



AGENDA
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road, Moss Landing, CA 95039

February 26, 2025 – 7:00 P.M.

Moss Landing Harbor District is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/88561816213?pwd=kM83LvNbrANyz18kmZFabAoDfULS4W.1>

Meeting ID: 885 6181 6213

Passcode: 591873

A. CLOSED SESSION

A Closed Session will be held immediately prior to the public open meeting, and will begin at **6:00 p.m.** to consider the following items. The public open meeting will begin at **7:00 p.m., or as soon thereafter as the Closed Session is concluded**, and any action taken during the Closed Session will be reported out at that time.

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park- licenses and easements. Negotiating parties: General Manager and District Counsel.
2. The Board will confer with legal counsel pursuant to Government Code Section 54956.9(d) (2)- significant exposure to litigation.
3. The Board will confer with legal counsel pursuant to Government Code Section 54956.9(d) (2)- significant exposure to litigation.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

Roll Call

Russ Jeffries – President

Vince Ferrante- Vice President

James Goulart – Secretary

Liz Soto - Commissioner

Albert Lomeli – Commissioner

Tommy Razzeca – General Manager

Mike Rodriguez – District Counsel

Shay Shaw – Administrative Assistant

C. PRESIDENT'S REMARKS

The President will use this opportunity to inform the public of issues affecting the District and other items of a general nature not otherwise provided for on this agenda.

D. PUBLIC COMMENTS

Members of the general public may address the Board of Harbor Commissioners regarding any item that is not on the Agenda. The President may limit the total amount of time of testimony on particular issues and for each individual speaker.

E. CONSENT CALENDAR

1. Approval of January 22, 2025 Meeting Minutes

F. FINANCIAL REPORT

2. Financial report month ending January 31, 2025

G. MANAGER'S REPORTS

The General Manager will make oral or written presentations on the below subjects. The Board may take such action as deemed necessary. The Manager may present additional reports; however, the Board may not take action on any such item not on this Agenda.

3. Projects Status/Update
4. Summary of Permits Issued
5. Meeting Announcements
6. Assigned Liveboard Report
7. Slip Income Report
8. Incident Report

H. COMMITTEE REPORTS

9. Finance Committee – Ferrante/Goulart
10. Elkhorn Slough Advisory Committee – Lomeli
11. Special Districts – Jeffries/Ferrante
12. Liveboard Committee – Soto/Lomeli
13. Harbor Improvement Committee – Soto/Lomeli
14. Real Property Committee I – Jeffries/Ferrante/Leonardini(Appointed Public Representative)
15. Real Property Committee II – Goulart/Soto
16. Personnel Committee – Jeffries/Goulart
17. Ad Hoc Budget Committee – Goulart/Soto
18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). Such reports may be oral or written.

I. NEW BUSINESS

19. ITEM – CONSIDER RESOLUTION NO. 25-01 APPROVING THE AGREEMENT FOR TAXING ENTITY COMPENSATION WITH THE CITY OF SEASIDE.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

J. COMMISSIONERS COMMENTS AND CONCERNS

Commissioners may address items of concern at this time, and may request that items be placed on future agendas in accordance with the By-laws of the Board.

K. ADJOURNMENT

The next Meeting of the Board of Harbor Commissioners is scheduled March 26, 2025 at the Moss Landing Harbor District, 7881 Sandholdt Road, Moss Landing, CA. Individuals requiring special accommodations should contact Administrative Assistant, Shay Shaw at Shaw@mosslandingharbor.dst.ca.us or at 831.633.2461 no less than 72 hours prior to the meeting or if a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to Regular Meetings and 24 hours prior to Special Meetings and/or by contacting the District at 831.633.5417 or Razzeca@mosslandingharbor.dst.ca.us or on the District's website at www.mosslandingharbor.dst.ca.us. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act



**MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road, Moss Landing, CA 95039**

January 22, 2025

Moss Landing Harbor District is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/89143216434?pwd=Gupz78bj5woR1gMbo4q35V8ETZCnPB.1>

Meeting ID: 891 4321 6434

Passcode: 121441

One tap mobile

+16694449171,,89143216434#,,,,*121441# US

+16699006833,,89143216434#,,,,*121441# US (San Jose)

A. CLOSED SESSION

A closed session was held immediately prior to the public open meeting to consider the following:

1. Confer with real property negotiators (District Counsel and GM) regarding the Moss Landing Commercial Park pursuant to Government Code §54956.8.

ADMINISTERING OATH OF OFFICE CEREMONY

0. – GM Razzeca introduced the Honorable Glenn Church, Monterey County District 2 Supervisor, who administered the oath of office to Russ Jeffries and Liz Soto. Supervisor Church thanked the Board for its involvement in the community.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

President Jeffries called the meeting to order at 7:00 pm. After the Pledge of Allegiance, roll was called.

Commissioners Present:

Russ Jeffries – President

Vince Ferrante – Secretary

James Goulart – Commissioner

Liz Soto - Commissioner

Albert Lomeli - Commissioner

Staff Present:

Tommy Razzeca – General Manager

Mike Rodriguez – District Counsel

Shay Shaw – Administrative Assistant

C. PRESIDENT'S REMARKS

President Jeffries thanked Supervisor Church for attending this evening and administering the Oath of Office.

D. PUBLIC COMMENTS

Liza Schmidt expressed her concerns to the Board about the Vistra Fire at the ML Power plant and wanted to know if the Harbor District is going to do their own testing and consult Vistra on the findings. President Jeffries asked Liza to submit all her questions in writing to the General Manager and once we are provided with the answers, we shall respond appropriately but at this moment we can't give answers to the public that we do not have.

E. ELECTION OF OFFICERS

1. ITEM – The General Manager conducted the Election of Officers.

GM Razzeca gave the staff report on the election process and conducted the election. Commissioner Ferrante nominated the existing slate of officers for the 2025 Board of Harbor Commissioners. GM Razzeca asked if there were any further nominations; hearing none, he asked for a Motion to Close the Nominations. Commissioner Soto made a motion, seconded by Commissioner Lomeli, to close the Nominations. The motion passed unanimously on a roll call vote. GM Razzeca then asked for a roll call vote on the election of the nominated slate consisting of Russ Jeffries, President, Vince Ferrante, VP and James Goulart, Secretary. The slate was elected unanimously on a roll-call vote. The GM congratulated the 2025 Board officers.

F. 2025 COMMITTEE APPOINTMENTS

2. ITEM - The President appointed Commissioners to various Harbor District committees:

- a. Elkhorn Slough Advisory Committee - Lomeli
- b. Liveaboard Committee – Soto/ Lomeli
- c. Harbor Improvement Committee – Soto/Lomeli
- d. Real Property Committee I – Jeffries/Ferrante/Leonardini (Appointed Public Representative)
- e. Real Property Committee II – Goulart/Soto
- f. Special Districts/LAFCO – Jeffries/Ferrante
- g. Personnel Committee – Jeffries/ Goulart
- h. Finance Committee – Ferrante/Goulart
- i. Ad Hoc Budget Committee – Goulart/ Soto

G. CONSENT CALENDAR

3. Approval of December 11, 2024 Special Meeting Minutes. A motion was made by Commissioner Ferrante, seconded by Commissioner Soto to approve the December 2024 regular meeting minutes. The motion passed unanimously on a roll-call vote.

H. FINANCIAL REPORT

4. Financial report month ending December 31, 2024. GM Razzeca gave highlights of the financial report. A motion was made by Commissioner Soto seconded by Commissioner Lomeli to accept the Financial Report. The motion passed unanimously on a roll-call vote.

I. MANAGER'S REPORTS

5. Projects Status/Update – Written report, no questions
6. Summary of Permits Issued – Written report, no questions
7. Meeting Announcements – Written report, no questions
8. Assigned Liveaboard Report – Written report, no questions
9. Slip Income Report– Written report, no questions
10. Incident Report– Written report, no questions

J. COMMITTEE REPORTS

11. Finance Committee – Ferrante/Goulart – Nothing to report
12. Elkhorn Slough Advisory Committee – Lomeli – Nothing to report

13. Special Districts – Jeffries/Ferrante – Commissioner Ferrante and Commissioner Jeffries attended a Special Districts meeting and reported out on the events that took place. Commissioner Goulart requested that he receive the notices for the Special District meetings so that he may attend in the future.
14. Liveaboard Committee – Soto/Lomeli – Nothing to report
15. Harbor Improvement Committee – Soto/Lomeli – Nothing to report
16. Real Property Committee I – Jeffries/Ferrante/Leonardini(Appointed Public Representative)
17. Real Property Committee II – Goulart/Soto – Nothing to report
18. Personnel Committee – Jeffries/Goulart – Nothing to report
19. Ad Hoc Budget Committee – Goulart/Soto – Nothing to report
20. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). Such reports may be oral or written. Commissioner Ferrante attended a CSDA Board meeting and reported out on the events that took place.

K. COMMISSIONERS COMMENTS AND CONCERNS

None.

