



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

ADMINISTRATIVE COMMITTEE MEETING

8:30 a.m. Wednesday, December 30, 2015

920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**
4. **PUBLIC COMMENT PERIOD**
Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes. Comments on agenda items are heard under the item.
5. **APPROVAL OF MEETING MINUTES** ACTION
 - a. December 2, 2015 Minutes
6. **DECEMBER 11, 2015 BOARD MEETING FOLLOW-UP** INFORMATION
 - a. Fort Ord Reuse Authority Prevailing Wage Program Resolution-2d Vote INFORMATION
 - b. 2016 FORA Legislative Agenda Distribution INFORMATION
7. **JANUARY 8, 2016 BOARD MEETING AGENDA REVIEW** INFORMATION/ACTION
 - a. Oak Woodland Conservation Planning Update INFORMATION
8. **BUSINESS ITEMS**
 - a. FORA 2020 Sunset & Transition Plan INFORMATION
 - b. Capital Improvement Program Development Forecasts Request INFORMATION
 - c. Water Augmentation Project Planning Memorandum of Understanding INFORMATION/ACTION
9. **ITEMS FROM MEMBERS**
10. **ADJOURNMENT**

NEXT MEETING: JANUARY 13, 2016

For information regarding items on this agenda or to request disability related modifications and/or accommodations please contact the Deputy Clerk 48 hours prior to the meeting.

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FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, December 2, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:30 a.m. The following were present:

**voting members, AR = arrived after call to order*

- | | | |
|--------------------------------------|---------------------------------|-----------------------|
| Daniel Dawson, City Del Rey Oaks | Erin Harwayne, DD&A | <u>FORA Staff:</u> |
| Layne Long, City of Marina-AR* | Graham Bice, MBEST | Michael Houlemard Jr. |
| Melanie Beretti, Monterey County AR | Wendy Elliott, MC | Steve Endsley |
| John Dunn, City of Seaside* | Patrick Breen, MCWD | Jonathan Brinkmann |
| Elizabeth Caraker, City of Monterey* | Mike McCullough, MRWPCA | Josh Metz |
| Anya Spear, CSUMB | Lyle Shurtleff, BRAC | Ted Lopez |
| Chris Placco, CSUMB | Andy Sterbenz, Schaaf & Wheeler | Peter Said |
| Steve Matarazzo, UCSC | Don Hofer, MCP | Mary Israel |
| Vicki Nakamura, (MPC) | Bob Schaffer | Maria Buell |

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by John Dunn

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Houlemard announced the election of officers for 2016 and Graham Bice was nominated. Mary Israel, new Administrative Coordinator to FORA, was introduced to Administrative Committee.

4. PUBLIC COMMENT PERIOD

Anya Spear announced an event at CSUMB on December 6th at 6 p.m.

5. APPROVAL OF MEETING MINUTES

a. November 3, 2015 Administrative Committee Minutes

MOTION: John Dunn moved, seconded by Elizabeth Caraker to approve the November 3, 2015 Administrative Committee minutes
MOTION PASSED UNANIMOUSLY

6. NOVEMBER 13, 2015 BOARD FOLLOW UP

Mr. Houlemard provided a brief summary of the November Board meeting. He said on Item 8c, Prevailing Wage, 4-5 members of the public spoke regarding wages/labor conditions. He added that FORA obtained assistance from Senator Monning's office and finally received a response from Department of Industrial Relations (DIR). Mr. Long asked if complaints were identified as labor code violations and not prevailing wage violations. Mr. Houlemard responded that testimony was heard from both sides of the issue and that DIR response letter contradicts itself. Board has not voted to add the hiring of a Compliance Contractor to the shoulders of the jurisdictions and that under the Master Resolution, it requires these prevailing wage enforcements, even though some of these issues have already been tested at Court level (i.e., Dunes project).

Steve Endsley reported on the ongoing water issues and that these items are on the upcoming Board agenda. He added that on closed session, the water dispute resolution was discussed and there is a potential for possible litigation if it does not get approved. He added that Authority Counsel was asked to draft a Memorandum of Agreement delineating the items agreed to with MCWD. Mr. Houlemard stated the dispute resolution was agreed under the contract with MCWD, but Board requested an agreement in order to memorialize the terms.

The committee received comments from members and the public.

7. DECEMBER 11, 2015 BOARD MEETING AGENDA REVIEW

Steve Endsley provided a brief summary of the upcoming Board meeting and stated the water issue items are on as well as the 3-party

8. BUSINESS ITEMS

a. Approve 2016 Meeting Schedule

MOTION: Graham Bice moved, seconded by Chris Placco to approve the 2016 meeting schedule with revision to November meeting dates.

MOTION PASSED UNANIMOUSLY

b. Oak Woodland Conservation Planning Update

Ted Lopez provided a brief report and stated it will be discussed at the next Board meeting. He provided a background to this item and noted that in 1997, under the Base Reuse Plan, FORA County of Monterey and City of Seaside were the only jurisdictions to fulfill these requirements of oak woodland conservation planning. He added that County waited and 14 years later this had not been done. He further reiterated that this planning needs to be complete before FORA sunsets. He clarified that it is not FORA's responsibility, however, staff is trying to complete the policies of BRP. The Committee members asked questions and had comments about the composition of this advisory/work group, that Administrative Committee be the reviewer of this item; how this item will proceed, the funding available to assist these two jurisdictions and the clear determination that it is/is not a FORA responsibility. Mr. Houlemard clarified to members that this is not a conservation area but about smaller development areas for projects. Under State law, these areas were considered "blighted."

Chair Dawson said jurisdictions should be asked to take this responsibility.

John Dunn suggested recommendations to the power point presentation: that the last bullet be listed first; to add a professional advisory committee composed of the 7 recommended jurisdictions; that public participation be added so public is not left out; and, that County and City of Seaside could be the project managers and FORA only assists with funding for RFP.

Mr. Houlemard said both the County and City of Seaside would need to adopt ordinances so that the public review process would be done with them only.

c. Capital Improvement Program Development Forecasts Request

Jonathan Brinkmann distributed a list of the latest Capital Improvements. He added that these items must be submitted before January 15th in order to include them in CIP process. Peter Said added the deadlines are important otherwise there might be impacts on the timeline.

d. Surplus II Industrial Hygienist Selection update

Peter Said provided a brief report and said two (2) quality proposals were received, that Staff is evaluating the proposals and making a selection to be brought to the Board.

e. **Water Augmentation Planning Process**

Steve Endsley provided a brief report and stated that these elements would come back to Board. The funding for planning process is included and that Staff is moving forward with a Memorandum of Agreement as Board requested.

The Committee received public comment.

9. ITEMS FROM MEMBERS

None.

10. ADJOURNMENT

Meeting was adjourned at 10:23 a.m.

DRAFT

- START -

**DRAFT
BOARD PACKET**



FORT ORD REUSE AUTHORITY

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REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, January 8, 2016 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov. Code 54956.9(a) – 1 Case
 - i. *Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA)*, Case No.: M114961

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

- a. Approve December 11, 2015 Board Meeting Minutes ACTION
- b. Surplus II Industrial Hygienist Selection ACTION
- c. Environmental Services Cooperative Agreement Quarterly Update INFORMATION

8. BUSINESS ITEMS

- a. Accept Fiscal Year 14-15 Annual Financial Report ACTION
- b. Fort Ord Reuse Authority Prevailing Wage Program Resolution-2d Vote INFORMATION/ACTION
- c. Regional Urban Design Guidelines Consider Special Meeting INFORMATION/ACTION
- d. Water Augmentation Project Planning-Memorandum of Understanding INFORMATION/ACTION
- e. Economic Development Quarterly Status Update INFORMATION
- f. Oak Woodland Conservation – Request for Proposals (RFP) INFORMATION/ACTION
- g. Public Review Draft HCP Preparation Status Report INFORMATION/ACTION
 - i. ICF International Contract Amendment #7
 - ii. Denise Duffy and Associates Contract Amendment #10

h. Elect 2016 Board Officers

ACTION

9. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes. Comments on agenda items are heard under the item.

10. EXECUTIVE OFFICER'S REPORT

INFORMATION

- a. Outstanding Receivables
- b. Habitat Conservation Plan Update
- c. Administrative Committee
- d. Finance Committee
- e. Post Reassessment Advisory Committee
- f. Regional Urban Design Guidelines Task Force
- g. FORA 2016 Elections Report
- h. Travel Report
- i. Public Correspondence to the Board

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT BOARD MEETING: February 12, 2016

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at www.fora.org.

Placeholder for Item 7a

DRAFT Minutes 12-11-15 Board Meeting

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Surplus II Industrial Hygienist Selection	
Meeting Date:	January 8, 2016	ACTION
Agenda Number:	7b	

RECOMMENDATION(S):

Authorize the Executive Officer to execute a contract with Vista Environmental Engineering not to exceed \$175,000.

BACKGROUND/DISCUSSION:

The U.S. Army conveyed real property to the Fort Ord Reuse Authority (FORA) under an Economic Development Conveyance (EDC) Memorandum of Understanding (MOU) that outlines the terms and conditions of a local Base Realignment and Closure (BRAC) recovery program with the restriction that FORA and the Jurisdictions receive the property with the buildings "as-is, where-is." The FORA Board has specific building removal and clearance obligations under a combination of State law and Board policy.

Seaside Surplus II area has 27 large, multi-story concrete structures in close proximity to occupied housing, office buildings, schools and the California State University Monterey Bay (CSUMB) campus which have become dilapidated, contain hazardous materials and are sites for vandalism and illegal dumping. FORA and Seaside staff identified the need to survey the hazardous materials in Surplus II as the first step in meeting FORA's Seaside building removal obligations.

On October 18th, FORA issued a Request for Proposals (RFP) for Industrial Hygienists (IH) hazardous material sampling and testing services. IH site inspections were held on October 15th and November 5th. Three qualified IH firms submitted proposals. Vista Environmental Consulting scored the highest in the IH evaluation and interview process. On December 16th Seaside staff reviewed the IH evaluation process. Staff requests authorization for the Executive Officer to execute a contract with Vista Environmental Consulting for Surplus II hazardous material sampling and testing.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Surplus II building removal funding is included in the approved FY 15-16 CIP budget.

COORDINATION:

Authority Counsel, Administrative Committee

Prepared by _____ Reviewed by _____
Peter Said Stan Cook

Approved by _____
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Environmental Services Cooperative Agreement Quarterly Update	
Meeting Date:	January 8, 2016	INFORMATION
Agenda Number:	7c	

RECOMMENDATION:

Receive an Environmental Services Cooperative Agreement (ESCA) status report.

BACKGROUND:

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received 3,340 acres of former Fort Ord land prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for the ESCA parcels. FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

In order to complete the AOC defined obligations, FORA entered into a Remediation Services Agreement (RSA) with the competitively selected LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a cost-cap insurance policy for this remediation work through American International Group (AIG) to assure financial resources to complete the work and to offer other protections for FORA and its underlying jurisdictions.

The ESCA Remediation Program (RP) has been underway for eight years. Currently, the FORA ESCA RP team has completed the known ESCA RP field work, pending regulatory review.

