

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY
OF THE WEST COVINA REDEVELOPMENT AGENCY**

AGENDA REPORT

Item No. IV-A

Date: June 22, 2017

TO: Chairperson and Board Members of the Oversight Board to the Successor Agency of the West Covina Redevelopment Agency

FROM: Chris Freeland, Executive Director

BY: Paulina Morales, Economic Development & Housing Manager

SUBJECT: SUCCESSOR AGENCY TO THE CITY OF WEST COVINA REDEVELOPMENT AGENCY RENEWAL OF PROFESSIONAL SERVICES AGREEMENT WITH RINCON ENVIRONMENTAL, LLC

RECOMMENDED ACTION:

It is recommended that the Oversight Board to the Successor Agency of the West Covina Redevelopment Agency adopt the following:

RESOLUTION NO. OB-0052 - A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE WEST COVINA REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING EXECUTION OF A ONE-YEAR AGREEMENT RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT (AGREEMENT) WITH RINCON ENVIRONMENTAL, LLC (RINCON) IN THE AMOUNT NOT-TO-EXCEED \$30,000 TO PROVIDE REGULATORY COMPLIANCE SERVICES FOR THE SUCCESSOR AGENCY PROPERTIES LOCATED AT THE BKK LANDFILL.

BACKGROUND:

The BKK Class III Landfill solid waste facility located at 2210 S. Azusa Avenue was closed in 2008 and is currently undergoing a Post Closure Maintenance Plan, including a Proactive Monitoring Program under the authority of the California Department of Resources Recycling and Recovery (CalRecycle). Formerly called the California Integrated Waste Management Board, CalRecycle is now the State Agency that oversees waste diversion and recycling, ensures facilities are operating according to State regulations, and oversees the Local Enforcement Agency (LEA). LEAs are the agencies tasked with the responsibility of ensuring the correct operation and closure of solid waste facilities in the State and reporting the monitoring and compliance to CalRecycle.

The LEA program is the City of West Covina's Waste Management Enforcement Agency, certified by the City. The responsibility of the LEA is the oversight and implementation of the Class III Final Closure construction activities and Post-Closure maintenance and monitoring activities, assuring compliance with State regulations. The LEA is responsible for facility permits and inspection programs.

RINCON has been providing LEA regulatory compliance services on behalf of the Successor Agency since 2013 and for the City since 2008. On July 5, 2016, the Successor Agency executed an Agreement with Rincon to provide regulatory compliance services for Successor Agency properties located at the BKK Landfill in an amount not-to-exceed \$30,000.

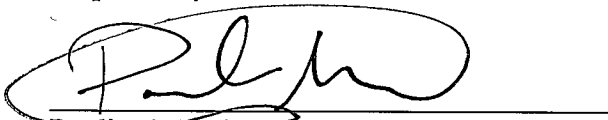
DISCUSSION:

The term of the existing agreement with RINCON expires on June 30, 2017. Pursuant to Section 4.1 of the Agreement with RINCON, the agreement includes a provision for three (3) successive one (1) year renewals. On June 20, 2017, the Successor Agency acted to approve execution of the first one year extension to the RINCON Agreement.

RINCON will continue to provide routine landfill inspections, landfill enforcement compliance activity, responding to public inquires, and submission of inspection reports. The agreement includes two (2) monthly inspections (up to 5 hours each inspection) and 73 additional hours for compliance reporting.

Staff is recommending that the Oversight Board approve the first one (1) year agreement renewal with RINCON in the amount not-to-exceed \$30,000 for regulatory compliance services. All other terms, conditions, and provisions of the Agreement, will remain in effect.

Prepared By:



Paulina Morales
Economic Development & Housing Manager

ATTACHMENT:

Attachment No. 1 – Resolution No. OB-0052

RESOLUTION NO. OB-0052

RESOLUTION NO. OB-0052 - A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE WEST COVINA REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING EXECUTION OF A ONE-YEAR AGREEMENT RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT (AGREEMENT) WITH RINCON ENVIRONMENTAL, LLC (RINCON) IN THE AMOUNT NOT-TO-EXCEED \$30,000 TO PROVIDE REGULATORY COMPLIANCE SERVICES FOR THE SUCCESSOR AGENCY PROPERTIES LOCATED AT THE BKK LANDFILL.

WHEREAS, the City Council of the City of West Covina (“City”) previously approved and adopted Redevelopment Plans for the various Redevelopment Project Areas (“Redevelopment Plans”) covering certain properties within the City (the “Project Areas”); and

WHEREAS, as part of the 2011-12 State budget bill, The California Legislature enacted, and the Governor signed, AB 1X 26 requiring that each redevelopment agency be dissolved; and

WHEREAS, the City Council of the City of West Covina adopted the necessary resolutions electing to become the Successor Agency to the former Redevelopment Agency (Community Development Commission) of the City of West Covina (“Successor Agency”) pursuant to Health and Safety Code sections 34171 and 34173; and

WHEREAS, the Successor Agency owns properties located within the BKK landfill permit boundary and are subject to regulatory compliance pursuant to the landfills Final Closure Plan. The properties require ongoing maintenance and environmental monitoring.

