



Fort Ord Reuse Authority

920 2nd Avenue, Ste. A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

BOARD OF DIRECTORS SPECIAL MEETING Friday, June 21, 2013 at 2:00 p.m. 910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

AGENDA

1. CALL TO ORDER AND ROLL CALL

2. LEGISLATIVE SESSION

PRESENTATIONS

- a. Congressman Sam Farr – 20th Congressional District
- b. Senator Bill Monning – 17th State Senate District
- c. Assemblymember Mark Stone – 29th State Assembly District

3. CLOSED SESSION *(closed session will begin at the later of: a) 3:00 p.m. or b) immediately following the Legislative Session)*

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Five Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
 - ii. Bogan v. Houlemard, Case Number: M122980
 - iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. PLEDGE OF ALLEGIANCE

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Base Reuse Plan Reassessment - American Planning Association Best Practices Award of Merit

7. CONSENT AGENDA

- a. Approval of the May 10, 2013 and May 29, 2013 Board Meeting Minutes (pg. 1-7) ACTION
- b. Economic and Planning Systems Contract Amendment #7 (pg. 8-10) ACTION

8. NEW BUSINESS

- a. Preston Park Fiscal Year 2013/2014 Budget (pg. 11-35) ACTION

9. OLD BUSINESS

- a. FY 2013/14 Capital Improvement Program (pg. 36-69) INFORMATION/ACTION
- b. FORA FY 2013-14 Preliminary Budget – Consider Adoption (pg. 70-78) ACTION
- c. Base Reuse Plan Post-Reassessment Follow-Up (pg. 79-87) INFORMATION/ACTION
 - i. Receive Report from Post-Reassessment Advisory Committee (PRAC) INFORMATION
 - ii. Consider PRAC “Category IV” Approach Recommendation and Proposal for September Board Workshop ACTION

10. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Fort Ord Reuse Authority (FORA) Executive Committee on matters that are not on this agenda, but are within FORA's jurisdiction, may comment for up to three minutes during this period. Public comments on specific agenda items are heard under that item.

11. EXECUTIVE OFFICER’S REPORT

- a. Fort Ord Reuse Authority Master Resolution (pg. 88-149)
- b. Outstanding Receivables (pg. 150)
- c. Habitat Conservation Plan Update (pg. 151-154)
- d. Travel Report (pg. 155-160)
- e. Administrative Committee (pg. 161-167)
- f. Veterans Issues Advisory Committee (pg. 168-170)
- g. Water and Wastewater Oversight Committee (pg. 171-173)
- h. Public Correspondence to the Board (pg. 174)
- i. Fort Ord Reuse Authority Initiatives Status (pg. 175-179)

INFORMATION
INFORMATION
INFORMATION
INFORMATION/ACTION
INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION

12. ITEMS FROM MEMBERS

13. ADJOURNMENT

NEXT REGULAR BOARD MEETING: JULY 12, 2013

Persons seeking disability related accommodations should contact FORA 24 hours prior to the meeting.
This meeting is recorded by Access Monterey Peninsula (AMP) to be televised Sundays at 9:00 a.m./Sundays at 1:00 p.m. on Marina/Peninsula Chanel 25. The video and full Agenda packet are available online at www.fora.org.

FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS SPECIAL MEETING MINUTES

2:00 p.m. - Friday, May 10, 2013
910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 2:02 p.m.

2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Five Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
 - ii. Bogan v. Houlemard, Case Number: M122980
 - iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)

The Board adjourned into closed session at 2:03 p.m. and reconvened into open session at 2:53 p.m.

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jon Giffen announced that the Board had voted to retain Kennedy, Archer and Giffen to represent FORA in case number M122980 and authorized the Executive Officer to retain an election law specialist to provide legal consulting services for two anticipated ballot measures, provided a copy of the contract be distributed to the Board.

ROLL CALL

A roll call was conducted by the Deputy Clerk and a quorum was confirmed.

Voting Members Present: (*alternates)

Chair/Mayor Edelen (City of Del Rey Oaks)	Mayor Pro-Tem Oglesby (City of Seaside)
Mayor Burnett (City of Carmel-by-the-Sea)	Supervisor Parker (County of Monterey)
Mayor Gunter (City of Salinas)	Mayor Pendergrass (City of Sand City)
Mayor Kampe (City of Pacific Grove)	Mayor Rubio (City of Seaside)
Councilmember Morton (City of Marina)	Supervisor Salinas (County of Monterey)
Mayor ProTem O'Connell (City of Marina)	Councilmember Selfridge (City of Monterey)

Voting Members Absent: Supervisor Potter (County of Monterey)

Ex-officio (Non-Voting) Board Members Present: Nicole Charles (17th State Senate District), Erica Parker (29th State Assembly District), Graham Bice (University of California), Andre Lewis (California State University), Vicki Nakamura (Monterey Peninsula College), Hunter Harvath (Monterey-Salinas Transit), Colonel Clark (U.S. Army), Bill Collins (Fort Ord BRAC Office), Director Thomas Moore (Marina Coast Water District).

4. PLEDGE OF ALLEGIANCE

Mayor Pendergrass led the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. **April 25, 2013 Letter from California Department of Toxic Substances Control (DTSC) regarding California Central Coast Veterans Cemetery Site Remediation**
Executive Officer Houlemard briefly discussed the letter from DTSC included in the Board packet.

6. CONSENT AGENDA

- a. **April 12, 2013 Board Meeting Minutes**
- ~~b. **Amend Master Resolution Section 2.01.020(b) to Permit Ex-Officio Participation in Closed Session**~~
- ~~c. **Continuance of Current Marina Coast Water District Water and Wastewater Systems Rates, Fees and Charges**~~
- d. **Concur in Legislative Committee Recommended Positions on State Legislation**
- e. **Concur in Legislative Committee Amendments to 2013 Legislative Agenda**
- f. **Authorize Letters of Support for Assembly Bills 229 and 1080**
Mayor Kampe requested item 6b be pulled from the Consent Agenda and Director Moore requested item 6c be pulled from the Consent Agenda.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem O'Connell, to approve the Consent Agenda, as amended.

MOTION PASSED: unanimous.

6b. **Amend Master Resolution Section 2.01.020(b) to Permit Ex-Officio Participation in Closed Session**

Mayor Kampe expressed concern that an increased number of individuals participating in closed session might hinder effective decision making. The Board discussed the item and received comments from the members of the public.

MOTION: Mayor Rubio moved, seconded by Mayor Kampe, to amend the Master Resolution to: 1) delete text from §2.01.020 to that prohibits ex-officio members from participation in Board/Committee closed session meetings, 2) add text to §2.02.030 permitting one ex-officio non-voting Board member to participate in Board/Committee closed session meetings (appointed per §2.03.020), and 3) add text to §2.03.020 permitting currently appointed ex-officio non-voting member to participate in Executive Committee closed session meetings.

MOTION PASSED: unanimous.

6c. **Continuance of Current Marina Coast Water District (MCWD) Water and Wastewater Systems Rates, Fees and Charges**

Director Moore stated that the MCWD rates would continue without an action from the FORA Board and requested that the Board postpone approval of the MCWD budget until completion of the rate study, which was anticipated for August.

MOTION: Mayor Kampe moved, seconded by Councilmember Morton, to table the item.

MOTION PASSED: unanimous.

7. OLD BUSINESS

a. **Denise Duffy & Associates Contract Amendment #7**

Mr. Houlemard presented the item, noting that the amendment had been anticipated in the FY 2012-13 budget.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to authorize the Executive Officer to execute contract amendment #7 with Denise Duffy & Associates for completion of additional California Tiger Salamander analysis required by the California Department of Fish and Wildlife and completion of 2nd Administrative and Screencheck Drafts of the Draft Habitat Conservation Plan Environmental Impact Statement/Environmental Impact Report, not to exceed \$109,945.

MOTION: unanimous.

b. Base Reuse Plan Post-Reassessment Follow-up: “Category I”

Mr. Houlemard provided an overview of the Post-Reassessment Advisory Committee’s (PRAC) recommendations for textual edits and transfer of items from Category I to Category IV for further discussion. He stated that the PRAC had developed a set of guidelines for correcting and updating maps and figures, intended for utilization in a future republishing of the Base Reuse Plan (BRP). Mr. Houlemard also provided a Category IV status report and confirmed the next PRAC meeting would be held May 20, 2013 at 1:30 p.m. The Board received comments from members of the public.

MOTION: Mayor Kampe moved, seconded by Supervisor Parker, to: 1) incorporate the PRAC recommendations regarding Reassessment Report “Category I” *text* corrections into a future BRP compilation/republication, 2) incorporate the PRAC Category I BRP *figure*-related recommendations into a future BRP compilation/republication work program, and 3) include in Attachment A an additional Category I text edit related to BRP Polygon 17A, 4) incorporate all changes into a draft BRP, subject to future Board approval.

MOTION PASSED: unanimous

c. Capital Improvement Program Review – Phase II Study

i. Receive Report Regarding Fee Formula Calculation from EPS

ii. Approve Draft Resolution to Implement Fee Adjustment

MH introduced David Zehnder, who provided a PowerPoint presentation.

Mayor Burnett left at 3:41 p.m.

Mr. Houlemard presented the item and David Zehnder, Economic and Planning Systems (EPS), answered questions from members of the Board. The Board received comments from members of the public.

Supervisor Salinas left at 4:00 p.m.

MOTION: Mayor Pro-Tem O’Connell moved, seconded by Councilmember Morton, to receive the report and to adopt the draft fee calculation, as presented to the Board on April 12, 2013.

MOTION FAILED: Ayes: O’Connell, Morton, Parker. Noes: Selfridge, Oglesby, Edelen, Rubio, Pendergrass, Gunter, Kampe.

MOTION: Mayor Pro-Tem O’Connell moved, seconded by Mayor Rubio, to: 1) receive the report on the FORA Fee Formula Calculation from EPS (FORA Phase II Review Discussion Tables, Attachment A) and (FORA Phase II Review PowerPoint, Attachment B), and 2) adopt draft Resolution 13-XX to implement the FORA Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment (Attachment C).

MOTION PASSED: unanimous.

MOTION: Mayor Pro-Tem O’Connell moved, seconded by Supervisor Parker, to continue the meeting past 5:00 p.m., to no later than 5:30 p.m.

MOTION PASSED: unanimous.

8. NEW BUSINESS

a. **FY 2013-14 Capital Improvement Program (CIP)**

Assistant Executive Officer Steve Endsley presented an overview of the Capital Improvement Program.

Hunter Harvath requested that funds be set aside in the current CIP for the purchase of mini-buses to address current demand for public transportation on the former Fort Ord.

MOTION: Mayor Kampe moved, seconded by Mayor Rubio, to extend the meeting to 6:00 p.m.

MOTION PASSED: Ayes: Kampe, Rubio, Oglesby, Parker, Edelen, Pendergrass. Noes: Morton, O'Connell, Selfridge.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby, to receive the report.

MOTION PASSED: unanimous.

b. **FORA FY 2013-14 Preliminary Budget**

Mr. Houlemard provided an overview of the preliminary FY 2013-14 budget.

MOTION: Supervisor Parker moved, seconded by Councilmember Morton, to receive report.

MOTION PASSED: Unanimous.

c. **Contract to Perform Election Services**

Mr. Houlemard explained that FORA could be obligated to perform duties associated with their role as a district for two filed initiatives prior to the next Board meeting and requested authority to enter into a contract with the appropriate entity to perform election services.

MOTION: Supervisor Parker moved, seconded by Mayor Kampe, to authorize staff to proceed with development of a contract with the County of Monterey Elections Department or an elections consultant to perform verification of signatures in connection with two filed initiatives and to direct staff to present the contract to the Board at a special Board meeting.

MOTION: unanimous.

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Supervisor Parker, to extend the meeting five minutes beyond the public comment period.

MOTION PASSED: unanimous.

9. PUBLIC COMMENT PERIOD

The Board received comments from members of the public.

10. EXECUTIVE OFFICER'S REPORT

- a. **Outstanding Receivables**
- b. **Habitat Conservation Plan Update**
- c. **Travel Report**
- d. **Administrative Committee**
- e. **Finance Committee**
- f. **Post-Reassessment Advisory Committee**
- g. **Veterans Issues Advisory Committee**
- h. **Water and Wastewater Oversight Committee**
- i. **Public Correspondence to the Board**

Mr. Houlemard briefly discussed the Executive Officer's report.

11. ITEMS FROM MEMBERS

None.

12. ADJOURNMENT

Chair Edelen adjourned the meeting at 6:12 pm.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by: _____
Michael A. Houlemard, Jr.

DRAFT

FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS SPECIAL MEETING MINUTES

3:30 p.m. - Wednesday, May 29, 2013
910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 3:30 p.m.
A roll call was conducted by the Deputy Clerk and a quorum was confirmed.

Voting Members Present: (**alternates*)

Chair/Mayor Edelen (City of Del Rey Oaks)	Mayor Pro-Tem Oglesby (City of Seaside)
Councilmember Beach (City of Carmel-by-the-Sea)*	Mayor Pendergrass (City of Sand City)
Councilmember Cuneo (City of Pacific Grove)*	Supervisor Potter (County of Monterey)
Mayor Gunter (City of Salinas)	Mayor Rubio (City of Seaside)
Mayor ProTem O'Connell (City of Marina)	Supervisor Salinas (County of Monterey)

Voting Members Absent: Mayor Burnett (City of Carmel-by-the-Sea), Mayor Kampe (City of Pacific Grove), Councilmember Morton (City of Marina), Supervisor Parker (County of Monterey), Councilmember Selfridge (City of Monterey).

Ex-officio (Non-Voting) Board Members Present: Nicole Charles (17th State Senate District), Graham Bice (University of California), Andre Lewis (California State University), Lyle Shurtleff (Fort Ord BRAC Office), Director Thomas Moore (Marina Coast Water District).

2. PLEDGE OF ALLEGIANCE

Mayor Gunter led the Pledge of Allegiance.

3. OLD BUSINESS

a. Fort Ord Reuse Authority Election Services

i. Review Executed Agreement with Steve Churchwell, Churchwell White LLP, to Provide Legal Consulting Services for Anticipated Ballot Measures

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Mayor Gunter, to receive the report.

MOTION PASSED: Unanimous.

ii. Approve Agreement with the County of Monterey to Perform Verification of Signatures for Anticipated Ballot Measures

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to approve the agreement with the County of Monterey to perform verification of signatures for anticipated Ballot measures, as presented.

MOTION PASSED: unanimous.

iii. Adopt Resolution XX-X, Assigning the County of Monterey as FORA's Agent for Verification of Signatures for Anticipated Ballot Measures and Authorizing the

executive Officer to Execute a Future Contract with the Appropriate Entity to Conduct an Election(s), as needed.

Executive Officer Houlemard presented the items and the Board received comments from members of the public.

MOTION: Supervisor Salinas moved, seconded by Mayor Rubio, to adopt resolution XX-X, as presented, and to authorize the Executive Officer to execute a future contract with the appropriate entity to conduct an election(s), as needed.

MOTION PASSED: unanimous.

4. PUBLIC COMMENT PERIOD

The Board received comments from members of the public.

5. ITEMS FROM MEMBERS

None.

6. ADJOURNMENT

Chair Edelen adjourned the meeting at 3:46 pm

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by: _____

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Economic & Planning Systems Contract Amendment #7	
Meeting Date:	June 21, 2013	ACTION
Agenda Number:	7b	

RECOMMENDATION(S):

- i. Approve FY 12-13 FORA Budget increase for Financial Consultant from \$87,500 to \$92,500.
- ii. Authorize the Executive Officer to execute contract amendment #7 with Economic and Planning Systems (EPS) for additional work completed during the Capital Improvement Program (CIP) Review - Phase II Study formula calculation (**Attachment A**), not to exceed additional budget authority of \$5,000.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) Board approved EPS contract amendment #6 on March 22, 2013, which provided additional scope and budget for completion of additional CIP Review – Phase II study formula analysis and presentations, and HCP endowment certification requirements. EPS's Phase II study work resulted in additional formula analyses and meeting coordination than originally anticipated. Staff is presenting this additional work in contract amendment #7 for Board consideration, which would increase EPS's budget authority by \$5,000 for their CIP Review – Phase II study analysis.


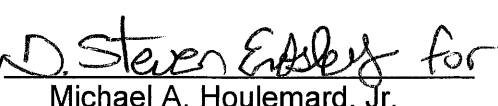
FISCAL IMPACT:

Reviewed by FORA Controller 

The additional \$5,000 budget authority increases the FY 12-13 Budget expenditures by \$5,000; funding is derived from the FORA development/CFD Fee.

COORDINATION:

Administrative Committee, Executive Committee, Authority Counsel, and EPS.

Prepared by  Jonathan Garcia Approved by  Michael A. Houlemard, Jr.

June 6, 2013

Jonathan Garcia
Senior Planner
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

Subject: Fort Ord Reuse Authority Capital Improvement Program
Review: Phase II Scope of Work Amendment; EPS #21462

Dear Jonathan:

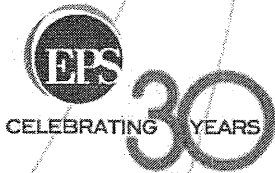
Economic & Planning Systems, Inc. (EPS) appreciates the opportunity to continue offering consulting services to the Fort Ord Reuse Authority (FORA). Pursuant to the Phase II Capital Improvement Program (CIP) effort, this letter requests a scope and budget amendment to capture work completed beyond the established Scope of Work for the project. This adjustment reflects work related to conducting a series of sensitivity analyses and attending related meetings as needed to reach consensus regarding Phase II report conclusions.

EPS's existing work on the Phase II CIP report authorized under Contract Amendment #6 is largely complete. This letter requests a budget extension (Contract Amendment #7) for **Task 1: Phase II CIP Review—Sensitivity Analyses and Meeting Attendance** to fund additional work completed and to complete the final Phase II report.

Task 1

Over the course of the Phase II work effort, EPS constructed a dynamic model that evaluates the various sources of revenue available to fund the FORA CIP, associated CIP costs, estimated Community Facilities District (CFD) special taxes available to fund remaining CIP costs, and the associated calibrated Fee and Special Tax Rates. EPS also evaluated the impact of a variety of sensitivity analyses, evaluating the impact on the fee resulting from several analysis variables, including absorption rates, Habitat Conservation Plan (HCP) payout rates, and other key inputs.

The Economics of Land Use



*Economic & Planning Systems, Inc.
2295 Gateway Oaks Drive, Suite 250
Sacramento, CA 95833-4210
916 649 8010 tel
916 649 2070 fax*

*Berkeley
Denver
Los Angeles
Sacramento*

www.epsys.com

In March 2013, the FORA Board approved a **Task 1** budget of \$17,500 to fund completion of additional sensitivity analyses and EPS meeting attendance. This budget contemplated evaluation of a limited set of variables and alternatives and completion of 1 to 2 additional analysis iterations. Over the course of completing the Phase II work effort, EPS expended significantly more effort than was anticipated as of March 2013. As a result, EPS's work efforts have exhausted the approved **Task 1** budget, and EPS has incurred expenses beyond those approved under Contract Amendment #6.

Since authorization of Contract Amendment #6, EPS has completed 5 additional analysis iterations, several of which included evaluation of multiple scenarios and sensitivity analyses. Based on comments received from FORA staff and policymakers, EPS also refined the methodological approach, including a refined approach to estimating land sale revenues and ensuring the appropriate incorporation of FORA Administrative and Operational Costs. EPS also attended multiple meetings/conference calls with FORA staff, the FORA Administrative Committee, and stakeholder groups. Throughout the process, EPS was engaged with FORA staff and representatives of the stakeholder groups. Finally, EPS conducted an additional, unanticipated sensitivity analysis to evaluate the effect of using the market study absorption rate through buildout of the Base Reuse Plan, an analysis that required major restructuring of the existing model and resulted in a significant unanticipated work effort.

Future **Task 1** work will include preparing a final Phase II CIP Review Report/Technical Memorandum that documents the results of the Phase II Analysis, methodological approach, basis for analysis assumptions, and identification of analysis variables that may be subject to change in future formulaic calculations.

Budget Extension Request

Based on the work effort described above, EPS requests authorization of an additional **\$5,000** to fund work already completed and to complete the Phase II analysis. EPS charges for its services on a direct-cost (hourly billing rates plus direct expenses), not-to-exceed basis; therefore, you will be billed only for the work completed up to the authorized budget amount.

Again, EPS looks forward to continuing the Phase II scope of work to facilitate successful reuse of Fort Ord. Please contact me at (916) 649-8010 if you have questions regarding the remaining scope of work or this budget extension request.

Sincerely,

ECONOMIC & PLANNING SYSTEMS, INC.



David Zehnder
Managing Principal

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: Preston Park Fiscal Year ("FY") 2013/2014 Budget

Meeting Date: June 21, 2013

Agenda Number: 8a

ACTION

RECOMMENDATION(S):

1. Approve FY 2013/2014 Preston Park Housing Operating (**Attachment B**) and Capital Expenditure Budgets (**Attachment F**) to include funds for Capital Improvements and a 2.4% rent increase.
2. Approve FY 2013/2014 Preston Park Housing Operating (**Attachment C**) and Capital Expenditure Budgets to include funds for Capital Improvements without a rent increase.

BACKGROUND/DISCUSSION:

The staff has reviewed the Alliance Management Budget memo (**Attachment A**) on the Preston Park FY 2013/14 Operating Budget and Capital Improvement Program (CIP) Assessment and twice met with representatives of the Preston Park Abrams Tenants Association to receive their input on the proposed budget. FORA staff recommends approval of the Capital Replacement Program Budget and a rent increase, to restore sufficient Capital Reserves for the size and age of Preston Park. In the current year a number of Life and Safety Issues have occurred that will require unplanned use of funding from the property reserves averaging \$2,200 unit or \$800,000 (**Attachment G**). Previously approved projects have been rescheduled in order to perform the emergency assessments and will be scheduled to have the least impact on the residents of the units.

The proposed 2.4 % rental increase has been derived from using the Consumer Price Index applied to the current and prospective Preston Park residents. The adopted formulae are: 1) **Move-ins** - establishing market rents on an on-going basis according to a market survey, and 2) **Existing tenants** - increase rent once a year by the lesser of 3% or the Consumer Price Index. The financial impacts of the rent increase are displayed by unit type in (**Attachment I**). Preston Park rents will remain 10 to 16% below market as compared to equivalent units in the market area. The overall budget sustains the formulas for setting annual market rents approved by the Board in June 2010 and is consistent with current FORA Policy.

The FORA Board directed staff to analyze the property management services and a recommendation will be made in October 2013.

In prior Preston Park Board reports the lengthy items such as the Market Survey (**Attachment H**) and Standard Operating Budgets were presented with only summary pages of the full reports because the full reports were forty and 140 pages in length. These lengthy attachments are provided on the FORA website at the following links:

<http://fora.org/Board/2013/Packet/062113Item8aAttachB-BudgetOption1.pdf>

<http://fora.org/Board/2013/Packet/062113Item8aAttachC-BudgetOption2.pdf>

<http://fora.org/Board/2013/Packet/062113Item8aAttachH-MarketSurvey.pdf>

<http://fora.org/Board/2013/Packet/062113Item8aAttachmentK-AmenityAnalysis.pdf>

FISCAL IMPACT:

Reviewed by FORA Controller 

The FY 2013/2014 Preston Park budget as presented (with the rent increase or without the rent increase) provides adequate revenue to cover the Preston Park loan debt service.

COORDINATION:

FORA Staff, Alliance Staff, Administrative Committee, Executive Committee.

Prepared by Robert J. Norris, Jr. Reviewed by D. Steven Endsley
Robert J. Norris, Jr. D. Steven Endsley

Approved by D. Steven Endsley, for
Michael A. Houlemard, Jr.

May 29, 2013

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, California 93933

Re: Preston Park FY 2013/14 Proposed Budget

It has been a pleasure to continue to work with residents and the Fort Ord Reuse Authority over the last year. With the combination of wonderful residents and effective staff, a number of positive changes have been seen in Preston Park:

- 1) **Exterior Building Upgrades:** With the approval of the Capital Budget in December 2012, the community has been given a minor face lift with the replacement of deteriorated fence slats throughout the community. Motion Sensor lighting is currently being added to the front entrance each home. Pending capital projects include Exterior Painting, Roof Replacements, Window and Door Replacements, additional Driveway and Community Lighting.
- 2) **Interior Building Upgrades:** The Community Center has seen minor renovations as the space has been painted, updated with Stainless Steel Appliances, and new flooring has been installed. The purchase of new furniture is in the works.
- 3) **Units of Long Term Residents:** Several long-term residents have seen upgrades in their flooring, paint, and appliances with little intrusion or inconvenience. These services are extended to long-term residents upon notification or inspection indicating replacement is necessary.
- 4) **Go-Green Initiatives:** The community has been implementing water and energy saving programs inspired by Alliance's own Go-Green Initiative. Devices designated as water or energy saving are purchased and installed as replacement appliances and fixtures as needed. PG&E has been working with residents in the Below Market and Section 8 programs to weatherize their homes at no cost to the resident or the community. Planned landscaping changes, including the addition of low cost irrigation soil sensors, will reduce the amount of water usage in the common areas of the community, and will continue to evolve into larger cost savings for residents as we work in conjunction with Paul Lord at Marina Coast Water.
 - Residents in units with water and energy savings devices installed should anticipate an overall reduction in utility costs of up to 10%. Additional savings (up to 15% on irrigation water usage) will be realized through landscaping upgrades that have been pushed back to 2015.
- 5) **Code Compliance/Safety Improvements:** Carbon Monoxide detectors were installed in all homes as of November 2012, and all water heaters were confirmed to be double strapped for seismic safety in August 2012.
 - Additional Life/Safety Issues have been identified and are currently being addressed throughout the community. Please see **Attachment G** from Marina Fire Chief Harold Kelley, and **Attachment H** for detailed information on Life/Safety issues within the community.

May 29, 2013

1

Alliance looks to continue to provide the residents at Preston Park a comfortable and quality living experience. Continued capital improvements throughout the community will allow this property to remain a desirable neighborhood for renters, as well as a continued source of affordable housing for the general populace of Marina.

Revenues

The primary source of revenue is rents, Section 8 voucher payments from the Housing Authority of the County of Monterey and associated charges to residents such as late fees.

The proposed budget reflects projected revenues according to the approved formula indicating that the annual increase in market rents for in-place tenants shall be capped at the lesser of three percent (3%) or the Department of Labor’s Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) Average percentage for the previous year (February to February) be applied to the next fiscal year, provided that the increased rent for in-place residents does not exceed the market rent charged to move-in residents. The proposed Budget Option 1 assumes the maximum rent increase for in-place residents of three percent (2.4%) resulting in an anticipated 4.3% increase in Total Income (\$236,517) over the FY 2012/13 Estimated Actuals. The proposed Budget Option 2 assumes no increase in the FY 2013/14 rent schedule for in-place residents, however still results in a 3.3% increase in Total income (\$178,975) due to new move-in rent values. Please see **Attachment D** for a summary of Revenue Income under the two options.

In Place Residents – Market Rent

The proposed FY 2013/14 Budget – Option 1 assumes a 2.4% increase for in-place residents using the approved formula of three percent (3%) or the Department of Labor’s Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) which has been documented as 2.4%. The rents proposed in Budget Option 1 are as follows:

Unit Size	In-Place Market Rate Rents		Change 8/1/13
	Current Rent Range FY12/13	Proposed FY13/14 Rent	
Section 8 – Two BR	\$1,029 - \$1,175	\$1,029 - \$1,175	\$0
Section 8 – Three BR	\$1,473 - \$1,562	\$1,473 - \$1,562	\$0
Two Bedroom	\$1,146 - \$1,645	\$1,173 - \$1,684	\$27 - \$39
Three Bedroom	\$1,499 - \$1,950	\$1,535 - \$1,997	\$36 - \$47
Luxury – Two BR*	\$1,650 - \$1,947	\$1,690 - \$1,994	\$40 - \$47
Luxury – Three BR*	\$1,947	\$1,994	\$47

* Note: Four 2-Bedroom homes and one 3-Bedroom home have additional features that warrant higher than average rental rates.

Fair Market Rents (FMR) for Monterey County on a County-wide basis as published in October 2012 by the Monterey County Housing Authority (MCHA) are as follows:

Unit Bedroom Size	Fair Market Rent
Two Bedroom	\$1,223
Three Bedroom	\$1,784

The two bedroom average in-place market rent at Preston Park is \$1,367 which represents a difference of \$144 from the FMR table above. The general cause of the difference in two-bedroom rents relates to the unique amenities and space available in the two-bedroom apartments at the community as compared to the general marketplace. Conversely, the majority of in-place market renters in Preston Park three bedroom homes are below the MCHA Fair Market Rent for a home of this size. The average in-place rent for the three bedroom units at Preston Park is \$1,664, which represents a difference of \$120 from the FMR table above.

Please refer to **Attachment K** for detailed information regarding Preston Park rental rates, including utility estimates, as compared to other communities that pay for Water, Sewer, and Trash service.

Affordable Rents

Affordable rental rates are derived from median income schedules published by governmental agencies. Rental rates at Preston Park are based upon 50% and 60% of the median income for Monterey County. The U.S. Department of Housing and Urban Development calculates the maximum household income by family size in Monterey County, generally once a year. As of the date of this memo the rental rates are based upon families at 50% and 60% of the Monterey County median income for 2013 and allowances for the cost of utilities (as published by MCHA). **Please see Attachment L.** A rental increase is proposed per the revised 2013 rates and allowances.

Unit Size	In-Place Affordable Rate Rents		Change 8/1/13
	Current Rent Range FY12/13	Proposed FY13/14 Rent	
Two Bedroom VL - L	\$656 – \$807	\$677 - \$832	\$21 - \$25
Three Bedroom VL - L	\$731 – \$900	\$756 - \$928	\$25 - \$28

Maximum Household Income Limits for 2013 as published in January 2013.

Income Category	Two Person	Three Person	Four Person	Five Person	Six Person	Seven Person	Eight Person
50% VL	\$28,500	\$32,100	\$35,650	\$38,500	\$41,400	\$44,250	\$47,100
60% L	\$34,260	\$38,520	\$42,780	\$46,260	\$49,680	\$53,100	\$56,520

Current Market Rent Conditions

The market rent for new move-ins is calculated by comparable market rent levels in the competitive market throughout the year. Additionally, the comparables as outlined in the attached Market Survey dated 4.8.13 (**Attachment J**) are smaller in square footage than units at Preston Park, and many do not offer the specialized features including in-home laundry room, gated back yard with patio, direct access garage, generous storage space, dogs and cats

accepted with pet deposit (Breed restrictions apply, max 2 animals per home). Please refer to **Attachment I** for detailed information.

Per the approved rent formula in 2010, the market rents for new move-ins are fluid throughout the year and change according to market conditions. Today, rents for new move-ins are as follows:

Unit Size	Current Rent Range for Incoming Market Rate Residents
Two Bedroom	\$1,610 - \$1,715
Luxury – Two BR	\$1,750 - \$2,100*
Three Bedroom	\$1,985 - \$2,010
Luxury – Three BR	\$2,100*

* Note: Four 2-Bedroom homes and one 3-Bedroom home have additional features that warrant higher than average rental rates.

Budget Summary

Expenses as outlined in **Attachment E** include Operating Expense projections and relevant changes from the FY 2012/13 budget. Operating expenses typically include expenditures for routine maintenance of the property, redecorating expenses as they apply to unit turns, and expenditures relating to the daily operations of the Leasing Office. Non-Routine expenses are included as they pertain directly to the daily function of the community, however are not typically able to be forecasted (i.e. large plumbing leaks requiring vendor service, unit specific rehabilitation projects). Annual Inspection materials are included with the Non-Routine expenses as they are a one-time yearly expense. Overall, total operating expenses proposed for FY 2013/14 are 7.0% higher than the estimated actual expenses for FY 2012/13 (\$96,927). Alliance seeks to maximize cost savings, e.g. lower utilities expenses through installation of water/energy saving devices, while contending with inescapable cost increases such as fuel for maintenance vehicles.

Capital Expenses

Expenses categorized as Capital expenses directly impact the long term value of the community, including roof replacements, exterior painting, large-scale landscaping improvements, and interior upgrades including appliances and carpeting/vinyl. Capital projects currently scheduled to be completed in the 2012/13 FY include:

- 1) Site Lighting Repair/Replacement/Installation - \$265,849
- 2) Roof Replacements - \$1,311,893
- 3) Exterior Paint - \$398,008
- 4) Exterior Unit Doors/Windows- \$1,557,000
- 5) Seal Coat Streets - \$155,787

A Capital Management Agreement was signed on May 2, 2013. Efforts are currently underway to create a scope of work for each project and obtain competitive bids. Work will begin as soon as all approvals are in place. Ownership of streets within Preston Park has been confirmed.

2013/2014 FY Capital Improvement Program

Recommended Capital Projects to be managed through the Construction Department (excluding continuing projects or completions of projects from 2012/13):

- 1) Dry Rot Repairs - \$20,000
- 2) Building Fascia/Flashing Repairs - \$800,000

Recommended capital projects managed at the site level include:

- 3) Fire Extinguishers - \$13,000
- 4) Termite Remediation - \$50,000

Capital Reserves Fund

In accordance with the 2013 reevaluation of the Replacement Reserves Study conducted in April 2008, Alliance recommends a minimum reserve withholding of \$2,937 per unit per year during the 2013/14 fiscal period. **Please refer to Attachment F.** This withholding would ensure that the asset holds adequate reserves to perform necessary replacements and repairs to protect the useful life of the buildings.

While both Budget Options assume owner distribution (revenue to FORA and the City of Marina) similar to FY 2012/2013, these options reflect a withholding amount of just \$2,076.20 per unit per year. Necessary Life/Safety Capital projects will not be able to be accomplished per the attached CIP schedule if withholding amounts are not increased.

Budget Option 1 (Maximum rent increase of 2.4% for in-place residents) offers an opportunity to increase the property's replacement reserve account through revenue generation, thus allowing for many of the critical Capital Improvement projects throughout the community to take place over time. (**Attachment B**)

Budget Option 2 (No rent increase for in-place residents) outlines community needs to continue daily operations, but may compromise many of the necessary long-term capital projects due to restricted funds available to complete such projects. (**Attachment C**)

Management Assessment

In accordance with the December 2012 budget approval, Management has been directed to provide detailed information regarding Leasing and Maintenance services provided to residents and prospects. Alliance Residential utilizes an independent source (Kinglsey Associates) to monitor and gauge resident satisfaction throughout the company portfolio. **Attachment M for Q4 2012 and Attachment N for Q1 2013** indicate that Preston Park consistently outperforms Alliance Portfolio standards.

We will continue to look for new ways to improve our services over the coming year and remain committed to meeting the objectives set by FOR A.

Please feel free to contact me should you have additional questions or concerns at (408) 396-8341. Approval of the final budget prior to May 31, 2013, would be helpful in order to implement rental increases by August 1, 2013.

Regards,

Jill Hammond
Regional Manager

Cc: Jonathan Garcia, FOR A
Ivana Bednarik, FOR A
Robert Norris, FOR A
Brad Cibbins, Chief Operating Officer, Alliance Communities, Inc.
Annette Thurman, Vice President of Operations, Alliance Communities, Inc.

Attachments:

- A.
- B. Budget Document – Option 1
- C. Budget Document – Option 2
- D. FY 2013/2014 Budget Revenue Summary
- E. Operating Expenses
- F. Revised CIP
- G. Life Safety
- H. Letter from Fire Chief Kelley
- I. April 2013 Market Survey
- J. Affordable Housing Rental Rates
- K. Unit Matrix
- L. BMR Rent Limits
- M. Kingsley Q4 2012 Community Report
- N. Kingsley Q1 2013 Community Report

**PRESTON PARK
2014 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF**



Description	2014	2013	Variance	Variance %
	Total	Projected		
Physical Occupancy	98.04 %	98.96 %		
Economic Occupancy	97.32 %	96.13 %		
Gross Market Potential	\$5,816,930	\$5,643,882	\$173,048	3.1%
Market Gain/Loss to Lease	\$16,124	(\$111,087)	\$127,210	114.5%
Affordable Housing	\$0	\$0	\$0	0.0%
Non-Revenue Apartments	(\$56,187)	(\$47,422)	(\$8,765)	-18.5%
Rental Concessions	\$0	(\$148)	\$148	100.0%
Delinquent Rent	\$0	\$0	\$0	0.0%
Vacancy Loss	(\$114,328)	(\$57,783)	(\$56,546)	-97.9%
Prepaid/Previous Paid Rent	\$0	\$0	\$0	0.0%
Other Months' Rent/Delinquency Recovery	\$0	\$0	\$0	0.0%
Bad Debt Expense	(\$1,750)	(\$2,034)	\$284	14.0%
Other Resident Income	\$36,750	\$33,163	\$3,587	10.8%
Miscellaneous Income	\$8,450	\$10,901	(\$2,451)	-22.5%
Corp Apartment Income	\$0	\$0	\$0	0.0%
Retail Income	\$0	\$0	\$0	0.0%
TOTAL INCOME	\$5,705,989	\$5,469,472	\$236,517	4.3%
PAYROLL	\$520,430	\$488,934	(\$31,495)	-6.4%
LANDSCAPING	\$73,836	\$70,790	(\$3,046)	-4.3%
UTILITIES	\$94,359	\$93,918	(\$441)	-0.5%
REDECORATING	\$78,203	\$76,418	(\$1,785)	-2.3%
MAINTENANCE	\$100,785	\$94,468	(\$6,317)	-6.7%
MARKETING	\$15,290	\$15,398	\$108	0.7%
ADMINISTRATIVE	\$85,423	\$59,907	(\$25,516)	-42.6%
RETAIL EXPENSE	\$0	\$0	\$0	0.0%
PROFESSIONAL SERVICES	\$142,650	\$136,888	(\$5,762)	-4.2%
INSURANCE	\$194,472	\$190,686	(\$3,786)	-2.0%
AD-VALOREM TAXES	\$105,324	\$105,747	\$423	0.4%
NON ROUTINE MAINTENANCE	\$72,375	\$53,064	(\$19,311)	-36.4%
TOTAL OPERATING EXP	\$1,483,147	\$1,386,219	(\$96,927)	-7.0%
NET OPERATING INCOME	\$4,222,842	\$4,083,253	\$139,589	3.4%
DEBT SERVICE	\$0	\$0	\$0	0.0%
DEPRECIATION	\$324,420	\$355,066	\$30,646	8.6%
AMORTIZATION	\$0	\$0	\$0	0.0%
PARTNERSHIP	\$0	\$0	\$0	0.0%
EXTRAORDINARY COST	\$0	\$0	\$0	0.0%
NET INCOME	\$3,898,422	\$3,728,187	\$170,235	4.6%
CAPITAL EXPENDITURES	\$1,229,952	\$4,162,505	\$2,932,553	70.5%
MORTGAGE PRINCIPAL	\$0	\$0	\$0	0.0%
TAX ESCROW	\$0	\$0	\$0	0.0%
INSURANCE ESCROW	\$0	\$0	\$0	0.0%
INTEREST ESCROW	\$0	\$0	\$0	0.0%
REPLACEMENT RESERVE	\$734,976	\$734,976	\$0	0.0%
REPLACEMENT RESERVE REIMBURSE	(\$1,229,952)	(\$4,162,505)	(\$2,932,553)	-70.5%
WIP	\$0	\$0	\$0	0.0%
OWNER DISTRIBUTIONS	\$3,487,866	\$3,348,276	(\$139,590)	-4.2%
DEPRECIATION AND AMORTIZATION	(\$324,420)	(\$355,066)	(\$30,646)	-8.6%
NET CASH FLOW	\$0	\$0	(\$0)	-89.2%

Approvals

Owner _____ Date _____

Asset Manager _____ Date _____

COO _____ Date _____

VP _____ Date _____

Regional Manager _____ Date _____

Business Manager _____ Date _____

Alliance Residential, LLC makes no guarantee, warranty or representation whatsoever in connection with the accuracy of this Operating Budget as it is intended as a good faith estimate only.

Attachment B to Item 8a
FORA Board Meeting, 6/21/13

**PRESTON PARK
2014 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF**



Description	2014 Total	2013 Projected	Variance	Variance %
Physical Occupancy	98.04 %	98.96 %		
Economic Occupancy	98.30 %	96.13 %		
Gross Market Potential	\$5,699,868	\$5,643,882	\$55,986	1.0%
Market Gain/Loss to Lease	\$72,085	(\$111,087)	\$183,171	164.9%
Affordable Housing	\$0	\$0	\$0	0.0%
Non-Revenue Apartments	(\$54,974)	(\$47,422)	(\$7,552)	-15.9%
Rental Concessions	\$0	(\$148)	\$148	100.0%
Delinquent Rent	\$0	\$0	\$0	0.0%
Vacancy Loss	(\$112,000)	(\$57,783)	(\$54,218)	-93.8%
Prepaid/Previous Paid Rent	\$0	\$0	\$0	0.0%
Other Months' Rent/Delinquency Recovery	\$0	\$0	\$0	0.0%
Bad Debt Expense	(\$1,732)	(\$2,034)	\$302	14.9%
Other Resident Income	\$36,750	\$33,163	\$3,587	10.8%
Miscellaneous Income	\$8,450	\$10,901	(\$2,451)	-22.5%
Corp Apartment Income	\$0	\$0	\$0	0.0%
Retail Income	\$0	\$0	\$0	0.0%
TOTAL INCOME	\$5,648,447	\$5,469,472	\$178,974	3.3%
PAYROLL	\$520,430	\$488,934	(\$31,495)	-6.4%
LANDSCAPING	\$73,836	\$70,790	(\$3,046)	-4.3%
UTILITIES	\$94,359	\$93,918	(\$441)	-0.5%
REDECORATING	\$78,203	\$76,418	(\$1,785)	-2.3%
MAINTENANCE	\$100,785	\$94,468	(\$6,317)	-6.7%
MARKETING	\$15,290	\$15,398	\$108	0.7%
ADMINISTRATIVE	\$85,423	\$59,907	(\$25,516)	-42.6%
RETAIL EXPENSE	\$0	\$0	\$0	0.0%
PROFESSIONAL SERVICES	\$141,211	\$136,888	(\$4,323)	-3.2%
INSURANCE	\$194,472	\$190,686	(\$3,786)	-2.0%
AD-VALOREM TAXES	\$105,324	\$105,747	\$423	0.4%
NON ROUTINE MAINTENANCE	\$72,375	\$53,064	(\$19,311)	-36.4%
TOTAL OPERATING EXP	\$1,481,708	\$1,386,219	(\$95,489)	-6.9%
NET OPERATING INCOME	\$4,166,738	\$4,083,253	\$83,485	2.0%
DEBT SERVICE	\$0	\$0	\$0	0.0%
DEPRECIATION	\$324,420	\$355,066	\$30,646	8.6%
AMORTIZATION	\$0	\$0	\$0	0.0%
PARTNERSHIP	\$0	\$0	\$0	0.0%
EXTRAORDINARY COST	\$0	\$0	\$0	0.0%
NET INCOME	\$3,842,318	\$3,728,187	\$114,132	3.1%
CAPITAL EXPENDITURES	\$1,229,952	\$4,162,505	\$2,932,553	70.5%
MORTGAGE PRINCIPAL	\$0	\$0	\$0	0.0%
TAX ESCROW	\$0	\$0	\$0	0.0%
INSURANCE ESCROW	\$0	\$0	\$0	0.0%
INTEREST ESCROW	\$0	\$0	\$0	0.0%
REPLACEMENT RESERVE	\$734,976	\$734,976	\$0	0.0%
REPLACEMENT RESERVE REIMBURSE	(\$1,229,952)	(\$4,162,505)	(\$2,932,553)	-70.5%
WIP	\$0	\$0	\$0	0.0%
OWNER DISTRIBUTIONS	\$3,431,762	\$3,348,276	(\$83,486)	-2.5%
DEPRECIATION AND AMORTIZATION	(\$324,420)	(\$355,066)	(\$30,646)	-8.6%
NET CASH FLOW	\$0	\$0	(\$0)	-42.3%

Approvals

Owner _____ Date _____

Asset Manager _____ Date _____

COO _____ Date _____

VP _____ Date _____

Regional Manager _____ Date _____

Business Manager _____ Date _____

Alliance Residential, LLC makes no guarantee, warranty or representation whatsoever in connection with the accuracy of this Operating Budget as it is intended as a good faith estimate only.

Attachment C to Item 8a
FORA Board Meeting, 6/21/13

Preston Park Budget Memo Attachment C – Revenue Summary

Budget Option 1 – 2.4% Rent Increase Proposed

<u>Revenue</u>	Proposed FY 2013/ 2014	Estimated Actuals FY 2012/ 2013	Variance from FY 2012/2013 Estimated Actuals	%	Comments	Approved Budget FY 2012/ 2013	Variance From 2012/2013 Estimated Actuals	%	Comments	2013/2014 Proposed Budget vs. 2012/2013 Approved Budget	%
GROSS MARKET POTENTIAL	\$5,816,930	\$5,643,882	\$173,048	3.1%	2.4% increase proposed as of 8/1/13.	\$5,376,900	\$266,982	5.0%	Reflects approved rental increase and higher Market Rents achieved.	\$440,030	8.2%
NON-REVENUE APARTMENTS	-\$56,187	-\$47,422	-\$8,765	-18.5%	Difference accounted for in rent increase throughout property.	-\$62,448	\$15,026	24.1%	Reduction due to the split of the Office/Community Center with Abrams Park. Preston Park is charged 60% and Abrams Park is charged 40%.	\$6,261	10.0%
MISCELLANEOUS INCOME	\$8,450	\$10,901	-\$2,451	-22.5%	Anticipating reduction in Interest income as Capital Projects are completed.	\$7,632	\$3,269	42.8%	Additional income derived from recycling appliances through MARS*.	\$818	10.7%
TOTAL INCOME	\$5,705,939	\$5,469,472	\$236,517	4.3%		\$5,368,586	\$100,886	1.9%		\$337,403	6.3%
NET INCOME	\$3,898,422	\$3,728,187	\$170,235	4.6%		\$3,907,035	-\$178,848	-4.6%	Net Income adversely affected by the Depreciation schedule	-\$8,613	-0.2%

- MARS (Major Appliance Recycling Service) is a national service that provides payment for pickup of appliances that can be reused or recycled.