DISCUSSION:

The ESCA requires FORA, acting as the Army's contractor, to address safety issues resulting from historic Fort Ord munitions training operations. This allows the FORA ESCA RP team to successfully implement cleanup actions that address three major past concerns: 1) the requirement for yearly appropriation of federal funding that delayed cleanup and necessitated costly mobilization and demobilization expenses; 2) state and federal regulatory questions about protectiveness of previous actions for sensitive uses; and 3) the local jurisdiction, community and FORA's desire to reduce, to the extent possible, risk to individuals accessing the property.

Under the ESCA grant contract with the Army, FORA received approximately \$98 million in grant funds to clear munitions and secure regulatory approval for the former Fort Ord ESCA parcels. FORA subsequently entered into a guaranteed fixed-price contract with ARCADIS to complete the work as defined in the Technical Specifications and Review Statement (TSRS) appended to the ESCA grant contract. As part of the RSA between FORA and ARCADIS, insurance coverage

was secured from AIG for which FORA paid \$82.1 million up front from grant funds. The AIG policy provides a commutation account which holds the funds that AIG uses to pay ARCADIS for the work performed. The AIG coverage also provides for up to \$128 million to address additional work for both known and unknown site conditions, if needed. That assures extra funds are in place to complete the scope of work to the satisfaction of the Regulators. Based on the Army ESCA grant contract, the EPA AOC requirements and AIG insurance coverage provisions, AIG controls the ARCADIS/AIG \$82.1 million commutation account. The full amount was provided to AIG in 2008 as payment for a cost-cap insurance policy where AIG reviews ARCADIS' work performed and makes payments directly to ARCADIS. FORA oversees the work to comply with grant and AOC requirements.

Current status follows:

Item	Revised Allocations	Accrued through September 2015
FORA Self-Insurance or Policy		
Reimburse Regulators & Quality Assurance		
State of California Surplus Lines Tax, Risk Transfer, Mobilization		
Contractor's Pollution Liability Insurance		
Work Performed ARCADIS/AIG Commutation Account		
FORA Administrative Fees		
Total		
	ESCA Remainder	

Data collected during the ESCA investigation stage remains under regulatory review to determine if remediation is complete. The review and documentation process is dependent on Army and regulatory agency responses and decisions. They will issue written confirmation that CERCLA MEC remediation work is complete (known as regulatory site closure).

On November 25, 2014, EPA signed the Record of Decision (ROD) for the ESCA Group 3 properties located in County of Monterey (at Laguna Seca); City of Monterey (south of South Boundary Road); Del Rey Oaks (south of South Boundary Road); and, Monterey Peninsula College (MPC) Military Operations in Urban Terrain property. On February 26, 2015, the Regulators signed the ROD for the ESCA Group 2 California State University Monterey Bay property (south of Inter-Garrison Road). The ROD records the EPA, DTSC and Army's decision on the cleanup of these properties and what controls are required to continue to protect public health and safety.

The process for implementing, operating and maintaining the ROD controls is prescribed under a Land Use Control Implementation, Operation and Maintenance Plan (LUCIP OMP) document. Each ROD will have a corresponding LUCIP OMP developed based on site conditions and historic MEC use. The ESCA team and Regulatory agencies are working directly with the jurisdiction representatives, through the FORA Administrative Committee, to help them understand and develop their comments to the Group 2 and Group 3 LUCIP OMP documents. LUCIP OMP Workshops have been provided for Administrative Committee member questions and document comment preparation in May and June and July 2015. LUCIP OMP documents are approved by the Regulators before they will issue regulatory site closure.

Until regulatory site closure is received, the ESCA property remains closed to the public. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction. Regulatory approval does not determine end use. Underlying jurisdictions are empowered to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

FORA received regulatory site closure for the County North and Parker Flats Phase 1 ESCA properties. For these properties, ARCADIS commuted ESCA insurance coverage for related clean-up costs for coverage for unknown conditions. Per the existing FORA/Jurisdiction Implementation Agreements (2001) and Memorandum of Agreement (2007) regarding property ownership and responsibilities during the period of environmental services, deeds and access control for these properties has been transferred to the new land owner.

The ESCA team continues to actively monitor biological resources and track restoration activities on ESCA properties. To date, the ESCA RP has provided the stewardship for 3,340 ESCA acres.

FISCAL IMPACT:

Reviewed by FORA Controller _____

The funds for this review and report are part of the existing FORA ESCA funds.

COORDINATION:

Administrative Committee; Executive Committee; FORA Authority Counsel; ARCADIS; U.S. Army EPA; and DTSC

Prepared by _____ Approved by _____
Stan Cook Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Accept Fiscal Year 14-15 Annual Financial Report

Meeting Date: January 8, 2016

Agenda 8a

Number:

ACTION

RECOMMENDATION:

Accept the Moss, Levy & Hartzheim, Certified Public Accountants Fort Ord Reuse Authority (FORA) Fiscal Year 14-15 Annual Financial Report (Audit Report) as recommended by the Finance Committee (**Attachment A**).

BACKGROUND:

Each fall, the draft Audit Report is presented to the Finance Committee (FC) for its review and consideration before it is forwarded to the FORA Board. The FORA Board has directed that every three to five years the FC evaluate the financial consultant providing the requisite opinion. The current FORA Auditor, the firm Moss, Levy & Hartzheim (MLH) was hired in 2012 and will conduct FORA financial audits through FY 15-16.

Beginning in FY 12-13, MLH also audited the Preston Park Housing financial operations – a change from previous years where the management company obtained stand-alone audits for Preston Park up until 2011. However, the initial value of Preston Park land and buildings was never recorded in these reports. In 2012 MLH a) advised FORA that accounting principles generally accepted in the U.S. require this capital assets be capitalized and depreciated, and b) determined this capital asset should be included in the *owner's* financial reports.

DISCUSSION:

With respect to FORA operations (*Fund Financial Statements*), MLH issued an “unmodified” (*clean*) opinion. There were no findings/questionable costs in the FY 14-15 financial audit concerning FORA internal control structure. MLH’s letter expresses the opinion that the financial statements present fairly, in all material respects, FORA’s financial position as of June 30, 2015, and the respective changes in financial position, for the fiscal year then ended, in accordance with accounting principles generally accepted in the United States of America.

Effective July 1, 2014, FORA adopted the Governmental Accounting Standards Board (GASB) Statements 68 and 71 regarding financial reporting and accounting for pensions. This required information is reflected in Government-Wide Financial Statements (Statement of Net Assets) and corresponding notes on *pages 30-33*.

Since Preston Park ownership was disputed in litigation and FORA still owned the property on June 30, 2015, MLH issued a “modified” opinion with respect to the Government-Wide Financial Statements because the value of Preston Park land and buildings had not been recorded. MLH also reported several third-party (Alliance) findings with respect to the Preston Park internal control structure. Alliance management provided response and corrective actions, which MLH accepted. These findings start on *page 51* of the audit report.

The FC reviewed the Audit Report on December 8 and unanimously voted to recommend to the FORA Board that it accept the FY 14-15 Audit Report. *Please refer to item 10d for more details regarding the FC meeting.*

FISCAL IMPACT:

Cost for the audit services is included in the approved FORA and Preston Park budgets.

COORDINATION:

Finance Committee, Moss, Levy & Hartzheim, Certified Public Accountants

DRAFT

Prepared by: _____
Ivana Bednarik

Approved by: _____
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Fort Ord Reuse Authority Prevailing Wage Program Resolution 2 nd Vote	
Meeting Date:	January 8, 2015	INFORMATION/ACTION
Agenda Number:	8b	

RECOMMENDATION:

- i. Provide direction regarding FORA's prevailing wage compliance role.
- ii. Approve a FORA's Master Resolution Amendment (**Attachment C**) requiring contractors to register with California Department of Industrial Relations ("DIR") and assisting the jurisdictions in their responsibility for monitoring and enforcement of the former Fort Ord prevailing wage requirements from jurisdictions to FORA. **OR**
- iii. Approve the substitute Master Resolution amendment as revised to reflect that: under the **4th Whereas**, after "subcontractors" to add for first generation projects; and that subparagraph, section (d) add a period after the word compliance and deleting the original text after the word compliance.
- iv. Approve Staff's recommendation to implement Option A (**Attachment B**) by issuing a Request for Proposal to obtain Labor Compliance Monitoring Services for one year in an amount not to exceed \$250,000. **OR**
- v. Approve the substitute motion that this matter be deferred until it is reviewed by the Finance Committee at its next meeting and further direction on what is the deliverable or what this \$250,000 would be spent on or any other sum be reviewed by Board.

BACKGROUND:

- Adopting a prevailing wage requirement (as a base-wide policy) surfaced in legislative debates during FORA's creation. While the FORA enabling legislation did not include prevailing wage provisions, the initial FORA Board meeting explored the policy questions in the adoption of a procurement code. In fact, the FORA Board's first action in setting prevailing wage policy occurred on July 14, 1995, with the adoption of Ordinance No. 95-01, establishing FORA's Procurement Code and requiring prevailing wages to be paid to all workers employed on FORA's construction contracts. The FORA Master Resolution was adopted on March 14, 1997. Article 3.03.090 of the Master Resolution required/confirmed that prevailing wages be paid for all first generation projects occurring on parcels subject to the Base Reuse Plan (BRP).
- FORA's right to require and enforce prevailing wages was tested through a lawsuit filed against a property developer, Cypress Marina Heights LP (CMH) in Marina (Cypress, *supra*, 191 Cal.App.4th at p. 1504.) that sought an order requiring prevailing wages. The case was resolved (after appeal) by a settlement agreement that upheld FORA's Master Resolution section 3.03.090 general prevailing wage requirement.
- Discussion regarding prevailing wage requirements continued and included in BRP compliance actions through 2006, when the Board engaged in further policy clarification actions. In August 2006, the Board received a status report on jurisdiction efforts to adopt and implement prevailing wage policies consistent with Chapter 3 of the Master Resolution. That

report was the result of FORA Executive Committee and Authority Counsel's examination of FORA's role in implementing prevailing wage policies on the former Fort Ord. Since 2006, the FORA Board has heard compliance concerns expressed by the Labor Council, received several additional reports, slightly modified a section of Chapter 3 of the Master Resolution, and directed staff to provide information to the jurisdictions about compliance. The FORA Board has never considered and has not indicated any intention to rescind or modify the Master Resolution requirements for prevailing wages on First Generation construction.

- Also, in 2001, FORA entered into Implementation Agreements ("IA") with its jurisdictions that included requiring deed restrictions to be included in any conveyance and subsequent deed transactions, that "[a]ny development of the property will be and is subject to the provisions of the Reuse Plan [and] the policies and programs of [FORA], including the ... Master Resolution." Recently, the City of Marina has indicated it will not assign resources to monitor or enforce the prevailing wage requirement and violations of the prevailing wage requirement have been reported to the FORA for both projects in the County of Monterey and the City of Marina.

Prevailing Wage New Legislation:

In June 2014, the California legislature adopted registration requirements for contractors and subcontractors involved in public works projects or other projects as may be determined by the Labor Commissioner. SB 854 was passed to fund the California DIR monitoring and enforcement of prevailing wage laws, and requires 1) online registration, 2) payment of a \$300 fee, 3) filing by agencies of notices of their public works projects with DIR, and 4) submittal of certified payroll records to DIR. Contractors/Subcontractors must be clear of any record of delinquent unpaid wages or penalty assessments.

