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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 84 Grant to Mountains Recreation and Conservation Authority for Vista Hermosa Los Angeles River Watershed Restoration Park—SMM-0752

Dear Ms. Collins:

You have asked the Office of the Attorney General to 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 84. We are reviewing this grant using our opinion standard pursuant to the language in the 2007/2008 budget which mandates Attorney General review of Conservancy grants from its appropriation of bond funds to insure compliance with the General Obligation Bond Law and the pertinent bond acts. We note that the Legislature has charged the Attorney General to review grants only to determine whether their purposes are consistent with the General Obligation Bond Law and the specific bond acts. Thus, our review does not address other questions such as the amount of the grant or compliance with other statutes. Nor do we address the budget for the grant except to determine whether the purpose of the funding is proper.

Based on the information you have provided, the Conservancy proposes to grant \$508,823 in Proposition 84 bond funds to the MRCA to fund projects that are a part of the Vista Hermosa Los Angeles River Watershed Restoration Park project (Park). The MRCA describes the Park as a place that will provide a restored natural watershed experience featuring habitats found in the Santa Monica Mountains and the Upper Los Angeles River watershed. The MRCA continues that within the park, landforms will emphasize watershed processes that capture and recycle all on-site irrigation water. This grant will allow the MRCA to include features that had been included in the design of the Park but which had to be deleted because of funding limitations. Thus, this grant will fund perimeter fencing to enhance the safety of the Park; entry gates with interpretative features; a cistern to capture, clean and reuse water runoff; green roofs (that is, using materials such as sod) to reduce urban heat island effects; and a grotto water feature as an interpretive tool that will allow students to learn how a watershed functions. Finally, this grant will allow the MRCA to purchase larger oak and sycamore trees and to increase other native plantings in the Park.

Proposition 84 allocates \$36 million to the Conservancy for the implementation of watershed protection activities throughout the watershed of the Upper Los Angeles River pursuant to Water Code section 79508. (Pub. Resources Code, § 75050, subd. (g)(2).) Water Code section 79508 mandates that watershed protection activities in the San Gabriel and Los Angeles Rivers watersheds are to be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan (Open Space Plan) that both the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Santa Monica Mountains Conservancy have approved. In its resolution approving this grant, the Conservancy found that the proposed grant will fund activities that are consistent with the Open Space Plan.

Proposition 84 defines “protection” to mean “those actions necessary to prevent harm or damage to persons, property or natural resources or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation.” (Pub. Resources Code, § 75005, subd. (m).) Proposition 84 defines “preservation” to mean “rehabilitation, stabilization, restoration, development, and reconstruction, or any combination of those activities.” (*Id.*, § 75005, subd. (l).) Proposition 84 defines “development” to include, but not be limited to, the physical improvement of real property including the construction of facilities or structures. (*Id.*, § 75005, subd. (f).) The proposition defines “restoration” to include “the improvement of physical structures or facilities . . .” (*Id.*, § 75005, subd. (n).)

Proposition 84 defines “interpretation” to include but not be limited to:

[A] visitor serving amenity that educates and communicates the significance and value of natural, historical, and cultural resources in a way that increases the understanding and enjoyment of these resources and that may utilize the expertise of a naturalist or other specialist skilled at educational interpretation.

(*Id.*, § 75005, subd. (i).) “Amenity” generally is defined as something that increases agreeableness or attractiveness. (See Webster’s 10th New Collegiate Dict. (1999) p. 37.)

We note that this is not the first grant involving the Vista Hermosa Park project that has come before us. In August 2004, we reviewed and approved a Conservancy grant of \$3,269,700 in Proposition 50 bond funds to the MRCA for this project. In December 2005, we reviewed and approved an amendment to that grant. We also note that the Park is located adjacent to the new Belmont Senior High School and will serve an interpretive function for the students at that school. As a general matter, the Park as a whole serves an interpretive function for purposes of Proposition 84.

The Park is, in effect, an Upper Los Angeles River watershed demonstration project that furthers several of Proposition 84’s policies. Public Resources Code section 75003, subdivision (e) provides that the people of the State find it necessary and in the public interest to revitalize our communities and make them more sustainable and livable by investing in sound land use planning, local parks and urban greening. Because the Park project is located near downtown Los Angeles in

a relatively park-poor area of the city, the project is demonstrating sound land use management by developing an urban park. Public Resources Code section 75003.5 recognizes the challenges that climate change poses and states that we must address those challenges through improvements in land use and water management. By demonstrating innovative methods for reducing urban heat island effects and by demonstrating techniques for recycling water, the Park project is demonstrating improvements in land use and water management.

The specific items that this grant will fund also fit within the definitions of Proposition 84 for protection, preservation, development, interpretation and restoration. All of the activities planned under this grant are development and restoration for purposes of Proposition 84 because they physically improve the lands being used for the Park. In addition, the fencing will protect the property and the members of the public that will enjoy and use the Park. Also, all of the projects, excepting the fencing, are visitor-serving amenities that educate and communicate the significance and value of natural resources.

Proposition 84 also incorporates the General Obligation Bond Law. (Pub. Resources Code, § 75081.) The General Obligation Bond Law provides that bond funds may be used for the construction and acquisition of "capital assets." (Gov. Code, § 16727, subd. (a).) "Capital assets" include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset." (*Ibid.*) "Capital assets" also includes equipment with an expected useful life of two years or more. (*Ibid.*)

As we noted in our August 24, 2004 letter regarding the Vista Hermosa Park project, this project is for the 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. In addition, the activities that this grant funds will enhance the useful life of the Park and on that basis as well qualify as capital assets for purposes of the General Obligation Bond Law.

Based on the foregoing, we find that this grant is proper pursuant both to Proposition 84 and to the General Obligation Bond Law. Please feel free to contact us if you have any questions about the foregoing.

Sincerely,



JOHN A. SAURENMAN  
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General