



FORT ORD REUSE AUTHORITY

920 2ND Avenue, Suite A, Marina, CA 93933
Tel: 831 883 3672 | Fax: 831 883 3675 | www.fora.org

LETTER OF TRANSMITTAL SHEET

TO: Melanie Beretti
Property Administration/Special
Programs Manager

FROM: Laura Vidaurri *Lav*
FORA ESCA Remediation Program

ORGANIZATION: Resource Management Agency of
Monterey County Administrative Record

DATE: 13 SEP 18

RE:

FORA/Monterey County – Amendment No. 1 To Memorandum of Agreement Between the Fort Ord Reuse Authority and The County of Monterey Regarding Property Ownership and Responsibilities During the Period of Environmental Services to Remove Munitions and Explosives of Concern

FOR FILING WITH COUNTY CLERK RECORDER FOR REVIEW PLEASE COMMENT

NOTES/COMMENTS:

Thank you for your assistance in getting the Amendment signed. I am attaching a fully executed original Addendum to Agreement (*Amendment No. 1 To Memorandum of Agreement Between the Fort Ord Reuse Authority and The County of Monterey Regarding Property Ownership and Responsibilities During the Period of Environmental Services to Remove Munitions and Explosives of Concern*). Please forward to the Mr. Joel Pablo, County-Clerk Recorder's office for filing.

I am also attaching a copy of email communication between Mr. Joel Pablo, Senior Secretary/Clerk of the Board with instructions on the next steps for this document. Specifically, Mr. Pablo requests the original document to file with the County-Clerk Recorder's office.

Should you have any questions please contact me at (831) 883-3672.

Laura Vidaurri
ESCA Remediation Program Coordinator
laura@fora.org

Stoffey-Said, Barbara x5184

From: Pablo, Joel x6642
Sent: Thursday, September 6, 2018 10:55 AM
To: Hickman, Rita E.; 112-Clerk of the Board Everyone-gp
Cc: Toribio, Rannie C. x4938; Stoffey-Said, Barbara x5184; Beretti, Melanie x5285
Subject: Replying: BOS Mtg Date: 07/24/18 FORA ESCA Agreement Amendment 1 Legistar File 18-775
Attachments: S112-CTTB-K18090610390.pdf

Rita and Barbara-

There are steps in the process that still needs to be completed.

As per my phone conversation with Barbara:

1. Our office was able to locate the entire original document which included Supervisor Alejo's notarized signature.
2. In order for our office to record this document, it appears that we need to have the above-attached document signed/notarized by the Executive Officer of FORA & their counsel.
3. Ensure you reach out to the County-Clerk Recorder's office at 831-755-5041 to obtain an example of how they would like notarized documents to look like. If it is not done to their liking, the document can be returned until it meets their requirement resulting in delays of the document being recorder.
4. Once signed, please bring back the original to our office so we can record the document with the County-Clerk Recorder's office.

Respectfully,

Joel G. Pablo
Senior Secretary
Clerk of the Board
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Phone: (831) 755-5066
Fax: (831) 755-5888

From: Hickman, Rita E.
Sent: Wednesday, September 05, 2018 9:52 AM
To: 112-Clerk of the Board Everyone-gp <112-ClerkoftheBoardEveryone-gp@co.monterey.ca.us>
Cc: Toribio, Rannie C. x4938 <ToribioRC@co.monterey.ca.us>; Stoffey-Said, Barbara x5184 <Stoffey-SaidB@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: BOS Mtg Date: 07/24/18 FORA ESCA Agreement Amendment 1 Legistar File 18-775

We would like to request a copy of the recorded Amendment 1 to the subject agreement. Thank you.

Attachment C

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WHEN RECORDED MAIL TO:

RECORDING REQUESTED BY AND

WHEN RECORDED RETURN TO:

County of Monterey

Resource Management Agency

1441 Schilling Place, 2nd Floor South

Salinas, CA 93901

Attention: Christina McGinnis

THIS SPACE FOR RECORDER'S USE ONLY

No fee for recording pursuant to
Government Code Section 27383

ADDENDUM TO AGREEMENT

AMENDMENT NO. 1
TO MEMORANDUM OF AGREEMENT BETWEEN
THE FORT ORD REUSE AUTHORITY AND THE COUNTY OF MONTEREY
REGARDING PROPERTY OWNERSHIP AND RESPONSIBILITIES
DURING THE PERIOD OF ENVIRONMENTAL SERVICES TO REMOVE
MUNITIONS AND EXPLOSIVES OF CONCERN

This Amendment No. 1 to the Memorandum of Agreement ("Agreement") which was effective on December 18, 2007 is entered into by and between the County of Monterey (hereinafter "COUNTY"), and the Fort Ord Reuse Authority (hereinafter "FORA"). Collectively, COUNTY and FORA are referred to as the "Parties", with respect to the following:

RECITALS

WHEREAS, in 2007, the County and Fort Ord Reuse Authority (FORA) entered into a Memorandum of Agreement (MOA) regarding Property Ownership and Responsibilities During the Period of Environmental Services to Remove Munitions and Explosives of Concern (Attachment A), during remedial work performed under an Environmental Services Cooperation Agreement (ESCA) between the U. S. Army (Army) and FORA; and