DISCUSSION:

At its March 13, 2015 meeting, the FORA Board authorized the Executive Officer to request a formal DIR determination on FORA projects. However, several Board members requested that staff not wait for DIR's determination and return with a plan for a FORA prevailing wage compliance program. Other Board members expressed concern that FORA would set up a prevailing wage compliance program when individual jurisdictions are responsible for compliance.

On November 5, 2015, FORA's Executive Officer received DIR's response (relayed from Senator Bill Monning's Office after personal contact from the Senator) attached as **Attachment A**. DIR's response cited the following:

"...for the project to be defined as a public work there must be construction, alteration, demolition or repair work, and the project must contain public funds. Labor Code section 1720(b) further defines public funds to include:

(a) For purposes of this section, "**paid for in whole or in part out of public funds**" means all of the following:

- (1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.
- (2) Performance of construction work by the state or political subdivision in execution of the project.

- (3) Transfer by the state or political subdivision of an asset of value for less than fair market price.
- (4) Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision.
- (5) Money loaned by the state or political subdivision that is to be repaid on a contingent basis.
- (6) Credits that are applied by the state or political subdivision against repayment obligations to the state or political subdivision.

In our previous telephonic discussions, you have confirmed that First Generation Projects have public funds and are construction projects over \$1,000. As such, there would be a statutory obligation to treat these projects as a public works and ensure all contractors performing this work were subject to the public works statutes (Labor Code sections 1720-1861), which would include contractor registration."

It is staff's interpretation that, since FORA and the jurisdiction accept less land sales revenue from nearly every historical Fort Ord private sector project (based on the economic analyses performed by the jurisdictions that assess the cost of FORA mitigation fees, building removal, prevailing wage, and other costs) individual development projects may also qualify as a public work.

FORA staff researched options for a FORA prevailing wage compliance program. **Attachment B** contrasts three (3) options for a FORA prevailing wage compliance program.

FORA staff's assumption of two full-time staff positions or equivalent consultant hours to monitor, respond to inquiries, and prepare reports is based on FORA Capital Improvement Program development forecasts. A redacted master services agreement is included under **Attachment C** to provide an example of a consultant contract for prevailing wage services to a public agency. FORA staff recommends pursuing **Option A**. The FORA Board may want to consider appropriate funding sources for this compliance work at the mid-year budget. The cost for FORA to take on this work could range from \$120,000 to \$350,000/year.

Master Resolution Amendment:

The FORA Master Resolution ("MR") was adopted originally by Ordinance # 97-01 to establish the "governing code" by which FORA's operation of its powers and authority would be deployed in the Monterey Bay Region's recovery from Fort Ord closure. The MR formally adopted definitive direction and operational authority for the business of FORA consistent with California Law under the Authority Act. When the MR was adopted, the FORA Board anticipated that the MR would ultimately be amended to account for changes in California law, alterations to operational provisions, and to maintain consistency between Board decisions and the Authority Act.

The Board is requested to approve a FORA Master Resolution Amendment (**Attachment C**) to require contractors to register with DIR and direct FORA staff to monitor and enforce jurisdiction compliance with the prevailing wage policy.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved FORA budget. Should the FORA Board direct staff to proceed with any of the three options for implementing a FORA prevailing wage compliance program, an additional FORA budget will be needed. The Board may want to consider funding options to pay for these costs which were previously jurisdictional obligations.

COORDINATION:

FORA Board, City of Marina, Authority Counsel, Department of Industrial Relations.

DRAFT

Prepared by: _____
Robert J. Norris, Jr.

Approved by: _____
Michael A. Houlemard, Jr.

Questions to and answers received from Eric Rood, Assistant Labor Commissioner, CA Department of Industrial Relations

November 5, 2015

1. In review of the recently enacted SB 854, Fort Ord Reuse Authority (FORA) staff noted that SB 854 encompasses public works projects, as specified, to be paid the general prevailing wage as determined by the Director of the Department of Industrial Relations (DIR). In reviewing the FORA Master Resolution prevailing wage provisions, First Generation Construction on the former Fort Ord is required, by FORA covenant, to pay not less than general prevailing rate of wages as determined by the Director of DIR. FORA's prevailing wage provisions define First Generation Construction projects as public works projects subject to SB 845. Does DIR agree with this determination?

Answer: SB 854 did not expand the definition of public works. It does require all contractors has defined in Labor Code section 1722.1, to register, pay a \$300 fiscal annual fee and be of good legal standing in order to perform public works.

Labor Code section 1722.1 defines a contractor as:

For the purposes of this chapter, "contractor" and "subcontractor" include a contractor, subcontractor, licensee, officer, agent, or representative thereof, acting in that capacity, when working on public works pursuant to this article and Article 2 (commencing with Section 1770).

In short, a contractor/vendor who is subject to public works laws as defined in Labor Code sections 1720 through 1861, would be required to register.

Labor Code section 1720(a)(1) defines what comprises a public works. It states:

(a) As used in this chapter, "public works" means:

(1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority. For purposes of this paragraph, "construction" includes work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work, and work performed during the post construction phases of construction, including, but not limited to, all cleanup work at the jobsite. For purposes of this paragraph, "installation" includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems. [emphasis added]

In addition, for the project to be defined as a public work there must be construction, alteration, demolition or repair work, and the project must contain public funds. Labor Code section 1720(b) further defines public funds to include:

(b) For purposes of this section, “paid for in whole or in part out of public funds” means all of the following:

(1) The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.

(2) Performance of construction work by the state or political subdivision in execution of the project.

(3) Transfer by the state or political subdivision of an asset of value for less than fair market price.

(4) Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision.

(5) Money loaned by the state or political subdivision that is to be repaid on a contingent basis.

(6) Credits that are applied by the state or political subdivision against repayment obligations to the state or political subdivision.

Labor Code section 1771 brings in the term maintenance to be included in a public work and sets a minimum dollar threshold for projects over \$1,000. Section 1771 states:

Except for public works projects of one thousand dollars (\$1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

*This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to **contracts let for maintenance work.***

The general rule to determine if a project is subject to public works is:

- Is the project construction, alteration, demolition, installation, repair or maintenance work;
- Is the project paid out by public funds;
- Is the project over \$1,000

In our previous telephonic discussions, you have confirmed that First Generation Projects have public funds and are construction projects over \$1,000. As such, there would be a statutory obligation to treat these projects as a public works and ensure all contractors performing this work were subject to the public works statutes (Labor Code sections 1720-1861), which would include contractor registration.¹

¹ Please note that in *Monterey/Santa Cruz County Bldg. and Const. Trades Council v. Cypress Marina Heights LP* (2011) 191 Cal.App.4th 1500. In that case, the developer bought the land (at FMV) from FORA and argued that it did not have to pay prevailing wages, because there was no public money and the purchase agreement did not specify that prevailing wages were required on the construction. The local building trades brought suit and won. Court found that FORA's Master Resolution (requiring prevailing wages) and deed covenants (also requiring prevailing wages) applied to downstream government entities and developers, even on non-public works projects, as it was a contractual requirement to pay prevailing wages that ran with the land. So, it is DIR's

Please note that if the Federal government is administering any FORA projects, this could change the determination. If there are federal administrated projects, you should make a request to the DIR's Director's Legal Unit for a determination.²

If a state agency or private developer is overseeing a construction project where there is public monies; the project would more than likely be subject to California public works labor laws.

Please note FORA can provide stricter contractual obligations for private work where there are no public funds. This may include requiring contractor registration, filing CPRs, and paying prevailing wages; however, any enforcement would have to go through the courts as a breach of contract.

2. Does FORA need to follow a formal process for DIR to consider whether or not FORA is subject to SB 854?

Answer: In most instances, you will not need to request a formal determination to DIR's Office of the Director's (OD) Legal Unit. In most instances, formal determinations are made when there is controversy on what comprises public funds. Section 1720(b) of the Labor Code which I provided in the last answer, is the statute to determine if a project contains public funds.

Labor Code section 1720(b), reproduced above, defines public funds.

3. If yes, to whom should FORA address its request for a determination?

Answer: There are two types of determinations: (1) a request for a craft/classification wage rate and (2) a coverage determination to determine if a project is subject to public works laws. A written **request for a wage rate** should be sent to the following address:

DIR- Office of Policy, Research and Legislation
455 Golden Gate Boulevard, 9th Floor
San Francisco, California 94102

You may also send an email to DIR at statistics@dir.ca.gov.

A formal **request for a coverage determination** should be in writing and sent to the following address:

DIR- Office of the Director
Attention: Legal Unit
1515 Clay Street, 7th Floor
Oakland, California 94612

understanding that the prevailing wage requirements apply to both public and private projects under the FORA Master Resolution are subject to prevailing wage projects. Only those projects that are statutory public works can be enforced by DLSE.

² See also *Southern California Labor Management Operating Engineers Contract Compliance Committee v. Aubry* (1997) 54 Cal.App.4th 873.

Labor Code section 1773.4 and 1773.5 provides the legal mechanisms to request a determination for wage rates under section 1773.4, and to determine if a project is subject to public works under section 1773.5.

Section 1773.4 and 1773.5 state:

Labor Code 1773.4.

Any prospective bidder or his representative, any representative of any craft, classification or type of workman involved, or the awarding body may, within 20 days after commencement of advertising of the call for bids by the awarding body, file with the Director of Industrial Relations a verified petition to review the determination of any such rate or rates upon the ground that they have not been determined in accordance with the provision of Section 1773 of this code. Within two days thereafter, a copy of such petition shall be filed with the awarding body. The petition shall set forth the facts upon which it is based. The Director of Industrial Relations or his authorized representative shall, upon notice to the petitioner, the awarding body and such other persons as he deems proper, including the recognized collective bargaining representatives for the particular crafts, classifications or types of work involved, institute an investigation or hold a hearing. Within 20 days after the filing of such petition, or within such longer period as agreed upon by the director, the awarding body, and all the interested parties, he shall make a determination and transmit the same in writing to the awarding body and to the interested parties.

Such determination shall be final and shall be the determination of the awarding body. Upon receipt by it of the notice of the filing of such petition the body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids or the starting of work until five days after the determination of the general prevailing rates of per diem wages pursuant to this section.

Upon the filing of any such petition, notice thereof shall be set forth in the next and all subsequent publications by the awarding body of the call for bids. No other notice need be given to bidders by the awarding body by publication or otherwise. The determination of the director shall be included in the contract.

Labor Code section 1773.5:

(a) The Director of Industrial Relations may establish rules and regulations for the purpose of carrying out this chapter, including, but not limited to, the responsibilities and duties of awarding bodies under this chapter.

(b) When a request is made to the director for a determination of whether a specific project or type of work awarded or undertaken by a political subdivision is a public work, he or she shall make that determination within 60 days receipt of the last notice of support or opposition from any interested party relating to that project or type of work that was not unreasonably delayed, as determined by the director. If the director deems that the complexity of the request requires additional time to make that determination, the director may have up to an additional 60 days if he or she certifies in writing to the requestor, and any interested party, the reasons for the extension. If the requestor is not a political subdivision, the requester shall, within 15 days of the request, serve a copy of the request upon the political subdivision, in which event the political subdivision shall, within 30 days of its receipt, advise the director of its position regarding the request. For projects or types of work that are otherwise private development projects receiving public funds, as specified in subdivision (b) of Section 1720, the director shall determine whether a specific project or type of work is a public work within 120 days of receipt of the last notice of support or opposition relating to that project or type of work from any interested party that was not unreasonably delayed, as determined by the director.

