

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE APPROVING  
AND ADOPTING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE  
CITY OF COMMERCE AND THE COUNTY OF LOS ANGELES FOR LEAD-BASED  
PAINT HAZARD MITIGATION PROGRAM MANAGEMENT SERVICES**

WHEREAS, The Exide Technologies Inc. recycling plant located at 2700 South Indiana Avenue in the City of Vernon was in operation for numerous years. It was a lead-acid battery recycling facility that specialized in the melting and processing of battery cores; and

WHEREAS, In April 2013, the Department of Toxic Substances (DTSC) suspended Exide's operations in the City of Vernon and revoked operation permits after receiving concerning reports regarding airborne emissions from Exide's operations and ongoing subsurface releases from degraded underground pipes. As a result, the Exide plant permanently closed in 2015; and

WHEREAS, As part of its settlement of a lawsuit related to the Aliso Canyon natural gas leak, Southern California Gas Company will make various payments to the County of Los Angeles. One of those payments is for the mitigation of lead-based paint hazards from the interior and exterior of residential structures in the communities surrounding the now closed Exide Technologies, Inc.; and

WHEREAS, Through the use of said funds, the Los Angeles County Development Authority (LACDA) has established the Lead Paint Safe Program for assistance with lead mitigation services for homes within the cities of Commerce, Bell, Maywood, Huntington Park, Los Angeles, Vernon, and unincorporated areas of East Los Angeles; and

WHEREAS, The activities performed for this program will be coordinated with DTSC to ensure properties are targeted for enrollment after completion of the soil removal and mitigation activities conducted by DTSC; and

WHEREAS, As part of the proposed MOU, LACDA staff will be responsible for the program administration, implementation, oversight and final inspections/clearances of the mitigated properties. The City would authorize LACDA staff to transact all business related to the Lead Paint Safe Program within the City's jurisdiction; and

WHEREAS, During the June 16, 2020 City Council meeting, Council tabled this item due to concerns regarding the indemnification provision in the MOU not being in a form acceptable to the City Attorney, specifically the language stating that the City shall be responsible for and shall defend and hold harmless and indemnify the County of Los Angeles. The City's legal counsel initially requested a revision that would allow the indemnification of both parties, however, the County rejected the proposed revision; and

WHEREAS, During the meeting, City Council directed staff to reach out to the LACDA executive team to request that the County reconsider the indemnification provisions and incorporate language that would allow the indemnification of both parties. In a favorable response to the City's request, the County agreed to revise the MOU to include the indemnification clause that addresses our City Attorney's request; and

WHEREAS, City Council also requested a list of participating cities that have already executed the Lead-Paint Safe Program MOU. LACDA staff informed us that to date, the cities of Maywood, Bell, Huntington Park, and unincorporated East Los Angeles have executed MOUs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Approve and adopt this resolution authorizing the execution of the Memorandum of Understanding (MOU) between the City of Commerce and the County of Los Angeles for the Lead-Based Paint Hazard Mitigation Program Management Services, in substantial conformance to the attached Memorandum of Understanding.

**PASSED, APPROVED and ADOPTED this 7<sup>th</sup> day of July 2020.**

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Ivan Altamirano  
Mayor

ATTEST:

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Lena Shumway  
City Clerk