L. ADJOURNMENT

The meeting adjourned at 7:40pm

Respectfully submitted,

James Goulart, Secretary
Board of Harbor Commissioners

ATTEST:

Tommy Razzeca, Deputy Secretary
Board of Harbor Commissioners

Moss Landing Harbor District
Balance Sheet
As of January 31, 2025

	<u>Jan 31, 25</u>	<u>Jan 31, 24</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
Checking/Savings				
1002 · Petty Cash	500	500		
1022 · SCCB Trust Account	4,034,007	3,471,534	562,473	16%
1001 · SCCB Operating Account	2,741,132	5,564,445	-2,823,313	-51%
1015 · SCCB MM Bank	1,914,667	1,904,233	10,434	1%
1020 · Umpqua - Restricted	1,017,417	1,017,280	137	
1032 · SCCB Bank (CalMarine)	52,017		52,017	100%
Total Checking/Savings	<u>9,759,740</u>	<u>11,957,992</u>	<u>-2,198,252</u>	<u>-18%</u>
Accounts Receivable				
1250 · Lease Receivable	3,569,987	4,032,261	-462,274	-11%
1120 · Leases				
1282 · NNN Receivable	115,435	99,793	15,642	16%
1291 · Monterey Bay Kayak % Rent	21,873	11,873	10,000	84%
1120 · Leases - Other		4,488	-4,488	-100%
Total 1120 · Leases	<u>137,308</u>	<u>116,154</u>	<u>21,154</u>	<u>18%</u>
1200 · Marina Receivables	161,578	171,360	-9,782	-6%
1201 · Marina - Allow for Bad Debt	-48,667	-44,500	-4,167	-9%
Total Accounts Receivable	<u>3,820,206</u>	<u>4,275,275</u>	<u>-455,069</u>	<u>-11%</u>
Other Current Assets				
1271 · Prepaid Expenses				
1270 · Insurance	95,693	117,981	-22,288	-19%
Total 1271 · Prepaid Expenses	<u>95,693</u>	<u>117,981</u>	<u>-22,288</u>	<u>-19%</u>
Total Other Current Assets	<u>95,693</u>	<u>117,981</u>	<u>-22,288</u>	<u>-19%</u>
Total Current Assets	<u>13,675,639</u>	<u>16,351,248</u>	<u>-2,675,609</u>	<u>-16%</u>
Fixed Assets				
1650 · Construction in Progress	6,633,101	5,035,449	1,597,652	32%
1670 · Equipment	567,669	567,669		
1700 · Improvements				
1710 · NH Buildings & Improvements	7,016,717	7,016,717		
1720 · NH Floating Docks	524,675	524,675		
1725 · NH Offsite Improvements	632,218	632,218		
1730 · SH Buildings & Improvements	8,530,155	8,525,224	4,931	0%
1740 · SH Floating Docks	10,034,681	9,583,746	450,935	5%
Total 1700 · Improvements	<u>26,738,446</u>	<u>26,282,580</u>	<u>455,866</u>	<u>2%</u>

Moss Landing Harbor District
Balance Sheet
As of January 31, 2025

	<u>Jan 31, 25</u>	<u>Jan 31, 24</u>	<u>\$ Change</u>	<u>% Change</u>
1800 · Less - Depreciation				
1805 · Equipment	-517,283	-495,219	-22,064	-4%
1810 · NH Buildings & Improvements	-4,882,020	-4,646,489	-235,531	-5%
1820 · NH Floating Docks	-524,674	-524,674		
1825 · NH Offsite Improvements	-574,154	-555,364	-18,790	-3%
1830 · SH Buildings & Improvements	-6,683,855	-6,552,576	-131,279	-2%
1840 · SH Floating Docks	-8,152,667	-7,769,048	-383,619	-5%
Total 1800 · Less - Depreciation	<u>-21,334,653</u>	<u>-20,543,370</u>	<u>-791,283</u>	<u>-4%</u>
1900 · Land	1,642,860	1,642,860		
Total Fixed Assets	<u>14,247,423</u>	<u>12,985,188</u>	<u>1,262,235</u>	<u>10%</u>
Other Assets				
1320 · Workers Comp Deposit	200	200		
1530 · Principal Financial CS	7,389	7,389		
Total Other Assets	<u>7,589</u>	<u>7,589</u>		
TOTAL ASSETS	<u><u>27,930,651</u></u>	<u><u>29,344,025</u></u>	<u><u>-1,413,374</u></u>	<u><u>-5%</u></u>

Moss Landing Harbor District
Profit & Loss Budget vs. Actual
July 2024 through January 2025

	<u>Jul '24 - Jan 25</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4000 · MARINA REVENUES				
4100 · Berthing Income				
4110 · Assigned Berthing	1,155,530	1,176,364	-20,834	98%
4112 · Qtrly/Annual Discount	-1,451	-1,575	124	92%
4113 · Commercial Vessel Dscnt	-6,883	-7,438	555	93%
4114 · Away (1 mnth) Dscnt	-180	-175	-5	103%
4115 · Temporary Berthing	65,512	116,667	-51,155	56%
4120 · Liveaboard Fees	99,600	93,333	6,267	107%
4130 · Transient Berthing	9,554	5,091	4,463	188%
4220 · Wait List	2,750	3,750	-1,000	73%
4260 · Towing - Intra Harbor	1,956	300	1,656	652%
4270 · Pumpouts	800	600	200	133%
4280 · Late Fees	22,053	23,333	-1,280	95%
4282 · Recovered Lien Costs	200	1,000	-800	20%
Total 4100 · Berthing Income	<u>1,349,441</u>	<u>1,411,250</u>	<u>-61,809</u>	<u>96%</u>
4200 · Other Income - Operations				
4230 · SH Parking	100,473	87,000	13,473	115%
4285 · Dog Fee	650	642	8	101%
4290 · Misc	2,459	292	2,167	842%
Total 4200 · Other Income - Operations	<u>103,582</u>	<u>87,934</u>	<u>15,648</u>	<u>118%</u>
Total 4000 · MARINA REVENUES	<u>1,453,023</u>	<u>1,499,184</u>	<u>-46,161</u>	<u>97%</u>

Moss Landing Harbor District A/P Aging Summary As of January 31, 2025

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
AFCO Direct		-23,647.29				-23,647.29
Allied Administrators for Delta Dental		-253.42				-253.42
Bayside Oil, Inc.	378.75					378.75
Big Creek Lumber	240.32					240.32
Bill Schlegelmilch	500.00					500.00
CalPERS		-7,824.83				-7,824.83
Castroville "ACE" Hardware	281.87	399.99				681.86
Cintas		924.60				924.60
CSU Stanislaus-	478.49					478.49
Despard Marine Services		250.00				250.00
Dixon & Son Tire		1,114.48				1,114.48
DMV/Lien Sale Section	32.00					32.00
Ecological Rights Foundation		525.00				525.00
Employ America	842.93					842.93
Haley & Aldrich, Inc.		108,165.00				108,165.00
Home Depot		542.75				542.75
Jarvis Fay, LLP	4,500.00					4,500.00
Jerry Moore		525.00				525.00
Kathleen Arnold			1,555.05			1,555.05
Lauren Sanders		725.00				725.00
Marc J. Del Piero	1,800.00					1,800.00
Mechanics Bank	1,391.77					1,391.77
Monterey Bay Diving	6,450.00					6,450.00
Monterey Peninsula Sheet Metal & Heating	9,750.00					9,750.00
Monterey Sanitary Supply	910.89					910.89
MP Express				216.96		216.96
Pajaro Valley Lock Shop		247.50				247.50
PG&E		-30,000.00				-30,000.00
Razzolink, Inc.		-136.85				-136.85
ReadyRefresh	318.06					318.06
Revel Enviornmental Manufacturing , Inc.		877.80				877.80
Sanctuary Stainless		545.00				545.00
Streamline		300.00				300.00
TK Elevator		-809.05				-809.05
U.S. Bank	2,501.40					2,501.40
U.S. Bank - Office Equipment Finance Svc		-271.21				-271.21
Umpqua Bank		-19,456.36				-19,456.36
Valero Marketing and Supply Company		-750.00				-750.00
VALIC	2,655.74					2,655.74
Vision Sevice Plan		-85.96				-85.96
Wald, Ruhnke & Dost Architects, LP		1,800.00				1,800.00
TOTAL	<u>33,032.22</u>	<u>33,707.15</u>	<u>1,555.05</u>	<u>216.96</u>	<u>---</u>	<u>68,511.38</u>

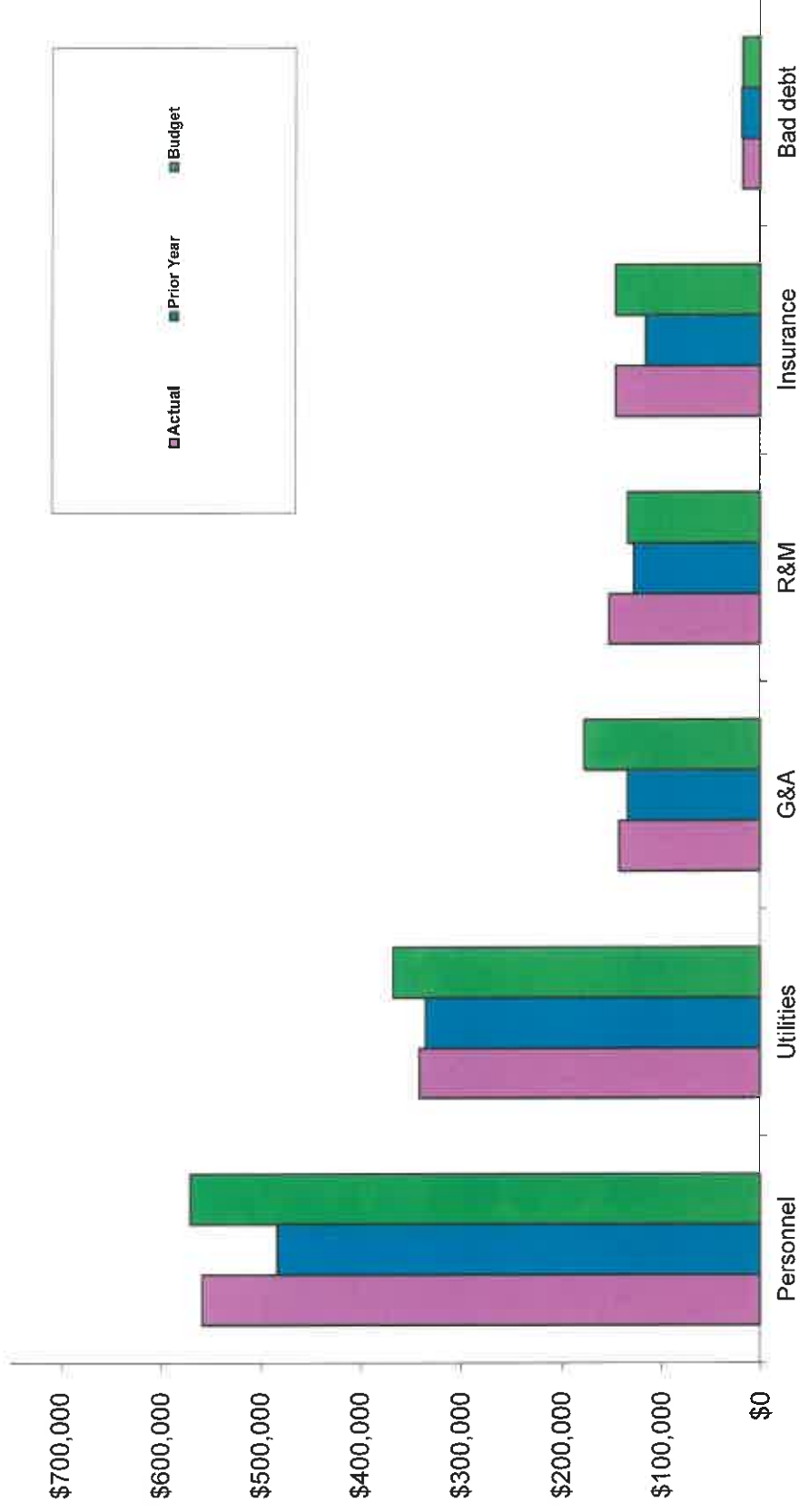
Moss Landing Harbor District
Warrant Listing
As of January 31, 2025