WHEREAS, the MOA term was set to expire on the earlier of the following two dates: 1) when the FORA Board determines that 80 percent of the territory of Fort Ord that is designated for development or reuse in the 1997 Fort Ord Base Reuse Plan has been reused; or 2) June 30, 2014, FORA's original dissolution date; and

WHEREAS, Prior to dissolution in 2014, the State legislature extended FORA's dissolution date to June 30, 2020 (Government Code section 67700); and the parties intended that the term of the MOA would be extended consistent with the new dissolution date; and

WHEREAS, the terms of the MOA have been honored to date by FORA and the County, and munitions and unexploded ordnance clean-up has been completed, and FORA anticipates completing regulatory processing and transfer of all ESCA properties by spring 2019; and

WHEREAS, the County and FORA hereby reconfirm commitment to the MOA terms, and amend the Agreement to extend the term to allow for completion of all remedial work effective retroactively to June 30, 2014 and ending at the later of the following two dates: 1) June 30, 2020; or 2) Upon dissolution of FORA.

AGREEMENT

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

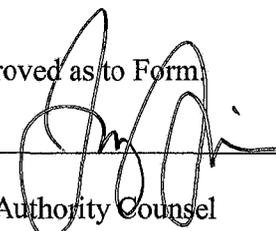
The Agreement is hereby extended retroactively and renewed on the terms and conditions as set forth in the original Memorandum of Agreement and in Amendment No. 1 to the Agreement incorporated herein by this reference, except as specifically set forth below.

1. Item "b." of Section 2.5 shall be amended by removing:
"June 30, 2014."
and replacing it with:
"June 30, 2020 or upon expiration of FORA, whichever is later.
2. Except as provided herein, all remaining terms, conditions and provisions of the original Memorandum of Agreement are unchanged and unaffected by this Amendment No. 1 and shall continue in full force and effect as set forth in the original Agreement and in Amendment No. 1.
3. A copy of this Amendment No. 1 shall be attached to the original Memorandum of Agreement.
4. This Amendment No. 1 shall be effective when signed by both Parties.

IN WITNESS WHEREOF, the Parties hereto are in agreement with this Amendment No. 1 on the basis set forth in this document and have executed this Amendment No. 1 on the day and year set forth herein

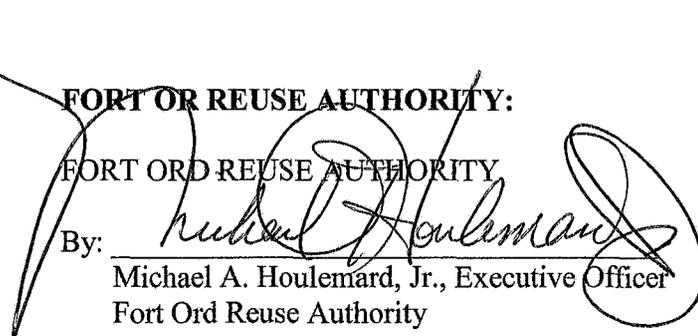
Dated: September 12, 2018

Approved as to Form

By: 
Authority Counsel

FORT ORD REUSE AUTHORITY:

FORT ORD REUSE AUTHORITY

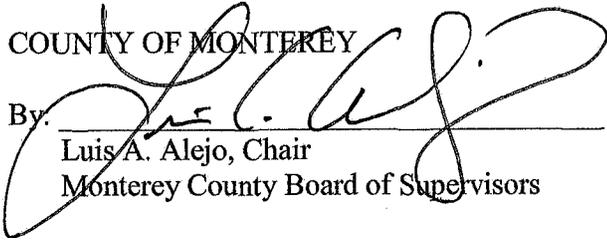
By: 
Michael A. Houlemard, Jr., Executive Officer
Fort Ord Reuse Authority

Amendment No. 1 to
Memorandum of Agreement
FORA and County of Monterey

THE COUNTY:

COUNTY OF MONTEREY

Dated: 8/1, 2018

By: 

Luis A. Alejo, Chair
Monterey County Board of Supervisors

Approved as to Form:
Charles McKee, County Counsel

By: 
Brian P. Briggs
Deputy County Counsel

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

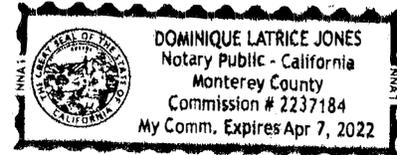
STATE OF CALIFORNIA) §
COUNTY OF MONTEREY)

On September 12, 2018 before me, Dominique Jones, a Notary Public, personally appeared Michael A. Houlemard, Jr., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 



(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

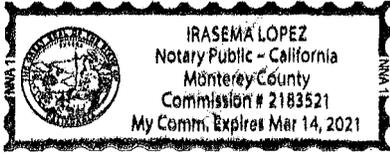
STATE OF CALIFORNIA) §
COUNTY OF MONTEREY)

On August 1, 2018 before me, Irasema Lopez, a Notary Public, personally appeared Wis Angel Alejo, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~is~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 



(Seal)