

RESOLUTION NO. LB - 2013-03

A RESOLUTION OF THE LOS BANOS DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY TO THE LOS BANOS REDEVELOPMENT AGENCY, APPROVING A CONTRACT WITH PROVOST & PRITCHARD FOR REGULATORY ASSISTANCE SERVICES FOR THE PACHECO OIL COMPANY LOCATED AT 740 2ND STREET AND AUTHORIZING MARK PERSICO, OR HIS DESIGNEE, TO TAKE ALL NECESSARY ACTIONS WITH RESPECT THERETO ON BEHALF OF THE DESIGNATED LOCAL AUTHORITY

WHEREAS, the Los Banos Designated Local Authority, as Successor Agency to the Los Banos Redevelopment Agency ("DLA"), has been established to take actions to wind down the affairs of the former Los Banos Redevelopment Agency in accordance with the California Health and Safety Code; and

WHEREAS, the Health and Safety Code requires the Successor Agency to perform any existing obligations of the former Redevelopment Agency; and

WHEREAS, the former Redevelopment Agency of the City of Los Banos was engaged in the clean-up of the property known as the Pacheco Oil Company located at 740 2nd Street in the City of Los Banos for the remediation of arsenic and other hazardous materials under the supervision of the Regional Water Quality Control Board; and

WHEREAS, staff believes that the Pacheco Oil Company site remains subject to an Order issued by the California Regional Water Quality Control Board under Water Code Sections 13304 and 13267, Underground Storage Tank Release, but requires the assistance of an environmental consultant to ascertain the rights and obligations of the DLA with respect to the clean-up of the site; and

WHEREAS, Section 34173(f) of the Health and Safety Code provides that the Successor Agency may assume existing clean-up plans and liability limits under the Polanco Act; and

WHEREAS, Section 34177(b) of the Health and Safety Code provides that a Successor Agency may create enforceable obligations to conduct wind-down activities of the former Agency, including acquiring necessary professional staff; and

WHEREAS, Provost & Pritchard has submitted the attached Proposal dated January 4, 2013 in connection with the foregoing; and

WHEREAS, the DLA desires to approve a contract with Provost & Pritchard to re-establish the site into the Underground Storage Tank Fund, revise any applicable Corrective Action Plans and prepare a work plan to finalize the remediation and site closure process for the Pacheco Oil Company site; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY OF THE LOS BANOS REDEVELOPMENT AGENCY, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The DLA hereby approves a contract with Provost & Pritchard in an amount not to exceed \$15,000 to provide regulatory assistance and other services for the Pacheco Oil Company located at 740 2nd Street, as detailed in the attached Proposal dated January 4, 2013. Pursuant to Health & Safety Code Section 34173, the Successor Agency's liability is limited to the total sum of property tax revenues it receives pursuant to Part 1.85 of AB X1 26.

SECTION 3. Mark Persico, or his designee, or any other person employed by Kosmont Companies, is hereby authorized to enter into such contract on behalf of the DLA and take such other actions as may be required by the Health & Safety Code, and any other actions as may be necessary in furtherance of the foregoing contract in accordance with applicable law.

SECTION 4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The DLA hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. This Resolution shall take effect from and after the date of its passage and adoption.

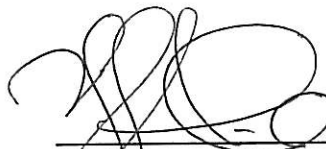
PASSED, APPROVED AND ADOPTED at a regular meeting of the Designated Local Authority, as Successor Agency to the Los Banos Redevelopment Agency, held this 17th day of January, 2013 by the following vote:

AYES: Amabile and Michael

NOES: None

ABSENT: Viveros

ABSTAIN: None



Chairperson, Designated Local Authority, as
Successor Agency to the Redevelopment
Agency of the City of Los Banos

ATTEST:



Secretary

Attachment: Proposal dated January 4, 2013.