Los Angeles (City) is a chartered city duly organized and existing under and pursuant to the provisions of the Constitution of the State of California and the Charter of the City (Charter); and

WHEREAS, the Los Angeles Harbor Department (Harbor Department) is a Proprietary Department of the City, established and provided for by the Charter, having control of its own revenues and funds and under the management and control of a Board of Harbor Commissioners (Board); and

WHEREAS, Section 651(a) of the Charter provides that the Board shall have possession, management, and control of all lands and waters known as the Harbor District and all harbor and port improvements, works, utilities, facilities, and watercraft owned, controlled, or operated by the Harbor Department known as the Harbor Assets; and

WHEREAS, Section 655(e) of the Charter allows the general manager of the Harbor Department, known as the Executive Director (Executive Director), to grant revocable permits to use the lands and waters, or interests therein in the Harbor District, or any structure or appurtenance thereto, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with any trusts upon which the land may be held by the City, subject to approval of the Board; and

WHEREAS, Section 655(g) of the Charter further allows the Executive Director to carry out all powers and duties of the Harbor Department delegated by the Board; and

WHEREAS, Board Resolution No. 5898 currently authorizes the Executive Director to grant revocable permits in the form of a Temporary Entry and Use Permit (TEUP) for temporary entry and use of lands and waters and structures and appurtenances thereto within the Harbor District after the filing of an application with the Executive Director on the condition that the compensation for the permit is based upon a percentage of gross receipts or Two Hundred Fifty Dollars (\$250) per day, whichever is appropriate in the judgment of the Executive Director; and

WHEREAS, administrative efficiency could be improved and revenues to the Harbor Department increased by authorizing the Executive Director, or his designee, to grant revocable permits in the form of a TEUP that are valued at or below or provide for compensation not to exceed \$150,000 per annum and for a fixed term not to exceed sixty (60) days.

NOW, THEREFORE, BE IT RESOLVED by the Board of Harbor Commissioners of the City of Los Angeles, as follows:

1. The Executive Director of the Harbor Department is hereby authorized to grant revocable permits in the form of a TEUP to use the lands and waters, or interests therein in the Harbor District, or any structure or appurtenance thereto, for any event provided the purpose or purposes of any such event shall not interfere with commerce or navigation, and are not inconsistent with any trusts upon which the land may be held by the City.

2. Any TEUP granted by the Executive Director shall not deviate materially from the template attached hereto as Exhibit 1. A TEUP shall not be deemed to deviate materially from the approved template if any negotiated, added, or modified terms result in more restrictive or stringent obligations in favor of the City and against the assignee of the TEUP.

3. The Board hereby adopts as its policy the TEUP Fees and Charges Guidelines attached hereto as Exhibit 2. Any TEUP granted by the Executive Director must be valued at or below or provide for compensation not to exceed \$150,000 per annum and be consistent with the TEUP Fees and Charges Guidelines.

4. Any Temporary Entry and Use Permit granted by the Executive Director shall be for a fixed term not to exceed sixty (60) days.

5. Resolution No. 5898, which currently authorizes the Executive Director to grant Temporary Entry and Use Permits, is rescinded, no longer of any effect, and is superseded by this Resolution.

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6. Resolution No. 11-7230, which authorizes the use of the current Revocable Permit template, and Resolution No. 11-7239, which delegates authority to the Executive Director to execute Revocable Permits that do not materially deviate from the current Revocable Permit template and are valued at or below or provide for compensation not to exceed \$150,000 annually are not rescinded and remain in full force and effect.

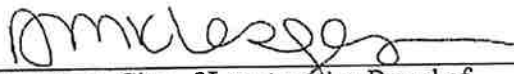
APPROVED AS TO FORM AND LEGALITY

January 5, 2017
MICHAEL N. FEUER, City Attorney
Janna B. Sidley, General Counsel

By 
Janet Karkanen, Deputy

CERTIFICATION

The undersigned, duly qualified as Secretary of the Harbor Department, certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the Board of the Department held on January 12, 2017.

By 
Secretary, City of Los Angeles Board of
Harbor Commissioners

Dated: Jan. 26, 2017