



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE

Wednesday, March 1, 2017 at 8:30 a.m.

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

AGENDA

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

2. PLEDGE OF ALLEGIANCE

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Committee action. Whenever possible, written correspondence should be submitted to the Committee in advance of the meeting, to provide adequate time for its consideration.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. February 15, 2017 Meeting Minutes

6. MARCH 10, 2017 BOARD MEETING AGENDA REVIEW

INFORMATION/ACTION

7. BUSINESS ITEMS

INFORMATION

Business items are for Committee discussion, debate, direction to staff, and/or action. Comments from the public are not to exceed 3 minutes or as otherwise determined by the Chair.

- a. Capital Improvement Program (CIP)
 - i. Transportation Priority Ranking
 - ii. FY 2017-2018 CIP Schedule

**INFORMATION/ACTION
INFORMATION**

- b. Sustainability Groundwater

INFORMATION/ACTION

- c. 2017 FORA Fee Reallocation Study Update

INFORMATION

- d. Local Preference Policy

INFORMATION/ACTION

- e. Jobs Survey

INFORMATION

8. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Committee members as it pertains to future agenda items.

9. ADJOURNMENT

NEXT MEETING: WEDNESDAY, MARCH 15, 2017

Persons seeking disability related accommodations should contact the Deputy Clerk at (831) 883-3672 48 hours prior to the meeting. Agenda materials are available on the FORA website at www.fora.org.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, February 15, 2017 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair, City Manager Craig Malin called the meeting to order at 8:31 a.m.

The following members were present:

AR = After Roll Call; * = voting member

Brian McMinn* (City of Marina)
Craig Malin* (City of Seaside)
Nick Nichols* (Monterey County)
Anya Spear (CSUMB)
Steve Matarazzo (UCMBEST)
Lisa Rheinheimer (MST)

Mike Zeller (TAMC)
Bill Collins (BRAC)
Lisa Rheinheimer (MST)
Michelle Overmeyer (MST)
Vicki Nakamura (MPC)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Malin.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Malin asked the Committee and public for any acknowledgements, announcements and correspondence. It was announced that Michelle Overmeyer, Grants Analyst would be the representative for Monterey-Salinas Transit. Also, Assistant Executive Officer, Steve Endsley provided an announcement about the Economic Development job survey on behalf of Josh Metz, Economic Development Manager.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

Anya Spear, CSUMB, advised the Committee and public that the University's draft Master Plan was released earlier in the week with a 30 day public review period before the CEQA process begins.

Bill Collins, BRAC Office, advised the Committee and public about the guided bus tour of Fort Ord on Saturday, February 25, 2017. There will be an Open House between 9:30 a.m. and 1:15 p.m., and two bus tours that depart at 10:00 a.m and 11:45 a.m.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. February 1, 2017 Regular Meeting Minutes

MOTION: On motion by Committee member Nichols and second by Committee member McMinn and carried by the following vote, the Administrative Committee moved to approve the regular meeting minutes for February 1, 2017.

MOTION PASSED UNANIMOUSLY

6. February 10, 2017 FORA BOARD MEETING FOLLOW-UP REVIEW

Jonathan Brinkmann, Principal Planner, provided an overview of the discussion and action taken at the February 10, 2017 Board meeting. There were no verbal comments from the public.

7. BUSINESS ITEMS

INFORMATION

- a. Capital Improvement Program (CIP)
- i. Development Forecasts Requests
 - ii. Transportation Priority Ranking Survey
 - iii. FY 2017-2018 CIP Schedule

Jonathan Brinkmann, Principal Planner, reviewed the Capital Improvement Program items. The fiscal year (FY) 2016-2017 through post-FORA development forecasts were reviewed by the following categories: new residential, existing/replacement residential and non-residential. The forecast were adjusted to comply with the Base Reuse Plan and the restrictions it has set in place for items such as number of being replaced.

Public comment was received on the item and staff answered questions from the public and the Committee.

MOTION: On motion by Committee member McMinn and second by Committee member Nichols and carried by the following vote, the Administrative Committee moved to confirm the development forecast.

MOTION PASSED UNANIMOUSLY

Peter Said, Project Manager, reviewed the transportation priority ranking survey that was sent to the Administrative Committee. Staff responded to questions and concerns brought up by the Committee members. Staff collected the concerns to re-vamp the method in which the information from the survey is collected.

- b. Groundwater Sustainability

Mr. Said provided background and an overview of the dispute Marina Coast Water District (MCWD) and the County of Monterey. The basis of the dispute

is due to overlapping areas for Notice of Intent claims that have been filed for the Monterey Sub-Basin (former Fort Ord). Since the State of California may recover its fees for intervening and managing a disputed area, staff recommends that FORA and its members advocate resolution of the GSA dispute before the deadline of June 30, 2017.

8. ITEMS FROM MEMBERS

There were no items from Committee members.

9. ADJOURNMENT at 9:34 a.m.

DRAFT

FY 2016/17 Evidence Based Method for Priority Ranking - DRAFT

Priority Order Set by Rank			Weight Set by Survey of Administrative Committee																	
Priority	Score	Improvement - Description	No.	Criteria	Survey Number							Average	Weight							
					#1	#2	#3	#4	#5	#6	#7									
1	14.43	FO13B - Eastside Parkway	1	Necessary to mitigate reuse plan	5	2	5	4	5	5	4	4.3	0.9							
2	16.09	FO14 - S. Boundary Road Upgrade	2	Environmental / Design is complete	4	3	4	2	4	4	2	3.3	0.7							
4	16.03	2B - Davis Rd. S of Blanco	3	Can be completed prior to FORA's 2020 transition	3	1	3	2	3	3	2	2.4	0.5							
3	14.51	T3 - Purchase/Replace Transit	4	Uses FORA CIP funding as matching funds to leverage grant dollars	4	1	4	5	4	4	5	3.9	0.8							
6	13.34	FO12 - Eucalyptus Rd	5	Can be coordinated with other agencies projects	4	3	3	4	4	3	4	3.6	0.7							
7	13.34	FO7 - Gigling	6	Further inter-jurisdictional equity	5	4	3	5	5	3	5	4.3	0.9							
8	11.94	FO6 - Intergarrison	7	Supports jurisdictions "flagship" project	5	4	3	3	5	3	3	3.7	0.7							
9	11.60	R3 - Hwy 1- Seaside/Sand City	8	Project links to jurisdictional development programs	5	2	3	4	5	3	4	3.7	0.7							
10	11.40	FO5 - 8th Street	** Criteria Scoring Survey's are not shown due to size. Survey's are available upon request.																	
11	10.80	R11 - Hwy 156 Freeway Upgrade																		
12	10.60	T22 - Inter-modal Centers																		
13	10.06	FO9D - General Jim to 218																		
14	9.89	4D - Widen Reservation to Watkins Gate																		
15	9.89	4E - Widen Reservation, Watkins to Davis																		
17	8.40	1 - Davis Rd. N. of Blanco																		
18	8.29	R10 - Monterey Rd. Interchange																		
19	8.17	FO11 - Salinas Ave																		
20	8.17	FO2 - Abrams																		
5	14.57	R12 - Hwy 68 Operational Improvements																		
16	9.49	8 - Extend Crescent Ave to Abrams																		

Improvement Ranking Data																					
	Criteria	R3 - Hwy 1- Seaside/Sand City	R10 - Monterey Rd. Interchange	R11 - Hwy 156 Freeway Upgrade	R12 - Hwy 68 Operational Improvements	1 - Davis Rd. N. of Blanco	2B - Davis Rd. S of Blanco	4D - Widen Reservation to Watkins Gate	4E - Widen Reservation, Watkins to Davis	8 - Extend Crescent Ave to Abrams	FO2 - Abrams	FO5 - 8th Street	FO6 - Intergarrison	FO7 - Gigling	FO9D - General Jim to 218	FO11 - Salinas Ave	FO12 - Eucalyptus Rd	FO13B - Eastside Parkway	FO14 - S. Boundary Road Upgrade	T3 - Purchase/Replace Transit	T22 - Inter-modal Centers
	Ranking (Sum of Criteria Scores)	11.60	8.29	10.80	14.57	8.40	16.03	9.89	9.89	9.49	8.17	11.40	11.94	13.34	10.06	8.17	13.34	14.43	16.09	14.51	10.60
1	Necessary to mitigate reuse plan	1.71	1.71	1.71	2.57	2.57	1.71	1.71	1.71	1.71	1.71	1.71	1.71	1.71	1.71	1.71	1.71	1.71	2.57	1.71	1.71
2	Environmental / Design is complete	0.66	0.66	0.66	3.29	0.66	3.29	0.66	0.66	0.66	0.66	0.66	0.66	1.31	1.97	0.66	3.29	0.66	1.31	1.97	0.66
3	Can be completed prior to FORA's 2020 transition	0.49	0.49	0.49	2.43	0.49	0.97	0.49	0.49	2.43	0.49	0.49	0.97	0.97	0.97	0.49	1.46	0.49	0.49	1.46	0.49
4	Uses FORA CIP funding as matching funds to leverage grant dollars	0.77	0.77	2.31	0.77	0.77	3.09	0.77	0.77	0.77	0.77	1.54	0.77	0.77	0.77	0.77	0.77	0.77	1.54	1.54	0.77
5	Can be coordinated with other agencies projects	0.71	0.71	0.71	0.71	0.71	1.43	0.71	0.71	0.71	0.71	1.43	1.43	1.43	1.43	0.71	1.43	1.43	1.43	1.43	1.43
6	Further inter-jurisdictional equity	4.29	1.71	3.43	2.57	1.71	2.57	2.57	2.57	1.71	0.86	2.57	3.43	3.43	1.71	0.86	1.71	3.43	4.29	3.43	2.57
7	Supports jurisdictions "flagship" project	1.49	0.74	0.74	1.49	0.74	1.49	1.49	1.49	0.74	0.74	1.49	0.74	1.49	0.74	0.74	2.23	2.23	1.49	2.23	1.49
8	Project links to jurisdictional development programs	1.49	1.49	0.74	0.74	0.74	1.49	1.49	1.49	0.74	2.23	2.23	2.23	2.23	0.74	2.23	0.74	3.71	2.97	0.74	1.49