May 29, 2013

Attachment D to Item 8a
FORA Board Meeting, 6/21/13

Preston Park Budget Memo Attachment C – Revenue Summary

Budget Option 2 – No Increase Proposed

<u>Revenue</u>	Proposed FY 2013/ 2014	Estimated Actuals FY 2012/ 2013	Variance from FY 2012/2013 Estimated Actuals	%	Comments	Approved Budget FY 2012/ 2013	Variance From 2012/2013 Estimated Actuals	%	Comments	2013/2014 Proposed Budget vs. 2012/2013 Approved Budget	%
GROSS MARKET POTENTIAL	\$5,699,868	\$5,643,882	\$55,986	1.0%	Increase due to new move-ins at market rate.	\$5,376,900	\$266,982	5.0%	Reflects higher Market Rents achieved.	\$322,968	6.0%
NON-REVENUE APARTMENTS	-\$54,974	-\$47,422	-\$7,552	-15.9%	Slight increase as new move in market rents have increased.	-\$62,448	\$15,026	24.1%	Reduction due to the split of the Office/Community Center with Abrams Park. Preston Park is charged 60% and Abrams Park is charged 40%.	\$7,474	12.0%
MISCELLANEOUS INCOME	\$8,450	\$10,901	-\$2,451	-22.5%	Anticipating reduction in Interest income as Capital Projects are completed.	\$7,632	\$3,269	42.8%	Anticipating additional income derived from recycling appliances through MARS*.	\$818	10.7%
TOTAL INCOME	\$5,648,447	\$5,469,472	\$178,975	3.3%		\$5,368,586	\$100,886	1.9%		\$279,861	5.2%
NET INCOME	\$3,842,318	\$3,728,187	\$114,131	3.1%		\$3,907,035	-\$178,848	-4.6%	Net Income adversely affected by the Depreciation schedule	-\$64,717	-1.7%

May 29, 2013

Preston Park Budget Memo Attachment C – Highlights of Operating Expenses

<u>Operating Expenses</u>	Proposed FY 2013/ 2014	Estimated Actuals FY 2012/2013	Variance from FY 2012/2013 Estimated Actuals	%	Comments	Approved Budget FY 2012/ 2013	Variance From 2012/2013 Estimated Actuals	%	Comments	2013/2014 Proposed Budget vs. 2012/2013 Approved Budget	%
SALARIES	\$361,775	\$338,147	\$23,628	7.0%	Increase in salaries due to addition of Project Coordinator position.	\$320,601	\$17,546	5.5%	Overage in salaries due to overtime hours worked by full time associates to cover additional open staff position.	\$41,174	12.8%
PAYROLL TAXES + BURDEN	\$110,270	\$98,511	\$11,759	11.9%	Additional expense with addition of new associates.	\$101,026	-\$2,515	-2.5%	Savings due to 2 site associates not participating in insurance program.	\$9,244	9.2%
NON-STAFF LABOR	\$21,600	\$35,153	-\$13,553	-38.6%	Reduction in non-staff labor due to full office/maint. staff	\$0	\$35,153	---	Temp service utilized to fill-in while replacement staff identified.	\$35,153	---
LANDSCAPING	\$73,836	\$70,790	\$3,046	4.3%	Increase in irrigation repairs.	\$70,700	\$90	0.1%	Negligible variance	\$3,136	4.7%
UTILITIES	\$94,359	\$93,918	\$441	0.5%	Slight increase in Trash removal charges due to higher units turns.	\$96,660	-\$2,742	-2.8%	Decrease due to lower vacancy rate, ie. lower vacant utilities than expected	-\$2,301	-2.4%
REDECORATING	\$78,203	\$76,418	\$1,785	2.3%	Increase to account for higher turnover rate anticipated.	\$81,744	-\$5,326	-6.5%	Multiple units were short term rentals and did not require full service	-\$3,541	-4.3%
MAINTENANCE	\$100,785	\$94,468	\$6,317	6.7%	Increase to account for deteriorating electrical, plumbing, and vehicles.	\$82,332	\$12,136	14.7%	Encountered higher than anticipated plumbing and electrical issues, gas prices and vehicle repairs.	\$18,453	22.4%
MARKETING	\$15,290	\$15,398	-\$108	-0.7%	Negligible difference.	\$13,047	\$2,351	18.0%	Variance caused by addition of pay-per referral service, purchase of new flags and signage for leasing office.	\$2,243	17.2%

May 29, 2013

Attachment E to Item 8a
FORA Board Meeting, 6/21/13

Preston Park Budget Memo Attachment C – Highlights of Operating Expenses

<u>Operating Expenses</u>	Proposed FY 2013/ 2014	Estimated Actuals FY 2012/2013	Variance	%	Comments	Approved Budget FY 2012/ 2013	Variance From 2012/2013 Estimated Actuals	%	Comments	2013/2014 Proposed Budget vs. 2012/2013 Approved Budget	%
ADMINISTRATIVE	\$85,423	\$59,907	\$25,516	42.6%	Addition of check scanning equipment and Courtesy Patrol Service	\$57,606	\$2,301	4.0%	Higher than anticipated attorneys fees due to rent collection issues and evictions.	\$27,817	48.3%
INSURANCE	\$194,472	\$190,686	\$3,786	2.0%	Increase in premiums.	\$185,020	\$5,666	3.1%	Increase in premiums.	\$9,452	5.1%
NON-ROUTINE MAINTENANCE	\$72,375	\$53,064	\$19,311	36.4%	Addition of funds for Concrete Grinding throughout community. Other services include one-time gutter cleaning and sealing of oven vents in each home	\$14,000	\$39,064	279%	Difference to account for re-class of Annual Inspection materials from Maintenance category, and used to code exterior rehab projects at 726/728 Landrum, 712/714 Brown, 663 Bailey, and interior repairs at 660 Horn.	\$58,375	417%
TOTAL OPERATING EXPENSES	\$1,483,147	\$1,386,219	\$96,927	7.0%		\$1,280,463	\$105,756	8.3%		\$202,684	15.8%

May 29, 2013

PRESTON PARK - REVISED PHYSICAL NEEDS ASSESSMENT (8 Year Look Forward - Alliance Residential Recommendation)

Updated: 5/29/2013

Project	Detail	Committed Projects	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
1410										
Comprehensive Property Inspection (PNA)	Physical Needs Assessment		\$ 74,600							
Carbon Monoxide Detectors		\$ 33,060								
Site Lighting Repair / Replacement /Install	*Exterior site upgrades	\$ 265,849						\$ 50,000		
Roof	*Replacement	\$ 1,311,893				\$ 10,000		\$ 10,000		\$ 10,000
Exterior Paint	*Full Paint	\$ 398,008						\$ 283,200		
Exterior Unit Doors and Windows	*Replacement	\$ 1,557,000					\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Building Exterior	*Dryrot Repairs	\$ 20,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 75,000	\$ 2,000	\$ 2,000
Fence Slat Replacement	Replacement	\$ 35,000						\$ 75,000		
Resident Business Center	FF&E	\$ 12,000								
Landscape/ Irrigation	*Replacement / Upgrades			\$ 175,000				\$ 200,000		
Leasing Office / Signage	*Upgrades			\$ 115,000						
Playgrounds	*Replacement			\$ 125,000						
Fire Extinguishers	Add Fire Extinguishers to each home	\$ 13,000								
Termite Remediation	Termite remediation	\$ 50,000								
Building Fascia/Flashing Repairs	Repairs to exterior sheer walls	\$ 800,000								
1415										
New Office Computers	Replace existing old computers	\$ 2,600					\$ 2,600			
1416										
One Maintenance Truck	Needed for hauling etc...	\$ 14,000				\$ 15,000				\$ 15,000
1420										
Seal Coat Streets		\$ 155,787					\$ 155,787			
1425										
Dishwasher	replacement (assume 10 year life)	\$ 10,200	\$ 12,160	\$ 10,200	\$ 10,200	\$ 10,200	\$ 10,200	\$ 10,200	\$ 10,200	\$ 10,200
Refrigerators	replacement (assume 15 year life)	\$ 14,400	\$ 16,800	\$ 12,650	\$ 12,650	\$ 12,650	\$ 12,650	\$ 12,650	\$ 12,650	\$ 12,650
Range	replacement (assume 15 year life)	\$ 16,524	\$ 18,360	\$ 11,500	\$ 11,500	\$ 11,500	\$ 11,500	\$ 11,500	\$ 11,500	\$ 11,500
Garbage Disposal	replacement (assume 10 year life)	\$ 2,345	\$ 3,000	\$ 2,345	\$ 2,345	\$ 2,345	\$ 2,345	\$ 2,345	\$ 2,345	\$ 2,345
Hot Water Heaters	replacement (assume 15 year life)	\$ 16,200	\$ 18,000	\$ 17,250	\$ 17,250	\$ 17,250	\$ 17,250	\$ 17,250	\$ 17,250	\$ 17,250
Carpet	replacement (assume 5 year life)	\$ 38,400	\$ 56,532	\$ 113,600	\$ 113,600	\$ 113,600	\$ 113,600	\$ 113,600	\$ 113,600	\$ 113,600
Vinyl	replacement (assume 10 year life)	\$ 66,300	\$ 73,100	\$ 19,250	\$ 19,250	\$ 19,250	\$ 19,250	\$ 19,250	\$ 19,250	\$ 19,250
HVAC Furnace	replacement (assume 20 year life)	\$ 26,400	\$ 26,400	\$ 15,300	\$ 15,300	\$ 15,300	\$ 15,300	\$ 15,300	\$ 15,300	\$ 15,300
1430										
Applicable Contruction Management Expenses	Miscellaneous (see * items)	\$ 211,965	\$ 48,000	\$ 24,900	\$ -	\$ -	\$ -	\$ 25,992	\$ -	\$ -
Annual Reserve Expenses (uninflated)		\$ 4,187,931	\$ 1,229,952	\$ 643,995	\$ 204,095	\$ 229,095	\$ 364,982	\$ 923,787	\$ 206,595	\$ 231,595
Inflation Factor		0.00%	2.00%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Annual Reserve Expenses (Inflated)		\$ 4,187,931	\$ 1,254,551	\$ 660,095	\$ 209,197	\$ 234,822	\$ 374,107	\$ 946,882	\$ 211,760	\$ 237,385
Annual Infusion of Replacement Reserve Funds			\$ 1,239,000	\$ 663,750	\$ 442,500	\$ 442,500	\$ 442,500	\$ 442,500	\$ 442,500	\$ 442,500
Reserve Fund BEFORE Annual Expenses and BEFORE Annual Infusion			\$ 922,215	\$ 700,414	\$ 482,819	\$ 716,122	\$ 923,799	\$ 992,193	\$ 487,811	\$ 718,551
Reserve Fund AFTER Annual Expenses and AFTER Annual Infusion			\$ 36,664	\$ 40,319	\$ 273,622	\$ 481,299	\$ 549,693	\$ 45,311	\$ 276,051	\$ 481,166

Designates projected starting balance of Replacement Reserve Fund		
Holdbacks and Reserve Summary	\$/Unit	\$/Unit/Year (Average)
Physical Needs Over the Term:	\$ 8,316,730	\$ 23,493.59
		\$ 2,937

Note: The CIP above represents projects known to Management as current or pending necessary improvements. It does not represent unknown repairs which may present themselves as the property continues to age such as electrical, plumbing or structural occurrences.

Attachment F to Item 8a
FORA Board Meeting, 6/21/13

Attachment B – Life/Safety Issues

Electrical Issues:

3 incidents have occurred within Preston Park relating to Electrical Issues stemming from ungrounded main panel circuitry at the building site, and overload of power from PG&E power sources. At each instance, the Marina Fire Department, PG&E, and Alliance staff worked in conjunction to restore power to each building site, resulting in minimal inconvenience to residents.

Per community inspection, the grounding rods at each building site have been compromised by age and weatherization causing power overloads to become trapped inside internal circuitry. Additionally, internal sub-panel wiring has been found to be loose or fraying. Bids and approval from FORA staff have been received and this project is set to begin in June 2013.

660 Horn Fire – 2/14/13

677/675 Wahl Incident – 5/6/13

658/650 Bailey – 5/24/13

Attic Inspections/Termite Remediation:

In January 2013 an attic inspection of a home in Abrams Park prompted management to conduct Attic Inspections in Preston Park. Inspections revealed roof leaks at multiple locations, and termite activity within a limited number of homes. Fire walls were found to be intact. Roof repairs are scheduled to be made under the approved FY 2012/2013 Capital Project schedule, and Termite Remediation bids have been received and included in the proposed 2013/2014 budget for possible completion in July 2013.

Oven Vents:

In August 2012, during the non-routine cleaning of a kitchen oven vent by a vendor service, it was discovered that the oven vent was not sealed properly. This prompted staff to immediately inspect 10 other homes of varying floor plans within the community, each with similar results. Documentation was received from the vendor service indicating that within 1 years' time, all of the oven vents within the community would need to be resealed. This service is listed in the budget as a Non-Routine item to be completed in July 2013.

Fire Extinguishers:

During a routine service request regarding a deceased rodent within the interior walls of a home, a fire started in the water heater closet. Staff promptly shut off gas service and began to douse the fire with water from a garden hose. Consideration was then given to adding a one-time use fire extinguisher to each home. Pricing has been obtained, as has input from the Marina Police Department. This service is listed in the budget as a Capital item for installation in each home beginning in July 2013.

Exterior Fascia/Flashing Repairs:

After complaints were received by a resident regarding a musty smell in the stairwell, an inspection revealed that the exterior stucco and shear wall had been compromised. Upon further investigation, the neighboring home was also found to be experiencing the same issue. The cause of the water intrusion was determined to be improperly designed/installed flashing at the point that the garage roof meets the exterior wall of the stairwell. The exterior of the building was removed, rotted wood and compromised

installation replaced, and new watertight papering installed within 2 days. After several trial and error attempts, an exterior repair was made and tested to ensure water intrusion was remedied. Three additional homes were identified with the same flaw and repairs made to the exterior of those buildings. A test sample of 30 additional homes revealed 28 addresses where this design flaw is causing moisture intrusion. Estimated costs for community-wide repairs have been included in the 2013/2014 Capital projects budget. Repairs will need to be completed before painting can be performed.




Marina Fire Department

MEMORANDUM

DATE: May 30, 2013

TO: Corey Williams, Business Manager

CC: Craig Oliver, Chief Building Official
File

FROM: Harald Kelley, Fire Chief 

SUBJECT: Abrams Park and Preston Park Code Compliance Assessment

Over the last several years the fire department has had calls for service that involved electrical issues and code compliance issues in both Abrams Park and Preston Park. Alliance Management has been notified at the time of the incidents and responded in a timely manner assisting both the fire department and the tenants involved.

I strongly support the Community Code Compliance Assessment that is being proposed by the Alliance Communities Inc. management in their FY 2013/2014 budget for Preston Park. At the regular meeting of the Marina City Council held on May 21, 2013, the Marina City Council approved Resolution No. 2013-61 approving funding for compliance safety review (Physical Needs Assessment) and inspections; provided funding for inspections and related proposals for attic repairs and repairs to electrical grounding as part of the Abrams Park Community Code Compliance Assessment. I strongly encourage the FOR A Board to do the same for Preston Park.

The proposed Assessment would assist Alliance management in prioritizing repairs and also help in indentifying code compliance issues. The Assessment is a proactive action in mitigating an emergency verses waiting until an incident occurs.

If you have any question, please contact me at (831) 884-1210 between the hours of 8:00 am and 5:00 pm Monday through Friday.

COMMUNITY DESCRIPTION	
Street address	682 Wahl Court
City, State, Zip Code	Marina, CA 93933
Telephone	(831) 384-0119
Construction type	Mixed use
Year built	1987
Owner	Fort Ord Reuse Authority
Management	Alliance Residential Company
Total units	352
Physical occupancy	99%

COMMUNITY RATINGS	
Location	B
Visibility	C
Curb appeal	B
Condition	C
Interiors	C
Amenities	D

PAYER OF UTILITIES	
Gas	Resident
Electric	Resident
Water	Res/Meter
Sewer	Resident
Trash	Resident
Cable TV	N A
Internet	Resident
Pest control	Community
Valet trash	N A

FEES, DEPOSITS, AND LEASE TERMS	
Application fee	\$44
Lease terms	MTM and 6 months
Short term premium	N/A
Refundable security deposit	Equal to one months' rent
Administrative fee	\$0
Non refundable pet deposit	N/A
Pet deposit	\$250 covers up to 2 pets
Pet rent	\$0

CONCESSIONS
No concessions. Community is partially Below Market Rent and Section 8.

COMMENTS
All units have an attached garage, in-home laundry room, and gated backyard. \$25 fee for end units.

APARTMENT AMENITIES			
Accent color walls	No	Paneled doors	No
Air conditioning	No	Patio/Balcony	Yes
Appliance color	White	Refrigerator	Frost-Free
Cable TV	No	Roman tubs	No
Ceiling	No	Security system	No
Ceiling fans	No	Self cleaning oven	No
Computer desk	No	Separate shower	No
Crown molding	No	Upgraded counters	No
Fireplace	No	Upgraded flooring	Plush Cpt
Icemaker	No	Upgraded lighting	No
Kitchen pantry	Yes	Vaulted ceiling	No
Linen closets	Yes	Washer/Dryer	No
Microwave	No	W/D connection	Full size
Outside storage	No	Window coverings	1" mini

COMMUNITY AMENITIES			
Access gates	No	Free DVD/movie library	No
Addl rentable storage	No	Laundry room	No
Attached garages	Yes	Movie theater	No
Barbecue grills	No	Parking structure	No
Basketball court	Yes	Pet park	No
Billiard	No	Playground	Yes
Business center	No	Pools	No
Club house	Yes	Racquetball	No
Concierge services	No	Reserved parking	No
Conference room	No	Sauna/Jacuzzi	No
Covered parking	No	Tennis court	No
Detached garages	No	Volleyball	No
Elevators	No	Water features	No
Fitness center	No	WiFi	No

FLOORPLANS AND RENTS

Floorplan Type	Unit Description	# of Units	% of Units	Square Feet	Rent per Unit				Concessions		Effective Net Rents	
					Low	High	Average	Avg PSF	Mos Free	Term	Average	Avg PSF
2X1		10	3%	1,150	\$1,610	\$1,610	\$1,610	\$1.40	0.00	0.00	\$1,610	\$1.40
2X1.5		80	23%	1,278	\$1,665	\$1,690	\$1,677	\$1.31	0.00	0.00	\$1,677	\$1.31
2X1.5	1 car attached Renovated	2	1%	1,278	\$2,100	\$2,100	\$2,100	\$1.64	0.00	0.00	\$2,100	\$1.64
2X1.5	1 car attached Renovated	135	38%	1,323	\$1,690	\$1,715	\$1,702	\$1.29	0.00	0.00	\$1,702	\$1.29
3X2.5		124	35%	1,572	\$1,985	\$2,010	\$1,997	\$1.27	0.00	0.00	\$1,997	\$1.27
3X2.5	1 car attached Renovated	1	0%	1,572	\$2,100	\$2,100	\$2,100	\$1.34	0.00	0.00	\$2,100	\$1.34
Total / Weighted Average		352	100%	1,396	\$1,789	\$1,814	\$1,801	\$1.29	0.00	0.00	\$1,801	\$1.29

Attachment D - Unit Matrix

			Utility costs*					Market Survey Data								
Bedrooms	Bathrooms	Square footage	Average Rent per unit	Water	Sewer	Trash	Total Utilities	Total Rent including utilities	Total Rent per square foot BEFORE rent increase	Total Rent per square foot after 2.4% increase	Total Rent per square foot AFTER rent increase	Sunbay Suites rent per square foot	Marina Square rent per square foot	Marina del Sol rent per square foot	Shadow Market rent per square foot	Abrams Park rent per square foot not including utilities
2	1	1150	\$1,367	\$39	\$26	\$18	\$83	\$1,450	\$1.26	\$1,483.00	\$1.29	\$1.88	\$1.31	\$1.50	\$1.39	\$1.35
2	1.5	1278	\$1,367	\$39	\$26	\$18	\$83	\$1,450	\$1.13	\$1,483.00	\$1.16	N/A	N/A	N/A	\$1.33	N/A
2	1.5	1323	\$1,367	\$39	\$26	\$18	\$83	\$1,450	\$1.10	\$1,483.00	\$1.12	N/A	N/A	N/A	\$1.33	N/A
3	2.5	1572	\$1,664	\$50	\$26	\$18	\$94	\$1,758	\$1.12	\$1,799.50	\$1.14	N/A	N/A	N/A	\$1.19	N/A

* Utility costs for 2 Bedroom Unit derived from 3-person household sample

* Utility costs for 3 Bedroom Unit derived from 4-person household sample

Note that in addition to the rental amounts paid by in-place residents, Preston Park residents pay for Water, Sewer, and Trash services that the majority of the comaprables in the market place pay on behalf of the household. The chart above indicates that in each unit type, Preston Park residents are paying a lower rental amount per square foot of space within the homes (not including garage space).

Households in Abrams Park have not received a rental increase in 3 years and are still averaging roughly \$0.10 cents per square foot higher rental rates than Preston Park households.

Table 2.
2013 Maximum Monthly Rental Rates
Monterey County

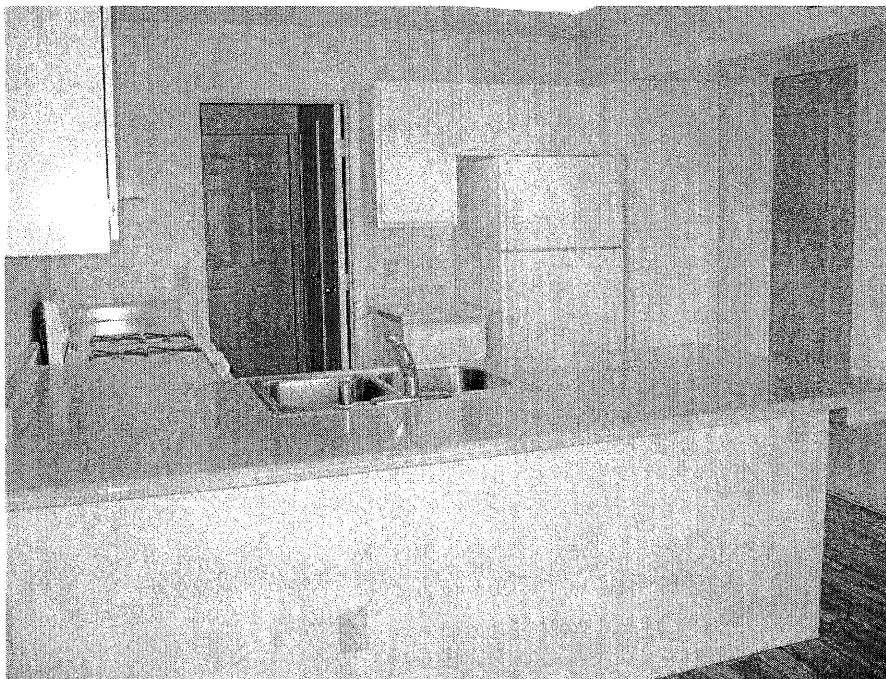
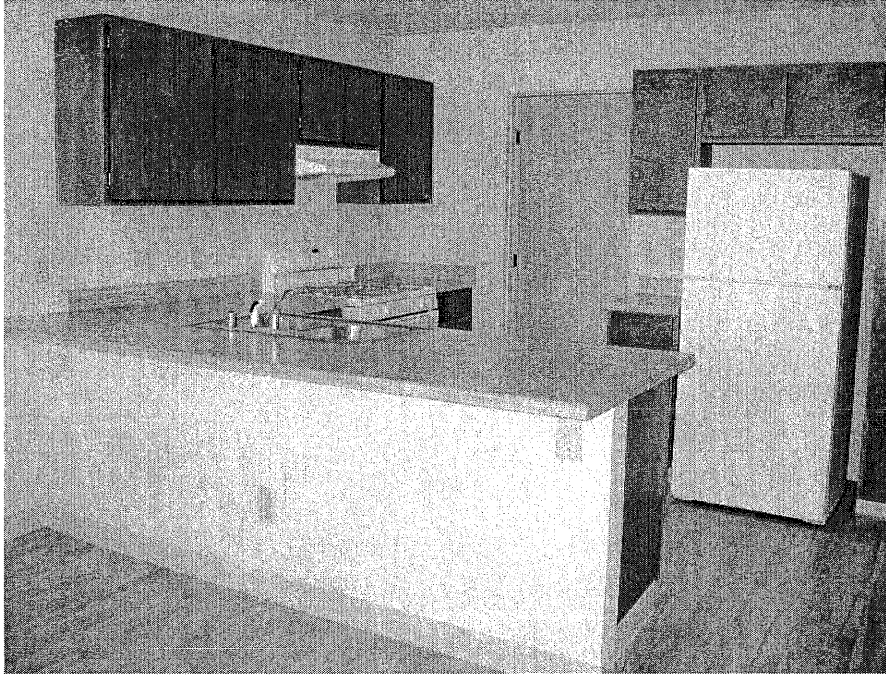
TAX CREDIT PROJECTS				
	Number of Bedrooms in Unit			
	One	Two	Three	Four
Household Size	1.5	3	4.5	6
Very Low Rent (50% of AMI)	\$644	\$773	\$893	\$996
less utilities (2)	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$562	\$677	\$790	\$876
Low Rent (60% of AMI)	\$773	\$928	\$1,072	\$1,196
less utilities	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$691	\$832	\$969	\$1,076
Moderate Rent (110% of AMI)	\$1,417	\$1,701	\$1,965	\$2,192
less utilities	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$1,335	\$1,605	\$1,862	\$2,072
HSC 50053 REGULATIONS FOR PROJECTS W/O TAX CREDITS				
	Number of Bedrooms in Unit			
	One	Two	Three	Four
Household Size	2	3	4	5
Very Low Rent (50% of AMI)	\$687	\$773	\$859	\$928
less utilities (2)	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$605	\$677	\$756	\$808
Low Rent (60% of AMI)	\$824	\$928	\$1,031	\$1,113
less utilities	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$742	\$832	\$928	\$993
Moderate Rent (110% of AMI)	\$1,511	\$1,701	\$1,889	\$2,041
less utilities	-\$82	-\$96	-\$103	-\$120
Monthly Rent net of utilities	\$1,429	\$1,605	\$1,786	\$1,921
<small>(1) Calculations reflect formula per Section 50053 of the California Health and Safety Code.</small>				
<small>(2) Utility allowance assumes gas heat, gas cooking, other electric, gas water heating, water, sewer and trash.</small>				

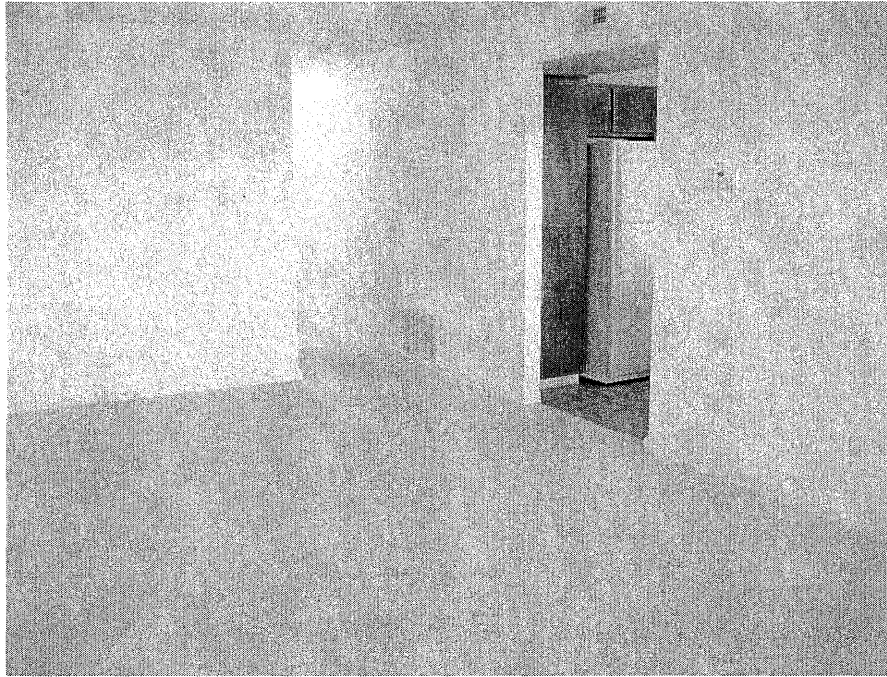
Sources: Median incomes from California Department of Housing and Community Development, 2012. Utility allowances from Housing Authority of the County of Monterey, Effective January 1, 2013 (standard non-energy efficient utility allowance for apts. and townhouses).

Attachment G – Amenity Analysis

Attachment K to Item 8a
FORA Board Meeting, 6/21/13

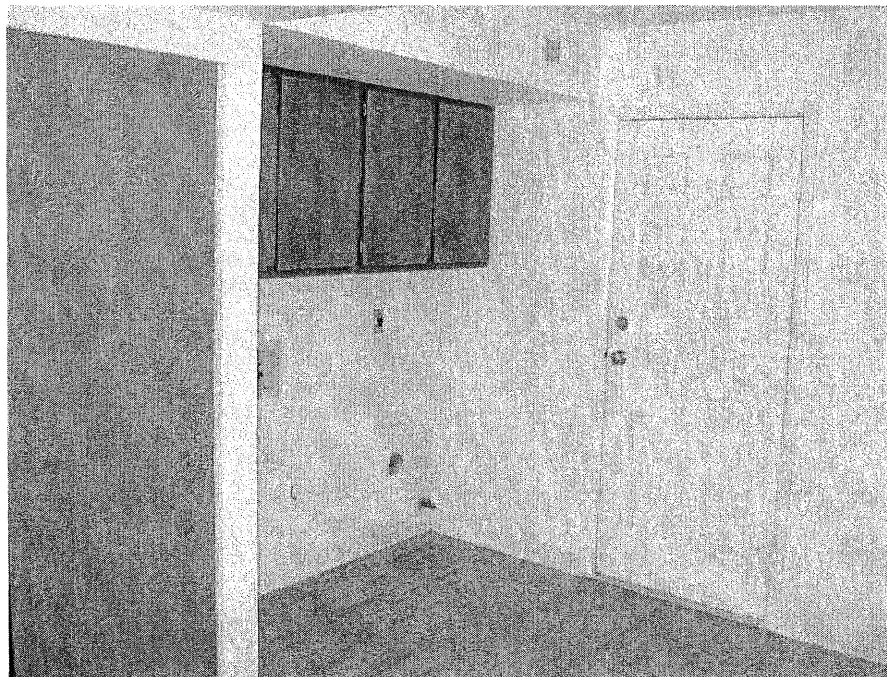
Preston Park residents are treated to Large Eat-In Kitchens with Refrigerators, Dishwashers, and a Gas Stove/Oven. Deep Double Sinks with Garbage Disposal are standard. A dining area roughly the same size as the kitchen is directly adjacent to the kitchen.



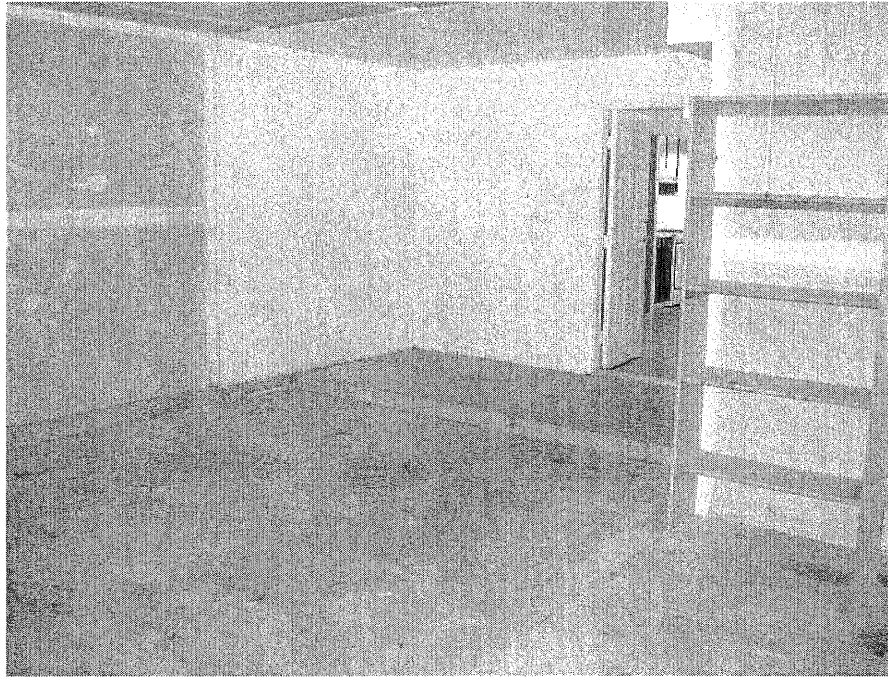


Preston Park offers oversized living spaces. The living room in most homes is an estimated 350 square feet. Many homes have newer plush carpeting in the living room areas, and wood style linoleum in the kitchen, dining, laundry room and bathrooms.

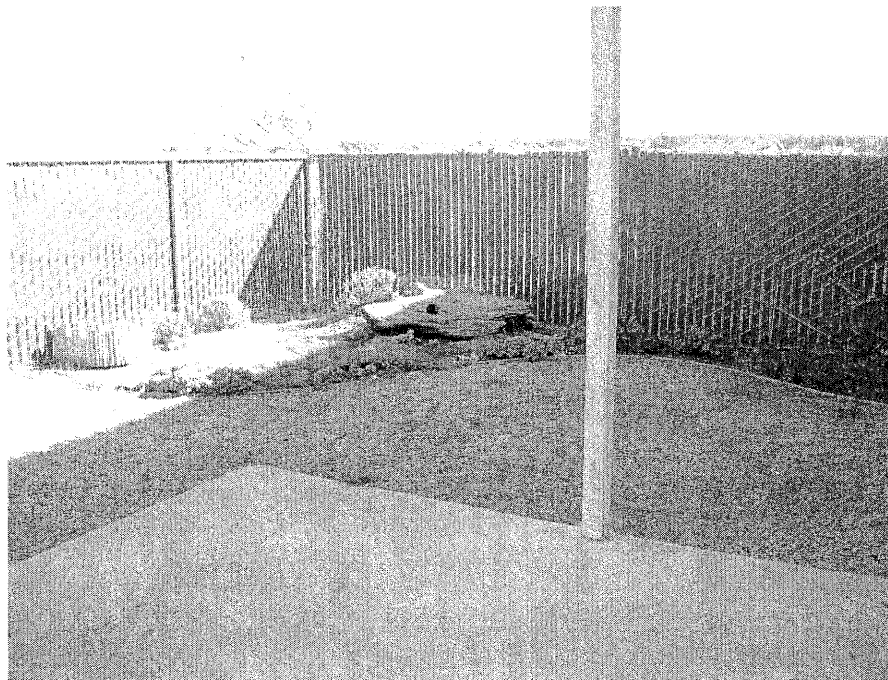
Regardless of Floor Plan, each home in Preston Park has an in-home laundry room with space for full sized washer and dryers, in addition to an added pantry closet and/or shelving unit.



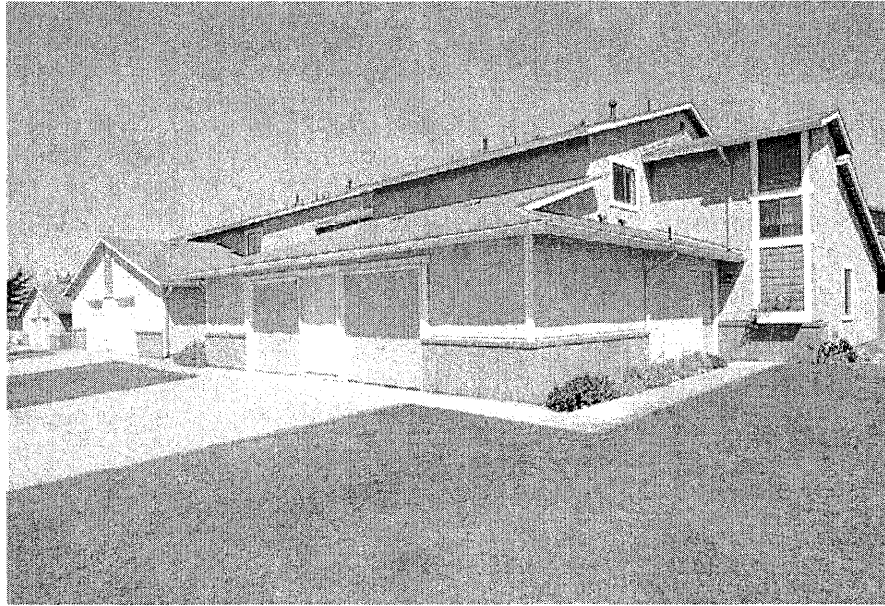
Additional storage space is located within each Single-car direct access attached garage. Storage shelving and an additional raised pad area add an abundance of extra storage area to this space.



Each home comes with an attached gated back yard. A covered patio area is included, as well as outside electrical outlets and a back yard water spigot for easy gardening.



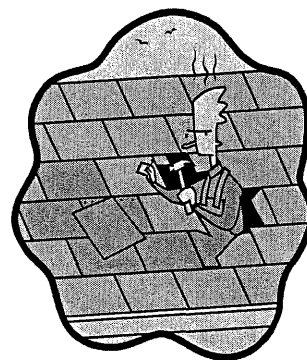
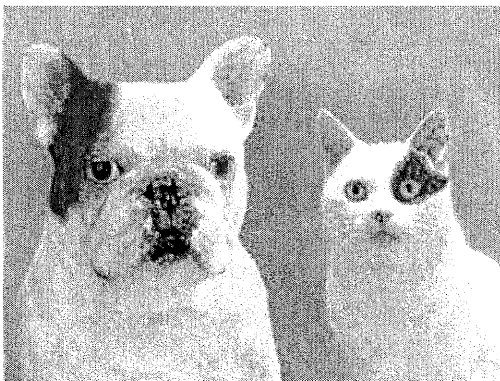
Preston Park boasts spacious front yard and open areas, and townhome style living to the majority of residents. Every residence has at least one dedicated driveway parking space in addition to their garage space. Multiple homes within the community have 2 or 3 car length driveways.



Exterior landscaping is maintained by the property, and multiple outdoor basketball and playground facilities are located within the community.

Our newly updated Community Center is available for all residents to utilize for private parties, free of cost.

We are a Pet Friendly Community and allow cats and dogs up to 50 pounds (Breed Restriction apply) with a maximum of 2 pets per household. Our Maintenance Team is available for emergency requests 24-hours a day.



FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: FY 2013/14 Capital Improvement Program

Meeting Date: June 21, 2013

Agenda Number: 9a

INFORMATION/ACTION

RECOMMENDATION:

Adopt Fiscal Year 2013/14 (FY13/14) Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP), **Attachment A**.

BACKGROUND/DISCUSSION:

At the May 2013 FORA Board meeting, staff presented an overview, background and key elements of the FORA CIP. Those elements include: 1) Transportation/Transit; 2) Water Augmentation; 3) Habitat Management; 4) Fire Fighting Enhancement; and, 5) Building Removal. Staff described the tables that outline expected revenue and expenditure streams based on forecasts received from the land use jurisdictions and their developers, as modified by FORA staff and consultants. Board members raised questions on the following topics:

Eastside Parkway: Remains the number one FORA Board priority transportation project, however, is not feasible to receive funding at this time due to several factors:

1. The roadway lies within land that is part of the Environmental Services Cooperative Agreement (ESCA) and has not been approved for transfer by State regulatory agencies. This is not projected to occur until 2014/15. Facilitating construction prior to transfer would require a cost-prohibitive ESCA regulatory review process.
2. FORA does not foresee collecting \$16.8M to fund roadway construction in the next fiscal year.
3. Eastside Parkway connectivity is dependent on an overall traffic network including Inter-Garrison Road, Eucalyptus Road and a portion of Gigling Road. Collective project costs exceed \$25M.

Once the ESCA is complete, and a substantial portion of the project cost has been collected, FORA would proceed with the California Environmental Quality Act (CEQA) process. It is not advisable to prepare CEQA documents until the project is construction ready to ensure the documents are current. It is for these reasons FY13/14 funding has been programmed to:

1. Davis Road Bridge Replacement – Monterey County has secured a grant for this project and the programmed funds serve as a local match.
2. South Boundary Road – Project cost is within grant range and it is projected that the amount of funding needed for a local match will be collected. Early funding for this project includes grant application preparation. Construction would not occur until the Habitat Conservation Plan (HCP) is near finalization.
3. Highway 68 Operational Improvements – The Transportation Agency for Monterey County (TAMC) advanced FORA's portion of funding for this project to Monterey County as lead agency. TAMC has prepared a reimbursement agreement with FORA and the County that allows FORA's portion of project costs to be reimbursed to TAMC – currently identified in the CIP at \$312,205. The improvements included operational and intersection improvements on Highway 68 at San Benancio and Corral de Tierra.
4. Transit Vehicle Purchase/Replace – To meet the growing need for transit service to former Fort Ord developments, Monterey Salinas Transit requested funding in the upcoming fiscal years to purchase transit vehicles. In the 2012/13 CIP, this project was programmed to receive funding in 2012/13 through 2017/18; however, insufficient fee was collected and the 2012/13 amount was unpaid.

Funding these projects was determined by development forecasts, existing obligations and project viability. Adopting the CIP as presented will affirm project placement (as shown on CIP Table 2) in FY 13/14. If basewide developer fees and/or Community Facilities District (CFD) fees are collected as forecast, project funding is also affirmed by adoption.

Building Removal: The FORA Board established policy regarding building removal obligations with adoption of the FY 01/02 CIP. That policy defines FORA obligations and has been sustained since that time. The FORA Board established criteria to address how the building removal program would proceed. For example, FORA does not determine which City of Seaside Surplus II buildings are selected for removal. The policy fixes the overall cost and City of Seaside decides which buildings to remove. Within Economic Development Conveyance parcels, select building removal (required for redevelopment) was determined to be a basewide cost. Building removal required for Surplus II redevelopment *and* buildings not programmed for reuse in the Surplus II area (along Gigling Road) potentially fit the criteria. When the City of Seaside, working with any developer, determines which buildings should be removed, FORA would forego a portion of land sale proceeds in an amount commensurate with actual costs, up to \$4M (December 1996 Reimer Associates Fort Ord Demolition Study). All jurisdictions have been treated in a similar manner but have widely varying building removal needs that FORA does its best to accommodate with available funds.

8th Street: FORA is not the lead agency for this project, as the City of Marina assumed lead agency status through a 2007 reimbursement agreement with FORA. The nearly \$6M project, as assigned by TAMC, includes upgrading/constructing a two-lane arterial (8th Street) from 2nd Avenue to Inter-Garrison Road, providing relief to Inter-Garrison Road. FORA staff has requested a meeting with Marina and California State University Monterey Bay (CSUMB) staff to determine progress to date and how to meet concerns moving forward. CSUMB staff has indicated that 8th Street is a CSUMB priority. FORA will continue to work with the adjacent jurisdictions to coordinate goals and objectives.

Property Management/Caretaker Costs/Contingencies: The land use jurisdictions are responsible for maintaining over 1,200 former Fort Ord acres, with few resources available for management. Through a combination of the contingency line item "Additional CIP Costs" and land sales revenue (should it be received), staff and consultants are comfortable that FORA can contribute toward covering a portion of these costs. Through FORA Administrative Committee (AC) discussions in 2012, FORA's annual obligation to the jurisdictions is capped at \$660,000, should FORA collect sufficient land sales revenue and jurisdictions demonstrate actual costs. Contingencies include potential and unknown basewide expenditures outside of current cost estimates for transportation projects (e.g. ESCA contract change orders, habitat/environmental mitigation, unknown site conditions, etc.), interim funding for the University of California Habitat Natural Reserve (until the HCP is adopted), funding for HCP endowments should a lower endowment payout rate be required by Regulatory Agencies, restoration of storm drainage sites and relocation of utilities in State Parks land, additional Pollution Legal Liability insurance coverage, etc.

Because of the overall financial impact, in 2010 the FORA Board commissioned a study of CIP contingencies to streamline line items and reduce costs. This direction resulted in the CIP Phase I Review, conducted by Economic & Planning Systems (EPS). Phase I Review recommendations included reducing the \$124,599,124 contingency to \$35,574,033, subsequently reducing the CFD/developer fees by 27%.

