

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

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RESOLUTION 2022-13

BOARD REPORT NO. 250-21/22

RECOMMENDING BOARD APPROVAL TO DEFINE AND APPROVE THE PACOIMA MIDDLE SCHOOL URBAN GREENING PROJECT, AMEND THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO INCORPORATE THEREIN, AND AUTHORIZATION TO NEGOTIATE AND EXECUTE AGREEMENTS WITH THE TREEPEOPLE, INC. FOR THE CONSTRUCTION OF THE PROJECT

WHEREAS, Los Angeles Unified School District (Los Angeles Unified or District) Staff proposes that the Board of Education (Board) define and approve the Pacoima Middle School (Pacoima) Urban Greening Project (Project), and amend the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) accordingly as described in Board Report No. 250-21/22; and

WHEREAS, Los Angeles Unified Staff also requests that the Board authorize the Chief Facilities Executive, and/or his designee, to negotiate and execute development and maintenance agreements, and/or any other reasonable instruments, with TreePeople, Inc. (TPI) for the design and construction of the Project, and the subsequent maintenance and operation of the Project for at least 20 years pursuant to California Natural Resources Agency (CNRA) Grant Program guidelines; and

WHEREAS, In March 2020, TPI, a 501(c)(3) California Non-Profit Corporation, after consulting with the principal at Pacoima and Facilities Services Division staff, submitted a proposal to the CNRA for a grant under the State's Urban Greening Program (Program) to fund the development of the proposed greening Project at Pacoima. Projects that provide park or recreational benefits to a critically underserved community or disadvantaged community, uses existing public land, and

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facilitates the use of public resources and investments, including schools are prioritized. Grant funds are only awarded to a city, county, special district, and nonprofit organization. School districts are not eligible to receive grant funds; and

WHEREAS, The proposed Project is anticipated to provide Pacoima with approximately 12,988 square feet of multi-benefit green infrastructure improvements, including additional green space, nature-based outdoor educational learning and play areas, a native pollinator garden, new shrubs, and shade trees planted around the perimeter of the campus. Improvements include the removal of asphalt, installation of a concrete curb and header, interlocking concrete pavers, decomposed granite, log stools, metal and log benches, picnic tables, additional trees and plants, updated irrigation system, stormwater infiltration areas, and rain gardens; and

WHEREAS, In April 2021, CNRA approved TPI's proposal and awarded a \$787,938 grant to support the design and construction of the proposed Project (Grant); and

WHEREAS, The proposed Project will be constructed by TPI and will be funded by the State's CNRA Grant and Los Angeles Unified Bond Program funds. Construction activities are anticipated to begin in the third quarter of 2022 and to be completed in the first quarter of 2023; and

WHEREAS, The proposed project budget is \$1,223,370, of which \$523,545 will be funded with Los Angeles Unified Bond Program funds earmarked specifically for school upgrades and reconfigurations to support wellness, health, athletics, learning, and efficiency. The remaining funding required to complete the proposed Project will be paid directly by TPI with the Grant awarded under the State CNRA Program. Approximately \$88,112 of the \$523,545 has been identified as project costs that will be eligible for reimbursement to Los Angeles Unified from the Grant awarded to TPI; and

WHEREAS, The State CNRA Grant Program stipulates that all grantees receiving up to \$1,000,000 in Program funding shall maintain and operate the Project for a period of at least 20 years. Los Angeles Unified will be responsible for maintaining the areas upgraded by the proposed Project in accordance with its annual Maintenance and Operations (M&O) budget, standards, and specifications; and

WHEREAS, The proposed Project, once completed, will provide 899 students attending Pacoima with a new school garden and green space to provide outdoor learning opportunities and create sustainable and healthy environments that help promote learning.

WHEREAS, Los Angeles Unified Staff has concluded that this proposed Facilities SEP amendment will facilitate Los Angeles Unified's ability to successfully implement the Facilities SEP.

