



# Monterey County

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## Board Order

### Agreement No.: A-12222

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried by those members present, the Board of Supervisors hereby:

Approved and authorized the Chair to sign a Funding Agreement between the County of Monterey and the Successor Agency to the Redevelopment Agency of the County of Monterey in the amount of \$325,695 to provide funding for the close-out of the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda.

PASSED AND ADOPTED on this 12th day of June 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT:None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on June 12, 2012.

Dated: June 12, 2012  
File Number: 12-318

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**FUNDING AGREEMENT  
BETWEEN THE  
COUNTY OF MONTEREY  
AND THE  
COUNTY OF MONTEREY AS SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY**

THIS AGREEMENT, entered into this 22<sup>nd</sup> day of May, 2012, by and between the County of Monterey ("County") and the County of Monterey as Successor Agency to the Redevelopment Agency of the County of Monterey ("Successor Agency"), is made with reference to the following facts and circumstances:

**RECITALS**

**WHEREAS**, the Monterey County Board of Supervisors adopted the Boronda Redevelopment Plan on November 22, 1988, by Ordinance No. 3358, in order to eliminate blight within the redevelopment project area and improve the health and safety of residents of those communities, as well as the County in general; and

**WHEREAS**, the Boronda Redevelopment Plan authorized the Redevelopment Agency of the County of Monterey ("Agency") to assist in the provision of, among other things, public improvements; and

**WHEREAS**, the County and Agency entered into Funding Agreement No. 10489 (the "Funding Agreement") on June 20, 2006, whereby the Agency agreed to provide funding to assist in the installation of storm drains and related improvements known as the Hyland Drive/El Rancho Way Storm Drain/Street Improvement Project (the "Project"); and

**WHEREAS**, pursuant to the adoption of ABx1 26 by the State Legislature, and the decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231, the Agency was dissolved effective February 1, 2012, and replaced by the Successor Agency; and

**WHEREAS**, pursuant to ABx1 26, including *inter alia* Health and Safety Code §§ 34179-34181, certain actions of the Successor Agency are to be reviewed and approved by a duly constituted Oversight Board; and

**WHEREAS**, due to delays in construction and additional work required for the Project related to proper integration of the Project's improvements with front yard and driveway improvements of adjacent private property owners, it is necessary to provide additional funding to complete the Project, as described in Section 1 below; and

**WHEREAS**, pursuant to Health and Safety Code § 348180(h), on April 26, 2012 the Oversight Board for the Successor Agency approved a request by the Successor Agency to enter into this agreement with the County in order to complete the Project; and

**WHEREAS**, the proposed funding of these Professional Services Agreements by the Successor Agency is still within the amounts contemplated by the original 2006 Funding Agreement and will not result in any increase to the Project's total budget.

**NOW, THEREFORE**, in consideration of the mutual promises, the sufficiency of which is hereby acknowledged, the County of Monterey and the County of Monterey as Successor Agency to the Redevelopment Agency of the County of Monterey agree as follows:

1. The Successor Agency shall provide the amount of Three Hundred Twenty Five Thousand, Six Hundred Ninety Five Dollars (\$325,695) to the County as follows:
  - a. One Hundred Thirty Eight Thousand Five Hundred Seventy Nine Dollars (\$138,579) to complete payments under a Contract for Construction between the County and Monterey Peninsula Engineering dated March 29, 2011.
  - b. One Hundred Sixty Five Thousand Ninety Two Dollars (\$165,092) to amend the Professional Services Agreement dated November 9, 2010, between the County and MNS Engineers, Inc, for a total contract amount of Four Hundred One Thousand Four Hundred Twenty Dollars (\$401,420).
  - c. Twenty Two Thousand Twenty Four Dollars (\$22,024) for a new Professional Services Agreement between the County and Whitson and Associates, Inc., in order to complete the work described in the Professional Services Agreement, dated December 15, 2009 between the Agency and Whitson and Associates, Inc., as amended.
2. The County shall direct the County Public Works Department to consult with the Successor Agency regarding all aspects of the design and construction of the Project, and to expeditiously process any necessary approvals or other documentation, in order to ensure that the Project will be completed as soon as possible with no other funds required.
3. This Agreement may be amended only by an instrument in writing approved and executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto executed this Agreement as of the date set forth above.

COUNTY OF MONTEREY

*Dave Potter*

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Dave Potter, Chair, Board of Supervisors

*6-12-12*

\_\_\_\_\_  
Date

COUNTY OF MONTEREY AS  
SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF  
THE COUNTY OF MONTEREY

*Dave Potter*

\_\_\_\_\_  
Dave Potter, Chair, Board of Supervisors

*6-12-12*

\_\_\_\_\_  
Date

Approved as to form:  
COUNTY COUNSEL

*Kay Beeman*

*6/4/12*

\_\_\_\_\_  
Date