



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE **Request that City Council approve Resolution Initiating Investigation
Relative to Environmental Contamination**

MEETING DATE: **January 15, 1997**

SUBMITTED BY: **Randall A. Hays, City Attorney**

RECOMMENDED ACTION: That the City Council approve the Resolution initiating the investigation of the nature and extent of the environmental contamination of property within the City of Lodi.

BACKGROUND INFORMATION: The City through its retention of the Zevnik, Horton, Guibord & McGovern law firm has initiated proceedings designed to address the contamination circumstance existing in Lodi. This contamination in the downtown area in particular is centered upon PCE and TCE contamination.

The proposed resolution establishes a procedure which provides the City with the necessary authority to conduct an investigation which can lead to the resources to devote to cleaning up the contamination situation.

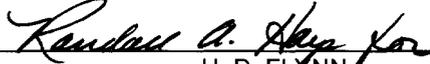
The resolution as well sets out that the City Council shall establish an advisory committee to report back to the City Council regarding the contamination situation. The advisory committee is charged with reporting back to the City Council recommendations regarding the contamination situation as well as recommendations regarding the acquisition of information. Their recommendation may include the issuing of subpoenas by the City Council pursuant to authority contained in California Government Code §37104. It is the duty of the Mayor to appoint the two member advisory committee. It would be appropriate that the Mayor and one additional member of the Council make up that committee since any subpoenas that may be issued are to be signed by the Mayor.

FUNDING: **Water Utility Fund.**



Randall A. Hays, City Attorney

APPROVED: _____



H. D. FLYNN
City Manager

NOW, THEREFORE, BE IT FURTHER RESOLVED, that, in order to assist the City Council in the conduct of its investigation, the advisory committee may, from time to time, recommend that the City Council issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the City Council pursuant to California Government Code §37104.

Dated: January 15, 1997

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I hereby certify that Resolution No. 97-09 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 15, 1997, by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Sieglock, Warner
and Pennino (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

RESOLUTION NO. 97-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI
TO INVESTIGATE THE NATURE AND EXTENT OF THE EXTENSIVE
TOXIC ENVIRONMENTAL CONTAMINATION AT AND EMANATING
FROM WITHIN THE CITY OF LODI AND THE NEED, IF ANY, FOR
LEGISLATIVE ACTION AT THE MUNICIPAL LEVEL

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WHEREAS, the California Environmental Protection Agency, Department of Toxic Substances Control, the California Regional Water Quality Control Board - North Coast Region, and their various environmental consultants have conducted soil and groundwater investigations of the Lodi Groundwater Site ("Site"), consisting of approximately six hundred acres which encompasses the City of Lodi's central business district and peripheral commercial and residential community, from 1989 through 1996; and

WHEREAS, in the performance of these investigations numerous properties or parcels were identified as potential sources of solvent releases within the Site; and

WHEREAS, as a result of these investigations, multiple areas of soil and subsurface contamination by tetrachloroethene, trichloroethene and other chlorinated solvents have been detected throughout the Site; and

WHEREAS, as a result of these investigations and the discovery of the contamination, the City Council of the City of Lodi has grown increasingly concerned about the protection of public health, safety, welfare, the environmental and natural resources within the jurisdiction of the City of Lodi, and the preservation and restoration of property values within the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED, that based on the above, the City of Lodi does hereby establish a legislative proceeding before the City Council of the City of Lodi to investigate the adequacy of existing legislative environmental schemes and to take such action, including legislation at the municipal level and recommendations to the appropriate state or federal legislative body, as the City Council deems appropriate.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that, based on the above, the City of Lodi does hereby establish an advisory committee of the City Council consisting of two Council Members to investigate the toxic environmental contamination at and emanating from within the City of Lodi and report back to the City Council from time to time but no later than December 31, 1997. it is the intention of the City Council that this advisory committee will assess, among other things, the nature and source of any toxic contamination at and emanating from within the City of Lodi, investigate potential sources of releases of the contamination, investigate potential methods to finance the abatement, if needed, of said contamination, investigate the adequacy and sufficiency of enforcement schemes at the municipal, state and federal levels, investigate the adequacy and sufficiency of regulatory schemes at the municipal, state and federal levels, investigate the adequacy and sufficiency of liability schemes and financial responsibility requirements at the municipal, state, and federal levels, and assess the adequacy, sufficiency, and limitations of financial responsibility mechanisms, including without limitation, liability insurance and other mechanisms in the private and commercial sector of the community.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that, in order to assist the City Council in the conduct of its investigation, the City Attorney's office will provide all necessary and appropriate legal support services to this advisory committee and the City Council.