Table 10

FY 2016/17 Evidence Based Method for Priority Ranking - DRAFT

Priority Order Set by Rank			
Priority	Score	Improvement - Description	
1	14.43	FO13B - Eastside Parkway	Board Set
2	16.09	FO14 - S. Boundary Road Upgrade	
4	16.03	2B - Davis Rd. S of Blanco	Priority by Rank
3	14.51	T3 - Purchase/Replace Transit	
6	13.34	FO12 - Eucalyptus Rd	
7	13.34	FO7 - Gigling	
8	11.94	FO6 - Intergarrison	
9	11.60	R3 - Hwy 1- Seaside/Sand City	
10	11.40	FO5 - 8th Street	
11	10.80	R11 - Hwy 156 Freeway Upgrade	
12	10.60	T22 - Inter-modal Centers	
13	10.06	FO9D - General Jim to 218	
14	9.89	4D - Widen Reservation to Watkins Gate	
15	9.89	4E - Widen Reservation, Watkins to Davis	
17	8.40	1 - Davis Rd. N. of Blanco	
18	8.29	R10 - Monterey Rd. Interchange	
19	8.17	FO11 - Salinas Ave	
20	8.17	FO2 - Abrams	
5	14.57	R12 - Hwy 68 Operational Improvements	
16	9.49	8 - Extend Crescent Ave to Abrams	

Jurisdictional Development Forecasts / Community Facilities District (CFD) Revenues

NOV	16	1st Call for forecasts and Present Land Sales Forecast method
NOV	30	2nd Call
DEC	14	3rd Call
JAN	4	4th Call
JAN	18	5th Call
JAN	20	Deadline
FEB	1	Review & Adjust Development Forecasts w/ Admin Committee
FEB	15	Confirm Development Forecasts with Admin Committee

Transport/Transit Priority Ranking

FEB	1	1st Call to complete Survey
FEB	15	2nd Call
FEB	24	Deadline
MAR	1	Review and Adjust Ranking with Admin Committee

Capital Improvement Program (CIP) - Elements

MAR	1	Review CIP Process and Table 1
MAR	15	Set Table 2 (10 year Plan)
MAR	29	Review & Adjust CIP Elements

FY 17-18 CIP

APR	12	Review Admin. Draft CIP
MAY	3	Review Draft CIP Recommend Draft CIP for Board adoption
MAY	12	Board Consideration



FORT ORD REUSE AUTHORITY

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

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

MEMORANDUM

TO: Administrative Committee
FROM: Peter Said, Project Manager
RE: Item 7b – Groundwater Sustainability
DATE: February 15, 2017

BACKGROUND:

In the fall of 2014, the California legislature adopted, and the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (SGMA) that initially became effective on January 1, 2015, and have been amended from time-to-time thereafter. The stated purpose of the SGMA, as set forth in California Water Code section 10720.1, is to provide for the sustainable management of groundwater basins, to enhance local management of groundwater to the greatest extent feasible, and to provide local groundwater agencies with the authority, and technical and financial assistance necessary to manage groundwater sustainably.

The SGMA requires the designation of Groundwater Sustainability Agencies (GSAs) to achieve groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans (GSPs) or alternative plans, for all medium and high priority basins/sub-basins as designated by the California Department of Water Resources. The Salinas Valley Groundwater Basin (Basin) is a high priority basin, and the 180/400 foot aquifer sub-basin is designated in critical overdraft. The SGMA also requires that basins and sub-basins have a designated GSA by no later than June 30, 2017, and high or medium priority basins in critical overdraft have an adopted GSP by no later than January 31, 2020.

California Water Code section 10720.1 states that the intent of the SGMA is to enhance local management of groundwater consistent with the rights to use and store groundwater and Section 2 of Article X of the California Constitution. The SGMA authorizes a combination of local agencies to form a GSA by entering into a joint powers agreement as authorized by the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 of the California Government Code).

In 2015, the Monterey County Farm Bureau (MCFB), the Growers-Shippers Association (GS Assoc.), and Salinas Valley Water Coalition (SVWC), along with the County of Monterey, the City of Salinas, and the Monterey County Water Resources Agency, retained the Consensus Building Institute (CBI) to facilitate a collaborative working group (CWG) to build consensus amongst key stakeholders eligible to be GSAs in the Salinas Valley Basin concerning the formation of a governance for a single, Salinas Valley GSA.

DISCUSSION:

The Seaside Basin court adjudication split the Monterey Sub-Basin along hydrological lines, placing the Seaside sub-basin under the authority of the Superior Court and the Seaside Basin Water Master. This functionally split the former Fort Ord into two sub-basins (The Seaside and Monterey sub-basins). FORA is eligible to be the GSA over the Monterey sub-basin as it has land-use authority over the majority of the basin, and could elect to become the GSA for the sub-basin ensuring the 6,600 AFY of potable water being pumped is available to the US Army and the coastal land-use jurisdictions. MCWD is also eligible as a GSA pursuant to Water Code sections 10721(n) and 10723(a) and currently manages the groundwater sustainability of the sub-basin as the Army and FORA's water purveyor, in addition to its own district boundaries. Staff does not recommend that FORA pursue being recognized as a GSA because of FORA's legislated dissolution on June 30, 2020.

In September 2016, MCWD submitted a Notice of Intent (NOI) to the state Department of Water Resources (DWR) to be the GSA over the area it currently manages, Marina service area (existing district boundary) and Ord Community service area (served by MCWD through contract with FORA).

On December 13th the City of Salinas and the County Board of Supervisors approved the formation of a new Joint Powers Authority (JPA) to be the Salinas Valley Basin GSA. The JPA would be governed by representatives from Cal Am, Monterey County Farm Bureau, the Growers-Shippers Association, and Salinas Valley Water Coalition, along with the County of Monterey, the City of Salinas, and the Monterey County Water Resources Agency. No Coastal cities are currently represented on the JPA Board.

On December 22nd, 2017, the Monterey County Supervisors adopted a resolution authorizing the transmission of an NOI to form a GSA over the Monterey sub-basin of the Salinas Valley basin to DWR, but not including the area within the existing jurisdictional boundaries of MCWD. The County of Monterey could later transfer the management of the sub-basin to the newly formed JPA.

The Monterey County analysis (Attachment A to the Dec. 22 Board Report) and recommendation is predicated on FORA's 2020 dissolution. Without a FORA transition plan to draw from, the County of Monterey's analysis assumes that the sub-basin will become unincorporated area.

ANALYSIS:

MCWD and the County of Monterey have each submitted NOI's to DWR to be GSA's over the Monterey sub-basin of the Salinas Valley basin. This creates a circumstance of service area overlap which must be resolved before a GSA can be recognized for the sub-basin.

If an entire basin is not covered by an exclusive GSA(s) by June 30, 2017, according to Water Code §10735.2(a), the State Board, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin, if a local agency or a collection of local agencies has not decided to become a GSA(s) and develop a GSP(s) for the entire basin – or if a local agency has not submitted an Alternative Plan for the entire basin. If multiple local agencies have decided to become GSAs in a basin, but those decisions have not taken effect due to unresolved service area overlap, then those disputed areas would be considered unmanaged areas for the purposes of groundwater extraction reporting, as no exclusive GSA(s) for the entire basin has been established. The local agencies involved in the GSA formation dispute

shall seek to reach agreement to allow prompt designation of a GSA, and the State Board could intervene if necessary.

The groundwater extraction reporting requirements for unmanaged areas of a basin will begin on July 1, 2017, and are described in Part 5.2 of Division 2 of the Water Code, commencing with §5200. The State Board's schedule of fees to recover costs associated with its intervention role is described in Water Code §1529.5. Water Code References: §1529.5, §5200 et seq., §10723 et seq., §10724

In essence, prompt resolution to the GSA formation dispute before June 30, 2017 would benefit local agencies and minimize state intervention. Staff recommends that FORA and its constituent members advocate resolution of the GSA dispute before June 30, 2017.

- START -

**DRAFT
BOARD PACKET**



FORT ORD REUSE AUTHORITY

REGULAR MEETING FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, March 10, 2017 at 2:00 p.m.

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

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON MARCH 9, 2017.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE *(If able, please stand)*

3. CLOSED SESSION

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

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

FORA is governed by 13 voting members as follows: (a) One member appointed by the City of Carmel; (b) One member appointed by the City of Del Rey Oaks; (c) Two members appointed by the City of Marina; (d) One member appointed by Sand City; (e) One member appointed by the City of Monterey; (f) One member appointed by the City of Pacific Grove; (g) One member appointed by the City of Salinas; (h) Two members appointed by the City of Seaside; and (i) Three members appointed by Monterey County. The Board includes 12 ex-officio non-voting members

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine items accompanied by staff recommendation. Background information has been provided to the FORA Board on all matters listed under the Consent Agenda. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion being made, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve January 26, 2017 Board Special Meeting Minutes
- b. Approve February 10, 2017 Board Meeting Minutes
- c. Administrative Committee
- d. Veterans Issues Advisory Committee
- e. Water/Wastewater Oversight Committee
- f. Habitat Conservation Plan Update
- g. Public Correspondence to the Board
- h. Executive Officer Travel Report

8. BUSINESS ITEMS

ACTION

Business items are for Board discussion, debate, direction to staff, and/or action. Comments from the public are not to exceed 3 minutes or as otherwise determined by the Chair.

- a. Fort Ord Reuse Authority Fiscal Year 2016-17 Mid-Year Budget
- b. Multi-Modal Corridor (MMC) Report
 - i. Approve Memorandum of Agreement to cooperate in integrating the new MMC alignment
 - ii. Approve Memorandum of Agreement to terminate the 2010 MMC Agreement
- c. Local Preference Policy: Amendment to Master Resolution

9. PUBLIC COMMENT PERIOD

INFORMATION

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 and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.

10. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

11. ADJOURNMENT

NEXT REGULAR BOARD MEETING: April 7, 2017

Placeholder for Item 7a

Draft February 10, 2017 Board Meeting Minutes

This attachment will be included in the final Board packet.

Placeholder for Item 7b

**Draft January 26, 2017 Board Special Meeting
Minutes**

This attachment will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee

Meeting Date: March 10, 2017

Agenda Number: 7c

INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on February 15, 2017. The minutes approved at this meeting are attached (**Attachment A**).

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 _____
Dominique L. Jones

Approved by _____
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, February 1, 2017 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Executive Officer, Michael Houlemard called the meeting to order at 8:32 a.m.

The following members were present:

AR = After Roll Call; * = voting member

Layne Long* (City of Marina)
Craig Malin* (City of Seaside)
Elizabeth Caraker* (City of Monterey)
Melanie Beretti* (Monterey County)
Anya Spear (CSUMB)

Steve Matarazzo (UCMBEST)
Lisa Rheinheimer (MST)
Mike Zeller (TAMC)
Vicki Nakamura (MPC)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Layne Long.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

There were no acknowledgements, announcements or correspondence from the Committee or public.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

There were no verbal comments received from the public.

5. APPROVAL OF MEETING MINUTES

ACTION

a. January 18, 2017 Regular Meeting Minutes

***MOTION:** On motion by Committee member Long and second by Committee member Nakamura and carried by the following vote, the Administrative Committee moved to approve the regular meeting minutes for January 18, 2017.*

MOTION PASSED UNANIMOUSLY

6. FEBRUARY 10, 2017 BOARD MEETING AGENDA REVIEW

Jonathan Brinkmann, Principal Planner provided an overview of the items on the agenda for the February 10, 2017 Board meeting.

There were no verbal comments from the public.

7. BUSINESS ITEMS

INFORMATION

- a. Capital Improvement Program (CIP)
 - i. Development Forecast Requests
 - ii. Caretaker Costs Reimbursement Policy
 - iii. FY 2017-2018 CIP Schedule

Mr. Brinkmann reviewed the Capital Improvement Program items and confirmed that all jurisdictional development forecast were submitted. Peter Said, Project Manager, distributed the FY 2017-2018 Development Forecast spreadsheet and reviewed its contents with the Committee and public. Staff responded to questions raised about the spreadsheet information. Mr. Said advised the Committee that they would receive an electronic copy of the spreadsheet accompanied by the Road Priority Ranking Survey. Mr. Houlemard thanked the jurisdictions for submitting their development forecasts.

Mr. Brinkmann advised the Committee that the cities of Del Rey Oaks, Marina, and Seaside provided their caretaker costs, and also provided information about further action being taken to secure additional funding. Mr. Brinkmann also reviewed the FY 2017-2018 CIP schedule.

Public comment was received on the items and staff responded to questions.

This item was information only.

- b. Transportation Agency of Monterey County (TAMC)/FORA Fee Reallocation Study

Mike Zeller, Principal Transportation Planner for the Transportation Agency of Monterey County reviewed the status of the reallocation study. Kimley-Horn & Associates are scheduled to provide a presentation to the Committee at the February 15, 2017 meeting.

8. ITEMS FROM MEMBERS

Mr. Houlemard announced that he would not be present at the February 15, 2017 Administrative Committee meeting. Mr. Long also indicated he may be absent at the next Administrative Committee meeting and would follow up with staff to confirm his attendance.

9. ADJOURNMENT at 9:26 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Veterans Issues Advisory Committee
Meeting Date:	March 10, 2017
Agenda Number:	7d
	INFORMATION/ACTION

RECOMMENDATION:

Receive an update from the Veterans Issues Advisory Committee (VIAC).

BACKGROUND/DISCUSSION:

The Veterans Issues Advisory Committee met on February 23, 2017. The minutes approved at this meeting are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

COORDINATION:

VIAC

Prepared by _____
 Dominique L. Jones

Approved by _____
 Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. January 26, 2017 | FORA Conference Room
920 2nd Avenue, Suite A., Marina CA 93933**

1. CALL TO ORDER

Chair, Mayor Jerry Edelen called the meeting to order at 3:00 P.M.

Committee Members:

James Bogan, Disabled American Vets

Colonel Lawrence Brown, Presidio of Monterey

Mayor Jerry Edelen, City of Del Rey Oaks (Chair)

Richard Garza, Central Coast Veterans Cemetery Foundation (CCVC Foundation)

Edith Johnsen, Veterans Families

Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee

Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)

2. PLEDGE OF ALLEGIANCE led by Edith Johnsen

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- The Four Chaplains memorial service on February 4, 2017 – annual event hosted by the American Legion. Fliers provided to the public & committee.
- Marina Foundation – upcoming event on February 20, 2017, 3rd annual Jack Stewart Golf Fundraising Tournament at the Pines Golf Course.

4. PUBLIC COMMENT PERIOD

There were no verbal comments from the public

5. APPROVAL OF MEETING MINUTES

- a. December 14, 2016 Regular Meeting Minutes

***MOTION:** On motion by Committee member Johnsen and second by Committee member Bogan and carried by the following vote, the VIAC moved to approve the December 14, 2016 meeting minutes.*

MOTION: PASSED UNANIMOUSLY

6. BUSINESS ITEMS

a. California Central Coast Veterans Cemetery (CCCVC) Status Report

- i. Cemetery Administrator's Status Report
Daria Maher, Cemetery Administrator informed the Committee that the Cemetery had its 200th burial, an advisory committee has been formed and first meeting will be held on February 8, 2017 at 4 P.M. Also, the Army will soon install permanent signs.
- ii. Veterans Cemetery Land Use Status
Update provided by Principal Analyst, Robert Norris
 - The Monument Village Specific Plan has been rescinded and the endowment parcel is back in the Seaside General Plan which is slated to be parks and open space. Any future development will require a developer to propose for a specific use and project. The value of the parcel would be based on its current zoning as open space.
 - Cemetery MOU – the funding from the endowment parcel would have to flow through an approved MOU document by the County – and the County will have to weigh in on the composition. County plans to appoint a representative to the Cemetery Advisory Committee which also leads into other land use considerations. It has also been noted that any funds would have to go through a government account for auditing and tracking purposes. The State would be in charge of preparing the “go-forward” plan for the cemetery and would be reviewed at the office of the State Architect.
 - Mitigation – Identified the specific size and location mitigation for the cemetery.

b. Fundraising Status

- i. CCVCF Status Report
Rich Garza – announcement of working with the American Legion Riders on the cross-country ride, and efforts are focused on getting national news media coverage. Recruitment for a grant writer is in progress so that contributions can be sought after now that the 501(c)(3) designation has been assigned.

J. Fagan also provided information regarding collaboration with organizations to gain funds. Candy Ingram provided information about the process and time it takes to construct a grant, status of the foundation website, and made a request to have the policies that apply to the Veteran's cemetery be collated into a binder and made available at the cemetery or FORA offices. Ms. Maher advised the policies were available on the CCCVC section of the website.

Mr. Norris reported that the Hero's Open Golf Tournament fundraiser has taken place for 7 years, and that \$25,000 was contributed last year.

c. VA/DoD Veterans Clinic Status Report

- i. Historic Flag Pole Variance Update
- ii. Operational Schedule

Mr. Norris provided the Committee and the public with a printed article from the U.S.

Department of Veterans Affairs website that indicated the clinic construction would be delayed until spring 2017, and the opening is now slated for the summer of 2017. It was also reported that an engineer visited the historic flag pole site to obtain measurements and gather data for an assessment.

d. Veterans Transition Center (VTC) Housing Construction

Mr. Fagan reported that the City of Monterey is funding the "Monterey Quad" and that construction is ahead of schedule. The Monterey Planning Commission met on January 24, 2017 and the project was moved ahead without objection, including a request for additional funds to improve those units. Also, \$500,000 was received from the Home Depot foundation for 2-3 additional duplexes. Permission was also granted for the remaining homes on Hayes Circle to be remodeled in the same form as those in the "Monterey Quad" project.

Selection of the Executive Director for the VTC is expected to be announced soon.

e. Historical Preservation Project

The project is still in search of grants for funding.

7. ITEMS FROM MEMBERS

Hero's Open is planned for October 29, 2017; the Golf Tournament Committee will be meeting in March, one hour prior to the next scheduled VIAC meeting.

Mr. Bogan suggested a thank you letter be sent to the cities and County for what has been accomplished in 2016, with a friendly reminder of what still needs to be completed in 2017 and beyond.

VTC has offered Martinez Hall as the site for a VIAC meeting to be held, to serve as an opportunity for the community to see the improvements made.

It was also reported that a \$30,000 award was provided, and a 2017 Ford transit van was ordered that will provide transportation to the VA hospital in Palo Alto for veterans.

8. ADJOURNMENT at 3:53 P.M.

NEXT SCHEDULED MEETING: February 23, 2017

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Water/Wastewater Oversight Committee

Meeting Date: March 10, 2017

Agenda Number: 7e

INFORMATION/ACTION

RECOMMENDATION:

Receive an update from the Water/Wastewater Oversight Committee (WWOC).

BACKGROUND/DISCUSSION:

The WWOC met on February 22, 2017. The agenda included review of the 2016-2017 Second Quarter Report, review of the Fiscal Year (FY) 2017-2018 draft budget and the FY 2017-2018 draft 5 year Capital Improvement Program. The minutes approved at this meeting are provided as (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

COORDINATION:

WWOC, Marina Coast Water District

Prepared by _____
Peter Said

Approved by _____
Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
WATER/WASTEWATER OVERSIGHT COMMITTEE
MEETING MINUTES**

920 2nd Avenue, Suite A, Marina CA 93933 | FORA Conference Room
9:30 a.m., Wednesday, December 14, 2016

1. CALL TO ORDER

Confirming quorum, Chair Rick Riedl called the meeting to order at 9:34 a.m. The following were present:

Committee Members:

Nick Nichols, Monterey County
Steve Matarazzo, University of California
Santa Cruz (UCSC)
Rick Riedl, City of Seaside
Mike Lerch, CSUMB
Brian McMinn, City of Marina

Patrick Breen, Marina Coast Water District
Bob Schaffer
Ken Nishi
Doug Yount

FORA Staff:

Jonathan Brinkmann
Peter Said
Ikuyo Yoneda-Lopez

Other Attendees:

Mike Wegley, Marina Coast Water District
Kelly Cadiente, Marina Coast Water District

2. PLEDGE OF ALLEGIANCE

Peter Said led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Peter Said of FORA announced that Marina Coast Water District is holding a meeting regarding its second Notice of Pending Recycled Water Availability to jurisdictions immediately following the Water/Wastewater Oversight Committee Meeting in the FORA office.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. November 16, 2016

MOTION: Committee member Steve Matarazzo moved, seconded by Nick Nichols, to approve the November 16, 2016 Water/Wastewater Oversight Committee (WWOC) minutes.

MOTION PASSED: UNANIMOUSLY.

6. BUSINESS ITEMS

a. Q1 Quarterly Report

As discussed to at the November 16, 2016 Water/Wastewater Oversight Committee meeting, Ms. Kelly Cadiente of Marina Coast Water District (MCWD) provided the committee with the revised Q4 Financial Activity report after year-to-date actuals for administrative expense and interest expense were collected. Ms. Cadiente also presented the Q1 Quarterly Report to the committee. Mr. Mike Wegley of MCWD provided the committee with the Capital Improvement Program updates. Mr. Said inquired about the status of the Marina-Ord Community inter-tie. Mr. Wegley agreed to provide an update in July 2017 after sufficient data is collected.

b. Review Budget Approval Calendar

Ms. Cadiente presented the updated Budget Approval Calendar.

c. Set 2017 Meeting Schedule

Mr. Said proposed to include April 26, 2017 and May 3, 2017 special meeting dates into the current 2017 approved meeting schedule.

MOTION: Committee member Nick Nichols moved to add the special meeting dates to the existing meeting schedule. Seconded by Committee member Mike Lerch.

MOTION PASSED UNANIMOUSLY.

7. ITEMS FROM MCWD

None.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT

Chair Riedl adjourned the meeting at 10:45 a.m.

NEXT MEETING: January 18, 2017

Placeholder for Item 7f

Habitat Conservation Plan Update

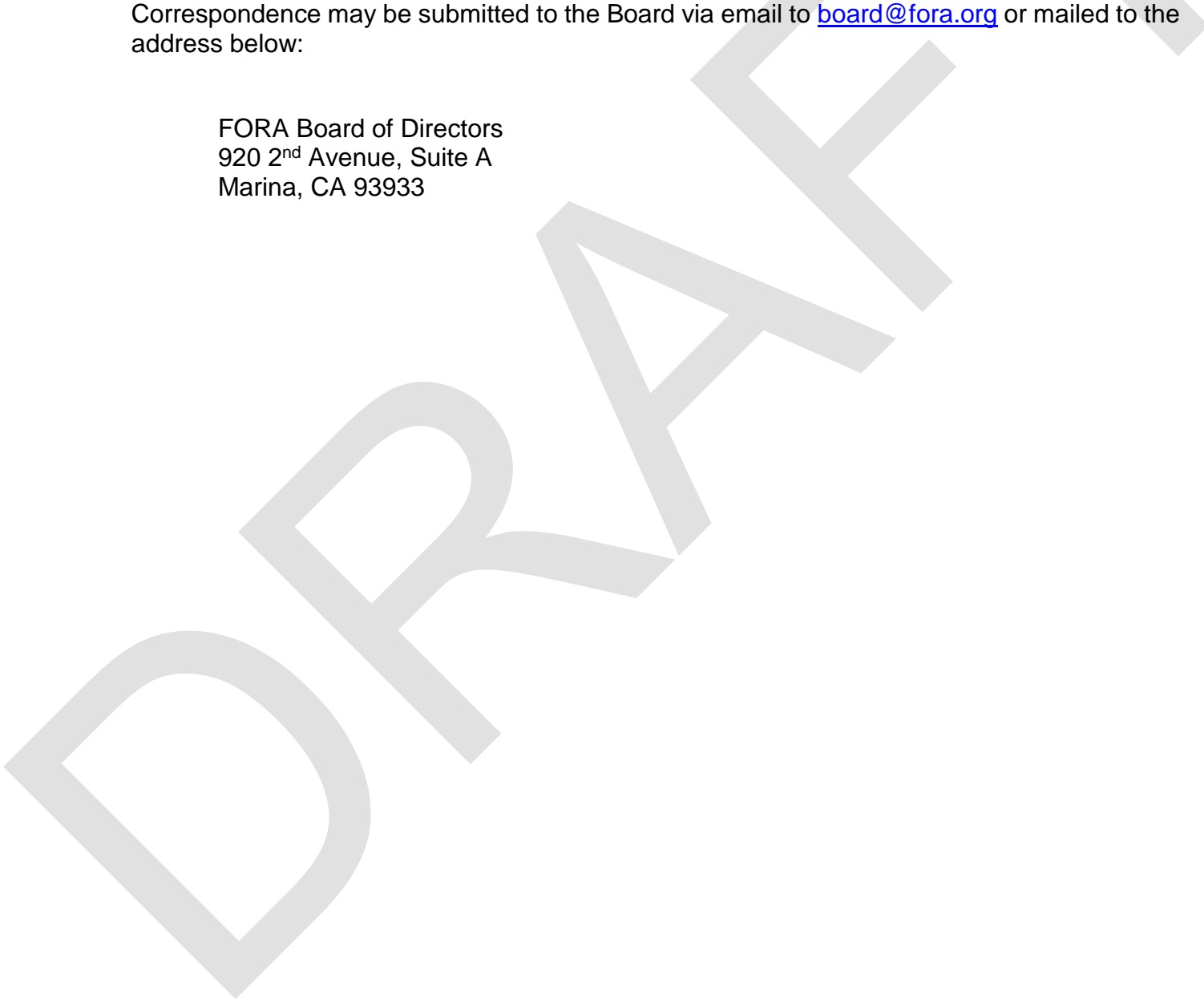
This attachment will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Public Correspondence to the Board
Meeting Date:	March 10, 2017
Agenda Number:	7f
	INFORMATION/ACTION

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:

FORA Board of Directors
 920 2nd Avenue, Suite A
 Marina, CA 93933



Placeholder for Item 7h

Executive Officer's Travel Report

This attachment will be included in the final Board packet.

Placeholder for Item 8A

Fiscal Year 2016-17 Mid-Year Budget

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Multi-Modal Corridor (MMC) Report

Meeting Date: March 10, 2017

Agenda Number: 8b

ACTION

RECOMMENDATION(S):

1. Approve Memorandum of Agreement regarding the MMC alignment (**Attachment A**).
2. Approve Memorandum of Agreement to terminate the 2010 MMC Agreement.

BACKGROUND/DISCUSSION:

The 1997 Fort Ord Base Reuse Plan (BRP) provided for a multi-modal corridor along Imjin Parkway to Blanco Road serving to-and-from the Salinas area to the TAMC/Monterey Salinas Transit (MST) inter-modal center planned at 8th Street and 1st Avenue in Marina. Long range planning for transit service resulted in an alternative Intergarrison/Reservation/Davis Roads corridor to increase habitat protection and fulfill transit service needs between the Salinas area and Peninsula cities and campuses.

FORA hosted a series of stakeholder meetings in 2006 to advance adjustments and refinements to the proposed multi-modal corridor plan line. Stakeholders included TAMC, MST, the Fort Ord Reuse Authority (FORA), City of Marina, Monterey County, California State University Monterey Bay (CSUMB), and the University of California Monterey Bay Education, Science and Technology Center (UCMBEST). The stakeholders entered in to a Memorandum of Agreement (MOA) outlining the new multi-modal alignment plan line in February 2010. Since all stakeholders had signed the MOA, the FORA Board designated the new alignment and rescinded the original alignment on December 10, 2010.

Since that time, several stakeholders, including CSUMB, requested that the alignment be re-evaluated. TAMC prepared the analysis, utilizing grant funds, local match, and a \$15,000 FORA contribution. After a series of stakeholder meetings and community workshops, TAMC determined a preferred multi-modal corridor route and a conceptual plan. TAMC approved the Marina-Salinas Multi-Modal Corridor Plan (Plan) and adopted Resolution 2015-15 (**Attachment C**) determining that the Plan is within the scope of the 2014 Monterey County Regional Transportation Plan's Environmental Impact Report certified by the Association of Monterey Bay Area Governments (AMBAG). The new Plan closely follows the 1997 Base Reuse Plan MMC alignment.

Through the Termination MOA (**Attachment B**), the Parties agree to terminate the Memorandum of Agreement dated November 2, 2010 (**Attachment D**), which included a modified alignment from the 1997 BRP alignment. The 2010 MMC alignment is shown on TAMC's MMC conceptual alignment plan (**Attachment E**), as "previous alignment considered."

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved FY 16-17 budget.

COORDINATION:

TAMC, Authority Counsel, Cities of Marina, Salinas, CSUMB, UC MBEST, Administrative and Executive Committees.

Prepared by _____ Reviewed by _____
Mary Israel Jonathan Brinkmann

Approved by _____
Michael A. Houlemard, Jr.

DRAFT

**MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, CITY OF SALINAS,
CALIFORNIA STATE UNIVERSITY MONTEREY BAY, UNIVERSITY OF
CALIFORNIA SANTA CRUZ, MONTEREY SALINAS TRANSIT DISTRICT,
TRANSPORTATION AGENCY FOR MONTEREY COUNTY, AND THE COUNTY OF
MONTEREY CONCERNING THE REALIGNMENT OF THE MULTI-MODAL
CORRIDOR TRANSIT ON THE FORMER FORT ORD**

THIS MEMORANDUM OF AGREEMENT (this “Agreement”) is made and signed on this _____ day of _____, 2016, by and among the FORT ORD REUSE AUTHORITY (“FORA”), the CITY OF MARINA (“MARINA”), the CITY OF SALINAS (“SALINAS”), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (“CSUMB”), UNIVERSITY OF CALIFORNIA SANTA CRUZ (“UCSC”), MONTEREY SALINAS TRANSIT DISTRICT (“MST”), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (“TAMC”), and the COUNTY OF MONTEREY (“COUNTY”) (with FORA, MARINA, SALINAS, CSUMB, UCSC, MST, TAMC, and COUNTY each being from time to time hereinafter referred to as a “Party,” and together being from time to time collectively hereinafter referred to as the “Parties”).

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the “BRP”). The BRP included the designation of a multi-modal transit corridor along the “Imjin Parkway/Blanco Road” corridor, as shown in Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the “Transit Corridor”). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the “Original Alignment”) of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the “2010 Alignment”) to the Transit Corridor, as shown in Exhibit 1B. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.
- E. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.

F. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan (the “Plan”) and adopted Resolution 2015-15 (a copy of which is attached as Exhibit 3), determining that the Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Agreement to Cooperate. The Parties agree to cooperate with each other to consider and integrate applicable provisions of the Plan in accordance with law and to incorporate the concepts and provisions of the Plan into their respective planning and design documents.
2. Engineering and Design. Each Party shall be responsible for its own engineering or design costs resulting from the integration of the Plan into its planning and design documents.
3. Agreement to Grant Right of Way Reservations/Easements. To the extent that land on which the Transit Corridor described in the Plan will be located is held by FORA, the Parties agree to permit the imposition of necessary easements and/or reservations of rights of way consistent with the Plan over such property by FORA in any conveyance.
4. Agreement to Release Conflicting Prior Right of Way Reservations and Easements. To the extent that right of way reservations or easements were placed on property previously conveyed but on which the Transit Corridor described in the Plan is no longer intended to be located, the Parties agree to take such action as is necessary and appropriate to release any easements or right of way reservations over such land which are not consistent with the alignment of the Transit Corridor as described in the Plan.
5. Costs. If any Party elects to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
6. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by all of the Parties.
7. Release and Mutual Indemnification. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party’s actions or inactions under this Agreement.
8. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
9. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the Parties concerning the subject matter hereof.

10. Interpretation. This Agreement has been arrived at through negotiation and that no Party is to be deemed the Party which prepared this Agreement within the meaning of Civil Code Section 1654.

11. Counterparts. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: _____

By: _____

Executive Officer
Michael A. Houlemard, Jr.

APPROVED AS TO FORM:

By: _____

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CITY OF SALINAS

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**AGREEMENT TERMINATING MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA
REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY
BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY,
MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY
COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE
MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this ____ day of _____, 2016, by and among the FORT ORD REUSE AUTHORITY (“FORA”), the CITY OF MARINA (“MARINA”), THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY (“MRA SUCCESSOR”), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (“CSUMB”), UNIVERSITY OF CALIFORNIA SANTA CRUZ (“UCSC”), GOLDEN GATE UNIVERSITY (“GGU”), MONTEREY SALINAS TRANSIT DISTRICT (as successor to Monterey-Salinas Transit and hereinafter referred to as “MST”), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (“TAMC”), THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (“AGENCY”) and the COUNTY OF MONTEREY (“COUNTY”) (with FORA, MARINA, MRA SUCCESSOR, CSUMB, UCSC, GGU, MST, TAMC, AGENCY and COUNTY each being from time to time hereinafter referred to as a “Party”, and together being from time to time collectively hereinafter referred to as the “Parties”).

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the “BRP”). The BRP included the designation of a multi-modal transit corridor along the “Imjin Parkway/Blanco Road” corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the “Transit Corridor”). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the “Original Alignment”) of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the “2010 Alignment”) to the Transit Corridor, as shown in Exhibit 1B. The Parties then entered into that Memorandum of Agreement dated November 2, 2010 (the “2010 Memorandum of Agreement”), a copy of which is attached hereto as Exhibit 1C.

E. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.

F. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.

G. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan and adopted Resolution 2015-15 (a copy of which is attached as Exhibit 3), determining that the Marina-Salinas Multi-Modal Corridor Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Termination of 2010 Memorandum of Agreement. The Parties hereby agree to terminate the 2010 Memorandum of Agreement, which shall hereafter be of no further force or effect.

2. Counterparts. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: _____

By: _____

Executive Officer
Michael A. Houlemard, Jr.

APPROVED AS TO FORM:

By: _____

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
OF THE COUNTY OF MONTEREY**

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____



**RESOLUTION 2015-15
OF THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**

**DETERMINING THAT THE MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN
IS WITHIN THE SCOPE OF THE
2014 MONTEREY COUNTY REGIONAL TRANSPORTATION PLAN
WHICH WAS ANALYZED BY THE ENVIRONMENTAL IMPACT REPORT
CERTIFIED BY THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS
AND CONSIDERED BY TAMC IN ADOPTING
RESOLUTION NO. 2014-10, AND ADOPTING THE
MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN**

WHEREAS, the Transportation Agency for Monterey County is the state-designated Regional Transportation Planning Agency (“RTPA”) for Monterey County; and

WHEREAS, on June 25, 2014, the Monterey County Regional Transportation Plan was approved by TAMC after review, consideration of, and adoption of findings for the program Environmental Impact Report (“EIR”) (SCH# 2013061052) for the 2035 MTP/SCS, certified by the Association of Monterey Bay Area Governments (“AMBAG”), which EIR incorporates the Monterey County RTP, in compliance with CEQA; and

WHEREAS, TAMC acknowledged in Resolution No. 2014-10 that implementation of the RTP would result in significant environmental impacts, as identified in the Final EIR; and

WHEREAS, CEQA Findings were prepared in compliance with Public Resources Code §§21081 and CEQA Guidelines Section §15091 for every significant impact of the 2014 Monterey County RTP identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097 to ensure implementation of the mitigation measures identified in the Final EIR; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan was specifically identified and analyzed in the EIR which was the subject of TAMC Resolution 2014-10, including the Plan’s associated roadway widening projects; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan acknowledges that further environmental review will be needed by the appropriate jurisdictions at the project-level to develop appropriate mitigation for individual projects.

NOW, THEREFORE, BE IT RESOLVED THAT: the Transportation Agency for Monterey County finds that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that the matters contained in the Marina-Salinas Multi-Modal Corridor Plan are within the scope of, and have already been analyzed in, the Final EIR for the 2035 MTP/SCS, certified by AMBAG and approved by TAMC on June 25, 2014; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that, pursuant to CEQA Guidelines § 15162, no new effects could occur and no new mitigation measures would be required by reason of the adoption of the Marina-Salinas Multi-Modal Corridor Plan; and

BE IT FURTHER RESOLVED THAT no new environmental documentation is required for adoption of the Marina-Salinas Multi-Modal Corridor Plan.

ACCORDINGLY, the Marina-Salinas Multi-Modal Corridor Plan is hereby adopted.

PASSED AND ADOPTED by the Transportation Agency for Monterey County, State of California this 24th day of June 2015, by the following vote:

AYES: F. Armenta, J. Burnett, T. Bodem, A. Chavez, K. Craig, J. Edelen, J. Huerta, R. Huitt, J. Mohammadi, M. Orozco, K. Markey, J. Phillips, R. Rubio, S. Salinas and E. Smith

NOES:

ABSENT: B. Delgado, and B. Hendrickson



KIMBLEY CRAIG, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST:


DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY



**MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA
REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY
BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY,
MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY
COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE
MULTI-MODAL TRANSIT CORRIDOR ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this 2nd day of November, 2010, by and among the FORT ORD REUSE AUTHORITY (hereinafter referred to as "FORA"), the CITY OF MARINA (hereinafter referred to as "CITY"), the MARINA REDEVELOPMENT AGENCY (hereinafter referred to as "MRA") CALIFORNIA STATE UNIVERSITY MONTEREY BAY (hereinafter referred to as "CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY (hereinafter referred to as "GGU"), MONTEREY SALINAS TRANSIT (hereinafter referred to as "MST" and which will be succeeded by the Monterey-Salinas Transit District effective July 1, 2010), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (hereinafter referred to as "TAMC"), THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (hereinafter referred to as "AGENCY") and the COUNTY OF MONTEREY (hereinafter referred to as "COUNTY") (with FORA, City, MRA, CSUMB, UCSC, GGU, MST, TAMC, Agency and County each being from time to time hereinafter referred to as "Party", and together being from time to time collectively hereinafter referred to as "Parties").

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report (hereinafter referred to as "FEIR") and a Fort Ord Base Reuse Plan (hereinafter referred to as "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, and then along Blanco Road to Salinas, as shown generally in Exhibit 1.
- C. Problems have arisen with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. The Parties have identified and reviewed a proposed new alignment ("New Alignment") to the Transit Corridor, as shown in Exhibit 2, and it appears that the New Alignment provides the same benefit to the regional transportation network as the Original Alignment and avoids potential impacts to habitat-related lands and to agricultural operations.

E. Property has been conveyed by FORA to various jurisdictions with right of way reservations based upon the Original Alignment. A list of the parcels conveyed with such reservations is attached as Exhibit 3.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES
HERETO AS FOLLOWS:**

1. FORA Board Consider Re-Designation of Transit Corridor

The Parties, excepting FORA, hereby agree to recommend rescission of the Original Transit Corridor Alignment and designation of the New Transit Corridor Alignment. It is acknowledged that this re-designation will require at least the following steps:

1.1 Agreement to Cooperate. The jurisdictions agree to cooperate with each other to process the proposed re-designation of the Transit Corridor from the Original Alignment to the New Alignment on the following conditions: (i) the New Alignment will require certain improvements to be performed on the southerly side of 3rd Street, which would only impact Property owned by CSUMB and will not encroach on GGU property and (ii) the Parties shall not be required to incur any costs or expenses in so cooperating with each other.

1.2 Engineering and Design. The COUNTY and CITY, at their respective costs, have prepared preliminary designs for that portion of the New Alignment that will extend through their respective boundaries, for the New Alignment to be approved.

1.3 Agreement to Grant Right of Way Reservations. Those Parties who will receive or have received land over which the New Alignment will extend agree to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement. It is intended that any actual conveyance of right of way easements or fee ownership would occur by separate agreement(s) at a later date. The COUNTY will not grant any right of way reservation at this time that would diminish its development potential by allowing a triangle interchange at the intersection of Intergarrison Road, Eastside Parkway and Schoonover Road, but may elect to grant a right of way or other form of easement to MST at a later date. The Parties agree that none of GGU's property (i.e., parcel APN 031-101-019) and none of UC's property (i.e., parcel APN 031-101-018) will be taken in connection with the proposed New Alignment, and therefore no easements or right of way reservations will be requested of, nor imposed upon, GGU or UC.

1.4 Agreement to Release Right of Way Reservations/Easements. FORA agrees, upon adoption of the re-designation of the alignment of the Transit Corridor, to release any right of way reservations or easements with respect to the Original Alignment of the Transportation Corridor, as such Original Alignment is modified by the New Alignment.