Type	Date	Num	Name	Amount
1001 - SCCB Operating Account				
Check	01/02/2025		Payroll Partners	-153.24
Check	01/03/2025	4229	Neal Norris	-1,190.76
Check	01/03/2025	4230	Sadie O'Reagan	-1,066.45
Check	01/06/2025		SCCB	-23.81
Check	01/07/2025		NPC Merchant Pymt Proc	-2,521.52
Check	01/13/2025		SCCB	-17.60
Bill Pmt -Check	01/14/2025	21222	AFCO Direct	0.00
Bill Pmt -Check	01/14/2025	21223	Allied Administrators for Delta Dental	-253.42
Bill Pmt -Check	01/14/2025	21224	AT&T	-1,524.67
Bill Pmt -Check	01/14/2025	21225	Bayside Oil, Inc.	-1,780.00
Bill Pmt -Check	01/14/2025	21226	Big Creek Lumber	-2,018.62
Bill Pmt -Check	01/14/2025	21227	CalPERS	-7,824.83
Bill Pmt -Check	01/14/2025	21228	Carmel Marina Corporation	-1,411.57
Bill Pmt -Check	01/14/2025	21229	Dilbeck & Sons, Inc.	0.00
Bill Pmt -Check	01/14/2025	21230	Edward Dossen	-356.50
Bill Pmt -Check	01/14/2025	21231	Employ America	-1,053.67
Bill Pmt -Check	01/14/2025	21232	Fred Evenson	0.00
Bill Pmt -Check	01/14/2025	21233	Green Valley Supply	-283.24
Bill Pmt -Check	01/14/2025	21234	Hudson Martin	-50.00
Bill Pmt -Check	01/14/2025	21235	Jarvis Fay, LLP	-1,240.00
Bill Pmt -Check	01/14/2025	21236	JD's Plumbing, Inc.	-794.95
Bill Pmt -Check	01/14/2025	21237	Mechanics Bank	-450.00
Bill Pmt -Check	01/14/2025	21238	Melissa Vincent	-1,003.00
Bill Pmt -Check	01/14/2025	21239	Monterey Sanitary Supply	-2,223.90
Bill Pmt -Check	01/14/2025	21240	Moss Landing Chamber of Commerce	-80.00
Bill Pmt -Check	01/14/2025	21241	MP Express	-1,963.28
Bill Pmt -Check	01/14/2025	21242	New Pig	-2,624.56
Bill Pmt -Check	01/14/2025	21243	Pajaro/Sunny Mesa C.S.D.	-3,830.03
Bill Pmt -Check	01/14/2025	21244	PG&E	-30,000.00
Bill Pmt -Check	01/14/2025	21245	Pitney Bowes Global Financial Svc LLC	-204.12
Bill Pmt -Check	01/14/2025	21246	Randazzo Enterprises Inc.	-8,975.00
Bill Pmt -Check	01/14/2025	21247	Razzolink, Inc.	-136.85
Bill Pmt -Check	01/14/2025	21248	ReadyRefresh	-53.46
Bill Pmt -Check	01/14/2025	21249	Royal Wholesale Electric	-1,127.76
Bill Pmt -Check	01/14/2025	21250	Stephen Willis	-500.00
Bill Pmt -Check	01/14/2025	21251	Streamline	-300.00
Bill Pmt -Check	01/14/2025	21252	TK Elevator	-809.05
Bill Pmt -Check	01/14/2025	21253	Tommy Razzeca	-350.00
Bill Pmt -Check	01/14/2025	21254	U.S. Bank	-3,505.35
Bill Pmt -Check	01/14/2025	21255	U.S. Bank - Office Equipment Finance Svc	-271.21
Bill Pmt -Check	01/14/2025	21256	Umpqua Bank	-19,456.36
Bill Pmt -Check	01/14/2025	21257	United Site Services of Calif., Inc.	-424.84

Moss Landing Harbor District
Warrant Listing
As of January 31, 2025

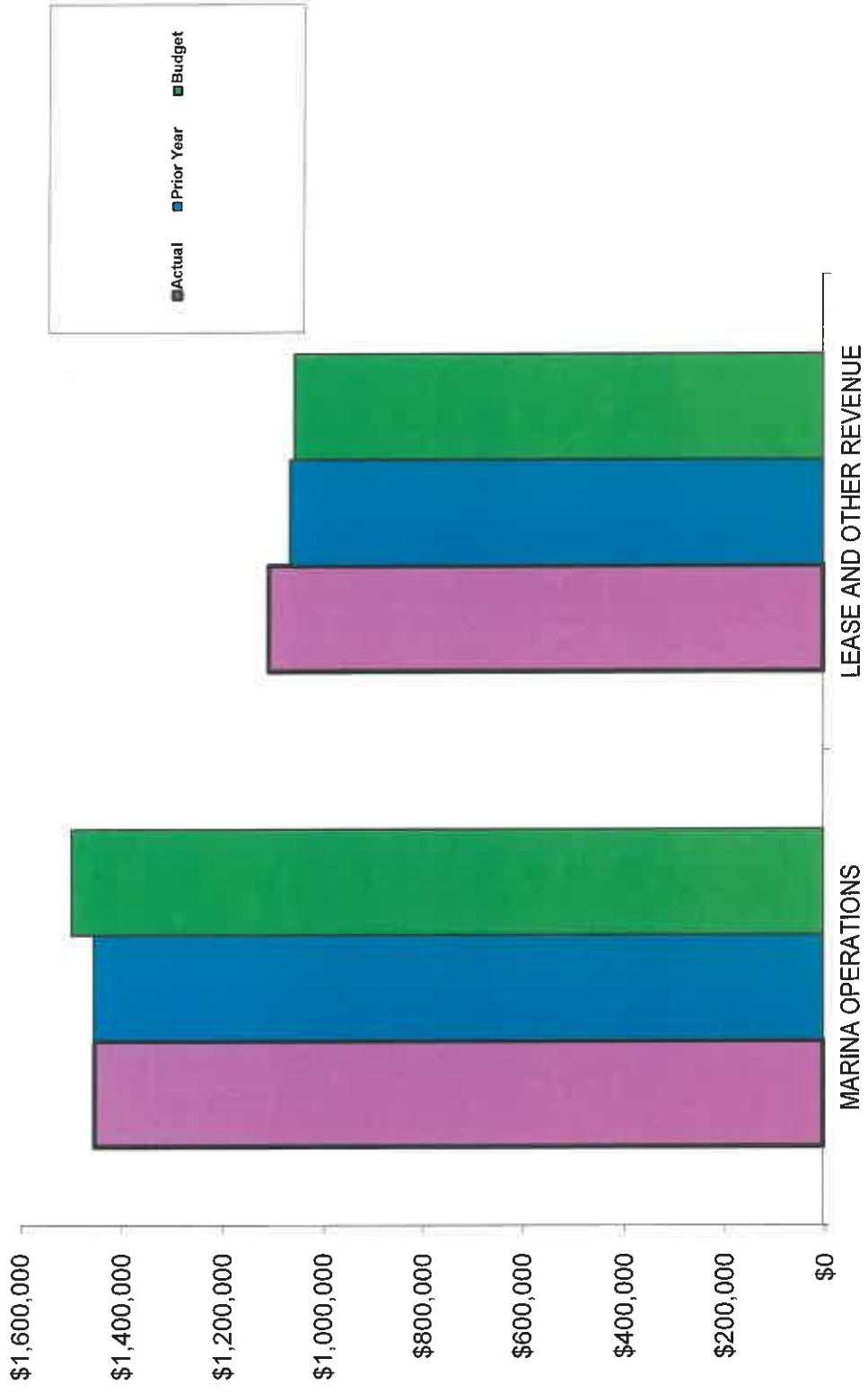
<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Bill Pmt -Check	01/14/2025	21258	Valero Marketing and Supply Company	-750.00
Bill Pmt -Check	01/14/2025	21259	VALIC	-3,983.60
Bill Pmt -Check	01/14/2025	21260	Verizon Wireless	-113.00
Bill Pmt -Check	01/14/2025	21261	Carmel Marina Corporation	-7,401.38
Bill Pmt -Check	01/14/2025	21262	Mechanics Bank	-499.61
Bill Pmt -Check	01/14/2025	21263	Carmel Marina Corporation	-240.95
Bill Pmt -Check	01/14/2025	21264	Mechanics Bank	-576.00
Bill Pmt -Check	01/14/2025	21265	Carmel Marina Corporation	-685.57
Bill Pmt -Check	01/14/2025	21266	Mechanics Bank	-1,002.38
Bill Pmt -Check	01/14/2025	21267	Vision Sevice Plan	-85.96
Bill Pmt -Check	01/16/2025	21268	Dilbeck & Sons, Inc.	-190,716.46
Check	01/16/2025		Payroll Partners	-608.36
Check	01/17/2025	4231	Neal Norris	-1,274.87
Check	01/17/2025	4232	Sadie O'Reagan	-1,503.95
Bill Pmt -Check	01/22/2025	EFT	AFCO Direct	-52,269.58
Check	01/30/2025		Payroll Partners	-177.61
Check	01/31/2025	4233	Ferrante, Vincent	-328.93
Check	01/31/2025	4234	Goulart, James	-113.94
Check	01/31/2025	4235	Jeffries, Russell	-227.87
Check	01/31/2025	4236	Neal Norris	-1,232.83
Check	01/31/2025	4237	Sadie O'Reagan	-1,512.84
Total 1001 - SCCB Operating Account				-367,159.31
TOTAL				-367,159.31