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RECOMMENDING BOARD APPROVAL TO DEFINE AND APPROVE THE PACOIMA MIDDLE SCHOOL URBAN GREENING PROJECT, AMEND THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO INCORPORATE THEREIN, AND AUTHORIZATION TO NEGOTIATE AND EXECUTE AGREEMENTS WITH THE TREEPEOPLE, INC. FOR THE CONSTRUCTION OF THE PROJECT

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Bond Citizens' Oversight Committee (BOC) recommends that the Board define and approve the Pacoima Middle School (Pacoima) Urban Greening Project (Project) and amend the Facilities SEP, accordingly, as described in Board Report No. 250-21/22, a copy of which is attached hereto in the form it was presented to the BOC and is incorporated herein by reference.
2. This resolution shall be transmitted to the Los Angeles Unified Board and posted on the BOC's website.
3. Los Angeles Unified is directed to track the above recommendation and to report on the adoption, rejection, or pending status of the recommendations as provided in section 6.2 of the Charter and Memorandum of Understanding between the BOC and Los Angeles Unified.

ADOPTED on February 24, 2022, by the following vote:

AYES: 11

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 3

/Rachel Greene/

Rachel Greene
Chair

/Margaret Fuentes/

Margaret Fuentes
Secretary



Board of Education Report

File #: Rep-250-21/22, **Version:** 1

Define and Approve the Pacoima Middle School Urban Greening Project, Amend the Facilities Services Division Strategic Execution Plan to Incorporate Therein, and Authorization to Negotiate and Execute Agreements with the TreePeople, Inc. for the Construction of the Project

March 8, 2022

Facilities Services Division

Action Proposed:

Define and approve the Pacoima Middle School (Pacoima) Urban Greening Project (Project), amend the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) to incorporate therein, and authorize the Chief Facilities Executive, and/or his designee, to negotiate and execute development and maintenance agreements, and/or any other reasonable instruments, with TreePeople, Inc. (TPI) for the design and construction of the Project, and the subsequent maintenance and operation of the Project for at least 20 years pursuant to California Natural Resources Agency (CNRA) Grant Program guidelines.

The proposed project budget is \$1,223,370 to be funded by TPI through a CNRA Grant and Los Angeles Unified School District (Los Angeles Unified or District) Bond Program funds.

Background:

In March 2020, TPI, a 501(c)(3) California Non-Profit Corporation, after consulting with the principal at Pacoima and Facilities Services Division staff, submitted a proposal to the CNRA for a grant under the State's Urban Greening Program (Program) to fund the development of the proposed greening Project at Pacoima. Projects that provide park or recreational benefits to a critically underserved community or disadvantaged community, uses existing public land, and facilitates the use of public resources and investments, including schools are prioritized. Grant funds are only awarded to a city, county, special district, and nonprofit organization. School districts are not eligible to receive grant funds.

The proposed Project is anticipated to provide Pacoima with approximately 12,988 square feet of multi-benefit green infrastructure improvements, including additional green space, nature-based outdoor educational learning and play areas, a native pollinator garden, new shrubs, and shade trees planted around the perimeter of the campus. Improvements include the removal of asphalt, installation of a concrete curb and header, interlocking concrete pavers, decomposed granite, log stools, metal and log benches, picnic tables, additional trees and plants, updated irrigation system, stormwater infiltration areas, and rain gardens.

In April 2021, CNRA approved TPI's proposal and awarded a \$787,938 grant to support the design and construction of the proposed Project (Grant). Funding has not yet been disbursed. In January 2022, Los Angeles Unified reviewed TPI's estimated project budget using District's project budget guidelines and based on current information known, the total proposed project budget is now \$1,223,370.

Staff is working with TPI to ensure that the proposed Project complies with Los Angeles Unified design standards. TPI is also working with the administration at Pacoima throughout the design process and will continue to do so throughout the development of the proposed Project.

The proposed Project will be constructed by TPI and will be funded by the State's CNRA Grant and Los Angeles Unified Bond Program funds. Construction activities are anticipated to begin in the third quarter of 2022 and to be completed in the first quarter of 2023. The improvements will be owned by Los Angeles Unified upon completion of construction.