WHEREAS, RINCON Environmental, LLC (RINCON) has been providing LEA regulatory compliance services on behalf of the Successor Agency since 2013 and for the City since 2008

WHEREAS, on July 5, 2016, the Oversight Board approved the Professional Services Agreement (Agreement) with RINCON for regulatory compliance services for the Successor Agency properties located that the BKK landfill.

WHEREAS, the term of the Agreement expires June 30, 2017, however, may be extended by the approval of both parties for three (3) successive one (1) year renewals

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board to the Successor Agency of the West Covina Redevelopment Agency, as follows:

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

SECTION 2. Based upon the staff presentations and reports, and such other evidence considered by the Oversight Board concerning this matter, the Oversight Board finds and declares that the Property should be sold to Singpoli Group LLC on the terms and conditions set forth in the attached Draft Agreement for Purchase and Sale of Property, subject to such minor changes as may be approved by the Executive Director and Agency Counsel.

SECTION 3. Oversight Board staff is further authorized and directed to take all actions necessary and appropriate in carrying out this Resolution.

SECTION 4. The Oversight Board Secretary shall certify to the adoption of this Resolution, and it shall become effective immediately upon approval.

APPROVED AND ADOPTED at a special meeting held on this 22nd day of June, 2017.

Carrie A. Sutkin, Chairperson
Oversight Board to the Successor
Agency to the former West Covina
Redevelopment Agency

APPROVED AS TO FORM:

ATTEST:

John Harper, General Counsel
Oversight Board to the Successor Agency
to the former West Covina Redevelopment Agency

Rosalia Butler, Board Secretary
Oversight Board to the Successor
Agency to the former West Covina
Redevelopment Agency

Exhibit A

RENEWAL NO. 1

**SUCCESSOR AGENCY TO THE CITY OF WEST COVINA
REDEVELOPMENT AGENCY
PROFESSIONAL SERVICES AGREEMENT
WITH
RINCON ENVIRONMENTAL, LLC**

This RENEWAL NO. 1 (“Renewal”) of that certain “Professional Services Agreement by and between the Successor Agency to the West Covina Redevelopment Agency and Rincon Environmental, LLC,” (“Agreement”), is entered in to by and between the SUCCESSOR AGENCY TO THE CITY OF WEST COVINA REDEVELOPMENT AGENCY (“Agency”) and RINCON ENVIRONMENTAL, LLC (“Consultant”), both parties collectively (“Parties”) with reference to the following facts:

WITNESSETH

A. WHEREAS, Agency and Consultant entered into the Agreement on or about July 5, 2016 for an initial one year term ending June 30, 2017;

B. WHEREAS, the Agreement provides in Section 4.1 (Term) that the Agreement may be renewed for up to three successive one year terms (“Renewal Term”);

C. WHEREAS, the Scope of Services in the Agreement is set forth in Paragraph 1.1 and Exhibit “A” of the Agreement; and

D. WHEREAS, the Parties wish to renew the Agreement for one Renewal Term.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1. Renewal Term: As provided for in Section 4.1 of the Agreement, the Parties hereby agree to extend the initial term of the Agreement by one (1) additional year, commencing on July 1, 2017 and expiring on June 30, 2018. This extension of the Term of the Agreement shall constitute the first of three Renewal Terms contemplated in the Agreement.

2. Compensation: The compensation set forth in Section 2.1 of the Agreement provides for a not to exceed amount of Thirty Thousand Dollars (\$30,000.00) for the initial term of the Agreement. The herein Renewal Term shall have the same not to exceed amount and the same fee schedule that is attached as Exhibit “B” to the Agreement.

3. All other terms, conditions, and provisions of the Agreement, to the extent not modified with this Amendment, shall remain in full force and effect

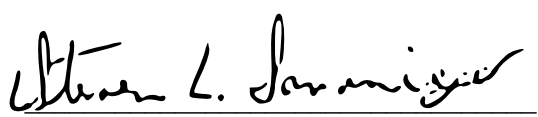
IN WITNESS WHEREOF, Agency and Consultant have executed this Renewal No. 1 as of the date set forth above.

SUCCESSOR AGENCY TO THE CITY OF WEST COVINA REDEVELOPMENT AGENCY,

Successor Agency Executive Director
Chris Freeland

Date: _____

RICON ENVIRONMENTAL, LLC



President
Steve Samaniego

Date: 6/12/17

ATTEST:

Successor Agency Secretary

Date: _____

APPROVED AS TO FORM:

Kimberly Hall Barlow, Successor Agency
Counsel

Date: