



FORT ORD REUSE AUTHORITY

**REGULAR MEETING
FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE
Wednesday, May 6, 2020 at 8:30 a.m.
AGENDA**

This meeting may only be accessed remotely using the following Zoom link:

<https://zoom.us/j/956115894>

Please review FORA's updated meeting protocol and remote meeting best practices here:

https://fora.org/remote_meetings_protocols

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM
2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE
3. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Committee action. Due to the [Governors Stay at Home Order](#) and recent [Executive Order related to Public Meetings Protocols](#), all FORA Meetings will now be conducted via Zoom. Public comments should be emailed to board@fora.org. Thank for your patience and understanding during these unprecedented times.

4. APPROVAL OF MEETING MINUTES ACTION
 - a. March 25, 2020 Special Meeting Minutes
 - b. April 1, 2020 Meeting Minutes
 - c. April 15, 2020 Meeting Minutes
5. May 14, 2020 BOARD MEETING AGENDA REVIEW INFORMATION
6. BUSINESS ITEMS INFORMATION/ACTION
 - a. Transition Plan Implementing Agreement ("TPIA") Final Draft
7. ITEMS FROM MEMBERS INFORMATION

Receive communication from Committee members as it pertains to future agenda items.
8. ADJOURNMENT

NEXT REGULAR MEETING: Wednesday, May 20, 2020 at 8:30 a.m.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE MEETING MINUTES
8:30 a.m. Wednesday, March 25, 2020 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Joshua Metz called the meeting to order at 8:30 a.m.

The following members were present:

Melanie Beretti* (County of Monterey)
Layne Long* (City of Marina)
Anya Spear (CSUMB)
Patrick Breen (MCWD)
Vicki Nakamura (MPC)
Steve Matarazzo (UCMBEST)
Michelle Overmeyer (MST)

Hans Uslar* (City of Monterey)
Craig Malin* (City of Seaside)
*Voting Member

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City of Marina City Manager Layne Long.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Office Joshua Metz reported the following:

- To deal with the COVID-19 crisis, Governor Gavin Newsom has declared a state of emergency and the Monterey County Board of Supervisors has established a shelter in place order. Mr. Metz acknowledges that it is an unprecedented time and extends acknowledgement to all the local government officials who are responding to the community's needs.
- FORA staff have been adapting to make sure they are meeting its looming deadlines.
- FORA staff have received:
 - A memo from NHA Advisors.
 - A note from Monterey County regarding financial requests that will be discussed by the FORA Board.
 - A note from the City of Marina regarding concerns about the recommendation to the FORA Board to approve the bond allocation adjustment.
- FORA will be hosting Zoom trainings for its Board and Committee members on March 26, 2020
- Mark Northcross and Paul Thimmig are on the call to answer questions on any questions related to the Building Removal bond documents or the updated Indenture of Trust.
- The correct title for Item 7b on today's agenda is "Draft FY2019-2020 Mid-Year CIP Budget Review"

4. PUBLIC COMMENT PERIOD

No public comment was received.

5. APPROVAL OF MEETING MINUTES

a. March 4, 2020 Regular Meeting Minutes

MOTION: On motion by Committee member Uslar, seconded by Committee member Malin and carried by the following vote, the Administrative Committee moved to approve the March 4, 2020 Meeting Minutes with the proposed amendments.

MOTION PASSED UNANIMOUSLY

6. MARCH 12, 2020 BOARD MEETING FOLLOW-UP

Mr. Metz reviewed the March, 2020 Board Meeting Agenda, noting that the EIR vote passed and that FORA staff are continuing to work with the consultant team to develop a response to comments on that project. No vote was taken on the Transition Plan Amendments, though there was direction given to staff to record the Master Resolution. The Transition Plan will be coming back to the Board in the month of April.

7. BUSINESS ITEMS

a. Building Removal Bond Documents

Mr. Metz started the item introducing the Mr. Northcross and bringing up NHA Advisors' memo for the Committee members to review. Mr. Northcross gave an update to the Administrative Committee on the status of the bond market and how the COVID-19 crisis has impacted FORA's Building Removal Bond project. A discussion took place among the members regarding Mr. Northcross's update. Mr. Metz and Mr. Thimmig answered questions from the members.

MOTION: On motion by Committee member Uslar, seconded by Committee member Malin, the Administrative Committee moved to propose to the FORA Board that they discuss finding a solution to extend FORA with the intent of maximizing potential bond payments.

A discussion took place regarding Member Uslar's motion.

| Item 7a | |
|-----------------|-----|
| Craig Malin | AYE |
| Layne Long | NO |
| Melanie Beretti | NO |
| Hans Uslar | AYE |

MOTION FAILED

b. Draft FY 2019-20 Mid-Year Budget Review

Mr. Metz introduced the item and gave the Committee a brief overview of the topic. Ms. Rodriguez then went over the Mid-Year Budget line by line. Ms. Reimer then went over details on the CIP and transportation projects. Ms. Rodriguez and Mr. Metz answered questions from the Committee.

MOTION: On motion by Committee member Malin, seconded by Committee member Long and carried by the following vote, the Administrative Committee moved to advance the Draft FY 2019-20 Mid-Year Budget to the FORA Board of Directors for consideration.

MOTION PASSED UNANIMOUSLY

8. ITEMS FROM MEMBERS

Mr. Metz noted that demolition of the barracks on CDEC hill has begun.

9. ADJOURNMENT at 9:57 a.m.

Minutes Prepared By:

Harrison Tregenza
Deputy Clerk

DRAFT



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE MEETING MINUTES
8:30 a.m. Wednesday, April 1, 2020 | FORA Conference Room
920^{2nd} Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Joshua Metz called the meeting to order at 8:34 a.m.

The following members were present:

Melanie Beretti* (County of Monterey)
Layne Long* (City of Marina)
Dino Pick* (City of Del Rey Oaks)
Anya Spear (CSUMB)
Patrick Breen (MCWD)
Vicki Nakamura (MPC)
Steve Matarazzo (UCMBEST)

Hans Uslar* (City of Monterey)
Craig Malin* (City of Seaside)
Colleen Courtney (Sen. Monning)
*Voting Member

2. PLEDGE OF ALLEGIANCE

In lieu of the Pledge of Allegiance, Seaside City Manager Craig Malin waved an American Flag.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Joshua Metz reported the following:

- He acknowledged the American troops serving on the USS Roosevelt and wishes his best to folks around the country and world.
- Impressive progress is being made on the CDEC Hill building removal by Doug Yount and his team.
- FORA staff received a memo from NHA Advisors that provides a summary on the history of the bond allocation project.

4. PUBLIC COMMENT PERIOD

No public comment was received.

5. APPROVAL OF MEETING MINUTES

- a. March 6, 2020 Special Meeting Minutes

MOTION: On motion by Committee member Malin, seconded by Committee member Pick and carried by the following vote, the Administrative Committee moved to approve the March 6, 2020 Meeting Minutes with the proposed amendments.

MOTION PASSED UNANIMOUSLY

6. April 9, 2020 BOARD MEETING AGENDA REVIEW

Mr. Metz reviewed the April 9, 2020 Board Meeting Agenda, giving details on each Consent and Business item, and answering questions from the members. Ms. Flint of Regional Government Services ("RGS") presented on Item 8c on the agenda and answered questions from the members.

Mr. Metz also noted that the Board meeting following the April 9, 2020 meeting will be at 1:00 p.m., not 2:00 p.m. as the agenda says.

7. ITEMS FROM MEMBERS

There were no items from members.

8. ADJOURNMENT at 9:01 a.m.

Minutes Prepared By:

Harrison Tregenza
Deputy Clerk

DRAFT



FORT ORD REUSE AUTHORITY

ADMINISTRATIVE COMMITTEE MEETING MINUTES

8:30 a.m. Wednesday, April 15, 2020 | This meeting was held at the following Zoom link:
<https://zoom.us/j/956115894>

1. CALL TO ORDER

Co-Chair Joshua Metz called the meeting to order at 8:32 a.m.

The following members were present:

Melanie Beretti* (County of Monterey)
Layne Long* (City of Marina)
Anya Spear (CSUMB)
Patrick Breen (MCWD)
Vicki Nakamura (MPC)
Steve Matarazzo (UCMBEST)

Hans Uslar* (City of Monterey)
Craig Malin* (City of Seaside)
Dino Pick * (City of Del Rey Oaks)
Mike Zeller (MCWD)
Matt Deal (MST)
Colleen Courtney (Sen. Monning)
*Voting Member

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

None

3. PUBLIC COMMENT PERIOD

Public comment was received.

4. APPROVAL OF MEETING MINUTES

a. March 11, 2020 Special Meeting Minutes

MOTION: On motion by Committee member Malin, seconded by Committee member Pick and carried by the following vote, the Administrative Committee moved to approve the March 11, 2020 Meeting Minutes with the proposed amendments.

MOTION PASSED UNANIMOUSLY

5. APRIL 9, 2020 BOARD MEETING FOLLOW-UP

Mr. Metz reviewed the April 9, 2020 Board Meeting, noting that the Mid-Year and CIP Budgets were approved unanimously. He then noted that on Items 8b and 8c, the Board chose two alternatives that are now on the FORA website for members to review. Mr. Metz answered questions and a discussion took place among committee members regarding the upcoming April 17, 2020 Special Board Meeting.

