

**Los Cerritos Wetlands Authority**

**Date:** January 7, 2021

**To:** Governing Board Members

**From:** Sally Gee, Project Manager

**Through:** Mark Stanley, Executive Officer

**Subject:** Item 7: Consideration of a resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the El Dorado Audubon

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**RECOMMENDATION:** That the Los Cerritos Wetlands Authority (LCWA) authorize an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the El Dorado Audubon.

**PROJECT DESCRIPTION:** The LCWA entered into a Memorandum of Agreement (MOA) with the El Dorado Audubon (Audubon) in 2012 and amended in 2016 to implement the Los Cerritos Wetlands Stewardship Program (LCWSP). The terms of the agreement expire on December 30, 2020. This resolution would extend the current agreement to May 31, 2021 (Exhibit A), which would allow enough time to coordinate an amendment to the MOA to consider a long-term agreement between the LCWA and the Audubon to continue implementation of the LCWSP. The Audubon is highly qualified to provide such services including organizing and engaging the community, distributing information for habitat restoration events to the public at-large, and are leaders who represent the LCWSP.

**BACKGROUND:** The Audubon has successfully implemented the Los Cerritos Wetlands Stewardship Program (LCWSP) by engaging the community, leverage funding for the LCWSP and providing services for bird walks since 2012.

The LCWA continues to work with local non-profit groups to develop and implement the LCWSP through MOAs. These MOAs are highly beneficial for allowing public access into the Los Cerritos Wetlands and the public becoming active participates in stewardship activities. Without the MOAs, the LCWA does not have staff to administer, manage and implement a public program or sufficient time to allow public access into the Los Cerritos Wetlands. These non-profits continue to successfully implement the goals of the LCWSP, including, promoting community involvement through environmental education, maintenance, restoration, and monitoring of the wetlands.

In addition, these non-profits which manage the MOAs have abided to the LCWA set conditions for administration, which are: 1) any public events must be consistent with all applicable access agreements, 2) the MOAs will be at no cost to the LCWA, 3) the MOAs must meet all insurance and liability provisions that may be recommended by the LCWA legal counsel and 4) the entity has a proven ability to render such services.

**FISCAL:** This MOA will not incur any costs to the LCWA and LCWSP. The Audubon is responsible for providing for itself any equipment needed for stewardship or educational purposes.

**MEMORANDUM OF AGREEMENT****EL DORADO AUDUBON****AND****LOS CERRITOS WETLANDS AUTHORITY****AMENDMENT THREE**

Whereas, The El Dorado Audubon was established as a California Chapter of the National Audubon Society for the conservation of native birds and their habitats, provide leadership in conservation and educates its members and the community so they may appreciate birds and participate in the society's conservation efforts; and

Whereas, The Los Cerritos Wetlands Authority (LCWA) was established as a joint powers authority formed by San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Coastal Conservancy (SCC), City of Long Beach (LBC) and City of Seal Beach (SBC) to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

Whereas, the LCWA adopted the Los Cerritos Wetlands Stewardship Program (LCWSP) on December 14, 2011 to promote community involvement with environmental education, maintenance, restoration, and monitoring of the wetland areas owned by the LCWA; and

Whereas, this Memorandum of Agreement (MOA) provides El Dorado Audubon with the authorization to enter into all LCWA properties in order for El Dorado Audubon to conduct and implement the LCWSP. Further El Dorado Audubon is a named insured on the LCWA liability insurance policy; and

Whereas, El Dorado Audubon has obtained the necessary rights of entry for entering into all the necessary properties to conduct their program; and

Whereas, El Dorado Audubon and the LCWA (hereinafter referred collectively as the "Parties") have a mutual interest in the implementation of the LCWSP which will promote and provide leadership in conservation and educate its members and the community so they may appreciate wetland habitat conservation and become stewards of the Los Cerritos Wetlands; and

NOW THEREFORE the Parties, each acting through duly authorized officers, enter into the following Memorandum of Agreement:

**I. IT IS MUTUALLY AGREED:**

- A. The Parties agree to this MOA and are authorized to enter into this MOA for implementation of the Los Cerritos Wetlands Stewardship Program.

- B. The Parties agree to send a representative to the quarterly LCW Partners Meeting and attend the LCWA Board Meetings and to provide updates on their ongoing public programs. In addition, the parties to agree to provide updates at each of the quarterly LCWA Board Meetings with written and oral reports.
- C. The Parties agree all inquiries, authorizations and permissions to enter LCWA properties can only be granted by the LCWA Stewardship Coordinator and the LCWA Project Manager in compliance with the LCWSP. El Dorado Audubon does not have the authority to grant permission to a third party to enter and use the LCWA properties.
- D. The Parties agree that all work contemplated under this agreement must be consistent with the terms of the LCWA joint powers agreement, LCWSP and the bylaws established by El Dorado Audubon. Should there be any conflicts between the terms and conditions of the LCWA joint powers agreement, LCWSP and the bylaws established by El Dorado Audubon, the terms and conditions of the LCWA joint powers agreement shall control first, then the LCWSP, followed by the MOA and then El Dorado Audubon bylaws.
- E. The term of the MOA shall be extended through May 31, 2021.
- F. No alteration or variation of the terms of this MOA shall be valid unless made in a written amendment to this MOA and signed by the parties hereto and no oral understanding or agreement incorporated herein shall be binding on any of the parties hereto.
- G. Coordination and communications between El Dorado Audubon and LCWA will be clear, concise and consistent in order to effectively implement the LCWSP and avoid conflicts of scheduled tours, educational programs and other uses of the site. El Dorado Audubon and LCWA Stewardship Program Coordinator will communicate (email, voicemail or written notification) at least 1 month in advance when necessary on upcoming events. This information will be mutually shared with all the LCWA Partners, including Los Cerritos Wetlands Land Trust (LCWLT), Aquarium of Pacific and other local organizations or individuals wishing to access the LCWA properties and all communications will be conducted via LCWA Project Manager first.
- H. Coordination and communications between El Dorado Audubon and LCWA for uses of the Los Cerritos Wetlands area will be monthly in order to avoid conflicts of scheduled tours, educational programs and other uses of the site.
- I. Neither the LCWA nor any officer, agent or consultant thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by El Dorado Audubon under or in connection with any work, authority or jurisdiction conferred upon El Dorado Audubon and arising under this MOA. It is understood and agreed El Dorado Audubon shall fully defend, indemnify and save harmless the LCWA and all its officers, agent or consultant from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the El Dorado Audubon under this MOA.
- J. Neither El Dorado Audubon nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the LCWA under or in connection with any work, authority or jurisdiction conferred upon by the LCWA and arising under this Agreement.

