

RESOLUTION NO.

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE COMMERCE
COMMUNITY DEVELOPMENT COMMISSION APPROVING AN
AMENDMENT TO THE 2016/17 ROPS APPROVED ON JANUARY 27, 2016.**

WHEREAS, in 2011, the DTSC conducted preliminary soil sampling at the Eastern-Triggs Site and discovered contamination; and

WHEREAS, since this time, the Successor Agency has addressed litigated issues with Mayans Development, Inc./Los Jardines, entered into an agreement with a consultant to develop a Workplan, which DTSC approved on June 3, 2016, and are in the process of securing an executed site access agreement with Mayans/Los Jardines to begin the environmental assessment; and

WHEREAS, the Workplan is comprised of two phases as follows:

- Phase 1 – soil gas sampling
- Phase 2 – soil stockpile sampling of the unauthorized soil dumped at the site and lithologic assessment, soil sampling, and groundwater monitoring well installation/development, and soil gas probe installation; and

WHEREAS, the California Department of Finance (DOF) previously approved a budget of \$115,000 on September 24, 2015 for the period of January through June 2016 for initial site investigation; and

WHEREAS, since this time, DTSC expanded the original scope of work and approved a Workplan with a two phased approach; and

WHEREAS, the expanded scope increases the total budget for site assessment to \$355,663 and requires DOF approval of an amended ROPS “line 75 - testing of toxic substances;” and

WHEREAS, HSC 34177 (o) (1) (E) allows the amendment and also requires Oversight Board approval and the Oversight Board must make a finding that revision is necessary for payment of approved Enforceable Obligations during 2nd half of FY 2016-17 (Jan-Jun); and

WHEREAS, the Successor Agency to the Commerce Community Development Commission approved an amendment to the 2016/17 ROPS on September 20, 2016; and

WHEREAS, staff recommends the Oversight Board adopt a resolution of the Oversight Board to the Commerce Community Development Commission approving an amendment to the 2016/17 ROPS approved on January 27, 2016; and

WHEREAS, Commerce Finance Department staff will work with the DOF to facilitate the amendment.

NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE,
DECLARE AND DETERMINE AS FOLLOWS:

Section 1. Staff is authorized to amend the FY 2016/17 ROPS.

Section 2. Staff is directed to work with the DOF to facilitate the amendment.

PASSED, APPROVED AND ADOPTED this 28th September, 2016.

Lilia R. Leon, Chairperson

ATTEST:

Lena Shumway
Secretary