



CITY OF CARSON

Legislation Text

File #: 2017-033, Version: 1

Report to Mayor and City Council

Tuesday, January 24, 2017

Consent

SUBJECT:

APPROVAL TO CONSENT TO, JOIN IN AND AFFIRM THE TERMS OF THE MUTUAL RELEASE BY AND BETWEEN THE CARSON RECLAMATION AUTHORITY, A JOINT POWERS AUTHORITY, AND TETRA TECH, INC. RELATED TO THE TERMINATION AND MUTUAL RELEASE AGREEMENT DATED NOVEMBER 14, 2016

I. SUMMARY

The Carson Reclamation Authority ("Authority") and Tetra Tech, Inc. executed a Termination Agreement and Mutual Release dated November 14, 2016 ("Termination Agreement") related to the Remediation Agreements with Tetra Tech, Inc., as defined below.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE the City Joinder to the Mutual Release by and between the Carson Reclamation Authority and Tetra Tech, Inc.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

The Authority and Tetra Tech executed a Termination and Mutual Release Agreement dated November 14, 2016. This Agreement was in reference to the Fixed Price Design and Construction Environmental Assurance Agreement, dated December 31, 2007, as amended, and the Fixed Price Operation and Maintenance Environmental Assurance Agreement dated December 31, 2007, as amended (together, the "Remediation Agreements").

Except to the extent that the Parties' obligations expressly survive Termination pursuant to Section 6.4, Section 8, Section 9, and Section 12 of the Termination Agreement, Tetra Tech, Inc., the Authority, and the City of Carson, agree to and hereby do release each other of and from any and all manner of action or actions, suits, claims, damages, judgments, levies and executions, whether known or unknown, liquidated or unliquidated, fixed or contingent, direct or indirect, that CRA or Tetra Tech ever had, has, or ever can, shall, or may have or claim to have against the other party for any damages or losses of any nature whatsoever relating to or arising out of the Remediation Agreements.

Section 9.2 of the Termination Agreement requires the Authority to cause any affiliated or successor agencies, municipalities or entities to comply by the terms of this Agreement. This Joinder affirms that the City Council joins in this Mutual Release to consent to join in and affirm the terms of the Mutual Release.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Mutual Release (pgs. 3-4)

Prepared by: John S. Raymond, Director of Community Development