6. BUSINESS ITEMS

a. DRAFT Transition Plan Implementing Agreement ("TPIA") Review & Recommendation(s)
Mr. Metz introduced the item noting this discussion began at the March 11, 2020 Administrative Committee meeting. He noted that FORA staff has continued working with bond counsel and that communications with each agency's attorneys continues, adding that the bond work is continuing. Ms. Flint discussed the item, addressing member Uslar's motion from the March 11, 2020

Administrative Committee meeting. Mr. Pick noted that in addition to member Uslar's tabled motion, there is a proposed motion from CSUMB. A robust discussion took place among the members regarding the various motions.

MOTION: On motion by Committee Member Uslar, seconded by Committee Member Malin, the Administrative Committee moved to take up Member Uslar's motion from the March 11, 2020 Administrative Committee meeting. This previous motion was to recommend Option B with the following proposed language: "Each of the Parties listed may meet and confer in good faith and cooperatively develop one or more agreements between the Parties and/or MCWD regarding the provision of potable water and recycled water services. The Parties acknowledge that FORA and MCWD have agreed to the allocations in Exhibit A."

A discussion took place among the members regarding Member Uslar's motion.

| Item 6a | |
|-----------------|-----|
| Craig Malin | AYE |
| Layne Long | NO |
| Melanie Beretti | NO |
| Hans Uslar | AYE |
| Dino Pick | AYE |

MOTION PASSED

A discussion regarding the item took place after the vote.

b. Unassigned Funds Allocation Discussion

Mr. Metz introduced the item and gave the Committee a brief overview of the topic. Mr. Metz gave a summary of each of the funding requests that FORA has received to date. A discussion took place among the members regarding the funding requests and the group's consensus was that the Committee was not ready for action at the moment.

7. ITEMS FROM MEMBERS

Mr. Metz noted that there will be a Special Board Meeting Thursday, April 30 so that the bond issue can be voted on by the FORA Board of Directors.

8. ADJOURNMENT at 9:41 a.m.

Minutes Prepared By:

Harrison Tregenza
Deputy Clerk



FORT ORD REUSE AUTHORITY

REGULAR MEETING FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Thursday, May 14, 2020 at 2:00 p.m.

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON MAY 13, 2020.

THIS MEETING MAY BE ACCESSED REMOTELY USING THE FOLLOWING ZOOM LINK:

<HTTPS://ZOOM.US/J/956115894>

PLEASE REVIEW FORA'S UPDATED REMOTE MEETINGS PROTOCOL AND BEST PRACTICES HERE:

HTTPS://FORA.ORG/REMOTE_MEETINGS_PROTOCOLS

1. CALL TO ORDER

2. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code §54956.9(d)(2): Anticipated Litigation, Significant Exposure to Litigation, two potential cases.

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

5. ROLL CALL

FORA is governed by 13 voting members: (a) 1 member appointed by the City of Carmel; (b) 1 member appointed by the City of Del Rey Oaks; (c) 2 members appointed by the City of Marina; (d) 1 member appointed by Sand City; (e) 1 member appointed by the City of Monterey; (f) 1 member appointed by the City of Pacific Grove; (g) 1 member appointed by the City of Salinas; (h) 2 members appointed by the City of Seaside; and (i) 3 members appointed by Monterey County. The Board also includes 12 ex-officio non-voting members.

6. CONSENT

- a. March 27, 2020 Special Board Meeting Minutes
Recommendation: Approve March 27, 2020 Special Meeting Minutes.
- b. Transition Status Report
Recommendation: Receive Transition Status Report.
- c. Bank Accounts Closure and Consolidation
Recommendation: Authorize staff to close and consolidate FORA bank accounts.
- d. Vacation Cash-out Policy Amendment
Recommendation: Approve amended vacation cash-out policy.

7. BUSINESS ITEMS

INFORMATION/ACTION

*BUSINESS ITEMS are for Board discussion, debate, direction to staff, and/or action. Comments from the public are **not to exceed 3 minutes** or as otherwise determined by the Chair.*

- a. Bond Purchase Agreements, Preliminary Official Statement, and Indenture of Trust
Recommendation: Adopt Resolution 20-xx: Approving, and Authorizing the Execution and Delivery of, Bond Purchase Agreements and Preliminary Official Statement, and Ratifying Changes to Bond Indenture of Trust in Connection with Tax Allocation Bonds to Fund Building Removal Costs, and Approving Related Actions.

- b. Memoranda of Agreements (“MOA”) for Capital Improvement Program (“CIP”) and General Fund Project Transfers

Recommendation:

Approve Resolution 20-xx: Authorizing Executive Officer to execute MOA to support the transfer of three CIP and one General Fund Projects, in the forms attached hereto as exhibits or in substantially similar forms containing such modifications as the Executive Officer may deem necessary or appropriate to carry out the purposes of the MOAs.

1. Memorandum of Agreement Regarding Funding to be Provided for Removal of the City of Marina Stockade and Ancillary Buildings
2. Memorandum of Agreement Regarding Funding to be Provided for the Repair of Stormwater Infiltrator System at Eucalyptus Road to the City of Seaside
3. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to the City of Del Rey Oaks in support of the South Boundary Roadway and the Intersection at General Jim Moore Boulevard Improvement Projects
4. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to Monterey County in support of the Oak Woodlands Project

8. PUBLIC COMMENT PERIOD

INFORMATION

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Board action. Due to the [Governors Stay at Home Order](#) and recent [Executive Order related to Public Meetings Protocols](#), all FORA Meetings will now be conducted via Zoom. Public comments should be emailed to board@fora.org. Thank for your patience and understanding during these unprecedented times.

9. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

10. ADJOURNMENT

NEXT MEETING: Friday, May 22, 2020 AT 1:00 P.M.



**FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

**1:00 p.m., Friday, March 27, 2020 | This meeting was held at the following Zoom link:
<https://zoom.us/j/956115894>**

1. CALL TO ORDER

Chair Supervisor Jane Parker called the meeting to order at 1:03 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Supervisor Jane Parker.

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Resource Environmental, Inc. v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 20CV000771, Pending Litigation
- b. Conference with Legal Counsel—Gov. Code §54956.9(a), (d)(1): Fort Ord Reuse Authority v. All Persons Interested in the Matter of the Issuance and Sale of Bonds by the Fort Ord Reuse Authority and the Tax Increment Revenue Pledged To, and to be Used for, the Repayment of Such Bonds. Monterey County Superior Court Case No.: 20CV000381, Pending Litigation.
- c. Conference with Legal Counsel—Gov. Code §54956.9(d)(2): Anticipated Litigation, Significant Exposure to Litigation, one potential case.

Time Entered: 1:09 p.m.

Time Exited: 1:22 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jon Giffen provided an update to the Board. No action to report.

5. ACKNOWLEDGMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Executive Officer Joshua Metz announced that FORA has received correspondence from:
 - The City of Marina regarding Monterey County's request to reallocate bond proceeds.
 - Monterey County regarding post-FORA funding requests.
 - The City of Seaside regarding post-FORA funding requests.
- Mr. Metz acknowledged FORA staff and consultants for their work getting FORA to its sunset date.

6. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (County of Monterey), Supervisor John Phillips (County of Monterey), Mayor Pro-Tem Gail Morton (City of Marina), Supervisor Mary Adams (County of Monterey), Councilmember Frank O'Connell (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Mayor Joe Gunter (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea), Councilmember Cynthia Garfield (City of Pacific Grove), Mayor Mary Ann Carbone (City of Sand City), Councilmember John Gaglioti (Del Rey Oaks).

Ex-officio (Non-Voting) Board Members Present:

Colleen Courtney (17th State Senate District), Steve Matarazzo (University of California, Santa Cruz), David Martin (Monterey Peninsula College), Dr. Eduardo Ochoa (CSUMB), Keith Van Der Maaten (MCWD).

7. BUSINESS ITEMS

a. Consider COVID-19 Public Meeting Protocols

Mr. Metz noted that FORA staff is following protocol set forth by Governor Gavin Newsom and the Monterey County Health Department. He noted that Governor Newsom has made several executive orders regarding suspension of the Ralph M. Brown Act, most notably Executive Order N-29-20. Ms. Flint added that FORA is codifying these legal changes via a resolution and that they will stay this way unless the Brown Act is changed again before FORA sunsets. Ms. Flint then answered questions from the Board. Public comment was heard on the item.

MOTION: On motion by Board member Morton and seconded by Board member Carbone and carried by the following vote, the Board moved to adopt Resolution 20-01 directing staff to implement COVID-19 Public Meeting Protocols.

MOTION PASSED UNANIMOUSLY

b. Review Building Removal Bond Documents

Member Parker and Mr. Metz introduced the item, noting this will be part of a series of items that will culminate with a decision in April, with no decision required today. Mr. Thimmig gave the Board an overview of the updated Bond Indenture of Trust and answered questions from members of the Board. Then Mr. Northcross gave an update on the impacts that COVID-19 is having on the bond market and how FORA's impending building removal bonds will be affected by the changes. Mr. Northcross then answered questions from the Board members. Public comment was heard on this item. A discussion took place regarding the allocations of building removal bond funds. Member Garfield asked that staff provide the Board a review of the bond allocation methodology at the April 9, 2020 Board meeting.

8. PUBLIC COMMENT

No public comment was received.

9. ITEMS FROM MEMBERS

Dr. Ochoa announced there has been interest locally in using empty CSUMB facilities for overflow needs from local hospitals. Governor Newsom reached out to the California State University ("CSU") Chancellor and various CSUs are coordinating on this. CSUMB has been contacted by various local parties but will wait until direction is given from the CSU Chancellor before making any decisions. Mr. Metz noted that the Habitat Working Group ("HWG") met earlier that day and made a recommendation that will be coming to the FORA Board in the packet for the April 9, 2020 Board meeting. He also noted the HWG has come to an agreement that they no longer need to meet, making this morning's meeting their last meeting.

10. ADJOURNMENT at 2:45 p.m.

Minutes Prepared by:

Harrison Tregenza
Deputy Clerk

Approved by:

Joshua Metz Executive Officer

DRAFT

Placeholder for Item 6b

[Transition Status Report]

This item will be included in the final Board packet.

Placeholder for Item 6c

**[Bank Accounts Closure and
Consolidation]**

This item will be included in the final Board packet.

Placeholder for Item 6d

[Vacation Cash-out Policy Agreement]

This item will be included in the final Board packet.

Placeholder for Item 7a

**[Bond Purchase Agreements,
Preliminary Official Statement, and
Indenture of Trust]**

This item will be included in the final Board packet.

| FORT ORD REUSE AUTHORITY BOARD REPORT | |
|--|--|
| BUSINESS ITEM | |
| Subject: | Memoranda of Agreements (“MOA”) for Capital Improvement Program (“CIP”) and General Fund Project Transfers |
| Meeting Date: | May 14, 2020 |
| Agenda Number: | 7b |
| | ACTION |

RECOMMENDATION:

Approve Resolution 20-xx: Authorizing Executive Officer to execute MOA to support the transfer of three CIP and one General Fund Projects, in the forms attached hereto as exhibits or in substantially similar forms containing such modifications as the Executive Officer may deem necessary or appropriate to carry out the purposes of the MOAs.

1. Memorandum of Agreement Regarding Funding to be Provided for Removal of the City of Marina Stockade and Ancillary Buildings
2. Memorandum of Agreement Regarding Funding to be Provided for the Repair of Stormwater Infiltrator System at Eucalyptus Road to the City of Seaside
3. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to the City of Del Rey Oaks in support of the South Boundary Roadway and the Intersection at General Jim Moore Boulevard Improvement Projects
4. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to Monterey County in support of the Oak Woodlands Project

BACKGROUND/DISCUSSION:

Due to FORA’s pending sunset on June 30, 2020, coupled with reduction of FORA Staff, several ongoing projects were unable to be completed. Meetings were held between FORA and the jurisdictions to discuss transfer of project responsibility and remaining funds in February and March 2020. FORA has been working with consultants to identify project close out requirements.

At the April 30, 2020 FORA Board Meeting, the Board received a report on the status of FORA’s efforts to transition three on-going CIP projects and one General Fund project to the underlying jurisdictions of the Cities of Del Rey Oaks, Marina and Seaside and Monterey County. During that meeting the funds approved in the 2019/2020 Mid-Year General and CIP Budget update were documented for transfer. The approval and establishment of the 2019/2020 Mid-Year Budget was a critical step to facilitate the transfer of these projects.

As identified in the April 30, 2020 Board Report, a MOA between FORA and each recipient of funds is required to be executed prior to project and fund transfer. FORA has been working with each of the jurisdictions to identify the appropriate terms and conditions to be captured in each MOA. These MOAs will enable the transition of projects from FORA by: defining each parties’ responsibilities; outlining the requirements for transfer of authorized funds; acknowledging the transition of lead agency status to the jurisdictions where

applicable; coordinating the transfer of project related data, information and reporting; and closing out and/or reassigning contracts as appropriate. The MOAs for approval between FORA and the underlying jurisdictions have been provided as attachments to this Board Report; and a summary the terms and status of each MOA is provided below.