Additionally, at their May 2013 meeting, the FORA Board enacted a further reduction to the CFD and developer fee based on the formulaic approach developed by EPS during the CIP Phase II Review. The FORA Board adopted the fee formula with Resolution 12-5 and amendments to the FORA-Jurisdictions Implementation Agreements on August 29, 2012. The Board-enacted formulaic approach resulted in a 23.6% reduction on May 10, 2013. The fee reduction, to \$26,440, will remain in place until July 1, 2013, when a 2.8% increase (based on the Engineering News Record Construction Cost Index) is applied. The indexed developer fee on July 1 will be \$27,069. The process by which FORA indexes the fee is included in CIP Appendix A, Protocol for Review/ Reprogramming of FORA CIP.

CIP Tables and Appendices: CIP Table 1 reflects FORA's transportation and transit obligations and graphically depicts fiscal offsets of completed projects that reduce Base Reuse Plan obligations. Table 2 time places remaining transportation and transit obligations based on development forecasts. Table 3 provides a funding summary of all CIP elements against expected revenues, including General Fund repayment of borrowed Development Fee/ CFD special tax funds. Per EPS's Phase II Review, these funds will be retained in the FORA reserve to partially cover FORA operating costs through 2020. Table 4 reflects forecasted annual revenue from CFD fee collection. It should be noted that dollar amounts for 2013/14 reflect *actual* jurisdiction forecast submittals. Forecasts for 2014/15 through 2019/20 have been reduced by 50% and the remaining 50% has been put into a "Post-FORA" column. Staff made this decision based on historical experience. Notably, jurisdiction's forecasts have shown greater accuracy within the first year of the forecast (2013/14 in this instance), but less accuracy in later forecast years. Table 5 reflects land sales projections from the EPS Phase II Review. The tables are explained in more detail under CIP Section III, FY 2013/2014 through Post-FORA Capital Improvement Program.

CIP Appendix A provides the protocol by which the CIP is reprogrammed, including time placing projects and annually inflating the CFD and developer fees. Appendix B includes Tables A1 and A2, which show residential and non-residential development phasing. Appendix C details FORA's building removal program activities to date.

Annually, the Administrative Committee (AC) works with FORA staff to review and refine the CIP before recommending approval to the FORA Board. At their June 5th meeting AC members had several questions about 1) CIP contingencies including the HCP contingency; 2) how the fees are indexed; 3) building removal; 4) how the CIP document is prepared; 5) caretaker costs; 6) water augmentation and Marina Coast Water District obligations; and, 7) implications of "Post-FORA" column. They requested continued review of the CIP with a follow-on meeting scheduled for June 19th. The results of that meeting will be reported out at the June 21st Board meeting. The text of this staff report and the draft CIP have been revised to provide answers to the questions that have been posed so far.

FISCAL IMPACT:


Reviewed by FORA Controller 

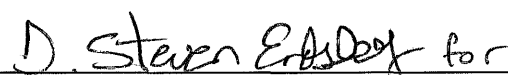
Staff time for this item is included in the approved annual budget. Actual expenditures cannot occur until the dedicated CIP revenues have been collected.

COORDINATION:

CIP Committee, Administrative Committee, Executive Committee

Prepared by 
Crissy Maras

Reviewed by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.



DRAFT

FY 2013/14
Capital Improvement
Program

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I EXECUTIVE SUMMARY	3
II OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CAPITAL IMPROVEMENT PROGRAM	#
d. TRANSPORTATION/TRANSIT PROJECTS	#
FIGURE 1 – TRANSPORTATION MAP	#
FIGURE 2 – REMAINING TRANSPORTATION PROJECTS	#
b. WATER AUGMENTATION	#
c. STORM DRAINAGE SYSTEM PROJECTS	#
d. HABITAT MANAGEMENT REQUIREMENTS	#
e. FIRE FIGHTING ENHANCEMENT REQUIREMENTS	#
f. BUILDING REMOVAL PROGRAM	#
g. WATER AND WASTEWATER COLLECTION SYSTEMS	#
h. PROPERTY MANAGEMENT AND CARETAKER COSTS	#
III FY 2013 2 /2014 3 THROUGH 2021/2022 CAPITAL IMPROVEMENT PROGRAM	#
TABLE 1 – OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS	#
TABLE 2 – TRANSPORTATION NETWORK AND TRANSIT ELEMENTS	#
TABLE 3 – SUMMARY OF CAPITAL IMPROVEMENT PROGRAM	#
TABLE 3 – FOOTNOTES	#
TABLE 4 – COMMUNITY FACILITIES DISTRICT REVENUE	#
TABLE 5 – LAND SALES REVENUE	#
 <u>APPENDICES</u>	
A. PROTOCOL FOR REVIEW/REPROGRAMMING OF FORA CIP	#
B. TABLE 4 – COMMUNITY FACILITIES DISTRICT REVENUE/LAND SALES REVENUE FY 2013/14 THROUGH POST-FORA DEVELOPMENT FORECASTS	#
C. BUILDING REMOVAL PROGRAM TO DATE	#

I. EXECUTIVE SUMMARY

The Fort Ord Reuse Authority ("FORA") Capital Improvement Program ("CIP") ~~describes mitigation obligations from the~~ was created in 2001 to comply with and monitor mitigation obligations from the 1997 Fort Ord Base Reuse Plan ("BRP"). ~~The BRP includes These~~ mitigation obligations are described in the BRP Appendix B as the Public Facilities Implementation Plan ("PFIP") ~~._ The PFIP serves as the reuse plan_~~ which was the initial capital programming baseline. The CIP is a policy approval mechanism for the ongoing BRP mitigation requirements as well as other capital improvements established by FORA Board policy decisions. ~~and The~~ CIP is re-visited annually by the FORA Board to assure that projects are implemented on a timely basis. ~~The PFIP spans a twenty-year development horizon (1996-2015) predicated upon best at the time reuse forecasts.~~

~~The current This (FY 2012/134 – FY 2021/22) "Post-FORA" CIP document has been updated with the most current~~ reuse forecasts, ~~as anticipated~~ by the FORA land use jurisdictions and adjusted to reflect staff analysis and Board policies. ~~New Adjusted~~ annual forecasts are enumerated in the CIP Appendix B, Table 4. Forecasted capital project timing is contrasted with FY 2012/13 adopted timing, outlining adjustments. ~~Based upon current information, capital project "placement in time" has been contrasted with last year's programming, showing minor adjustments. The reader's attention is directed to See~~ Tables 2 & 3, depicting demonstration CIP project forecasts.

Current State law sets FORA's sunset on June 30, 2020~~14~~ ~~(or when 80% of the BRP has been implemented, whichever occurs first)~~ ~~the sunset is~~ either of which is prior to the 2021/22 Post-FORA CIP end date. The revenues and obligations ~~herein may need to~~ forecasts will be addressed in 2018 under State Law and will likely require significant coordination with the Local Agency Formation Commission ~~if FORA is dissolved.~~

1) Periodic CIP Review and Reprogramming

Recovery forecasting is impacted by the market. However, annual jurisdictional forecast updates remain the best method for CIP programming since timing of project implementation is the purview of the individual on-base FORA members. Consequently, FORA annually reviews and adjusts its jurisdiction forecast based CIP to reflect project implementation and market changes. The protocol for CIP review and reprogramming was adopted by the FORA Board on June 8, 2001. Appendix A, herein, defines how FORA and its member agencies review reuse timing to accurately forecast revenue. A March 8, 2010 revision incorporated additional protocol by which projects could be prioritized or placed in time. Once approved by the FORA Board, this CIP will set project priorities. The June 21, 2013 Appendix A revision describes the method by which the "Fort Ord Reuse Authority's Basewide Community Facilities District ("CFD"), Notice of Special Tax Lien" is annually indexed.

In FY 2010/11, FORA contracted with Economic & Planning Systems ("EPS") to perform a review of CIP costs and contingencies (CIP Review – Phase I Study), which resulted in a 27% across-the-board CFD/Developer Fee reduction in May 2011. On August 29, 2012, the FORA Board adopted a formula to calibrate FORA CIP costs and revenues on a biennial basis, or if a material change to the program occurs. Results of the EPS Phase II Review resulted in a further 23.6% CFD/Developer Fee reduction. Those reductions are continued in this CIP. However, an increase of 2.8% as noted in the January Engineering News Record ("ENR") Construction Cost Index ("CCI") is applied across the Board to developer fees to keep pace with inflationary construction cost factors (as described in Appendix A).

~~Due to the uncertainty of reuse forecasting, annual updates are the best method for keeping the CIP current. Consequently, FORA annually reviews and adjusts its CIP to reflect project implementation and market changes. A protocol for the review and reprogramming of the CIP was approved by the FORA Board on June 8, 2001. Appendix A, herein, defines how FORA and its~~

~~Member Agencies review reuse timing to accurately reflect revenue for mitigation projects. A March 8, 2010 revision incorporated additional protocol by which projects could be prioritized or placed in time. Once approved by the FORA Board, this CIP as revised will affirm project priorities.~~

~~May 2011 saw 27% across-the-board Community Facilities District ("CFD")/ Developer Fee reductions; sustained in this CIP. Future CIP adjustments will follow completion of the Board directed developer fee study – Phase II.~~

2) CIP Costs

The costs assigned to individual CIP elements were first estimated in May 1995 and published in the draft 1996 BRP. ~~This current CIP has inflated costs to January 2012, applying the Engineering News Record ("ENR") Construction Cost Index ("CCI") factor of inflation. Those costs have been adjusted to reflect actual changes in construction expenses noted in contracts awarded on the former Fort Ord and to reflect the ENR CCI inflation factors. This continues to be a routine procedure each year has been applied annually since the adoption of the CIP – excepting 2011, at Board direction. However, it is expected, according to the Phase II of the developer fee study just completed, that the recently adopted formulaic fee review will be applied and submitted for FORA Board consideration in spring 2014, will likely produce a formulaic approach to costs estimating, and potentially revenues, for Board consideration.~~

3) CIP Revenues

The primary CIP revenue sources are CFD fees, developer fees, and land sale/lease proceeds. These primary sources are augmented by loans, property taxes tax increment revenue, and grants ~~which is the subject of discussion for future years. The CFD has been adjusted annually to account for inflation, with an annual cap of 5%. Developer fees were established under FORA policy to govern fair share contributions to the basewide infrastructure and capital needs. The CFD implements a portion of the developer fee policy and is restricted by State Law to paying for mitigations described in the BRP Final Environmental Impact Report ("FEIR"). The FORA CFD developer fee policy accommodates pays CIP costs including for~~ Transportation/Transit projects, Habitat Management obligations, Water Augmentation, Storm Drainage System improvements and Fire Fighting Enhancement improvements. ~~The FORA developer fee policy is predominantly implemented by the basewide CFD, adopted in 2001. The CFD has been adjusted annually to account for inflation, with an annual cap of 5%. Land sale (and lease) proceeds are earmarked to cover costs associated with the Building Removal Program, and management, operations and oversight. Some land sale/lease revenues have been advanced to match grants for developer fee obligations and remain an outstanding obligation of the developer fee component.~~

~~Appendix B Tables 4 and 5~~ herein contains a tabulation of the proposed developments with their corresponding fee and land sale revenue forecasts. Capital project obligations are balanced against forecasted revenues on Table 3 of this document.

4) Projects Accomplished to Date

FORA has actively implemented capital improvement projects since 1995. As of this writing, FORA has ~~successfully~~ completed approximately:

- a) ~~\$750M~~ in roadway improvements, including underground utility installation and landscaping, predominantly funded by US Department of Commerce – Economic Development Administration ("EDA") grants (with FORA paying any required local match), FORA CFD fees, loan proceeds, payments from participating jurisdictions/agencies, tax increment, and a FORA bond issue. ~~—\$63M was applied directly against FORA obligations and \$7M funded capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems. In addition to the \$70M in capital improvements, close to \$6M has been expended against~~

- b) \$75M in munitions and explosives of concern cleanup on the 3.3K acres of former Fort Ord Economic Development Conveyance property, funded by a U.S. Army grant.
- ~~b)c) \$29M in building removal at the Dunes on Monterey Bay, East Garrison, and Imjin Parkway and Imjin Office Park sites.~~
- ~~c)d) \$10M in~~ Habitat Management and other capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems, Water Augmentation obligations, and Fire Fighting Enhancement.

Section III provides detail regarding how completed projects offset FORA basewide obligations. As revenue is collected and offsets obligations, they will be enumerated in Tables 1 and 3.

This CIP provides the FORA Board, Administrative Committee, Finance Committee, jurisdictions, and the Monterey Regional Public with a comprehensive overview of the Capital programs and expectations involved in former Fort Ord recovery programs. As well, the CIP offers a basis for annually reporting on FORA's compliance with its environmental mitigation obligations and policy decisions by the FORA Board. It is also accessed on the FORA website at: www.fora.org.

II. OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CIP ELEMENTS

As noted in the Executive Summary, obligatory CIP elements include Transportation/Transit, Water Augmentation, Storm Drainage, Habitat Management, Fire Fighting Enhancement and Building Removal. The first five elements noted are to be funded by CFD fees. Land sale ~~(and lease)~~ proceeds are earmarked to fund the Building Removal Program to the extent of FORA's building removal obligation. Beyond that obligation, land sale proceeds may be allocated to CIP projects by the FORA Board. Summary descriptions of each CIP element follow:

a) Transportation/Transit Elements

During the preparation of the BRP and associated FEIR, the Transportation Agency for Monterey County ("TAMC") undertook a regional study (The Fort Ord Regional Transportation Study, July 1997) to assess Fort Ord development impacts on the study area (North Monterey County) transportation network.

When the BRP and accompanying FEIR were adopted by the Board, the transportation and transit obligations as defined by the TAMC Study were also adopted as mitigations to ~~the~~ traffic impacts resulting from development under the BRP.

The FORA Board subsequently included the Transportation/Transit element (obligation) as a requisite cost component of the adopted CFD. As implementation of the BRP continued, it became timely to coordinate with TAMC for a review and reallocation of the FORA financial contributions that appear on the list of transportation projects for which FORA has an obligation.



General Jim Moore Boulevard at Hilby Avenue; one of three intersections upgraded/opened in the City of Seaside

Toward that goal, and following Board ~~action~~ direction ~~gstaff~~ to coordinate a work program with TAMC, FORA and TAMC entered into a cooperative agreement to move forward with ~~the~~ re-evaluation of FORA's transportation obligations and related fee allocations. ~~work.~~ TAMC, working ~~in concert~~ with the Association of Monterey Bay Area Governments ("AMBAG") and FORA, has since completed that re-evaluation, its work program with FORA. TAMC's recommendations are enumerated in the "FORA Fee Reallocation Study" dated April 8, 2005; the date the FORA Board of Directors approved the study for inclusion in the FORA CIP. The complete study can be found online at www.fora.org, under the Documents menu.

~~FORA's TAMC's~~ work with ~~TAMC and~~ AMBAG ~~and FORA~~ resulted in ~~a the~~ refined list of FORA transportation obligations that are synchronous with the TAMC Regional Transportation Plan ("RTP"). Figure 1 illustrates the refined FORA transportation obligations that are further defined in Table 1. Figure 2 reflects completed transportation projects, remaining transportation projects with FORA as lead agency, and remaining transportation projects with others as lead agency.

Transit

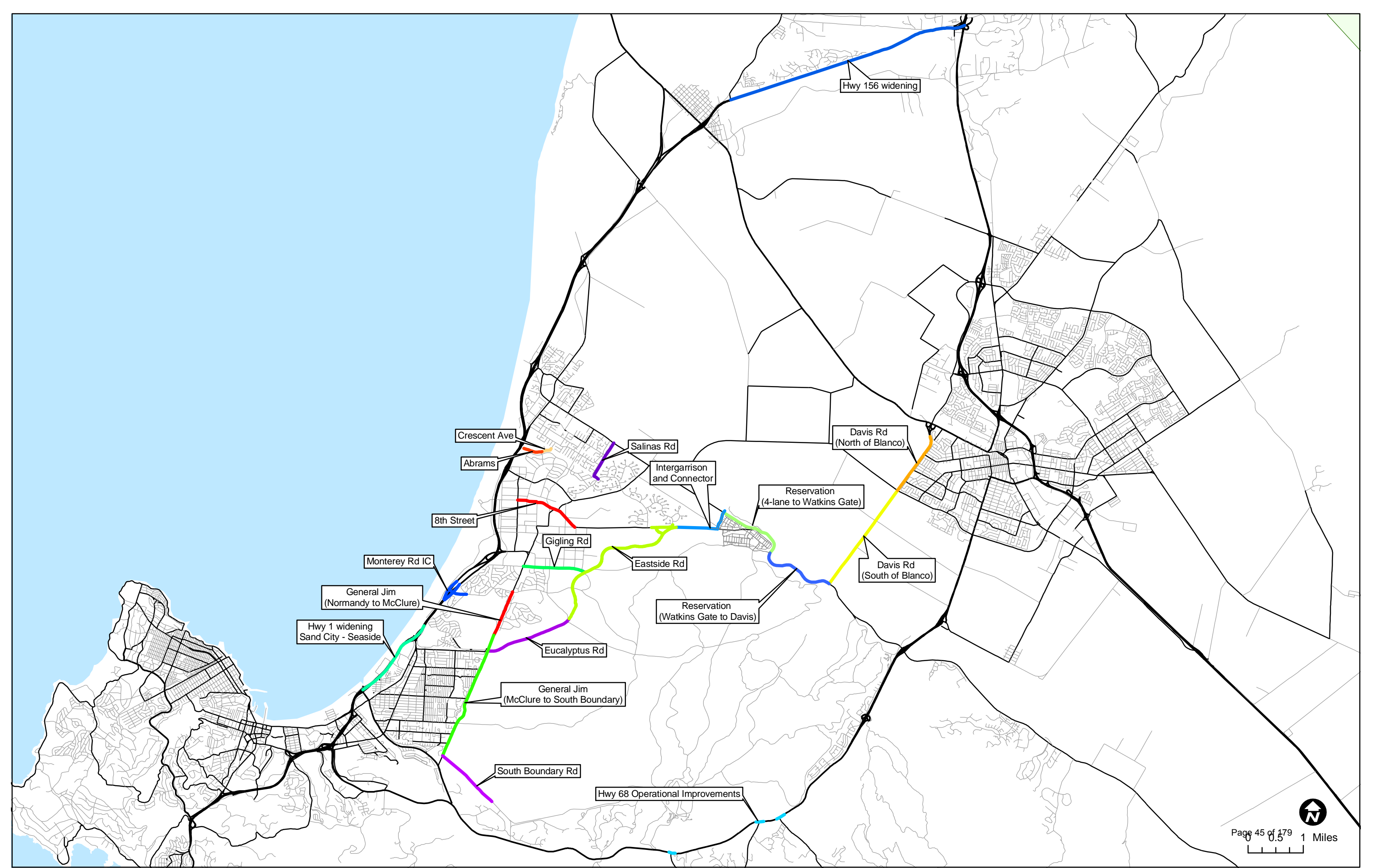
The transit obligations enumerated in Table 1 remain unchanged from the 1997 TAMC Study and adopted BRP. However, current long range planning by TAMC and Monterey-Salinas Transit ("MST") reflect a ~~a preferred alternate route to~~for the multi-modal corridor than ~~denoted what was presented in~~ the BRP, FEIR and previous CIPs. The BRP currently provides for a multi-modal corridor along ~~the~~ Imjin Parkway/Blanco Road ~~corridor~~ serving to and from the Salinas area to the TAMC/MST intermodal center planned ~~in the Dunes on Monterey Bay at 8th Street and 1st Avenue area~~ in the City of Marina portion of the former Fort Ord. Long range planning for transit service focuses on the alternative Intergarrison/Reservation/Davis Roads corridor to fulfill transit service needs between the Salinas area and ~~the proposed intermodal center in the Dunes on Monterey Bay area~~Peninsula cities and campuses.

A series of stakeholder meetings have been conducted to advance adjustments and refinements to the proposed multi-modal corridor plan-line. Stakeholders include, but are not limited to, TAMC, MST, FORA, City of Marina, Monterey County, California State University Monterey Bay, and the University of California Monterey Bay Education, Science and Technology Center ~~and Golden Gate University~~. The stakeholders completed a Memorandum of Agreement ("MOA") outlining the new alignment of the multi-modal transit corridor plan line in February 2010. Since all stakeholders have signed the MOA, the FORA Board designated the new alignment and rescinded the original alignment on December 10, 2010.

Lead Agency Status

FORA has served as lead agency in accomplishing the design, environmental approval and construction activities for all capital improvements considered basewide obligations under the BRP and this CIP. As land transfers continue and development gains momentum, certain basewide capital improvements will be advanced by the land use jurisdictions and/or their developers.

As of this writing, reimbursement agreements are in place with Monterey County and the City of Marina for several ~~requisite FORA CIP~~ transportation projects. Other like agreements may be structured as development projects are implemented and those agreements will be noted for the record ~~herein~~.



Hwy 156 widening

Crescent Ave

Abrams

8th Street

Monterey Rd IC

General Jim
(Normandy to McClure)

Hwy 1 widening
Sand City - Seaside

Eucalyptus Rd

General Jim
(McClure to South Boundary)

South Boundary Rd

Hwy 68 Operational Improvements

Salinas Rd

Intergarrison
and Connector

Gigling Rd

Eastside Rd

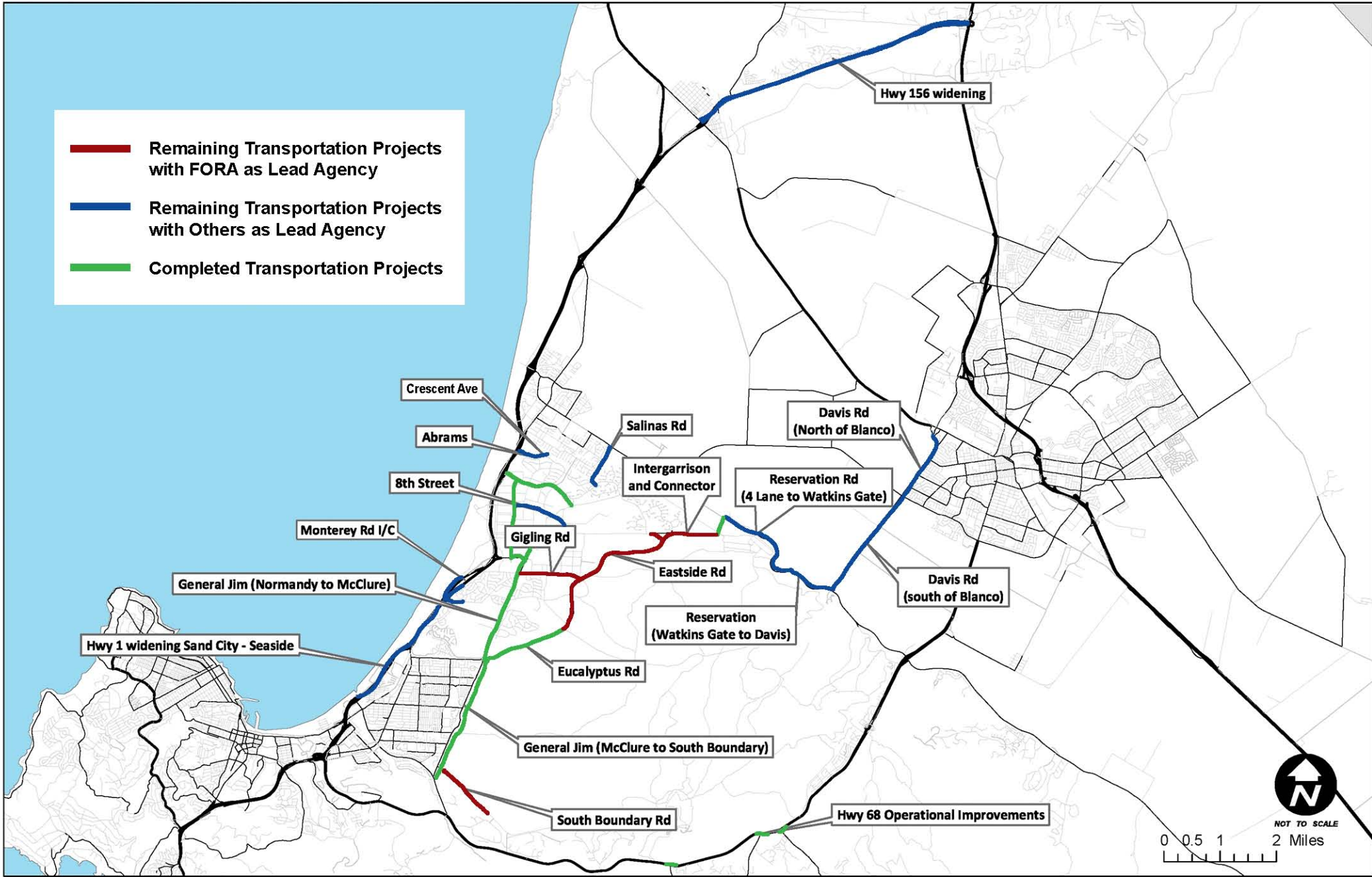
Reservation
(Watkins Gate to Davis)

Reservation
(4-lane to Watkins Gate)

Davis Rd
(North of Blanco)

Davis Rd
(South of Blanco)

- Remaining Transportation Projects with FORA as Lead Agency
- Remaining Transportation Projects with Others as Lead Agency
- Completed Transportation Projects



b) Water Augmentation

The Fort Ord BRP identifies availability of water as a resource constraint. The BRP anticipated build out development density utilizes the 6,600 acre-feet per year ("AFY") of available groundwater supply, as described in BRP Appendix B (PFIP section p 3-63). In addition to groundwater supply, the BRP ~~requires~~ assumes an estimated 2,400 AFY augmentation to achieve the permitted development level as reflected in the BRP (Volume 3, figure PFIP 2-7).

FORA has ~~worked~~ contracted with Marina Coast Water District ("MCWD") to implement ~~a~~ an appropriate water augmentation program. Following a comprehensive two-year process of evaluating viable options for water augmentation, the MCWD Board of Directors certified, in October 2004, a program level Environmental Impact Report ("EIR") analyzing three potential augmentation projects. The projects included a desalination project, a recycled water project and a hybrid project (containing components of both recycled water and desalination water projects). ~~The EIR is available for review on the Internet at www.mcwd.org (under the Engineering tab).~~

In June 2005, MCWD staff and consultants, working ~~in concert~~ with FORA staff and Administrative Committee, recommended the hybrid project to the FORA and MCWD Boards of Directors. Additionally, ~~FORA it was staff~~ recommended increasing that FORA-CIP water augmentation funding ~~from the 2005 indexed \$20M value to approximately \$37M, removing be increased by an additional \$17M from the MCWD capital improvement program to to avert additional burden on rate payers due to increased capital costs~~ capital charge increases.

Subsequently, several factors required reconsideration of the water augmentation program. Those factors included increased augmentation program project costs (as designs were refined); MCWD and the Monterey Regional Water Pollution Control Agency ("MRWPCA") negotiations regarding the recycled component of the project were not accomplished ~~by summer 2008~~ in a timely manner; and the significant economic downturn (2008-2012). These factors deferred the need for the augmentation program and provided an opportunity to consider the alternative "Regional Plan" as the preferred project for the water augmentation program.

At the April 2008 FORA Board meeting, the Board endorsed the Regional Plan as the preferred plan to deliver the requisite 2,400 AFY of augmenting water to the 6,600 AFY groundwater entitlements. Since that time, the Regional Plan ~~has been~~ was designated by the State Public Utilities Commission as the preferred environmental alternative and an agreement in principal to proceed entered into by Cal-Am, MCWD and MRWPCA. ~~The Regional Project is in abeyance and has been subject to settlement negotiations for the past year. It is This agreement is unlikely that it to would~~ proceed under the present circumstances. MCWD is still contractually obligated to provide an augmented source for the former Fort Ord as distinct from the Regional Project. The proposed CIP defaults to the prior Board approved 'hybrid' project that MCWD has performed CEQA for and is contractually required to implement.

c) Storm Drainage System Projects

The adopted BRP recognized the need to eliminate the discharge of storm water runoff from the former Fort Ord to the Monterey Bay National Marine Sanctuary ("Sanctuary"). In addition, the BRP FEIR specifically addressed the need to remove ~~the~~ four storm water outfalls that discharged storm water runoff to the Sanctuary.

Section 4.5 of the FEIR, Hydrology and Water Quality, contains the following obligatory Conservation Element Program: ***"Hydrology and Water Quality Policy, C-6: In support of Monterey Bay's National Marine Sanctuary designation, the City/County shall support all actions required to ensure that the bay and inter-tidal environment will not be adversely affected, even if such actions should exceed state and federal water quality requirements."***

"Program C-6.1: The City/County shall work closely with other Fort Ord jurisdictions and the (California Department of Parks and Recreation) ("CDPR") to develop and implement a plan for storm water disposal that will allow for the removal of the ocean outfall structures and end the direct

discharge of storm water into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural land forms and restore habitat values.”

With these programs/policies in mind, FORA and the City of Seaside, as co-applicants, secured EDA grants to ~~advance~~ assist in funding the design and construction of alternative disposal (retention) systems for storm water runoff that allowed for the removal of the outfalls. FORA ~~advanced~~ to completed the construction and demolition project, ~~with the work having been completed~~ as of January 2004. Table 3 ~~herein therefore~~ reflects this obligation ~~as~~ having been met.

In the future, following build-out of on-site storm water disposal facilities, FORA or its successor will remove, restore and re-grade the current, interim disposal sites on CDPR lands. The cost of this restoration is presented as a CIP contingency.



Storm drainage outfall removal – Before and After

d) Habitat Management Requirements

The BRP Appendix A, Volume 2 contains the Draft Habitat Management Program (“HMP”) Implementation-Management Agreement. This Management Agreement defines the respective rights and obligations of FORA, its ~~M~~member ~~A~~gencies, California State University and the University of California with respect to implementation of the HMP. For the HMP to be implemented to allow FORA and its member agencies to meet the requirements of the Endangered Species Act, the California Endangered Species Act, and other statutes, the US Fish & Wildlife Service (“USFWS”) and the California Department of Fish & Wildlife (“CDFW”) must also approve the Fort Ord Habitat Conservation Plan (“HCP”) and its funding program, as paid for and caused to be prepared by FORA.

The funding program is predicated on an earnings rate assumption acceptable to USFWS and CDFW for endowments of this kind, and economies of scale provided by unified management of the Cooperative’s (the future HCP Joint Powers Authority) habitat lands by qualified non-profit habitat managers. The Cooperative will secure the services of appropriately experienced habitat manager(s) via a formal selection process. FORA will not control expenditure of the annual line items, but merely fund the endowment, and the initial and capital costs, to the agreed upon levels.

FORA has provided upfront funding for management, planning, capital costs and HCP preparation. In addition, FORA has ~~earmarked~~ dedicated \$1 out of every \$4 collected in development fees to build to a total endowment of principal funds necessary to produce an annual income sufficient to carry out required habitat management responsibilities in perpetuity. The original estimate was developed by an independent consultant retained by FORA and totaled \$6.3M.

Based upon recent conversations with the regulatory agencies, it has become apparent that the Habitat Management obligations will increase beyond the costs noted above. Therefore, this document contains a \pm \$~~379.56~~M line item of forecasted requisite expenditures. As part of the FY 2010-

11 ~~Phase I~~ FORA CIP Review process conducted by EPS, TAMC and FORA, at the FORA Board's April 8, 2011 direction, included \$1819.2.8 million ~~has been held~~ as a CIP contingency for additional habitat management costs should the assumed earnings rate for the ~~\$37.6 million~~ endowment be less than the current 4.5% assumption. USFWS and CDFW are the final arbiters as to what the final endowment amount will be, with input from FORA and its contractors/consultants. It is expected that the final endowment amount will be agreed upon in the upcoming fiscal year ~~as part of the Phase II CIP Review Study~~.

e) Fire Fighting Enhancement Requirements

In July 2003, the FORA Board authorized FORA to lease-purchase five pieces of fire-fighting equipment, including four fire engines and one water tender to supplement the equipment of existing, local fire departments. The equipment recipients included the Cities of Marina, Monterey and Seaside, the Ord Military Community Fire Department and the Salinas Rural Fire Department.



Fire engines received by Fire Departments in the Cities of Marina, Monterey and Seaside and the Ord Military Community were utilized during the Parker Flats habitat burn in 2005

This lease purchase ~~ing~~ of equipment accommodated ~~s~~ FORA's capital obligations under the BRP to enhance the fire fighting capabilities on the former Fort Ord in response to ~~the~~ proposed development. The lease payments began July 2004, and ~~are projected to will~~ be paid through FY 2013/14. Once the lease payments, funded by developer fees, have been satisfied, FORA's obligation for fire-fighting enhancement will have been fully met.

f) Building Removal Program

As a basewide obligation, the BRP includes the removal of building stock to make way for redevelopment in certain areas of the former Fort Ord. As per Board direction, building removal is funded ~~from by~~ land sale revenue and/or credited against land sale valuation. Two MOAs have been finalized for these purposes, as described below:

In August 2005 FORA entered into an MOA with the City of Marina Redevelopment Agency and Marina Community Partners ("MCP"), assigning FORA \$46M in building removal costs within the Dunes on Monterey Bay project area and MCP the responsibility for the actual removal. FORA paid \$22M and MCP received credits of \$24M for building removal costs against FORA's portion of the land sale proceeds. FORA's Building removal obligation was completed as ~~directed agreed~~ by the City of Marina and MCP in 2007.

In February 2006 FORA entered into an MOA with Monterey County, the Monterey County Redevelopment Agency and East Garrison Partners ("EGP"). In this MOA, EGP agreed to undertake FORA's responsibility for removal of certain buildings in the East Garrison ~~s~~pecific ~~p~~lan ~~area~~ for which they received a credit of \$2.1M against FORA's portion of land sale proceeds. Building removal in the East Garrison project area is now complete. Since this agreement was made, the property was acquired by a new entity who is complying with the financial terms of the MOA.

~~In these agreements, the hierarchy of building reuse is observed—the FORA Board policy that prioritizes the most efficient reuse of obsolete buildings by focusing on renovation and reuse in place; relocation and renovation; deconstruction and reuse of building materials; and, mechanical demolition with aggressive recycling.~~

FORA's remaining building removal obligations include the former Fort Ord stockade within the City of Marina (± \$2.2M) and buildings in the City of Seaside's Surplus II area (± \$3.9M). In 2011, FORA, at the direction of the eCity of Seaside, removed a building in the Surplus II area which reduced FORA's

financial obligation by \$100,000. FORA will continue to work closely with the Cities of Marina and Seaside as new specific plans are prepared for those areas.

Since 1996 FORA has been aggressively reusing, redeveloping, and/or deconstructing former Fort Ord buildings in environmentally sensitive ways to reuse or reclaim significant building materials. FORA has worked closely with the regulatory agencies and local contractors to safely abate hazardous materials, maximize material reuse and recycling, and create an educated work force that can take advantage of the jobs created on Fort Ord. FORA, CSUMB and the jurisdictions continue to leverage the accumulated expertise and experience and focus on environmentally sensitive reuse, removal of structures, and recycling remnant structural and site materials, while applying lessons learned from past FORA efforts to “reduce, reuse and recycle” materials from Fort Ord structures as described in Appendix C.

g) Water and Wastewater Collection Systems

Following a competitive selection process in 1997, the FORA Board approved MCWD as the purveyor to own and operate water and wastewater collection systems on the former Fort Ord. By agreement with FORA, MCWD is tasked to assure that a Water and Wastewater Collection Systems Capital Improvement Program is in place and implemented to accommodate repair, replacement and expansion of the systems. To provide uninterrupted service to existing customers and to track with system expansion to keep pace with proposed development, MCWD and FORA staff ~~continue to~~ coordinate system(s) needs with respect to anticipated development. MCWD is ~~fully~~ engaged in the FORA CIP process, and adjusts its program ~~for the noted systems to be~~ coincident with the FORA CIP.

In 1997, the FORA Board established a Water and Wastewater Oversight Committee (“WWOC”), which serves in an advisory capacity to the Board. A primary function of the WWOC is to meet and confer with MCWD staff in the development of operating and capital budgets and the corresponding customer rate structures. Annually at budget time, the WWOC and FORA staff prepare recommended actions for the Board’s consideration with respect to budget and rate approvals. This process provides ~~the proper~~ tracking mechanism to assure that improvements to, and expansion of, the systems are in sequence with development needs. Capital improvements for system(s) operations and improvements are funded by customer rates, fees and charges. Capital improvements for the system(s) are approved on an annual basis by the MCWD and FORA Boards ~~as outlined above~~. Therefore, the water and wastewater capital improvements are not duplicated in this document.

h) Property Management and Caretaker Costs

During the ~~FORA EPS~~ CIP Phase I Review process in FY 10/11, FORA jurisdictions expressed concern over accepting 1,200+ acres of former Fort Ord ~~habitat~~ properties without sufficient resources to manage them. Since the late 1990’s, FORA carried a CIP contingency line item for “caretaker costs.” ~~The recent~~ The EPS CIP Phase I Study Review identified \$16M in FORA CIP contingencies to cover such costs. These obligations are not BRP required CEQA mitigations, but are considered basewide obligations (similar to FORA’s additional water augmentation program contribution and building removal obligation). In order to reduce contingencies, this \$16M item was excluded from the CIP cost structure used as the original basis for the 2011-12 CFD Special Tax fee reductions.

However, the Board recommended that a “Property Management/Caretaker Costs” line item be added as an obligation to cover basewide property management costs, should they be demonstrated. ~~\$20,000 was a property management/caretaker expense in FY 11/12, which was FORA’s contribution to the Fort Ord Regional Habitat Area Master Plan effort.~~

As a result of EPS’s CIP Review – Phase II Study analysis in FY 11/12 and FY 12/13, FORA has agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses based on past experience, provided sufficient land sales revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. These expenses are shown in Table 5 – Land

Sales as a deduction prior to net land sales proceeds. The ~~remaining~~ expenses in this category (FY 13/14 through ~~FY 21/22~~Post-FORA) are planning numbers and are not based on identified costs.

III. FY 201~~23~~/201~~34~~ THROUGH 2021/22Post-FORA CAPITAL IMPROVEMENT PROGRAM

Background Information/Summary Tables

Table 1 graphically depicts fiscal offsets of completed projects that have reduced ~~the~~ BRP obligations. Since 1995, FORA has advanced approximately \$7~~50~~M in capital projects and BRP obligations. These projects have been predominantly funded by EDA grants, loan proceeds and developer fees. Developer fees ~~should begin transitioning to the forefront as~~ are the primary funding source for FORA to continue meeting its mitigation obligations under the BRP. Table 1 includes fiscal offsets inclusive of not only completed projects, but also funded projects to-be-completed during the course of the next fiscal year. As previously noted, ~~the~~ work concluded ~~by~~ in conjunction with TAMC and AMBAG has resulted in modification of transportation obligations, for consistency with current transportation planning at the regional level.

Table 2 details current TAMC recommendations that are compatible with the RTP, and "time places" obligations over the CIP time horizon.

A summary of the CIP project elements and their forecasted costs and revenues are presented in Table 3. Annual updates of the CIP will continue to contain like summaries and ~~will~~ account for funding received and applied against required projects.

Table 4, Community Facilities District Revenue, reflects forecasted annual revenue from CFD fee collection. On an annual basis, FORA requests updated development forecasts from its member agencies as a component of FORA's CIP preparation process. The five land use jurisdictions and other agencies with land use authority on former Fort Ord provide updated development forecasts for Table A1: Residential Annual Land Use Construction and Table A2: Non-Residential Annual Land Use Construction (Appendix B). FORA staff reviews the submitted development forecasts to ensure that BRP resource limitations are met (i.e. 6,160 New Residential Unit limit, etc.). FORA staff may make adjustments to the forecasts based on past experience. In previous years, jurisdictions' forecasts have been overly optimistic. As a result, FORA staff included development forecasts as submitted for FY 13/14, but reduced forecasted development by 50% in FY 14/15 through FY 19/20 and placed the remaining 50% of the forecasts in the Post-FORA column at the end of the time horizon.

FORA staff applied the anticipated FORA CFD special tax/Development Fee Schedule rates as of July 1, 2013 to the forecasted development to produce Table 4 – Community Facilities District Revenue projections (see Appendix A for more information).

Table 5 - Land Sale Revenue reflects land sales projections resulting from EPS's CIP Review – Phase II Study. EPS projected future FORA land sales through June 30, 2020. EPS's land sales projections are shown in Table D-2 included in Attachment A to Item 7c CIP Review – Phase II Study, May 10, 2013 FORA Board Packet. For this FY 13/14 CIP, FORA staff based its land sale revenue forecasts using the same underlying assumptions as Table D-2. Using past land sales transactions on former Fort Ord where FORA received 50% of the proceeds, EPS determined an underlying land value of \$180,000 per acre of land. This value was applied to future available development acres to forecast land sale revenue, assuming the land sale would precede actual development by two years. Similar to Table 4 – CFD Revenue forecasts, FORA staff reduced the forecasted land sales revenue by 50% in FY 13/14 through FY 19/20 and placed the remaining 50% of the forecasts in the Post-FORA column at the end of the time horizon. As in Table D-2, FORA staff calculated FORA's 50% share of the projected land sales proceeds, then deducted estimated caretaker costs, FORA costs, and other obligations (Initiatives, Petitions, etc.) from the land sales revenue projections. Finally, FORA staff applied a discount rate of 5.3% prior to determining net FORA land sales proceeds.

OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS

Project #	Project Title	Project Limits	TAMC Reallocation Study 2005		FORA Offsets 2005-2013	FORA Remaining Obligation	FORA Remaining Obligation Inflated
			TOTAL COST	FORA PORTION			
Regional Improvements							
R3	Hwy 1-Seaside Sand City	Widen highway 1 from 4 lanes to 6 lanes from Fremont Avenue Interchange south to the Del Monte Interchange	45,000,000	15,282,245	-	20,751,313	21,332,350
R10	Hwy 1-Monterey Rd. Interchange	Construct new interchange at Monterey Road	19,100,000	2,496,648	-	3,390,125	3,485,049
R11	Hwy 156-Freeway Upgrade	Widen existing highway to 4 lanes and upgrade highway to freeway status with appropriate interchanges. Interchange modification as needed at US 156 and 101	197,000,000	7,092,169	-	9,630,249	9,899,896
R12	Hwy 68 Operational Improvements	Operational improvements at San Benancio, Laureles Grade and at Corral De Tierra including left turn lanes and improved signal timing	9,876,000	223,660	-	303,701	312,205
Subtotal Regional			270,976,000	25,094,722	-	34,075,388	35,029,499
Off-Site Improvements							
1	Davis Rd n/o Blanco	Widen to 4 lanes from the SR 183 bridge to Blanco	3,151,000	506,958	-	688,383	707,658
2B	Davis Rd s/o Blanco	Widen to 4 lanes from Blanco to Reservation; Build 4 lane bridge over Salinas River	22,555,000	8,654,502	280,000	11,456,309	11,777,085
4D	Widen Reservation-4 lanes to WG	Widen to 4 lanes from existing 4 lane section East Garrison Gate to Watkins Gate	10,100,000	3,813,916	476,584	4,618,511	4,747,829
4E	Widen Reservation, WG to Davis	Widen to 4 lanes from Watkins Gate to Davis Rd	5,500,000	2,216,321	-	3,009,477	3,093,742
8	Crescent Ave extend to Abrams	Extend existing Crescent Court Southerly to join proposed Abrams Dr (FO2)	906,948	906,948	-	1,231,518	1,266,001
Subtotal Off-Site			42,212,948	16,098,645	756,584	21,004,198	21,592,315
On-Site Improvements							
FO2	Abrams	Construct a new 2-lane arterial from intersection with 2nd Ave easterly to intersection with Crescent Court extension	759,569	759,569	-	1,031,396	1,060,275
FO5	8th Street	Upgrade/construct new 2-lane arterial from 2 nd Ave to Intergarrison Rd	4,340,000	4,340,000	-	5,853,541	6,017,440
FO6	Intergarrison	Upgrade to a 4-lane arterial from Eastside Rd to Reservation	4,260,000	4,260,000	1,559,469	3,968,783	4,079,909
FO7	Gigling	Upgrade/Construct new 4-lane arterial from General Jim Moore Blvd easterly to Eastside Rd	5,722,640	5,722,640	353,510	7,336,934	7,542,368
FO9B (Ph-II)	GJM Blvd-Normandy to McClure	Widen from 2 to 4 lanes from Normandy Rd to McClure	24,065,000	24,065,000	6,252,156	-	-
FO9B (Ph-III) [1]	GJM Blvd-s/o McClure to s/o Coe	Widen from 2 to 4 lanes from McClure to Coe			3,476,974	-	-
FO9C	GJM Blvd-s/o Coe to S Boundary	Widen from 2 to 4 lanes from s/o Coe to South Boundary Rd			13,375,935	959,935	986,813
FO11	Salinas Ave	Construct new 2 lane arterial from Reservation Rd southerly to Abrams Dr	3,038,276	3,038,276	-	4,125,586	4,241,102
FO12	Eucalyptus Rd	Upgrade to 2 lane collector from General Jim Moore Blvd to Eastside Rd to Parker Flats cut-off	5,800,000	5,800,000	5,328,055	471,945	485,159
FO13B	Eastside Pkwy (New alignment)	Construct new 2 lane arterial from Eucalyptus Rd to Parker Flats cut-off to Schoonover Dr	12,536,370	12,536,370	510,000	16,488,852	16,950,540
FO14	S Boundary Road Upgrade	Upgrade to a 2 lane arterial, along existing alignment from General Jim Moore Blvd to York Rd	2,515,064	2,515,064	338,986	2,992,283	3,076,067
Subtotal On-Site			63,036,919	63,036,919	31,195,085	43,229,255	44,439,674
Transportation Totals			376,225,867	104,230,286	31,951,669	98,308,841	101,061,488
[1] Remaining construction may be phased in future CIP documents based on available funds and habitat/environmental clearance.							
Transit Capital Improvements							
T3	Transit Vehicle Purchase/Replace	15 busses	15,000,000	6,298,254	279,950	8,213,548	8,443,527
T22	Intermodal Centers	(PFIP T-31) includes 3 elements: 1. Intermodal Transportation Center @ 1st. Avenue South of 8th. Street 2. Park and Ride Facility @ 12th Street and Imjin, and 3. Park and Ride Facility @ 8th. Street and Gigling	3,800,000	4,786,673		6,499,682	6,681,673
Transit Totals			18,800,000	11,084,926	279,950	14,713,230	15,125,200
Transportation/Transit Totals			395,025,867	115,315,212	32,231,619	113,022,071	116,186,689
Previous Offsets 1995 - 2004							
1. Transportation/Transit - TAMC Study 1995							
FORA offsets against obligations for transportation/transit network per 1995 TAMC Study from 1995-2004. Funded by EDA grant funds, state and local matching funds, revenue bond proceeds, development fees.						32,235,648	
2. Storm Drainage System							
Retain/Percolate stormwater; eliminate discharge of stormwater to Monterey Bay Sanctuary. Project completed/financial obligation met in 2004. Funded by EDA grant proceeds.						1,631,951	
TOTAL CUMULATIVE OFFSETS AGAINST TRANSPORTATION/TRANSIT AND STORM DRAINAGE PROJECTS TO DATE						66,099,218	

TRANSPORTATION NETWORK AND TRANSIT ELEMENTS

Lead Agency		Regional Improvements									
Proj#	Description	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
TAMC/Caltrans	R3a	Hwy 1-Del Monte-Fremont-MBL						8,500,000	12,832,350	21,332,350	R3
TAMC/Caltrans	R10	Hwy 1-Monterey Rd. Interchange				3,485,049				3,485,049	R10
TAMC/Caltrans	R11	Hwy 156-Freeway Upgrade					7,040,447	2,859,449		9,899,896	R11
TAMC/Caltrans	R12	Hwy 68 Operational Improvements	312,205							312,205	R12
Subtotal Regional		312,205	-	-	-	3,485,049	7,040,447	11,359,449	12,832,350	35,029,499	

Off-Site Improvements		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
Monterey County	1	Davis Rd north of Blanco		707,658						707,658	1
Monterey County	2B	Davis Rd south of Blanco	472,199	48,116		6,500,000		1,000,000	3,756,770	11,777,085	2B
Monterey County	4D	Widen Reservation-4 lanes to WG				3,019,397	1,728,432			4,747,829	4D
Monterey County	4E	Widen Reservation, WG to Davis		616,220	616,220	1,861,302				3,093,742	4E
City of Marina	8	Crescent Ave extend to Abrams		1,266,001						1,266,001	8
Subtotal Off-Site		472,199	2,637,995	616,220	8,361,302	3,019,397	2,728,432	-	3,756,770	21,592,315	

On-Site Improvements		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
City of Marina	FO2	Abrams					1,060,275			1,060,275	FO2
City of Marina	FO5	8th Street		1,000,000	424,585	680,000	1,000,000	2,912,855		6,017,440	FO5
FORA	FO6	Intergarrison		4,063,240	16,669					4,079,909	FO6
FORA	FO7	Gigling		3,755,777	30,815				3,755,776	7,542,368	FO7
FORA	FO9C	GJM Blvd		986,813						986,813	FO9C
City of Marina	FO11	Salinas Ave		29,505					4,211,598	4,241,102	FO11
FORA	FO12	Eucalyptus Road			485,159					485,159	FO12
FORA	FO13B	Eastside Parkway		8,440,644	8,509,896					16,950,540	FO13B
FORA	FO14	South Boundary Road Upgrade	306,350	2,769,717						3,076,067	FO14
Subtotal On-Site		306,350	21,045,696	9,467,124	680,000	1,000,000	3,973,130	-	7,967,374	44,439,674	

Transportation Totals	1,090,754	23,683,691	10,083,344	9,041,302	7,504,446	13,742,009	11,359,449	24,556,494	101,061,488
------------------------------	------------------	-------------------	-------------------	------------------	------------------	-------------------	-------------------	-------------------	--------------------

Transit Capital Improvements		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
MST	T3	Transit Vehicle Purchase/Replace	99,000	99,000	99,000	4,904,023		1,742,504	1,500,000	8,443,527	T3
MST	T22	Intermodal Centers				5,654,374	1,027,299	-		6,681,673	T22
Subtotal Transit		99,000	99,000	99,000	4,904,023	5,654,374	2,769,803	1,500,000	-	15,125,200	

Transportation and Transit GRAND TOTALS	1,189,754	23,782,691	10,182,344	13,945,325	13,158,820	16,511,812	12,859,449	24,556,494	116,186,689
------------------------------------------------	------------------	-------------------	-------------------	-------------------	-------------------	-------------------	-------------------	-------------------	--------------------

SUMMARY OF CAPITAL IMPROVEMENT PROGRAM 2013/14 - POST FORA

	2005-13 (1)	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post FORA	2013-14 to Post FORA Total
A. CIP PROJECTS FUNDED BY CFD DEVELOPMENT FEES										
Dedicated Revenues										
Development Fees	22,616,336	11,090,443	10,061,000	11,932,000	14,683,000	17,004,000	16,924,000	12,837,000	101,197,000	195,728,443
Other Revenues										
Property Taxes (2)	5,796,078	-	117,413	466,598	1,324,929	2,346,416	3,235,260	3,917,529	4,352,202	15,760,348
Loan Proceeds (3)	7,926,754									-
Federal Grants (4)	6,426,754		1,000,000							1,000,000
CSU Mitigation fees	2,326,795									-
Miscellaneous Revenues (Rev Bonds, CFD credit) (11)	2,762,724									-
TOTAL REVENUES	47,855,441	11,090,443	11,178,413	12,398,598	16,007,929	19,350,416	20,159,260	16,754,529	105,549,202	212,488,791
Expenditures										
Projects										
Transportation/Transit	32,231,619	1,189,754	23,782,691	10,182,344	13,945,325	13,158,820	16,511,812	12,859,449	24,556,494	116,186,689
Water Augmentation (5) CEQA Mitigation	561,780		2,345,278	2,345,278	2,345,278	2,345,278	2,345,278	2,345,278	9,381,113	23,452,781
Voluntary Contribution	-								21,655,302	21,655,302
Storm Drainage System [Completed by 2005] (6)	[Table 1]									-
Habitat Management (7)	5,654,084	2,772,611	2,515,250	2,983,000	3,670,750	4,251,000	4,231,000	3,209,250	9,804,558	33,437,419
Fire Rolling Stock	1,044,000	116,000								116,000
Property Management/Caretaker Costs (8)	20,000									-
Total Projects	39,511,482	4,078,365	28,643,219	15,510,622	19,961,353	19,755,098	23,088,090	18,413,977	65,397,467	194,848,191
Other Costs & Contingency (9)										
Additional CIP Costs	3,310,610	-	-	-	-	-	-	-	16,905,000	16,905,000
Habitat Mgt. Contingency	755,920	86,250	-	-	-	-	-	-	19,075,191	19,161,441
Add. Util. & Storm Drainage	-	-	-	-	-	-	-	-	3,500,000	3,500,000
Other Costs (Debt Service) (14)	1,679,296	8,200,004	-	-	-	-	-	-	1,234,176	9,434,180
Total Other Costs & Contingency	5,745,826	8,286,254	-	-	-	-	-	-	40,714,367	49,000,621
TOTAL EXPENDITURES	45,257,309	12,364,619	28,643,219	15,510,622	19,961,353	19,755,098	23,088,090	18,413,977	106,111,834	243,848,812
Net Annual Revenue		<u>(1,274,176)</u>	<u>(17,464,807)</u>	<u>(3,112,024)</u>	<u>(3,953,424)</u>	<u>(404,682)</u>	<u>(2,928,830)</u>	<u>(1,659,448)</u>	<u>(562,632)</u>	
Beginning Balance		2,598,132	1,323,956	(16,140,850)	(19,252,874)	(23,206,298)	(23,610,980)	(26,539,810)	(28,199,257)	
Ending Balance CFD & Other	2,598,132	1,323,956	(16,140,850)	(19,252,874)	(23,206,298)	(23,610,980)	(26,539,810)	(28,199,257)	(28,761,890)	(28,761,890)
B. CIP PROJECTS FUNDED BY LAND SALE REVENUES										
Dedicated Revenues										
Land Sales (10)	14,710,690	2,750,300	31,954,894	2,775,426	2,160,221	486,235	1,100,060	1,100,110	14,636,125	56,963,373
Land Sales - Credits (11)	6,767,300			6,750,000	-	-	12,659,700	-	-	19,409,700
Other Revenues (12)	1,425,000									-
Loan Proceeds (3)	7,500,000									-
Total Revenues	30,402,990	2,750,300	31,954,894	9,525,426	2,160,221	486,235	13,759,760	1,100,110	14,636,125	76,373,073
Expenditures										
Projects (13)										
Building Removal	28,767,300	-	-	6,200,000						6,200,000
Other Costs (Debt Service) (14)	-	-	18,200,000	-						18,200,000
TOTAL PROJECTS	28,767,300	-	18,200,000	6,200,000	-	-	-	-	-	24,400,000
Net Annual Revenue	1,635,690	2,750,300	13,754,894	3,325,426	2,160,221	486,235	13,759,760	1,100,110	14,636,125	51,973,073
Beginning Balance	-	1,635,690	4,385,990	18,140,884	21,466,310	23,626,532	24,112,767	37,872,528	38,972,638	1,635,690
Ending Balance Land Sales & Other	1,635,690	4,385,990	18,140,884	21,466,310	23,626,532	24,112,767	37,872,528	38,972,638	53,608,763	53,608,763
TOTAL ENDING BALANCE-ALL PROJECTS		5,709,946	2,000,034	2,213,436	420,234	501,787	11,332,718	10,773,380	24,846,873	24,846,873

Table 3 CIP Summary Table Footnotes

- (1) This column summarizes CIP revenues and expenses from July 2005 through June 2012²³. These totals are not included in the 2012-13 to Post FORA 2021-22 totals.
- (2) "Property Taxes (former Tax Increment)" revenue has been is-designated for operations and as a back-up to FORA CIP projects; to date, approximately \$5.86M was spent on ET/ESCA change orders and CIP road projects. ~~It is unclear whether this source will be available in FY 2012-13 due to State phase out. Re-programming of funds may occur at the mid-year budget review.~~
- (3) "Loan Proceeds": In FY 05-06 2006 FORA obtained a line of credit ("LOC") to ensure CIP obligations ~~could be met in a timely manner,~~ despite cash flow fluctuations. The LOC draw-downs were used to pay road design, construction and building removal ~~costs~~invoices, and were partially repaid by ~~any~~-available ~~revenues committed to the~~ CIP funding sources. In FY 09-2010 FORA repaid the remaining \$9M LOC debt (\$1.5M in transportation and \$7.5M in building removal) through a loan secured by FORA's share of Preston Park ~~(PP Loan)~~. The ~~PP~~ loan also provided \$6.4M matching funds to US Department of Commerce EDA/American Recovery and Reinvestment Act ("ARRA") grant funds.
- (4) "Federal grants": In FY 2010 FORA received ARRA funding to finance ~~the~~ construction of General Jim Moore Boulevard ("GJMB") and Eucalyptus Road. FORA obtained a loan against its 50% share in Preston Park revenues to provide required match to the ARRA ~~grant~~grant (see #3 "Loan Proceeds").
- (5) "Water Augmentation" is FORA's financial obligation for the approved water augmentation project. The original CEQA obligation (\$23,452,781~~69,361~~) is included in the total. The FORA Board approved an additional contribution (\$21,655,302) to keep MCWD capacity charges in check. Please refer to Section II b) Water Augmentation.
- (6) FORA's "Storm Water Drainage System" ~~obligation~~mitigation has been retired. Through agreement with the California Department of Parks and Recreation, FORA is obligated to remove storm water disposal facilities west of Highway 1 following replacement of the outfall storm drains with on-site storm water disposal. Funding for this work is shown under Other Costs & Contingencies.
- (7) "Habitat Management" amounts are estimates. Habitat management endowment final amount is subject to approval by USFWS ~~US Fish and Wildlife Service~~ and CDFW~~California Department of Fish & Game~~. Please refer to Section II d) Habitat Management Requirements.
- (8) "Property Management/Caretaker Costs" amounts ~~after FY11/12 are estimates~~ are deducted from net land sales revenue. As a result of EPS's CIP Review – Phase II Study analysis, FORA has agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses, provided sufficient land sales/lease revenue is available and jurisdictions are able to demonstrate property management/caretaker costs~~policy decisions, \$12.2M in funding for these expenses is derived from CFD Special Tax~~. Please refer to Section II h) Property Maintenance and Caretaker Costs.
- (9) "Other Costs & Contingencies" are subject to cash flow and demonstrated need. Primarily, this item is not funded until distant "out-years" of the program.
 "Additional Transportation Costs" are potential and unknown additional basewide expenditures not included in current cost estimates for transportation projects (e.g. contract change orders to the ESCA, street landscaping, unknown site conditions, project changes, habitat/environmental mitigation, etc.)
 "Habitat Management Contingency" provides interim funding for the University of California Fort Ord Natural Reserve ~~management~~ until adoption of the HCP and as a result of CIP Review policy decisions, includes sufficient funding for Habitat Conservation Plan endowments should a lower endowment payout rate be ~~accepted~~required by Regulatory Agencies.
 "Additional Utility and Storm Drainage Costs" provides for restoration of storm drainage sites in State Parks land and relocation of utilities.
- (10) "Land Sales" revenue projections were evaluated by EPS as a component of their CIP Review – Phase II Study. The same approach of determining a residual land value factor based on past FORA or Land Use Jurisdictions' land sales transactions (resulting in \$180,000 per acre) was used. The factor was then applied to non-transacted remaining development acres. The land sales

revenue projections shown are net revenue after deducting identified costs, which include \$660,000 annually in property management/caretaker costs (obligation reduced as land is reused) and \$250,000 annually in other obligations (Initiatives, Petitions, Etc.).~~s are regularly evaluated to apply any changes in local development fees, market realities, and other factors to adjust land prices in the region.~~

- (11) "CFD/Land Sales – Credit" is credit due specific developers who perform roadway improvements/building removal by agreement with FORA. The value of the work is subtracted from the developer's CFD fee/land sale proceeds due FORA. Regarding CFD fees, FORA entered into agreement with East Garrison Partners for a total credit of \$2,075,621.~~;~~~~and~~~~;~~ Regarding land sale proceeds, FORA entered into two such agreements with Marina Community Partners (\$24M) and East Garrison Partners (\$2.177M) for a total land sale credit of \$26,177,000.
- (12) "Other Revenues" applied against building removal include Abrams B loan repayment of \$1,425,000 ~~and repayment of development fee obligations (see note 14).~~
- (13) "Projects" total include building removal at 1) Dunes on Monterey Bay (\$46M), 2) Imjin Office (\$400K), 3) East Garrison (\$2.177M), and remaining to be completed 4) Stockade (\$2.2M), and 5) Surplus II (\$4M).
- (14) "Other Costs (Debt Service)~~—Interest and Principal~~" payment of borrowed funds, principal and interest (see #3 "Loan Proceeds"). The \$7.6M repayment of remaining principal by FORA Development Fees/CFD special taxes, anticipated in FY 13-14, will be retained in the FORA Reserve fund. On May 10, 2013, the FORA Board approved a 23.6% reduction in the Basewide FORA Development Fee Schedule and FORA CFD special tax as a result of EPS's CIP Review - Phase II Study. The study showed that FORA operations costs through 2020 will be offset by the \$7.6M loan repayment from FORA Development Fees/CFD special taxes. The actual Preston Park loan will be paid off upon Preston Park disposition.~~in FY 2011 the FORA Board directed a development fee study and a financial evaluation of CIP costs and revenues. The consultant's report determined that there exists an outstanding obligation to repay funds advanced from land sales//lease revenues to pay for development fee obligations. That amount is about \$8M and the FORA Board directed staff to carry this inter-account debt forward in coming CIP budgets. The 1st repayment is anticipated in FY 2013 to come from the Preston Park disposition.~~

Community Facilities District Revenue

	Jurisdiction	2013-14 to									
		Post FORA Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA	
<u>New Residential</u>											
Marina Heights (3)	1050	MAR	\$ 28,539,000	\$ 1,794,000	\$ 3,085,000	\$ 1,468,000	\$ 1,454,000	\$ 1,454,000	\$ 1,454,000	\$ 1,454,000	\$ 16,376,000
The Promontory (1)	175	MAR	238,000	-	238,000	-	-	-	-	-	-
Dunes on Monterey Bay (3)	1237	MAR	30,686,000	-	448,000	598,000	2,093,000	3,588,000	4,077,000	2,745,000	17,137,000
TAMC TOD (1)	25	MAR	680,000	-	-	680,000	-	-	-	-	-
CSUMB North Campus Housing (1)	0	CSU/MAR	669,000	-	102,000	102,000	102,000	29,000	-	-	334,000
UC 8th Street (1)	240	UC/MCO	6,525,000	-	-	-	544,000	544,000	544,000	544,000	4,349,000
East Garrison I (3)	1470	MCO	36,991,000	5,599,000	3,194,000	2,446,000	2,786,000	2,650,000	2,310,000	2,310,000	15,696,000
Monterey Horse Park (1)	400	MCO	10,872,000	-	-	-	-	2,718,000	2,718,000	-	5,436,000
Monterey Horse Park (1)	515	SEA	13,999,000	-	-	-	680,000	1,359,000	1,359,000	2,039,000	8,562,000
UC East Campus - SF (1)	0	UC/MCO	0	-	-	-	-	-	-	-	-
UC East Campus - MF (1)	0	UC/MCO	0	-	-	-	-	-	-	-	-
Seaside Highlands (4)	152	SEA	0	-	-	-	-	-	-	-	-
Seaside Resort Housing (3)	125	SEA	3,288,000	27,000	27,000	27,000	41,000	82,000	747,000	747,000	1,590,000
Seaside Housing (Eastside) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Seaside Affordable Housing Obligation (1)	72	SEA	1,956,000	-	-	-	-	-	-	978,000	978,000
Workforce Housing (Army to Build) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Market Rate Housing (Army to Build) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Workforce Housing (Seaside) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Del Rey Oaks (1)	691	DRO	18,782,000	-	1,767,000	3,900,000	3,724,000	-	-	-	9,391,000
Other Residential	8	Various	217,000	-	-	-	-	-	-	-	217,000
	6160		0								0
<u>Existing/Replacement Residential</u>											
Preston Park (4)	352	MAR	3,265,443	\$ 3,265,443	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cypress Knolls (1)	400	MAR	10,872,000	-	-	-	1,359,000	1,359,000	1,359,000	1,359,000	5,436,000
Patton Park (3)		MAR	0	-	-	-	-	-	-	-	-
Abrams B (4)		MAR	0	-	-	-	-	-	-	-	-
Shelter Outreach Plus (4) & (1)		MAR	0	-	-	-	-	-	-	-	-
Sunbay (4)		SEA	0	-	-	-	-	-	-	-	-
Stillwell Kidney - WFH (Army to Build) (1)		SEA	0	-	-	-	-	-	-	-	-
<u>Office</u>											
Del Rey Oaks Office (1)		DRO	47,000	\$ -	\$ 12,000	\$ -	\$ 12,000	\$ -	\$ -	\$ -	\$ 23,000
Monterey City Office (1)		MRY	0	-	-	-	-	-	-	-	-
Monterey County Office		MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)		MCO	24,000	-	-	6,000	6,000	-	-	-	12,000
Landfill Commercial Development (1)		MCO	0	-	-	-	-	-	-	-	-
Intergarrison Rd Office Park (1)		MCO	0	-	-	-	-	-	-	-	-
East Garrison I Office Development (3)		MCO	7,000	1,000	1,000	1,000	1,000	-	-	-	3,000
MST Bus Maint & Opns Facility (1)		MCO	0	-	-	-	-	-	-	-	-
Imjin Office Park (3)		MAR	2,000	2,000	-	-	-	-	-	-	-
Dunes on Monterey Bay (3)		MAR	35,000	35,000	-	-	-	-	-	-	-
Cypress Knolls Community Center (1)		MAR	4,000	-	-	-	2,000	-	-	-	2,000
Interim Inc. - Rockrose Gardens (3)		MAR	3,000	3,000	-	-	-	-	-	-	-
TAMC TOD (office/public facilities) (1)		MAR	9,000	-	-	2,000	2,000	-	-	-	5,000
Main Gate Conference (1)		SEA	6,000	-	-	-	-	-	3,000	-	3,000
Seaside Office (Monterey Blues) (1)		SEA	0	-	-	-	-	-	-	-	-
Chartwell School (1)		SEA	0	-	-	-	-	-	-	-	-
Monterey Peninsula Trade & Conf Cntr (1)		SEA	58,000	-	-	-	-	-	-	29,000	29,000
Seaside Resort Golf Buildings (3)		SEA	0	-	-	-	-	-	-	-	-
UC East Campus (1)		UC/MCO	0	-	-	-	-	-	-	-	-
UC Central South Campus (1)		UC/MAR	24,000	-	-	-	-	12,000	-	-	12,000
UC Central North & West Campuses (1)		UC/MAR	67,000	-	-	5,000	5,000	5,000	5,000	5,000	42,000
<u>Industrial</u>											
Airport Economic Development Area (1)		MAR	48,000	\$ -	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 30,000.00
Industrial - City Corp. Yard (1)		MAR	0	-	-	-	-	-	-	-	-
TAMC TOD (1)		MAR	8,000	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 4,000.00
Dunes on Monterey Bay (3)		MAR	57,000	-	4,000	8,000	8,000	4,000	4,000	-	29,000

Community Facilities District Revenue

	Jurisdiction	2013-14 to								
		Post FORA Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
Industrial - City Corp. Yard (1)	MRY	52,000	-	-	26,000	-	-	-	-	26,000
Industrial - Public/Private (1)	MRY	179,000	-	12,000	26,000	26,000	26,000	-	-	89,000
Monterey County Light Ind. (1)	MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)	MCO	28,000	-	-	-	5,000	5,000	4,000	-	14,000
Landfill Industrial Park (1)	MCO	0	-	-	-	-	-	-	-	-
MST Bus Maint & Opns Facility (1)	MCO	0	-	-	-	-	-	-	-	-
Seaside Corp Yard Shop (1)	SEA	6,000	-	-	-	-	3,000	-	-	3,000
UC Central N. & W. Campuses (1)	UC/MAR	28,000	-	-	2,000	2,000	2,000	2,000	2,000	18,000
Retail		0								
Del Rey Oaks Retail (1)	DRO	134,000	\$ -	\$ 67,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,000
UC Central N. & W. Campuses (1)	UC/MAR	589,000	-	-	42,000	42,000	42,000	42,000	42,000	379,000
UC East Campus (1)	UC/MCO	351,000	-	-	-	88,000	-	-	-	263,000
UC Eight Street (1)	UC/MCO	1,889,000	-	-	135,000	135,000	135,000	135,000	135,000	1,214,000
Monterey County Retail	MCO	0	-	-	-	-	-	-	-	-
Landfill Commercial development (1)	MCO	0	-	-	-	-	-	-	-	-
East Garrison I Retail (1)	MCO	269,000	-	-	-	67,000	67,000	-	-	135,000
Ord Market (4)	MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)	MCO	2,833,000	-	-	-	337,000	337,000	742,000	-	1,417,000
Main Gate Spa (1)	SEA	162,000	-	-	-	-	-	-	81,000	81,000
Main Gate Large Format Retail (1)	SEA	590,000	-	-	-	-	295,000	-	-	295,000
Main Gate In-Line Shops (1)	SEA	1,964,000	-	-	-	-	982,000	-	-	982,000
Main Gate Department Store Anchor (1)	SEA	810,000	-	-	-	-	405,000	-	-	405,000
Main Gate Restaurants (1)	SEA	412,000	-	-	-	-	206,000	-	-	206,000
Main Gate Hotel Restaurant (1)	SEA	54,000	-	-	-	-	-	27,000	-	27,000
Seaside Resort Golf Clubhouse (1)	SEA	110,000	-	-	55,000	-	-	-	-	55,000
Dunes on Monterey Bay (3)	MAR	1,349,000	364,000	337,000	155,000	-	-	-	-	493,000
TAMC TOD (1)	MAR	505,000	-	-	126,000	126,000	-	-	-	253,000
Hotel (rooms) (5)										
Del Rey Oaks Hotel (1) (454 rm)	454 DRO	2,753,000	\$ -	\$ 315,000	\$ 758,000	\$ 303,000	\$ -	\$ -	\$ -	\$ 1,377,000
Del Rey Oaks Timeshare (1) (96 rm)	96 DRO	583,000	-	146,000	146,000	-	-	-	-	291,000
Horse Park (Parker Flat) Hotel (1) (200 rm)	200 MCO	2,427,000	-	-	-	607,000	607,000	-	-	1,213,000
Dunes - Limited Service (3) (100 rm)	100 MAR	606,000	-	303,000	-	-	-	-	-	303,000
Dunes - Full Service (3) (400 rm)	400 MAR	2,426,000	-	-	1,213,000	-	-	-	-	1,213,000
Seaside Golf Course Hotel (3) (330 rm)	330 SEA	1,668,000	-	-	-	121,000	85,000	631,000	-	831,000
Seaside Golf Course Timeshares (3) (170 rm)	170 SEA	1,031,000	-	-	-	-	-	-	364,000	667,000
Main Gate Hotel (1) (250 rm)	250 SEA	1,516,000	-	-	-	-	-	758,000	-	758,000
UC East Campus (1) (250 rm)	250 UC/MCO	1,516,000	-	-	-	-	-	-	-	1,516,000
UC Central N. & W. Campuses (1) (150 rm)	150 UC/MAR	910,000	-	-	-	-	-	-	-	910,000
	2400									
Total*		\$ 195,728,443	\$ 11,090,443	\$ 10,061,000	\$ 11,932,000	\$ 14,683,000	\$ 17,004,000	\$ 16,924,000	\$ 12,837,000	\$ 101,197,000

*Dollar amounts for FY 13-14 reflect actual jurisdiction forecast submittals. Based on historical experience, forecasts for 2014/15 thru 2019/20 have been reduced by 50%, remaining 50% has been put in "Post FORA" column.

	Adopted 2002	Effective 7/1/12	Effective 5/10/13	Index 13/14	Effective 7/1/13
New Residential (per du)	\$ 34,324	\$ 34,610	\$ 26,440	2.8%	\$ 27,180
Existing Residential (per du)	10,320	10,406	7,950	2.8%	8,173
Office & Industrial (per acre)	4,499	4,536	3,470	2.8%	3,567
Retail (per acre)	92,768	93,545	71,470	2.8%	73,471
Hotel (per room)	7,653	7,718	5,900	2.8%	6,065

- (1) Project proposed
- (2) Project approved by local jurisdiction
- (3) Project found consistent with Base Reuse Plan
- (4) Project completed

Land Sale Revenue

Jurisdiction	2013-14 to Post-FORA	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<u>New Residential</u>									
Marina Heights	MAR	-							
Cypress Knolls	MAR	-							
Dunes on Monterey Bay	MAR	-							
UC 8th Street	UC/MCO	-							
East Garrison I	MCO	-							
Monterey Horse Park	MCO	-							
Monterey Horse Park	SEA	13,936,098				1,347,234	5,394,102		7,194,762
UC East Campus - SF	UC/MCO	-							
UC East Campus - MF	UC/MCO	-							
Seaside Highlands Homes	SEA	-							
Seaside Resort Housing	SEA	-							
Seaside Housing (Eastside)	SEA	-							
Seaside Affordable Housing	SEA	-							
Workforce Housing (Army to	SEA	-							
Workforce Housing (Seaside)	SEA	-							
Del Rey Oaks	DRO	23,498,874	1,953,000	4,431,060	4,363,482				12,751,332
Other Residential	Various	-							
<u>Existing/Replacement Residential</u>									
Preston Park	MAR	-							
Cypress Knolls	MAR	-							
Abrams B	MAR	-							
Shelter Outreach Plus	OTR	-							
Sunbay (former Thorson Pai	SEA	-							
Stillwell Kidney - WFH (Arm)	Various	-							
<u>Office</u>									
Del Rey Oaks Office	DRO	2,685,265	594,000	630,175					1,461,090
Monterey City Office	MRY	-							
Monterey County Office	MCO	-							
Horse Park	MCO	642,204	288,000						354,204
Landfill Commercial Devel	MCO	-							
East Garrison I Office Dev	MCO	-							
MST Bus Maint & Bus Opi	MCO	-							
Dunes on Monterey Bay	MAR	-							
Airport Economic Developm	MAR	-							
Interim Inc. Rockrose Garde	MAR	237,600	237,600						
LDS Church	MAR	-							
Seaside Office (Monterey Bl	SEA	-							
Chartwell	SEA	-							
Monterey College of Law	SEA	-							
Monterey Peninsula Trade &	SEA	3,526,382					1,711,089		1,815,294
UC East Campus	UC/MCO	-							
UC Central South Campus	UC/MAR	-							
UC Central North & West C	UC/MAR	-							
<u>Industrial</u>									
Airport Economic Developm	MAR	-							
Industrial -- City Corp. Yard	MAR	-							
Industrial -- City Corp. Yard	MRY	2,908,458		1,325,610					1,582,848
Industrial -- Public/Private	MRY	10,091,214	1,899,000	1,325,610	1,365,378				5,501,226
Monterey County Light Ind.	MCO	-							
Horse Park	MCO	1,570,771	522,000	185,400					863,371
Landfill Industrial Park	MCO	-							
Seaside Corp Yard Shop	SEA	-							
UC Central North & West C	UC/MAR	-							
<u>Retail</u>									
Del Rey Oaks Retail	DRO	361,240	162,000						199,240
UC Central North & West C	UC/MAR	-							
UC South Campus	UC/MAR	-							
UC East Campus	UC/MCO	-							
UC Eight Street	UC/MCO	-							
Monterey County Retail	MCO	-							
Landfill Commercial devel	MCO	-							
East Garrison I Retail	MCO	-							
Ord Market	MCO	-							
Horse Park	MCO	7,913,647	828,000	852,840	878,425	1,081,800			4,272,582
Main Gate	SEA	11,670,875		139,050		5,054,955	70,907	229,536	6,176,427
South of Lightfighter Dr (sw	SEA	-							
Dunes on Monterey Bay	MAR	-							
<u>Hotel (rooms)</u>									
Del Rey Oaks Hotel	DRO	2,420,266	243,000	611,820	248,251				1,317,195
Del Rey Oaks Timeshare	DRO	525,300	117,000	120,510					287,790
Horse Park (Parker Flat) Ho	MCO	1,063,650	477,000						586,650
Dunes - Limited Service	MAR	-							
Dunes - Full Service	MAR	-							
Seaside Golf Course Hotel	SEA	-							
Seaside Golf Course Timesl	SEA	-							
Main Gate Hotel	SEA	1,399,097				668,552			730,545
UC East Campus	UC/MCO	-							
UC Central North & West C	UC/MAR	-							
Subtotal: Estimated Transactions		84,450,941	7,320,600	8,991,900	7,485,710	6,136,755	2,086,693	3,667,364	45,094,555
FORA Share - 50%		42,225,470	3,660,300	4,495,950	3,742,855	3,068,377	1,043,347	1,833,682	22,547,278
Estimated Caretaker/Property Mgt.		(2,165,144)	(660,000)	(548,090)	(400,213)	(272,973)	(164,164)	(119,704)	
FORA Oper. Costs		(1,265,336)							(35,462)
Other obligations (Initiatives, Petitions, etc.)		(2,223,084)	(250,000)	(257,500)	(265,225)	(273,182)	(281,377)	(289,819)	(307,468)
Net FORA Land Sales Proceeds		36,571,906	2,750,300	3,690,360	3,077,417	2,522,222	597,806	1,424,159	21,009,936
Net Present Value (5.3% Discount Rate)		28,513,094	2,750,300	3,504,615	2,775,426	2,160,221	486,235	1,100,060	14,636,125

Note #1: FORA and local jurisdiction split land sales revenue 50/50 with FORA paying sales costs from its share. Actual land sales revenue may vary from that shown here.
 Note #2: Assumes per acre value of \$180,000 and that values escalate by 3% annually.

Appendix A

Protocol for Review/Reprogramming of FORA CIP (Revised June 21, 2013)

- 1.) Conduct quarterly meetings with the CIP Committee and joint committee meetings as needed with members from the FORA Administrative Committee. Staff representatives from the California Department of Transportation ("CALTRANS"), TAMC, AMBAG, and MST may be requested to participate and provide input to the joint committee.

These meetings will be the forum to review developments as they are being planned to assure accurate prioritization and timing of CIP projects to best serve the development as it is projected. FORA CIP projects will be constructed during the program, but market and budgetary realities require that projects must "queue" to current year priority status. The major criteria used to prioritize project placement are:

- Project is necessary to mitigate reuse plan
- Project environmental/design is complete
- Project can be completed prior to FORA's sunset
- Project uses FORA CIP funding as matching funds to leverage grant dollars
- Project can be coordinated with projects of other agencies (utilities, water, TAMC, PG&E, CALTRANS, MST, etc.)
- Project furthers inter-jurisdictional equity
- Project supports jurisdictional "flagship" project
- Project nexus to jurisdictional development programs

The joint committee will balance projected project costs against projected revenues as a primary goal of any recommended reprogramming/reprioritization effort.

- 2.) Provide a mid-year and/or yearly report to the Board (at mid-year budget and/or annual budget meetings) that will include any recommendations for CIP modifications from the joint committee and staff.
- 3.) Anticipate FORA Board annual approval of a CIP program that comprehensively accounts for all obligatory projects under the BRP.

These basewide project obligations include transportation/transit, water augmentation, storm drainage, habitat management, building removal and fire fighting enhancement.

[This protocol also describes the method by which the basewide development fee \("Fee"\) and Fort Ord Reuse Authority Community Facilities District Special Tax \("Tax"\) are annually indexed. The amount of the Fee is identical to the CFD Tax. Landowners pay either the Fee or the Tax, never both, depending on whether the land is within the Community Facilities District. For indexing purposes, FORA has always used the change in costs from January 1 to December 31. The reason for that choice is that the Fee and CFD Tax must be in place on July 1, and this provides the time necessary to prepare projections, vet, and publish the document. The second idea concerns measurement of construction costs. Construction costs may be measured by either the San Francisco Metropolitan index, or the "20-City Average." FORA has always used the 20-City Average index because it is generally more in line with the actual experience in suburban areas like the Monterey Peninsula. It should be noted that San Francisco is one of the cities used for the 20-City Average.](#)

[The Fee was established in February 1999 by Resolution 99-1. Section 1 of that Resolution states that "\(FORA\) shall levy a development fee in the amounts listed for each type of development in the... fee schedule until such time as ... the schedule is amended by \(the\) board." The CFD Tax was](#)

established in February 2002 by Resolution 02-1. Section IV of that CFD Resolution, beginning on page B-4, describes "Maximum Special Tax Rates" and "Increase in the Maximum Special Tax Rates." That section requires the †Tax to be established on the basis of costs during the "...immediately preceding Fiscal Year..." The †Tax is adjusted annually on the basis of "...Construction Cost Index applicable to the area in which the District is located..."¹

The CFD resolution requires the adjusted †Tax rate to become effective on July 1. It would be difficult to meet that deadline if the benchmark were set for a date later than January. FORA staff uses the adjusted †Tax rate to reprogram the CIP. FORA staff requests development forecast projections from the land use jurisdictions in January. The forecasts allow staff to balance CIP revenues and expenditures, typically complete by April, for Administrative Committee review. The FORA Board typically adopts the CIP, and consequently updates the "Notice of Special Tax Lien" ("Notice") in June.

Additionally, the Notice calls for "... (2) percentage change since the immediately preceding fiscal year in the (ENRs CCI) applicable to the area in which the District is located..." To assure adequate time for staff analysis, public debate and FORA Board review of modifications to the Special Tax Levy, it is prudent to begin in January. In addition, the FORA Board adopted a formulaic approach to monitoring the developer fee program which is typically conducted in the spring – as will be the case in 2014. If the anticipated Fee adjustment is unknown at the time of the formulaic calculation then the level of certainty about the appropriateness of the Fee is impaired. This factor supports that the Fee should be established in January.

To determine the percentage change, the CCI (Construction Cost Index) of the immediately prior January is subtracted from the CCI in January of the current year to define the arithmetic value of the change (increase or decrease). This dollar amount is divided by the CCI of the immediately prior January. The result is then multiplied by 100 to derive a percentage of change (increase or decrease) during the intervening year. The product of that calculation is the rate presented to the FORA Board.

Since the start of the CIP program in FY 2001/02, FORA has employed the CCI for the "20-City Average" as presented in the ENR rather than the San Francisco average. The current 20-City Average places the CCI in the range of \$9K to \$10K while the San Francisco CCI is in the \$10K to \$11K range. The difference in the two relates to factors which tend to drive costs up in an urban environment as opposed to the suburban environment of Fort Ord. These factors would include items such as time required for transportation of materials and equipment plus the Minimum Wage Rates in San Francisco as compared to those in Monterey County. Over a short term (1 year) one index may yield a lower percentage increase than the other index for the same time period.

¹ The pertinent paragraph reads as follows:

"On each July 1, commencing July 1, 2002, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's (ENRs) Construction Cost Index (CCI) applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator)."

Appendix B

Table A1: Residential Annual Land Use Construction (dwelling units)

Land Use Type	Jurisdiction	Existing 7/1/13	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<i>New Residential</i>											
Marina Heights	MAR										
Townhome	MAR		63.5	-	6.0	6.5	6.5	6.5	6.5	6.5	25.0
Cluster Market/Bridge	MAR		120.5	16.0	20.0	9.5	9.5	9.5	9.5	9.5	37.0
Market A	MAR		211.5	25.0	52.0	14.5	14.5	14.5	14.5	14.5	62.0
Market B	MAR		218.5	25.0	35.5	17.0	17.0	17.0	17.0	17.0	73.0
Estates	MAR		436.0	-	-	6.5	6.0	6.0	6.0	6.0	405.5
Subtotal		-	1050.0	66.0	113.5	54.0	53.5	53.5	53.5	53.5	602.5
The Promontory	MAR		175.0		175						
Dunes on Monterey Bay	MAR										
Alley	MAR		245.0				12.0	24.0	28.5	29.5	151.0
Carriage	MAR		113.0				10.5	3.0	4.0	14.0	81.5
Standard	MAR		260.0			12.0	24.0	41.0	40.0	13.0	130.0
Townhome	MAR		163.0				12.0	31.5	29.0	9.0	81.5
Duets	MAR		146.0		16.5	10.0	13.5	13.5	19.5	-	73.0
Duets - Low/Mod/Workforce	MAR		202.0				5.0	19.0	29.0	35.5	113.5
Apartments - Low/Very Low	MAR	-	108.0	108.0	-	-	-	-	-	-	-
Subtotal		-	1237.0	108.0	16.5	22.0	77.0	132.0	150.0	101.0	630.5
TAMC TOD	MAR		25.0			25.0					
Marina Subtotal			2487.0								
CSUMB North Campus Housing	CSU/MAR				75.0	75.0	75.0	21.0			246.0
UC 8th Street	UC/MCO		240.0				20.0	20.0	20.0	20.0	160.0
East Garrison I											
Market rate	MCO	44	1050.0	206.0	80.0	90.0	70.0	60.0	50.0	50.0	400.0
Affordable	MCO	65	420.0	-	37.5	-	32.5	37.5	35.0	35.0	177.5
Subtotal		109	1470.0	206.0	117.5	90.0	102.5	97.5	85.0	85.0	577.5
Monterey Horse Park Apartments	SEA/MCO		400.0		-	-	-	100.0	100.0	-	200.0
Monterey Horse Park	SEA		515.0		-	-	25.0	50.0	50.0	75.0	315.0
UC East Campus - SF	UC/MCO		0.0								
UC East Campus - MF	UC/MCO		0.0								
Seaside Highlands Homes	SEA	152	152.0								
Seaside Resort Housing	SEA	3	125.0	1.0	1.0	1.0	1.5	3.0	27.5	27.5	59.5
Seaside Housing (Eastside)	SEA		0.0								
Seaside Affordable Housing Obligat	SEA		72.0							36.0	36.0
Workforce Housing (Army to Build)	SEA		0.0								
Market Rate Housing (Army to Builc	SEA		0.0								
State Parks Housing (Workforce ho	SEA		0.0								

Appendix B

Table A1: Residential Annual Land Use Construction (dwelling units)

Land Use Type	Jurisdiction	Existing 7/1/13	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
Workforce Housing (Seaside)	SEA		0.0		-	-					
Seaside Subtotal			864.0								
Del Rey Oaks											
Golf Villas	DRO		50.0		18.5	6.5					25.0
Patio Homes	DRO		36.0		16.0	2.0					18.0
Condos/Workforce	DRO		514.0		20.0	115.0	122.0				257.0
Townhomes/Senior Casitas	DRO		91.0	-	10.5	20.0	15.0	-	-	-	45.5
Subtotal			691.0	-	65.0	143.5	137.0	-	-	-	345.5
Other Residential	Various		8.0	-	-	-	-	-	-	-	8.0
Subtotal		264	6160.0	381.0	488.5	335.5	416.5	456.0	486.0	398.0	2,934.5
TOTAL NEW RESIDENTIAL		6,160									
<u>Existing/Replacement Residential</u>											
Preston Park	MAR	352	352.0								
Cypress Knolls	MAR		400.0				50.0	50.0	50.0	50.0	200.0
Patton Park	MAR		0.0								
Abrams B	MAR	192	192.0								
MOCO Housing Authority	MAR	56	56.0								
Shelter Outreach Plus	MAR	39	39.0								
Veterans Transition Center	MAR	13	13.0								
Interim Inc	MAR	11	11.0								
Sunbay (former Thorson Park)	SEA	297	297.0								
Brostrom	SEA	225	225.0								
Seaside Highlands Homes	Various	228	228.0	-	-	-	-	-	-	-	-
Subtotal		1,413	1813.0	-	-	-	50.0	50.0	50.0	50.0	200.0
TOTAL EXISTING RESIDENTIAL		1,813									
Total		1,677	7973.0	381.0	488.5	335.5	466.5	506.0	536.0	448.0	3,134.5

Sources: Interviews with local jurisdiction and UC planning staff; Ft. Ord Reuse Plan; MuniFinancial; EPS.

Appendix B

Table A2: Non-Residential Annual Land Use Construction (building square feet or hotel rooms)

DRAFT											DRAFT	
Land Use Type	Jurisdiction	Existing 7/1/11	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA	
<i>Office</i>												
Del Rey Oaks Office	DRO		200,000		50,000	-	50,000	-	-	-	100,000	
Monterey City Office	MRY		-	-	-	-	-	-	-	-	-	
Monterey County Office	MCO		-	-	-	-	-	-	-	-	-	
Horse Park	SEA/MCO		100,000		-	25,000	25,000	-	-	-	50,000	
Landfill Commercial Development	MCO		-	-	-	-	-	-	-	-	-	
Other County Office Park	MCO		-	-	-	-	-	-	-	-	-	
East Garrison I Office Development	MCO		35,000	6,000	6,000	6,000	2,500	-	-	-	14,500	
MST Bus Maint & Opns Facility	MCO		-	-	-	-	-	-	-	-	-	
Imjin Office Park	MAR	37,000	46,000	9,000	-	-	-	-	-	-	-	
Dunes on Monterey Bay	MAR	40,000	190,000	150,000	-	-	-	-	-	-	-	
Cypress Knolls Community Center	MAR		16,000	-	-	-	8,000	-	-	-	8,000	
Interim Inc. - Rockrose Gardens	MAR		14,000	14,000	-	-	-	-	-	-	-	
TAMC TOD (office/public facilities)	MAR		40,000	-	-	10,000	10,000	-	-	-	20,000	
Main Gate Conference	SEA		27,000	-	-	-	-	-	13,500	-	13,500	
Seaside Office (Monterey Blues)	SEA		-	-	-	-	-	-	-	-	-	
Chartwell School	SEA	1,800	1,800	-	-	-	-	-	-	-	-	
Monterey College of Law	SEA	13,100	13,100	-	-	-	-	-	-	-	-	
Fitch Middle School	SEA		-	-	-	-	-	-	-	-	-	
Marshall Elementary School	SEA		-	-	-	-	-	-	-	-	-	
International School (former Hayes Elem)	SEA		-	-	-	-	-	-	-	-	-	
Veterans' Cemetery	SEA		-	-	-	-	-	-	-	-	-	
Monterey Peninsula Trade & Conf Cntr	SEA		250,000	-	-	-	-	-	-	125,000	125,000	
Seaside Resort Golf Buildings	SEA		-	-	-	-	-	-	-	-	-	
UC Eight Street	UC/MCO		-	-	-	-	-	-	-	-	-	
UC East Campus	UC/MCO		100,000	-	-	-	-	50,000	-	-	50,000	
UC Central North & West Campuses	UC/MAR	-	280,000	-	-	20,000	20,000	20,000	20,000	20,000	180,000	
Subtotal		91,900	1,312,900	179,000	56,000	61,000	115,500	70,000	33,500	145,000	561,000	
<i>Industrial</i>												
Airport Economic Development Area	MAR	250,000	486,000	-	14,750	14,750	14,750	14,750	14,750	14,750	147,500	
Industrial -- City Corp. Yard	MAR	12,300	12,300	-	-	-	-	-	-	-	-	
TAMC TOD	MAR		35,000	-	-	8,750	8,750	-	-	-	17,500	
Dunes on Monterey Bay	MAR		280,000	-	20,000	40,000	40,000	20,000	20,000	-	140,000	
Cypress Knolls Support Services	MAR		6,000	-	-	-	3,000	-	-	-	3,000	
Industrial -- City Corp. Yard	MRY		250,000	-	-	125,000	-	-	-	-	125,000	
Industrial -- Public/Private	MRY		868,512	-	59,256	125,000	125,000	125,000	-	-	434,256	
Monterey County Light Ind.	MCO		-	-	-	-	-	-	-	-	-	
Horse Park	SEA/MCO		135,000	-	-	-	25,000	25,000	17,500	-	67,500	
Landfill Industrial Park	MCO		-	-	-	-	-	-	-	-	-	
MST Bus Maint & Opns Facility	MCO		-	-	-	-	-	-	-	-	-	
Seaside Corp Yard Shop	SEA		25,320	-	-	-	-	12,660	-	-	12,660	
UC Central North & West Campuses	UC/MAR	38,000	178,000	-	-	10,000	10,000	10,000	10,000	10,000	90,000	
Subtotal		300,300	2,276,132	-	94,006	323,500	226,500	207,410	62,250	24,750	1,037,416	

Appendix B

Table A2: Non-Residential Annual Land Use Construction (building square feet or hotel rooms)

DRAFT			DRAFT								
Land Use Type	Jurisdiction	Existing 7/1/11	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<u>Retail</u>											
Del Rey Oaks Retail	DRO		20,000		10,000	-	-	-	-	-	10,000
Cypress Knolls Community Center	MAR		30,000			-	15,000	-	-	-	15,000
UC Central North & West Campuses	UC/MAR		87,500			6,250	6,250	6,250	6,250	6,250	56,250
UC South Campus	UC/MAR		-			-	-	-	-	-	-
UC East Campus	UC/MCO		52,000			-	13,000	-	-	-	39,000
UC Eight Street	UC/MCO		280,000			20,000	20,000	20,000	20,000	20,000	180,000
Monterey County Retail	MCO		-			-	-	-	-	-	-
Landfill Commercial development	MCO		-			-	-	-	-	-	-
East Garrison I Retail	MCO		40,000			-	10,000	10,000	-	-	20,000
Ord Market	MCO		-			-	-	-	-	-	-
Horse Park	SEA/MCO		420,000	-		-	50,000	50,000	110,000	-	210,000
Main Gate Spa	SEA		24,000			-	-	-	-	12,000	12,000
Main Gate Large Format Retail	SEA		87,500			-	-	43,750	-	-	43,750
Main Gate In-Line Shops	SEA		291,000			-	-	145,500	-	-	145,500
Main Gate Department Store Anchor	SEA		120,000			-	-	60,000	-	-	60,000
Main Gate Restaurants	SEA		61,000			-	-	30,500	-	-	30,500
Main Gate Hotel Restaurant	SEA		8,000			-	-	-	4,000	-	4,000
Luxury Auto Mall	SEA		-			-	-	-	-	-	-
Seaside Resort Golf Clubhouse	SEA		16,300			8,150	-	-	-	-	8,150
Dunes on Monterey Bay	MAR	368,000	568,000	54,000	50,000	23,000	-	-	-	-	73,000
TAMC TOD	MAR		75,000	-	-	18,750	18,750	-	-	-	37,500
Subtotal		368,000	2,180,300	54,000	60,000	76,150	133,000	366,000	140,250	38,250	944,650
<u>Hotel (rooms)</u>											
Del Rey Oaks Hotel	DRO		454		52	125	50	-	-	-	227
Del Rey Oaks Timeshare	DRO		96		24	24	-	-	-	-	48
Horse Park (Parker Flat) Hotel	SEA/MCO		400			-	100	100	-	-	200
Marina Airport Hotel/Golf	MAR		-			-	-	-	-	-	-
Dunes - Limited Service	MAR		100		50	-	-	-	-	-	50
Dunes - Full Service	MAR		400			200	-	-	-	-	200
Seaside Golf Course Hotel	SEA		275			-	20	14	104	-	137
Seaside Golf Course Timeshares	SEA		170			-	-	-	-	60	110
Main Gate Hotel	SEA		250			-	-	-	125	-	125
UC East Campus	UC/MCO		250			-	-	-	-	-	250
UC Central North & West Campuses	UC/MAR		-			-	-	-	-	-	150
Subtotal		-	2,545	-	126	349	170	114	229	60	1,497

Sources: Information from local jurisdiction and UC planning staff; Ft. Ord Reuse Plan; Annette Yee and Company; MuniFinancial; EPS.

Appendix C

Building Removal Program to Date

FORA Pilot Deconstruction Project ("PDP") 1996

In 1996, FORA deconstructed five wooden buildings of different types, relocated three wooden buildings, and remodeled three buildings. The potential for job creation and economic recovery through opportunities in deconstruction, building reuse, and recycling was researched through this effort.

Lessons learned from the FORA PDP project:

- A structure's type, size, previous use, end-use, owner, and location are important when determining the relevance of lead and asbestos regulations.
- Profiling the building stock by type aids in developing salvage and building removal projections.
- Specific market needs for reusable and recycled products drive the effectiveness of deconstruction.
- Knowing the history of buildings is important because:
 - Reusing materials is complicated by the presence of Lead Based Paint ("LBP"), which was originally thinned with leaded gasoline and resulted in the hazardous materials penetrating further into the substrate material.
 - Over time, each building develops a unique use, maintenance and repair history, which can complicate hazardous material abatement survey efforts.
- Additional field surveys were needed to augment existing U.S. Army environmental information. The PDP surveys found approximately 30 percent more Asbestos Containing Material ("ACM") than identified by the Army.
- Hazardous material abatement accounts for almost 50 percent of building deconstruction costs on the former Fort Ord.
- A robust systematic program is needed for evaluating unknown hazardous materials early in building reuse, recycling and cleanup planning.

FORA Survey for Hidden Asbestos 1997

In 1997, FORA commissioned surveys of invasive asbestos on a random sample of buildings on Fort Ord to identify hidden ACM. Before closure, the U.S. Army performed asbestos surveys on all exposed surfaces in every building on Fort Ord for their operation and maintenance needs. The Army surveys were not invasive and therefore did not identify asbestos sources, which could be spread to the atmosphere during building deconstruction or renovation. In addition to commissioning the survey for hidden asbestos, FORA catalogued the ACM found during the removal of seventy Fort Ord buildings.

The survey for hidden asbestos showed:

- The Army asbestos surveys were conducted on accessible surfaces only which is not acceptable to the Monterey Bay Unified Air Pollution Control District ("MBUAPCD").
- Approximately 30 percent more ACM lies hidden than was identified in the Army surveys.
- The number one cause for slow-downs and change orders during building deconstruction is hidden asbestos (see FORA website).

- A comprehensive asbestos-containing materials survey must identify all ACM.
- All ACM must be remediated before building deconstruction begins. It is important to note that this includes non-friable ACM that has a high probability of becoming or has become friable - crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of deconstruction.
- All ACM must be disposed of legally.

FORA Hierarchy of Building Reuse 1998

In response to the PDP project, FORA developed a Hierarchy of Building Reuse ("HBR") protocol to determine the highest and best method to capture and save both the embodied energy and materials that exist in the buildings on Fort Ord. The HBR is a project-planning tool. It provides direction, helps contractors achieve higher levels of sustainability, and facilitates dialogue with developers in order to promote salvage and reuse of materials in new construction projects. The HBR protocol has only been used on WWII era wooden buildings. The HBR protocol prioritizes activities in the following order:

1. Reuse of buildings in place
2. Relocation of buildings
3. Deconstruction and salvage of building materials
4. Deconstruction with aggressive recycling of building materials

FORA Request for Qualifications ("RFQ") for Building Deconstruction Contractors 1998

FORA went through an RFQ process in an attempt to pre-qualify contractors throughout the U.S. to meet the Fort Ord communities' needs for wooden building deconstruction (removal), hazardous material abatement, salvage and recycling, and identifying cost savings. The RFQ also included a commitment for hiring trainees in deconstruction practices.

FORA Lead-Based Paint Remediation Demonstration Project 1999

FORA initiated the LBP Remediation Demonstration Program in 1999 to determine the extent of LBP contamination in Fort Ord buildings and soil, field test possible solutions, and document the findings. The first step in controlling LBP contamination is to accurately identify the amount and characteristics of the LBP. This ensures that LBP is properly addressed during removal and reuse activities, in ways that protect the public, environment, and workers.

The FORA Compound and Water City Roller Hockey Rink were used as living laboratories to test the application of LBP encapsulating products. Local painting contractors were trained to apply various encapsulating products and the ease, effectiveness and expected product life was evaluated. This information was shared with the jurisdictions, other base closure communities and the regulatory agencies so that they could use the lessons learned if reusing portions of their WWII building stock.

FORA Waste Characterization Protocol 2001

A Basewide Waste Characterization Protocol was developed for building debris generated during the deconstruction of approximately 1,200 WWII era wooden structures. By profiling standing buildings utilizing the protocol, contractors are able to make more informed waste management and diversion decisions resulting in savings, greater implementation of sustainable practices, and more environmentally sensitive solutions.

The following assumptions further assist decision-making for a large-scale source-based recovery program:

- Individual buildings have been uniquely modified over time within each building type.
- The basewide characterization protocol was verified by comparing it with the actual waste generated during the 12th street building removal.

FORA Building Removal for 12th Street/Imjin Parkway 2002

FORA, in 2002, remediated and removed 25 WWII era buildings as the preparatory work for the realignment of 12th Street, later to be called Imjin Parkway.

FORA Building Removal for 2nd Avenue Widening 2003

FORA, in 2003, remediated and removed 16 WWII era buildings and also the remains of a theater that had burned and been buried in place by the Army years before the base was scheduled for closure.

FORA/CSUMB oversight Private Material Recovery Facility Project 2004

In 2004, FORA worked with CSUMB to oversee a private-sector pilot Material Recovery Facility ("MRF"), with the goal of salvaging and reusing LBP covered wood from 14 WWII era buildings. FORA collaborated in the development of this project by sharing its research on building deconstruction and LBP abatement. CSUMB and their private-sector partner hoped to create value added products such as wood flooring that could be sold to offset deconstruction costs. Unfortunately the MRF operator and equipment proved to be unreliable and the LBP could not be fully removed from the wood or was cost prohibitive.

Dune WWII Building Removal 2005

FORA, in partnership with Marina and Marina Community Partners, removed 406 WWII era buildings. Ninety percent of the non-hazardous materials from these building were recycled. FORA volunteered to be the Hazardous Waste Generator instead of the City of Marina and worked with the California Department of Toxic Substance Control, the State Board of Equalization and the hazardous waste disposal facility so that as stipulated by state law, State Hazardous Waste Generator taxes could be avoided.

East Garrison Building Removal 2006 thru 2007

FORA, in 2006, provided the East Garrison developer with credits/funds to remove 31 select WWII and after buildings from East Garrison.

Imjin Office Park Building Removal 2007

FORA, in partnership with Marina and Marina Community Partners, removed 13 WWII era buildings to prepare the Imjin Office Park site.

FORA Removal of Building 4470 in Seaside 2011

In 2011, FORA had a concrete building in Seaside removed. Building 4470 was one of the first Korean War era concrete buildings removed on the former Fort Ord. Removal revealed the presence of hidden asbestos materials. The knowledge gained during this project will be helpful in determining removal costs of remaining Korean War era concrete buildings in Seaside and on CSUMB.

FORA/CSUMB Korean War Concrete Building Removal Business Plan Grant Application 2011

In 2011, FORA approached the U.S. Office of Economic Adjustment ("OEA") about the possibility of applying for grant funds to assist in the removal of Korean War era concrete buildings located on CSUMB and Seaside property. The OEA was receptive to the idea and encouraged an application, noting that the amount available would likely be less than \$500,000. Since a large portion of the Korean War era concrete buildings are located on CSUMB property, FORA asked CSUMB to co-apply for the grant funds, which would be used to accurately identify hazardous materials in the buildings both on CSUMB and Seaside property, and to develop a Business Plan that would harness market forces to reduce building removal costs and drive economically sound building removal decisions. FORA and CSUMB have completed the grant application and submitted it to the OEA, who will consider it once federal funding becomes available.

Continuing FORA support for CSUMB Building Removal Projects

Over the years, FORA has shared knowledge gained through various deconstruction projects with CSUMB and others, and CSUMB has reciprocated by sharing their lessons learned. Over the years FORA has supported CSUMB with shared contacts, information, review and guidance as requested for the following CSUMB building removal efforts:

- 2003 removal of 22 campus buildings
- 2006 removal of 87 campus buildings
- 2007 removal of 9 campus buildings
- 2009 removal of 8 campus buildings
- 2010 removal of 33 campus buildings
- 2011 removal of 78 campus buildings
- 2013 removal of 24 campus buildings

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: FORA FY 2013-14 Preliminary Budget

Meeting Date: June 21, 2013

Agenda Number: 9b

ACTION

RECOMMENDATION:

Adopt the Fort Ord Reuse Authority ("FORA") fiscal year 2014 ("FY 13-14") preliminary budget.

BACKGROUND:

In 2008, FORA staff, in coordination with the Finance Committee, modified the annual preliminary budget format to depict all FORA revenue sources and expenditures on a single chart. Consequently, an overall illustration of the FORA financial position is accessible for Board members in one report/location. In addition, the preliminary budget is presented to the Board in conjunction with the FORA Capital Improvement ("CIP") budget to provide cohesive representation of FORA finances and programs for the upcoming year. The preliminary budget: 1) prorates the multi-year FORA/Army Environmental Services Cooperative Agreement ("ESCA") funding to show upcoming fiscal year expenditures that accurately represent FORA finances (as ESCA funding is strictly project specific); and 2) includes anticipated overall budget for capital projects (itemized in the CIP budget). The CIP budget is prepared and adopted separately, *please refer to item 9a on this Agenda*. The overall budget chart compares the current FY approved, mid-year and year-end projected budgets.

DISCUSSION:

Attachments A - D illustrate the preliminary budget for FY 13-14:

Attachment A depicts the overall FY 13-14 preliminary budget.

Attachment B itemizes expenditures.

Attachment C illustrates proposed salary/benefits adjustments (this item was reviewed by the Executive Committee on June 5 and includes the Executive Committee recommended adjustments).

Attachment D provides detail on ESCA budget.

Principal areas of budget impacts are discussed below:

- **Reuse slowdown and Economic Recession:** The national and state economic downturn/recession of the last six fiscal years has significantly slowed Fort Ord reuse and economic recovery. Consequently, FORA developer fee and land sale revenues have been deferred and/or reduced. There is some evidence of recovery as building permit issuance appears to be ramping up.
- **California Redevelopment termination:** California redevelopment agencies (RDA) were dissolved in February 2012. For several months it was uncertain whether property tax distributions to FORA would continue. In February of this year, FORA collected its first post-RDA property tax payment. According to the information staff received from the County Auditor/Controller office, FORA should be receiving these semi-annual payments

on a regular basis and the property tax revenue allocated to FORA should be approximately the same as under redevelopment. In February 2013, the FORA Board approved a resolution (the resolution was originally approved in August 2012, rescinded in January 2013 and approved again in February 2013) designating actual property tax revenue collected by FORA from all new assessed value after July 1, 2012 to fund CIP activities after allocating 10% of such tax increment to underlying jurisdictions who execute an amendment to their Implementation Agreement with FORA.

- Federal revenue: In FY 09-10 FORA secured American Recovery and Reinvestment Act ("ARRA") funding through the United States Economic Development Administration ("EDA") to finance the construction of the General Jim Moore Boulevard ("GJMB") and Eucalyptus Road. FORA obtained a loan against its 50% share in Preston Park revenues to match the ARRA grant. The construction was completed in FY 12-13 and the grant is closed. In FY 13-14 FORA staff will seek and evaluate potential for additional federal funding, which may be available through various federal departments. Opportunities to gain funding assistance for priority roadway improvements within the former Fort Ord footprint could include the realignment and widening of South Boundary and the last 900 feet of GJMB.

FORA holds the remaining funds for the ESCA remediation program and is on schedule to complete the munitions cleanup and transfer of the Economic Development Conveyance (EDC) properties in 2015.

- California Central Coast Veterans Cemetery ("CCCVC"): In order for the CCCVC to be eligible for federal funding, the California Department of General Services ("DGS") needs to obtain the property title. To complete the transfer in the next few months, FORA has been funding the required costs such the property surveys, transfer fee, environmental site assessments, etc. When DGS assumes the property on behalf of the California Department of Veterans Affairs ("CDVA"), it is anticipated that FORA may act as the DGS's local agent for the development of the CCCVC, as allowed by State law.
- Preston Park: FORA has owned the Preston Park housing complex since 2000. It has been a central asset to FORA's basewide building removal, infrastructure, and operations financing. It is the key asset that has enabled more than \$22 million of \$32 million in roadway construction in Marina and an equivalent amount across the remainder of the former Fort Ord. Preston Park collateral was also key to funding building removal for the Dunes on Monterey Bay and providing Pollution Legal Liability coverage for FORA jurisdictions, and certain other property owners. The final disposition of Preston Park will have a significant effect on how FORA will fund programs in the future and will likely impact the coming year's evaluation of developer fee, land sales and lease revenues and implementation of Post-Reassessment policy choices. That disposition is subject to current litigation between FORA and the City of Marina.

Despite these economic and funding challenges, FORA continues to contain expenses and improve operational efficiencies while continuing its capital program, completing projects and maintaining services.

The following summarizes the preliminary budget figures for FY 13-14 (**Attachment A**):

REVENUES

- \$261,000 MEMBERSHIP DUES

In addition to State law stipulated fixed membership dues of \$224,000, FORA collects membership dues from Marina Coast Water District ("MCWD") under contract terms.

- \$245,000 FRANCHISE FEES

This amount represents MCWD's projected FY 13-14 payments to FORA from water and sewer operations on Fort Ord and associated administrative fees. This amount is based on the approved FY 12-13 MCWD budget; the FY 13-14 MCWD budget is not available at this time.

- \$970,325 ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT (Attachment D)

In March 2007, FORA was awarded a federal grant in the amount of \$99.3 million to complete munitions removal on Economic Development Conveyance parcels. FORA collected the final amount of \$97.7 million in December 2008, which pre-paid all ESCA management related services and expenditures through the December 2014 project completion (the US Army received \$1.6 million credit for paying ahead of schedule). The preliminary budget includes the FY 13-14 regulatory response and management/related expenses portion of the grant.

- \$694,920 POLLUTION LEGAL LIABILITY INSURANCE PREMIUM FROM DEL REY OAKS ("DRO")

DRO owes FORA for the PLL premium. The FORA Board approved the interim use of FORA funds to pay the premium until DRO is able to repay this obligation. DRO has selected a new developer who has agreed to meet this commitment. The full balance is expected to be repaid in FY 13-14.

- \$11,090,443 DEVELOPER FEES

This reflects jurisdictional forecasts included in the CIP FY 13-14 budget.
Please refer to CIP budget, item 9a on this Agenda.

- \$2,750,300 LAND SALE PROCEEDS

This reflects land sale revenue included in the FY 13-14 CIP budget.
Please refer to CIP budget, item 9a on this Agenda.

- \$1,758,380 LEASE/RENTAL PAYMENTS

This amount consists of FORA's 50% share of lease revenue from Preston Park and other leasing projects on the former Fort Ord, including the Ord Market, Las Animas courtyard, etc. Revenue from Preston Park housing complex may be impacted by the uncertain events arising from the current litigation with the City of Marina. The Preston Park FY 13-14 budget is included in this Board packet, item 8a.

- \$1,300,000 PROPERTY TAX PAYMENTS

Anticipated payments from the County Auditor/Controller office based on FY 12-13 collections. Any additional property tax revenue collected from all new assessed value after July 1, 2012 has been committed to funding the CIP and allocating 10% of such tax increment to member jurisdictions.

- \$5,000 IN REIMBURSEMENTS FOR ESCA ACCESS SERVICES

Payments by future property owners to manage ESCA access services. This is a carryover balance from FY 12-13.

- \$110,000 INVESTMENT/INTEREST INCOME

Anticipated income from FORA bank accounts and certificates of deposit; the amount also includes interest payments on the outstanding Pollution Legal Liability insurance premium by the City of Del Rey Oaks until they are able to repay the premium.

UNDETERMINED REVENUE

- LOAN REIMBURSEMENT – EAST GARRISON (“EG”)

Pursuant to the 2005 Monterey County, developer and FORA agreement, FORA borrowed \$4.1 million to pay for building removal at the Dunes on Monterey Bay. The loan was to be repaid by the EG developer who only made a partial land payment when they acquired the EG property. Terms of this obligation are unresolved and need to be negotiated with the new developer and the County.

EXPENDITURES

- \$2,106,975 SALARIES AND BENEFITS (Attachments B, C)

FORA staffing remains at the approved FY 12-13 level; the Associate Planner position is extended to handle post-reassessment policy options and implementation as well as an expected increase in project activity. In January 2012, the FORA Board adopted new salary ranges to bring FORA employees to equity with other labor market agencies. To sustain the equity process, the FORA Executive Committee recommended including in the budget the following adjustments:

- 2.5% Cost of Living Adjustment (COLA)
- Scheduled salary step advances provided employee is in good standing
- \$158 increase in employer contribution to health insurance premium to partially offset health premium increases

The budget also includes \$15,000 for temporary stipends to provide the Executive Officer flexibility to compensate employees for additional duties or temporary assignments.

- \$144,750 SUPPLIES AND SERVICES (Attachment B)

A reduction in this expense category compared to the previous FY budget is due to: 1) reduced costs in supplies, communications, travel, and meetings due to new expense policies implementation; 2) no major office equipment (computer and copy machine replacements) budgeted for FY 13-14, and 3) Community Information Center (“CIC”) set up (including purchasing equipment and exhibits) is complete; and 4) reduction in General Liability insurance since no construction activities are anticipated in FY 13-14.

The budget provides for routine computer/server maintenance and computer support. ADC registration fees were reclassified as travel expense to allow for staff training anticipated for FY 13-14 such as Public Notary, Brown Act, and public records programs. In addition, the budget provides increased funding for televised Board meetings and efforts for community engagement at all levels and anticipated requests for services from jurisdictions.

- **\$2,865,344 IN CONTRACTUAL SERVICES (Attachment B)**

Contractual services are increased from the previous FY level. In addition to FORA's recurring consulting expenses such as Auditor, Public Information, Human Resources, Legislative and Financial consultants, the preliminary budget includes increased and or significant costs for: 1) Legal fees, including ongoing legal representation, Authority Counsel (new and outgoing), on-call services to prepare JPA, HCP/implementing agreements, and anticipated initiative election/s; 2) Base Reuse Plan (BRP) post-reassessment consultant, design review, and related costs to implement any BRP actions and/or environmental review; 3) ESCA regulatory, legal, and caretaking costs associated with scheduled property transfers; and 4) HCP consultant to prepare the final EIS/EIR and HCP.

- **\$3,717,641 IN CAPITAL PROJECTS (Attachment B)**

The upcoming budget includes mandated/obligatory expenditures such as habitat management and UC Natural Reserve annual cost. Other capital projects are development fee and land sale revenue collection dependent. The FY 13-14 CIP budget provides itemization and timing of capital projects.

Please refer to CIP budget, item 9a on this Agenda.

- **\$1,480,880 DEBT SERVICE (PRINCIPAL AND INTEREST) (Attachment B)**

The FY 13-14 debt service consists of the following liabilities:

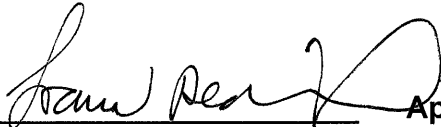
- \$1,364,880 for Preston Park loan monthly debt service (principal and interest); financed by FORA 50% share of Preston Park revenue and CFD revenue. The Preston Park loan matures in June 2014. Repayment and/or refinancing options need to be discussed during FY 13-14.
- \$116,000 for firefighting equipment capital lease final payment (year 10 of 10); financed by CFD revenue.

ENDING BALANCE/FORA RESERVE

It is anticipated that FORA will have budget savings of approximately \$16.1 million at the end of FY 13-14 (based on development fee and land sale projections). The General Fund ending balance (reserve) is estimated at \$10.4 million and includes a \$7.6 million repayment for monies borrowed from the General Fund by the CFD. As collected, any remaining funds will be retained in the reserve to cover FORA operating costs through June 2020.

COORDINATION:

Finance Committee, Executive Committee. The Finance Committee met on April 2 and April 25, 2013 to review and discuss the preliminary budget. At the April 25 meeting, the Finance Committee completed its review and recommend FORA Board approval of the preliminary budget pending Executive Committee review and inclusion of CIP elements. The Executive Committee met on June 5 and recommend FORA Board approval of compensation adjustments (as specified on Attachment C).

Prepared by 
Ivana Bednarik

Approved by  for
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY - FY 13-14 PRELIMINARY BUDGET - ALL FUNDS COMBINED

CATEGORIES	FY 12-13 APPROVED	FY 12-13 MID-YEAR	FY 12-13 ACTUAL-projected	FY 13-14 PRELIMINARY	NOTES
REVENUES					
Membership Dues	\$ 261,000	\$ 261,000	\$ 261,000	\$ 261,000	
Franchise Fees - MCWD	275,000	275,000	245,000	245,000	Based on FY 12-13 collections, MCWD FY 13-14 budget not available
Federal Grants - ESCA	787,690	787,690	764,093	970,325	Increased activity related to upcoming ESCA property transfer (Attachment D - ET/ESCA)
PLL Loan Payments	-	-	-	694,920	DRO unpaid PLL premium may be collected in coming FY
Development Fees	6,000,000	3,930,986	4,207,002	11,090,443	* Based on draft CIP budget to be approved by FORA Board in June 2013
Land Sale Proceeds	28,450,279	500,000	-	2,750,300	* Based on draft CIP budget to be approved by FORA Board in June 2013
Lease/Rent Proceeds	840,000	1,460,908	1,741,908	1,758,380	Preston Park budget to FORA Board in June; CFD payment removed pending litigation
Property Taxes	-	1,300,000	1,300,000	1,300,000	Anticipated property tax payments from MoCo Auditor/Controller
CSU Deficit Payment	326,795	326,795	326,795	-	Final payment in FY 12-13
Planning Reimbursements	7,000	7,000	7,000	5,000	Reimbursements by future property - owner agencies to manage ESCA access services
Investment/Interest Income	135,000	100,000	100,000	110,000	Interest income from money market/COD accounts
TOTAL REVENUES	37,082,764	8,949,379	8,952,798	19,185,368	
EXPENDITURES					
Salaries & Benefits	1,959,578	1,994,044	1,937,994	2,106,975	Ongoing staffing level, includes potential salary/benefits adjustments (Attachment C - S&B)
Supplies & Services	193,050	185,050	166,550	144,750	Costs reduced, Community Information Center completed, expense policies implemented
Contractual Services	1,548,750	1,957,750	1,876,750	2,865,344	Increased/expected legal fees, environmental review and HCP
Capital Projects (CIP)	4,584,000	1,787,542	1,742,879	3,717,641	* Required Habitat management, other projects CFD fee/land sale revenues dependent
Debt Service (P+I)	19,124,340	1,480,880	1,480,880	1,480,880	Final year of existing loan/lease
TOTAL EXPENDITURES	27,409,718	7,405,266	7,205,053	10,315,589	(Attachment B - Itemized Expenditures)
NET REVENUES					
Surplus/(Deficit)	9,673,046	1,544,113	1,747,745	8,869,779	
FUND BALANCES					
Budget Surplus/(Deficit) - Beginning	5,425,802	5,461,505	5,461,505	7,209,250	
Budget Surplus/(Deficit) - Ending	\$ 15,098,848	\$ 7,005,618	\$ 7,209,250	\$ 16,079,028	Ending Fund Balance/FORA Reserve
				1,323,956	Development Fees
				4,385,990	Land Sale Proceeds
				10,369,083	General Fund/Reserve
				16,079,028	Total
					(set aside to cover a portion of FORA operating costs thru 2020; includes \$7.6M from fees/taxes to repay borrowed funds)

* These amounts will be finalized with the CIP budget approval.

PRELIMINARY FY 13-14 BUDGET

ITEMIZED EXPENDITURES

EXPENDITURE CATEGORIES	FY 12-13 Approved	FY 12-13 Mid-Year	FY 12-13 Actual	FY 13-14 PRELIMINARY	NOTES
<u>SALARIES & BENEFITS</u>	14 positions	14 positions	14 positions	14 positions	See Attachment - C "Salaries/Benefits Adjustment"
Staff - Salaries	1,387,046	1,402,869	1,388,619	1,459,795	for detail regarding potential adjustment in this category
Staff - Benefits/Employer taxes	527,532	531,175	531,175	587,180	
Temp help/Vac cash out	45,000	60,000	18,200	60,000	
TOTAL SALARIES & BENEFITS	1,959,578	1,994,044	1,937,994	2,106,975	<i>FY 12-13 under budget/savings estimated at least 55K</i>
<u>SUPPLIES & SERVICES</u>					
COMMUNICATIONS	12,000	8,000	8,000	7,500	
SUPPLIES	14,000	14,000	12,000	12,000	
EQUIPMENT & FURNITURE	10,000	10,000	10,000	6,000	
TRAVEL, LODGING, REGISTRATION FEES	26,000	20,000	28,000	20,000	
MEETING EXPENSES	8,000	6,000	5,000	5,000	
BUILDING MAINTENANCE & SECURITY	8,500	6,000	6,000	6,000	
UTILITIES	13,000	13,000	12,000	12,000	
INSURANCE	48,500	48,500	31,000	22,000	No construction in FY 13-14
IT/COMPUTER SUPPORT	22,050	22,050	22,050	22,500	
PAYROLL/ACCOUNTING SERVICES	6,000	6,000	5,000	5,000	
TRAINING & SEMINARS	5,000	7,000	3,000	5,000	ADC registration fee reclassified to Travel
COMMUNITY INFORMATION CENTER COSTS	7,500	6,000	6,000	-	
TELEVISED MEETINGS	5,000	10,000	10,000	12,000	Additional/longer meetings
OTHER:					
NOTICES, DUES, PRINTING, POSTAGE, ETC	7,500	8,500	8,500	9,750	Under \$5,000/year expense items
TOTAL SUPPLIES AND SERVICES	193,050	185,050	166,550	144,750	<i>FY 12-13 under budget/savings estimated at least 18K</i>
<u>CONTRACTUAL SERVICES</u>					
AUTHORITY COUNSEL/EXPIRING CONTRACT	131,250	131,250	131,250	77,344	<i>FORA BM 3/15/13</i> : Contract expires by September 15, 2013 On-call after 9/15/13-JPA, HCP/implementing agreements (\$50K)
AUTHORITY COUNSEL/NEW CONTRACT				135,000	<i>FORA BM 3/15/13</i> : New Authority Counsel is selected
LEGAL/LITIGATION FEES	125,000	500,000	500,000	500,000	Based on FY 12-13 level of legal representation/initiative
LEGAL FEES - SPECIAL PRACTICE	15,000	15,000	15,000	10,000	CEQA/land use specialist
OTHER LEGAL FEES - REFERENDA, POOLS	-	-	-	600,000	Anticipated initiative election (cost per one petition)
AUDITOR	37,500	57,500	48,000	20,000	Annual Auditor
SPECIAL COUNSEL (EDC-ESCA)	70,000	135,000	135,000	200,000	ESCA property transfer, potential litigation, jurisdiction training
ESCA PROPERTY CARETAKING				50,000	Maintenance/insurance costs during transfer period
ESCA/REGULATORY RESPONSE/QUALITY ASSURANCE	420,000	420,000	317,000	420,000	Increased services due to upcoming ESCA property transfer
VETERANS CEMETERY CONSULTANTS	-	56,000	60,000	TBD	CCCVC CDVA preliminary plans and fees to be reimbursed
FINANCIAL CONSULTANT	60,000	60,000	87,500	50,000	Development fee formula/HCP endowment requirements
LEGISLATIVE SERVICES CONSULTANT	40,000	43,000	43,000	43,000	Legislative/agency interaction - CCCVC, HCP, etc.
PUBLIC INFORMATION/OUTREACH	25,000	25,000	25,000	25,000	Print, internet, broadcast PI/media support
HCP CONSULTANTS	270,000	160,000	160,000	260,000	Final HCP/EIR/EIS document preparation
BASE REUSE PLAN (BRP) POST-REASSESSMENT	325,000	325,000	325,000	450,000	Potential BRP actions and/or additional environmental review
OTHER CONSULTING/CONTRACTUAL EXP	30,000	30,000	30,000	25,000	HR/miscellaneous consulting
TOTAL CONTRACTUAL SERVICES	1,548,750	1,957,750	1,876,750	2,865,344	
<u>CAPITAL PROJECTS</u>					
TRANSPORTATION/OTHER CIP PROJECTS	3,000,000	804,795	691,129	945,030	Refer to CIP 13-14 for project detail
HCP ENDOWMENT	1,584,000	982,747	1,051,751	2,772,611	CFD Fee 25% set aside, current endowment fund balance \$5.65M
TOTAL CAPITAL PROJECTS	4,584,000	1,787,542	1,742,879	3,717,641	
<u>DEBT SERVICE (Principal and Interest)</u>					
PRESTON PARK LOAN DEBT SERVICE	682,440	1,364,880	1,364,880	1,364,880	Preston Park loan payments thru 6/15/14 (maturity date)
PRESTON PARK LOAN - PAY OFF	18,325,900	-	-	-	PP sale delayed due to litigation
FIRE TRUCK LEASE	116,000	116,000	116,000	116,000	Final payment in FY 13-14
TOTAL DEBT SERVICE	19,124,340	1,480,880	1,480,880	1,480,880	
TOTAL EXPENDITURES	27,409,718	7,405,266	7,205,053	10,315,589	

PRELIMINARY FY 13-14 BUDGET

**PROPOSED SALARY/BENEFITS
ADJUSTMENTS**

Effective January 2012, pursuant to independent consultant and FC/EC recommendations, the FORA Board adopted new salary ranges to bring FORA employees to equity with other labor market agencies.

To sustain the equity process, the FORA Executive Committee recommended including in the FY 13-14 budget the following Salary/Benefits adjustments:

	FY 13-14 IMPACT	ANNUAL IMPACT
Maximum impact if all awarded	110,563	138,790
<u>Salaries & Benefits - no adjustments</u>	1,996,412	
<u>Salaries & Benefits - adjusted</u>	2,106,975	
Increase	5.5%	

Scheduled salary step advances

Limited to 5%, effective 1-2014
Scheduled advances to next salary step based on step eligibility and performance
Last salary step increases: 1-2013

with 2.05% COLA	28,227	1/14 - 1/15	56,454
without COLA	25,830		

Cost-of Living-Adjustment (COLA)

CPI SF-SJ reports 2.4% inflation for 3/12 - 3/13 (5.4% for past 24 months)
Last COLA increase: 2% 7-2011

2.5% COLA	42,643	42,643
-----------	---------------	---------------

Health insurance premium to cover provider increases

Health premium increased 31% from 2010 to 2013
Employees pay health premium increases since 2010 ranging from \$158 (employee only) to \$ 412 (family coverage) per month.

	24,693	24,693
--	---------------	---------------

	EE	EE+1	Family	
1-2010	509	1,017	1,323	2010 premium
1-2013	667	1,334	1,734	2013 premium
% Increase	31%	31%	31%	
	509	1,017	1,323	Current employer contribution
	158	317	412	Employee payment

7-2013	667	1,176	1,481	Proposed employer contribution (\$158/mo increase per employee)
	0	158	253	Employee payment

Last employer contribution increase: 1-2010

Additional Pay/Stipends - temporary

Provides the EO flexibility to compensate employees for additional duties, responsibilities, temporary assignments, projects, etc.
Temporary award, ends when temporary assignment/duty ends
Stipends awarded in FY 12-13: \$750.00

Up-to	15,000	15,000
-------	---------------	---------------

Compensation increase for Executive Officer

This item will be negotiated seperately with the Executive Committee and the Board during the EO's performance evaluation
Last compensation increase: 7-2010

TBD

PRELIMINARY FY 13-14 BUDGET

ET/ESCA

CATEGORY		REVENUES 3/2007 - 6/2009	EXPENDITURES 3/2007 - 6/2013	AVAILABLE FUNDS FOR FY 13-14	EXPENDITURES FY 13-14	AVAILABLE FUNDS FOR FY 14-15
Federal Grant Award March 2007	*	99,316,187				
Credit to Army for early payments		(1,587,578)				
TOTAL REVENUES		97,728,609	(94,134,678)	3,593,932	(970,325)	2,623,607
<u>GRANT FUNDS ALLOCATION</u>						
FORA/Program Management		3,392,656	(2,169,727)	1,222,930	(550,325)	672,605
EPA/DTSC/ERRG Regulatory Response Cost		4,725,000	(2,353,998)	2,371,002	(420,000)	1,951,002
FORA/Future PLL coverage		916,056	(916,056)	-	-	-
LFR/AIG commutation account	**	88,694,897	(88,694,897)	-	-	-
TOTAL		97,728,609	(94,134,678)	3,593,932	(970,325)	2,623,607

* The \$99.3M Federal Grant was paid in three phases: \$40M in FY 06-07, \$30M in FY 07-08, and \$27.7M in FY 08-09. The Army made payments ahead of schedule securing a \$1.6M credit; FORA collected the last payment on 12/17/2008.

** FORA made the last payment to LFR (now Arcadis)/AIG (now Chartis) commutation account upon receipt of the final grant payment. The commutation account will continue to pay for ESCA remediation through 2014.

The preliminary FY 13-14 budget includes \$970K of the \$3.6M available balance prorated to cover FY 13-14 expenditures.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Base Reuse Plan Post-Reassessment Follow-Up

Meeting Date: June 21, 2013

Agenda Number: 9c

INFORMATION/ACTION

RECOMMENDATION:

- i. Receive a report from Post-Reassessment Advisory Committee (PRAC) INFORMATION
- ii. Consider PRAC "Category IV" approach recommendation and September Board workshop proposal ACTION

BACKGROUND

In March 2013, Fort Ord Reuse Authority (FORA) Board Chairman Jerry Edelen appointed a Post-Reassessment Advisory Committee (PRAC). The PRAC, composed of seven Board members and focusing primarily on policy topics and options from the 2012 Reassessment Report's "Categories" I and IV, was formed to develop a balanced and manageable set of near-term policy priority recommendations for Board consideration.

At the May 10 meeting, the Board endorsed a staff-prepared document summarizing PRAC Cat. I BRP text-edit recommendations. The Board also received a status report concerning PRAC recommendations for developing future Cat. I corrections and updates to the BRP's figures (maps). Staff is currently compiling "rough draft" revisions to the approximately 40 BRP figures, to be provided to members for review prior to Board consideration. Ultimately, both the text and figure revisions implementing PRAC recommendations would be developed and integrated into a future BRP republication (final contents, scope, schedule, and budget to be determined). Republication would undergo appropriate California Environmental Quality Act (CEQA) clearance prior to any discretionary approval.

Category IV of the Reassessment Report's topics/options pertains to creation of any new, modified, or expanded BRP policies and programs responding to issues identified during the reassessment process. A revised summary table identifying each Category IV subtopic is provided for reference (**Attachment A**-updated with annotations of current status for each category). On May 10, the Board received a status report concerning the PRAC's May 10 morning meeting progress toward an initial/interim list of Cat. IV subject areas for priority consideration in FY 2013-2014, further discussed below.

DISCUSSION

Concerning Recommendation i., above: At its May 20 meeting, the PRAC re-engaged its initial May 10 subject area discussion, integrating members' input, for inclusion in its recommendation to the Board. Staff's current understanding of the mutually agreed Cat. IV topics (by PRAC members who were present on May 10) is summarized in the PRAC May 10 final meeting minutes (**Attachment B**), and includes the following components:

1. Need for an educational/visioning process, previously suggested by Dr. Ochoa and CSUMB (with an offer to co-host), as an early step in the process¹;
2. Prioritization of basewide Regional Urban Design Guidelines (an existing "Cat. III" FORA obligation), and their importance as a means to implementing a regional vision;

¹ Although the shorthand term "visioning" was used in the minutes and some discussion, most of the Committee's discussion of a future community engagement process centered on exploring new ways to achieve the vision expressed in the BRP in light of current circumstances, as opposed to revisiting the BRP's vision.

3. Blight removal, and funding thereof, as being relevant and responsive to multiple BRP and community goals;
4. The National Monument designation - A catalyst for outdoor recreation tourism and other economic development, and a central element of a needed open space access and trail network; and
5. Revisiting of FORA's financing model and underlying assumptions – Is the way in which FORA is currently financed still the most effective, based on current and forecasted economic conditions? (Note: Discussion of this topic focused primarily on removal of vacant and abandoned buildings and potential development of building-removal funding sources other than land sales).

The PRAC is scheduled to meet on Monday, June 17. At the meeting, FORA staff will seek any additional refinements or other input that Committee members may wish to offer prior to forwarding its Cat. IV-related action-item recommendations to the Board. Staff will then provide an update to Board members concerning the PRAC's recommendations at, or prior to, the June 21 Board meeting.

Concerning Recommendation ii: A desire to engage with the community on the primary objectives, needs, opportunities, and logistical factors related to post-reassessment BRP implementation (see #1 on the previous page) emerged as a dominant priority in the May 20 PRAC meeting. The following is a summary of the major points to integrate into the engagement process.

- a) Hold an open public meeting, or meetings, focused on articulating the vision of the BRP, identifying means by which the BRP is currently implemented, and exploring ways in which the basic implementation model and assumptions could or should be modified to meet current needs. Structure the basic meeting objective as an BRP implementation-oriented symposium as opposed to a visioning exercise.
- b) Begin the meetings in the context of Post-Reassessment Board Workshop #3 (previous workshops occurred in February-March 2013). The first meeting could include both presentations and topic-specific breakout sessions, and be structured as the first in a bounded series of events/forums related to specific post-reassessment action items (#2-4, above, or others).
- c) Reconfirm with CSUMB leadership their willingness to co-host the process and provide a venue. Naval Postgraduate School may also be able to provide resources or guidance.
- d) Begin the meetings in September 2013, in order to allow for robust development of an effective agenda, a crisp statement of objectives, recruitment of speakers, and creation of a strong meeting format, as well as to coincide with CSUMB schedule.
- e) Look to the "TED Talks" discussion series (Technology, Entertainment, and Design – a nonprofit devoted to "Ideas Worth Spreading," www.ted.com) as a possible model for the meeting format. Include presenters with relevant expertise and experience from outside the area.
- f) Include an in-depth discussion of opportunities, constraints, and possible new perspectives related to blight removal.
- g) Focus on regional, diversified, sustainable economic revitalization as an overarching BRP objective. Build economic development efforts on the competitive advantages that exist locally, in relation to CSUMB fields of specialization and in keeping with the EPS Market and Economic Analysis recommendations from the 2012 Reassessment Report, <http://fora.org/Reports/FinalReassessment/MarketStudy.pdf>.
- h) Return an initial draft agenda and potential list of presenters to the Advisory Committee as an interim, "mid-course check-in" step before the September event.

As with recommendation i., above, staff will seek additional Committee input at the June 17 PRAC meeting and provide an updated recommendation at, or prior to, the June 21 Board meeting.

FISCAL IMPACT

Reviewed by FORA Controller AB

The BRP reassessment has been funded through FORA's FY 11-12 and FY 12-13 budgets to accomplish the final BRP Reassessment Report prepared by EMC Planning Group; there is a balance of approximately \$20,000 remaining in the current fiscal year's budget in the BRP Post-Reassessment category. Future costs associated with BRP republication and/or other potential post-reassessment action items under consideration would need to come from FY 13-14 and future budget authorizations.

COORDINATION

Administrative Committee, Executive Committee, PRAC; CONCUR, Inc.

Revised Version Available

Prepared by Darren McBain Reviewed by Steve Endsley
Darren McBain Steve Endsley

Approved by D. Steven Endsley for
Michael A. Houlemard, Jr.