1.5 Agreement to consider designation of the New Transit Corridor Alignment. Upon formal agreement by the Parties to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement by the Parties, FORA agrees to consider the recommended designation of the New Transit

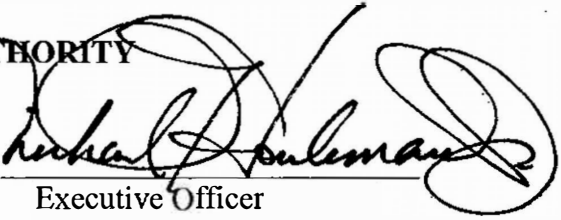
Corridor Alignment and rescission of the Original Transit Corridor Alignment at its next scheduled Board of Directors meeting. If the recommended designation of the New Transit Corridor Alignment is approved, FORA shall include the New Transit Corridor Alignment in any revision to the Base Reuse Plan.

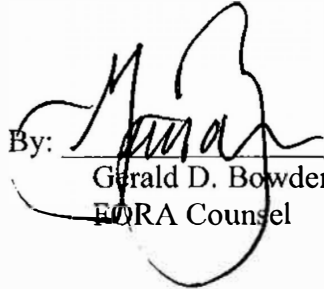
2. Costs. As stated in section 1.1 of this agreement, the parties shall not be required to incur any costs or expenses in cooperating with each other. Should any Party elect to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
3. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by the parties.
4. Indemnity and Hold Harmless. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party's actions or inactions under this Agreement.
5. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
6. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.
7. Interpretation. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that no party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.
8. Authority. Each signatory to this Agreement certifies that he or she has the lawful authority to execute this Agreement for and on behalf of the Party named herein.
9. Term. This Agreement will expire on December 31, 2025. This term may not be extended absent separate negotiations and a separate fully executed written agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: 11 Oct 2010

By: 
Executive Officer
Michael A. Houlemard, Jr.

By: 
Gerald D. Bowden, Esq.
FOIA Counsel

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MARINA REDEVELOPMENT AGENCY

Date: _____


By: _____

APPROVED AS TO FORM:


By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: 8/31/10

By: 
Kevin R. Saunders,
Interim Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: 
Carrie Rieth, CSU Attorney

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

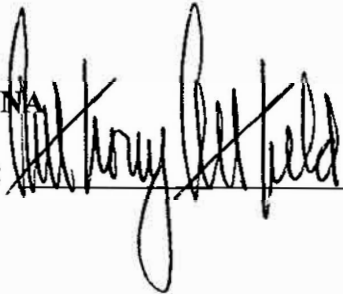
Date: _____

By: _____
Executive Officer
Michael A. Houlemard, Jr.

By: _____
Gerald D. Bowden, Esq.
FORA Counsel

CITY OF MARINA

Date: 11.2.10

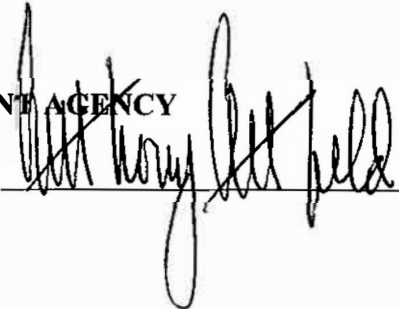
By:  _____

APPROVED AS TO FORM:

By:  _____

MARINA REDEVELOPMENT AGENCY

Date: 11.2.10

By:  _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____
James E. Main, Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: _____
Carrie Rieth, CSU Attorney

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: 3/17/00

By: *David Rye*

APPROVED AS TO FORM:

By: *Carol Kosi*

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: 9/23/10

By: Robert D. Hite

Its: V.P. and CEO

APPROVED AS TO FORM:

By: R D Hite

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: 8/23/2010

By: *Come G. Sady*

APPROVED AS TO FORM:

By: *[Signature]*

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: 8/20/10

By: 

APPROVED AS TO FORM:

By: 

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: 3/12/10

By: 

APPROVED AS TO FORM:

By: Kay Reardon
Deputy Agency Counsel

COUNTY OF MONTEREY

Date: 3/12/10

By: 

APPROVED AS TO FORM:

By: Kay Reardon
Deputy County Counsel

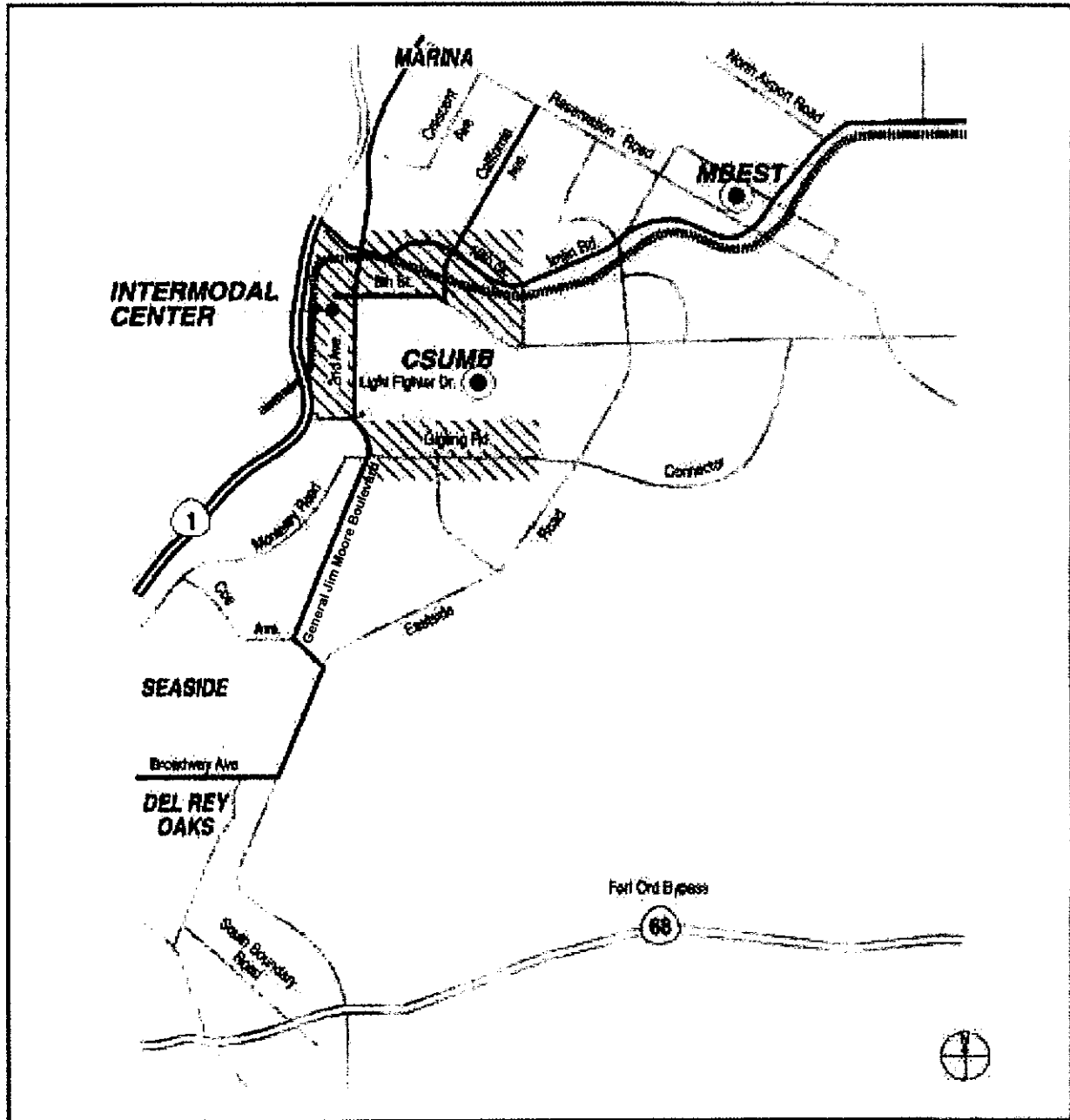
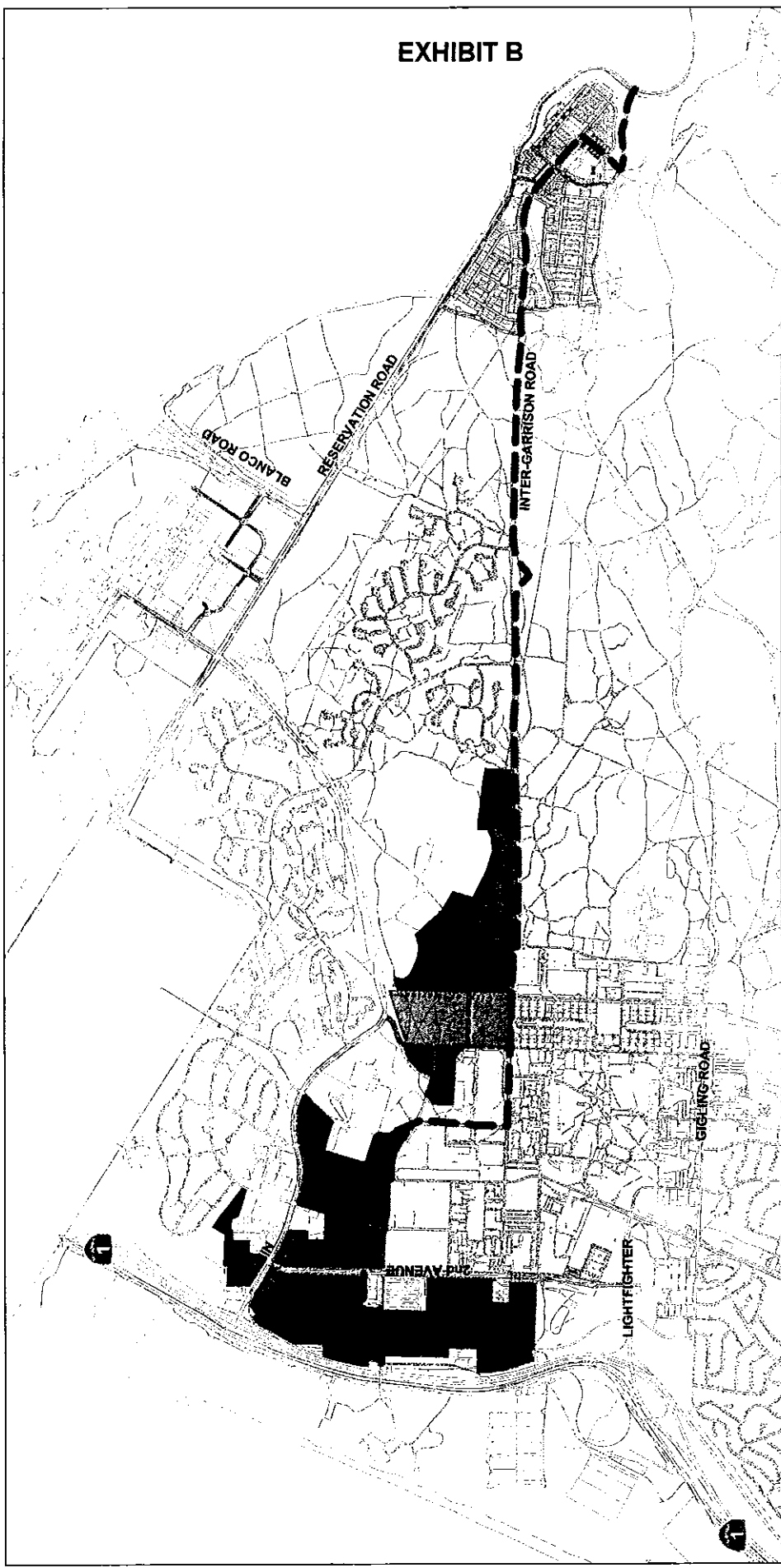