**Operating Expenses
Year to Date Actuals vs. Budget and Prior Year
January 31, 2025**

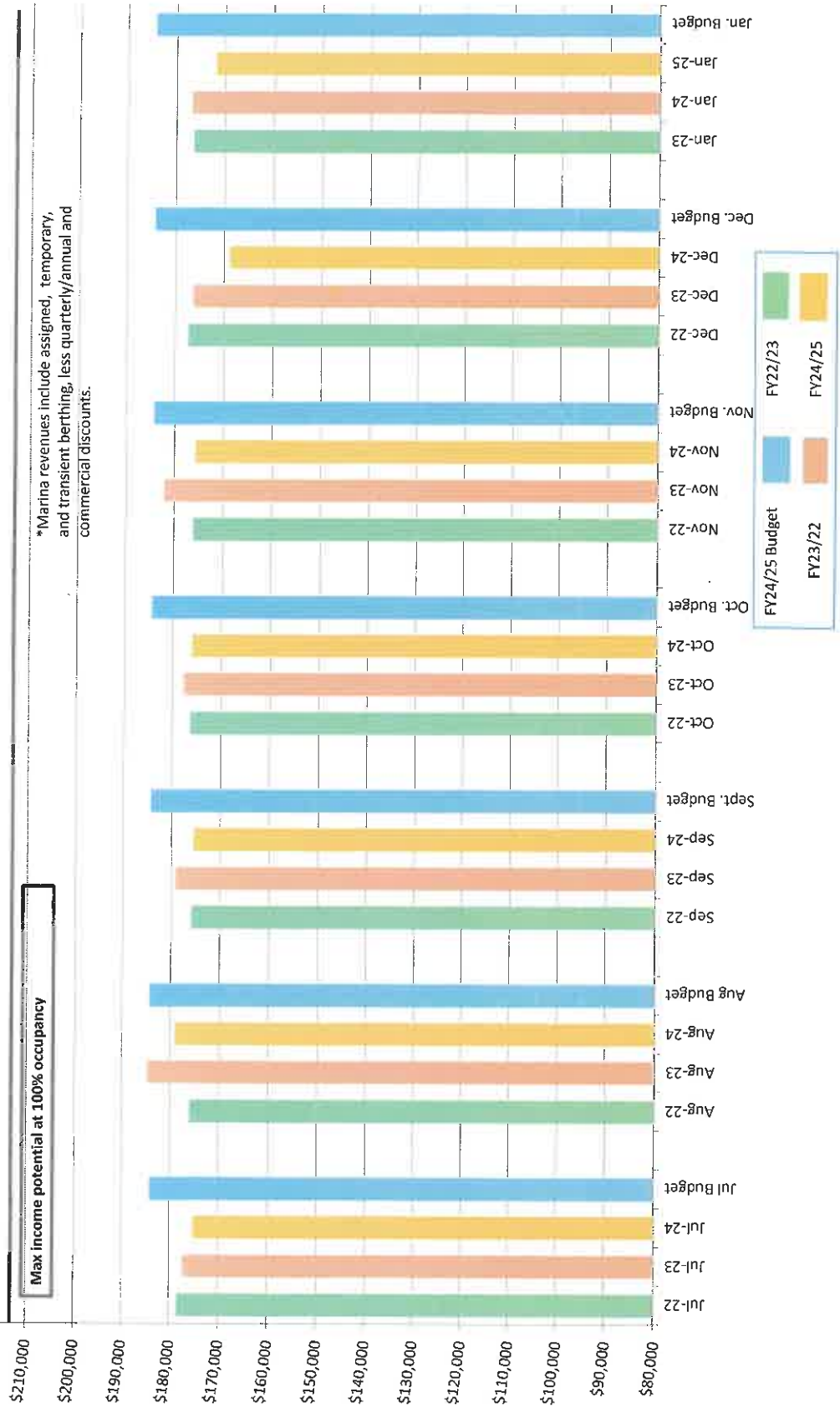


****Expenses Exclude Dredging, Depreciation and Interest Expenses****

**Marina, Lease and Other Revenue
Year to Date Actual vs. Budget and Prior Year
January 31, 2025**



Moss Landing Harbor District Marina Revenue* (Berthing) - 3 Year Comparison





7881 SANDHOLDT ROAD
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417
FACSIMILE – 831.633.4537



BOARD OF HARBOR COMMISSIONERS

Russell Jeffries
Vincent Ferrante
James Goulart
Liz Soto
Albert Lomeli

**GENERAL MANAGER
HARBOR MASTER**

Tom Razzeca

STAFF REPORT

ITEM NUMBER 03 – PROJECT STATUS
BOARD MEETING FEBRUARY 26, 2025

1. North Harbor Building: Much of this project has been completed. The Gas line was recently connected, and the Buildings HVAC is now up and running. The installation of interior doors is expected to take place in the coming weeks, and the installation of the elevator is now starting and is expected to take approximately 4 to 5 weeks to complete. Total completion of the project should be completed around the time of the March 26, 2025, regularly scheduled meeting of the Board. As construction proceeds the General Manager will provide monthly updates to the Board via this staff report.

2. North Harbor Inn Project: This project remains on hold while the District explores options with the property.

3. Harbor Infrastructure Improvement Project: Resulting from the tsunami that took place on January 15, 2022, staff discovered that the District has sustained damage to piles, docks, shoreline and navigation channels in the Harbor. The Districts consultant, Sea Engineering, has been working with the multiple permitting agencies for over a year to obtain the required permits, but the recent addition of the North Harbor Bank Failure and Dock Access Project has delayed the issuance of permits. Unfortunately, we were unable to secure the California Department of Fish and Wildlife permit needed to complete this project during the winter months and the project will now be delayed until the window that allows for these projects to be completed opens back up during Summer of 2025. Staff is hopeful that we will have all permits in hand and have the project out for public bid in March or April of 2025, construction is expected to be underway this summer.

4. North Harbor Bank Failure and Dock Access Repair Project: During the Month of September staff noticed that the large concrete abutment attached to the bank at our access point to the North Harbor docks had slid forward causing concern. Staff asked our Structural Engineering Consultant to complete an inspection of the area and provide information back to the District regarding the safety and stability of the dock access area. Our District Consultant informed the General Manager that the bank had failed and that the concrete abutment would likely continue to move until repair/replacement could take place. In the interest of tenant and public safety, the access area to the North

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Habor Docks has since been closed off and District maintenance staff has installed a temporary access to the area from the northern most launch ramp (aka old launch ramp) in the Districts North Harbor Parking lot. A repair to the bank and abutment for this area was already anticipated to take place during the Infrastructure Improvement listed above, however, with the most recent failure/damage in this area will require a more extensive project before the access point can be reopened. Staff is hopeful that we will have all permits in hand and have the project out for public bid in March or April of 2025, construction is expected to be underway this summer in conjunction with the previously listed Harbor Infrastructure Improvement Project.

5. Harbor Maintenance Dredging and FEMA Project: Staff previously received notice from the Army Corps of Engineers that dredging of the Federal Channel will take place during Summer 2025. Staff expects the Districts Maintenance Dredging project to be out for public bid in the March or April 2025 with completion this Summer in conjunction with the Army Corps. Federal Channel Dredging Project.



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 HARBORMASTER
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STAFF REPORT

ITEM NUMBER 04 – SUMMARY OF PERMITS ISSUED
 BOARD MEETING OF FEBRUARY 26, 2025

Permittee	Issue Date	Status	Permit Type	Exp. Date
Elkhorn Slough Research Foundation	01/01/2025	Current	Facilities Use	01/01/2026
Blue Ocean Whale Watch	2/18/2025	Current	Facilities Use	2/18/2026
Whisper Charters	2/28/2024	Current	Facilities Use	2/28/2025
Fast Raft	3/28/2024	Current	Facilities Use	3/28/2025
Monterey Eco Tours	4/16/2024	Current	Facilities Use	4/16/2025
Oceanic Expeditions	4/21/2024	Current	Facilities Use	4/21/2025
Venture Quest Kayaking	6/12/2024	Current	Facilities Use	6/12/2025
Monterey Bay Hydrobikes	6/12/2024	Current	Facilities Use	6/12/2025
Reel Nasty Sportfishing	6/12/2024	Current	Facilities Use	6/12/2025
Last Meal Sportfishing	6/12/2024	Current	Facilities Use	6/12/2025
Kayak Connection	6/30/2024	Current	Facilities Use	6/30/2025
Sanctuary Cruises	6/30/2024	Current	Facilities Use	6/30/2025
Sea Goddess Whale Watching-Tours	6/30/2024	Current	Facilities Use	6/30/2025
MBARI-Slough Test Moorings	6/30/2024	Current	Facilities Use	6/30/2025
Slater Moore Photography	07/07/2024	Current	Facilities Use	07/07/2025
Mother Nature's Temple	10/5/2024	Current	Facilities Use	10/5/2025
Elkhorn Slough Safari - Tours	10/19/2024	Current	Facilities Use	10/19/2025
Blue Water Ventures	10/31/2024	Current	Facilities Use	10/31/2025
Wild Fish-Vicki Crow	11/30/2024	Current	Peddlers	11/30/2025



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STAFF REPORT

**ITEM NUMBER 05 – MEETING ANNOUNCEMENTS
BOARD MEETING OF FEBRUARY 26, 2025**

Moss Landing Chamber of Commerce Meetings – All meetings are done by E-mail until further notice but will eventually resume on the 2nd Thursday of each month in Moss Landing Harbor District Board Room, 4 p.m.

