

MEMORANDUM OF UNDERSTANDING

Between

American Legion Post 178 (Post 178) 610 St Francis Way, Rio Vista, CA 94571

(See Attachment 1)

Serving veterans of all eras since 1925

Post Commander: Noel O'Brien

and

Solano-Napa Habitat for Humanity (Solano-Napa Habitat)

(See Attachment 2)

5130 Fulton Drive, Suite R, Fairfield, CA 94534

An affiliate of world-wide Habitat for Humanity serving Solano and Napa counties since 1991

President of the Board: Gerry Raycraft

and

Berkeley Food & Housing (BFHP) 1901 Fairview St., Berkeley, CA 94703

(See Attachment 3)

Providing a comprehensive range of housing, food, and support services to help those in need move from homelessness into a safe and affordable home of their own.

Executive Director: Terrie Light

To jointly plan, develop and build a home in Rio Vista to address Veteran Homelessness in Rural America.

This Memorandum of Understanding (MOU), while not a legally binding document, sets the terms and understanding between Post 178, Solano-Napa Habitat and BFHP (hereinafter together the "Partnership") to plan, develop and build a Home in Rio Vista, California, for homeless Veterans in a rural area of California ("Veterans' Residence"). Rio Vista has been determined to be in a Rural location per U.S Department of Agricultural eligibility determination (See Exhibit A). Rio Vista is a small town surrounded by farms and ranches with a population of approximately 8,600 in Solano County per 2010 census.

Background: Post 178 held its 1st Annual Charity Golf tournament in October 2015 with the theme to "Aid Our Veterans Recovery and Beyond." At a post-tournament evaluation meeting in early 2016, the idea of building a home in Rio Vista for homeless veterans was discussed. Post 178's investigative findings supported the urgent need to house Homeless Veterans. The Post 178 Board of Directors conceptualized the idea and approved it as a potential project. Subsequently the need was further validated by HUD/VA Point-In-Time Census & Survey Reports of January 2017 and then again in January 2018. The 2018 report showed a total of 1,367 Homeless Veterans in the following six adjacent counties: Alameda 526; Solano 124; Napa 23; Contra Costa 102; San Mateo 100; Sacramento 492. Post 178 sought to partner with a non-profit service provider, which would operate and manage the home when built; and with

an organization, which would construct the home. Solano-Napa Habitat has been identified as the construction partner and BFHP has been identified as the long-term operational partner.

The home being planned for Rio Vista is envisioned as a single family home with individual rooms and shared baths to accommodate six (6) to eight (8) veterans (the "Veterans' Residence"). The potential building site ("Build Site") for the Veterans' Residence is on a Solano county-owned parcel of land of 1.69 acres which has been dedicated to support veterans (See Exhibit B). The Solano county Board of Supervisors has given "approval in concept" to use the Build Site for the Veterans' Residence, pending resolution of financial, legal and associated development matters (See Exhibit C). The existing Post 178 Veterans Memorial Building, also county-owned, sits on a portion of the same parcel. The City of Rio Vista is in full support of the housing project for veterans-in-need (See Exhibit D).

Purpose: With the predevelopment activities underway, the Partnership now wants to formalize the collaborative effort with an MOU to define its respective roles and responsibilities, to enhance its submission to the Solano county Board of Supervisors for final approval to use Build Site, and to facilitate future fund raising efforts.

The MOU will project timeline goals and define the roles and responsibilities of each partner in attaining those goals, with the understanding that the timelines may change to meet circumstances which may arise.

Contingent Approval: The Partnership acknowledges that Solano-Napa Habitat must enter into a Ground Lease with the County of Solano for use of the Build Site for the Veterans' Residence; and convey that Ground Lease to BFHP upon completion of construction of the Veterans' Residence. Failure to enter into a Ground Lease or termination of the Ground Lease for any reason will nullify this MOU.

Roles and Responsibilities:

Roles and Responsibilities of Post 178. Post 178 will support our local organizations and activities in greater Rio Vista and Solano county area. With that in mind, we want to establish a home in the Rio Vista community for homeless veterans. Post 178 will assist our Partners of Solano-Napa Habitat and BFHP in planning and fundraising to the extent possible and will provide volunteer labor for construction. Of the funds raised attributable to Post 178, a portion thereof, as it has been from the onset of the 1st Annual Charity Golf Tournament in 2015, will be allocated to support our local organizations and activities such as, but not limited to, the Kinser Scholarship Fund, Rio Vista Care, PGA HOPE, and Fisher House at Travis Air Force Base, as well as toward development and construction costs and, if needed, interior furnishings and necessities for the home. Once the home is occupied, Post 178 will also assist to build comradeship for the veteran residents with the Post members and to integrate the veterans into the community. Post 178 will work closely with BFHP to develop a coordinated plan to enhance the quality of life for the veteran occupants.

Roles and Responsibilities of Solano-Napa Habitat. Solano-Napa Habitat will lead all activities related to fund raising, predevelopment, development and construction. Included in these

activities will be the submission of necessary documentations to Solano County to secure final approval from the Board of Supervisor to use the Build Site and submission of required building plans and other documents to the City of Rio Vista for Building Permits and to other public agencies, as required. The submission to the County will propose the legal process for Solano-Napa Habitat to secure a multi-year lease from Solano County for the land needed to build the Veterans' Residence. The submission also will propose that the Veterans' Residence, when built with the lease in place, be sold to BFHP with a zero percent, 30-year mortgage equal to the cost to construct the Veterans' Residence.