Pacoima is located on a 21.8-acre site within the boundaries of Sun Valley Community of Schools, Local District Northeast, and Board District 6 (Kelly Gonez). As of the 2021-2022 Electronic Capacity Assessment Review (E-CAR), Pacoima served 899 students in sixth through eighth grade.

Expected Outcomes:

Define and approve the proposed Project, amend the Facilities SEP to incorporate therein, and enable staff to execute the development and maintenance agreements with TPI. Approval will also allow CNRA to disburse the Grant funding to TPI to implement the proposed Project and authorize the expenditure of Los Angeles Unified Bond Program funds. Los Angeles Unified Bond Program funds will be provided upon proof that all Grant and other non-District funding has been received and/or committed to ensure that funds can be effectively leveraged and that the proposed Project will be completed.

Board Options and Consequences:

Adoption will permit Los Angeles Unified to expend Bond Program funds and negotiate and execute development and maintenance agreements and/or any other reasonable instruments to allow TPI to proceed with the design and construction of the proposed Project.

If not adopted, Los Angeles Unified Bond Program funds will not be used and TPI will be unable to obtain the grant funding for the proposed Project. Furthermore, students, staff and the community will not benefit from the greening improvements that are proposed to be undertaken.

Policy Implications:

The proposed action supports the *Creating New School Gardens and Campus and Community-Shared Green Spaces to Provide Outdoor Learning Opportunities and Create Sustainable and Healthy Environments* Board Resolution (Res 042-19/20) adopted on February 9, 2021, as well as the *Expand Sustainable Schoolyards and Environmental Initiatives and Curriculum* Board Resolution adopted on April 16, 2013.

Budget Impact:

The proposed project budget is \$1,223,370, of which \$523,545 will be funded with Los Angeles Unified Bond Program funds earmarked specifically for school upgrades and reconfigurations to support wellness, health, athletics, learning, and efficiency. The remaining required to complete the proposed Project will be paid directly by TPI with the Grant awarded under the State CNRA Program. Approximately \$88,112 of the \$523,545 has been identified as project costs that will be eligible for reimbursement to Los Angeles Unified from the Grant awarded to TPI. The activities associated with negotiating and executing development and maintenance agreements with TPI require staff time from Facilities and the Office of the General Counsel.

The project budget was prepared based on the current information known, and assumptions about the project scope, site conditions, and market conditions. The project budget will be reviewed throughout the planning, design, and construction phases as new information becomes known or unforeseen conditions arise and will be adjusted accordingly to enable the successful completion of the project.

Los Angeles Unified will be responsible for maintaining the areas upgraded by the proposed Project in accordance with its annual Maintenance and Operations (M&O) budget, standards, and specifications. Los Angeles Unified will not be obligated to increase its annual M&O budget to provide additional maintenance for the proposed Project at Pacoima. The proposed Project will simply be added to the existing inventory and maintained with, and to the degree permitted by, funding and resources available to Los Angeles Unified at any particular time. Maintenance of the proposed Project will not cause an additional impact to Los Angeles Unified's General Fund.

Student Impact:

The proposed Project, once complete, will provide the students attending Pacoima with additional green space, nature-based outdoor educational learning and play areas, a native pollinator garden, and additional shade trees planted around the perimeter of the campus that help promote learning.

Issues and Analysis:

TPI, as the applicant and grantee to the State's Urban Greening Program, is required to submit supporting documentation to demonstrate its ability to carry out the proposed Project. For projects developed on property not owned by the applicant, an agreement(s) with the property owner giving the applicant legal access and permission to construct and maintain the project on the property is required. Staff has reached an agreement with TPI on the material terms of the development and maintenance agreements for the design, construction, maintenance, and partial funding of the proposed Project. The material terms of the development and maintenance agreements are as follow:

