

WHEREAS, the Los Angeles River is integral not only to the founding and history of the City of Los Angeles (City), but also to the City's future; and

WHEREAS, original settlers of the Pueblo de Los Angeles utilized water from the river for their daily needs; and

WHEREAS, in the mid-1800s, Angelenos constructed waterwheels to lift water from the river for distribution to and irrigation of nearby lands; and

WHEREAS, the City, as the successor to the pueblo's rights and claims, owns prior and paramount pueblo water rights to the surface waters of the Los Angeles River and the native ground waters of San Fernando Basin to meet its reasonable beneficial needs and for its inhabitants; and

WHEREAS, the City is undertaking plans to revitalize the Los Angeles River to enhance and improve water resources, water quality, and the environment; provide recreation and open space for the City's residents and visitors; foster community awareness of and pride in the river; and accomplish other similar goals; and

WHEREAS, to connect the past to the present and create an aesthetic focal point for the City, Metabolic Studio LLC (Metabolic Studio) has proposed the Bending the River Back into the City Project (Project); and

WHEREAS, Metabolic Studio will fund the construction, operation, and maintenance of all components of the Project; and

WHEREAS, as part of the Project, Metabolic Studio intends to construct a Waterwheel to lift water from the Los Angeles River near the North Spring Street and Broadway Bridges to supply it to nearby public lands for irrigation; and

WHEREAS, on March 7, 2014, the State Water Resources Control Board issued Metabolic Studio Artist and Director, Lauren Bon, a license to divert up to 0.22 cubic feet per second of water from the Los Angeles River up to a maximum of 106 acre-feet per year to irrigate 42.5 acres of said lands; and

WHEREAS, Ms. Bon's water rights are junior to the City's prior and paramount pueblo water rights and the City's rights to the reclaimed water it discharges from its water treatment plants; and

WHEREAS, Ms. Bon's rights also are subject to the availability of flows in the Los Angeles River, and Ms. Bon must cease diverting water if flows in excess of the City's needs diminish and become unavailable; and

WHEREAS, Los Angeles City Charter (City Charter) Section 672(a) grants the Board of Water and Power Commissioners (Board) possession, management, and control over the City's water rights and "all the lands, rights-of-way, sites, facilities and property used for the capture, transportation, distribution and delivery of water for the benefit of the City, its inhabitants and its customers;" and

WHEREAS, City Charter Section 677(c) grants the Board the right to supply and distribute reclaimed water to consumers served by the City within its limits; and

WHEREAS, on July 24, 2017, LADWP, the Los Angeles Bureau of Sanitation and Environment, and Metabolic Studio entered into a Memorandum of Agreement (2017 Agreement) regarding operation and maintenance of a rubber dam and appurtenant structures as part of the Project; and

WHEREAS, Metabolic Studio has revised the design of the Project and seeks to enter into a new Memorandum of Agreement (2019 Agreement) relating to the operation and maintenance of the revised Project; and

WHEREAS, the 2019 Agreement shall supersede the 2017 Agreement; and

WHEREAS, LADWP intends to participate in the 2019 Agreement pursuant to the City Charter, and will not assume any financial, indemnity, or other obligations under the 2019 Agreement.

NOW, BE IT RESOLVED, that the 2019 Agreement, approved as to form and legality by the City Attorney and filed with the Secretary of the Board, is hereby approved.

BE IT FURTHER RESOLVED, that the President or Vice President of the Board or the General Manager or such person as the General Manager shall designate in writing and the Secretary, Assistant Secretary or the Acting Secretary of the Board are hereby authorized and directed to execute the 2019 Agreement herein specified in its current form or substantially similar form containing no material changes for and on behalf of LADWP.


BE IT FURTHER RESOLVED, that the President or Vice President of this Board, or the General Manager, or such person as the General Manager shall designate in writing as his designee, and the Secretary, Assistant Secretary, or the Acting Secretary of this Board are hereby authorized to amend and/or modify the subject Agreement for and on behalf of LADWP for items of non-material and/or administrative in nature that do not change either price or term of the Agreement.

BE IT FURTHER RESOLVED, that the Board recommends City Council's approval of the 2019 Agreement as required in City Charter Section 373.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held **SEP 22 2020**


Secretary

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

AUG 17 2020
BY 
JULIE C. RILEY
ASSISTANT CITY ATTORNEY