Monterey Bay Sanctuary Advisory Council Meetings – 2023 - <https://montereybay.noaa.gov>

May 23rd– *Hybrid (Virtual & In-Person) Meeting*
TBD, Cambria/San Simeon



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**GENERAL MANAGER
HARBOR MASTER**

Tom Razzeca

STAFF REPORT

**ITEM NUMBER 06 - LIVEABOARD REPORT
BOARD MEETING OF FEBRUARY 26, 2025**

Pursuant to Ordinance Code §6.110 D) 1), attached is the report containing the names of all permitted live aboard vessels and all persons living aboard. The permits for these live boards have automatically renewed through the last day of this month. As of this writing, there are no (0) revocation actions pending.

<u>Name</u>	<u>Vessel</u>
1. Hartman, Guenter	Taku, CF 7913 KL
2. Jones, L	Intrepid CF 0292 VE
3. Matsunaga, F	Mon Rochelle CF 8424 FB
4. Burns, P.	Tralfamadore, CF 9430 GL
5. Byrnes, K.	Grand Slam, CF 4540 FE
6. Doyle, M	Billikon, CF 3946 TM
7. Danh, S	Isle Of View ON 997142
8. Michael, McVay	Gaviota, CF 4863 FP
9. Hughes, S	Sojourn, on 1067078
10. Franks, V	Jolly Rover CF 9069 EW
11. Chambers, B.	Pyxis, ON 984193
12. Flatguard, J	Black Jack, CF 2133 JA
13. Clark D.	Seaside Escape CF 4356 HW
14. Degnan, P.	No Name, CF 8344 GT
15. Gressley, A	La Muchacha CF 7833 SC
16. Elwell, G.	Pearl, ON 557575
17. Faneuf, C.	Ghost Ryder ON 1048498
18. Buford, C	No Name, CF 9215 EF
19. Potter, D.	Danu CF 4085 GC
20. Listle, A	Tekin ON 616325
21. Glovin, D/ Glovin, K	Aint to Shabby CF 7434 SL
22. Laoretti, P/ Laoretti, S	Shaka, ON 699611
23. Johnston, Bill	Heart Of Gold, CF 7590 EP
24. Groom D	Phoenix, CF 5084 GJ

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25. Jones, H.
26. Jones, T.
27. Kennedy C.
28. Ayres, Lloyd
29. Varier, G
30. Malone, RJ
31. Lynch, C
32. Burnett, Gary
33. Maris, T.
34. Robinson, D/ Robinson, L
35. Nieman J
36. Niswonger, R.
37. Cain, C
38. Otis, T.
39. Paul, J
40. Schlegelmilch, William
41. Bartley, H
42. Raaphorst, D.
43. Reins, D.
44. Rotger, M.
45. Dyer, B
46. Piro, Daniel
47. Schmidt, L/ Walker, A
48. Conrad, J.
49. Silveira, P
50. Salisbury, J.
51. Thomas, B.
52. Tufts, M.
53. Mc Dermont, J
54. Wolinski, Peter
55. Hudkins, Leah / Steven Hudkins
56. Samuelson, T.
57. Vinsky, J
58. Riberal, Y/ Eric Duekerson
59. Schwontes, N/ Mosolov, A
60. Chaperon, C

- Laetare, CF 5495 YB
 Sanity, CF 5249 SC
 Aztlan, ON 281903
 Gaviota, CF 4656 GG
 Athena CF 1523 FF
 Francis W, CF 2017 UZ
 Tolly Craft CF 9521 HT
 Zinful CF5419 JG
 Nimble, CF 3730 KB
 Damn Baby CF 9442 EX
 Inia, ON 1074183
 Illusion, CF 0836 TA
 Sails Call, CF 7291 TG
 Blue Moon, CF 1886 GT
 La Wanda CF 5014 FR
 Bull Dog ON 1219673
 Skylarke, CF 8589 TB
 Spirit, ON 664971
 Second Paradise, ON 912484
 Raven, ON 241650
 Star of Light ON 1056334
 Gulf Star CF 6082 GL
 Lady Monroe CF5007 UM
 Finnaly Us ON 931706
 Quiet times, CF 2067 GC
 Oceanid, CF 4210 GA
 Coho, CF 9974 KK
 Enchantress, CF 0878 SX
 Ferdelance CF 7837 JF
 Muffin, ON 1148169
 Wild Goose ON589319
 Moonstone CF 5122 GX
 Rosie CF 2797 GC
 Boss Lady, ON 556296
 Luna Sea, ON 1138367
 Kali Kat CF 7790 SH

Total Number Vessels: 60
 Total Number Persons: 65
 Pending Applications -0-



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STAFF REPORT

ITEM NUMBER 7 - SLIP INCOME REPORT
 BOARD MEETING OF FEBRUARY 26, 2025

Slip Rates 2024/2025 per linear foot:

Assigned: \$9.70/ft./month
 Temporary: \$14.48/ft./month
 Transient: \$1.25/ft./day

INCOME

January 2025
 \$171,917

January 2024
 \$176,887

January 2025 Budget
 \$184,133

For the month, slip income is lower than budget by \$12k. The lower than budget amount is attributed to primarily lower assigned and temporary berthing revenue. Slip income is lower than the prior year by \$5k, due to lower temporary berthing revenue.



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STAFF REPORT

ITEM NUMBER 08 – INCIDENT REPORT
BOARD MEETING OF FEBRUARY 26, 2025

February 2, 2025 Night staff received a call regarding a domestic dispute between 2 tenants. Monterey County Sheriff was contacted and responded to the Harbor. Both tenants were interviewed by deputies and no arrests were made. No further incidents to report at this time.

February 9, 2025 Night shift heard yelling from a confrontation taking place in the South Harbor parking lot. Staff contacted the Monterey County Sheriff's office and deputies responded. Deputies made contact with the individuals, but no arrest was made. No further information to report at this time.

February 18, 2025 Staff became aware of smoke coming from the Battery Plant located in Moss Landing. Staff continued to monitor the situation during the night, but Monterey County Office of Emergencies never issued an evacuation order resulting from the smoke as they did back in January. MLHD Staff will continue to monitor the situation and is prepared to make notifications to District tenants if any health and safety related information or concerns are received from Monterey County, the State of California or Federal agencies currently on site.

No further incidents as of February 18, 2025



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STAFF REPORT

ITEM NUMBER 19 – CONSIDER RESOLUTION NO. 25-01 APPROVING THE AGREEMENT FOR TAXING ENTITY COMPENSATION WITH THE CITY OF SEASIDE.
BOARD MEETING OF FEBRUARY 26, 2025

The District has received a request from the City of Seaside to approve an “Agreement for Taxing Entity Compensation” (“Compensation Agreement”) with the City and other public agencies referred to therein as the “Taxing Entities.” The involved public agencies include, but are not limited to, the City of Seaside, the County of Monterey, the Monterey County Water Resources Agency, Monterey Peninsula Water Management District, the Monterey County Office of Education, and the Monterey Peninsula Unified School District.)

By way of background, agreements of this type arise from the dissolution of redevelopment agencies as a result of State legislative and court action in 2011-2012. Redevelopment agencies were thereafter required to transfer their real property to successor agencies, and those successor agencies were in turn then required to prepare and adopt Long Range Property Management Plans (“LRPMP”) identifying how the successor agency planned to either retain and use or sell such properties for future use. One of the legal requirements related to disposition of former agency property is the need to distribute the “net unrestricted proceeds” of the sale of such property to local taxing entities. The order by which funds are allocated and how to calculate each taxing entity’s percentage share of sales proceeds is established by law in Health and Safety Code Sections 34183 and 34188.

Pursuant to the terms of an approved and adopted Seaside Successor Agency LRPMP, several properties identified in the Plan are proposed to be conveyed to Seaside for future development and use. These properties are currently held in a trust and are ready to be transferred to Seaside, subject to approval and execution of the afore-referenced Compensation Agreement before the Board this evening. The Agreement contains a lengthy and somewhat complicated recitation of the proposed transfer as well as the percentage of sales proceeds that are due to the involved taxing entities.

Unfortunately, application of the statutory cost share percentages in this case results in a determination that the District is entitled to 0% of the tax share proceeds. Likewise, many of the other identified entities will be receiving at most fractions of pennies on the dollar. As such, the District has no real stake in the outcome of the Agreement. Nonetheless, all taxing entities must sign off on the Compensation Agreement before the property conveyance from the Successor Agency to the City can occur. As of this date, all other listed taxing entities have reviewed the Agreement and approved the same.

Staff is recommending that the Board adopt Resolution No. 25-01 which will approve the Compensation Agreement and authorize the General Manager to execute the same on behalf of the District.

