



Monterey County

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Board Report

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Matter Type: General Agenda Item

Rescind the Memorandum of Agreement Originally Approved October 11, 2011 Concerning the Alignment of Eastside Parkway on the Former Fort Ord.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Rescind the Memorandum of Agreement Originally Approved October 11, 2011 Concerning the Alignment of Eastside Parkway on the Former Fort Ord.

SUMMARY:

Rescission of this Memorandum of Agreement (“MOA”) is part of a settlement of a lawsuit entitled *Keep Fort Ord Wild v. Fort Ord Reuse Authority, et al.* (Monterey Superior Court Case No. M114961). The County’s approval of the MOA was successfully challenged in that action, and the parties have agreed to a settlement in lieu of an appeal and further litigation.

DISCUSSION:

The County, as a member of the Fort Ord Reuse Authority (FORA), originally approved the Memorandum of Agreement Concerning the Alignment of Eastside Parkway on the Former Fort Ord on October 11, 2011 (Attachment 1). The MOA at issue was a multi-party agreement on the proposed alignment of the anticipated Eastside Parkway. It was never fully executed by all the parties. FORA prepared plans of sufficient detail to be able to evaluate project impacts in an environmental documents. Although it was not intended by the County to constitute “approval” of the Eastside Parkway project, which is a regional project under the jurisdiction of the Fort Ord Reuse Authority (“FORA”), the County’s approval was challenged under the California Environmental Quality Act (“CEQA”) by an organization known as Keep Fort Ord Wild. The trial court determined that the approval by FORA and the County constituted approval of the Eastside Parkway without having performed requisite environmental review.

The County considers the MOA moot and ineffective, but is required to rescind its approval of that document. FORA is currently in the process of scoping an Environmental Impact Report for the actual proposed project.

OTHER AGENCY INVOLVEMENT:

The County and FORA have worked together on matters concerning reuse of the form Fort Ord military base, including regional transportation projects identified in the Fort Ord Base Reuse Plan.

FINANCING:

Rescission of this MOA does not impact the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

By rescinding its approval of the MOA, the Board is taking action that will promote organizational accountability and transparency. Through the County's ongoing collaboration with FORA on matters concerning reuse of the former Fort Ord military base, including regional transportation projects identified in the Fort Ord Base Reuse Plan, the County seeks to strengthen economic development to ensure a diversified and healthy economy and plan and develop a physical infrastructure that supports economic development results.

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

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The following attachments are on file with the Clerk of the Board:

Attachment 1 - Completed Board Order and MOA Concerning the Alignment of Eastside Parkway on the Former Fort Ord (Agreement No. A-12119)