Figure 4.2-5
Transit Activity Centers and Corridors

EXHIBIT B



FORT ORD REUSE AUTHORITY MULTI-MODAL CORRIDOR ALIGNMENT

- Whispering Oaks Development (County)
- Whispering Oaks Habitat Conservation
- Whispering Oaks MST Transit Parcel
- U.C. Development Parcel
- C.S.U.M.B. Property
- City of Marina Property
- The Dunes of Mariposa Bay (Marina)
- Golden Gate University
- Proposed Multi-Modal Corridor Alignment

WE WHITSON ENGINEERS
 5859 Bluna Lakeshore Lane • Suite 105 • Monterey, CA 93940
 831 648-5225 • Fax 831 373-5065
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

September 24, 2009

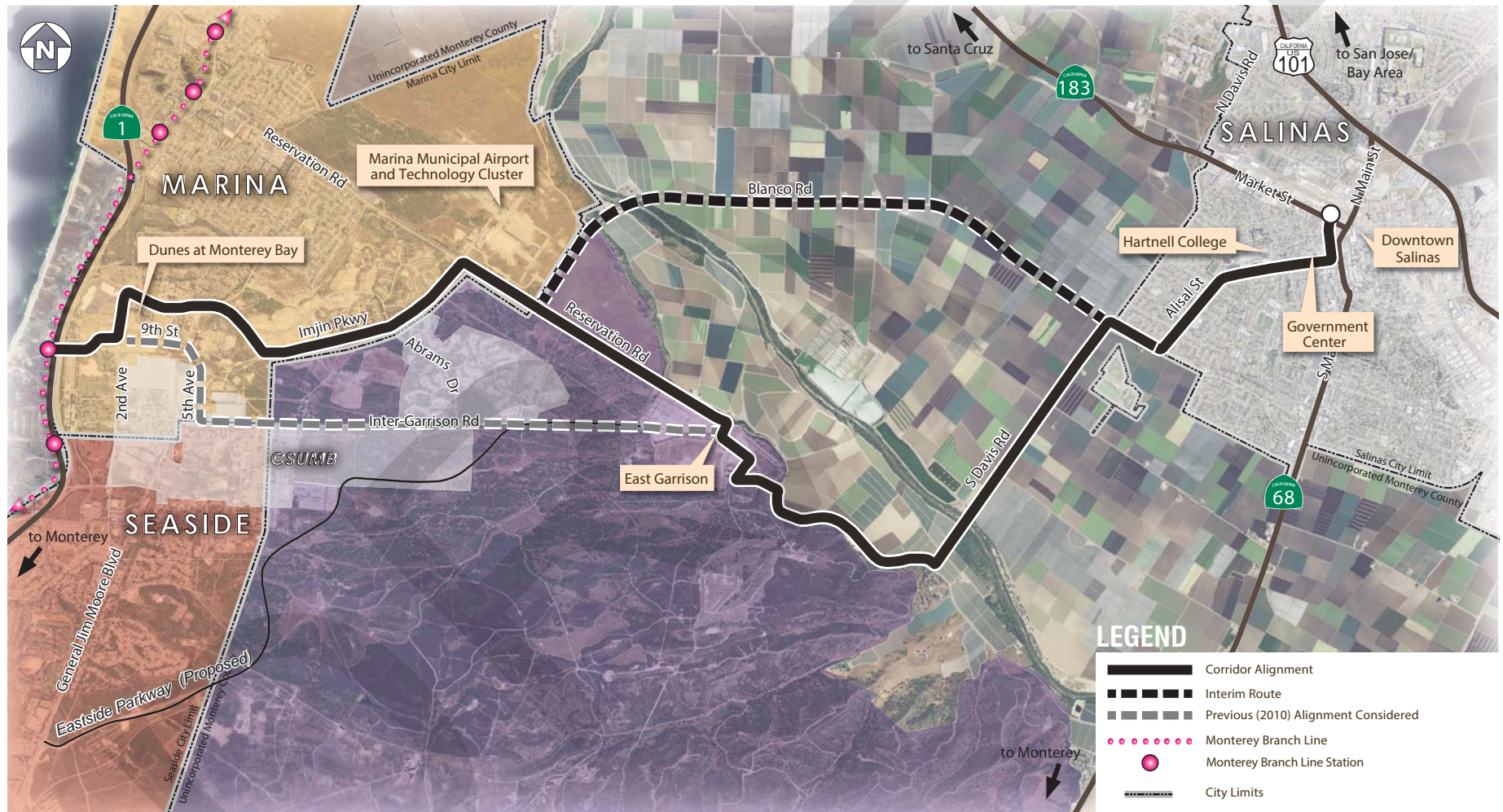
EXHIBIT C

Exhibit 3	
Army Corps of Engineers Parcel	Jurisdiction
L2.1	City of Marina
L20.16.1	City of Marina
L20.16.2	City of Marina
L20.16.3	City of Marina
E2b.3.2	City of Marina
E2b.2.3	City of Marina
E2b.1.4	City of Marina
E2d.2	City of Marina
L5.9.1.2	City of Marina
L5.9.2	City of Marina
E2c.4.4	City of Marina
E2c.4.3	City of Marina
S2.5.1.1	City of Marina
S2.5.1.2	Monterey County
E4.6.1	City of Marina
E4.6.2	Monterey County
E4.7.1	City of Marina
E4.7.2	Monterey County
S2.3.2.2	Monterey County
S2.3.1.2	Monterey County
S2.3.2.3	Monterey County
L20.10.1.1	Monterey County
L20.11.1	Monterey County
L20.11.2	City of Marina

Marina-Salinas Multimodal Corridor Conceptual Plan



Corridor Alignment



LEGEND

- Corridor Alignment
- Interim Route
- Previous (2010) Alignment Considered
- Monterey Branch Line
- Monterey Branch Line Station
- City Limits

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Local Preference Policy: Amendment to Master Resolution	
Meeting Date:	March 10, 2017	ACTION
Agenda Number:	8c	

RECOMMENDATION(S):

1. Receive report on local preference policies on the expenditure of FORA funds for goods, supplies, services, contracting and hiring.
2. Adopt Resolution 17-xx to amend the Master Resolution to add subsection (c) to Section 3.02.130 and delete subsection (d) from Section 3.03.040.
3. Provide direction to staff about the creation of pilot program to incentivize use of local workers on private construction projects on Fort Ord.

BACKGROUND:

In January 2013, FORA provided an overview of the activities FORA had engaged over its 20+ year history that addressed the provisions of the Authority Act that encouraged local hires and economic recovery. By way of additional background, when Fort Ord closed, the region lost 13,500 active duty military and 4,500 civilian jobs. There were multiple business closures/impacts and 18,700 residents lost an estimated \$500M per year in regional economic impact. As a part of the recovery program, FORA took the following measures to address the devastating impacts on the regional community. The Base Reuse Plan included programs to create replacement employment through educationally focused and complementary job creation, it included policies for a jobs to housing balance, it also included targets for local job creation. FY 2012-13 job creation survey revealed 3,306 full time and 1,591 part time permanent jobs were created. FY 2014-15 job creation survey revealed 3,545 full time and 722 part time permanent jobs. These most recent surveys do not include construction related jobs. All of this information can be found in the FORA Annual Reports. The ESCA RP Team has prioritized local hiring when possible.

DISCUSSION:

The Master Resolution was complementary to the policies and programs in the Base Reuse Plan. It included three major provisions to encourage and support local hiring: prevailing wage requirements; local preference in the procurement of local goods and local preference in hiring contractors performing work on FORA projects. One of the concepts supporting the inclusion of the prevailing wage requirements was to help provide an "equal playing field" for local contractors to bid on FORA projects without being underbid by non-local contractors with access to less expensive labor. As to **local preference**, the Master Resolution contains section 3.02.090 relating to the purchase of goods and supplies, and section 3.03.040 relating to contractors performing work to which FORA is a signatory on the contract. Additionally, the Master Resolution includes section 3.03.110 as to Woman, Minority owned businesses. A copy of the language of these sections is attached as **Exhibit A**. Section 3.03.040 expired by its own terms on December 31, 1999. There is no formalized local preference relating to the solicitation and acquisition of personal, professional and consultant services and non-public works projects.

In the past, FORA has addressed local preference in each specific request for bid/proposal solicitation.

The FORA Board again raised the issue of local preference at the Board meeting of February 9, 2017 in the award of the contract for general engineering services. In making the following proposal, staff reviewed the County of Monterey's local hire policies and the City of Salinas's local preference policies. It is noteworthy that each of those local hire policies specifically exempt the application to public works contracts. It is also noteworthy that there have been numerous challenges to local preference policies on the basis of Federal laws including but not limited to Equal Protection, the Commerce Clause, Privileges and Immunities Clauses as well as issues related to California competitive bidding statutes. Accordingly, staff is recommending a narrowly tailored amendment to the Master Resolution to strengthen and formalize FORA's local preference policies.

ADD to Section 3.02.130 subsection (c) as follows:

All contracts for personal services, professional and consultant services and for other, non-public projects and contractual services shall be subject to the local preference policies of this section.

- (i) FORA shall grant preference to a **local provider** which submits a bid within ten percent (10%) of the lowest responsible bidder and which is otherwise responsive and responsible to the invitation for bids, which preference shall allow the **local provider** the opportunity to reduce its bid to an amount equal to the amount of the lowest responsible bid, if the lowest responsible bid is submitted by other than an eligible local provider. If the local provider reduces its bid to meet or beat the lowest responsible bid, it shall be determined to be the lowest responsible bidder. If the lowest responsible bid is submitted by an eligible local provider, that provider shall be deemed to have submitted the lowest responsible bid.
- (ii) FORA shall grant preference to a **local provider** which submits a response to qualifications or proposals as follows. Up to ten percent (10%) of the total points awardable will be made for local preference, as more specifically defined in the Request for Proposal/Qualification solicitation documents. The award of total points may be allocated between the location of a local office of a provider and the use of **local workforce** in any response submitted.
- (iii) Each solicitation for bids or proposals made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Each responder to a bid solicitation or proposal shall certify receipt of this policy and shall certify under penalty of perjury the truth and accuracy of any local preference information (e.g. employee address; office location and length of existence) contained in the bid or proposal response.
- (iv) Except as otherwise specifically provided in this Master Resolution, Local preference shall not apply to public works contracts or where precluded by state or federal law or regulation.
- (v) "Local provider" as used in this Section 3.02.130(c) shall mean a supplier or provider of good or services, for non-public projects and contractual services which has an established place of business within the County of Monterey, at least one year prior to the invitation for bids or proposals. "Local workforce" means use of workers or team members with residence addresses within the tri-county area of Santa Cruz, Monterey, or San Benito County.

AMEND Section 3.03.040. Delete subsection (d) in its entirety. This deletion would reenact the provisions of 3.03.040 for as long as the Master Resolution remains in effect.

A draft Resolution for amending the Master Resolution as outlined above is attached for your consideration.

POSSIBLE FUTURE ACTIONS.

An additional issue that has been commented upon related to the use of local labor is the last prevailing wage report that only 30% of the workforce was considered local. In the construction context, FORA's master resolution considers "Local" to include Santa Cruz, Monterey and San Benito County. In order to encourage the use of local workers by the private construction workforce, one idea staff had was an incentive program.

First, there is a limitation in the reporting as not every project on Fort Ord has been required by the jurisdictions to utilize the Elation software which has the capability of tracking this information easily. Second, there is not a formalized policy relating to targets for private contractors to utilize in hiring local workers to perform construction work on Fort Ord. However, one of the fundamental principles and direction when the base closed in 1994 and the Base Reuse Plan was adopted in 1997 was to support and encourage jobs for the local region. Unfortunately, we have yet to fully achieve the jobs goals projected in 1997.

State and Federal agencies, such as CalTrans, the Federal Highway Administration, and U.S. Dept. of Housing and Urban Development are starting to recognize benefits of allowing more flexibility in the application and use of local hiring practices and have adopted programs and pilot programs allowing local preferences. Multiple jurisdictions have local hire targets for the construction industry. Those jurisdictions however, each approach the issue from a different angle. Some pursue it with a regulatory or mandated bent, while others include incentive programs. The most extreme version of local hire requirements is mandated use of Elation for all projects, not just public works, and a requirement of 50% or more local workers be used by contractors. A contractor is penalized if he does not meet these mandated targets and pays a fine. All the fines are placed in a fund which in turn is used to support the training of local workers. The other approach is more of an incentive approach such as creating enterprise zones, providing tax breaks and/or incentives. For example, in 2015, the U.S. Department of Transportation approved a work plan which allowed a contractor to receive \$3.50 per hour for each local or veteran labor hour used on the project with a not to exceed incentive amount of \$50,000.00.

FORA staff would like to explore a pilot incentive program. The basics of the program would be to promote economic vitality and local hire. Similar to the Federal workplan case outlined above, a contractor participating in this program would be required to participate in the Elation software program and authorize FORA access. Many labor compliance monitors already utilize this program when lodging certified payroll records with the Department of Industrial Relations already and FORA already has obtained the license for use. During a reporting period, a contractor that meets a local hire of a certain percent (e.g. 30%) or above, would qualify for a financial incentive of X dollars per local hire man hours up to a maximum number. There is still considerable work to be done to evaluate what the incentive would be and the maximum. It is anticipated that this pilot program might be funded in part by savings in the Prevailing Wage Program FY 16-17 appropriation of \$75,000. Future amounts might be funded through either part of FORA's land sales revenues or possibly property tax revenues.

FORA staff seeks Board direction about whether or not it would like staff to further pursue such program and bring back a future action with more specifics as to the program.

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

ATTACHMENT:

EXHIBIT A: Master Resolution sections 3.02.090, 3.02.130, 3.03.040 AND 3.03.110

Prepared by _____
Sheri Damon

Approved by _____
Michael A. Houlemard, Jr.

DRAFT

EXHIBIT A:

3.02.090. PREFERENCE FOR LOCAL SUPPLIERS.

- (a) Each local supplier providing goods or supplies funded in whole or in part by Authority funds, or funds which the Authority expends or administers, is eligible for a local preference as provided in this section.
- (b) Each local supplier who is within five percent of the lowest responsible bid is provided the opportunity to reduce the local supplier's bid to the amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts is provided first to the lowest eligible local bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of bids. In the event an eligible local supplier reduces the bid to the amount of the lowest responsible bid, the eligible local supplier will be deemed to have provided the lowest responsible bid and will be awarded the contract.
- (c) For the purpose of this section, the term "local supplier" means a business or resident doing business as a supplier in the jurisdiction of the Authority for the past five years.

3.02.130. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT.

- (a) Notwithstanding any provision of this Article to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:
- (1) When the estimated amount involved is less than \$25,000.00.
 - (2) When the commodity can be obtained from only one vendor.
 - (3) When the Board finds that the commodity is unique and not subject to competitive bidding.
 - (4) The Board may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed.
 - (5) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.
- (b) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided in this Article. The Executive Officer is authorized to enter into such contracts where the amount of the contract does not exceed \$25,000.00, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of the contract exceeds \$25,000.00, the contract will be approved by the Authority Board. In the case of professional services, qualifications and experience to the benefit of the Authority will receive first consideration. Upon determination of these factors, a price or fee may be negotiated.

3.03.040. LOCAL PREFERENCE.

- (a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

(1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.

(2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.

(3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.

3.03.110. MINORITY, FEMALE, AND HANDICAPPED-OWNED BUSINESSES.

The rules and regulations, as amended, promulgated by the Department of Transportation of the State of California pursuant to Section 10115 of the Public Contract Code for the certification and establishment of specified preferences applicable to minority, female, and handicapped-owned businesses are applicable to contracts for construction awarded by FORA.

RESOLUTION NO. 17-xx

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION ADDING SUBSECTION (c) TO SECTION 3.02.130 AND DELETING SUBSECTION (d) from SECTION 3.03.040

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a local preference policy on _____ by adopting Ordinance No. _____; and
- B. WHEREAS, FORA has had an informal policy of providing local preference where it is legally available; and
- C. WHEREAS, the FORA Board of Directors desire to formalize the language in order to address the devastating effects of the closure of Fort Ord Base on the local region, and promote the hiring of local vendors and suppliers of services where available.
- D. WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language of the Master Resolution would further the implementation of local jobs; and
- E. WHEREAS, the FORA Board of Directors intends this language to take effect from and after adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors that the Master Resolution be amended as follows:

- 1. Subsection (c) shall be added to Section 3.02.130 as noted below; and
- 2. Subsection (d) shall be deleted from Section 3.03.040 as noted below.

Section 3.02.130(c): All contracts for personal services, professional and consultant services and for other, non-public projects and contractual services shall be subject to the local preference policies of this section.

- (i) FORA shall grant preference to a **local provider** which submits a bid within ten percent (10%) of the lowest responsible bidder and which is otherwise responsive and responsible to the invitation for bids, which preference shall allow the **local provider** the opportunity to reduce its bid to an amount equal to the amount of the lowest responsible bid, if the lowest responsible bid is submitted by other than an eligible local provider. If the local provider reduces its bid to meet or beat the lowest responsible bid, it shall be determined to be the lowest responsible bidder. If the lowest responsible bid is submitted by an eligible local provider, that provider shall be deemed to have submitted the lowest responsible bid.
- (ii) FORA shall grant preference to a **local provider** which submits a response to qualifications or proposals as follows. Up to ten percent (10%) of the total points awardable will be made for local preference, as more specifically defined in the Request for Proposal/Qualification solicitation documents. The award of total

points may be allocated between the location of a local office of a provider and the use of **local workforce** in any response submitted.

- (iii) Each solicitation for bids or proposals made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Each responder to a bid solicitation or proposal shall certify receipt of this policy and shall certify under penalty of perjury the truth and accuracy of any local preference information (e.g. employee address; office location and length of existence) contained in the bid or proposal response.
- (iv) Except as otherwise specifically provided in this Master Resolution, Local preference shall not apply to public works contracts or where precluded by state or federal law or regulation.
- (v) “Local provider” as used in this Section 3.02.130(c) shall mean a supplier or provider of good or services, for non-public projects and contractual services which has an established place of business within the County of Monterey, at least one year prior to the invitation for bids or proposals. “Local workforce” means use of workers or team members with residence addresses within the tri-county area of Santa Cruz, Monterey, or San Benito County.

3.03.040. LOCAL PREFERENCE.

(a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

- (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
- (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.
- (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor

seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

~~(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.~~

Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ralph Rubio, Chair

ATTEST:

Michael A. Houlemard, Jr.
Clerk

RESOLUTION NO. 16-xx

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE
AUTHORITY
AUTHORIZING _____ -**

WHEREAS, _____; and

WHEREAS, _____; and

WHEREAS, _____; and;

WHEREAS, _____; and;

WHEREAS, _____; and;

WHEREAS, _____; and;

WHEREAS, _____.

NOW, THEREFORE, BE IT RESOLVED by the unanimous consent of the Board of Directors of the Fort Ord Reuse Authority as follows:

BE IT FURTHER RESOLVED that _____.

Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this _____th day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Ralph Rubio, Chair

Michael A. Houlemard, Jr.
Clerk

- END -

**DRAFT
BOARD PACKET**