(c) If an administrative appeal of the director's determination is made, it shall be made within 30 days of the date of the determination. The director shall issue a determination on the administrative appeal within 120 days after receipt of the last notice of support or opposition relating to that appeal from any interested party that was not unreasonably delayed, as determined by the director. The director may have up to an additional 60 days if he or she certifies in writing to the party requesting the appeal the reason for the extension.

(d) The director shall have quasi-legislative authority to determine coverage of projects or types of work under the prevailing wage laws of this chapter. A final determination on any administrative appeal is subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure. These determinations, and any determinations relating to the general prevailing rate of per diem wages and the general prevailing rate for holiday, shift rate, and overtime work, shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

4. If subject to SB 854, FORA staff would continue to monitor prevailing wage compliance on former Fort Ord. How would FORA staff access online prevailing wage compliance information in the future?

Answer: For all projects awarded on or after April 1, 2015, contractors are required to directly enter their certified payroll data directly to the DIR online CPR or to upload their data using an xml upload. Today, all certified payroll records are available on our website at <https://efiling.dir.ca.gov/eCPR/pages/search>. The records today are fully redacted and do not provide the public with the employee's name, address and social security number. All other CPR data is available.

Awarding bodies will be required to provide DIR notice of its public works project in our PWC 100 at <https://www.dir.ca.gov/pwc100ext/LoginPage.aspx>. Labor Code section 1773.3 states:

(a) (1) An awarding agency shall provide notice to the Department of Industrial Relations of any public works contract subject to the requirements of this chapter, **within five days of the award.**

(2) The notice shall be transmitted electronically in a format specified by the department and shall include the name of the contractor, any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

(c) In lieu of responding to any specific request for contract award information, the department may make the information provided by awarding bodies pursuant to this section available for public review on its Internet Web site. **[Emphasis added]**

An awarding body is defined in the Labor Code under section 1722, which states:

"Awarding body" or "body awarding the contract" means department, board, authority, officer or agent awarding a contract for public work.

Awarding bodies should have language within its bid and/or contract documents the specific Labor requiring the contractor to be registered pursuant to Labor Code section 1771.1(a), as well as, the following Labor Code sections: 1720, 1771, 1772-1776 and 1810-1815. In addition, the contractor should be advised apprenticeship laws apply if the project is over \$30,000 pursuant to Labor Code section 1777.5.

Please note, contractors can only provide DIR certified payroll data if the awarding body has provided DIR notice of the project using our PWC 100 online notification. The PWC 100 will generate a unique DIR project ID number, which the contractor can use to submit certified payroll data.

Fort Ord Prevailing Wage Policy Options

Attachment B to Item 8b
FORA Board Meeting, 1/8/16

Description	Option A	Option B	Option C
Summary	FORA compliance with mix of 1 FORA staff and consultant monitors as needed	FORA compliance through staff monitors	Status Quo compliance provided by individual jurisdictions
FORA Master Resolution Amendment	Yes	Yes	Yes
Estimated Cost	80 hours week compliance software \$250,000 per FY.	Assuming 2 FTE compliance software: \$350,000 /per year.	Varies by jurisdiction
Estimated Schedule	Selection period Estimated 2 months.	Selection period Estimated 4 months.	Unknown
Estimated Duration	5 years if jurisdictions assume after 06/30/20	5 years if jurisdictions assume after 06/30/20	5 years or more; May change after 06/30/2020
Flexibility with changing development cycles	Flexibility could be addressed in contract	Hiring additional personnel when needed will be challenging	
Long-term obligations	FORA responsibility ends on 06/30/2020	Any retiree benefits will be addressed in FORA dissolution plan	

RESOLUTION NO. 15-__

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY
AMENDMENT TO MASTER RESOLUTION SECTION 3.03.090 (b)(c) PREVAILING WAGE
AND REGISTRATION REQUIREMENT WITH DEPARTMENT OF INDUSTRIAL
RELATIONS**

WHEREAS, the Fort Ord Reuse Authority (“FORA”) adopted Ordinance No. 95-01 establishing a Procurement Code requiring prevailing wages to be paid to all workers employed on FORA’s construction contracts; and,

WHEREAS, the Fort Ord Reuse Authority Master Resolution (“MR”) was adopted originally by Ordinance No. 97-01 to establish the “governing code” by which FORA’s operation of its powers and authority would be deployed in the Monterey Bay Region’s recovery from Fort Ord closure; and,

WHEREAS, the Fort Ord Reuse Authority has adopted an amendment to the Master Resolution requiring the payment of Prevailing wage on former Fort Ord projects; and,

WHEREAS, the FORA Board of Directors (“Board”), at its January 8, 2016 meeting, authorized the inclusion of a requirement that all contractors and subcontractors on the former Fort Ord register with the California Department of Industrial Relations (DIR) as specified by the California Labor Code 1725.5; and,

WHEREAS, the FORA Board, at its January 8, 2016 meeting, authorized FORA to take responsibility for monitoring and enforcement of the FORA prevailing wage policy previously delegated to individual jurisdictions; and,

WHEREAS, the FORA Board intends this requirement to take effect from and after adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Fort Ord Reuse Authority hereby adopts the amendments to its Master Resolution 3.03.090 adding amendments (a)(b)(c)(d) requiring registration with the California Department of Industrial Relations for:

(a) All contractors performing “First Generation Construction” must be registered and in good standing with the California Department of Industrial Relations (DIR) as defined in California Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a).

(b) Evidence of compliance with this Master Resolution provision and any specific or additional enforcement action must be submitted to the Fort Ord Reuse Authority when any land use decision is submitted for Base Reuse Plan consistency concurrence/determination.

(c) Member agencies must include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to

give notice of and assure compliance with the policy set forth above in subsections 3.03.090(a) and (b).

(d) FORA staff will monitor and determine compliance by member agencies with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.

ADOPTED this ____ th day of January, 2016 by the Fort Ord Reuse Authority by the following roll call votes listed by name:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

Michael A. Houlemard, Jr.,
Executive Officer

Frank O'Connell, FORA Board Chair

Placeholder for Item 8c

**Regional Urban Design Guidelines Consider Special
Meeting**

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Water Augmentation Project Planning – Memorandum of Understanding

Meeting Date: January 8, 2016

Agenda Number: 8d

INFORMATION/ACTION

RECOMMENDATION(S):

Receive a report on the status of the Water Augmentation planning process.

BACKGROUND/DISCUSSION:

At its November 2, 2015 Special meeting, the FORA Board adopted a resolution to authorize FORA participation in a Tripartite Planning Process (TPP). On December 11, 2016 the Board unanimously approved a Memorandum of Agreement (MOA) wherein, Marina Coast Water District (MCWD) agreed to participate in a TPP.

The Purpose of the TPP is to endorse in principle, and fund, a short term planning process designed to provide detailed analysis building on the prior Regional Urban Water Augmentation Plan (RUWAP) studies leading to an 'all of the above' approach to solving Water Augmentation for the Fort Ord Community. See **Attachment A** for the goals listed in the December Board Report.

The Action plan for the TPP is to:

- 1) Secure an MOU between the parties clearly defining the TPP's scope.
- 2) Assess the most cost efficient mix of water augmentation options/alternatives.
- 3) Analyze a "Pipeline financing agreement" between FORA MCWD and Monterey Regional Water Pollution Control Agency (MRWPCA).
- 4) Re-asses the RUWAP with data from the planning study.
- 5) Develop Water Augmentation Plan refinements building on RUWAP accomplishments.
- 6) Determine a mitigation allocation strategy to be presented to the Board.

FORA staff has met with MCWD on XXXX and MRWPCA on XXXX and is working towards an agreement on the scope of a Memorandum of Understanding outlining the overarching planning process. The three agencies will meet, and coordinate with, the respective Executives and Authority Counsels in late January. Staff expects to present an MOU for Board review and approval by February with subsequent approvals of various components of the planning process to follow. In parallel action, Staff is working with MCWD and MRWPCA to develop a mutually agreed upon scope for the water augmentation options/ alternatives study.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved annual budget.

COORDINATION:

Authority Counsel, MCWD, MRWPCA

Prepared by _____
Peter Said

Approved by _____
Michael A. Houlemard, Jr.

BUSINESS ITEMS

Subject:	Water Augmentation Project Planning Process	
Meeting Date:	December 11, 2015	INFORMATION/ACTION
Agenda Number:	8c	

RECOMMENDATION(S):

Receive a report on the status of the Water Augmentation planning process.

BACKGROUND/DISCUSSION:

At its November 2, 2015 Special meeting, the FORA Board adopted a resolution to authorize FORA participation in three-party planning.

The Purpose of the Three Party Planning Process (TPPP) is to endorse in principle, and fund, a short term planning process designed to provide detailed analysis building on the prior Regional Urban Water Augmentation Plan (RUWAP) studies leading to an 'all of the above' approach to solving Water Augmentation for the Fort Ord Community. The goals are to:

- Analyze a "Pipeline financing agreement" between FORA, MCWD and MRWPCA identifying phasing and financing obligations of the parties and are identified, agreed upon, and specific board approval.
- Explore the most cost and technically efficient mix of water augmentation options/alternatives.
- Emphasize solutions that lower the cost burden for ratepayers and end users such as economies of scale.
- Staff to provide scope of services for Board Review, for each element of the program. Components of the planning process include, but are not limited to: Alternatives Analysis, economic and feasibility study, overall work plan & budget, revised CEQA process. Each Board would approve any agreements that emerge from the planning process on each scope.
- Identify top level milestones for the long term elements of the program starting with an Alternatives Analysis
- Provide first year contribution to the planning process with MCWD and MRWPCA not to exceed \$157,000 for fiscal year 2015/2016. Costs of the individual components of the planning process will be refined and revised as needed.
- Discuss how FORA mitigation dollars may, or in part, be applied to various elements of the Water Augmentation planning process (Subject to specific Board approval).

FORA staff, working with the parties, has identified a need for establishing a prioritized list of available alternative water resources, and to develop an alternative water sources work plan that will carry the parties from concept to development. Staff is working with MCWD and MWRPCA to draft an Alternatives Analysis Scope of Work Regarding Water Augmentation Planning which will be forwarded to the Board for review when complete.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Economic Development Quarterly Status Update	
Meeting Date: January 8, 2016	INFORMATION
Agenda Number: 8e	

RECOMMENDATION(S):

Receive Economic Development (ED) Progress Report.

BACKGROUND/DISCUSSION:

During its March 13, 2015 meeting the Board authorized staff to hire an Economic Development Coordinator. Following a successful recruitment process, Josh Metz was appointed as Economic Development Coordinator, and made an initial Board presentation at the July meeting. An ED update followed in a September Board report.

FORA's initial ED strategy, outlined during the ED Coordinator recruitment and again at the September 2015 Board meeting, includes the following key components:

- Build on Regional Economic Strengths.
- Engage Internal & External Stakeholders.
- Develop and Maintain Information Resources.
- Pursue New Business Opportunities.
- Engage with Regional/Partner Efforts.
- Report Success Metrics.