1. The proposed Project requires compliance with all laws, rules, regulations, and standards for public school construction, the cost of which will be borne by TPI and Los Angeles Unified, as necessary, including, but not limited to:
 - a. The Field Act and all other applicable Division of the State Architect (DSA) requirements, such as accessible path-of-travel to comply with the Americans with Disabilities Act, California Environmental Quality Act, Department of Toxic Substances Control, and any other required improvements or mitigations to ensure compliance with local, state, and/or federal facilities requirements.
 - b. Los Angeles Unified facilities standards, design standards, and technical specifications for construction, as well as compliance with all design review and approval processes. Specifically, the proposed Project shall not infringe upon or reduce outdoor physical education areas and/or teaching stations, impact fire life and safety and emergency areas, or conflict with the campus master plan.
 - c. The architect, construction manager, general contractor, or multiple prime contractors, engineers, consultants, and professionals retained for the proposed Project shall be licensed, as applicable, and in good standing and authorized to do business in the State of California. In addition, the general contractor and any subcontractor shall be on Los Angeles Unified's prequalified list.
 - d. The proposed Project shall satisfy Los Angeles Unified requirements with regard to construction on a school site, including, but not limited to, the payment of prevailing wages (unless the partner organization can provide an exemption from the Department of Industrial Relations with

regard to the payment of prevailing wages) and a performance bond in an amount no less than one hundred percent (100%) of the construction cost of the proposed Project, and the use of Los Angeles Unified Inspectors certified by DSA.

2. The State CNRA Grant Program stipulates that all grantees receiving up to \$1,000,000 in Program funding shall maintain and operate the Project for a period of at least 20 years. With regard to the maintenance of the proposed Project, TPI and Los Angeles Unified acknowledge that:
 - a. The proposed Project will be designed in such a way to, among other things, minimize the M&O burden thereof on Los Angeles Unified, reduce any adverse impact to the school, and provide future flexibility to Los Angeles Unified and the school.
 - b. All planting material will be drought tolerant and/or as low maintenance as possible to maximize tree and shrub survivability and TPI shall replace planting material (shrubs and similar materials but not fields and decomposed granite material) for the first six months and trees for up to one year after installation, at TPI's sole cost.
 - c. Other than TPI's obligation to replace planting material, Los Angeles Unified will maintain the proposed Project area in accordance with (and to the degree permitted by) its annual M&O budget, and standards and specifications at the time (as they may change during the required term of the Grant). Los Angeles Unified shall not be obligated to increase its annual M&O budget to account for the addition of the proposed Project in the inventory of sites/areas serviced. The proposed Project will simply be added to the existing inventory and maintained with, and to the degree permitted by, funding and resources available to Los Angeles Unified at any particular time.
 - d. TPI will continue to work with Los Angeles Unified, and in particular the school principal, and other third parties to identify additional opportunities to support the proposed Project, including providing additional funding for maintenance and operations thereof.
 - e. TPI shall indemnify, defend and hold harmless Los Angeles Unified from and against any claims, damages, costs, expenses or other liability of any kind, including, but not limited to, the construction of the Project (and more particularly, the liability to repay the State for all or a portion of the Grant) arising from any claim or finding by the State (or any agency or instrumentality thereof, including, without limitation, any state or local court) that TPI has failed to comply with any term or condition of the Grant.
3. Los Angeles Unified Bond Program funds will be provided upon proof that all other non-District funding has been received and/or committed to ensure that funds can be effectively leveraged and that the proposed Project will be completed.
4. Although Los Angeles Unified will be disbursing funds for construction costs related to the proposed Project, TPI will be solely responsible for all construction-related activities associated with the design and construction of the proposed Project.
5. Upon completion of the proposed Project, the improvements will be owned by Los Angeles Unified.

Bond Oversight Committee Recommendations:

This item was considered by the School Construction Bond Citizen's Oversight Committee (BOC) at its meeting on February 24, 2022. Staff has concluded that this proposed Facilities SEP amendment is in alignment with BOC recommendations and will facilitate Los Angeles Unified's ability to successfully implement the Facilities SEP.

Attachments:

Attachment A: BOC Resolution

Informatives:

None.

Submitted:

2/18/22