

FORT ORD REUSE AUTHORITY
Resolution No. 20-04

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY
*Approving and Authorizing the Execution and Delivery of Memoranda of Agreements
for the Transfer of Funds and Assignment of Contracts in support of Capital
Improvement Program Projects and Approving Related Actions*

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. The existence of the Fort Ord Reuse Authority (“FORA”) is scheduled to terminate in accordance with state law on June 30, 2020 (“FORA’s Termination Date”).
- B. It is not feasible for FORA to complete all of the plans, building removal work, repairs, and improvements originally conceived in connection with FORA’s General Fund and Capital Improvements Programs before FORA’s Termination Date.
- C. The City of Marina is willing to undertake the removal of certain buildings on former Fort Ord including the former Fort Ord Stockade and ancillary buildings, assume the role of lead agency for the project, and assume the role of waste generator with respect to any hazardous materials associated with the project.
- D. The City of Seaside is willing to undertake repairs to the stormwater infiltration units installed within Eucalyptus Road.
- E. The City of Del Rey Oaks is willing to undertake relocation and/or reconfiguration of the existing intersection of General Jim Moore Boulevard with South Boundary Road and an upgrade of that portion of South Boundary Road located between its intersection with General Jim Moore Boulevard to 200 feet east of its intersection with Rancho Saucito Road together with responsibility for any further necessary environmental analysis, review, or approvals, implementation and supervision of any mitigation measures or monitoring program adopted in connection with any environmental approvals for the improvements, and coordination with the City of Monterey or any other governmental entities. FORA entered into a professional services contract dated November 17, 2017 with Whitson Engineers, Inc. (“Whitson”) for engineering services in connection with the contemplated improvements, which contract was subsequently amended four (4) times (and as so amended may be referred to herein as the “Whitson Contract”). Whitson’s work under the Whitson Contract has not yet been completed.
- F. FORA is willing to make certain funding available to the County and Cities, each on all of the terms and conditions set forth in the respective forms of the Memoranda of Agreements on file with the Secretary.
- G. With the consent of the contractor, FORA is willing to assign the Whitson Contract to the City of Del Rey Oaks.

NOW THEREFORE the Board hereby resolves that:

- 1. The foregoing recitals are true and correct.

2. The Board hereby approves the Memoranda of Agreements in the respective forms on file with the Secretary. The Executive Officer, acting alone, is hereby authorized and directed to execute and deliver the Memoranda of Agreements for and in the name and on behalf of FORA in such forms, or in substantially similar forms containing such modifications as the Executive Officer may approve as necessary or appropriate to carry out the purposes of the Memoranda of Agreements, such approval to be conclusively evidenced by the execution and delivery by the Executive Officer of the Memoranda of Agreements. Notwithstanding the foregoing, the dollar amounts to be transferred as set forth in the respective forms on file with the Secretary shall not be altered without the specific approval of the Board.

3. The Executive Officer is hereby authorized and directed, for and in the name and on behalf of FORA, to do any and all things and take any and all actions, which he may deem necessary or advisable as contemplated by the Memoranda of Agreements or otherwise in order to effectuate the transfer of the funds and where applicable the assignment of the contracts as contemplated by the Memoranda of Agreements.

4. This Resolution shall take effect from and after the date of its passage and adoption.

Upon motion by Board Member Haffa, seconded by Board Member Reimers, the foregoing Resolution was passed on this 22nd day of May, 2020, by the following vote:

AYES: PHILLIPS, ADAMS, GAGLIOTI, HAFFA, OGLESBY, WIZARD, CARBONE, GUNTER, GARFIELD, REIMERS

NOES: PARKER, O'CONNELL, MORTON

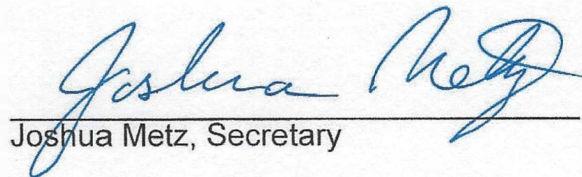
ABSTENTIONS:

ABSENT:



Jane Parker, Chair

ATTEST:


Joshua Metz, Secretary