

Los Cerritos Wetlands Authority

Date: May 5, 2022

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 13: Consideration of a resolution to authorize the Executive Officer to negotiate and execute an on-call contract for legal counsel services

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize the Executive Officer to negotiate and execute an on-call contract for legal counsel services

PROJECT DESCRIPTION: While needs for legal representation are present from time to time, the most acute need is to adequately consider real property transaction opportunities that arise. Additional legal services capacity will greatly benefit LCWA and its member agencies against liabilities.

Contract(s) terms and amount(s) will be determined after negotiations are finalized with the selected individual(s) firm(s) for legal counsel services. The scope of preferred specialties will include, but not be limited to:

- Acquisition and land transfer agreements
- Conservation easements
- Agreements for mitigation funds and endowments
- CEQA regulations

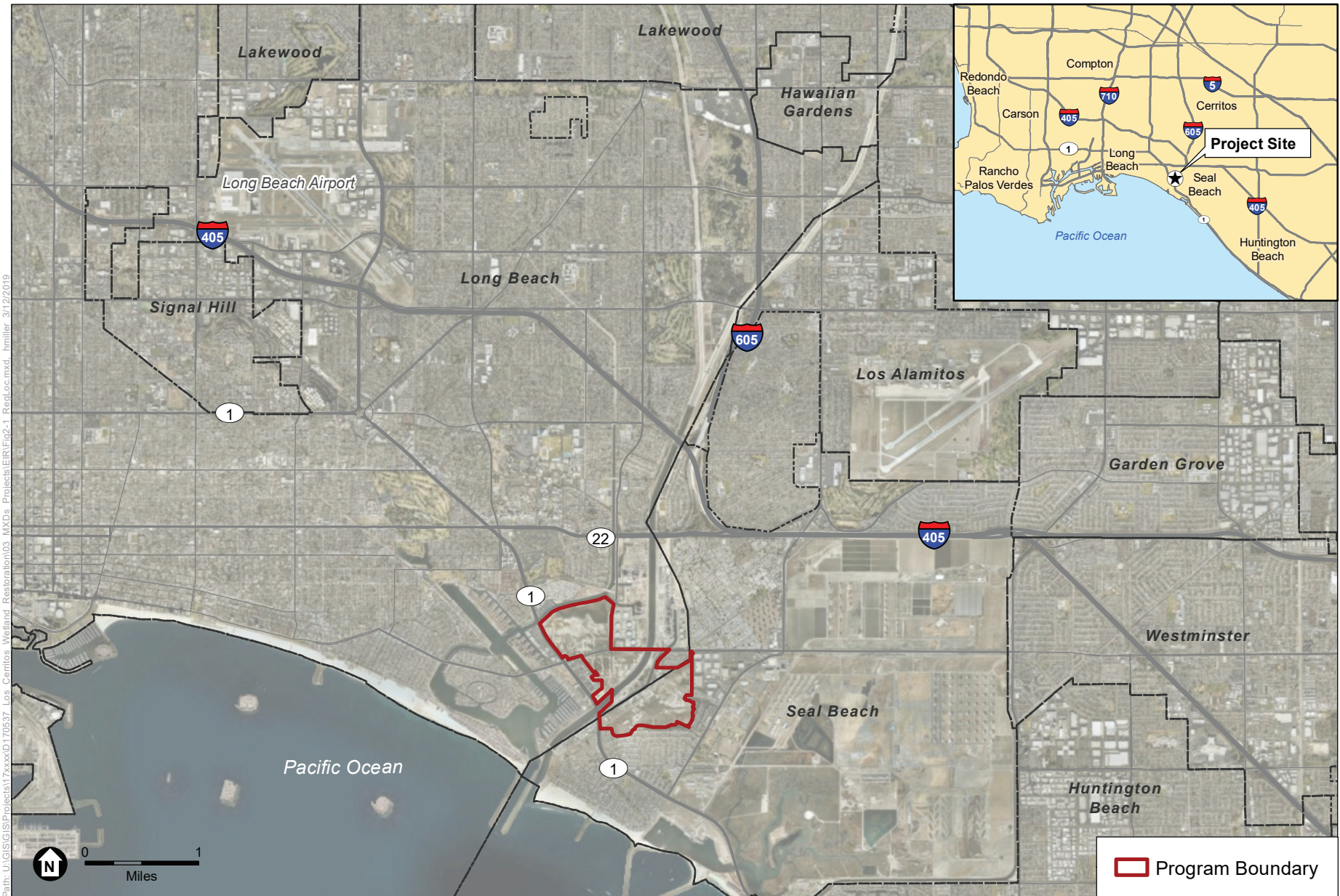
Current legal service needs include negotiations for the Synergy Land Exchange Agreement, Upper Los Cerritos Wetlands Mitigation Bank, conservation easement and endowment for the ASCON Tarplant Mitigation Project that is nearing satisfaction of the performance standards, and the Studebaker Business Park land donation. Upcoming needs include mitigation funding agreements as planning progresses for the Southern Los Cerritos Wetlands Restoration Project.

BACKGROUND: The LCWA was established with a mission to conserve the Los Cerritos Wetlands, which the LCWA has identified as approximately 500 acres on both sides of the San Gabriel River in the cities of Long Beach and Seal Beach (Exhibit A - Map). Acquisitions, conservation easements, land transfers, and mitigation fees are various opportunities the LCWA have available to advance that mission. These opportunities have been increasing due to the completion and adoption of the Los Cerritos Wetlands Conceptual Restoration Plan (2015), the Los Cerritos Wetlands Restoration Plan Program Environmental Impact Report (2021), and the Los Cerritos Wetlands Habitat Restoration Plan (2021), as well as the restoration success achieved through the Stewardship Program.

Currently legal counsel is provided to LCWA in-kind by Joint Power Authority partner the San Gabriel and Lower Los Angeles Rivers and Mountains through assistance with legal concerns through the California Department of Justice, Office of the Attorney General, Public Rights Division, Land Use and Conservation Section.

In the past LCWA has also received legal support from the State Coastal Conservancy legal counsel depending on staff availability. Outside counsel has been hired periodically for matters of specific concern. A combined team of legal support has been successful in LCWA securing the acquisition of roughly 170 acres of Los Cerritos wetlands area.

FISCAL: In the FY 21/22 budget, \$25,000 was approved for legal services. Services may also be billed to specific project budgets as they are made available.



SOURCE: ESRI

Los Cerritos Wetlands Restoration Plan Program EIR

Regional Location

May 5, 2022 – Item 13

RESOLUTION 2022 - 05

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY
AUTHORIZING THE EXECUTIVE OFFICER
TO NEGOTIATE AND EXECUTE AN
ON-CALL CONTRACT FOR LEGAL COUNSEL SERVICES

WHEREAS, the Los Cerritos Wetlands Authority (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 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 the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated May 5, 2022.
4. AUTHORIZES the Executive Officer to negotiate and execute an on-call contract for legal counsel services.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on May 5, 2022.

Suzie Price, Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General