RESOLUTION NO. 25-01

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT ACCEPTING AND APPROVING THE “AGREEMENT FOR TAXING ENTITY COMPENSATION” FROM THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY TO THE CITY OF SEASIDE

* * * * *

WHEREAS, on February 1, 2012, pursuant to California Health and Safety Code (“HSC”) Section 34175(b) and the California Supreme Court’s decision in *California Redevelopment Association v. Matosantos* 53 Cal.4th 231, the properties of the former Seaside Redevelopment Agency were transferred to the control of the Seaside Successor Agency by operation of law; and

WHEREAS, pursuant to HSC Section 34191.5, the Successor Agency prepared a Long Range Property Management Plan (“LRPMP”) addressing the disposition of the real property assets of the Former Agency; and

WHEREAS, in 2015, the LRPMP was approved by the Successor Agency Oversight Board and the State Department of Finance and thereafter relevant properties were transferred to the Community Redevelopment Property Trust Fund of the Seaside Successor Agency; and

WHEREAS, the LRPMP identified a number of properties to be transferred by the City of Seaside for future development, subject to the distribution of “net unrestricted proceeds” of the sale of such property to local taxing entities pursuant to the provisions of HSC 34183 and 34188; and

WHEREAS, The City of Seaside has prepared an “Agreement for Taxing Entity Compensation” (“Agreement”), which among other matters, sets forth the percentage of sales proceeds to be received by each taxing entity; and

WHEREAS, the Moss Landing Harbor District, as one of the taxing entities identified in the Agreement, is required to approve the Agreement.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board of Harbor Commissioners of the Moss Landing Harbor District accepts and approves the “Agreement for Taxing Entity Compensation” with the City of Seaside and other tax entities, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, and authorizes and directs the District’s General Manager to execute the same on behalf of the District.

CERTIFICATION

Resolution No. 25-01 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a regular meeting of the Board held on the 26th day of February, 2025, a quorum present and acting throughout, by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Russ Jeffries, President
Board of Harbor Commissioners

ATTEST:

Tommy Razzeca, Deputy Secretary
Board of Harbor Commissioners

**AGREEMENT FOR TAXING ENTITY
COMPENSATION**

This AGREEMENT FOR TAXING ENTITY COMPENSATION (this “Agreement”, which is a so-called “compensation agreement under Health and Safety Code Section 34180(f)”, dated for reference purposes as of ____, 2024, is entered into by and among the City of Seaside (“City”) and the following public agencies (the City and the public agencies are each a “Taxing Entity” or “Party”, and collectively the “Taxing Entities” or “Parties”):

County of Monterey, on behalf of
 its County General Fund and its County Library Fund
Monterey County Water Resources Agency
Monterey County Water Resources Agency, Zone 11
Monterey Peninsula Water Management District
Monterey Peninsula Regional Park District
Monterey County Mosquito District
Moss Landing Harbor District
Seaside County Sanitation District
Monterey County Office of Education
Monterey Peninsula Unified School District
Monterey Peninsula Community College District
Educational Revenue Augmentation Fund (“ERAF”)

RECITALS:

A. Pursuant to Assembly Bill (“AB”) X1 26 (enacted in June 2011), as modified by the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal.4th 231(2011) (“Matosantos”), the Redevelopment Agency of the City of Seaside (“Former Agency”) was dissolved as of February 1, 2012, the Successor Agency to the Redevelopment Agency of the City of Seaside (“Successor Agency”) was established, and an oversight board to the Successor Agency was established, which was subsequently replaced by a countywide oversight board (each, an “Oversight Board”).

B. On February 1, 2012, pursuant to California Health and Safety Code (“HSC”) Section 34175(b) and the California Supreme Court’s decision in *Matosantos*, the properties of the Former Agency transferred to the control of the Successor Agency by operation of law.

C. Pursuant to HSC Section 34191.5, the Successor Agency prepared a Long-Range Property Management Plan (“LRPMP”) addressing the disposition of the real property assets of the Former Agency. As provided Health and Safety Code section 34191.3, the LRPMP governs and supersedes all other provisions of the Dissolution Act (AB X1 26, as modified and amended) relating to the disposition of the real property assets of the Former Agency.

D. On May 11, 2015, the LRPMP was approved by Resolution No. 14-03 of the Oversight Board and by letter dated May 29, 2015, the State Department of Finance approved the LRPMP, as revised. Accordingly, the properties identified in the LRPMP, including the

Future Development Properties described below, were transferred to the Community Redevelopment Property Trust Fund of the Successor Agency.

E. The following properties (individually, a “Future Development Property” and collectively, the “Future Development Properties”) identified in the LRPMP as properties to be transferred by City for future development are subject to this Agreement:

- General Jim Moore Boulevard and Eucalyptus (Former First Tee Site) [No. 13]
- Lightfighter Drive between First and Second Avenues (The Projects at Main Gate Site APN 031-151-013) [No. 14]
- First Avenue and Lightfighter Drive (Commercial/Recreation Parcel) [No. 15], referred to below as the “Fire Station Property”
- Surplus II Planning Area [No. 16]

F. The LRPMP provides, among other things, that the Successor Agency will transfer the Future Development Properties to the City of Seaside for future development, subject to entering into this Agreement with the Taxing Entities for the distribution of the net unrestricted proceeds received from the sale of such properties.

G. The LRPMP (see page 50) further provides that all land sales revenues received by the Fort Ord Reuse Authority (“FORA”), on the one hand, and the City or Successor Agency on the other, are to be divided equally between FORA and the City or Successor Agency. This division was also set forth in state law and codified in implementation agreements between FORA and the City/Successor Agency.

H. On June 30, 2020, FORA was dissolved and on December 31, 2020, the underlying statutory scheme to split revenues was rescinded. As a result of the dissolution of FORA and elimination of the land sale revenue sharing requirements formerly applicable to FORA and the City and its Successor Agency, there will be a potential increase in the net unrestricted proceeds available to Taxing Entities from the sale of Fort Ord related Future Development Properties.

I. Pursuant to Health and Safety Code section 33492.71(c)(1)(D), upon dissolution of the FORA, “the amount allocated pursuant to this section shall continue to be paid to the accounts of the authority insofar as needed to pay principal and interest or other amounts on debt that was incurred by the authority. Funds that would be allocated pursuant to this section that exceed the amounts necessary to pay debt service on authority debt shall be divided as follows: 54 percent shall be allocated to the city or county redevelopment agency that establishes the project area; 38 percent shall be allocated to the county; and 8 percent shall be allocated to other affected taxing entities.”

J. In 2019, following the State Department of Finance’s approval of the LRPMP, the State Legislature enacted Assembly Bill 1486, which expanded the scope of the State Surplus Land Act (Gov. Code Sections 54220 *et seq.*) (“Surplus Land Act”) to require compliance with certain procedures before a City, Successor Agency or other local agency may dispose of land not needed for the local agency’s use. The Surplus Land Act amendments apply to, among other properties, former redevelopment agency lands conveyed by successor

agencies to cities for future development. The new Surplus Land Act procedural requirements, which were not contemplated by the LRPMP, require formal findings by a local agency's legislative body declaring land as surplus or exempt surplus, the transmittal of notices of availability to designated housing sponsors and public agencies with jurisdiction over land designated as surplus, and good faith negotiations if entities express interest in purchasing and developing the surplus land, including for affordable housing purposes.

K. Subject to compliance with requirements of State law, including the Surplus Land Act as amended, the Net Unrestricted Proceeds (as defined herein) from the sale of the above-referenced Future Development Properties (other than the Monterey County Courthouse Site and Fire Station Property discussed below) will be distributed to all of the affected Taxing Entities on a pro rata basis in proportion to each Taxing Entity's respective share of the property tax base at the time of a sale of the applicable Future Development Property. As set forth in the LRPMP, the calculation of the Net Unrestricted Proceeds will take into account the transaction costs incurred by the City in marketing the Future Development Property, and processing the sale or lease, as well as the costs incurred by the City in carrying, maintaining, preparing and improving each such property for development, including but not limited to, building demolition or contaminated soils removal.

L. An approximately 5-acre portion of the Future Development Property designated as Projects at Main Gate [No. 14] and depicted in Exhibit A attached hereto ("Monterey County Courthouse Site") has been approved for transfer to the State of California for use as a future Monterey County courthouse. While the transfer of the Monterey County Courthouse Site to the State is a "no cost conveyance", the State's development of that site will increase the residual land value of the remainder of the Projects at Main Gate [No. 14] property and therefore the no cost conveyance to the State will be of benefit to the Taxing Entities.

M. The Future Development Property designated as First Avenue and Lightfighter Drive (Commercial/Recreation Parcel) [No. 15] and described in Exhibit B attached hereto ("Fire Station Property") has been identified as a potential site for a second City of Seaside fire station to support the overall development of Fort Ord lands located within the boundaries of the City. In lieu of transferring the Fire Station Property to one or more third parties for future development, the City desires to retain the Fire Station Property for its own use and development, subject to payment of appropriate compensation to the Taxing Entities as set forth herein.

N. The Parties desire to enter into this Agreement to, among other things, (i) approve the "no cost conveyance" and transfer of the Monterey County Courthouse Site to the State of California, (ii) set forth the terms under which City may retain the Fire Station Property for its own use and development, and (iii) set forth the terms under which the Net Unrestricted Proceeds from the sale of the remaining Future Development Properties will be distributed to all Taxing Entities on a pro rata basis in proportion to each entity's respective share of the property tax base.

NOW THEREFORE, in consideration of the covenants provided herein, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged,

the Parties hereby agree as follows:

AGREEMENTS:

Section 1. Recitals; Purpose. The above recitals are true and correct and are a substantive part of this Agreement. The purpose of this Agreement is to address the allocation of certain prospective net unrestricted proceeds among the Taxing Entities that share in the property tax base for property located within the redevelopment project areas previously administered by the Former Agency.

Section 2. Future Development Properties Conveyed to City. Pursuant to HSC Section 34191.5(c)(2), the Successor Agency has conveyed, and the City has accepted, all of the interest in and to the Future Development Properties.

Section 3. Portion of Parcel No. 14 to be Conveyed at No Cost to State of California. The Parties acknowledge and agree that development of a courthouse at the Monterey County Courthouse Site will increase the residual land value of the remainder of the Projects at Main Gate [No. 14] property and, therefore, the City's "no cost conveyance" of the Monterey County Courthouse Site to the State is of benefit to the Taxing Entities.

