



**Monterey County
Board of Supervisors,
Acting as the Board of Directors of the
Boronda County Sanitation District**

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

A motion was made by Director John M. Phillips, seconded by Director Mary L. Adams to:

Resolution No. 20 - 266

Agreement No. A-14929 | Café Tori Investments, LLC

Agreement No. A-14930 | Harvest Moon Agricultural Employee Housing Development Project

- a. Approve a Funding Agreement with Café Tori Investments, LLC (Café Tori) to provide funding to the County of Monterey, acting as the Board of Directors of the Boronda County Sanitation District (BCSD), for staff time and materials to process a Grant of Easement Deed and a Maintenance of Developer Improvements Agreement for the Harvest Moon Agricultural Employee Housing Development Project (PLN190127), where the Base Budget is \$6,480 and Contingency Budget is \$972, for a total amount not to exceed \$7,452, and for a term retroactive to July 13, 2020 to June 30, 2021;
- b. Approve a Maintenance of Developer Improvements Agreement by and between BCSD and Café Tori, included as Exhibit D to the Grant of Easement Deed;
- c. Find that the proposed Grant of Easement Deed is in the public interest and constitutes a public benefit that will not substantially conflict or interfere with the use of the property by BCSD;
- d. Approve a Grant of Easement Deed to grant Café Tori an easement over an established fee strip owned by the BCSD located on a portion of Assessor's Parcel No. (APN) 261-011-026-000;
- e. Authorize the Resource Management Agency (RMA) Director or designee to execute the Funding Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the approved Agreement amount;
- f. Authorize the Chair of the Board, acting as Chair of the Board of Directors of BCSD, to execute the Grant of Easement Deed and Maintenance of Developer Improvements Agreement;
- g. Authorize the RMA to separately record the Grant of Easement Deed and Maintenance of Developer Improvements Agreement; and
- h. Recommend the Monterey County Board of Supervisors authorize and direct the Auditor-Controller to amend the Fiscal Year 2020-21 Adopted Budget for BCSD, Fund 156, Appropriation Unit RMA045, and increase revenue by \$7,452, financed by Café Tori pursuant to the Funding Agreement (4/5th vote required).

PASSED AND ADOPTED on this 28th day of July 2020, by roll call vote:

AYES: Directors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, 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 82 for the meeting July 28, 2020.

Dated: July 28, 2020
File ID: BCSD RES 20-003
Agenda Item No.: 1

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy

*Before the Board of Supervisors of the County of Monterey
Acting as the Board of Directors of the Boronda County Sanitation District
State of California*

Resolution No. 20 - 266

- Adopted Resolution to:)
a. Approve a Funding Agreement with Café Tori)
Investments, LLC (Café Tori) to provide funding to the)
County of Monterey, acting as the Board of Directors of)
the Boronda County Sanitation District (BCSD), for staff)
time and materials to process a Grant of Easement Deed)
and a Maintenance of Developer Improvements)
Agreement for the Harvest Moon Agricultural Employee)
Housing Development Project (PLN190127), where the)
Base Budget is \$6,480 and Contingency Budget is \$972,)
for a total amount not to exceed \$7,452, and for a term)
retroactive to July 13, 2020 to June 30, 2021;)
b. Approve a Maintenance of Developer Improvements)
Agreement by and between BCSD and Café Tori,)
included as Exhibit D to the Grant of Easement Deed;)
c. Find that the proposed Grant of Easement Deed is in)
the public interest and constitutes a public benefit that)
will not substantially conflict or interfere with the use of)
the property by BCSD;)
d. Approve a Grant of Easement Deed to grant Café Tori)
an easement over an established fee strip owned by the)
BCSD located on a portion of Assessor's Parcel No.)
(APN) 261-011-026-000;)
e. Authorize the Resource Management Agency (RMA))
Director or designee to execute the Funding Agreement)
and future amendments to the Agreement where the)
amendments do not significantly alter the scope of work)
or increase the approved Agreement amount;)
f. Authorize the Chair of the Board, acting as Chair of)
the Board of Directors of BCSD, to execute the Grant of)
Easement Deed and Maintenance of Developer)
Improvements Agreement;)
g. Authorize the RMA to separately record the Grant of)
Easement Deed and Maintenance of Developer)
Improvements Agreement; and)
h. Recommend the Monterey County Board of)
Supervisors authorize and direct the Auditor-Controller)
to amend the Fiscal Year 2020-21 Adopted Budget for)
BCSD, Fund 156, Appropriation Unit RMA045, and)
increase revenue by \$7,452, financed by Café Tori)
pursuant to the Funding Agreement (4/5th vote required).)

Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Monterey County Board of Supervisors, acting as the Board of Directors of the Boronda County Sanitation District, hereby finds and decides as follows:

RECITALS

WHEREAS, Café Tori Investments, LLC (“Project Applicant”) is the owner and developer of certain real property located in unincorporated County of Monterey, California, commonly known as Assessor’s Parcel Number (APN) 261-011-026-000;

WHEREAS, the Boronda County Sanitation District (BCSD) is the owner of a strip of real property that crosses the Project Applicant’s property APN 261-011-026-000;

WHEREAS, on June 24, 2020, the Monterey County Planning Commission approved a Lot Line Adjustment, Use Permit, Variance, and General Development Plan that allow the Project Applicant to construct and operate a 150-unit farmworker housing project, the Harvest Moon Agricultural Housing Project Planning File No. PLN190127 (Housing Project), subject to certain conditions, including Condition Nos. 39 and 40, to provide for a Grant of Easement Deed and a Maintenance of Developer Improvements Agreement, respectively;

WHEREAS, the Resource Management Agency (RMA) determined this is a high priority project because it provides critically needed housing for agricultural employees;

WHEREAS, approval of this Funding Agreement will allow the Project Applicant to provide funding to BCSD for staff time and materials to process a Grant of Easement Deed and Maintenance of Developer Improvements Agreement;

WHEREAS, approval of this Maintenance of Developer Improvements Agreement will hold harmless BCSD; establish responsibility for repair and maintenance of improvements located above, underneath, and surrounding the fee strip; and grant BCSD the right of access through and under the Developer’s improvements if and when necessary maintenance or repairs to sanitary sewer facilities located within the fee strip are required;

WHEREAS, Project Applicant, serves Monterey County by developing housing opportunities for low-income agricultural workers and their families, among other opportunities;

WHEREAS, approval of this Grant of Easement Deed will provide Project Applicant and their representatives, access to the Harvest Moon Agricultural Employee Housing Project, during the construction and future use phase of the project. The use of the BCSD-owned fee strip within the Project will serve a valuable public purpose benefitting constituents of the County of Monterey, provide needed housing opportunities for essential farmworkers, and directly align with the Board’s Strategic Initiatives for Economic Development and Infrastructure; and

WHEREAS, Government Code Section 25526.6 provides that the Board of Directors may authorize a County officer to convey an interest in real property to a corporation upon a finding that the conveyance of said interest is in the public interest and will not substantially conflict or interfere with the use of the property by BCSD.

Government Code Section 25526.6 states,

Notwithstanding any other provision of law, the board may grant or otherwise convey, or by ordinance, may authorize such county officer or officers as are deemed appropriate, to grant or otherwise convey an easement, license, or permit for use of any real property of the county to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions as the board or authorized county officer determines or prescribes, upon a finding by the board or authorized county officer that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the county.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors, acting as the Board of Directors of the Boronda County Sanitation District, does hereby adopt a resolution to:

- a. Approve a Funding Agreement with Café Tori Investments, LLC (Café Tori) to provide funding to the County of Monterey, acting as the Board of Directors of the Boronda County Sanitation District (BCSD), for staff time and materials to process a Grant of Easement Deed and a Maintenance of Developer Improvements Agreement for the Harvest Moon Agricultural Employee Housing Development Project (PLN190127) where the Base Budget is \$6,480 and Contingency Budget is \$972, for a total amount not to exceed \$7,452, and for a term retroactive to July 13, 2020 to June 30, 2021;
- b. Approve a Maintenance of Developer Improvements Agreement by and between BCSD and Café Tori, included as Exhibit D to the Grant of Easement Deed;
- c. Find that the proposed Grant of Easement Deed is in the public interest and constitutes a public benefit that will not substantially conflict or interfere with the use of the property by BCSD;
- d. Approve a Grant of Easement Deed to grant Café Tori an easement over an established fee strip owned by BCSD located on a portion of Assessor's Parcel No. (APN) 261-011-026-000;
- e. Authorize the Resource Management Agency (RMA) Director or designee to execute the Funding Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the approved Agreement amount;
- f. Authorize the Chair of the Board, acting as Chair of the Board of Directors of BCSD, to execute the Grant of Easement Deed and Maintenance of Developer Improvements Agreement;
- g. Authorize the RMA to separately record the Grant of Easement Deed and the Maintenance of Developer Improvements Agreement; and
- h. Recommend that the Monterey County Board of Supervisors authorize and direct the Auditor-Controller to amend the Fiscal Year 2020-21 Adopted Budget for BCSD, Fund 156, Appropriation Unit RMA045, and increase revenue by \$7,452, financed by Café Tori pursuant to the Funding Agreement.

PASSED AND ADOPTED on this 28th day of July 2020, by roll call vote:

AYES: Directors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, 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 82 for the meeting July 28, 2020.

Dated: July 28, 2020
File ID: BCSD RES 20-003
Agenda Item No.: 1

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy