



Legislation Details (With Board Report)

File #: A 20-214 **Name:** a. Approve and authorize the Chair of the Board of Supervisors to execute the following agreements in connection with transfer of \$18,713 from the Fort Ord Reuse Authority to the County of Monterey to enable Denise Duffy & Associates to complete draft oak

Type: BoS Agreement **Status:** Passed - RMA Administration

File created: 6/11/2020 **In control:** Board of Supervisors

On agenda: 6/16/2020 **Final action:** 6/16/2020

Title: a. Approve and authorize the Chair of the Board of Supervisors to execute the following agreements in connection with transfer of \$18,713 from the Fort Ord Reuse Authority to the County of Monterey to enable Denise Duffy & Associates to complete draft oak woodland conservation planning documents for County and City of Seaside lands on the former Fort Ord:
 1) a Memorandum of Agreement Regarding Funding from FORA to the County of Monterey for Oak Woodlands Conservation Planning; and
 2) an Agreement for Assignment and Assumption of Rights and Obligation under Contract, Consent Thereto, and Suspension of Application of Assignment Prohibition by and between the County, Fort Ord Reuse Authority and Denise Dufy & Associates, Inc.; and
 b. Authorize and direct the Auditor-Controller (ACO) to deposit funds for the Oak Woodlands Conservation Planning in the amount of \$18,713 in a Fund and/or Account to be determined by ACO.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Oak Woodland Funding MOA, 3. Attachment B-Oak Woodlands Agreement, 4. Item No. 44 Completed Board Order, 5. Agr for Assignment & Assumption of Rights & Obligations Under Contract..., 6. MOA, re Funding from FORA to MoCo for Oak Woodlands Conservation Planning, 7. MOA re Funding from FORA to MoCo for Oak Woodlands Conservation Planning

Date	Ver.	Action By	Action	Result
6/16/2020	1	Board of Supervisors		

a. Approve and authorize the Chair of the Board of Supervisors to execute the following agreements in connection with transfer of \$18,713 from the Fort Ord Reuse Authority to the County of Monterey to enable Denise Duffy & Associates to complete draft oak woodland conservation planning documents for County and City of Seaside lands on the former Fort Ord:
 1) a Memorandum of Agreement Regarding Funding from FORA to the County of Monterey for Oak Woodlands Conservation Planning; and
 2) an Agreement for Assignment and Assumption of Rights and Obligation under Contract, Consent Thereto, and Suspension of Application of Assignment Prohibition by and between the County, Fort Ord Reuse Authority and Denise Dufy & Associates, Inc.; and
 b. Authorize and direct the Auditor-Controller (ACO) to deposit funds for the Oak Woodlands Conservation Planning in the amount of \$18,713 in a Fund and/or Account to be determined by ACO.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Chair of the Board of Supervisors to execute the following agreements in connection with transfer of \$18,713 from the Fort Ord Reuse Authority to the County of Monterey to enable

Denise Duffy & Associates to complete draft oak woodland conservation planning documents for County and City of Seaside lands on the former Fort Ord:

- 1) a Memorandum of Agreement Regarding Funding from FORA to the County of Monterey for Oak Woodlands Conservation Planning (Attachment A); and
 - 2) an Agreement for Assignment and Assumption of Rights and Obligation under Contract, Consent Thereto, and Suspension of Application of Assignment Prohibition by and between the County, Fort Ord Reuse Authority and Denise Dufy & Associates, Inc. (Attachment B); and
- b Authorize and direct the Auditor-Controller (ACO) to deposit funds for the Oak Woodlands Conservation Planning in the amount of \$18,713 in a Fund and/or Account to be determined by ACO.

SUMMARY/DISCUSSION:

In May 2016, FORA contracted with Denise Duffy & Associates (DDA) to prepare draft oak woodland conservation planning documents to assist the County of Monterey and City of Seaside in implementing oak woodland conservation planning policies. These policies were set forth in the Fort Ord Base Reuse Plan and are incorporated into County's General Plan. In July 2017, FORA and DDA amended the contract and extended the term to June 30, 2018, or until the maximum amount of compensation is reached. The contract, as amended, remains in force because the maximum amount of compensation has not been reached. Specifically, there remains payable to DDA \$18,713 to cover payment for services under the contract. The contract and amendment are attached as Exhibit B to the Agreement for Assignment and Assumption.