Since September, Mr. Metz has continued to actively engage a wide variety of stakeholders including FORA jurisdictions, Monterey County Economic Development Department, California State University Monterey Bay (CSUMB) and University of California Santa Cruz, and regional business and financial interests. He has also participated in regional economic development strategic planning processes, represented FORA to internal and external groups and worked with member jurisdictions to energize development projects. Mr. Metz worked with the Executive Officer to refine input and best practices into the following key initiatives:

- **Planning Collaboration;** CSUMB-Seaside.
 - **UCMBEST;** Repackage, permitting, marketing, re-launch.
 - **Workforce/Funding;** White House Tech Hire Grant.
 - **Innovation/Entrepreneurship;** CSUMB Start-up Challenge.
 - **Marketing;** Information Curation, Fort Ord Opportunity Days.
 - **Policy;** Affordable housing research.
-
- **Planning Collaboration:** FORA plays a unique role as a stakeholder convener on Monterey Bay regional issues. Mr. Metz has taken an active role in convening relevant stakeholders with the goal of resolving inter-jurisdictional planning challenges. To date these efforts have facilitated the advancement of previously stalled projects and strengthened mutual understanding and collaboration. These efforts are ongoing and are a core value proposition.

- **UCMBEST:** The vision for UCMBEST as a regional R&D tech innovation and regional employment center has yet to be realized. Even after 21 years of UC ownership only a small fraction of new venture and employment opportunities exist on the lands conveyed for that purpose. FORA has a critical interest in seeing progress made on the UCMBEST vision. To that end Mr. Houlemard and Mr. Metz have taken active roles in convening relevant stakeholders to infuse the effort with new energy and craft a viable route forward. Advancing existing planning efforts to conclusion and entitlement for future sale, lease or other transfer, as well as exploring a wide range of future ownership/management structures are key areas of staff/stakeholder focus. Mr. Houlemard, Past Chair Jerry Edelen, and Assistant Executive Officer Steve Endsley met with UC Santa Cruz representatives on 12/22/2015 to explore options.
- **Workforce: Tech Hire Grant:** Regional workforce development grant targeting middle to high skilled tech related jobs. Two tier agtech focus – industrial manufacturing and IT. Instrumental in convening a grant development team with key regional partners; MBEP, Hartnell, CSUMB, Industry, Digital Nest.
- **CSUMB Start-up Challenge:** Supporting the growth and establishment of regional entrepreneurship through support of the CSUMB Institute for Innovation and Entrepreneurship – Start-up Challenge. This multi-day competitive pitch event works to cultivate entrepreneurship skills and identify promising strat-up concepts.
- **Fort Ord Opportunity Days:** Cultivating/attracting quality developer options to achieve BRP vision. Partner with regional stakeholders to host a series of development/business opportunity information forums.
- **Success Metrics/Information Analytics:** Clear success metrics will provide the framework to evaluate economic development progress. The 2015 FORA Jobs Survey indicates there are a total of 3541 Full-time Equivalent (FTE), 722 Part-time Jobs, and 7122 Students on the former Fort Ord. Also tracking social media / website metrics.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Funding for staff time and ED program activities is included in the approved FORA budget.

COORDINATION:

Administrative and Executive Committees

Prepared by _____ Approved by _____
 Josh Metz Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Oak Woodland Conservation – Request for Proposals (RFP)

Meeting Date: January 8, 2016

Agenda Number: 8f

ACTION

RECOMMENDATION:

Authorize the Fort Ord Reuse Authority (FORA) Executive Officer to issue a Request for Proposals (RFP) for professional consultant services to complete a Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Conservation Area Management and Monitoring Plan as described in the specific Base Reuse Plan (BRP) Oak Woodlands Policies and Programs.

BACKGROUND/DISCUSSION:

The BRP requires that Seaside and the County implement an oak woodlands conservation program. Seaside and the County are to respectively designate, manage and monitor conservation of oak woodlands within their jurisdictional property (identified polygons). In addition, they are to coordinate this effort with neighboring jurisdictions (**Attachment A** and **Attachment B**).

At its December 14, 2012 meeting, the FORA Board adopted the BRP Reassessment Report. The BRP Reassessment Report noted that Seaside and the County had yet to complete Category III oak woodlands policies and programs. Subsequently, FORA Board assigned FORA staff to work with jurisdiction staff to identify and propose a strategy to assist jurisdictions with completion of Category III items.

In October 2014, FORA staff prepared an Administrative Draft RFP to assist Seaside and the County in the oak woodland conservation process. On May 8, 2015, the FORA Board adopted FY 15/16 annual budget that included a line item to address oak woodland conservation. In June 2015, FORA staff received a request by the California Department of Veterans Affairs to assist their effort to meet oak woodland mitigation measures for the California Central Coast Veterans Cemetery site.

At the November 13, 2015 FORA Board meeting, FORA staff presented a Consent Agenda report that updated oak woodland conservation planning. A FORA Board majority voted not to receive the FORA staff information report; FORA Board members and the public raised concerns about the oak woodland conservation process.

FORA staff addressed these concerns by incorporating changes into the Administrative Draft RFP that was reviewed at the December 11, 2015 FORA Board meeting. At this meeting, the FORA Board passed a motion to receive the report and return to the January 8, 2016 meeting with a revised RFP to consider.

FORA staff has revised the Administrative Draft RFP and taken a second step by preparing a more detailed Scope of Services. FORA staff is recommending that the FORA Board authorize RFP release to solicit proposals to develop an oak woodland conservation and management area plan for Seaside and the County (**Attachment C**).

FISCAL IMPACT:

Reviewed by FORA Controller _____

Funding for Oak Woodland Conservation Planning and staff time are included in the approved annual budget.

COORDINATION:

CDVA, Seaside, County, Administrative, and Executive Committees.



Prepared by _____
Jonathan Brinkmann

Approved by _____
Michael A. Houlemard, Jr.

Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a. [Topic III-85]

Responsible Agency: Del Rey Oaks

Status – Del Rey Oaks: Deed restrictions require implementation and compliance with HMP habitat management requirements. MOA and HMP Implementing/Management Agreement with FORA also requires compliance with HMP requirements. To date, no development adjacent to habitat areas is approved.

Biological Resources Policy B-2: As site-specific development plans for a portion of the Reconfigured POM Annex Community (Polygon 20c) and the Community Park in the University Planning Area (Polygon 18) are formulated, the City shall coordinate with Monterey County, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south of the landfill polygon (8a) in the north.

Program B-2.1: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use these oak woodland environments. Management measures shall include, but not limited to maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control and non-native species eradication. Specific management measures should be coordinated through the CRMP. [Topic III-86]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated. Planning for Polygon 20c recently commenced with the City's processing of the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. [Topic III-87]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

Biological Resources Policy B-2: As site-specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1

Program B-2.1: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to maintenance of

Category III

Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a. [Topic III-85]

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Responsible Agency: Seaside

Status— Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

Biological Resources Policy B-2: As site-specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1

Program B-2.1: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to maintenance of

Category III

large, contiguous block of oak woodland habitat, access control, erosion control and non-native species eradication. Specific management measures should be coordinated through the CRMP. [Topic III-88]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA). Planning for this area is being conducted by the City of Seaside on behalf of Monterey County, as the City processes the application for the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. [Topic III-89]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA).

Biological Resources Policy C-2: The [jurisdiction] shall encourage the preservation and enhancement of oak woodland elements in the natural and built environments. Refer to Figure 4.4-1 for general location of oak woodlands in the former Fort Ord.

Program C-2.1: The City shall adopt an ordinance specifically addressing the preservation of oak trees. At a minimum, this ordinance shall include restrictions for the removal of oaks of a

certain size, requirements for obtaining permits for removing oaks of the size defined, and specifications for relocation or replacement of oaks removed. [Topic III-90]

Responsible Agency: Seaside

Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Program C-2.2: [Marina] **Program C-2.5** [Seaside] **Program C-2.4** [County] Where development incorporates oak woodland elements into the design, the [jurisdiction] shall provide the following standards for plantings that may occur under oak trees; 1) planting may occur within the dripline of mature trees, but only at a distance of five feet from the trunk and 2) plantings under and around oaks should be selected from the list of approved species compiled by the California Oaks Foundation (see Compatible Plants Under and Around Oaks). [Topic III-91]

Responsible Agencies: Marina, Seaside, County

Status – Marina: The City's tree ordinance, Chapter 17.51 of the municipal code, does not specifically address oak trees or oak woodland.

Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Status – Monterey County: The County's tree ordinance, Chapter 16.60 of the County code, restricts the removal of oak trees. Replacement planting standards are not included in the code.

Biological Resources Policy D-2: The [jurisdiction] shall encourage and participate in the preparation of educational materials through various media sources which describe the biological resources on the former Fort Ord, discuss the importance of the HMP and



Fort Ord Reuse Authority (FORA) Request for Proposals (RFP)

Professional Consultant Services – Completion of Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Area Management and Monitoring Plan

Critical Dates:

Proposals distributed: Wednesday, January 13, 2016
Pre-submittal meeting: FORA may elect to hold a pre-submittal meeting
Proposal submittals due: **Thursday, February 11, 2016 by 4:00 p.m., PST**
Consultant Interviews: Week of February 22-26, 2016

FORA Contact:

Ted Lopez, Associate Planner
920 2nd Avenue, Suite A
Marina, CA 93933
(831) 883-3672
(831) 883-3675 Fax
ted@fora.org

Table of Contents

(Pending)

DRAFT

Purpose

This Request for Proposals (RFP) invites professional consultant firms (Consultant) to submit a proposal to complete a Draft Oak Woodland Conservation Area Map (Draft Area Map) and Draft Oak Woodland Area Management and Monitoring Plan (Draft Management Plan) on the former Fort Ord property. The Draft Area Map and Draft Management Plan shall be in accordance with property owned by the City of Seaside (Seaside) and County of Monterey (County). Seaside and the County are respectively obligated to comply with Oak Woodland Policy B-2 and Programs B-2.1 and B-2.2, which is described in the Base Reuse Plan (BRP) Reassessment Report (Attachment ____)

In addition, Seaside and the County are to coordinate their oak woodland management efforts with the University of California, Monterey Bay Education, Science and Technology (UCMBEST), California State University Monterey Bay (CSUMB) and Monterey Peninsula College (MPC). At the recommendation of the Fort Ord Reuse Authority (FORA) Board, the City of Marina (Marina) and California Department of Veterans Affairs (CDVA) will also become part of the coordination team. Marina and CDVA may voluntarily engage and follow their own completed oak woodland conservation strategies with Seaside and the County to create a contiguous and seamless oak woodland area.

Although not mandated in the oak woodland policies and programs, FORA plans to conduct an extensive public participation process that is inclusive of community members and stakeholders.

The selected Consultant shall effectively and competently administer all activities discussed above. The final result shall be the completion of a Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Area Management and Monitoring Plan for implementation by the City of Seaside and the County of Monterey.

Background

The BRP underwent a comprehensive reassessment process that concluded in December 2012. The BRP Reassessment Report identified 5 categories of policy issues that required specific attention. Category III are items not yet completed. One of these items require the completion of oak woodland conservation by Seaside and the County.

