



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
1 SOLDIER WAY
SCOTT AFB, IL 62225-5006

MEMORANDUM OF AGREEMENT (MOA)
BETWEEN
834TH TRANSPORTATION BATTALION (834TH TRANS BN)/MILITARY OCEAN
TERMINAL CONCORD (MOTCO)
AND
CONTRA COSTA COUNTY, CALIFORNIA

SUBJECT: Contra Costa County Right To Enter and Use Army Property

This is a MOA between the 834th Trans BN/MOTCO and the Contra Costa County, California. When referred to collectively, the 834th Trans BN/MOTCO and the Contra Costa County, California are referred to as the "Parties."

1. BACKGROUND. The 834th Trans BN operates the property formerly known as the Concord Naval Weapons Station near Concord, California. The property borders the San Joaquin Delta to the north and contains several buildings and other facilities, including a boat dock and other marine facilities. In 2008, the property was turned over to the Army and reflagged the 834th Trans BN/MOTCO. Both the 834th Trans BN/MOTCO and the Contra Costa County Sheriff's Department stand to greatly benefit from this partnership. The Sheriff Department's presence will help to shore up current gaps in the 834th Trans BN/MOTCO's waterside security due, in part, to the decreased presence of United States (U.S.) Coast Guard forces and insufficient manning level of the 834th Trans BN/MOTCO's existing security force. It acts as a force multiplier in providing an increased deterrence to various threats. The Contra Costa County Sheriff's Department gains a centrally located, highly controlled, and restricted staging area from which to effectively perform critical infrastructure protection along the Delta.

2. AUTHORITIES. The Contra Costa County Sheriff's Department, in line with the National Strategy for Maritime Security, Homeland Security Presidential Directive 13, seeks an active partnership with the 834th Trans BN/MOTCO in conducting critical infrastructure protection and management.

3. PURPOSE. The 834th Trans BN/MOTCO hereby grants, Contra Costa County, a political subdivision of the State of California, the permission and right to enter onto, occupy, and use the 834th Trans BN/MOTCO property further described in this Agreement. The permission and right to enter onto 834th BN/MOTCO property is for the operation and maintenance of a marine patrol and training facility by the Contra Costa County Sheriff's Department and includes the right to do so while in possession of officially issued firearms.

4. RESPONSIBILITIES OF THE PARTIES:

4.1. The 834th Trans BN/MOTCO hereby grants permission and rights to the Contra

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Costa County to enter onto, occupy, and use 834th Trans BN/MOTCO property subject to the following terms and conditions:

4.1.1. Contra Costa County shall have use of the following facilities on the Property as shown on Exhibit "A," attached hereto and made a part hereof:

4.1.1.1. Building 268, a joint use facility between 834th Trans BN/MOTCO and Contra Costa County; Marine Patrol Building; auxiliary outdoor storage facilities near Building 268; boat docking and storage space on the floating barge secured to the Tug Pier; vehicle parking in the vicinity of the above facilities; and open access to the Tidal Area Marina. The 834th Trans BN/MOTCO property and facilities just described shall hereinafter be referred to as the "facilities."

4.1.1.2. This is a "joint use" facility shared by the 834th Trans BN/MOTCO, Department of the Army Civilian Police Marine patrols, U.S. Coast Guard patrols, and the Contra Costa County Sheriff's Department harbor patrols.

4.2. The Contra Costa County rights granted herein shall not be transferred, or assigned by, Contra Costa County without the prior written consent of the 834th Trans BN/MOTCO.

4.2.1. Contra Costa County agrees to defend, indemnify, and hold the 834th Trans BN/MOTCO harmless of, and free from, any and all claims, demands, costs, damages, losses, actions, causes of action, or judgments which the 834th Trans BN/MOTCO may pay, or be required to pay, by reason of any damage, injury, or death to any person or property suffered by any person, firm, or corporation as a result of Contra Costa County's use of the property or facilities described herein. 834th Trans BN/MOTCO is responsible for the general maintenance and upkeep from fair wear and tear of the facilities subject to Contra Costa County's use in this agreement. Contra Costa County will be responsible for any repairs necessary due to Contra Costa County's damage to, destruction of, or related to its use of the facilities.

5. PERSONNEL. Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Party is responsible for supervision and management of its personnel.

6. GENERAL PROVISIONS:

6.1. POINTS OF CONTACT (POC): The following POC(s) will be used by the Parties to communicate in the implementation of this MOA. Each Party may change its POC upon reasonable notice to the other Party.

6.1.1. For the 834th Trans BN/MOTCO:

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6.1.1.1. Primary POC: 834th Trans BN/MOTCO Police Chief,
(925) 246-4040.

6.1.1.2. Alternate POC: 834th Trans BN/MOTCO Guard Chief,
(925) 246-4269.

6.1.2. For the Contra Coast County:

6.1.2.1. Primary POC: Captain, Special Operations, (925) 313-2650.

6.1.2.2. Alternate POC: Lieutenant, Marine Patrol, (925) 427-8598.

6.2. CORRESPONDENCE: All correspondence to be sent and notices to be given pursuant to this MOA will be addressed, if to the 834th Trans BN/MOTCO, to:

6.2.1. U.S. Department of the Army
834th Transportation Battalion, Military Ocean Terminal Concord
410 Norman Avenue
Concord, California 94520

and, if to the Contra Costa County, to:

6.2.2. Contra Costa County Office of the Sheriff
Marine Patrol Unit
70 Lauritzen Lane
Oakley, California 94561

or as may, from time to time, otherwise be directed by the Parties.

6.3. REVIEW OF AGREEMENT. This MOA will be reviewed annually on or around the anniversary of its effective date for financial impacts and triennially in its entirety. The review will be a joint review between 834th Trans BN/MOTCO and Contra Costa County.

6.4. MODIFICATION OF AGREEMENT. This MOA may only be modified by the written agreement of the Parties, duly signed by their authorized representatives.

6.5. DISPUTES. Any disputes relating to this MOA will, subject to any applicable law, Executive order, directive, or instruction, be resolved by consultation between the Parties or in accordance with Department of Defense Instruction 4000.19.

6.6. TERMINATION OF AGREEMENT. This MOA may be terminated by either Party by giving at least 180 days written notice to the other Party. The MOA may also be terminated at any time upon the mutual written consent of the Parties.

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6.7. TRANSFERABILITY. This Agreement is not transferable except with the written consent of the Parties.

6.8. ENTIRE AGREEMENT. It is expressly understood and agreed that this MOA embodies the entire agreement between the Parties regarding the MOA's subject matter.

6.9. EFFECTIVE DATE. This MOA takes effect beginning on the day after the last Party signs.

6.10. EXPIRATION DATE. This Agreement expires 9 years from the date of the last signature on this Agreement.

6.11. CANCELLATION OF PREVIOUS AGREEMENT. This MOA cancels and supersedes the previously signed Agreement between the same Parties with the subject: Contra Costa County's Right to Enter and Use Army Property, signed 4 May 2007.

7. FINANCIAL DETAILS: There are no costs associated with this Agreement.

AGREED:

County

David O. Livingston
Sheriff-Coroner
Contra Costa County, a
political subdivision of the State of
California

United States

BRYAN R. SAMSON, SES
Deputy to the Commander
Military Surface Deployment and
Distribution Command

By: _____

By: _____

Dated: _____

Dated: _____

APPROVED AS TO FORM:
Sharon L. Anderson, County Counsel

By: _____
Hannah M. Shafsky
Deputy County Counsel



- (A)** Parking
- (B)** 4 Slips, Left to Right
- (C)** Tidal Area Marina

Military Ocean Terminal Concord