Cat.	Topics/Policies	CURRENT STATUS IS SHOWN IN RED , BELOW.	FINAL Reassess. Report page ref.
I	BRP Corrections and Updates (typographical errors, minor clarifications, etc)		
	Text corrections	Reviewed by PRAC; will be incorporated into future republication.	3-3
	Figure corrections	Reviewed by PRAC; draft map/figure revisions are pending.	3-13
II	Prior Board Actions and Regional Plan Consistency Currently undergoing legal review by outside/specialized counsel for CEQA compliance.		
	Land Use Concept Map Modifications Based on Prior FORA Board Consistency Determinations (map "republication" based on prior approvals)		3-19
	Land Use Concept Map Modifications Based on Other Actions		3-22
	Modify Circulation Related Maps and Text in the BRP and Modify Capital Improvement Program		3-24
	BRP Modifications Regarding Consistency with Regional and Local Plans		3-25
III	Implementation of "Incomplete"/Yet-to-be-Completed BRP Policies and Programs FORA staff to identify goals and timelines in coordination with Administrative Committee representatives (Target: Summer 2013)		
	Land Use, Circulation, Recreation & Open Space, Conservation, Noise, and Safety BRP elements		3-32
	Jurisdictional implementation responsibilities		3-33
	FORA implementation responsibilities (<i>incl. Regional Urban Design Guidelines</i>)		3-33
IV	Policy and Program Modifications Under review by PRAC. Note: Items in bold , below, are Reassessment Report subjects relating most directly to subjects highlighted at the 5/10/2013 PRAC meeting.		
	<u>Land Use/General</u> <ol style="list-style-type: none"> 1. BRP Visions and Goals 2. Evaluation of Land Use Designations Related to the East Garrison-Parker Flats Land Swap Agreement 3. Specific Applicability of Programs/Policies to Del Rey Oaks and Monterey 4. Support for the Needs of Disadvantaged Communities 5. Refinement of Integrated Mixed Use Concepts 6. Promotion of Green Building 7. Climate Action and Greenhouse Gas Reduction 		3-71

<p>8. Policy on Development/Habitat Interfaces</p> <p>9. Prioritization of Development within Army Urbanized Areas</p> <p>10. Policy on Land Use Compatibility Adjacent to CSUMB Campus</p> <p>11. Issues Relating to Gambling</p>	
<p><u>Economic Development and Jobs</u></p> <p>12. Reversal of the Loss of Middle Class Job and Housing Opportunities</p> <p>13. Constraints and Uncertainties for Development on Fort Ord</p> <p>14. Promotion of Economic Development through Outdoor Recreational Tourism/Ecotourism</p> <p>15. Capitalization on Existing Regional Strengths to Promote Expansion of Office and Research Sectors</p> <p>16. Establishment and Marketing of a Brand for Fort Ord</p>	3-83
<p><u>Urban Blight and Cleanup</u></p> <p>17. Prioritization of Funding for and Removal of Blight</p> <p>18. Evaluation of Base Clean-up Efforts and Methods</p>	3-89
<p><u>Aesthetics</u></p> <p>19. Prioritization of Design Guidelines</p>	3-92
<p><u>Housing</u></p> <p>20. Effects of Changes in Population Projections</p> <p>21. Policy Regarding Existing Residential Entitlements Inventory</p> <p>22. Cost of Housing and Targeting Middle-income Housing Types</p>	3-93
<p><u>Transportation</u></p> <p>23. Re-evaluation of Transportation Demands and Improvement Needs</p> <p>24. Capitalization on Existing Infrastructure – Consider Costs/Benefits/Efficiencies of Capital Improvement Program</p> <p>25. Policy on Through Traffic at CSUMB</p> <p>26. Prioritization of Multimodal (Bicycle, Pedestrian, and Transit) Transportation</p>	3-96
<p><u>Water</u></p> <p>27. Re-evaluation of the Salinas Valley Groundwater Basin Water Supply</p> <p>28. Prioritization of Water Augmentation</p> <p>29. Prioritization of Water Conservation</p>	3-101
<p><u>Fort Ord National Monument</u></p> <p>30. Potential for the National Monument and Tourism to be a Catalyst</p>	3-106

	<p>to Economic Growth in the Region</p> <p>31. Policy on Land Use Adjacent to the National Monument</p> <p>32. Integrated Trails Plan</p> <p>33. Fort Ord Nat'l Monument – Fort Ord Dunes State Park Trail Connection</p> <p>34. Access Points and Trailhead Development for the Fort Ord Nat'l Mon.</p>	
	<p><u>Cultural Resources</u></p> <p>35. Site for a Native American Cultural Center</p> <p>36. Additional Policy on Historic Building Preservation</p>	3-111
	<p><u>Veterans' Cemetery</u></p> <p>37. Veterans' Cemetery Location</p> <p>38. Veterans' Cemetery Land Use Designation</p> <p>39. Policy Regarding the Veterans' Cemetery</p>	3-112
V	<p>FORA Procedures and Operations Items in bold, below, relate most directly to previous PRAC discussions of measuring BRP implementation effectiveness.</p> <p>A general discussion of Cat. V topics is a potential future Board post-reassessment workshop #3 subject area.</p>	
	<ol style="list-style-type: none"> 1. FORA Board composition, representation, and voting process 2. Oversight of the land use/development implementation decisions of local jurisdictions 3. Regularly track and report on the status of BRP policy and program implementation 4. Clarify the methodology for making consistency determinations and track and report results of consistency determinations 5. Provide regular updates on modifications to the BRP Land Use Concept map 6. Regularly monitor, update and report on status of BRP build-out constraint variables and other measures of BRP implementation status 7. Improve access to and disclosure of FORA Board decisions and fundamental data regarding the status of base reuse 8. Periodically Assess the BRP 9. Prepare a FORA Phase-Out Plan 10. Assess Infrastructure Maintenance Cost Issues 	3-118



Fort Ord Reuse Auth

Attachment B to Item 9c
FORA Board Meeting, 06/21/13

920 2nd Avenue, Ste. A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

APPROVED

BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE MEETING 8:00 A.M. Friday, May 10, 2013

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

ACTION MINUTES

1. CALL TO ORDER AT 8:05 AM

Having confirmed a quorum, Fort Ord Reuse Authority (FORA) Board of Directors Chair Jerry Edelen called the meeting to order at 8:05 AM. The following people, as indicated by the roll sheet, attended:

Committee Members

Tom Moore, MCWD
Gail Morton, City of Marina
Jane Parker, Monterey Co.
Victoria Beach, City of Carmel
Jerry Edelen, City of DRO

Other Attendees

Michael Houlemard, FORA
Steve Endsley, FORA
Jonathan Garcia, FORA
Darren McBain, FORA
Scott McCreary, CONCUR, Inc.

Gene Doherty
Tim O'Halloran
Approx. four other members
of the public (not signed in)

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE: None

3. PUBLIC COMMENT PERIOD: No comments received.

4. APPROVAL OF APRIL 19, 2013 MEETING MINUTES: The Committee approved the draft meeting minutes by general consensus, without taking a formal vote.

5. OLD BUSINESS

a. Base Reuse Plan Post-Reassessment Follow-Up

i. Continue review of Category I corrections identified in the 2012 Base Reuse Plan Reassessment Report

- Cat. I text: After discussion, the Committee concurred with staff recommendation to incorporate the BRP Polygon 17A-related recommendation by Monterey County Resource management Agency Deputy Director Carl Holm into the Committee's summary document of Cat. I text-edit recommendations for Board consideration.
- Cat. I maps/figures: The Committee reviewed and discussed staff's draft worksheet summarizing 1) the Committee's development of a multi-step approach to future map updates, and 2) the applicability of this approach (or "guidelines") to the individual figures. The Committee recommended that staff should follow the guidelines when developing future work products (new versions of the BRP maps/figures) and requested, as a next step, additional materials to be reviewed by PRAC, i.e., draft map updates showing the specific, item-by-item changes "redlined" onto the actual figures in order to show more precisely how each updated figure would implement the Committee's recommended approach.

ii. Review Reassessment Report Category IV topics and options; discuss criteria and procedures to establish priority action items for Board consideration

Committee members discussed several possible criteria for establishing action-item priorities, including (but not limited to) identification of:

- Subject areas that have widespread agreement as being desirable goals,

- Actions or objectives with the highest likelihood of moving the FORA communities toward identified goals (“end-states”)
- Actions that would promote the objective of regional cohesiveness, as opposed to fragmented “fiefdoms”

Through discussion, Committee members brought the following subject areas (*not in rank order*) into focus as potential priority recommendations for further discussion at the next meeting.

1. Need for an educational/visioning process, previously offered by Dr. Ochoa and CSUMB, as an early step in the process;
2. Prioritization of basewide Regional Urban Design Guidelines (an existing “Cat. III” FORA obligation), and their importance as a means to implementing a regional vision;
3. Blight removal, and funding thereof, as being relevant and responsive to multiple BRP and community goals;
4. The National Monument designation - A catalyst for outdoor recreation tourism and other economic development, and a central element of a needed open space access and trail network; and
5. Revisiting of FORA’s financing model and underlying assumptions – Is the way in which FORA is currently financed still relevant and useful, based on current and forecasted economic conditions?

Committee member Tom Moore, PhD, distributed copies of a memo entitled “Draft List of Measures of Effectiveness for the Base Reuse Plan” for the Committee’s consideration. A copy is attached to these meeting minutes.

6. ADJOURNMENT

The meeting was adjourned at 11:00 AM.

Minutes prepared by Darren McBain.

MEMORANDUM

FROM: Dr. Tom Moore

TO: Post-Reassessment Ad Hoc Committee

DATE: May 10, 2013

SUBJ: Draft List of Measures of Effectiveness for the Base Reuse Plan

1. Measures of effectiveness (MOEs) for the Base Reuse Plan (BRP) should tie in some way to goals of the BRP. It is important to monitor these MOEs periodically in just the same way as the FORA Board monitors the financial performance of the Authority. All of the draft MOEs proposed below are quantitative MOEs. However, there should be a bit of thought given to whether or not there exist important, but not quantitative MOEs.
2. Here are some examples of potential MOEs. The first batch shown below are measurements that over the course of each fiscal or calendar year (whichever is more convenient for staff):
 - Number of square feet of newly occupied commercial space (by type).
 - Number of newly occupied dwelling units, by type.
 - Number of new MCWD ratepayers.
 - Number of new hotel/motel rooms built.
 - Water usage in AFY for the Ord Community and also broken down by land use jurisdiction.
 - Square footage constructed at non-LEED certified, LEED certified, LEED silver, LEED gold and LEED platinum levels.
3. Here are examples of measurements that would apply to a specific date. They should be taken at least once per year on the same date each year.
 - Traffic densities on arterial roadways.
 - Cumulative number of acres for which a habitat conservation plan is being executed.
 - Number of permanent full-time jobs in the Ord Community by salary range.
 - Number of seasonal, intern and part-time jobs by salary range in the Ord Community.
 - Local unemployment rate.
 - Occupancy rate of hotel/motel rooms located in the Ord Community.
 - Square footage of remaining blighted buildings
 - Square footage of reused, renovated Army buildings.
 - Mean distance in feet from each Ord Community dwelling unit to the nearest chain grocery store.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Fort Ord Reuse Authority Master Resolution

Meeting Date: June 21, 2013
Agenda Number: 11a

INFORMATION

RECOMMENDATION:

Receive the recently amended Fort Ord Reuse Authority (FORA) Master Resolution.

BACKGROUND/DISCUSSION:

Amendments to the Master Resolution were reviewed and approved at the March, April and May 2013 FORA Board meetings.

The amended document is being distributed to Board and ex-officio members, according to Master Resolution Section 1.01.070, Distribution and Maintenance of the Master Resolution. All others interested in obtaining the document may view it online at www.fora.org or contact the FORA office to request the document on CD.

FISCAL IMPACT:


Reviewed by FORA Controller 

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

COORDINATION:

Authority Counsel, Executive Committee

Prepared by 
Crissy Maras

Approved by  for
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY MASTER RESOLUTION

Adopted March 14, 1997

Amended November 20, 1998 [Addition of Chapter 8 and Amend §1.01.050, Definitions]

Amended February 19, 1999 [Update §2.03, (Committees) to add Executive Committee duties and addition of Legislative and Financial Advisory Committees; clarify and add text to §1.02.010(b)(4), (Responsibilities for Enforcement) to add City of Del Rey Oaks Police Chief as an enforcement officer and Amend §2.09.020(a), (Designated Positions; Disclosure Categories)]

Amended January 21, 2000 [Amend §2.03.040, Legislative Advisory Committee, and §2.03.050, Finance Advisory Committee (Redefine membership)]

Amended January 18, 2002 [Amend §2.03.051, Finance Advisory Committee Duties (Delete the word “monthly” in reference to Finance Committee meetings)]

Amended February 8, 2002 [Amend §2.03.040, Legislative Advisory Committee (Increase Legislative Committee membership from 6 to 8 and define voting and ex-officio members) and Amend §2.03.041, Legislative Advisory Committee Duties (Delete text that Authority Counsel should attend meetings)]

Amended April 16, 2004 [Amend Chapter 8 by the addition of Sections 8.02.020(t) and 8.02.030(a)(8), which address the jobs/housing balance in consistency determinations]

Amended February 9, 2007 [§2.02.010(a) (start time of board meetings) and §2.03.051 (duties of the Finance Advisory Committee)]

Amended March 9, 2007 [Repeal of §3.03.100 (Developers of Property Pursuant to Agreements with FORA), amendment to §3.03.090 (Prevailing Wages), and amendment to §1.01.050 (addition of definition of “First Generation Construction”)]

Amended March 12, 2010 [Minor corrections throughout the document to add clarity]

Amended August 10, 2012 [Amend §2.03.020 (Executive Committee Membership) to include one ex-officio non-voting member on the Executive Committee]

Amended March 15, 2013 [Delete §2.04.060 (Authority Over Employees), amend §8.01.050(a) (Review of Development Entitlements by Appeal to Authority Board), reverse March 12, 2010 amendments to Chapter 8]

Amended April 12, 2013 [Amend §2.09.020 (Designated Positions; Disclosure Categories) to update designated positions, 23 typographical corrections to Chapter 8]

Amended May 10, 2013 [Amend §2.01.020 (Ex-Officio Membership), to delete text that prohibits ex-officio members from participation in Board/Committee closed session meetings] [Amend §2.02.030 (Notice and Call of Meetings) to add text permitting one ex-officio non-voting Board member to participate in Board/Committee closed session meetings (appointed per §2.03.020)] [Amend §2.03.020 to add text permitting currently appointed ex-officio non-voting member to participate in Executive Committee closed session meetings.]

Table of Contents

CHAPTER 1.	GENERAL PROVISIONS.....	1
Article 1.01.	THE MASTER RESOLUTION	1
1.01.010	SHORT TITLE.....	1
1.01.015.	EXISTING LAW CONTINUED.	1
1.01.020.	THE EFFECTS OF PENDING ACTIONS AND ACCRUED RIGHTS. 1	1
1.01.030.	RIGHTS UNDER EXISTING LICENSES AND CERTIFICATES.	1
1.01.040.	HEADINGS OF PROVISIONS.	1
1.01.050.	DEFINITIONS.	1
1.01.060.	TERRITORIAL LIMITATION.	5
1.01.070.	DISTRIBUTION AND MAINTENANCE OF THE MASTER RESOLUTION.....	5
1.01.080.	NOTICES – SERVICE PROCEDURE.....	5
1.01.090.	HOLD HARMLESS CLAUSE FOR LICENSES AND PERMITS.....	6
1.01.100.	INTERPRETATION, CONSTRUCTION, AND SEVERABILITY.	6
1.01.110.	GRAMMATICAL INTERPRETATION.....	7
Article 1.02.	ENFORCEMENT OF MASTER RESOLUTION.....	7
1.02.010.	RESPONSIBILITIES FOR ENFORCEMENT.	7
1.02.020.	INTERFERENCE WITH ENFORCING OFFICERS.....	9
1.02.030.	VIOLATIONS OF THE MASTER RESOLUTION.	9
1.02.040.	CIVIL PENALTIES.	10
1.02.050.	OFFENSES.....	10
1.02.060.	SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE MASTER RESOLUTION.....	10
1.02.070.	PUBLIC NUISANCES; CONTINUING OFFENSES.	11
1.02.080.	ABATEMENT AND ENJOINMENT OF PUBLIC NUISANCES.....	11
1.02.090.	REIMBURSEMENT OF COSTS AND CIVIL PENALTIES.	11
1.02.100.	REMEDIES CUMULATIVE.	11
1.02.110.	IMMUNITY OF ENFORCING OFFICIALS.	12
Article 1.03.	AUTHORITY SEAL.....	12
1.03.010.	ADOPTED; FORM AND CONTENTS.....	12
1.03.020.	DESIGNATION OF UNLAWFUL USES.	12
1.03.030.	DISPLAY ON PRIVATELY OWNED VEHICLES.....	12
Article 1.04.	TIME LIMITATIONS FOR ADMINISTRATIVE MANDAMUS PROCEEDINGS	12
1.04.010.	TERM “DECISION” DEFINED.....	12
1.04.020.	SECTION 1094.6 OF THE CODE OF CIVIL PROCEDURE ADOPTED.....	13
CHAPTER 2.	AUTHORITY OFFICES AND GENERAL REGULATIONS.....	13
Article 2.01.	AUTHORITY BOARD	13
2.01.010.	MEMBERSHIP.....	13
2.01.020.	EX-OFFICIO MEMBERSHIP.....	13
2.01.030.	APPOINTMENT.	14
2.01.040.	SELECTION OF OFFICERS.....	14

2.01.050.	AUTHORITY OF CHAIR AND VICE-CHAIRS.....	14
2.01.060.	ADDITIONAL DUTIES.	14
Article 2.02.	MEETINGS OF THE AUTHORITY BOARD	14
2.02.010.	MEETINGS – TIME AND PLACE.....	14
2.02.020.	MEETINGS – PROCEDURES.	15
2.02.030.	NOTICE AND CALL OF MEETINGS.	15
2.02.040.	QUORUM AND VOTING.	16
2.02.050.	LEGISLATIVE ACTIONS.	16
2.02.060.	CHAIR – POWERS AND DUTIES.	17
2.02.070.	NOTICE OF ABSENCE.	18
2.02.080.	VACATION PERIOD.	18
Article 2.03.	COMMITTEES	18
2.03.010.	PURPOSE.	18
2.03.020.	EXECUTIVE COMMITTEE.	18
2.03.021.	EXECUTIVE COMMITTEE DUTIES.	18
2.03.030.	ADMINISTRATIVE COMMITTEE.....	19
2.03.040.	LEGISLATIVE ADVISORY COMMITTEE.	19
2.03.041.	LEGISLATIVE ADVISORY COMMITTEE DUTIES.	19
2.03.050.	FINANCE ADVISORY COMMITTEE.	20
2.03.051.	FINANCE ADVISORY COMMITTEE DUTIES.	20
Article 2.04.	EXECUTIVE OFFICER	20
2.04.010.	OFFICE CREATED.....	20
2.04.020.	VACANT.	20
2.04.030.	COMPENSATION.....	20
2.04.040.	POWERS AND DUTIES OF THE EXECUTIVE OFFICER.	20
2.04.050.	LAW ENFORCEMENT.....	21
2.04.060.	VACANT.	21
2.04.070.	POWER OF APPOINTMENT AND REMOVAL.....	21
2.04.080.	ADMINISTRATIVE REORGANIZATION OF OFFICES.	22
2.04.090.	ORDINANCES.	22
2.04.100.	ATTENDANCE AT BOARD MEETINGS.....	22
2.04.110.	FINANCIAL REPORTS.	22
2.04.120.	BUDGET.....	22
2.04.130.	EXPENDITURE CONTROL AND PURCHASING.....	22
2.04.140.	INVESTIGATIONS AND COMPLAINTS.	22
2.04.150.	FACILITIES.....	22
2.04.160.	CLERK TO THE BOARD.	22
2.04.170.	ADDITIONAL DUTIES.	23
2.04.180.	INTERFERENCE WITH THE ADMINISTRATIVE SERVICE.	23
2.04.190.	REMOVAL.	23
2.04.200.	AGREEMENTS ON EMPLOYMENT.....	23
Article 2.05.	PERSONNEL	23
Article 2.06.	POLITICAL ACTIVITIES OF AUTHORITY EMPLOYEES	23
Article 2.07.	BOARDS AND COMMISSIONS.....	23
Article 2.08.	ADDITIONAL OFFICERS AND STAFF	23
2.08.010.	TREASURER.....	23

2.08.020.	FISCAL AGENT	24
2.08.030.	AUTHORITY COUNSEL	25
2.08.040.	AUTHORITY STAFF	25
2.08.050.	AGREEMENTS FOR SERVICES OF OFFICIALS AND STAFF	25
Article 2.09.	CONFLICT OF INTEREST CODE	25
2.09.010.	PURPOSE AND EFFECT	25
2.09.020.	DESIGNATED POSITIONS; DISCLOSURE CATEGORIES	25
2.09.030.	PLACE AND TIME OF FILING	26
2.09.040.	CONFLICT WITH OTHER LAWS.	26
CHAPTER 3.	PROCUREMENT CODE	27
Article 3.01.	GENERAL PROVISIONS	27
3.01.010.	GENERAL PROVISIONS	27
3.01.020.	DEFINITIONS	27
3.01.030.	WAIVER	27
Article 3.02.	PURCHASING SYSTEM	28
3.02.010.	ADOPTION	28
3.02.020.	SCOPE	28
3.02.030.	AUTHORITY OF THE EXECUTIVE OFFICER	28
3.02.040.	PURCHASING REGULATIONS	29
3.02.050.	PURCHASE ORDERS	29
3.02.060.	ENCUMBRANCE OF FUNDS	29
3.02.070.	INSPECTION AND TESTING	29
3.02.080.	FORMAL BID REQUIREMENTS	29
3.02.090.	PREFERENCE FOR LOCAL SUPPLIERS	30
3.02.100.	RECYCLED MATERIALS; COPYING	31
3.02.110.	NO FORMAL BIDS	31
3.02.120.	OPEN MARKET OR INFORMAL BID PROCEDURE	31
3.02.130.	EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT	32
3.02.140.	REGULATIONS REGARDING SELECTION OF CONTRACT SERVICES	32
Article 3.03.	PUBLIC WORKS CONTRACTS	32
3.03.010.	PROCEDURE-TYPE DESIGNATED FOR CERTAIN PURCHASES	32
3.03.020.	PROCEDURE-INFORMAL	33
3.03.030.	PROCEUDRE-FORMAL	33
3.03.040.	LOCAL PREFERENCE	34
3.03.050.	REJECTION OF BIDS	35
3.03.060.	LOWER NEGOTIATED PRICE OR PERFORMANCE BY AUTHORITY PERSONNEL	36
3.03.070.	PLANS AND SPECIFICATIONS	36
3.03.080.	(Reserved)	36
3.03.090.	PREVAILING WAGES	36
3.03.100.	DEVELOPERS OF PROPERTY PURSUANT TO AGREEMENTS WITH FORA	37

3.03.110.	MINORITY, FEMALE, AND HANDICAPPED-OWNED BUSINESSES	37
CHAPTER 4.	DISPOSAL OF AUTHORITY PROPERTY	37
CHAPTER 5.	FINANCES AND CLAIMS	37
Article 5.01.	CLAIMS AGAINST THE AUTHORITY	37
5.01.010.	FILING REQUIREMENT	37
5.01.020.	PROCESSING OF CLAIMS AGAINST THE AUTHORITY.	37
5.01.030.	PROCEDURE FOR COLLECTION, COMPROMISE, AND WRITE- OFF OF CLAIMS OF THE AUTHORITY AGAINST OTHERS.	38
CHAPTER 6.	AUTHORITY FEE REGULATIONS	40
Article 6.01.	GENERAL	40
6.01.010.	ESTABLISHMENT OF FEE REGULATIONS.....	40
CHAPTER 7.	PUBLIC WORKS.....	40
CHAPTER 8.	BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS	40
Article 8.01	GENERAL PROVISIONS	40
8.01.010.	REUSE PLAN.	40
8.01.020.	PROCEDURES FOR CONSISTENCY DETERMINATIONS FOR..... LEGISLATIVE LAND USE DECISIONS.....	42
8.01.030.	REVIEW OF DEVELOPMENT ENTITLEMENTS.....	44
8.01.040.	REVIEW OF DEVELOPMENT ENTITLEMENTS BY INITIATIVE OF THE AUTHORITY BOARD.	44
8.01.050.	REVIEW OF DEVELOPMENT ENTITLEMENTS BY APPEAL TO AUTHORITY BOARD.....	45
8.01.060.	SUPERCESSION.....	45
8.01.070.	FORA AS RESPONSIBLE AGENCY UNDER CEQA.	46
8.01.080.	ADMINISTRATIVE APPEALS.....	46
ARTICLE 8.02.	CONSISTENCY DETERMINATION CRITERIA.....	46
8.02.010.	LEGISLATIVE LAND USE DECISION CONSISTENCY.	46
8.02.020.	SPECIFIC PROGRAMS AND MITIGATION MEASURES FOR INCLUSION IN LEGISLATIVE LAND USE DECISIONS.....	47
8.02.030.	DEVELOPMENT ENTITLEMENT CONSISTENCY.	53
8.02.040.	ADOPTION OF REQUIRED PROGRAMS.....	54
ARTICLE 8.03	ENVIRONMENTAL QUALITY	54
8.03.010.	ENVIRONMENTAL QUALITY AND PURPOSE.....	54
8.03.020.	DEFINITIONS.	54
8.03.030.	STATE CEQA GUIDELINES ADOPTED.	54
8.03.040.	EXECUTIVE OFFICER'S RESPONSIBILITY.....	54
8.03.050.	COMPLETION DEADLINES.	55
8.03.060.	PUBLIC NOTICE OF ENVIRONMENTAL DECISION.....	55
8.03.070.	APPEAL OF ENVIRONMENTAL DECISION.....	56
8.03.080.	CONFLICT DETERMINATIONS.	56

Chapter 1. GENERAL PROVISIONS

Article 1.01. THE MASTER RESOLUTION

1.01.010. SHORT TITLE.

This Master Resolution may be known and may be cited as the “Fort Ord Reuse Authority Master Resolution” or the “Authority Master Resolution.”

1.01.015. EXISTING LAW CONTINUED.

The provisions of this Master Resolution, insofar as such provisions are substantially the same provisions of ordinances relating to the same subject matter and existing at the time of the adoption of this Master Resolution, are continued as restatements and continuations of ordinances in existence at the time of the adoption of this Master Resolution and are not considered new enactments.

1.01.020. THE EFFECTS OF PENDING ACTIONS AND ACCRUED RIGHTS.

The adoption of this Master Resolution as well as the provisions of this Master Resolution in no way affect the legality or enforceability of any action or proceeding commenced before this Master Resolution takes effect or any right which accrued before this Master Resolution takes effect. All procedures taken after adoption of this Master Resolution conform to the provisions of this Master Resolution so far as possible.

1.01.030. RIGHTS UNDER EXISTING LICENSES AND CERTIFICATES.

No rights given by any license, permit or certificate under prior actions of any predecessor or governmental entities are affected by the enactment of this Master Resolution; however, such rights are exercised according to this Master Resolution from the effective date of this Master Resolution.

1.01.040. HEADINGS OF PROVISIONS.

The headings of the part, title, chapter, section, and subsections contained in this Master Resolution are intended to indicate the contents of such provisions and are not deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of such provisions.

1.01.050. DEFINITIONS.

(a) In the interpretation and construction of this Master Resolution, the following definitions and rules of construction will be observed, unless they are inconsistent with the manifest intent of the Authority Board or the context clearly required otherwise:

“Affected territory,” means property within the Fort Ord Territory that is the subject of a legislative land use decision or an application for a development entitlement and such additional territory within the Fort Ord Territory that may be subject to an adjustment in density or intensity of allowed development to accommodate development on the property subject to the development entitlement.

“Army urbanized footprint” means the Main Garrison Area and the Historic East Garrison Area as such areas are described in the Reuse Plan.

“Augmented water supply” means any source of potable water in excess of the 6,600 acre-feet of potable water from the Salinas Basin as allowed under the Reuse Plan.

“Authority” means the Fort Ord Reuse Authority (“FORA”), an independent governmental and public entity, organized under the laws of the State of California pursuant to the Authority Act.

“Authority Act” means the provisions of the Fort Ord Reuse Authority Act, Title 7.85, Section 67650, *et seq.*, (also known as Senate Bill 899, Chapter 64 of the 1994 California Statutes) of the California Government Code, as may be amended from time to time.

“Authority Board” or “Board” or “Board of Directors” means the governing body of the Authority as established pursuant to the Authority Act.

“Authority Offices” means the facilities located at 100 12th Street, Buildings 2900, 2901, 2902, 2903, 2880, 2881, 2882, 2883, 2861, and 2862, and offices located at the Imjin Office Park in Marina California.

“Authority Officers” means the officers, officials, agents, employees, departments, and agencies of the Authority.

“Computation of time” The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

“County” or “this County” means the County of Monterey.

“Day” A day is the period of time between any midnight and the midnight following.

“Daytime” means the period of time between sunrise and sunset. The word “nighttime” means the period of time between sunset and sunrise.

“Development entitlements” includes but is not limited to tentative and final subdivision maps, tentative, preliminary, and final parcel maps or minor subdivision maps, conditional use permits, administrative permits, variances, site plan reviews, and building permits. The term “development entitlement” does not include the term “legislative land use permits” as that term is defined in this Master Resolution. In addition the term “development entitlement” does not include:

- (1) Construction of one single-family house, or one multiple family house not exceeding four units, on a vacant lot within an area appropriately designated in the Reuse Plan.
- (2) Improvements to existing single-family residences or to existing multiple family residences not exceeding four units, including remodels or room additions.
- (3) Remodels of the interior of any existing building or structure.
- (4) Repair and maintenance activities that do not result in an addition to, or enlargement of, any building or structure.
- (5) Installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and development approved pursuant to the Authority Act.

- (6) Replacement of any building or structure destroyed by a natural disaster with a comparable or like building or structure.
- (7) Final subdivision or parcel maps issued consistent with a development entitlement subject to previous review and approval by the Authority Board.
- (8) Building permit issued consistent with a development entitlement subject to previous review by the Authority Board.

“Enforcement” means the making of investigations as may be required; demanding and signing criminal complaints or civil declarations; appearing as a witness in any prosecution or proceeding when so required; and generally doing all things necessary and proper to enforce and obtain compliance with the provisions of this Master Resolution.

“Entitlement” means any license, permit, authorization, or grant, which is issued, granted, or given by the Authority or any of its officers, officials, agents, employees, departments, or agencies to any person.

“Executive Officer” means and includes the appointed official of the Authority who occupies the position of Executive Officer of the Authority pursuant to the Authority Act or any person designated by the Executive Officer to perform certain duties pursuant to this Master Resolution under the direction of the Executive Officer.

“Ex-Officio Members” means the persons or entities designated in the Authority Act as ex-officio members or such persons or entities as the FORA Board may designate as ex-officio members. Ex-Officio Members include the Monterey Peninsula Community College District, the Monterey Peninsula Unified School District, the Member of Congress from the 17th Congressional District, the Senator from the 15th Senate District, the Assembly Member from the 27th District, the United States Army, the Chancellor of the California State University, the President of the University of California, the Transportation Agency of Monterey County, the Monterey-Salinas Transit Authority and Marina Coast Water District.

“First Generation Construction” means construction performed during the development and completion of each parcel of real property contemplated in a disposition or development agreement at the time of transfer from each member agency to a developer(s) or other transferee(s) and until issuance of a certificate of occupancy by the initial owners or tenants of each parcel.

“Fort Ord Territory” means all territory within the jurisdiction of the Authority.

“Goods” means personal property.

“Habitat Management Plan”, means the Fort Ord Installation-Wide Multi-Species Habitat Management Plan dated April 1997.

“Land use agency” means a member agency with land use jurisdiction over territory within the jurisdiction of the Authority Board.

“Legislative land use decisions” means general plans, general plan amendments, redevelopment plans, redevelopment plan amendments, zoning ordinances, zone district maps or amendments to zone district maps, and zoning changes.

“Master Resolution” or “this Master Resolution” means the Authority Master Resolution.

“Member Agencies” means the Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, and Seaside and the County of Monterey.

“Month” means a calendar month.

“Noticed public hearing” means a public hearing noticed in the following manner:

- (1) Notice of the public hearing will be posted on the public meeting room at the FORA office at least 10 days before the date of the hearing; and
- (2) Notice of the public hearing will be mailed or delivered at least 10 days prior to the affected land use agency, to any person who has filed an appeal, and to any person who has requested special notice; and
- (3) Notice of the public hearing will be published at least 10 days before the date of the hearing in at least one newspaper of general circulation within the area that the real property that is the subject of the public hearing is located.

“Oath” means and includes an affirmation.

“Officers, officials, departments, and other agencies” individually and collectively means officers, officials, departments, board, commissions, and employees referred to in this Master Resolution who serve as the officers, officials, departments, boards, commissions, and employees of the Authority unless the context clearly indicated otherwise.

“Official” means any officer, official, agent, or employee of the Authority whose duties are specifically delineated in this Master Resolution.

“Official time” means whenever certain hours are named in this Master Resolution, they mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the Authority.

“Operate” means and includes carry on, keep, conduct, or maintain.

“Owner” applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

“Person” means and includes any person, firm, association, organization, partnership, business trust, corporation or company, and any municipal, political or governmental corporation, district, body or agency other than this Authority.

“Personal property” means and includes every species of property, except real property.

“Preceding” and “following” mean next before and next after, respectively.

“Property” means and includes real and personal property.

“Real Property” means and includes lands, tenements, and hereditaments.

“Reuse Plan” means the plan for reuse and development of the territory within the jurisdiction of the Authority, as amended or revised from time to time, and the plans, policies, and programs of the Authority Board, including the Master Resolution.

“Sale” means and includes any sale, exchange, barter or offer for sale.

“Week” A week consists of seven consecutive days.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means.

“Year” means a period of 365 days, except where otherwise provided. The added day of a leap year, and the day immediately preceding if they occur in any such period, will be reckoned together as one day.

(b) Words and phrases are to be construed according to the context and the approved usage of the language. Technical words and phrases, and such other terms as may have acquired a peculiar and specific meaning in the law, or are specifically defined herein, are to be construed in accordance with such peculiar and specific meaning or definition.

1.01.060. TERRITORIAL LIMITATION.

This Master Resolution refers only to the omission or commission of acts within the territorial limits of the Authority and to that territory outside of the Authority over which the Authority has jurisdiction or control by virtue of the state constitution, any state law, the Authority Act, or by reason of ownership or control of property.

1.01.070. DISTRIBUTION AND MAINTENANCE OF THE MASTER RESOLUTION.

(a) Not less than one copy of this Master Resolution will be filed for use and examination by the public in the office of the Executive Officer. Copies thereof will be distributed to the members of the Authority Board, the alternates, the member agencies, and the ex-officio members.

(b) The Executive Officer will keep and maintain this Master Resolution together with all amendments as may be adopted by the Authority Board. The Executive Officer on a timely and recurring basis will publish and distribute such amendments.

1.01.080. NOTICES – SERVICE PROCEDURE.

(a) Notice required to be given under this Master Resolution, unless different provisions are otherwise specifically made in this Master Resolution, may be given by:

(1) personal delivery to the person to be notified, or
(2) electronic mail if FORA conventionally communicates with the recipient by electronic mail, or

(3) deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified, at such person’s last known business or residence address, as such address appears in the public records of the Authority or other records pertaining to the matter to which the notice is directed. Service by mail will be deemed to have been completed at the time of deposit in the United States mail.

(b) Proof of giving any notice required by this Master Resolution may be made by the certificate of any officer or employee of the Authority or by affidavit or declaration of any person over the age of 18 years, which shows service in conformity with this Master Resolution or other provisions of law applicable to the subject matter of the notice.

1.01.090. HOLD HARMLESS CLAUSE FOR LICENSES AND PERMITS.

(a) Every entitlement is subject to the condition that the person receiving the entitlement agrees to save, indemnify, and keep harmless the Authority and Authority Officers against all liabilities, judgments, costs, and expenses which may in any manner or granting of an entitlement or in consequence of the use or occupancy of any sidewalk, street, or other public place, or the occupancy of any property or facility owned or leased by the Authority. The person receiving an entitlement also agrees to strictly comply with the conditions of the entitlement and with this Master Resolution and all ordinances, rules, and regulations of the Authority relating to the entitlement.

(b) Whenever it is administratively proper, the Executive Officer will print, type, or write the Condition Statement above into every entitlement form substantially as it appears in this section.

1.01.100. INTERPRETATION, CONSTRUCTION, AND SEVERABILITY.

(a) This chapter contains the minimum requirements of the protection of the public convenience, safety, health, and general welfare.

(b) Any reference in this Master Resolution to any portion of any statute includes amendments and additions to such statute.

(c) Any reference in this Master Resolution to an ordinance of the Authority or provision of this Master Resolution includes all amendments and additions to such ordinance or provision. Reference to any section of this Master Resolution includes the penalty provisions specified in this chapter, unless otherwise expressly provided.

(d) The act or omission of an act which is made unlawful under this Master Resolution includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. Whenever any act or omission is made unlawful, it includes causing, permitting, aiding, abetting, suffering, or concealing such act or omission.

(e) Powers or duties granted to, or imposed upon, an Official may be performed by a person authorized to act for the Official.

(f) The provisions of this Master Resolution and all proceedings under this Master Resolution are to be construed so as to give effect to the objectives of the Authority Act, this Master Resolution, and the promotion of justice.

(g) The parts of this Master Resolution are severable. Any declaration of unconstitutionality of any phrase, clause, sentence, paragraph, or section

of this Master Resolution or any amendment to this Master Resolution by the valid judgment or decree of a court of competent jurisdiction does not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Master Resolution or any amendment to this Master Resolution.

1.01.110. GRAMMATICAL INTERPRETATION.

- (a) General Rules.
 - (1) Any gender includes the other gender.
 - (2) The singular number includes the plural, and the plural includes the singular.
 - (3) Words used in the present tense include the past and the future tenses and vice versa.
 - (4) The word “or” may be read “and” and the word “and” may be read “or” if the sense requires it.
 - (5) Words and phrases used in this Master Resolution that are not specifically defined will be construed according to the context and approved usage of the language. The provisions of Section 13 and 1645 of the Civil Code of the State of California are adopted in the interpretation of words and phrases, unless otherwise provided in this Master Resolution.

- (b) Specific Rules.
 - (1) It is the policy of the Authority Board that the legal documents of this Authority, including all ordinances, resolutions, and contracts, should be gender neutral.
 - (2) It is the policy of the Authority Board that the legal documents of this Authority including all ordinances, resolutions, and contracts, should be written in “plain English.”

Article 1.02. ENFORCEMENT OF MASTER RESOLUTION

1.02.010. RESPONSIBILITIES FOR ENFORCEMENT.

(a) Whenever the enforcement of any provision of this Master Resolution is imposed upon or delegated to a specific official, such official is primarily responsible for the enforcement of such provision. In the absence of any specific impositions or delegation or enforcement responsibility, the Executive Officer is primarily responsible for enforcing the provisions of this Master Resolution.

- (b) Enforcing Officers Generally.
 - (1) The Sheriff and all peace officers employed by the Sheriff’s Department are hereby empowered to enforce any and all provisions of this Master Resolution or any other ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of

the State of California, together with such other powers as are conferred upon them by the County, within that portion of the Authority's jurisdiction that is within the unincorporated area of the County.

- (2) The Police Chief of the City of Marina and all peace officers employed by the City of Marina are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Marina, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Marina.
- (3) The Police Chief of the City of Seaside and all peace officers employed by the City of Seaside are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Seaside, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Seaside.
- (4) The Police Chief of the City of Del Rey Oaks and all peace officers employed by the City of Del Rey Oaks are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Del Rey Oaks, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Del Rey Oaks.
- (5) The Police Chief of the City of Monterey and all peace officers employed by the City of Monterey are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Monterey, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Monterey.

(c) Compliance with the permit requirements of this Master Resolution are the responsibility of the Official authorized to grant the permit to which such requirements apply, except that when the permit is granted by the Authority Board, the Executive Officer is the responsible officer.

(d) Whenever an Official primarily responsible for enforcing any provision of this Master Resolution fails, neglects, or refuses to perform such duty and such failure, neglect, or refusal is brought to the attention of the Executive Officer, the Executive Officer will enforce such provision of law and initiate such penal and disciplinary action against the Official as may be warranted under the circumstances.

(e) Every Official may use administrative processes such as notices of violation, stop work orders, or warning letters in lieu of or prior to seeking judicial enforcement of any provision of this Master Resolution if the Official determines that the process may result in compliance with this Master Resolution at less cost to the Authority.

(f) Every Official is authorized to appear as a complaining witness in any criminal, civil, or administrative proceeding brought for an alleged violation of the Master Resolution or to abate any violation of this Master Resolution or enjoin any present or future violation of this Master Resolution.

(g) Every Official will consult with Authority Counsel in a timely manner prior to commencement of any proceeding or action to terminate, revoke, or deny any entitlement allowed or established pursuant to this Master Resolution, to ensure that such proceeding or action is undertaken in a lawful manner consistent with the laws of the United States, the State of California, and the Authority.

1.02.020. INTERFERENCE WITH ENFORCING OFFICERS.

(a) It is unlawful for any person to interfere or obstruct, or to attempt to interfere or obstruct, any Official in the performance of such Official's duties as specified in this Master Resolution or as may otherwise be received pursuant to the rules, regulations, or policies of the Authority or the Authority Board.

(b) No person will give, either orally or in writing, information to an Official which the person knows or has reason to know is false.

1.02.030. VIOLATIONS OF THE MASTER RESOLUTION.

(a) It is unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Master Resolution. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Master Resolution is guilty of a misdemeanor unless:

- (1) The violation is classified as an infraction by the State Vehicle Code or this Master Resolution, in which case the person is guilty of an infraction; or

- (2) The violation is classified as a standing or parking traffic violation under the State Vehicle Code or this Master Resolution; or
- (3) The District Attorney files a complaint charging the offense as an infraction; or
- (4) A public officer designated in subsection (d) of this section issues a citation charging the offense as an infraction.

(b) Any person convicted of a misdemeanor under the provisions of this Master Resolution, unless provision is otherwise made in this Master Resolution, is punishable by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment.

(c) Any person convicted of an infraction under the provisions of this Master Resolution, unless provision is otherwise made in this Master Resolution, is punishable upon a first conviction of a fine of not more than Two Hundred and Fifty dollars (\$250), and for a second conviction within a period of one year by a fine of not more than Five Hundred Dollars (\$500), and for a third or any subsequent conviction within a period of one year by a fine of not more than One Thousand Dollars (\$1,000).

(d) The Executive Officer has the authority to cite violations for infractions or civil violations in the enforcement of the provisions of this Master Resolution within the Executive Officer's regulatory responsibilities.

1.02.040. CIVIL PENALTIES.

Any person who is found to have violated any provision of this Master Resolution, specifically subject to civil remedies, will pay the civil fees listed in the Authority Fee Resolution for the violation including the penalty and all collection costs. All such violations will be processed by the Executive Officer.

1.02.050. OFFENSES.

Every person convicted of a misdemeanor or infraction under the provisions of this Master Resolution is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Master Resolution is committed, continued, or permitted by such person and will be punished accordingly.

1.02.060. SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE MASTER RESOLUTION.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Master Resolution, the District Attorney may elect under which to proceed; but not more than one recovery may be had against the same person for the same offense. The provisions of this section apply only to criminal sanctions pursuant to Section 1.02.040 of this Master Resolution. Nothing in this section is construed as limiting or prohibiting the Executive Officer or the Authority from securing

compliance with the provisions of the Master Resolution through the civil remedies provisions authorized pursuant to Section 1.02.040 or Sections 1.02.070, 1.02.080, and 1.02.090 of this Master Resolution.

1.02.070. PUBLIC NUISANCES; CONTINUING OFFENSES.

Any condition caused or permitted to exist in violation of any of the provisions of this Master Resolution is deemed a public nuisance and may be abated as such in a manner consistent with law. Each and every day during which such condition is allowed to exist may be deemed a separate offense and may be abated accordingly.

1.02.080. ABATEMENT AND ENJOINMENT OF PUBLIC NUISANCES.

Any violation of any provision of this Master Resolution is unlawful and a public nuisance. The District Attorney or the Authority Counsel, or their respective designees, may commence such actions or proceedings for the abatement, removal, and enjoinder in the manner provided by law and may take such other steps and initiate such judicial proceedings as the District Attorney or Authority Counsel deems necessary or appropriate to abate and restrain such violation. The remedies provided in this section are cumulative and not exclusive.

1.02.090. REIMBURSEMENT OF COSTS AND CIVIL PENALTIES.

(a) Any person, firm, or corporation who creates or maintains a public nuisance in violation of this Master Resolution will be liable for the cost of abatement, which will include, but not be limited to:

- (1) Cost of Investigation;
- (2) Court costs;
- (3) Attorneys' fees; and
- (4) Costs of monitoring compliance.

(b) Upon continuation of a public nuisance after notice from the Authority to cease the nuisance, any person, firm, or corporation will be liable for the costs of abatement set forth in Subsection (a) of this section plus a civil penalty of fifty percent (50%) of those costs payable to the Authority in addition to any other costs of enforcement imposed by the court or such other amount as may be specified in the Authority Fee Resolution. Penalties imposed pursuant to the provisions of this subsection are in addition to any civil penalties that may be imposed pursuant to Section 1.02.040.

1.02.100. REMEDIES CUMULATIVE.

Unless otherwise expressly provided, the remedies provided in this Article or other provisions of this Master Resolution are cumulative and not exclusive. Nothing in this Master Resolution bars any legal, equitable, administrative, or summary remedy to which any aggrieved person, the Authority, or any Official may otherwise be entitled. Paying a fine or serving a jail sentence will not relieve any persons from the responsibility for correcting any condition, which violates any provision of this Master Resolution, or paying any civil penalties that may be imposed pursuant to the provisions of this Article.