A. Memorandum of Agreement Regarding Funding to be Provided for Removal of the City of Marina Stockade and Ancillary Buildings

- FORA has requested, and the City of Marina agrees, to undertake the Project to complete the removal of hazardous materials and deconstruction and removal of the Stockade Complex as established in the terms and conditions set forth in the MOA.
- Within seven (7) calendar days of the execution of this MOA, FORA will transfer and pay to the order of the City, the amount of Two Million Fifty Thousand Dollars (\$2,050,000).
- FORA will close out contracts associated with the Project; and will make good faith and commercially reasonable efforts to arrange for the timely completion of services, delivery of work products, and transfer of information which FORA has authorized.
- Upon execution of this MOA, the City will become the Lead Agency for the Project and the waste generator with respect to any hazardous materials associated with the Project.
- *MOA Status: reviewed and approved by City of Marina Attorney and FORA Legal Counsel; pending approval by City of Marina City Council; execution pending FORA Board approval.*

B. Memorandum of Agreement Regarding Funding to be Provided for the Repair of Stormwater Infiltrator System at Eucalyptus Road to the City of Seaside

- FORA has requested, and the City of Seaside agrees, to undertake the Repair Project which includes the repair of the storm water infiltration system installed within Eucalyptus Road as established in the terms and conditions set forth in the MOA.
- Within seven (7) calendar days of the execution of this MOA, FORA will transfer and pay to the order of the City, the amount of One Million One Hundred Twenty Thousand Dollars (\$1,120,000) to cover the currently estimated cost of the Repairs and Ten Thousand Five Hundred Thirty Dollars (\$10,530) of the funds originally budgeted in connection with design services during the construction stage of the Repairs.
- FORA will close out contracts associated with the Repair Project; and will make good faith and commercially reasonable efforts to arrange for the timely completion of services, delivery of work products, and transfer of information which FORA has authorized.
- Upon the full signing of this MOA, the City will carry out the Repair Project in compliance with applicable law, including by acting as lead agency if and to the

extent that a lead agency may be required under the California Environmental Quality Act.

- *MOA Status: reviewed and approved by City of Seaside Attorney and FORA Legal Counsel; pending approval by City of Seaside City Council; execution pending FORA Board approval.*

C. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to the City of Del Rey Oaks in support of the South Boundary Roadway and the Intersection at General Jim Moore Boulevard Improvement Projects

- FORA has requested and the City of Del Rey Oaks agrees to undertake the Projects which includes the final design and construction of improvements of South Boundary Roadway and the Intersection at General Jim Moore Boulevard as established in the terms and conditions set forth in the MOA.
- Within seven (7) calendar days of the execution of this MOA, FORA will: 1) fund two escrow holding accounts - one for the estimated construction costs of South Boundary Roadway Improvements for Seven Million Two Hundred Thousand Eight Hundred Thirteen Dollars (\$7,269,813), and one for the estimated construction costs of the Intersection at General Jim Moore Boulevard for One Million Fifty Six Thousand One Hundred Sixty Eight Dollars (\$1,056,168); and 2) will transfer and pay to the order of the City of Del Rey Oaks the combined design services estimate for the improvements of Five Hundred Eighteen Thousand Five Hundred Sixty Four Dollars (\$518,564).
- FORA intends to assign (with the consent of Whitson Engineers Inc.) the existing and open contract work orders with Whitson Engineers associated with the design of the improvements of South Boundary Roadway and the Intersection at General Jim Moore Boulevard; and will make good faith and commercially reasonable efforts to arrange for the timely completion of services, delivery of work products, and transfer of information which FORA has authorized.
- Upon the full signing of this MOA, the City will carry out the Projects in compliance with applicable law, including by acting as lead agency if and to the extent that a lead agency may be required under the California Environmental Quality Act.
- *MOA Status: a draft MOA has been submitted to the City of Del Rey Oaks and the City of Monterey as a stakeholder entity for review and approval; pending approval by City of Del Rey Oaks City Council; execution pending FORA Board approval.*

D. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to Monterey County in support of the Oak Woodlands Project

- a) Monterey County has requested, and FORA agrees to transfer, the existing contract and remaining contract dollars associated with the Oak Woodlands Project as established in the terms and conditions set forth in the MOA.
- b) Within seven (7) calendar days of the execution of this MOA, FORA will transfer and pay to the order of Monterey County, the amount of Eighteen Thousand Seven

Hundred Thirteen Dollars (\$18,713) to complete the tasks and reporting outlined in the contract.

- FORA intends to assign the existing and open contract work orders with Denise Duffy & Associates, Inc. associated with the Oak Woodland Project; and will make good faith and commercially reasonable efforts to arrange for the timely completion of services, delivery of work products, and transfer of information which FORA has authorized.
- *MOA Status: a draft MOA has been submitted to Monterey County for review and approval; pending approval by Monterey County Board of Supervisors; execution pending FORA Board approval.*

FISCAL IMPACT:

Staff time and expenditures are included in the approved FY 19-20 Mid-Year Budget.