Initially, Seaside and the County agreed to complete their own oak woodland conservation plans. Each jurisdiction owned parcels (i.e. polygons) that targeted oak woodland management (Attachment ____ Map affected Polygons). Over a period of time, jurisdictional land-swaps and proposed residential and commercial development caused a shift in parcels that required oak woodland management (Attachments __ and __ maps). A severe downturn in the local economy also exacerbated each jurisdiction's ability to complete their Category III policies and programs.

In 2014, FORA Board directed staff to assist Seaside and the County in the completion of their oak woodland conservation obligations. Subsequently, FORA convened a jurisdiction staff-level working group to coordinate oak woodland conservation strategies with Seaside and the County. In June 2015, the CDVA requested FORA assist in implementing oak woodland mitigation requirements for the veteran cemetery project.

In December 2015, FORA Board received a staff report regarding the preparation of an Administrative Draft Request for Proposals (RFP). FORA Board requested FORA staff to return to the January 8, 2016 meeting for Board authorization.

Context

FORA's mission is to prepare, adopt, finance, and implement a plan for the former Fort Ord, including land use, transportation systems, conservation of land/water, recreation and business operations. In order to meet these objectives, the BRP was adopted in 1997. FORA adopted the BRP as the official local regional plan to enhance and deliver promised economic recovery, while protecting designated natural resources.

DRAFT

Scope of Services

Task 1 – Background Data Collection and Context

The Consultant shall begin to collect all data and information resources from the City of Seaside (Seaside), County of Monterey (County), California Department of Veteran Services (CDVA), FORA and other identified sources.

The Fort Ord Reuse Authority (FORA) shall provide to the consultant all available data sources from the 1997 Fort Ord Reuse Plan, 1997 Fort Ord Reuse Plan Final Program Environmental Impact Report, 1997 Installation Wide Multispecies Habitat Management Plan, GIS data, and development project site specific information currently available.

The Consultant shall obtain and review the relevant background data through the lens of accomplishing 1997 Base Reuse Plan (BRP), Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 pertaining to the City of Seaside and County of Monterey.

The Consultant shall also acquire the services of a qualified biologist or arborist to research, quantify, review, and conduct an analysis to prepare a background / data context section to prepare an administrative Draft Oak Woodland Conservation Area Map (Draft Area Map) and Draft Oak Woodland Area Management and Monitoring Plan (Draft Management Plan)

Deliverables:

- The Consultant shall prepare an Administrative Draft Area Map and Draft Management Plan.

Task 2 –Public Participation Process

The Consultant shall develop and conduct an extensive public participation process.

The Consultant shall develop and conduct 1 community project initiation meeting. The main purpose is to solicit public comment regarding oak woodland conservation. FORA staff anticipates the meetings to generate lively discussion from a number of stakeholders.

The Consultant shall also develop and conduct 1 workshop and up to 2 open-house presentations to disclose its findings and present a Draft Area Map and Draft Management Plan.

The Consultant shall also acquire the services of a qualified biologist or arborist to participate in the community project initiation meeting, workshop meeting and open-house meetings. .

Deliverables:

- The Consultant is required to deliver up to 4 public presentation meetings.

Task 3 –Agency Presentation Process

The Consultant shall develop and conduct presentations to Seaside and the County. The Consultant shall also develop and conduct a presentation to the CDVA, at CDVA discretion.

The Consultant shall develop and conduct 2 presentations to Seaside. 1 shall be delivered to the City Council and 1 to a citizen advisory commission of their choosing.

The Consultant shall develop and conduct 2 presentations to the County. 1 shall be delivered to the Board of Supervisors and 1 shall be delivered to a citizen advisory commission of their choosing.

The Consultant shall also acquire the services of a qualified biologist or arborist to participate in the agency presentation process.

Deliverables:

- The Consultant is required to deliver Up to 5 agency presentation meetings.

Task 4 – Draft Oak Woodland Conservation Area Map

The Consultant shall complete an Administrative Draft Area Map. The Consultant shall use all resources collected in Task 1 and within the polygons identified in BRP Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 for Seaside and the County to complete an Administrative Draft Area Map.

The Consultant shall also coordinate oak woodland conservation planning with the City of Marina. This shall include the sharing of data, information and proposed strategies that result in a seamless process for oak management in Seaside and the County.

The Consultant shall incorporate all information collected from Task 2 into the preparation of an Administrative Draft Area Map.

The Consultant shall also acquire the services of a qualified biologist or arborist to prepare an Administrative Draft Area Map.

Deliverables:

- The Consultant is required to coordinate and conduct up to 4 meetings with entities described in Task 2.
- The Consultant is required to prepare an Administrative Draft Area Map.

The Consultant shall also coordinate oak woodlands conservation mitigation strategies with the CDVA veteran cemetery project. This shall include the sharing of data, information and proposed management strategies that result in a seamless process for oak woodlands conservation with Seaside and the County.

- The Consultant is required to conduct and coordinate up to 2 meetings with CDVA representatives.
- The Consultant is required to develop and present 2-3 options for CDVA to mitigate veteran cemetery oak woodland impacts.
- The Consultant is required to share an Administrative Draft Area Map, data, information and all proposed strategies with CDVA.

Task 5 – Draft Oak Woodland Management and Monitoring Plan

Using the final Oak Woodland Draft Area Map, and input from the public participation process, the Consultant will prepare a resource management and monitoring plan. The resource management and monitoring plan shall require the following:

- Maintenance of a large, contiguous block of oak woodland habitat,
- Access control,
- Erosion control, and
- Non-native species eradication.

The management plan will specify coordination of management measures with the Fort Ord Coordinated Resource Management Planning team (CRMP).

Monitoring measures shall require, but not be limited to, the following:

- Monitoring in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement, and
- Submission of annual monitoring reports to the CRMP

The Consultant shall receive feedback by Task 2 participants during coordination meetings as it develops the Administrative Draft Management Plan. The Consultant shall also include input, ideas and best practices identified by Task 1 participants to complete the Administrative Draft Management Plan. At the conclusion of the public participation process, the consultant shall present the Administrative Draft Management Plan and seek feedback on the Administrative Draft Management Plan from the Fort Ord CRMP.

Task 6: Draft Oak Woodland Area Management and Monitoring Plan

The Consultant shall make appropriate revisions to the Administrative Draft Management Plan and produce a Draft Management Plan to begin a formal public participation process.

The Consultant shall use this Draft Management Plan to continue conducting Task 2 and Task 3 activities. The Consultant shall make all necessary changes to the draft plan following Task 2 and Task 3 activities. This phase shall require, but not be limited to, the following:

Deliverables:

- The Consultant is required to develop and conduct up to 4 presentation meetings as determined by FORA staff.
- The Consultant shall conduct up to 2 open-house presentations as described in Task 2
- The Consultant shall conduct up to 5 presentations as described in Task 3.
- The Consultant shall deliver up to 2 presentations delivered to CDVA representatives.

Task 7: Final - Draft Oak Woodland Area Management and Monitoring Plan

The Consultant shall make appropriate revisions to the draft Management Plan and produce a Final - Draft Management Plan that shall comply with BRP Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 for Seaside and the County.

The Consultant shall also produce a version of the Final - Draft Management Plan specifically for use by the CDVA. The Consultant is required to produce the following:

Deliverables:

- City of Seaside Final - Draft Oak Woodland Area Management and Monitoring Plan.
- County of Monterey Final - Draft Oak Woodland Area Management and Monitoring Plan.
- California Department of Veteran Affairs, Veterans Cemetery, Mitigation and Strategy Report

Task 8: Mutual Responsibilities Related to Scope of Services

Close cooperation will be required between FORA staff, Seaside staff, County staff and Consultant. FORA's specific responsibilities are listed below:

- FORA staff will provide a project manager as a single point of contact.
- FORA staff, from a range of divisions, shall attend and participate in project meetings as appropriate.
- FORA staff will support the consultant's public engagement throughout the project and solicit the attendance of third parties whose participation FORA deems important.
- FORA will make every effort to ensure the attendance of elected officials, committee members, and stakeholders as appropriate at key meetings and presentations.
- FORA will provide appropriate meeting room(s) for any public engagement meetings, workshops, presentations, and studio workspace, including securing the space.
- Consultant shall provide FORA staff with monthly project status memorandums (1 page).

End of Scope of Work

Contents of Proposal

Submitted proposals must be structured to address the skills, experience, and abilities needed to complete the required CEQA process, as generally described in the attached Scope of Services. In your proposal (30 pages or less), FORA requires the following:

- How your consultant firm and / or team will complete the work.
- A project schedule / timeline to complete the work.
- A project cost estimate to complete the work.
- A list of team members and / or sub-consultants that will work on the project.
- Statement of Qualifications.
- Examples of relevant experience providing like services.
- Three recent client references.
- FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Proposal Submission Instructions

Eight (8) bound copies and one electronic CD copy on the proposal must be submitted, with all copies having been signed by the individual or, if a company, the company official with the power to bind the company in its proposal.

Questions regarding this RFP and FORA's specific submission requirements may be directed to Ted Lopez, Associate Planner. Mr. Lopez can be reached by telephone at (831) 883-3672, or by e-mail at ted@fora.org.

The Proposal is due no later than Thursday, February 11, 2016 by 4:00 p.m., PST to:

Ted Lopez, Associate Planner
Fort Ord Reuse Authority
920 2nd Ave.,
Suite A Marina,
CA 93933

Proposals received after the due deadline will not be considered.

RFP Submittal Evaluation Criteria

The RFP submittal will be evaluated on the following factors:

- Demonstrated ability to competently and efficiently complete process for complex land use issues and oak woodlands management and conservation policies.
- Demonstrated subject matter experience and knowledge in preparing or implementing forest management and monitoring plans or protocols.
- Merits of materials included in your proposal.
- Timelines and Cost Estimates as described in Contents of Proposal.
- FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Tentative Schedule

RFP distributed:	Wednesday, January 13, 2016
Pre-submittal meeting:	FORA reserves right to hold pre-submittal
meeting Proposal submittal due:	Thursday, February 11, 2016 by 4:00 pm
Consultant Interviews:	Week of February 22 – 26, 2016
Consultant Selection/Award:	March 2016
Contract Work Begins:	March / April 2016
Estimated Completion:	December 2016

Addenda

Any subsequent changes in the RFP from the date of issuance to the date of submittal, such as that which might result from input at the pre-proposal conference, will go into an addendum by FORA staff to those parties who have provided the proper notice of interest in responding to the RFP. We encourage all potential proposers to register their intent to submit by phone, mail or e-mail to make sure that they receive notice of addenda on a timely basis.

Equal Opportunity Program Requirements

FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Acceptance of Contract

Subsequent to the selection of the awarded consulting firm, the contents of the proposal shall become a contractual obligation if a contract ensues. Failure of a consultant to accept this obligation will result in the cancellation of the contract award.

Prime Consultant Responsibilities

The selected consultant will be required to assume responsibility for all services offered in their proposal. The selected consultant will be the sole point of contact with regards to contractual matters, including payment of any and all charges resulting from the contract.

Disclosure

As a general rule, all documents received by FORA are considered public records and will be made available for public inspection and copying upon request. If you consider any documents submitted with your response to be proprietary or otherwise confidential, please submit a written request for a determination of whether the documents can be withheld from public disclosure no later than ten days prior to the due date of your response. If you do not obtain a determination of confidentiality prior to the submittal deadline, any document(s) submitted will be subject to public disclosure.