1.02.110. IMMUNITY OF ENFORCING OFFICIALS.

Nothing in this Master Resolution is intended or shall be deemed or construed to impose liability upon the Authority or any Official for any injury to persons or damage to property alleged to result from any act or omission by the Authority or any Official beyond the liability expressly imposed by the laws of the State of California or the United States. Nothing in this Master Resolution or any other Authority enactment is intended or shall be deemed or construed to impose a mandatory duty upon the Authority or any Official for the purpose of determining entitlement to equitable relief or liability for any injury to persons or damage to property alleged to result from the failure of the Authority or any Official to discharge a mandatory duty imposed by an Authority enactment.

Article 1.03. AUTHORITY SEAL

1.03.010. ADOPTED; FORM AND CONTENTS.

(a) The Authority seal is nine-sided in shape, bearing the name of the Authority and of such additional design as established or approved by the Authority Board from time to time.

(b) The only form of corporate seal for use by or for the Authority is the form of seal established by the Authority Board, as provided in this section.

(c) The Executive Officer has the official custody of the official seal of the Authority.

1.03.020. DESIGNATION OF UNLAWFUL USES.

It is unlawful for any person to make or use the seal of the Authority, or any cut, facsimile or reproduction of the seal, or to make or use any seal or any design which is an imitation of the seal, or of the design thereof, which may be mistaken for the seal of the Authority, or the design thereof, for any purpose other than for Authority purposes, or for the purposes of any board, officer, or department thereof.

1.03.030. DISPLAY ON PRIVATELY OWNED VEHICLES.

It is unlawful for any person to display or place either temporarily or permanently, the official seal of the Authority, or any facsimile or representation or near representation thereof, on any privately owned vehicle, unless express written permit first has first been obtained from the Authority Board to do so. If any such permit is so granted by the Authority Board, it is unlawful for any person to place or display such seal in any manner or at any time contrary to or in violation of the provisions of such permit.

Article 1.04. TIME LIMITATIONS FOR ADMINISTRATIVE MANDAMUS PROCEEDINGS

1.04.010. TERM "DECISION" DEFINED.

As used in this Article, the term "decision" means an adjudicatory administrative decision made, after a hearing required by law to be given, suspending,

demoting or dismissing an officer or employee, revoking or denying an application for any entitlement, or denying application for any retirement benefit or allowance.

1.04.020. SECTION 1094.6 OF THE CODE OF CIVIL PROCEDURE ADOPTED.

The provisions of the Code of Civil Procedure Section 1094.6 is applicable to decisions of the Authority Board and of any board or commission of the Authority authorized to render a final adjudicatory administrative decision where no right of appeal to the Authority Board exists. Notice of such right of appeal will be given in the resolution effecting such decision.

Chapter 2. AUTHORITY OFFICES AND GENERAL REGULATIONS

Article 2.01. AUTHORITY BOARD

2.01.010. MEMBERSHIP.

(a) The Authority is governed by a thirteen (13) member Board of Directors consisting of three (3) members of the Monterey County Board of Supervisors, two (2) city council members from each of the Cities of Marina and Seaside, and one (1) city council member from each of the Cities of Carmel-by-the-Sea, Del Rey Oaks, Sand City, Monterey, Pacific Grove, and Salinas.

(b) The legislative body of each member agency may appoint an alternate member for its respective positions on the Board of Directors. Each alternate member has all the same rights, responsibilities and privileges as a Board member when serving in a Board member's place. Board members and alternates serve at the pleasure of the legislative body of the member agency making the appointment.

(c) Each member and each alternate serves at the pleasure of the legislative body making the appointment. Each member and each alternate is a member of the legislative body making the appointment, except that alternates appointed by the Board of Supervisors of Monterey County are members of the Board of Supervisors or County staff.

2.01.020. EX-OFFICIO MEMBERSHIP.

(a) A representative of each of the ex-officio members may serve as nonvoting members of the Board of Directors. Ex-officio members are not counted to establish a quorum.

(b) The Board of Directors may appoint or remove additional ex-officio nonvoting members at its pleasure. Each ex-officio member may participate in public meetings and hearings of the Authority. For the purpose of this Master Resolution, the term "participate in public meetings and hearings" includes, but is not limited to, the ability to make motions, request the placement of matters on the Authority's agenda, serve on committees, and to participate in all discussions regarding any matter which may come before the Authority in public session. The term "participate in public meetings

and hearings” does not include the ability to cast a vote under Section 2.02.040 of this Master Resolution.

2.01.030. APPOINTMENT.

Each Board member, alternate, and ex-officio member appointed by a governmental entity must be appointed by a member agency or such other appointing authority as provided in the Authority Act and this Master Resolution. Minute action or a resolution making the required appointment must be presented to the Executive Officer before the Board member, alternate, or ex-officio member may participate in Authority Board meetings.

2.01.040. SELECTION OF OFFICERS.

(a) The Authority’s officers will be elected from the Board and will serve a term of one year and may be reelected for no more than one consecutive additional term in the same office. Election of officers takes place at the close of the Authority’s first regular January meeting.

(b) The officers of the Authority will be a Chair, a First Vice-Chair, and a Second Vice-Chair. It is the policy of the Board that the officers of the Authority rotate on a regular basis among the members of the Board with the First Vice-Chair succeeding the Chair and the Second Vice-Chair succeeding the First Vice-Chair as vacancies occur. Such other officers as may be deemed necessary may be appointed by the Authority Board.

2.01.050. AUTHORITY OF CHAIR AND VICE-CHAIRS.

The Chair presides at all meetings of the Authority Board and may make or second any motion and present and discuss any matter as a member of the Board. If the Chair is absent or unable to act, the First Vice-Chair will serve until the Chair returns or is able to act and has all of the powers and duties of the Chair. If both the Chair and First Vice-Chair are absent or unable to act, the Second Vice-Chair will serve until the Chair or First Vice-Chair returns or is able to act and has all of the powers and duties of the Chair. If the Chair, First Vice-Chair, and Second Vice-Chair are absent or unable to act, Board will choose one of its number as the presiding officer.

2.01.060. ADDITIONAL DUTIES.

The officers of the Authority may perform such other duties as may be required by resolution or other action of the Authority.

Article 2.02. MEETINGS OF THE AUTHORITY BOARD

2.02.010. MEETINGS – TIME AND PLACE.

(a) The regular meetings of the Authority Board are held on the second Friday of each and every month at the Authority Offices, commencing at the hour of 3:30 pm, except as otherwise provided in this section.

(b) If any regular meeting day falls upon a holiday, the regular meeting of the Board will be held at the same place on the next Friday, which is not a holiday commencing at the same hour, in which event all hearings, applications, petitioners, and other matters before the Board are deemed to be and are automatically continued to the same hour on such Friday which is not a holiday.

(c) All meetings of the Authority Board are held in places accessible to persons, including persons with physical handicaps or disabilities.

2.02.020. MEETINGS – PROCEDURES.

(a) The proceedings of the Board are governed by the provisions of law applicable thereto and, except as otherwise provided in this Article, by Robert's Rules of Order, newly revised. Provided further, that the failure to follow the Rules of Order or these rules do not invalidate any action taken. The Authority Counsel acts as parliamentarian and gives parliamentary advice when appropriate.

(b) The Authority Board may adopt such rules of order for the conduct of its business as it deems appropriate, and may amend same, by resolution; provided, however, that no ordinance, resolution or other action taken by the Board is invalidated or the legality or effect thereof otherwise affected by the failure or omission of the Board to observe or follow such rules.

2.02.030. NOTICE AND CALL OF MEETINGS.

(a) Meetings of the Authority Board and all standing committees or subcommittees of the Board, will be called and noticed in accordance with state law, including, but not limited to the Ralph M. Brown Act, Sections 54950 *et seq.* of the California Government Code, as said Act may be amended by subsequent legislation and augmented by rules of the Board of Directors not consistent therewith. Except as otherwise provided or permitted by law, all meetings of the Authority are open and public.

(b) Special meetings may be called at any time by the Chair or by the majority of the members of the Authority by delivering personally or by mail written notice thereof to each member of the Authority at least 24 hours before the time of such meeting as specified in the notice. Said notice will specify the time and place of such meeting and the business to be transacted. No other business will be considered at such meeting. Such notice may be dispensed with as to any member of the Authority who at or prior to the time the meeting convenes, files with the secretary a written waiver of notice. Such written notice will be given to such local newspapers or radio or television stations that request in writing such notice.

(c) The voting members of the Authority may meet in closed session in accordance with state law. One ex-officio non-voting Board member, appointed under §2.03.020, is permitted to participate in Board closed session meetings.

(d) The Authority Chair, in consultation with the Executive Officer, may cancel any regular meeting if no items are presented that require the Authority's immediate attention.

(e) The Authority Agenda will be prepared by the Authority staff and will be approved by the Executive Committee eight (8) working days before the regular Board meeting. Any member may request in writing an item to appear on the agenda. The request must be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

(f) The Authority members, alternates, and committees receive the Agenda and pertinent back-up material. The Authority Agenda and pertinent back-up material will also be supplied to other governmental agencies on written request, renewable annually. The Authority agenda, minutes and the agenda packet, including back-up material, will be available, at a cost of furnishing these materials, to the public by mail upon written request renewable annually. The Authority agenda will be available for review at the Authority office a minimum of two days before Authority meetings.

2.02.040. QUORUM AND VOTING.

(a) A majority of the voting members of the Authority constitutes a quorum for the transaction of business, but a lesser number may convene from time to time.

(b) A resolution, ordinance, or other action of the Board will not be approved or adopted sooner than 72 hours after its introduction, unless approved by unanimous vote of all members present at the time of consideration. Except as otherwise provided in this section, any action taken by the Board requires the affirmative vote of a majority of the appointed members of the Board.

(c) Voting on all formal resolutions, matters relating to any federal, state, county or city and on such other matters as may be requested by the majority of members of the Authority, will be by roll call and the ayes and noes will be entered in the minutes of the meeting.

2.02.050. LEGISLATIVE ACTIONS.

(a) Actions of the Authority Board may be taken in the form of Resolutions or Ordinances. All resolutions and ordinances of the Authority will be in writing and will be numbered consecutively in the order of their adoption. Wherever feasible, action of the Authority may be by "minute" resolution where the action and the vote on the action are recorded in the minutes of the Authority Board meeting. All ordinances and resolutions are filed in the office of the Authority's Secretary and will thereupon be copied into a permanent, loose-leaf bound volume, which is kept and maintained as a public record.

(b) The minutes of the Authority are "action" minutes that will accurately reflect actions of the Authority and the vote taken on such actions and are not verbatim minutes of all matters discussed and comments made at meetings of the Authority Board.

(c) Authority Counsel will prepare a summary of each ordinance prior to submission of such ordinance to the Authority Board. The Executive Officer is authorized to publish such summary in the manner provided by law in lieu of publishing the verbatim text of such ordinance.

(d) Except as provided in Section 2.02.040(b), all ordinances and resolutions may be adopted at the meetings at which such ordinances and resolutions were introduced or otherwise placed on the agenda.

2.02.060. CHAIR – POWERS AND DUTIES.

(a) The Chair possesses the powers and performs the duties prescribed in this section.

- (1) Have general direction over the Board Room and assign seats for the use of Board members and members of the Authority;
- (2) Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct he or she deems objectionable; and order the Board Room cleared whenever he or she deems it necessary;
- (3) Allocate the length of time for public discussion of any matter in advance of each discussion, with the concurrence of the Board;
- (4) Allocate equal time to opposing sides insofar as possible, taking into account the number of persons requesting to be heard on any side;
- (5) Limit the amount of time that a person may address the Board during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Board;
- (6) Execute such documents on behalf of the Authority as may be required by state or federal law;
- (7) Perform ceremonial duties, including the representation of the Authority before other agencies;
- (8) Other powers as may be prescribed by the Board.

(b) The Chair will order removed from the Board Room any person who commits any one of the acts specified in this section with respect to a regular or special meeting of the Authority Board.

- (1) Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (2) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

- (3) Disobedience of any lawful order of the chairperson, which includes an order to be seated or to refrain from addressing the Board;
- (4) Any other unlawful interference with the due and orderly course of said meeting.

(c) Any person so removed will be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such exclusion will be effected by an appropriate peace officer upon being so directed by the Chair.

2.02.070. NOTICE OF ABSENCE.

If any member of the Board is unable to attend a meeting, that Board member will, if possible, notify the Executive Officer prior to the meeting.

2.02.080. VACATION PERIOD.

The Authority Board determines by resolution each calendar year vacation periods during which no regular meetings will be held.

Article 2.03. COMMITTEES

2.03.010. PURPOSE.

Committees and subcommittees may be established, as the Authority may deem appropriate to provide the Board with options, critique, analysis, and other information as the Board may request from time to time.

2.03.020. EXECUTIVE COMMITTEE.

The Executive Committee is comprised of not more than five (5) members of the Board. The Committee is comprised of the Chair, First Vice-Chair, Second Vice-Chair, a Past Chair, and one representative member appointed by the Board. If the Past Chair position is vacant, the Board may appoint another representative. In addition, the Executive Committee shall include an ex-officio non-voting member appointed from among the ex-officio Board members by the Board Chair on an annual basis. The non-voting ex-officio member shall be permitted to attend closed session Executive Committee meetings. The Executive Committee will provide such duties as the Board may assign. If any designated representative is unable to serve on the Executive Committee, the Board may fill such vacancy with another member of the Board.

2.03.021. EXECUTIVE COMMITTEE DUTIES.

The Executive Committee meets on a date and time the Committee determines is convenient or necessary. The Executive Officer and Authority Counsel attends the meetings of the Executive Committee. The duties of the Executive Committee are:

(a) Review and approve all agendas of all regular and special meetings of the Board of Directors;

(b) Provide initial performance evaluation of the Executive Officer and make recommendations to the Board of Directors regarding employment and personnel matters relating to the Authority staff; and

(c) Perform such other duties as the Board of Directors may direct.

2.03.030. ADMINISTRATIVE COMMITTEE.

The chief administrative officer, county administrative officer, or city manager of each member agency, or designee, may serve on an administrative subcommittee to the Board to provide advice, analysis and recommendations to the Board as the Board may request from time to time according to the responsibilities listed in the Authority Act.

2.03.040. LEGISLATIVE ADVISORY COMMITTEE.

The Legislative Advisory Committee shall not exceed a total of eight (8) members. The committee members will be appointed by the Chair of the Authority, subject to confirmation by the Board of Directors, and is comprised of up to five (5) voting members and three (3) ex-officio members to be the 17th Congressional District member, the 15th California State Senate District member, and the 27th California State Assembly District member or their respective representatives. Committee members serve for a period of one year.

2.03.041. LEGISLATIVE ADVISORY COMMITTEE DUTIES.

The Legislative Advisory Committee is an advisory committee to the Authority Board and meets at the Authority Offices on date and time convenient or as necessary. The Executive Officer attends these meetings. The Legislative Advisory Committee's duties will be as follows:

(a) Review and evaluate the impact of proposed federal or state legislation with respect to the Authority's obligations under state law to implement reuse activities on the former Fort Ord;

(b) Advise and inform the Authority Board, when requested or on its own initiative, regarding pending legislation and noting its potential impact on the activities of the Authority. The Committee will develop recommendations to the Authority Board for actions associated with its advice and information responsibilities;

(c) Recommend an annual legislative agenda.

(d) Plan, schedule, and conduct an annual Legislative Session with the sitting representatives of the 27th Assembly District, the 15th Senatorial District, and the 17th Congressional District (individually or collectively as schedules permit).

2.03.050. FINANCE ADVISORY COMMITTEE.

The Finance Advisory Committee (“FAC”) shall not exceed a total of six (6) members. The committee members will be appointed by the Chair of the Authority, subject to confirmation by the Board of Directors, and is comprised of voting members and no more than three (3) ex-officio members. Committee members serve for a period of one year.

2.03.051. FINANCE ADVISORY COMMITTEE DUTIES.

The Finance Advisory Committee is an advisory committee to the Authority Board and meets at the Authority Offices on date and time convenient or as necessary. The Executive Officer and/or the Controller of the Authority attends these meetings. The Finance Advisory Committee’s duties will be as follows:

(a) Review and evaluate the annual budget of the Authority as presented by the Controller. Recommend action to the Executive Committee and the Authority Board, including parameters to staff compensation budgets.

(b) Review and evaluate the scope of services for the selection of the Authority auditor as prepared by the Controller. Comment, as appropriate, on modifications to the scope of services. Serve as an advisory selection committee to the Authority Board on the selection of the auditor. Review and evaluate the annual audit of the Authority financial statements as presented by the selected auditor.

(c) Consult with the Authority Administrative Committee, the Executive Officer, the Controller and/or Director of Planning and Finance, and advise and inform the Authority Board on proposed financing mechanisms to fund the obligations of the Authority. The Finance Advisory Committee will develop recommendations to the Authority Board for actions associated with its advice and information responsibilities.

Article 2.04. EXECUTIVE OFFICER

2.04.010. OFFICE CREATED.

The office of the Executive Officer is created and established, as provided in the Authority Act. The Executive Officer is appointed by the Authority Board wholly on the basis of his or her administrative and executive ability and qualifications and holds office for and during the pleasure of the Authority Board.

2.04.020. VACANT.

2.04.030. COMPENSATION.

The Executive Officer receives such compensation as the Board from time to time determines. In addition, the Executive Officer is reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties.

2.04.040. POWERS AND DUTIES OF THE EXECUTIVE OFFICER.

(a) The Executive Officer is the administrative head of the Authority under the direction and control of the Authority Board except as otherwise

provided in this Master Resolution. The Executive Officer is responsible for the efficient administration of all the affairs of the Authority, which are under the control of the Executive Officer. In addition to general powers of the Executive Officer as administrative head, and not as a limitation thereon, it is the duty of the Executive Officer and the Executive Officer has the powers set forth in the Authority Act and in the following sections.

- (b) The Executive Officer has the following powers and duties:
 - (1) To plan, organize, and direct all Authority activities under the policy direction of the Authority Board;
 - (2) To enforce strict compliance with the approved annual budget and approve only expenditures authorized in the approved budget;
 - (3) To hire and manage such staff as necessary to carry out the provisions of the Authority Act and this Master Resolution;
 - (4) To make recommendations to and requests of the Authority Board concerning all of the matters which are to be performed, done, or carried out by the Authority Board;
 - (5) To have charge of, handle, or have access to any property of the Authority, and make an inventory of all Authority property;
 - (6) To make all books and records of the Authority in the Executive Officer's hands open to inspection at all reasonable times by members of the Authority Board or their representatives;
 - (7) To execute agreements, contracts, and documents on behalf of the Authority;
 - (8) To prepare the agenda for each meeting of the Authority Board; and
 - (9) To chair the Administrative Committee described in Section 2.02.030 of this Master Resolution.

2.04.050. LAW ENFORCEMENT.

It is the duty of the Executive Officer to enforce all laws and ordinances of the Authority and to see that all franchises, contracts, permits, and privileges granted by the Authority Board are faithfully observed.

2.04.060. VACANT.

2.04.070. POWER OF APPOINTMENT AND REMOVAL.

It is the duty of the Executive Officer to, and the Executive Officer will appoint, remove, promote, demote and discipline any and all officers and employees of the Authority, except those officers and employees appointed by the Authority Board.

2.04.080. ADMINISTRATIVE REORGANIZATION OF OFFICES.

It is the duty and responsibility of the Executive Officer to conduct studies and effect such administrative reorganization of offices, positions, or units under the Executive Officer's direction as may be indicated in the interest of efficient, effective, and economical conduct of the Authority's business.

2.04.090. ORDINANCES.

It is the duty of the Executive Officer to recommend to the Authority Board adoption of such measures and ordinances as the Executive Officer deems necessary.

2.04.100. ATTENDANCE AT BOARD MEETINGS.

It is the duty of the Executive Officer to attend all meetings of the Authority Board unless the Executive Officer is excused by the Chair individually or the Authority Board, except when the Executive Officer's removal is under consideration.

2.04.110. FINANCIAL REPORTS.

It is the duty of the Executive Officer to keep the Authority Board at all times fully advised as to the financial condition and needs of the Authority.

2.04.120. BUDGET.

It is the duty of the Executive Officer to prepare and submit the proposed annual budget and the proposed annual salary plan to the Authority Board.

2.04.130. EXPENDITURE CONTROL AND PURCHASING.

It is the duty of the Executive Officer to see that no expenditures be submitted or recommended to the Board except on approval of the Executive Officer. The Executive Officer is responsible for the purchase of all supplies for the Authority.

2.04.140. INVESTIGATIONS AND COMPLAINTS.

It is the duty of the Executive Officer to make investigations into the affairs of the Authority and any contract or the proper performance of any obligation to the Authority.

2.04.150. FACILITIES.

It is the duty of the Executive Officer to exercise general supervision over all public facilities and all other public property, which are under the control and jurisdiction of the Authority Board.

2.04.160. CLERK TO THE BOARD.

The Executive Officer performs all duties associated with the legal function of the Clerk to the Board position as provided in the Authority Act. The Executive Officer may designate a Clerk. However, the Executive Officer retains all responsibility for the duties of the clerk position.

2.04.170. ADDITIONAL DUTIES.

It is the duty of the Executive Officer to perform such other duties and exercise such other powers as may be delegated to the Executive Officer from time to time by ordinance or resolution or other official action of the Authority Board.

2.04.180. INTERFERENCE WITH THE ADMINISTRATIVE SERVICE.

The Authority Board and its members deal with the administrative services of the Authority only through the Executive Officer, except for the purpose of inquiry, and neither the Board nor any member thereof will give orders or instructions to any subordinates of the Executive Officer. The Executive Officer will take orders and instructions from the Authority Board only when sitting in a duly convened meeting of the Board and no individual member of the Authority will give any orders or instructions to the Executive Officer.

2.04.190. REMOVAL.

The removal of the Executive Officer may be effected with or without cause, but only by a majority vote of the whole Authority Board as then constituted, convened in a regular Board meeting. The Executive Officer shall be afforded at least 30 days written notice of the effective date of termination.

2.04.200. AGREEMENTS ON EMPLOYMENT.

Nothing in this Article is construed as a limitation on the power or authority of the Authority Board to enter into any agreement with the Executive Officer delineating additional terms and conditions of employment not inconsistent with any provisions of this Article, nor is this Article construed as limiting the power or authority of the Authority Board to enter into any agreement with any person or legally existing entity to provide the services of the Executive Officer as provided in the Authority Act and this Article.

Article 2.05. PERSONNEL

(Reserved)

Article 2.06. POLITICAL ACTIVITIES OF AUTHORITY EMPLOYEES

(Reserved)

Article 2.07. BOARDS AND COMMISSIONS

(Reserved)

Article 2.08. ADDITIONAL OFFICERS AND STAFF

2.08.010. TREASURER.

(a) The Authority Board may appoint a Treasurer to serve at its pleasure.

(b) The Treasurer of the Authority will be a depositor and have custody of all the money of the Authority from whatever source. The Treasurer of the

Authority will comply strictly with the provisions of state law relating to the duties of Treasurers of Joint Powers Authorities.

(c) The Treasurer ensures that all available cash on hand is at all times invested in a cash management program and investment portfolio pertaining thereto and ensure that efficient liquidity is maintained to meet the Authority's cash disbursement needs.

(d) The Chair may designate an Assistant Treasurer to act on behalf of the Treasurer in fiscal matters and to act on behalf of the Authority during any absence of the Treasurer.

(e) The Treasurer will furnish a corporate surety bond to be approved by the Authority Board in such sum as may be determined by the Authority Board and is conditioned upon the faithful performance of the duties imposed upon the Treasurer. Any premium for such bond is a proper charge against the Authority. This provision may be waived if a person serving as the Treasurer for a member agency serves as the Treasurer of the Authority.

2.08.020. FISCAL AGENT.

(a) The Authority Board may appoint a Fiscal Agent of the Authority to serve at its pleasure. The Fiscal Agent advises the Authority Board in connection with any accounting, budgetary, monetary, or other financial matters relating to the Authority. The duties and responsibilities of the Fiscal Agent include, but are not limited to those duties set forth in the Authority Act and include the following:

- (1) Establish with Authority Board approval of the annual budget format, accounts, and documentation pertaining to the budget and which most nearly reflect the objectives of the Authority;
- (2) Establish and maintain the particular funds and accounts as required by generally accepted accounting practices applicable to public entities and which most accurately and appropriately record and report the operations of the Authority as represented by the annual budget document;
- (3) Enforce strict compliance with the approved annual budget and approve only expenditures authorized in the approved budget;
- (4) Make all books and records of the Authority in the Controller's hands open to inspection at all reasonable times by the members of the Authority Board or their representatives;
- (5) Sign all warrants for the payment of money from the funds of the Authority and pay and disburse such money on direction of the Board.

(b) The Fiscal Agent will furnish a corporate surety bond to be approved by the Authority Board in such amount as may be determined by the Authority Board and is conditioned upon the faithful performance of the duties of the Fiscal Agent. Any premium for such bond is a proper charge against the Authority. This provision may be waived if a person serving as the Auditor-Controller for a member agency serves as the Fiscal Agent of the Authority.

2.08.030. AUTHORITY COUNSEL.

The Authority Board will appoint Authority Counsel to serve at the pleasure of the Authority Board. The Authority Board may appoint additional counsel to assist Authority Counsel or provide special services as may be required by the Authority Board. Authority Counsel attends meetings of the Authority Board and the Executive Committee as required to advise the Authority Board in connection with any legal matters relating to the Authority.

2.08.040. AUTHORITY STAFF.

The Authority Staff consists of the Executive Officer, Authority Counsel, and such other staff as authorized in the Authority budget and approved by the Authority Board. The cost of all staff is borne solely by the Authority.

2.08.050. AGREEMENTS FOR SERVICES OF OFFICIALS AND STAFF.

Nothing in this Article is construed as limiting the power or authority of the Authority Board to enter into any agreement with any legally existing person or entity to provide the services of any or all of the officers or staff described in this Article as provided in the Authority Act and this Article. In addition, the Authority Board in its sole discretion may designate one person to hold one or more of the officer positions designated in this chapter.

Article 2.09. CONFLICT OF INTEREST CODE.

2.09.010. PURPOSE AND EFFECT.

The terms of Title 2, Division 6 of the California Code of Regulation (Section 18730, *et seq.*), and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following sections in which officials and employees are designated and disclosure categories are set forth, constitute the conflict of interest code for the Authority. This Article constitutes the "Appendix" to Title 2, Division 6 of the California Code of Regulations Section 18730, *et seq.*

2.09.020. DESIGNATED POSITIONS; DISCLOSURE CATEGORIES.

(a) Each employee filling a designated position, and any employee filling a designated position on a temporary or acting basis for more than thirty consecutive calendar days, will disclose all of the information set forth in all applicable Schedules on such form as the Fair Political Practices Commission may designate (California Form 700). Designated positions are set forth below:

- (1) Board Members
- (2) Alternates to Board Members
- (3) Executive Officer
- (4) Assistant Executive Officer
- (5) Controller/Finance Manager
- (6) Authority Counsel
- (7) Senior Project Manager
- (8) Real Property/Facilities Manager
- (9) Principal Analyst
- (10) Principal/Senior Planner

(b) Each consultant, as defined in the California Code of Regulations Section 18700, will disclose all of the information set forth in all disclosure categories A through H on such form as the Fair Political Practices Commission may designate. The Executive Officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus are not required to fully comply with the disclosure requirements of this section. Such written determination will include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Executive Officer is a public record and will be retained for public inspection in the same manner and location as this conflict of interest code.

2.09.030. PLACE AND TIME OF FILING.

(a) All officials and employees filling designated positions file statements of financial interest with the Executive Officer who receives such statements on behalf of the Authority Board. Unless otherwise required by state law, all statements of financial interest are deemed timely filed only when received by the Executive Officer on or before the following deadlines;

(b) Annual statements must be filed on or before April 1 of each calendar year. Such statements cover the period of the preceding calendar year or from the date of filing such statement as otherwise required by this Master Resolution.

(c) Initial statements must be filed within thirty days after assuming office-disclosing interests held on the date of assuming office.

(d) Leaving office statements must be filed within thirty days of leaving office. Such statements cover the period between the closing date of the last statement required to be filed and the date of leaving office.

2.09.040. CONFLICT WITH OTHER LAWS.

Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000, *et seq.*). The provisions of this Article are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest, including, but not limited to, Government Code Section 1090, *et seq.*

Chapter 3. PROCUREMENT CODE

Article 3.01. GENERAL PROVISIONS

3.01.010. GENERAL PROVISIONS.

This chapter of the Fort Ord Reuse Authority Master Resolution will be known and may be cited as the "Procurement Code of the Fort Ord Reuse Authority."

3.01.020. DEFINITIONS.

As used in this chapter the following terms have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Area" means Monterey County, San Benito County, and Santa Cruz County.

"Construction" means the process of building, altering, repairing, improving, or demolishing any structure or building owned or leased by the Authority or other improvements of any kind to any real property owned or maintained by the Authority or within any public right-of-way or easement within the jurisdictional limits of the Authority.

"Contractor" means any person, firm, corporation (including nonprofit), partnership, joint venture, association, or enterprise having a contract or attempting to obtain a contract with the Authority.

"Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supplies, services, or construction, including description of requirements, selection and solicitation of sources, preparation, and award of contracts, and all phases of contracting administration.

"Public project" means a project for construction.

"Resident" means a person who: (1) Maintains a domicile within the Area and such domicile is a person's true, fixed, established principal and permanent home; (2) Has no claim of residency elsewhere; and (3) Intends to remain in the Area indefinitely.

"Subcontractor" means any person, firm, corporation, partnership, joint venture, association, or enterprise that has or seeks to have a contract with a contractor to perform work required as part of a contract or agreement between a contractor and the Authority.

3.01.030. WAIVER.

The Board, in an appropriate circumstance as determined by the Board, may waive any provision of this chapter when deemed in the best interests of the Authority.

Article 3.02. PURCHASING SYSTEM

3.02.010. ADOPTION.

In order to establish efficient procedures for the purchase of supplies and equipment at the lowest possible cost, commensurate with quality needed to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to ensure the quality of purchases, a purchasing system is adopted.

3.02.020. SCOPE.

The procedures established by this Article apply only to the purchase of supplies, equipment, and services, and do not apply to public projects.

3.02.030. AUTHORITY OF THE EXECUTIVE OFFICER.

(a) In addition to the duties of the Executive Officer specified in Article 2.04 of this Master Resolution, the Executive Officer has the authority to:

- (1) Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed by this Article, such administrative regulations as the Executive Officer adopts for the internal management and operation of the purchasing division and such other rules and regulations as prescribed by the Board or Executive Officer.
- (2) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.
- (3) Act to procure for the Authority the needed quality in supplies and equipment at least expense to the Authority.
- (4) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- (5) Prepare and recommend to the Board rules governing the purchase of supplies and equipment for the Authority.
- (6) Prepare and recommend revisions and amendments to the purchasing rules.
- (7) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.
- (8) Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations.
- (9) Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications.
- (10) Recommend the transfer of surplus or unused supplies and equipment between departments as needed.

- (11) Maintain an approved vendors' list, vendors' catalog file and records needed for efficient performance of the duties of the Executive Officer.

3.02.040. PURCHASING REGULATIONS.

The Executive Officer is responsible for determining that the regulations and procedures in this chapter are carried out.

3.02.050. PURCHASE ORDERS.

Purchase of supplies and equipment are made only by purchase orders. Except as otherwise provided in this chapter, no purchase order will be issued unless the prior approval of the Executive Officer or his designated representative has been obtained.

3.02.060. ENCUMBRANCE OF FUNDS.

Except in cases of emergency, the Executive Officer will not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

3.02.070. INSPECTION AND TESTING.

The Executive Officer will, in the discretion of the Executive Officer, inspect supplies and equipment delivered to the Authority to determine conformance with the specifications set forth in the purchase order. The Executive Officer has the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries, which are necessary to determine their quality and conformance with specifications.

3.02.080. FORMAL BID REQUIREMENTS.

(a) Except as otherwise provided in this Article, purchases of supplies and equipment of an estimated value greater than \$25,000.00 will be awarded to the lowest responsible bidder pursuant to the formal bid procedure prescribed in this section.

(b) Notices inviting formal bids include a general description of the Article or service desired, state where bid documents and specifications may be secured, and the time and place for opening bids.

(c) Notices inviting formal bids will be published at least ten (10) days prior to the date of opening of the bids. Notices will be published at least once in a newspaper regularly circulated in the Authority and also on the Authority website.

(d) The Executive Officer will also solicit formal sealed bids from responsible suppliers whose names are on the approved vendors' list, or who have made written request that their names be added thereto.

(e) Where deemed necessary by the Executive Officer, formal bids will be accompanied by security, either cash, cashier's check, certified check, or surety bond, in a sum equal to ten percent of the total aggregate of the bid, and be designated in the notice inviting bids. Bidders are entitled to the return of bid security; provided, however, that a successful bidder forfeits the bid security upon his refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the Authority is solely responsible for the delay in executing the contract. The Board or Executive Officer may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder who is willing to execute the contract, or may reject all bids and re-advertise.

(f) The Executive Officer has the authority to require a faithful performance bond or other bonds before entering into a contract other than a public project contract. If bonds are required, the form and amount thereof will be designated in the notice inviting bids.

(g) Sealed bids must be submitted to the Executive Officer and identified as bids on the envelope. The purchasing officer, or designee, will publicly open all bids at the time and place stated in the public notices. A tabulation of all bids received will be available for public inspection in the purchasing office during regular business hours for a period of not less than 30 calendar days after the bid opening.

(h) In its discretion, the Authority Board or Executive Officer may reject any and all bids presented and may cause re-advertising for bids pursuant to the procedure prescribed in this Article. However, when all bids exceed the authorized budgeted amount, the Executive Officer may authorize rejection of all bids and authorize re-bidding based upon the original specifications or as they may be modified, in accordance with procedures prescribed in this Article.

(i) Except as otherwise provided in this Article, formal bid contracts will be awarded by the Authority Board to the lowest responsible bidder. The determination of lowest responsible bidder is at the discretion of the Authority Board pursuant to findings and recommendations presented by the Executive Officer at the time of award of contract.

(j) Subject to the provisions of Section 3.02.090, if two or more formal bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of re-advertising for bids, the Authority Board may in its discretion accept the one it chooses or accept the lowest bid made by and after negotiation with the tie bidders at the time of the bid opening or award of contract.

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.

3.02.100. RECYCLED MATERIALS; COPYING.

The Authority encourages the use of recycled paper and materials in response to all bids for services and supplies to the Authority. Wherever possible, preference will be given to those vendors, suppliers, and consultants providing supplies and services to the Authority who utilize recycled materials, including recycled paper products. In addition, documents submitted for Authority use must be presented with front to back copying in order to minimize the amount of file space necessary for the maintenance of such documents, as well as to reduce the amount of paper required in the provision of governmental services.

3.02.110. NO FORMAL BIDS.

When no formal bids or no responsive bids are received, the Executive Officer is authorized to negotiate for written proposals, and the award, if any, will be made in accordance with applicable provisions prescribed in this Article.

3.02.120. OPEN MARKET OR INFORMAL BID PROCEDURE.

(a) Purchases of supplies and equipment of an estimated value in the amount of \$25,000.00 or less may be made by the Executive Officer in the open market without observing the procedure prescribed in Sections 3.02.080. Open market purchases will, wherever possible, be based on at least three informal bids and will be awarded to the bidder offering the most advantageous bid to the Authority, in the opinion of the Executive Officer, after consideration of price, quality, durability, servicing, delivery time, standardization, location of vendor, and other factors.

(b) The Executive Officer will solicit informal bids by written requests to prospective vendors, or by telephone, or by public notice posted on a public bulletin board at the Authority offices. The Executive Officer will keep a written record of all open market purchases and informal bids for a period of two years. This record, while so kept, is open to public inspection.

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.

3.02.140. REGULATIONS REGARDING SELECTION OF CONTRACT SERVICES.

The Executive Officer will, by resolution, prescribe procedures, rules, and regulations, governing the solicitation, selection and award of proposals or bids for the furnishing of personal services or professional or consulting services or for other contractual services, the contracts for which may be awarded without observing the bidding procedures provided for in this chapter. Such procedures, rules and regulations have as one purpose: the obtaining of contractual services of the highest quality together with cost effectiveness.

Article 3.03. PUBLIC WORKS CONTRACTS

3.03.010. PROCEDURE-TYPE DESIGNATED FOR CERTAIN PURCHASES.

Public projects of less than \$25,000.00 may be let to contract by informal bidding procedures. All other public projects with a value greater than \$25,000.00 will, in all instances, be let to contract by formal bidding procedure.

3.03.020. PROCEDURE-INFORMAL.

(a) The notice inviting informal bids will be by published notice and may, in addition, be supplemented by mailed notice and noticing on the Authority website. The Executive Officer may cause the notice to be printed as display advertising in such form and style as the Executive Officer deems appropriate. The notice will describe in general terms the project to be done and state the closing date for submission of such informal bids. Publication of notice pursuant to this section will be in a newspaper of general circulation printed and published within the jurisdiction of the Authority. Notice will be published in accordance with Section 6061 of the Government Code and will be completed at least twenty-four hours before the time scheduled for opening of the bids.

(b) In addition to notice published in a newspaper of general circulation, or mailed, pursuant to this section, the Executive Officer may also publish notice inviting bids in a trade publication.

(c) Bids will be opened, examined, and declared by the Executive Officer at a public meeting called by the Executive Officer in accordance with the notice inviting bids. The results of the bidding will be reported to the Authority Board at the next regular meeting after said bid opening.

3.03.030. PROCEUDRE-FORMAL.

(a) The notices inviting formal bids will state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done. The first publication or posting of the notice will be at least ten days before the date of opening the bids. Notice will be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the Authority. The newspaper notice will include a description of the equipment or services to be purchased, will state where bid blanks and specifications may be secured, and the time and place for opening bids. In addition, the Executive Officer may also publish notice inviting bids in a trade publication.

(b) When deemed necessary by the Board, bid deposits will be described in the public notices inviting bids. Unsuccessful bidders are entitled to the return of each required security.

(c) Bids must be submitted sealed to the Executive Officer and identified as bids on the envelope. Bids will be opened, examined, and declared by the Executive Officer at a public meeting called by the Executive Officer in accordance with the notice inviting bids. A tabulation of all bids received will be provided to all bidders.

(d) The results of the bidding will be reported to the Authority Board at the next regular meeting after said bid opening.

(e) The Board has the authority to reject all bids, or parts of all bids for any one or more components included in the proposed contract, when the public interest will be served thereby.

(f) The Board has the authority to award contracts within the purview of this Master Resolution. Contracts will be awarded to the lowest responsible bidder, with the exception of professional services only. In determining the lowest responsible bidder, the following may be considered, in addition to price if such factors are included in the bid specifications:

- (1) The quality of the work or construction offered;
- (2) The ability, capacity, and skill of the bidder to perform the contract;
- (3) Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
- (4) The sufficiency of the bidder's financial resources and the effect thereof on the bidder's ability to perform the contract;
- (5) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (6) The quality of bidder's performance on previous contracts for the Authority;
- (7) Litigation by the bidder on previous contracts with the Authority;
- (8) The previous and existing compliance by the bidder with laws and ordinances relating to the subject of the contract;
- (9) The ability of the bidder to provide future maintenance and service where such maintenance and service is essential.

(g) When the award is not given to the lowest bidder, a full and complete statement of the reasons therefore will be prepared by the Executive Officer and filed with the other papers related to the award of the contract.

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.

3.03.050. REJECTION OF BIDS.

In its discretion, the Authority Board may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after re-evaluating its cost estimates of the project, the Authority Board may abandon the project or re-advertise for bids in the manner prescribed by this Article. If, after re-advertising, the Authority Board rejects all bids presented, the Authority Board may proceed with the project by use of Authority personnel or may re-advertise. If two or more bids are the same and the lowest, the Authority Board may accept the one it chooses, subject to the limitations contained in Section 3.02.040. If no bids are received, the Authority Board may have the project done without further complying with this chapter.

3.03.060. LOWER NEGOTIATED PRICE OR PERFORMANCE BY AUTHORITY PERSONNEL.

Notwithstanding the provisions of Section 3.02.050, if after the first invitation for bids, all bids are rejected, the Authority Board may, after re-evaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its Board declaring that the project can be performed more economically by Authority personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price than that in any of the bids. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this chapter.

3.03.070. PLANS AND SPECIFICATIONS.

The Authority Board adopts plans, specifications, and working details for all public projects the expenditure for which exceeds \$25,000. Such plans, specifications, and working details may be approved at the time the notice is authorized or at the time the Authority Board approves a contract.

3.03.080. (Reserved)

3.03.090. PREVAILING WAGES.

(a) Not less than the general prevailing rate of wages for work of a similar character in Monterey County, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code, will be paid to all workers employed on the First Generation Construction performed on parcels subject to the Fort Ord Base Reuse Plan. This subsection applies to work performed under Development Entitlements as defined in §1.01.050 of this Master Resolution and by contract with a FORA member or a FORA member agency including their transferees, agents, successors-in-interest, developers or building contractors.

This policy is limited to “First Generation Construction” work, which is defined in §1.01.050 of this Master Resolution. In addition to the exceptions enumerated in the definition of Development Entitlements found in §1.01.050 of this Master Resolution, this policy does not apply to:

- (1) construction work performed by the Authority or a member jurisdiction with its own workforce;
- (2) construction work performed by paid, full-time employees of the developer, unless the developer is performing the work of a contractor as defined in California Business and Professions Code §7026;
- (3) construction improvements following issuance of an occupancy permit;
- (4) affordable housing when exempted under California state law; and
- (5) construction of facilities to be used for eleemosynary non-commercial purposes when owned in fee by a non-profit

organization operating under §501(c)(3) of the Internal Revenue Code.

(b) Member agencies must include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to give notice of and assure compliance with the policy set forth above in subsection 3.03.090(a).

(c) FORA determines compliance by member agencies with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.

3.03.100 DEVELOPERS OF PROPERTY PURSUANT TO AGREEMENTS WITH FORA. [Section repealed 3/9/07 by Resolution #07-4]

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.

**Chapter 4. DISPOSAL OF AUTHORITY PROPERTY
(reserved)**

Chapter 5. FINANCES AND CLAIMS

Article 5.01. CLAIMS AGAINST THE AUTHORITY.

5.01.010. FILING REQUIREMENT.

All claims against the Authority must be filed with the Clerk to the Authority. The Clerk to the Authority Board will transmit copies of all such claims to the Executive Officer. For the purpose of this Article, the term "Executive Officer" means a person designated by the Executive Officer, including the Executive Officer, and such person may include a contractor of the Authority who performs risk management or claims adjustment duties for the Authority.

5.01.020. PROCESSING OF CLAIMS AGAINST THE AUTHORITY.

(a) The Executive Officer will evaluate the sufficiency and form of all claims against the Authority and give notices relative to any deficiency of such claims to the claimant. The Executive Officer will have all such claims investigated and will prepare an investigative report and a recommendation relating to each such claim. The Executive Officer, with the concurrence of the Authority Counsel, may approve for payment any claim within the jurisdictional limits of a municipal court in the State of California, deny any claim amounting to \$50,000 or less, or compromise any claim in an

amount less than the jurisdictional limits of a municipal court in the State of California. The Executive Officer is responsible for immediately notifying the claimant of such decision and expediting payment of any claim, which has been approved or compromised.

(b) For all claims not disposed of pursuant to Subsection (a) or of this section, the Authority Counsel will prepare and submit, as soon as practicable, a report to the Authority Board either in open session or in closed session, at the Authority Counsel's election, together with a recommendation that such claim be approved, compromised, or denied. The Authority Counsel will advise the Executive Officer of the Board's decision in the matter. The Executive Officer will thereupon notify the claimant, in writing, of the decision and expedite payment of any claim, which has been approved or compromised.

(c) Notwithstanding the above provisions, the Executive Officer will notify and send copies of all claims which are determined by the Executive Officer to be covered by insurance to the insurance carrier which provides coverage to the Authority, and is the Authority liaison with such carriers for the purpose of any claim involvement.

(d) In order to protect the best interest of the Authority and the officers, employees, and agents of the Authority with regard to the investigation, defense, or adjustment of applicable claims incurred against the Authority or its officers, employees, and agents, the Executive Officer and the Authority Counsel are directed to establish and maintain necessary administrative procedures and incident report forms to ensure the confidential coordination of case facts and related information. The procedures and forms will ensure reasonable use of the principle of privileged client-attorney communication for confidentiality in the defense or adjustment of all claims as provided by law.

(e) The legal defense of claims filed against the Authority, which are not covered by insurance, is the responsibility of the Authority Counsel or a legal firm or firms designated by the Authority Board. Authorized legal defense costs in conjunction with the defense of such claims are paid from appropriate Authority funds as designated by the Authority Board from time to time.

5.01.030. PROCEDURE FOR COLLECTION, COMPROMISE, AND WRITE-OFF OF CLAIMS OF THE AUTHORITY AGAINST OTHERS.

(a) Claims of the Authority against other persons or entities will be handled according to the procedures designated in this section.