Reviewed by FORA Controller _____

COORDINATION:

Authority Counsel, Administrative Committee, land use jurisdictions, Consultants.

Prepared by _____
Kristie Reimer, RAC

Approved by _____
Joshua Metz

ATTACHMENTS: (To be provided in FINAL Packet)

- A. Memorandum of Agreement Regarding Funding to be Provided for Removal of the City of Marina Stockade and Ancillary Buildings
- B. Memorandum of Agreement Regarding Funding to be Provided for the Repair of Stormwater Infiltrator System at Eucalyptus Road to the City of Seaside
- C. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to the City of Del Rey Oaks in support of the South Boundary Roadway and the Intersection at General Jim Moore Boulevard Improvement Projects
- D. Draft Memorandum of Agreement Regarding Transfer of Contract and Funding to Monterey County in support of the Oak Woodlands Project

TRANSITION PLAN IMPLEMENTING AGREEMENT

This Transition Plan Implementing Agreement (this “Agreement”) is dated for reference purposes _____, 2020 and is entered into by and among:

- (a) County of Monterey (“County”),
- (b) City of Marina (“Marina”),
- (c) City of Seaside (“Seaside”),
- (d) City of Del Rey Oaks (“Del Rey Oaks”), and
- (e) City of Monterey (“Monterey”),
- (f) California Department of Parks and Recreation (“State Parks”),
- (g) Regents of the University of California (“UC”), and
- (h) Board of Trustees of the California State University on behalf of the Monterey Bay campus (“CSUMB” and collectively with County, Marina, Seaside, Del Rey Oaks, Monterey, State Parks, and UC, the “Parties”).

RECITALS

A. The Fort Ord Reuse Authority (“FORA”) was established pursuant to the Fort Ord Reuse Authority Act (California Government Code Section 67650 *et seq.* and referred to herein as the “FORA Act”) as a regional agency to, among other things, plan, facilitate, and manage the transfer of former Fort Ord property from the United States Army (the “Army”) to various municipalities and other public entities or their designees.

B. FORA acquired portions of the former Fort Ord from the Army under an Economic Development Conveyance Memorandum of Agreement between FORA and the Army dated June 20, 2000 (the “EDC Agreement”). FORA has delivered to each of the Parties a complete copy of the EDC Agreement as executed and including all amendments and attachments.

C. Section 67700(a) of the FORA Act provides that the FORA Act will become inoperative, at the latest, on June 30, 2020. Concurrently with the FORA Act becoming inoperative, FORA will dissolve (“FORA’s Dissolution”).

AGREEMENT

NOW, THEREFORE, based on the foregoing and in consideration of the mutual terms, covenants, and conditions contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1.0 2001 IMPLEMENTATION AGREEMENTS SUPERSEDED.

Effective as of July 1, 2020, this Agreement supersedes each of the following agreements, which shall be of no further force or effect:

Implementation Agreement between FORA and County dated May 8, 2001 and recorded October 18, 2001 as Document 2001088380 in the Official Records of the Recorder of the County of Monterey

Implementation Agreement between FORA and Del Rey Oaks dated May 31, 2001 and recorded October 18, 2001 as Document 2001088379 in the Official Records of the Recorder of the County of Monterey

Implementation Agreement between FORA and Marina dated May 1, 2001 and recorded October 18, 2001 as Document 2001088377 in the Official Records of the Recorder of the County of Monterey as amended by Amendment #1 dated September 13, 2012 and recorded September 14, 2012 as Document 2012054071 in the Official Records of the Recorder of the County of Monterey

Implementation Agreement between FORA and Monterey dated August 10, 2001 and recorded October 18, 2001 as Document 2001088378 in the Official Records of the Recorder of the County of Monterey

Implementation Agreement between FORA and Seaside dated May 31, 2001 and recorded October 18, 2001 as Document 2001088381 in the Official Records of the Recorder of the County of Monterey.

2.0 WATER ALLOCATIONS

Each of the Parties listed may meet and confer in good faith and cooperatively develop one or more agreements between the Parties and/or MCWD regarding the provision of potable water and recycled water services. The Parties acknowledge that FORA and the Marina Coast Water District have agreed to the water allocations in Exhibit A.

3.0 RECORDS RETENTION AND MANAGEMENT

Except for records transferred to (a) FORA's successor-in-interest under Environmental Services Cooperative Agreement W9128F 07 2-0162, as amended, entered into between FORA and the Army or (b) to the local redevelopment authority designated as FORA's successor in connection with that economic development conveyance Memorandum of Agreement entered into between FORA and the Army dated June 23, 2000, as amended, all FORA records, including personnel files, documents, and meeting records will be transferred to County for retention and management.