Terms and Conditions

Issuance of the RFP does not commit FORA to award a contract, to pay any costs incurred in the preparation of a response to this request, or to procure a contract for services. All respondents should note that the execution of any contract pursuant to this RFP is dependent upon the approval of the FORA Board.

FORA reserves the right to retain all proposals for a period of sixty (60) days for examination and comparison. FORA also reserves the right to waive non-material irregularities in any proposal, to reject any or all proposals, to reject or delete one part of a proposal and accept the other, except to the extent that the proposals are qualified by specific limitations.

Once the consultant is selected and all scoping and financial negotiations are completed, the consultant will be asked to execute FORA's Standard Professional Services Agreement (**Attachment**) and return it to FORA with all necessary documentation including Certificates of Insurance. Once the Authority Counsel has reviewed and approved the signed agreement, a presentation will be scheduled for approval of the contract by the FORA Board, if appropriate.

All studies, reports, documents, and other materials prepared by or in possession of the consultant as part of work or services under the contract shall include electronic copies where possible and shall become the permanent property of FORA and shall be delivered to FORA upon demand.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Public Review Draft Habitat Conservation Plan (HCP) Preparation Status Report	
Meeting Date:	January 8, 2016	INFORMATION/ACTION
Agenda Number:	8g	

RECOMMENDATION(S):

- i. Authorize the Executive Officer to execute ICF International Contract Amendment #7 to complete Public Review Draft and Final HCP, not to exceed \$XX,XXX in additional funding (**Attachment A**).
- ii. Authorize the Executive Officer to execute Denise Duffy & Associates (DD&A) Contract Amendment #10 to complete Public Review Draft and Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), not to exceed \$XX,XXX in additional funding (**Attachment B**).

BACKGROUND/DISCUSSION:

FORA received comments on the Screencheck Administrative Draft HCP since March 2015 from future permittees, California Department of Fish and Wildlife (CDFW) representatives, and US Fish and Wildlife (USFWS) representatives. The USFWS solicitor is the only remaining reviewer yet to submit comments. The local USFWS representatives communicated our pressing need to receive solicitor comments immediately to proceed to the Public Review Draft HCP.

FORA received more extensive CDFW and USFWS comments than anticipated during the review period. To produce Public Review Draft and Final HCP documents, FORA staff is requesting Board authorization for ICF International Contract Amendment #7. FORA staff and counsel are assuming the following tasks to support completion: meeting coordination and HCP edits for: Chapter 7 Implementation, Chapter 9 Cost and Funding, Joint Powers Agreement, Implementing Agreement, cost model, and cost flow strategy.

Since August 2015, FORA received comments on the 2nd Administrative Draft EIS/EIR. For this document as well, the USFWS solicitor is the only remaining reviewer yet to submit comments. Since USFWS is Lead Agency for the EIS, FORA and DD&A must work with them to bring the EIS/EIR forward. FORA staff requests Board authorization for DD&A Contract Amendment #10 to complete Public Review Draft and Final EIS/EIR.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Funding for ICF Contract Amendment #7 and DD&A Contract Amendment #10 is included in the approved annual budget.

COORDINATION:

Authority Counsel, CDFW, USFWS, ICF, DD&A

Prepared by _____
Jonathan Brinkmann

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Item 8g

Attachments A & B to Staff Report

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Elect 2016 Board Officers

Meeting Date: January 8, 2016

Agenda Number: 8h

ACTION

RECOMMENDATION:

1. Receive a report from the 2016 Nominating Committee.
2. Approve the Nominating Committee's proposed slate or conduct elections for individual offices, as follows:
 - i. Elect two voting members of the Fort Ord Reuse Authority (FORA) Board to serve as Board Chair and Vice-Chair and FORA Executive Committee members for a term of one year.
 - ii. Elect two voting members of the FORA Board to serve as members-at-large on the FORA Executive Committee for a term of one year.
 - iii. Elect a past Board Chair to serve on the Executive Committee for a term of one year.
 - iv. Elect one ex-officio Board member to serve as a non-voting member of the Executive Committee for a term of one year.

BACKGROUND/DISCUSSION:

The FORA Master Resolution states that the two Board officers shall be elected annually at the end of the first regular Board meeting in January. The Board officers serve for a term of one year and may be reelected for no more than one consecutive, additional term in the same office. Under that policy, the current Board officers are eligible for reelection to their current positions. The Master Resolution also establishes a Board policy of succession from 1st Vice Chair to Chair. The Board may appoint other officers as deemed necessary. The 2016 Nominating Committee met on December 30, 2015 and their summary nomination is attached hereto (**Attachment A**).

VOTING PROCEDURE: A summary nomination covering all offices is offered by the Nominating Committee Chair or any Board member before voting for the individual offices commences. In the absence of a summary nomination, the Chair will accept nominations for each office, starting with the Chair, and conduct an election as noted in **Attachment B**. A majority of votes cast confirms election.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved FORA budget.

COORDINATION

Nominating Committee and Executive Committee

Prepared by _____
Maria Buell

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Item 8h

Attachment A to Staff Report

This item will be included in the final Board packet.

FORA VOTING PROCEDURES

Election of Officers

1. The Chair opens the election by requesting that the Nominating Committee Chair present the Committee's proposed slate.
2. The Board may elect the Chair, Vice-Chair, Past Chair, and the two "at-large" Executive Committee Members by a summary nomination, wherein a motion to fill all five positions is made (typically by the Nominating Committee Chair) seconded, and carries with majority support.
3. If there is no summary nomination or if the summary nomination fails to receive majority approval, the Chair will request nominations from the floor. The Chair will receive all nominations for a given position and allow nominees to make a short statement before ordering a roll-call vote. Voting results are announced by the Deputy Clerk. The Executive Officer, as designated FORA Elections Official, will verify and confirm the election.
4. Each nomination must pass with majority Board approval before the next position is considered. The order of the election shall be the Chair, Vice-Chair, Past Chair, at-large positions.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: January 8, 2015

Agenda Number: 10a

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for December 2015.

BACKGROUND/DISCUSSION:

FORA Late Fee policy requires receivables older than 90 days be reported to the Board.

City of Marina (Marina)/Preston Park:

On September 15, 2015, Marina purchased FORA's 50% interest in Preston Park for \$35 million. As a result of the sale, FORA conveyed ownership of the property to Marina and paid from its share of the net sales proceeds the \$18 million loan secured by Preston Park which was used to fund capital projects and building removal activities on the former Fort Ord. With the remaining sales proceeds, FORA paid for attorney's fees owed to Rabobank, set aside \$2.08 million to environmental mitigations owed by developer fees from the project, and set aside funds to pay for building removal and other FORA obligations per the approved FORA budget.

- ❖ **Residual Actions:** Final accounting of operations income and expenses (as of the closing date) and final reconciliation for distribution to FORA and Marina has been completed. FORA received \$127,251 on December 18. The final reconciling payment was reviewed and approved by both the City of Marina and FORA staff.

FISCAL IMPACT:

Positive. FORA collects land sale revenue, retires debt, and allocates funds to obligations and projects per approved FY 15-16 budget.

COORDINATION:

Executive Committee

Prepared by _____
Ivana Bednarik

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Item 10b

Habitat Conservation Plan Update

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee

Meeting Date: January 8, 2016

Agenda Number: 10c

INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on December 2, 2015. The approved minutes will be included in the final Board packet.

FISCAL IMPACT:

Reviewed by the FORA Controller _____

Staff time for the Administrative Committee is included in the approved annual budget.

COORDINATION:

Administrative Committee

Prepared by _____ Approved by _____
Maria Buell Michael A. Houlemard, Jr.

Placeholder for Item 10d

Finance Committee

This item will be included in the final Board packet.

Placeholder for Item 10e

Post Reassessment Advisory Committee

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Regional Urban Design Guidelines Task Force

Meeting Date: January 8, 2016

Agenda Number: 10f

INFORMATION

RECOMMENDATION(S):

Receive Regional Urban Design Guidelines (RUDG) Task Force (Task Force) Update.

BACKGROUND/DISCUSSION:

The Task Force met at 9:30am Wednesday, December 16, 2015 to review RUDG Administrative drafts incorporating Base Reuse Plan (BRP) direction, existing jurisdiction policies and plans, and community input. Members reviewed revisions to the Administrative DRAFT RUDG in response to Board comments from the November 2nd, Special Board Meeting/RUDG Workshop, Task Force members input from the November 3 meeting, written jurisdictional submittals, and public comments obtained during the November 2nd open house.

Recognizing key progress since the Board Workshop and public open house, members made additional recommendations for refinements including:

- Adding a Prologue to set forth/discuss background and policy context.
- Additional economic impact section strengthening to include regional context and value/benefit of quality design.
- Strengthening "opportunity sites" definition and refining how "centers" are represented.
- Overall map revisions away from color to greater reliance on symbols.
- Expanding Policy Application language to address unique site constraints.

Staff will continue working with the consultant team to bring a revised Administrative DRAFT RUDG for Task Force review at its January meeting.

Approved November 3, 2015 minutes are attached (**Attachment A**).

The next RUDG Task Force meeting is scheduled for 9:30 am Wednesday, January 20, 2016.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved FORA budget.

COORDINATION:

Administrative Committee and Dover, Kohl & Partners

Prepared by _____
Josh Metz

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Item 10g

FORA 2016 Elections Report

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Travel Report

Meeting Date: January 8, 2016

Agenda Number: 10h

INFORMATION

RECOMMENDATION(S):

Receive a travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

Per the FORA Travel Policy, the Executive Officer (EO) submits travel requests to the Executive Committee on FORA Board/staff travel. The Committee reviews and approves requests for EO, Authority Counsel and board members travel; the EO approves staff travel requests. Travel information is reported to the Board.

UPCOMING TRAVEL

Destination: Washington, DC

Date: TBD (January/February, 2016)

Traveler/s: TBD (Executive Officer, Authority Counsel and Board members)

A number of issues are developing pertaining the Base Realignment Closures (BRAC) and its impact on the Environmental Services Cooperative Agreement, the Habitat Conservation Plan, and Land Use Conservation. Staff is still working to determine the most beneficial timing for this trip, given recent developments in each of these subject areas.

Though dates and attendance have not yet been finalized, staff currently seeks Executive Committee travel authorization for the Executive Officer and up to two Board members. Expenses would also include flight, hotel accommodations and meals. Staff will compile airfare and hotel estimates for Committee information/approval and will present this information at the next meeting.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Travel expenses are paid/reimbursed according to the FORA Travel policy.

COORDINATION:

Executive Committee

Prepared by _____ Approved by _____
Maria Buell Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Public Correspondence to the Board

Meeting Date: January 8, 2016

Agenda Number: 10i

INFORMATION

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at <http://www.fora.org/board.html>

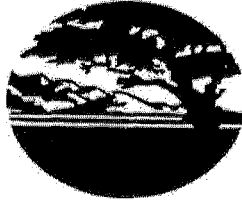
Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

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DRAFT

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BOARD PACKET**



Fort Ord Reuse Authority 2016 LEGISLATIVE AGENDA

The purpose of this report is to outline 2016 Fort Ord Reuse Authority (FORA) legislative tasks. The FORA 2016 Report 's Legislative Agenda defines Board policy, sets legislative, regulatory or federal/state resource allocation positions, and supports the 1997 Base Reuse Plan's (BRP) defined programs and the 2012 BRP Reassessment report's for replacing the former Fort Ord military regional economic contributions with comparable level civilian activity/programs. The Legislative Agenda is meant to assist state and federal agencies/legislative offices regarding property transfer, economic development, environmental remediation, habitat management/conservation, and infrastructure and mitigation funding. The order in which the tasks are presented herein does not imply rank or priority. Each item is considered a "priority" in achieving FORA's objectives.

A. HABITAT CONSERVATION PLAN (HCP). Continue/enhance ongoing coordination with federal and state legislative representatives to secure approval of the HCP.

Issue:

HCP approval remains critical to former Fort Ord reuse. Alternatives to a base wide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

Benefits:

HCP approval is essential to protecting habitat and to effectively develop jobs and housing.

Challenges:

Processing the HCP over the past fifteen years was difficult and costly. Insufficient federal/state agency resources and overlapping regulatory barriers have thwarted the HCP process.

Proposed Position:

- Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing.
- Coordinate with Department of Interior/ Bureau of Land Management (BLM), California Department of Fish and Wildlife (CDFW), the 20th Congressional District, the 17th State Senate District and the 29th State Assembly District to finalize a Memorandum Of Understanding between BLM and CDFW regarding habitat management on BLM's Fort Ord National Monument, a required milestone to completing the HCP.

B. NATIONAL MONUMENT. Assist in implementing the federal National Landscape Conservation System (Fort Ord National Monument) designation for the former Fort Ord Bureau of Land Management (BLM) Natural Resource Management Area through increased trail access, completion of munitions and explosives removal, and continued advancement of the Fort Ord Habitat Conservation Plan (HCP).

Issue:

HCP approval and implementation are essential to former Fort Ord reuse and will support the National Monument. Advancing access connects the National Monument to other Monterey Bay venues. State and national funding and further recognition are critical.

Benefits:

National attention to the unique flora, fauna, and recreational resources found on the Fort Ord National Monument supports Fort Ord Habitat Management Plan and HCP preservation efforts. The National Monument designation emphasizes the national significance of the BLM's former Fort Ord property to potential donors and other funding sources. As an advocate for the designation, FORA supports BLM's mission and former Fort Ord recreation/tourism, helping improve resource competitiveness.

Challenges:

Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission.

Proposed Position:

- Continue to support and work with the 20th Congressional District to introduce/sponsor funding for former Fort Ord conservation, trails, etc.

C. ECONOMIC RECOVERY SUPPORT. Support statewide and regional efforts to create local jurisdiction economic recovery base reuse financing.

Issue:

The loss of "redevelopment financing" and other refinancing tools to assist in implementing base closure recovery programs was a heavy blow to FORA's member jurisdictions. Jurisdictional funding has dropped and substitute financial tools to support economic reuse/recovery initiatives are needed.

Benefits:

Sufficient funding resources for the reuse and recovery from former Fort Ord closure and other military bases. Funding support for economic development programs, habitat management protection, building removal, or other infrastructure demands associated with the reuse programs.

Challenges:

1. Obtaining agreement to use tax or special district funds to create special financing districts to support, targeted economic recovery, affordable housing and/or infrastructure in the climate of limited resources.
2. State funding sources remain unclear.

Proposed Position:

Support legislation, activating local agency processes for economic development.

- Support establishment of Military Base Reuse "Recovery Zones."
- Support legislation for incentive based mechanisms to strengthen jurisdictions ability to implement base closure recovery programs.

D. VETERANS CEMETERY. Continue support for the California Central Coast Veterans Cemetery (CCCVC) development on the former Fort Ord.

Issue:

Burial space for California Central Coast veterans is inadequate. The former Fort Ord is both ideally suited and centrally located. A site was set aside/designated in 1990s for a veterans cemetery and the FORA Board of Directors supported through multiple previous actions the establishment of the California Central Coast Veterans Cemetery (CCCVC). In 2011, the Legislature amended Military and Veterans Code section 1450.1 directing California Department of Veteran Affairs (CDVA), in cooperation with the City of Seaside, County of Monterey, FORA, and surrounding local agencies, to design, develop, and construct the Veterans Cemetery on the former Fort Ord. In January 2013, the FORA Board authorized transfer of the land designated for the CCCVC to CDVA. In August, CDVA submitted an application to the U.S. Department of Veteran Affairs (DVA) for approximately \$6.8 million in grant funding to establish the CCCVC. Senator Bill Monning authored legislation reducing the approximate \$2.6 million funding gap between the federal grant and estimated project costs by \$1 million dollars. Additional State funding efforts reduced the funding gap by another \$1 million. The David and Lucile Packard Foundation provided a \$350,000 loan and \$150,000 in grant funding. Local fundraising efforts produced the remaining portion, allowing State to accept the U.S. Department of Veterans Affairs (USDVA) grant funding on October 15, 2013. The federal funds were disbursed to State on September 2014, and construction began in early 2015. Current funding supports CCCVC design, planning, and environmental review and incorporate above ground columbaria, administration and maintenance buildings, a committal shelter, minimal landscaping, and all necessary infrastructure for initial operation. Future expansion requires additional design, planning, and review and includes in-ground gravesites and additional columbaria, as well as other potential ancillary uses.

Benefits:

The CCCVC offers final resting places for the region's 50,000 (approx.) veterans.

Challenges:

Completion of the cemetery construction will require significant coordination between FORA, the CCCVC Foundation, California Department of General Services (DGS), California Department of Veterans Affairs, US Dept. Of Veterans Affairs, the City of Seaside, the County of Monterey, and other state/federal agencies.

Proposed Position:

- Support DGS and CDVA construction efforts.
- Support efforts to sustain priority standing for the CCCVC with CDVA and USDVA.
- Promote continued vigilance and cooperation among the regulatory agencies.
- Coordinate with federal agencies, the City of Seaside, the County of Monterey, the 20th Congressional District, the 17th State Senate District, and the 29th State Assembly District to sustain efforts to generate federal funding and/or status for future CCCVC expansion.

E. AUGMENTED WATER SUPPLY. Work with local and regional agencies to secure State and Federal funding to augment FORA's water supply capital needs.

Issue:

The FORA Capital Improvement Program includes approximately \$24M to fund a Regional Water Augmentation necessary to implement the Base Reuse Plan. Securing outside funds to assist this requirement could help the timely implementation of recycled water and/or desalination water facilities and smooth out upfront costs of infrastructure.

Benefits:

Development projected under the Base Reuse Plan depends on an augmented water supply. Additional grant funding could reduce FORA and Marina Coast Water District (MCWD) cost to secure water resources and reduce the required hefty capital charges.

Challenges:

Scarce funding and competing water projects throughout the region and state. No current federal/state program exists for this funding.

Proposed Position:

- Continue to work with MCWD to ensure that they fulfill their contractual obligation to FORA for water resource augmentation.
- Support and coordinate efforts with MCWD, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, other agencies, and FORA jurisdictions to secure funding and/or support other funding mechanisms proposed for this purpose.
- Coordinate potential water bond funding for Monterey Bay region and FORA augmentation needs.

F. TRANSPORTATION IMPROVEMENTS. Work with Transportation Agency for Monterey County (TAMC) and local jurisdictions to secure transportation funds.

Issue:

The FORA Capital Improvement Program requires capital and monetary mitigations of approximately \$121 million for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion. Roadway infrastructure proximate to the former Fort Ord impacts traffic mitigation measures on the former Fort Ord.

Benefits:

The timely installation of required on-site, off-site, and regional roadway improvements supports mitigating development impacts and maintaining and improving levels of service vital to the regional economy.

Challenges:

Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements. Remaining federal and state programs offering grants or low cost resources are dwindling and increasingly competitive. An adopted HCP is an application requirement for most federal and state transportation grant programs.

- Support and coordinate with TAMC, FORA jurisdictions, and others for state infrastructure bonds, federal authorization or other grant/loan/low cost resources.
- Restart efforts to request amendment to Monterey County Local Coastal Plan (LCP) for safety improvements to Moss Landing/Castroville section of Highway 1.
- Advocate for approved regional improvements to maintain traffic flow and funding for transit improvements and active transportation.
- Continue/enhance ongoing coordination with congressional and state legislative representatives to secure HCP approval.

G. PUBLIC SAFETY OFFICER TRAINING. Work with County of Monterey to assist Monterey Peninsula College (MPC) obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

Issue:

FORA/County agreed to assist MPC in securing program funds in 2003.

Benefits:

The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts and will enhance public safety training at the regional and state levels. Adequate funding is critical.

Challenges:

Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted. MPC has yet to accept the property for the former Fort Ord projects.

Proposed Position:

- Pursue legislative or other actions to support MPC efforts to secure funding sources.

H. LEGISLATIVE COOPERATION. Coordinate efforts with other Monterey Bay agency legislative issues.

Issue:

Monterey-Salinas Transit, Transportation Agency for Monterey County, and the County of Monterey have adopted legislative programs, some of which will have Fort Ord reuse impacts.

Benefits:

Collaborative funding efforts by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.

Challenges:

State and federal funding is limited and competition for available funds will be keen.

Proposed Position:

- Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

I. ASSURING LONG TERM STEWARDSHIP OF MUNITIONS CLEANUP AREAS. Coordinate with Federal, State and local agencies on post-cleanup stewardship of munitions and explosives ordnance issues/areas.

Issue:

FORA sunsets in June 30, 2020. There will be significant post FORA property management and post-remediation issues that will need to be managed. Those issues require resources, coordination and cooperation which are still being defined.

Benefits:

Collaborative resources efforts by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering.

Challenges:

State and federal funding resources are limited. Federal and State agencies have not funded long term stewardship. In addition local jurisdictions have limited funding for long-term stewardship.

Proposed Position:

- Seek federal and state cooperation to assure responsiveness and long-term stewardship for munitions response areas.

J. LEGISLATIVE COORDINATION REGARDING FORA TRANSITION ISSUES

Issue:

FORA's sunset in 2020 calls for coordination of many items. Specifically a report to State Legislature must be filed in 2018. Working with local agencies such as LAFCO is crucial. Coordination will be beneficial /essential in traversing the long list of issues and reporting requirements.

Benefits:

Collaborative efforts will assure effective transition prior to the 2020 sunset.

Challenges:

State law requirements contractual obligations, and inter-agency agreements will require intensive and unavoidable legislative multi-agency negotiations.

Proposed Position:

- Coordinate and seek support from State Legislature (17th State Senate District and 29th State Assembly District) to assure post-FORA funding for jurisdictions and reuse obligations.

K. PREVAILING WAGE COORDINATION

Coordinate with 17th and 12th State Senate Districts and 27th State Assembly District to clarify the implementation of the FORA Prevailing Wage Policy and the enforcement provisions of SB-854 with the State Department of Industrial Relations.

Issue:

Ongoing confusion continues with various interpretations of how the FORA Prevailing Wage Policy interfaces with the registration, reporting and enforcement provisions of SB-854.

Benefits

FORA has a \$180 million dollar in Capital Improvement Program with a Prevailing Wage Policy. FORA provides statewide monitoring of prevailing wages and has authority to sanction violators.

Challenges:

SB 854 is in the first year of implementation and there is little experience within DIR of working Base Reuse Programs.

Proposed Position:

Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews, compliance, enforcement and coordinated decisions.