

Questions for our meeting today with ERS and the City Attorney

Questions for ERS

1. As per the Consultant Agreement dated December 13, 2010, is Exhibit A the same as the Scope of Work dated December 13, 2010
2. Should the first priority be to address the DTSC Intention to Issue Imminent and Substantial Endangerment Order and reduce the geographical scope and concentrate on specifically pinpointed areas within the arsenal?
3. Does contacting the DTSC to reduce the geographical scope of the project supersede the due diligence phase of determining funding sources?
4. Explain the funding sources and have they effect insurance companies and property owners?
5. Explain the compensation process. Is it limited by the Consulting Agreement and only through the city by way of the escrow account?
6. The DTSC has an Office of Military Facilities, is this a reasonable first place to start?
7. From the Scope of Work, can you please explain item #10?
8. What would cause you to issue a Notice of Termination?
9. In item #21 of the Consultant Agreement, who pays for the consulting services and cooperating with other property owners?

Questions for the City Attorney

1. Can the definition of small property owners be redefined as holding less than 5 acres?
2. Will the acceptable clean up standards be at an "Industrial Use" level?
3. In the Consultant Agreement in 3b, does this mean that only the consultant has rights to the money held in the escrow account, and if they terminate the agreement, should they receive any payment above and beyond the actual expenses incurred up to termination?
4. Should the word "exclusively" be placed after the word "paid" in the sentence beginning "All remediation funds" in item 3b in the Consultant Agreement?
5. Is the consultant entitled to all the remediation funds?
6. Is there a rate sheet and has it been negotiated as per item 3c in the Consultant Agreement?

Since the City Attorney is the point person of this process, I would like to recommend a stakeholders group, made up of involved and effected property owners, be a part of the City Attorney's arsenal project team.