It is understood and agreed that LCWA shall fully defend, indemnify and save harmless El Dorado Audubon and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the LCWA under this MOA.

## **II. Responsibilities of each of the Parties**

### **A. El Dorado Audubon**

1. El Dorado Audubon will develop a work program that is consistent with the LCWSP within 30 days if grants are awarded. The work program will require final sign-off by the LCWA Project Manager before submitting to the Granting Agency.
2. Update El Dorado Audubon website and online calendar at <http://eldoradoaudubon.org/events> to publicize all LCWA and El Dorado Audubon upcoming public events.
3. Ensure the safety of all volunteers involved with the LCWSP and have all volunteers sign the attached Liability Waiver, every time volunteers access the LCWA properties. These liability waiver forms must be provided to the LCWA Stewardship Coordinator and the LCWA Project Manager on a quarterly basis.
4. Coordinate with the LCWA Stewardship Coordinator on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site at least 1-month in advance.
5. Perform all work in accordance with all policies, procedures, practices, and standards that the LCWA would normally follow.
6. El Dorado Audubon leaders have extensive experience and knowledge in bird identification and have collected data for Los Cerritos Wetlands tours since 2009. This data will be kept current and updated on e-Bird.
7. El Dorado Audubon must provide personal binoculars, computers, camera equipment and any other equipment necessary for the implementation of the Interim Stewardship Program. Provides in kind operating costs, printing, postage, office supplies, rent and telephone services.
8. Long-term goal to provide Audubon staff which is experienced and knowledgeable to be part of the comprehensive educational wetland programs to share the importance of wetlands and Los Cerritos Wetlands in particular with their and the community.
9. Will obtain prior approval of the LCWA for any educational tours or stewardship activities, including tour leaders and their credentials at least 1-month in advance of the events.

### **B. Los Cerritos Wetlands Authority**

1. Provide El Dorado Audubon with the necessary keys to enter all LCWA properties.

2. Provides in kind operating costs, printing, postage, office supplies, rent and telephone services not to exceed \$500 in value.
3. Coordinate with the El Dorado Audubon on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.
4. Los Cerritos Wetlands Stewardship Program will be updated and kept current as necessary. Additionally, these updates will be distributed directly to the President and the Conservation Chair of El Dorado Audubon to allow for a timely implementation of these updates in their program.
5. Provide a link on the LCWA's website for El Dorado Audubon and a description of the organization in order to promote the stewardship work El Dorado Audubon does throughout southern California.
6. LCWA will apply and retain all necessary regulatory permits such as Coastal Development Permits and obtain right of entry permits for implementation of the Stewardship Program.
7. LCWA will provide oversight and final decisions for management of all grants awarded.
8. Will suggest activities suitable for the El Dorado Audubon when appropriate.

This Memorandum of Agreement constitutes the entire Agreement between Los Cerritos Wetlands Authority and El Dorado Audubon and may be modified only by further written Agreement between the parties hereto.

**For the El Dorado Audubon**

Signed: \_\_\_\_\_  
Mary Parsell, President

Date \_\_\_\_\_

**For the Los Cerritos Wetlands Authority**

Signed: \_\_\_\_\_  
Samuel Schuchat, Chair

Date \_\_\_\_\_

January 7, 2021 – Item 7

RESOLUTION 2021-02

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)  
AUTHORIZING AN EXTENSION TO THE MEMORANDUM OF AGREEMENT  
FOR THE LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM  
WITH THE EL DORADO AUDUBON

WHEREAS, the Los Cerritos Wetlands Authority has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, this action will authorize an amendment to the Memorandum of Agreement with the El Dorado Audubon; and

WHEREAS, the LCWA has acquired certain properties which will require active stewardship; and

WHEREAS, the LCWA had adopted a Los Cerritos Wetlands Stewardship Program; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

Therefore be it resolved, that the LCWA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated January 7, 2021.
4. AUTHORIZES an extension to the Memorandum of Agreement with the El Dorado Audubon to May 31, 2021.

~ End of Resolution ~

Passed and Adopted by the Board of the Los Cerritos Wetlands Authority  
On January 7, 2021.

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Sam Schuchat, Board Chair

ATTEST: \_\_\_\_\_  
David Edsall, Jr.  
Deputy Attorney General