DDA has done a significant amount of the work under the Contract, but DDA's work under the contract has not yet been completed. FORA's general funds budget for fiscal year 2019/2020 includes the services under the DDA contract. The FORA Board has recently approved reserving the amount of \$18,713 to cover payment for completion of the tasks and reporting outlined in the DDA contract. FORA does not have sufficient time or management resources to manage completion of DDA's services prior to FORA's June 30, 2020 termination date. Accordingly, FORA proposes to transfer \$18,713 to the County along with assignment of the DD&A contract to the County.

Under the proposed agreements before the Board, FORA would transfer the funds, County would agree to utilize the funds to pay DD&A for the services outlined in Exhibit A to the MOA, and FORA, DD&A, and County would agree to assign the DD&A contract to the County for the tasks outlined in Exhibit A to the MOA. These agreements are also on the FORA Board's agenda for June 11, 2020, and DD&A has indicated that the Assignment agreement is acceptable. These agreements do not obligate the County to expend any funds for DD&A services beyond funds transferred from FORA, and further action by the County would be required for any expansion of scope or augmentation of the contract amount.

The County will assume the role of managing the DDA contract, but the tasks anticipate continued coordination among DDA, County, and the City of Seaside for oak woodland conservation planning. As described in Exhibit A to the MOA, DDA's performance of the remaining tasks will provide deliverables to County and the City of Seaside and provide information for the region. DDA's proposed tasks precede and do not include environmental review under the California Environmental Quality Act. The agreements do not commit the County to adoption of the draft plans and regulations prepared under the DDA contract. The County will determine and conduct environmental review as appropriate if and when the County were to consider adoption of the final draft plans and regulations prepared under the contract.

Staff recommends the County approve the agreements to facilitate completion of DDA's contracted work to support the County and City of Seaside's oak woodland conservation planning on the former Fort Ord.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the agreements as to form. FORA is legislatively scheduled to dissolve on June 30, 2020. Supervisors Parker and Phillips serve on the County Board of Supervisors' Fort Ord Committee; Supervisors Adams, Parker, and Phillips serve on the FORA Board; and Supervisor Phillips serves as Chair of the FORA Legislative Committee. RMA represents the County on the FORA Administrative Committee, which is considering the FORA transition issues. The County Administrative Office, the Office of the County Counsel, and Resource Management Agency (RMA) are part of the County's FORA transition team.

RMA will consult with the Auditor-Controller's Office (ACO) regarding the proper accounting of these funds, related to the overall FORA dissolution.

FINANCING:

RMA staff time to evaluate FORA transition issues, negotiate the agreements and prepare this report is funded as part of the Fiscal Year (FY) 2019-20 Adopted Budget for the Redevelopment Obligation Retirement Fund, Fund 406, Appropriation Unit RMA109. By accepting the \$18,713 and assignment of DDA's agreement, the County must use the funds from FORA to pay for DDA services under the DDA contract. DDA's remaining tasks correspond to the amount of funds to be transferred from FORA, and there is no obligation under these agreements for County to pay any sum additional to the amount transferred from FORA. RMA staff time to manage the DDA contract and facilitate development of the oak woodland conservation-related policies will be funded as part of future FY budgets for RMA, Fund 001, Appropriation Unit RMA013.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Facilitating DDA's completion of the environmental services contract related to oak woodlands conservation planning supports the Board's Strategic Initiative for Economic Development by continuing to support and facilitate conservation on the former Fort Ord area and economic recovery to the region from the base closure by supporting the City and County to complete the oak woodland-related policies.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Melanie Beretti, Property Administration/Special Programs Manager (831) 755-5285

Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A-Memorandum of Agreement

Attachment B-Agreement for Assignment and Assumption

(Attachments are on file with the Clerk of the Board)