

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 897-2000
Telephone: (213) 897-2702
Facsimile: (213) 897-2801
E-Mail: John.Saurenman@doj.ca.gov

August 24, 2004

Laurie Collins
Chief Staff Counsel
Santa Monica Mountains Conservancy
Los Angeles River Center and Gardens
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065

RE: Proposition 50 Grant to MRCA for Vista Hermosa Park Project

Dear Ms. Collins:

You have asked that the Office of the Attorney General review the above-referenced grant to the Mountains Recreation and Conservation Authority (MRCA) and advise the Conservancy whether the grant complies with the General Obligation Bond Law and Proposition 50.

Based on the information you have provided, the Conservancy proposes to grant \$3,269,700 in Proposition 50 bond funds to the MRCA. This grant is for the first phase of the project – that is, the infrastructure for the acquisition and development of the land and water resource. The Vista Hermosa Park project is complicated involving a number of public agencies including the California Department of Toxic Substances Control and the Los Angeles Unified School District (LAUSD). However, from our perspective, the project can be briefly summarized.

In conjunction with LAUSD's development of Central L.A. Area New High School No. 11, the MRCA proposes to develop Vista Hermosa Park on about 10.5 acres immediately adjacent to the new school. When completed, the park is to include, inter alia, native plant communities, watershed features, a parking lot, picnic areas, various play areas and trails, and an urban fishing pond. As the MRCA describes the completed project, it will include habitats found in the Santa Monica Mountains and Upper Los Angeles River watershed. As the MRCA states, "Within the park, landforms will emphasize watershed processes through a living pond, wetlands and adjoining riparian ecosystems and meadows." When the park is complete, it will contain

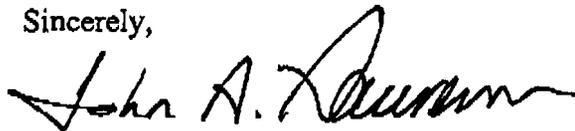
Laurie Collins
August 24, 2004
Page 2

design features include a cistern to capture, clean and reuse water runoff, green roofs to reduce the urban heat island effect, and an interpretative tool to improve practices within watersheds relating to water quality, reducing pollution, capturing additional storm water runoff, and increasing the efficiency of water use.

Proposition 50 makes available \$200 million "for expenditures and grants for the purpose of protecting coastal watersheds, including, but not limited to, acquisition, protection, and restoration of land and water resources and associated planning, permitting and administrative costs." (Wat. Code, § 79570.) Proposition 50 then provides \$40 million to the Conservancy to be expended for protection of the Upper Los Angeles River watershed and the Santa Monica Bay and Ventura County coastal watersheds. (Wat. Code, § 79570, subd. (c).) Thus, the acquisition and restoration of land and water resources in the Santa Monica Bay and Ventura County coastal watersheds is an authorized means of protecting those watersheds. Proposition 50, consistent with Government Code section 16727, also authorizes the expenditure of bond funds for planning, permitting and administrative costs.

This grant is for the acquisition and development of a capital asset, that is, a land and water resource in the Upper Los Angeles River watershed. As such, it is a proper expenditure of bond funds. We note that when complete, this project also furthers a number of the purposes of Proposition 50. These include, as noted above, improving practices within the Upper Los Angeles River watershed (Wat. Code, § 79501, subd. (e)), demonstrating techniques for reducing dependence on imported water and reducing pollution (Wat. Code, § 79501, subd. (f)), and furthering the ability of Californians to live within our allotment of water from the Colorado River (Wat. Code, § 79501, subd. (g)). Finally, we note that the development of Vista Hermosa Park is consistent with the San Gabriel and Los Angeles Rivers Watershed and Open Space Plan. (Wat. Code, § 79508.) We find this grant is proper under the General Obligation Bond Law and Proposition 50.

Sincerely,



JOHN A. SAURENMAN
Supervising Deputy Attorney General

For **BILL LOCKYER**
Attorney General