4.0 SEVERABILITY

If any term of this Agreement is held in a final disposition by a court of competent jurisdiction to be invalid, then the remaining terms shall continue in full force unless the rights and obligations of the Parties have been materially altered by such holding of invalidity.

5.0 MISCELLANEOUS

5.1 Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof. No other statement or representation by any employee, officer, or agent of any Party, which is not contained in this Agreement, shall be binding or valid.

5.2 Multiple Originals; Counterparts. This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

5.3 Modifications. This Agreement shall not be modified except by written instrument executed by and between the Parties.

5.4 Interpretation. This Agreement has been negotiated by and between the representatives of all Parties, all being knowledgeable in the subject matter of this Agreement, and each Party had the opportunity to have the Agreement reviewed and drafted by their respective legal counsel. Accordingly, any rule of law (including Civil Code Section. 1654) or legal decision that would require interpretation of any ambiguities in this Agreement against the Party that has drafted it is not applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner to effectuate the purpose of the Parties and this Agreement.

5.5 Relationship of the Parties. Nothing in this Agreement shall create a joint venture, partnership or principal-agent relationship between the Parties.

5.6 Waiver. No waiver of any right or obligation of any Parties hereto shall be effective unless in writing, specifying such waiver, executed by the Party against whom such waiver is sought to be enforced. A waiver by any Party of any of its rights under this Agreement on any occasion shall not be a bar to the exercise of the same right on any subsequent occasion or of any other right at any time.

5.7 Further Assurances. The Parties shall make, execute, and deliver such other documents, and shall undertake such other and further acts, as may be reasonably necessary to carry out the intent of this Agreement.

5.8 Days. As used in this Agreement, the term “days” means calendar days unless otherwise specified.

[signatures appear on following pages]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date set forth beside the signature of each, the latest of which shall be deemed to be the effective date of this Agreement.

Dated: _____, 2020

COUNTY OF MONTEREY

By: _____
County Administrative Officer

Approved as to form:

By: _____
County/Deputy County Counsel

Dated: _____, 2020

CITY OF MARINA

By: _____
City Manager

Approved as to form:

By: _____
City Attorney

Dated: _____, 2020

CITY OF SEASIDE

By: _____
City Manager

Approved as to form:

By: _____
City Attorney

Dated: _____, 2020

CITY OF DEL REY OAKS

By: _____
City Manager

Approved as to form:

By: _____
City Attorney

Dated: _____, 2020

CITY OF MONTEREY

By: _____
City Manager

Approved as to form:

By: _____
City Attorney

Dated: _____, 2020

UNIVERSITY OF CALIFORNIA

By: _____
Secretary to the Regents

Approved as to form:

By: _____
General Counsel

FINAL DRAFT 5/1/20

Dated: _____, 2020

CALIFORNIA STATE UNIVERSITY

By: _____
President

Approved as to form:

By: _____
General Counsel

Dated: _____, 2020

CALIFORNIA DEPARTMENT OF PARKS AND
RECREATION

By: _____
Regional Manager

Approved as to form:

By: _____
General Counsel

FINAL DRAFT 5/1/20

EXHIBIT A

Water Allocations by Percentage for Additional Army Supply*

| | Current Potable Water Allocation in Acre Feet | Future Water Allocation Based on Percentage of Current Water Allocation | Current Recycled Water in Acre Feet | Future Recycled Water Allocation Based on Percentage of Current Recycled Water Allocation |
|----------------------|---|---|-------------------------------------|---|
| City of Marina | 1340 | 29% | 345 | 25% |
| City of Monterey | 65 | 1% | 0 | 0% |
| City of Seaside | 1012.5 | 22% | 453 | 33% |
| County of Monterey | 720 | 15% | 134 | 10% |
| CSUMB | 1035 | 22% | 87 | 6% |
| City of Del Rey Oaks | 242.5 | 5% | 280 | 21% |
| CA State Parks | 44.5 | 1% | 0 | 0% |
| UCMBEST | 230 | 5% | 60 | 4% |

*In the unlikely event of availability of additional water from the US Army it would be distributed following the percentage-based allocation provide above. These allocations reflect previously agreed water distribution as per FORA Board Resolution No. 07-1 (potable water) and No. 07-10 (recycled water) (2007) and are consistent with the Marina Coast Water District Urban Water Management Plan (2105). They also incorporate the Memorandum of Understanding between the County of Monterey, the City of Seaside, and the FORA allocating 10 acre-feet (af) to the Central Coast Veterans Cemetery (2009), and includes the transference of 15 af to the City of Marina for Veterans Transition Center housing (effective Nov 20, 2017).