Section 4. Parcel No. 15 to be Retained by City. In consideration of the City's distribution to the Taxing Entities through the Auditor Controller of the sum of \$0, ("Fire Station Property Payment"), which amount the Parties agree represents the current fair market value of the Fire Station Property, the Successor Agency shall convey, and the City shall accept, for its own use and development, all of the right, title and interest in and to the Fire Station Property. The Fire Station Property Payment will be distributed to all of the Taxing Entities on a pro rata basis in proportion to each entity's respective share of the property tax base as of the Effective Date. City shall pay the Fire Station Property Payment to the County Auditor Controller within thirty (30) days following the Effective Date. For avoidance of doubt, upon County Auditor Controller's receipt of the Fire Station Property Payment, City shall have no further obligation to market the Fire Station Property for sale or lease to third parties and, in the event City ever sells or leases the Fire Station Property to one or more third parties for other uses in the future, all proceeds of such sale or lease may be retained by City, and the other Taxing Entities shall not be entitled to any portion of such proceeds.

Section 5. Sale Procedures and Proceeds. The Parties acknowledge that the City is obligated to convey the Future Development Properties for development consistent with the City of Seaside General Plan and the applicable Redevelopment Plan as adopted by the Former Agency (collectively, the "Plans"). Within a time frame determined by the City to yield a financially feasible and marketable development, and in accordance with the restrictions set forth herein, including compliance with the Surplus Land Act, the City shall use diligent good faith efforts to select a developer for each Future Development Property (other than the portion of Parcel No. 14 comprising the Monterey County Courthouse Site and the Parcel No. 15 Fire Station Property addressed in Sections 3 and 4 above), and to dispose of each such Future Development Property in accordance with a purchase and sale agreement or disposition and development agreement that enables development of each such property in accordance with the

Plans.

Section 6. Compensation. Consistent with the LRPMP, City will remit the Net Unrestricted Proceeds (defined below), if any, generated from the sale of each Future Development Property (other than the portion of Parcel No. 14 comprising the Monterey County Courthouse Site and the Parcel No. 15 Fire Station Property addressed in Sections 3 and 4 above) to the County Auditor-Controller for distribution to the Taxing Entities in accordance with each Taxing Entity's respective share of the property tax base at the time of disposition of such property. For purposes of this Agreement "Net Unrestricted Proceeds" shall mean the proceeds of sale received by the City from the sale of each Future Development Property (other than the portion of Parcel No. 14 comprising the Monterey County Courthouse Site and the Parcel No. 15 Fire Station Property addressed in Sections 3 and 4 above) less: (i) costs and expenses incurred by City in connection with the management and disposition of such property, including, without limitation, costs incurred for property management, maintenance, building demolition, hazardous materials remediation, insurance, marketing, appraisals, brokers' fees, escrow and survey charges, closing costs, title insurance, attorneys' and consultants' fees, and other reasonable costs incurred, including reasonable compensation for City staff performing functions associated with the management, maintenance and disposition of the Future Development Properties, and (ii) any proceeds of sale that are restricted by virtue of the source of funds (e.g. grant funds or the proceeds of bonds) that were used for the original acquisition of one or more of the Future Development Properties.

The City will remit the Net Unrestricted Proceeds within ten (10) business days of the City's receipt thereof to the County Auditor-Controller for remittance by the Auditor-Controller. The Auditor-Controller will distribute the net proceeds to the taxing agencies when received and is required to report the information to the State Department. The Taxing Entities and their respective percentage shares of the base property tax as of January 1, 2024, are listed in Exhibit C attached hereto and incorporated herein.

Section 7. Effective Date. The effective date of this Agreement will be the date that all of the Parties have executed this Agreement.

Section 8. Authorization. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective Party. In addition:

(a) The County of Monterey ("County") warrants that in addition to entering into this Agreement by and on behalf of the County, the County has the legal power, right, and authority to enter into this Agreement on behalf of, and to bind, the County General Fund (Fund No. 19000) and the County Library Fund (Fund No. 19500);

(b) The Monterey County Office of Education ("MCOE") warrants that in addition to entering into this Agreement by and on behalf of MCOE, the MCOE has the legal power, right, and authority to enter into this Agreement on behalf of, and to bind, the Educational Revenue Augmentation Fund ("ERAF") (Fund No. 01700); and

(c) The Monterey County Water Resources Agency (“MCWRA”) warrants that in addition to entering into this Agreement by and on behalf of MCWRA, MCWRA has the legal power, right, and authority to enter into this Agreement on behalf of, and to bind, the Monterey County Water Resources Agency, Zone 11 (Fund No. 3800).

Section 9. No Personal Liability. No official, agent, or employee of any Party shall be individually or personally liable for any amount which may become due under this Agreement or on any obligations under the terms of this Agreement.

Section 10. Assignment. This Agreement shall not be assignable by any Party without the prior written consent of the other Parties.

Section 11. Counterparts; Electronic Signatures. This Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original, and all such counterparts shall together constitute but one and the same Agreement. The Parties agree that signatures on this Agreement, including those transmitted electronically by email or facsimile, shall be sufficient to bind the Parties.

Section 12. Further Assurances. The Parties agree to take all appropriate steps and execute any documents which may reasonably be necessary or convenient to implement the intent of this Agreement.

Section 13. Notices. All notices and other communications shall be given or made in writing by certified mail, postage prepaid, return receipt requested, or by nationally recognized overnight messenger service. Notices shall be considered given upon (i) one business day following timely deposit with a nationally recognized overnight courier service, charges prepaid, or (ii) five business days after deposit in the United States mail, postage prepaid, certified or registered, return receipt requested. Notices shall be addressed as specified on the signature pages of this Agreement, provided that if a Party gives notice of a change of name or address, notices to such Party shall thereafter be given as specified in that notice.

Section 14. Severability. If one or more of the covenants or agreements provided in this Agreement should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

Section 15. Construction. The Parties agree that each Party and its counsel have reviewed this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not apply in the interpretation of this Agreement or any amendments or exhibits thereto. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties.

Section 16. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

Section 17. Governing Law. This Agreement is made in the State of California under the Constitution and laws of the State of California, and is to be so construed.

Section 18. Amendments. This Agreement may be amended from time to time by written instrument executed by all of the Parties, provided, however, if an amendment only affects a particular Taxing Entity or Taxing Entities, this Agreement may be amended by written instrument executed by the City and the particular Taxing Entity or Taxing Entities affected by the amendment.

[Signatures begin on next page]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives.

City of Seaside

By: _____

Print Name: _____

Title: _____

Attest by: _____
City Clerk

Approved as to form:

Address for Notices:

City of Seaside
440 Harcourt Avenue
Seaside, CA 93995
Attn: City Manager

The undersigned authorized signature hereby executes this Agreement on behalf of the County of Monterey, and its County General Fund and its County General Library Fund.

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

County Counsel

Address for Notices:

The undersigned authorized signature hereby executes this Agreement on behalf of the Monterey County Water Resources Agency and Monterey County Water Resources Agency, Zone 11.

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Monterey Peninsula Water Management District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Monterey Peninsula Regional Park District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Monterey County Mosquito District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Moss Landing Harbor District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Seaside County Sanitation District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

The undersigned authorized signature hereby executes this Agreement on behalf of the Monterey County Office of Education and ERAF.

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Monterey Peninsula Unified School District

By: _____

Print Name: _____

Title: _____

Attest by: _____

Approved as to form:

Address for Notices:

Monterey Peninsula Community College District

By: _____

Print Name: _____

Title: _____

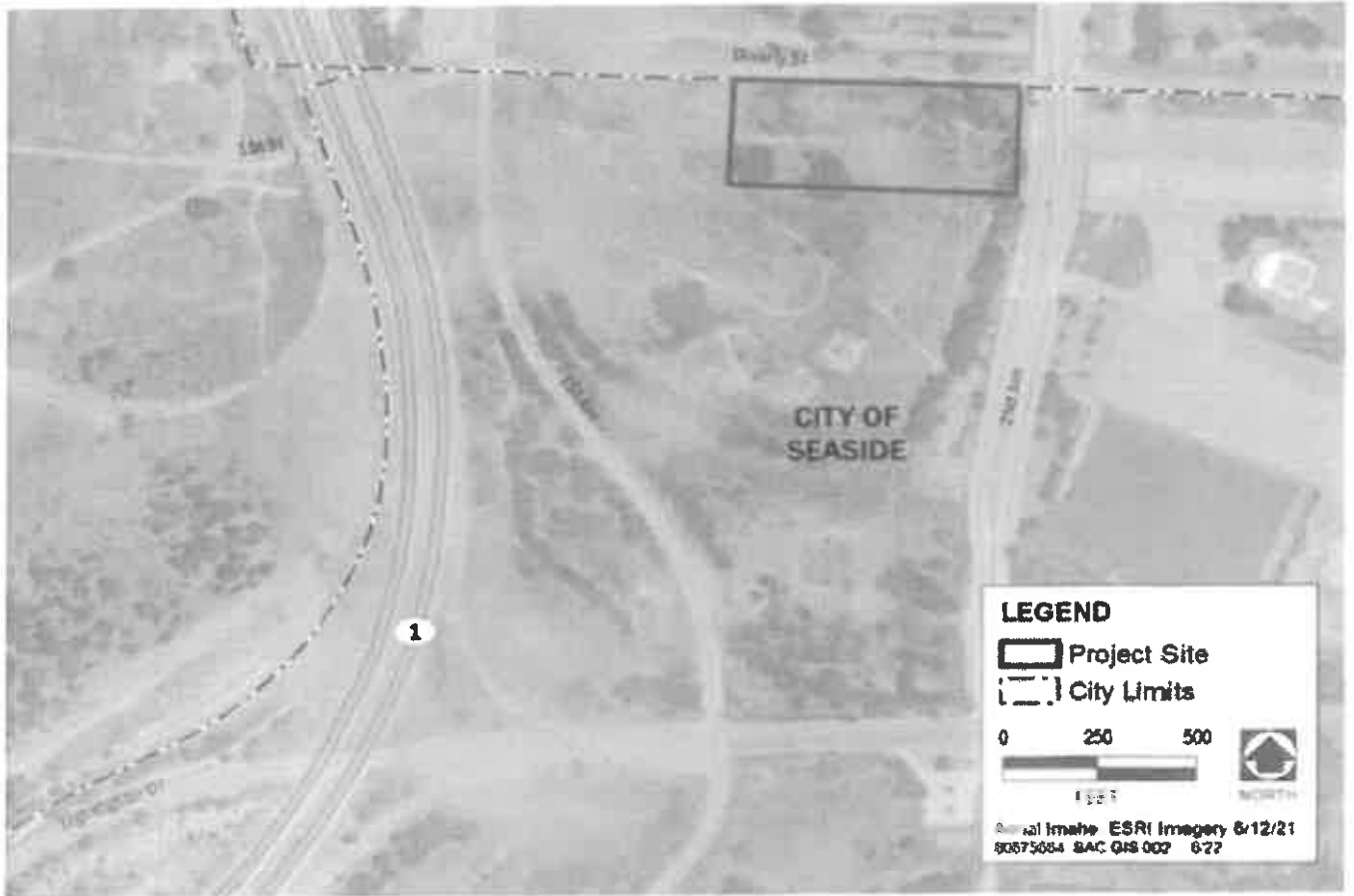
Attest by: _____

Approved as to form:

Address for Notices:

EXHIBIT A

Diagram Depicting Monterey County Courthouse Site



APN: 031-151-013-000

EXHIBIT B

Fire Station Property Legal Description

**EDC Parcel E15.2
POST 8 & 9
Fort Ord Military Reservation
City of Seaside
Monterey County, California**

Legal Description of Parcel E15.2

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1 and Rancho Noche Buena, the City of Seaside, County of Monterey, State of California; being all of "Parcel 1" 28.74 acres as it is shown on that certain map recorded in Volume 23 of Surveys at Page 93 being more particularly described as follows:

BEGINNING at an angle point on the northerly boundary line of "Seaside II", as it is shown on the map recorded in Volume 23 of Surveys at Page 93 being also a point on the south boundary line of Parcel 1 as it is shown on that certain map recorded on June 15, 2000 in Volume 23 of Surveys at Page 93, and running thence from said Point of Beginning along the southerly line of said Parcel 1


- 1. North 87° 33' 00" West for a distance of 1151.61 feet to an angle point in said boundary of said "Parcel 1" being also the northeasterly corner of Parcel 2 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along the common boundary line of said Parcel 2 and said "Parcel 1"**
- 2. North 87° 33' 00" West for a distance of 544.80 feet to an angle point in said boundary of said "Parcel 1"; thence leaving the northerly boundary line of said Parcel 2**
- 3. North 52° 03' 27" East for a distance of 561.84 feet to an angle point in said boundary of said "Parcel 1"; thence**
- 4. North 62° 43' 31" East for a distance of 265.04 feet to an angle point in said boundary of said "Parcel 1"; thence**
- 5. North 50° 58' 13" East for a distance of 219.31 feet to an angle point in said boundary of said "Parcel 1"; thence**
- 6. North 38° 29' 39" East for a distance of 210.00 feet to an angle point in said boundary of said "Parcel 1"; thence**
- 7. North 47° 58' 50" East for a distance of 424.00 feet to an angle point in said boundary of said "Parcel 1"; thence**
- 8. North 77° 02' 10" East for a distance of 471.84 feet to an angle point in said boundary of said "Parcel 1"; thence**

EDC Parcel E15.2
FOST 8 & 9
Fort Ord Military Reservation
City of Seaside
Monterey County, California

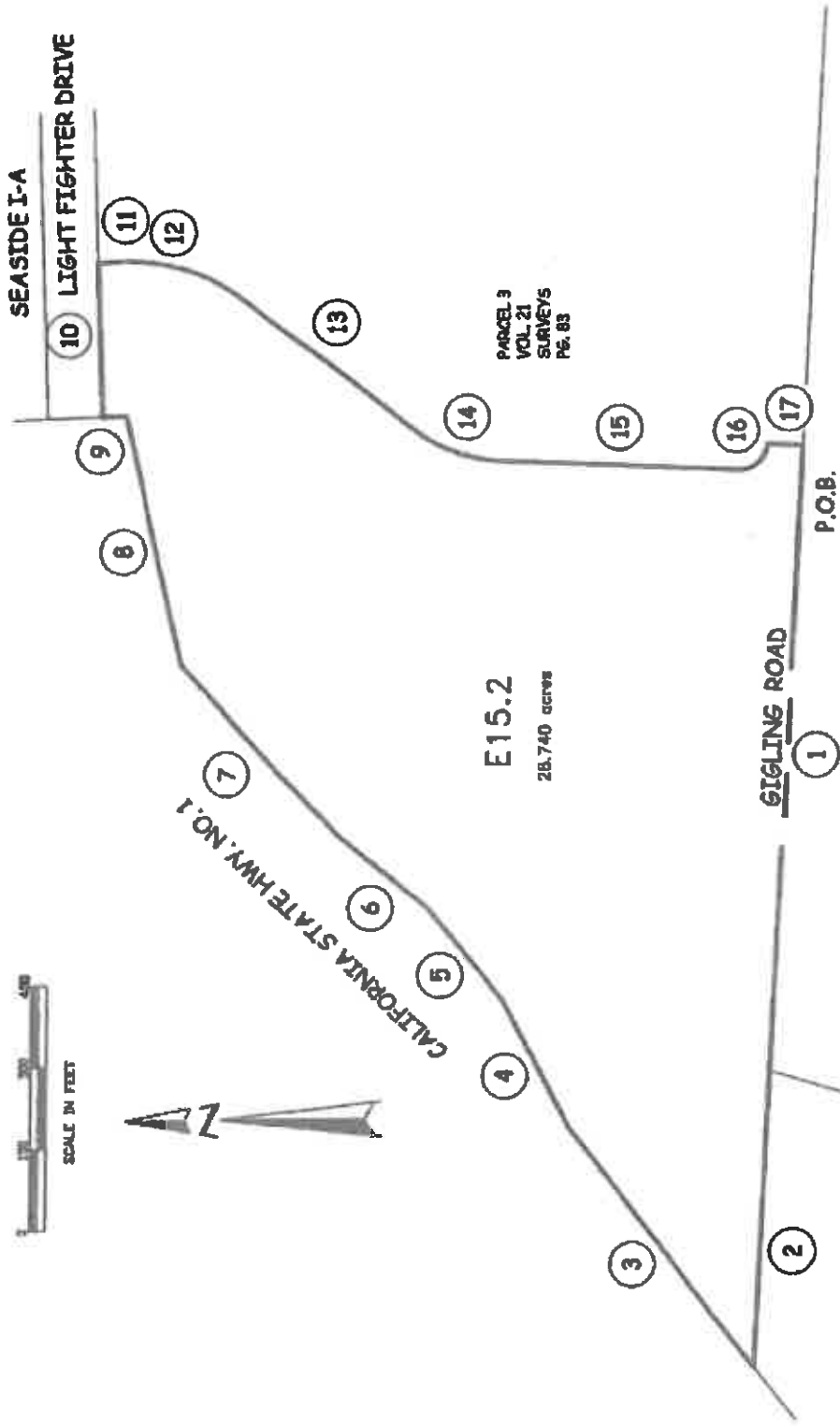
9. North 02° 00' 00" West for a distance of 42.70 feet to an angle point in said boundary of said "Parcel 1"; thence
10. North 88° 00' 00" East for a distance of 280.50 feet to an angle point in said boundary of said "Parcel 1"; thence
11. South 05° 40' 29" East for a distance of 18.97 feet to the beginning of a curve in said boundary of said "Parcel 1"; thence
12. Along a curve to the right through an angle of 43° 30' 35", having a radius of 357.00 feet, for an arc distance of 271.10 feet, and whose long chord bears South 16° 04' 48" West for a distance of 264.63 feet to a point of intersection with a tangent line; thence
13. South 37° 50' 06" West for a distance of 387.00 feet to the beginning of a curve; thence
14. Along a curve to the left through an angle of 35° 23' 06", having a radius of 268.00 feet, for an arc distance of 165.51 feet, and whose long chord bears South 20° 08' 33" West for a distance of 162.89 feet to a point of intersection with a tangent line; thence
15. South 02° 27' 00" West for a distance of 436.66 feet to the beginning of a curve; thence
16. Along a curve to the left through an angle of 90° 00' 00", having a radius of 50.00 feet, for an arc distance of 78.54 feet, and whose long chord bears South 42° 33' 00" East for a distance of 70.71 feet to a point of intersection with a non-tangential line; thence
17. South 02° 27' 00" West a distance of 63.99 feet to the POINT OF BEGINNING.

Containing an area of 28.740 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L. S. 5321
My license expires December 31, 2005





Note: Course Numbers Refer to the Legal Description

EXHIBIT
OF

PARCEL E15.2
Seaside Jurisdiction, Fort Ord, FOST 9 EDC
Lying within "Seaside I-B"

as shown on Vol. 23 of Surveys at Page 93

Being also within Fort Ord Military Reservation and Monterey City Lands Tract No. 1

EXHIBIT C

Taxing Entities and Their Existing Percentage Shares* (as of January 1, 2024)

Code	Name	Percentage of Revenues
19000	County General Fund	0.135367
19500	County Library	0.015929
21000	City of Seaside	0.210579
37000	Monterey County Water Resources Agency	0.000883
38000	Monterey County Water Resources Agency, Zone 11	0.000137
43500	Monterey Peninsula Water Management District	0.004929
44600	Monterey Peninsula Regional Park District	0.003197
47300	Monterey County Mosquito District	0.004814
47400	Moss Landing Harbor District	0.000000
48000	Seaside County Sanitation District	0.015160
25300	Monterey County Office of Education	0.024666
27400	Monterey Peninsula Unified School District	0.405155
27800	Monterey Peninsula Community College District	0.043754
01700	ERAF	0.135430
		<u>1.000000</u>

* The distribution/allocation will be based on the Taxing Entities proportionate share of the base property tax in the year the property is sold, which is subject to change from what is listed in Exhibit C as of January 1, 2024.