Roles and Responsibilities of BFHP. BFHP will participate in fund raising and seek grants/donations from agencies, corporations, individuals and small businesses, as appropriate. BFHP will purchase the Veterans' Residence upon completion from Solano-Napa Habitat with a zero percent, 30-year mortgage equal to the cost to construct the Veterans' Residence. BFHP will own/operate/manage the Veterans' Residence in Rio Vista when built and in this capacity would process and place the selected veterans into the Veterans' Residence, consistent with its current and on-going rules for housing Veterans; and will provide the supportive services to each veteran. During the construction of the Veterans' Residence, BFHP, together with Post 178 will facilitate construction help from the Veteran and Rio Vista communities to satisfy Solano-Napa Habitat's Sweat Equity requirement.

BFHP may at some future date need to modify the occupancy of the Veterans' Residence to include other homeless populations if homeless or potentially homeless veterans cannot be identified. In this case, BFHP will negotiate in good faith with the County of Solano and with Post 178 to obtain their concurrence and approval of any change in the population served in the Veterans' Residence.

Projected timelines/goals: The Partnership plans to complete the following tasks as stated: Approval of a Ground Lease by the Solano County Board of Supervisors by April 2019; Site planning and construction drawings by July 2019; Building Permits approved by the City of Rio Vista by September 2019; and the home constructed by October 2020. Raising funds to finance construction will be an on-going activity. A separate schedule will be developed jointly showing Solano county final approval on land use, correlated development/construction timelines, and fund raising events in order to achieve the completion goal of October 2020.

Progress Reporting: The Partnership will keep each other informed of the status of ongoing tasks and developments by telephone and email unless augmented by an electronic reporting system. When needed, any member of the Partnership can call a meeting to address any ongoing issues and to determine the course of action. While each of the Partners is encouraged to maintain its own file of the overall project, the Partner who is the lead for specific tasks under Roles and Responsibilities will maintain a file containing all transactions related to those tasks. To assure timely completion of all agreed tasks and events, a central file containing timelines, tasks and events will be maintained by the Office of the Executive Director of Solano-Napa Habitat, with inputs from each responsible Partner. The procedural details for the central file will be developed by the Partnership.

Funding: An estimated total cost for the veteran housing project, including engineering, land, material and all related costs, will be established after receiving final approval from Solano County to use the parcel and after soils and engineering studies have been completed. Solano-Napa Habitat has a policy of requiring that eighty percent (80%) of total construction costs be identified prior to starting construction. The Partnership plans to reach out to various governmental and nonprofit agencies, business entities, as well as individuals to secure the required funding by Fall 2019. The Partnership will develop a fundraising plan showing timelines and events.

Potential Future Uses: The Partnership acknowledges that at some time in the future the following two projects may be undertaken on the Build Site:

- A. Veterans' Rose Garden (VRG). Subject to approval by BFHP, Post 178 may plan, develop and maintain a garden area on the Build Site dedicated to Veterans and their families. The VRG will not in any way impact the operation and maintenance of the Veterans Residence and BFHP will not be responsible for its planning, development and maintenance though residents of the Veterans Residence may voluntarily participate in those activities. The VRG will be plotted and legally defined in terms of metes and bounds so as to clearly demarcate it from the Veterans Residence under the control of BFHP. Post 178 is responsible for all costs related to planning, developing and maintaining the VRG
- B. Community Garden (CG). Residents of the City of Rio Vista have expressed interest in utilizing a portion of the Build Site for a CG. Should a CG be developed, it will not in any way impact the operation and maintenance of the Veterans Residence; and BFHP will not be responsible for its planning, development and maintenance though residents of the Veterans Residence may voluntarily participate in those activities. The CG will be plotted and legally defined in terms of metes and bounds so as to clearly demarcate it from the Veterans Residence under the control of BFHP. A CG will be under the joint supervision and control of American Legion Post 178 and whichever community organization(s) chooses to participate. BFHP will not be responsible for the planning and/or operation of a CG, nor any costs associated thereto.

Duration: This MOU is intended as a living document for the duration of the project, subject to amendments as need arises. When signed by duly authorized representatives of the Partnership, this MOU is deemed to be in effect on the date of the signatures. Any member of the Partnership may terminate its participation in writing at any time.

The Parties to this MOU, with their signatures below, approve this MOU as of the date(s) indicated.

American Legion Post 178, 610 St Francis Way, PO Box 68 Rio Vista, CA 94571
Noel O'Brien, Commander
Telephone:
Fax:
Email:

Signature: _____ Date: _____
Noel O'Brien, Commander

Solano-Napa Habitat for Humanity, 5130 Fulton Drive, Suite R Fairfield, CA 94534
Gerry Raycraft, President of the Board
Telephone: 707-422-1948 (o); 707-631-5597 (c)
Fax: 707-421-0767
Email: graycraft@solanonapahabitat.org

Signature: _____ Date: _____
Gerry Raycraft, President of the Board

Berkeley Food & Housing (BFHP), 1901 Fairview St., Berkeley, CA 94703
Terrie Light, Executive Director
Telephone: 510-318-6607
Fax: 510-649-4982
Email: tlight@bfhp.org

Signature: _____ Date: _____
Terrie Light, Executive Director

Attachment 1: American Legion Post 178 Narrative
Attachment 2: Solano-Napa Habitat for Humanity Narrative
Attachment 3: Berkeley Food & Housing Project Narrative

Exhibit A: U.S Department of Agricultural Eligibility Determination
Exhibit B: Solano County-owned Parcel and Build Site
Exhibit C: Solano County Board of Supervisors "approval in concept"
Exhibit D: City of Rio Vista support letter