

## Written submission for the August 13,2020 Harbor District meeting agenda item # 6 related to resolution #'s 2020-10, 2020-11 and the 2020-12 Dog/Poovey ranch proposed acquisition

What is the actual purchase contract that the Harbor District is voting on? The acreage number has changed from one agreement to another. The actual price may also be modified to be higher than the original. The buyer (Harbor District) is obligated to “deliver to seller a charitable donation in the amount equal to the difference between the Purchase Price and the Cash Payment (the donation)”. What District account would those additional funds come from? Article II purchase agreement.

What is the actual price for the property now that the original appraisal is considered inadequate? What funds have been identified to make up the unidentified difference in appraised value?

What is the transfer agreement? (not included in packet) Holding held fee title to this property for any length of time does indeed encumber the District with environmental obligations.

Has the landfill parcel become a separate parcel? If so is that parcel now landlocked and who holds title to that parcel? Can that be sold? Would the zoning of the landfill parcel change?

Section 9.04 of the purchase agreement states there are no third party beneficiaries. FOD clearly is a third party beneficiary.

What Harbor District account does the \$18,500 and the \$7500 come from and when were the specifics identified that included transferring these funds to FOD upon transfer of the Dog Ranch properties? When was the public noticed and the resolution signed by the District to obligate these funds?

Is the additional money the Conservancy found to help with the \$115,000 prescribed to FOD for management also available to the Harbor District for the management? Answer is YES. Confirmed by M Bowen 8-13-2020

What are the identified management goals/requirements for managing the acquisition?

What are the standards identified in formulating the management plan? Who formulated those standards? What was the CEQA/public process involved in formulating those standards/requirements?

Has FOD submitted a management plan? Has it been approved? Have resources been identified to fund the approved plan?

Is there a written commitment from FOD to allow the Kinetic Sculpture race through their property if the acquisition/transfer goes through?

What was the process that determined the transfer of the property to a private entity with no approved management plan would not have a significant effect on the environment?

Who specifically is responsible for monitoring the management requirements and what funding has been identified for that monitoring? Where is the monitoring plan/schedule?

What are the identified consequences of a failed management program? What is the reversion clause for non-performance?

What process was used to determine the qualifications of FOD for managing this acquisition? How many paid staff members does FOD have qualified to perform the approved management plan?

Does FOD have 4 consecutive years of audited financial statements? Not Tax returns. Audited financial statements.

What is the identified process for transferring a property to another entity once it is held by FOD? Will it be available on the open market for fair market value?

Is FOD formally obligated to transfer the property to a qualified/appropriate public entity within 3-5 years? If so where are those obligations identified? (not in packet)

What are the identified qualifications for an "appropriate long term conservation manager"? are those same qualifications applied to FOD as interim manager?

If the transfer to FOD is completed can the FOD divide the acquired property into separate properties?

What is the identified need to expediate the transfer of the properties from the Harbor District to the FOD? In other words how was it determined such a transfer had to happen immediately?

The goal of the grant agreements clearly states the purpose of this project is to place the property into Public hands. The transfer from the public agency Harbor District to private non-profit FOD is actually transferring PUBLIC property into PRIVATE hands.

Resolution 2020-12 states the "WHEREAS, the public acquisition and management of the Dog Ranch...". The transfer to a private entity is NOT public management nor is it public acquisition. Resolution 2020-12 is therefore not a true and cannot be signed as a true document.

Uri Driscoll 8-13-2020