(b) The Executive Officer is authorized to pursue collection of any claims of the Authority against others. The Executive Officer may, in furtherance of such claims collection, accept a promissory note to repay the claim over a period of time, file a small claims court action to secure a judgment when the amount of the claim does not exceed the small claims court jurisdictional limit, or assign the claim, promissory note, or judgment to a collection agency. When the Executive Officer determines it is in the best interest of the Authority to do so, considering the cost of collection and the merits of the claim, the Executive Officer may:

- (1) Accept a compromise settlement and write-off the balance of the claim as uncollectible, where the amount of the write-off does not exceed the small claims court jurisdictional limit;
- (2) File an action in small claims court and write-off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed the small claims court jurisdictional limit, or
- (3) Write off the claim in full where the amount of the write-off does not exceed the small claims court jurisdictional limit.

(c) Any claim, which cannot be collected in full or disposed of in accordance with this subsection, will be sent to Authority Counsel for collection.

(d) The Authority Counsel will pursue collection and may, in furtherance of such collection, accept a promissory note to repay the claim over a period of time, file an action in the appropriate court to secure a judgment, or assign the claim, promissory note, or judgment to a collection agency. When the Authority Counsel determines it is in the best interest of the Authority to do so, considering the cost of collection and the merits of the claim, the Authority Counsel may:

- (1) Authorize the Executive Officer to accept a compromise settlement and write off the balance of the claim as uncollectible where the amount of the write-off does not exceed the municipal court jurisdictional limit; or
- (2) Authorize the Executive Officer to file an action in small claims court and write off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed the municipal court jurisdictional limit; or
- (3) Authorize the Controller to write off the claim in full where the amount of the write-off does not exceed the municipal court jurisdictional limit.

(e) When the Authority Counsel determines it is in the best interest of the Authority to accept a compromise settlement of the claim and write off the balance as uncollectible, or to write off the claim in full as uncollectible, the Authority Counsel will submit the matter to the Authority Board for approval where the amount of the write-off exceeds the municipal court jurisdictional limit.

Chapter 6. AUTHORITY FEE REGULATIONS

Article 6.01. GENERAL

6.01.010. ESTABLISHMENT OF FEE REGULATIONS.

Except as otherwise provided in this Master Resolution, all fees, penalties, refunds, reimbursements, and charges of any kind collected by the Authority may be adopted by resolution or may be designated in this chapter of the Master Resolution, as amended by the Authority Board from time to time. Whenever applicable throughout the Master Resolution, reference may be made to this chapter in lieu of any reference to specific fee amounts.

Chapter 7. PUBLIC WORKS (reserved)

Chapter 8. BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS

Article 8.01 GENERAL PROVISIONS

8.01.010. REUSE PLAN.

(a) The Authority Board shall prepare, adopt, review, revise from time to time, and maintain a Reuse Plan for the use and development of the territory within the jurisdiction of the Authority. Such plan shall contain the elements mandated pursuant to the Authority Act and such other elements, policies, and programs as the Authority Board may, in its sole discretion, consider and adopt.

(b) The Reuse Plan, including all elements, policies and programs adopted in conjunction with the Reuse Plan, and any amendments thereto, shall be the official and controlling plan for the reuse of the Fort Ord Territory for the purposes specified or inferred in the Authority Act.

(c) All general and specific plans, redevelopment plans, and all other community and local plans regardless of title or description, and any amendments thereto, and all policies and programs relating to the land use or the construction, installation, or maintenance of capital improvements or public works within the Fort Ord Territory, shall be consistent with the Reuse Plan of the Authority and the plans and policies of the Authority, including the Master Resolution. The Authority shall make a determination of consistency as provided pursuant to the provisions of the Authority Act and, after the effective date hereof, this chapter.

(d) A revision or other change to the Reuse Plan which only affects Fort Ord Territory and only one of the member agencies may only be adopted by the Authority Board if one of the following conditions is satisfied:

- (1) The revision or other change was initiated by resolution adopted by the legislative body of the affected land use

agency and approved by at least a majority affirmative vote of the Authority Board; or

- (2) The revision or other change was initiated by the Authority Board or any entity other than the affected land use agency and approved by at least a two-thirds affirmative vote of the Authority Board.

(e) All property transferred from the federal government to any user or purchaser, whether public or private, shall only be used in a manner consistent with the Reuse Plan, with the following exceptions:

- (1) Property transferred to California State University or the University of California and such property is used for educationally related or research oriented purposes; or
- (2) Property transferred to the California State Parks and Recreation Department.

(f) No land use agency or any local agency shall permit, approve, or otherwise allow any development or other change of use, or approve any development entitlement, for property within the territory of the Authority that is not consistent with the Reuse Plan.

(g) No land use agency shall issue, approve, or otherwise allow any building permit until all applicable permits, development entitlements, and approvals required under law have been approved, including, but not limited to, the approvals and permits described and enumerated in Section 3.7 of the Final Environmental Impact Report for the Reuse Plan.

(h) The Reuse Plan shall be reviewed periodically at the discretion of the Authority Board. The Authority Board shall perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord Territory or by January 1, 2013, whichever event occurs first. No more than 6000 new dwelling units shall be permitted on the Fort Ord Territory until such reassessment, review, and consideration of the Reuse Plan has been prepared, reviewed, and adopted pursuant to the provisions of the Authority Act, the Master Resolution, and all applicable environmental laws. No development shall be approved by FORA or any land use agency or local agency after the time specified in this subsection unless and until the water supplies, wastewater disposal, road capacity, and the infrastructure to supply these resources to serve such development have been identified, evaluated, assessed, and a plan for mitigation has been adopted as required by CEQA, the Authority Act, the Master Resolution, and all applicable environmental laws.

(i) The failure of any persons or entity to receive notice given pursuant to this chapter shall not constitute grounds for any court to invalidate the action

on any legislative act or development entitlement pursuant to this chapter for which required notice was given.

(j) The Authority shall record a notice on all property in the Fort Ord Territory advising all current and future owners of property of the existence of the Reuse Plan and that development of such property shall be limited by the Reuse Plan, the policies and programs of the Authority, including the Master Resolution, and/or the constraints on development identified in the Reuse Plan, including lack of available water supply, wastewater and solid waste disposal capacity, and inadequate transportation and other services and infrastructure.

(k) In the event the Authority receives, purchases, or acquires, by any means, fee interest title to property within the Fort Ord Territory, the Authority shall record a covenant running with the land advising all future owners of such property that development and use of the property is subject to the Reuse Plan and that development of such property shall be limited by the Reuse Plan, the policies and programs of the Authority, including the Master Resolution, and/or constraints on development identified in the Reuse Plan, including lack of available water supply, wastewater and solid waste disposal capacity, and inadequate transportation and other services and infrastructure.

8.01.020. PROCEDURES FOR CONSISTENCY DETERMINATIONS FOR LEGISLATIVE LAND USE DECISIONS.

(a) Each land use agency shall submit all legislative land use decisions affecting property in the territory of the Authority to the Executive Officer for review and processing.

(b) All submissions regarding a legislative land use decision shall include:

- (1) A complete copy of the legislative land use decision, including related or applicable text, maps, graphics, and studies;
- (2) A copy of the resolution or ordinance of the legislative body approving the legislative land use decision, adopted at the conclusion of a noticed hearing certifying that the portion of a legislative land use decision applicable to the Fort Ord Territory is intended to be carried out in a manner fully in conformity with the Reuse Plan and the Authority Act;
- (3) A copy of all staff reports and materials presented or made available to the legislative body approving the legislative decision, or any advisory agency relating to the legislative land use decision;
- (4) A copy of the completed environmental assessment related to the legislative land use decision;
- (5) A statement of findings and evidence supporting the findings that the legislative land use decision is

consistent with the Reuse Plan, the Authority's plans and policies, including the Master Resolution, and is otherwise consistent with the Authority Act; and

- (6) Such other materials as the Executive Officer deems necessary or appropriate and which have been identified within 15 days of the receipt of the items described in subsection (b) of this Section.

(c) Within ninety (90) days of the receipt of all of the items described in subsection (b) above, or from the date the Executive Officer accepts the submission as complete, whichever event occurs first, the Authority Board shall conduct a noticed public hearing, calendared and noticed by the Executive Officer, to certify or refuse to certify, in whole or in part, the portion of the legislative land use decision applicable to Fort Ord Territory. The Authority Board shall adopt a resolution making findings in support of its decision, such decision shall be rendered within the time frame described in this section, and such decision shall be final. In the event the Authority Board fails, within the time frames described in this section, to conduct a public hearing or take action on determining whether the land use decision is consistent with the Plan and the Authority Act, the land use agency may file, upon ten days notice, a request with the Executive Officer to have the matter placed on the next Board agenda for a noticed public hearing to take action to consider the consistency finding and the Board shall take action at such noticed public hearing and such decision shall be final.

(d) In the event the Authority Board finds, on the basis of substantial evidence supported on the record, that the legislative act is consistent with the Reuse Plan and this chapter, the Authority Board shall certify the legislative act pursuant to the provisions of the Authority Act.

(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified. In the event the affected land use agency elects to meet the Authority Board's refusal or certification in a manner other than as suggested by the Authority Board, the legislative body of the affected land use agency shall resubmit its legislative land use decision to the Executive Officer and follow the procedures contained in this Section.

(f) No legislative land use decision shall be deemed final and complete, nor shall any land use entitlement be issued for property affected otherwise permitted by such legislative land use decision unless it has been certified pursuant to the procedures described in this section.

(g) The Authority Board may only refuse to certify zoning ordinances, zoning district maps, or other legislative land use decision on the grounds that such actions do not conform with, or are inadequate to carry out, the provisions of the general plan, certified as consistent with the Reuse Plan pursuant to the provisions of this Section, applicable to the affected property.

(h) Nothing in this Section or in this Chapter shall apply to be or construed as adversely affecting any consistency determination previously obtained by a land use agency and certified by the Authority Board pursuant to the Authority Act.

8.01.030. REVIEW OF DEVELOPMENT ENTITLEMENTS.

(a) After the portion of a general plan applicable to Fort Ord Territory has become effective, development review authority within such portion of territory shall be exercised by the land use agency with jurisdiction lying within the area to which the general plan applies. Each land use agency may issue or deny, or conditionally issue, development entitlements within their respective jurisdictions so long as the land use agency has a general plan certified pursuant to Section 8.01.020 and the decisions issuing, denying, or conditionally issuing development entitlements are consistent with the adopted and certified general plan, the Reuse Plan, and is in compliance with CEQA and all other applicable laws.

(b) All decisions on development entitlements of a land use agency affecting property within the territory of the Authority may be reviewed by the Authority Board on its own initiative, or may be appealed to the Authority Board, subject to the procedures specified in this Section. No development entitlement shall be deemed final and complete until the appeal and review procedures specified in this Section and Sections 8.01.040 and 8.01.050 of this Chapter have been exhausted.

(c) The land use agency approving a development entitlement within the jurisdiction of the Authority shall provide notice of approval or conditional approval to the Executive Officer. Notice of approval or conditional approval of a development entitlement shall include:

- (1) A complete copy of the approved development entitlement, including related or applicable text, maps, graphics, and studies.
- (2) A copy of all staff reports and materials presented or made available to any hearing body that reviewed the development entitlement.
- (3) A copy of the completed environmental assessment related to the development entitlement.

8.01.040. REVIEW OF DEVELOPMENT ENTITLEMENTS BY INITIATIVE OF THE AUTHORITY BOARD.

Within 35 days of the receipt of all of the notice materials described in Subsection (c) of Section 8.01.030, the Authority Board, on its own initiative, may consider a resolution setting a hearing on a development entitlement affecting Fort Ord Territory. The Authority Board may continue the matter of setting a hearing once for any

reason. In the event the Authority Board does not act to set the matter for hearing within the 35 day time period or at the continued meeting, whichever event is last, the decision of the land use agency approving the development entitlement shall be deemed final and shall not be subject to review by the Authority Board pursuant to this Section. Nothing in this section shall be construed as abrogating any rights that any person may have to appeal development entitlements to the Authority Board pursuant to Section 8.01.050. In the event the Authority Board sets the matter for hearing, such hearing shall commence at the first regular meeting of the Authority Board following the date the Authority Board passed its resolution setting the matter for hearing or at a special hearing date prior to such regular meeting. The Authority Board may continue the matter once. In the event the Authority Board fails to take action on the development entitlement within such time period, the development entitlement shall be deemed approved.

8.01.050. REVIEW OF DEVELOPMENT ENTITLEMENTS BY APPEAL TO AUTHORITY BOARD.

(a) Within 10 days of a land use agency approving a development entitlement, any person aggrieved by that approval and who participated either orally or in writing, in that agency's hearing on the matter, may file a written appeal of such approval with the Executive Officer, specifically setting forth the grounds for the appeal, which shall be limited to issues raised at the hearing before the land use agency. The person filing the appeal shall pay a filing fee in an amount equal to the average of the planning decision fees established by the nine member agencies of the Authority's Board, omitting the highest and the lowest fee, not to exceed the Authority's reasonable cost to prepare the appeal. The appeal fee shall be waived for an appellant who signs a declaration under penalty of perjury that she/he qualifies as very low income under low income eligibility standards set by the U.S. Department of Housing and Urban Development. The Authority Board must conduct a public hearing on the appeal within 60 days.

(b) At the time and place noticed by the Executive Officer, the Authority Board will conduct a hearing on the development entitlement. The Authority Board may continue the matter once for any reason.

(c) Said continued hearing must be rescheduled to a date that is not later than 35 days from the date of the initial hearing date. In the event the Authority Board determines the development entitlement is not consistent with the Reuse Plan, the development shall be denied and the Authority Board's decision shall be final. In the event the Authority Board determines the development entitlement is consistent with the Reuse Plan, the Authority Board shall approve the development entitlement.

8.01.060. SUPERCESSION.

In the event of a conflict or inconsistency between this Chapter of the Master Resolution and the Reuse Plan, the Development and Resource Plan, and other adopted FORA policies and procedures in regards to legislative land use decisions and/or development entitlements affecting lands within the affected territory, the provisions of this Chapter shall govern.

8.01.070. FORA AS RESPONSIBLE AGENCY UNDER CEQA.

In taking action on all legislative land decisions and for review of all development entitlements, the Authority Board shall act as a responsible agency under CEQA.

8.01.080. ADMINISTRATIVE APPEALS.

Any administrative decision made by the Executive Officer may be appealed to the Authority Board within 15 days by completing and filing a notice of appeal at the Office of the Executive Officer.

Article 8.02. CONSISTENCY DETERMINATION CRITERIA

8.02.010. LEGISLATIVE LAND USE DECISION CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that

- (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;
- (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory;
- (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;
- (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.

(b) FORA shall not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased.

(c) The Authority Board, in its discretion, may find a legislative land use decision is in substantial compliance with the Reuse Plan when the Authority Board finds that the applicant land use agency has demonstrated compliance with the provisions specified in this section and Section 8.020.020 of this Master Resolution.

8.02.020. SPECIFIC PROGRAMS AND MITIGATION MEASURES FOR INCLUSION IN LEGISLATIVE LAND USE DECISIONS.

(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord Territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.

- (1) Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.
- (2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.

(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.

(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.

(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.

(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.

(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.

(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.

(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.

(i) Each land use agency shall adopt the following policies and programs:

- (1) A solid waste reduction and recycling program applicable to Fort Ord Territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 *et seq.*
- (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and
- (3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.

(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:

- (1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development;
- (2) Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;
- (3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.
- (4) Active participation in support of the development of “reclaimed” or “recycled” water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.
- (5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.
- (6) Adoption of policies and programs consistent with the Authority’s Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.
- (7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.
- (8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.
- (9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including; dual plumbing using non-potable water for appropriate

functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.

(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:

- (1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.
- (2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.

(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord Territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.

(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control ("DTSC") to control and restrict excavation or any soil movement on those parcels of the Fort Ord Territory, which were contaminated with unexploded ordnance, and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.

(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the

Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:

- (1) Establishment and provision of a dedicated funding mechanism to pay for the “fair share” of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and
- (2) Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord Territory.

(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:

- (1) Preparation and adoption of policies and programs consistent with the Authority’s Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities:
- (2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and
- (3) Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.

(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.

(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord Territory.

(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which could result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.

- (1) Agencies submitting consistency determination requests to FORA should identify and describe, where applicable, any factors that impact production of housing. These factors may include, without limitation, public financing, water resources, land use regulations, and environmental conditions. Each jurisdiction should consider but not be limited to, the following in establishing its Reuse Plan jobs/housing balance policies and programs:
 - (a) Earmarking of tax increment housing set aside funds for housing programs, production, and/or preservation linked to jobs;
 - (b) Development and/or preservation of ownership or rental housing linked to jobs;
 - (c) Incorporation of job creation targets in project specifications;
 - (d) Linkage of existing housing resources with jobs created;
 - (e) Development of agreements with such jurisdictions for Reuse Plan-enhancing job creation or housing programs, production, and/or preservation; and
 - (f) Granting of incentives to increase additional below-market housing productions to meet job creation needs.
- (2) As a reference and guide for determining income limits and housing affordability levels, each land use agency should use measures established by the U.S.

Department of Housing and Urban Development, the California Department of Housing and Community Development, and/or the Association of Monterey Bay Area Governments when determining compliance for very low, low, median, moderate affordability and comparable affordability factors for below-market housing up to 180% of median as approved as FORA policy guidelines at the January 9, 2004 FORA Board meeting.

8.02.030. DEVELOPMENT ENTITLEMENT CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that:

- (1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;
- (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;
- (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority.
- (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision.
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.
- (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.

- (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

8.02.040. ADOPTION OF REQUIRED PROGRAMS.

No development entitlement shall be approved or conditionally approved within the jurisdiction of any land use agency until the land use agency has taken appropriate action, in the discretion of the land use agency, to adopt the programs specified in the Reuse Plan, the Habitat Management Plan, the Development and Resource Management Plan, the Reuse Plan Environmental Impact Report Mitigation and Monitoring Plan and this Master Resolution applicable to such development entitlement.

Article 8.03. ENVIRONMENTAL QUALITY

8.03.010. ENVIRONMENTAL QUALITY AND PURPOSE.

The purposes of this Article are to provide guidelines for the study of proposed activities and the effect that such activities would have on the environment in accordance with the requirements of the California Environmental Quality Act (“CEQA”).

8.03.020. DEFINITIONS.

Except as otherwise defined in this section, words and phrases used in this Article shall have the same meaning given them by Chapter 2.5 of the California Environmental Quality Act and by Article 20 of the State CEQA Guidelines.

8.03.030. STATE CEQA GUIDELINES ADOPTED.

The Authority hereby adopts the State CEQA Guidelines (“Guidelines”) as set forth in Title 14, Section 15000 *et seq.* of the California Administrative Code and as may be amended from time to time. This adoption shall not be construed so as to limit the Authority’s ability or authority to adopt additional implementing procedures in accordance with Section 15022 of such Guidelines, or to adopt other legislative enactments the Board may deem necessary or convenient for the protection of the environment.

8.03.040. EXECUTIVE OFFICER’S RESPONSIBILITY.

- (a) The Executive Officer shall, consistent with FORA obligations:
 - (1) Generate and keep a list of exempt projects and report such list to the Board.
 - (2) Conduct initial studies.
 - (3) Prepare negative declarations.
 - (4) Prepare draft and final environmental impact reports.
 - (5) Consult with and obtain comments from other public agencies and members of the public with regard to the environmental effect of projects, including “scoping” meetings when deemed necessary or advisable.

- (6) Assure adequate opportunity and time for public review and comment on a draft environmental impact report or negative declaration.
- (7) Evaluate the adequacy of an environmental impact report or negative declaration and make appropriate recommendations to the Board.
- (8) Submit the final appropriate environmental document to the Board who will approve or disapprove a project. The Board has the authority to certify the adequacy of the environmental document.
- (9) File documents required or authorized by CEQA and the State Guidelines.
- (10) Collect fees and charges necessary for the implementation of this Article in amounts as may be specified by the Board by resolution and as may be amended from time to time.
- (11) Formulate rules and regulations as the Executive Officer may determine are necessary or desirable to further the purposes of this Article.

8.03.050. COMPLETION DEADLINES.

(a) Time limits for completion of the various phases of the environmental review process shall be consistent with CEQA and Guidelines and those time limits are incorporated in this Article by reference. Reasonable extensions to these time limits shall be allowed upon consent by any applicant.

(b) Time limits set forth in this section shall not apply to legislative actions.

(c) Any time limits set forth in this section shall be suspended during an administrative appeal.

8.03.060. PUBLIC NOTICE OF ENVIRONMENTAL DECISION.

(a) Notice of the decision of whether to prepare an environmental impact report, negative declaration, or declare a project exempt shall be available for public review at the Office of the Executive Officer. Notices of decisions shall be provided in a manner consistent with CEQA and the Guidelines.

(b) Notice that the Authority proposes to adopt a negative declaration shall be provided to the public at least ten (10) days prior to the date of the meeting at which consideration of adoption of the negative declaration shall be given.

(c) Notice of decisions to prepare an environmental impact report, negative declaration, or project exemption shall be given to all organizations and individuals who have previously requested such notice. Notice shall also be given by publication one time in a newspaper of general circulation in Monterey County.

8.03.070. APPEAL OF ENVIRONMENTAL DECISION.

(a) Within fifteen (15) days after the Executive Officer provides notice of a decision, any interested person may appeal the decision to the Board by completing and filing a notice of appeal at the Office of the Executive Officer.

(b) The appellant shall pay a fee in the amount as specified in Section 8.01.050(a) of this Resolution.

(c) The Board shall hear all appeals of decisions on any environmental issue. The hearing shall be limited to considerations of the environmental or procedural issues raised by the appellant in the written notice of appeal. The decision of the Executive Officer shall be presumed correct and the burden of proof shall be on the appellant to establish otherwise. The Board may uphold or reverse the environmental decision, or remand the decision back to the Executive Officer if substantial evidence of procedural or significant new environmental issues is presented.

(d) The decision of the Board will be final.

8.03.080. CONFLICT DETERMINATIONS.

This Article establishes procedural guidelines for the evaluation of the environmental factors concerning activities within the jurisdiction of the Authority and in accordance with State Guidelines. Where conflicts exist between this Article and State Guidelines, the State Guidelines shall prevail except where this Article is more restrictive.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: June 21, 2013

Agenda Number: 11b

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of May 31, 2013.

BACKGROUND/DISCUSSION:

There remains one outstanding receivable as noted below. The Late Fee policy adopted by the FORA Board requires receivables older than 90 days be reported to the Board.

	Item Description	Amount Owed	Amount Paid	Amount Outstanding
City of Del Rey Oaks	PLL Loan Payment 09-10	182,874	-	182,874
	PLL Loan Payment 10-11	256,023	-	256,023
	PLL Loan Payment 11-12	256,023	-	256,023
	<i>DRO Total</i>			694,920

City of Del Rey Oaks (DRO)

- PLL insurance annual payments: In 2009, DRO cancelled agreement with its project developer who made PLL loan payments. The FORA Board approved a payment plan for DRO and the interim use of FORA funds to pay the premium until DRO finds a new developer (who will be required by the City to bring the PLL Insurance coverage current). DRO agreed to make interest payments on the balance owed until this obligation is repaid, and they remain current.

Payment status: First Vice Chair/Mayor Edelen has informed both the Board and Executive Committee that DRO selected a new development partner who has agreed to meet this obligation once legal issues are resolved with the past firm. The remaining obligation is expected to be repaid this calendar year.

FISCAL IMPACT:

FORA must expend resources or borrow funds until receivables are collected. The majority of FORA revenues come from member/jurisdiction/agencies and developers. FORA's ability to conduct business and finance its capital obligations depends on a timely collection of these revenues.

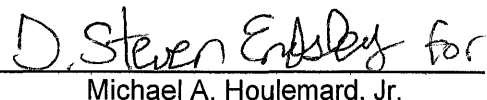
COORDINATION:

Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update

Meeting Date: June 21, 2013

Agenda Number: 11c

INFORMATION

RECOMMENDATION(S):

Receive a Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("2081 permit") preparation process status report.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA"), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2014, concluding with US Fish and Wildlife Service ("USFWS") and California Department of Fish and Wildlife ("CDFW") (formerly known as California Department of Fish and Game) issuing federal and state permits.

Most recently, FORA received comments on the Administrative Draft HCP from USFWS in July 2012 and CDFW staff in August 2012, and held in-person meetings on October 30 and 31, 2012 to discuss specific comments; however, a legal review by these wildlife agencies is not yet complete and several policy-level issues must be resolved between CDFW and BLM, CDFW and State Parks/UC before a public review draft can be issued. **Update:** After meeting with CDFW Chief Deputy Director Kevin Hunting on January 30, 2013, FORA was told that CDFW and BLM issues require a Memorandum of Understanding ("MOU") between CDFW and BLM, outlining certain assurances between the parties, resulting in an estimated additional timeframe of six months. Also, according to CDFW, final approval of an endowment holder no longer rests with CDFW (due to passage of SB 1094 [Kehoe]), which delineates specified rules for wildlife endowments. However, CDFW must review the anticipated payout rate of the HCP endowment holder to verify if the assumptions are feasible. CDFW has outlined a process for FORA and the other permit applicants that expedites compliance with endowment funding requirements. FORA has engaged Economic and Planning Systems ("EPS") to help in this process. Other policy issues and completion of the screencheck draft HCP should be completed in less than six months. If the current schedule is maintained, FORA staff expects a Public Draft HCP available for public review in November 2013. The current HCP schedule is included as Attachment A. The FORA Administrative Committee will be reviewing draft HCP agreements and policies/ordinances in support of the HCP schedule.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Prepared by 
Jonathan Garcia

Approved by 
Michael A. Houlemard, Jr.

Table 1. (Continued)

Key: Document Preparation
 Meetings
 Review Periods
 Notice prep/publish
 Final Approval Steps

Status	2012												2013												2014											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
EIR/EIS																																				
1 Prepare 1st Admin Draft EIS/EIR	Done																																			
2 Review Period	█																																			
3 Prepare 2nd Admin Draft EIS/EIR	█																																			
4 Solicitor review	█																																			
5 Prepare Public Review EIS/EIR	█																																			
6 Prepare and publish Notice of Availability in Federal Register (see HCP-7 above)	█																																			
7 Prepare and publish CEQA Notice of Availability (1 - 2 months)	█																																			
8 Public/Agencies Review Period (90 days)	█																																			
9 Respond to public comments/Prepare 1st Admin Draft Final EIS/EIR	█																																			
10 Review Period	█																																			
11 Prepare Final Public Draft EIS/EIR - clear for publication	█																																			
12 Publish Notice of Final EIS, HCP and IA Availability in Federal Register - 30 day comment period	█																																			
13 Publish CEQA Notice of Determination - Permit Applicants - 30 day challenge period	█																																			
14 CEQA Notice of Determination--CDFG - 30 day challenge period	█																																			
15 See Approval Process steps	█																																			
16 Federal Prep and Pub of <i>Record of Decision (ROD)</i> - 30 day wait period	█																																			
17 See Approval Process steps	█																																			

Attachment A to Item 11c
 FORA Board Meeting, 6/21/13

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Travel Report	
Meeting Date: June 21, 2013 Agenda Number: 11d	INFORMATION/ACTION

RECOMMENDATION(S):

1. Receive an informational travel report from the Executive Officer.
2. Authorize \$8,000 increase in travel budget authority for FY 12-13.

BACKGROUND:

The Executive Officer regularly submits reports to the Executive Committee providing details of his travel requests, including those by the Fort Ord Reuse Authority ("FORA") staff and Board members. Travel expenses may be paid or reimbursed by FORA, outside agencies/ jurisdictions/ organizations, or a combination of these sources. The Executive Committee reviews and approves these requests, and the travel information is reported to the Board as an informational item.

Completed Travel

Destination: San Francisco, CA and Oakland, CA
Date: May 17, 2013
Purpose: Meeting with U.S. Environmental Protection Agency (EPA) and American Planning Association (APA) Awards Ceremony

The Fort Ord Base Reuse Plan Reassessment Report received the Best Practices Award of Merit from the Northern California Chapter of the APA. The Executive Committee approved Executive Officer Houlemard's travel to San Francisco to participate in meetings with U.S. EPA and to Oakland to attend the APA Awards Reception on behalf of FORA. This trip did not include overnight travel.

Destination: Sacramento, CA
Date: June 3, 2013
Purpose: California Central Coast Veterans Cemetery (CCCVC) meetings


Authority Counsel Jerry Bowden, Principal Analyst Robert Norris, and Senior Planner Jonathan Garcia traveled to Sacramento for the purpose of conducting follow-up meetings with the California Department of General Services (DGS), California Department of Veterans Affairs (CDVA), and Legislative representatives regarding the CCCVC. The trip included three meetings: 1) a meeting at CDVA to discuss Central Coast Veterans Cemetery Foundation's funding for the CCCVC, 2) a meeting at DGS to discuss items related to transfer of the CCCVC property, and 3) a meeting at DGS to discuss a draft FORA-State transfer agreement for the CCCVC.

Destination: Washington D.C.
Date: June 9-14, 2013
Purpose: 2013 Annual Federal Legislative Mission and Association of Defense Communities (ADC) National Summit

The Executive Committee approved the Annual FORA Federal Legislative Mission to be scheduled to coincide with the ADC National Summit in Washington, D.C. The FORA delegation consisted of Executive Officer Michael Houlemard, Assistant Executive Officer Steve Endsley, Principal Analyst Robert Norris, Chair Edelen, Supervisor Potter, and Mayor Rubio. The delegation met with the U.S. Department of Veterans Affairs, U.S. Fish and Wildlife, the Bureau of Land Management, U.S. Army BRAC, the Office of Economic Adjustment, Housing and Urban Development, and Congressman Sam Farr on a variety of issues. The trip itinerary is attached for Board review (**Attachment A**). As the trip will not be completed prior to the distribution of this report, staff plans to provide additional information at the June 21, 2013 Board meeting.

FISCAL IMPACT:

Reviewed by FORA Controller



The FY 12-13 mid-year budget reported a \$6K savings from the approved \$26K to \$20K in travel expenses; however, the travel budget needs to be increased to \$28,000 due to the following: a) in order to preserve monies for staff training, ADC conference fees (\$8K total for FY, previously charged to Training/Conferences) have been reclassified to Travel; b) to allow sufficient funding for the combined ADC/Legislative Mission trip. As specified in the trip description above, six FORA representatives attended this trip and the total cost (including ADC fees) is estimated at \$16K.

The increase in travel budget authority will not impact the FY 12-13 Supplies & Services budget as the funding will come from savings in other items in this expense category.

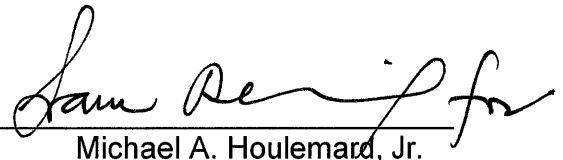
COORDINATION:

Executive Committee

Prepared by


Lena Spilman

Approved by


Michael A. Houlemard, Jr.



Fort Ord Reuse Authority 2013 Federal Legislative Mission & Association of Defense Communities National Summit

ITINERARY

SUNDAY, JUNE 9 - ARRIVAL

- **ARRIVAL** **CRYSTAL GATEWAY MARRIOTT**
1700 Jefferson Davis Highway, Arlington, VA 22202

MONDAY, JUNE 10 – LEGISLATIVE MISSION, DAY 1

- **8:30 A.M. – 10:30 A.M.** **KUTAK ROCK (BREAKFAST MEETING)**
Crystal Gateway Marriott

Attendees:

- Barry Steinberg,
- George Schlossberg

- **11:00 A.M. – 12:00 P.M.** **U.S. DEPARTMENT OF THE INTERIOR**
BUREAU OF LAND MANAGEMENT
1849 C Street, Washington D.C.

Subject: Potential opportunities for joint programmatic funding for Fort Ord National Monument access and trails.

Attendees:

- Carl Rountree, Director, National Landscape Conservation System

- **12:15 P.M. – 1:15 P.M.** **LUNCH**

- **1:30 P.M. – 2:30 P.M.** **U.S. DEPARTMENT OF VETERANS AFFAIRS**
Rayburn House Office Building (B-328 Rayburn)

Subject: California Central Coast Veterans Cemetery

Attendees:

- India McKinney, Office of Rep. Farr
- Bob Madden, Office of Congressional and Legislative Affairs
- George D. Eisenbach, Jr., Acting Director, Veterans Cemetery Grants Service
- Tom Paquelet, Project Manager, Veterans Cemetery Grants Service
- John Gardner, Program Specialist, Veterans Cemetery Grants Service
- Tom Howard, Program Analyst, National Cemetery Administration

- 3:00 P.M. – 4:00 P.M.

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF SUSTAINABLE HOUSING AND COMMUNITIES
451 7th Street, SW, Washington, D.C. at L'Enfant Plaza. Rm. 10180**

Subject: Potential grant funding opportunities under the Sustainable Communities Initiative.

Attendees:

- Naomi Friedman, Sustainable Communities Liaison and Grant Technical Representative
- Lynnette McRae, Grant Technical Representative
- Steve Cerny, Senior Policy Advisor and Grant Technical Representative.

TUESDAY, JUNE 11 – LEGISLATIVE MISSION, DAY 2

- 8:00 A.M. – 12:00 P.M.

OPEN TIME - INDIVIDUAL/JURISDICTIONAL MEETINGS

- 12:30 P.M. – 1:30 P.M.

**U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
4401 North Fairfax Drive, Arlington, VA 22203, Conf. Rm. 205**

Subject: Fort Ord Habitat Conservation Plan

Attendees:

- Rick Sayers, Division Chief
- Patrice Ashfield, Branch Chief of Consultation and Habitat Conservation Planning
- Trish Adama, HCP Coordinator (participating via telephone)

- 2:00 P.M. – 3:00 P.M.

**U.S. DEPARTMENT OF DEFENSE
OFFICE OF ECONOMIC ADJUSTMENT
2231 Crystal Drive, Suite 520, Arlington, VA, 22202**

Subject: Provide a status report on ESCA contract close-out and model munitions program and discuss future BRAC.

Attendees:

- Patrick O'Brien, Director, Office of Economic Adjustment

- 3:30 P.M. – 4:30 P.M.

**U.S. DEPARTMENT OF DEFENSE
U.S. ARMY BASE REALIGNMENT AND CLOSURE (BRAC)
2530 Crystal Drive, Arlington, VA 22202**

Subject:

- Status of the FORA recovery program and impact of anticipated initiatives on future reuse.
- Request for amendment of the Army/FORA EDC MOA to address water provision for the VA/DOD Clinic and USDVA funded cemetery.
- Update and summary of the Army/FORA ESCA for munitions removal.
- Update on plans for burn opportunities this year and Army/FORA coordination.

Attendees:

- Tom Lederle, Chief, Army BRAC Office
- Kristie Reimer, Associate Vice President, ARCADIS
- George Schlossberg, Kutak Rock

- 5:00 P.M. – 6:00 P.M.

CONGRESSMAN SAM FARR

1126 Longworth House Office Building, Washington, D.C. 20515

Subject: California Central Coast Veterans Cemetery transfer and federal grant, potential joint programmatic funding for Fort Ord National Monument access and trails.

Attendees:

- Congressman Sam Farr, California's 20th Congressional District
- Rochelle Dornatt, Chief of Staff to Congressman Farr

- 5:30 P.M. – 7:30 P.M.

ADC LEADERSHIP RECEPTION

300 New Jersey Avenue, NW, Washington, D.C. 20001

The reception will honor Defense Communities Caucus Co-Chairs Rep. Sam Farr and Rep. Lynn Jenkins.

- 8:00 P.M.

DINNER MEETING AT ARTICLE ONE

400 New Jersey Avenue NW, Washington, DC 20001

Attendees:

- Congressman Sam Farr, California's 20th Congressional District
- Rochelle Dornatt, Chief of Staff to Congressman Farr
- Kristie Reimer, Associate Vice President, ARCADIS

WEDNESDAY, JUNE 12 – ADC NATIONAL SUMMIT, DAY 1

- 7:00 A.M. – 9:00 A.M.

ADC CONFERENCE REGISTRATION & NETWORKING BREAKFAST

Crystal Gateway Marriott, Salon I & II

- 9:00 A.M. – 10:00 A.M.

ADC CONFERENCE OPENING KEYNOTE GENERAL SESSION

Crystal Gateway Marriott, Salon III & IV

Congressman Sam Farr will provide welcoming remarks.

- 10:30 A.M. – 12:00 P.M.

ADC SESSION – “Engaging Policy Makers, Engaging Communities”

Crystal Gateway Marriott, Location TBD

This session will focus on how to maximize outreach to the Department of Defense and congressional leaders to promote successful redevelopment and will be moderated by Linda Balcom, Senior Program Manager, LRA Communities, Weston Solutions, Inc. Michael Houlemard will appear on the panel to discuss the Fort Ord vision and engagement process.

- 12:00 P.M. – 1:30 P.M.

ADC CONFERENCE KEYNOTE LUNCH

Crystal Gateway Marriott, Salon III & IV

- 2:00 P.M. – 3:30 P.M.

ADC SESSION – “Role of EPA in Base Redevelopment”

Crystal Gateway Marriott, Salon F & G

EPA leaders will discuss their role in environmental remediation and the implications of environmental policy decisions for defense communities. This session will be moderated by Kristie Reimer and Michael Houlemard will appear on the panel.

- 3:45 P.M. – 5:00 P.M.

ADC SESSION - “Implementing Section 331: A Research Perspective”

Crystal Gateway Marriott, Salon F & G

The RAND Corporation is conducting a study to examine the potential value of public-to-public partnerships to Department of Defense installations, identify barriers to their cost-effective application in DoD, and recommend ways to

overcome these barriers. This talk presents some of the study's initial findings. This session will be moderated by City of Monterey Mayor Fred Meurer.

- 5:15 P.M. – 6:30 P.M. **ADC NETWORKING RECEPTION**
Location TBD

THURSDAY, JUNE 13 – ADC NATIONAL SUMMIT, DAY 2

- 8:00 A.M. – 9:00 A.M. **ADC CONGRESSIONAL BREAKFAST – AWARDS CEREMONY**
Cannon Caucus Room, Capitol Hill
- 9:30 A.M. – 11:30 A.M. **ADC KEYNOTE GENERAL SESSION**
“Installation, Energy, & Environment Assistant Secretaries Roundtable”
Crystal Gateway Marriott, Salon III & IV
- 11:30 A.M. – 12:30 P.M. **ADC SESSION – “What’s New in Property Transfers”**
Crystal Gateway Marriott, Location TBD
This session will explore current trends and tools in property transfers affecting all LRAs.
- 1:15 P.M. – 4:00 P.M. **ADC MOBILE WORKSHOP**
WALTER REED ARMY MEDICAL CENTER REDEVELOPMENT PROJECT
Crystal Gateway Marriott – Main Entrance

The workshop will feature a walking tour of the campus in which attendees will learn about the redevelopment plan, including the preservation of several historic buildings, the addition of mixed-use and mixed-income residential housing, over 14 acres of green space, support services for seniors and veterans, in addition to office, retail, medical and educational uses.

Workshop Leads:

- Martine Combal, Walter Reed Local Redevelopment Authority Director, Office of the Deputy Mayor for Planning and Economic Development, Washington, D.C.
 - Jason Cross, Project Manager, Walter Reed Local Redevelopment Authority, Washington, D.C.
- 6:00 P.M. – 9:00 P.M. **ADC CONFERENCE - MATRIX DESIGN GROUP RECEPTION**
Skydome - Doubletree, 300 Army Navy Drive Arlington, VA

FRIDAY, JUNE 14 – ADC NATIONAL SUMMIT, DAY 3 & DEPARTURE

- 7:30 A.M. – 8:15 A.M. **ADC MEMBERSHIP MEETING**
Crystal Gateway Marriott, Location TBD
- 8:30 A.M. – 10:30 A.M. **ADC KEYNOTE GENERAL SESSION**
“Defense Policy Town Hall: Shrinking Resources, Shifting Priorities”
Crystal Gateway Marriott, Salon III & IV
- 12:00 P.M. **ADC NATIONAL SUMMIT CLOSURES – DELEGATION DEPARTS**

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee Report

Meeting Date: June 21, 2013

Agenda Number: 11e

INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The approved May 1, May 8, and May 15, 2013 Administrative Committee minutes are attached for review (**Attachments A, B, and C**).

At their June 5th meeting, the Administrative Committee determined to meet on June 19th, prior to the Board meeting, to further review the FY 2013/14 Capital Improvement Program. Any resulting Board recommendations will be reported at the June 21st Board meeting.

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


Lena Spilman

Approved by

 for
Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 •

Attachment A to Item 11e
FORA Board Meeting, 06/21/13

ADMINISTRATIVE COMMITTEE MEETING 8:15 A.M. WEDNESDAY, MAY 1, 2013

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

MINUTES

APPROVED

1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:18 a.m. The following were present, as indicated by signatures on the roll sheet:

Daniel Dawson, City of Del Rey Oaks*
Carl Holm, County of Monterey*
Layne Long, City of Marina*
Diana Ingersoll, City of Seaside*
Elizabeth Caraker, City of Monterey*
Ray Corpuz, City of Salinas
Debby Platt, City of Marina
Tim O'Halloran, City of Seaside
Patrick Breen, MCWD
Kathleen Lee, Sup. Potter's Office

Vicki Nakamura, MPC
Anya Spear, CSUMB
Lyle Shurtleff, BRAC
Graham Bice, UCSC
Doug Yount
Bob Schaffer
Crisand Giles, BIA Bay Area
Scott Hilk, MCP
Sid Williams

FORA Staff:
Michael Houlemard
Steve Endsley
Jonathan Garcia
Crissy Maras

* Voting Members

2. PLEDGE OF ALLEGIANCE

Doug Yount led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Executive Officer Michael Houlemard briefly discussed the May 6, 2013 FORA Legislative Committee meeting and recent community efforts to gather signatures for two proposed initiatives.

4. PUBLIC COMMENT PERIOD

None

5. APPROVAL OF MEETING MINUTES

a. April 17, 2013 Administrative Committee Minutes

MOTION: Layne Long moved, seconded by Carl Holm, to approve the April 17, 2013 Administrative Committee minutes as presented.

MOTION PASSED: unanimous.

6. MAY 10, 2013 BOARD MEETING – AGENDA REVIEW

Mr. Houlemard led a review of items on the upcoming May 10, 2013 Board agenda.

7. OLD BUSINESS

a. Capital Improvement Program Phase II Study

i. Formula Calculation

ii. Sensitivity Analysis

EPS representatives David Zehnder and Ellen Martin joined the meeting via telephone to provide an overview of the Phase II CIP Review draft tables. Members of the development community voiced concerns regarding building removal and caretaker costs, additional expenses perceived to be "new," and a perceived duplication of operational costs within the tables.

MOTION: Graham Bice moved, seconded by Carl Holm, to recommend Board approval of the item, as presented (note: the result of the formula calculation presented by EPS shows that an across the board 23.6% fee reduction can be implemented), with the following direction to staff;

- 1) David Zehnder, Managing Principal for EPS, should present the item to the Board on May 10, 2013;
- 2) The Staff report should be amended to explain that the formula calculation is the result of Board policies and direction; and
- 3) Time should be allowed to conduct additional sensitivity analyses in FY 13-14 within the same schedule as Post-Reassessment Category IV considerations.

MOTION PASSED: unanimous.

8. NEW BUSINESS

a. Resource Conservation and Recovery Act (RCRA) Applicability to Former Fort Ord

Mr. Houlemard provided an overview of the item, noting that staff could assist jurisdictions in obtaining Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) "comfort letters" from the California Department of Toxic Substances Control for all properties transferred through FORA to certify that all RCRA requirements had been met. He explained that Special counsel Barry Steinberg could provide additional information during his visit in June.

9. ITEMS FROM MEMBERS

None

10. ADJOURNMENT

Chair Dawson adjourned the Administrative Committee meeting at 9:45 a.m.

Minutes Prepared by:

Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675

Attachment B to Item 11e
FORA Board Meeting, 06/21/13

SPECIAL ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, MAY 8, 2013
920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

MINUTES

APPROVED

1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:20 a.m. The following were present, as indicated by signatures on the roll sheet:

Carl Holm, County of Monterey*
Elizabeth Caraker, City of Monterey*
Layne Long, City of Marina*
Diana Ingersoll, City of Seaside*
Daniel Dawson, City of Del Rey Oaks*
Debby Platt, City of Marina
Tim O'Halloran, City of Seaside
Patrick Breen, MCWD
Andy Sterbenz, MCWD

Hunter Harvath, MST
Mike Zeller, TAMC
Graham Bice, UCSC
Vicki Nakamura, MPC
Bob Schaffer
Crisand Giles, BIA Bay Area
Scott Hilik, MCP
Kathleen Lee, Supervisor Potter

FORA Staff:
Steve Endsley
Jim Arnold
Crissy Maras

* Voting Members

2. PLEDGE OF ALLEGIANCE

Tim O'Halloran led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None

4. PUBLIC COMMENT PERIOD

None

5. NEW BUSINESS

a. Review Draft Tables for FY 2013-14 Capital Improvement Program

Assistant Executive Officer Steve Endsley noted that the FORA Board would be reviewing the draft tables at their May 10th meeting, and that staff would be providing a PowerPoint Presentation to introduce new Board members to the CIP and outline FORA's remaining obligations. This item will be presented in more of a workshop format with no action being requested by staff.

Committee members reviewed the tables and Senior Project Manager Jim Arnold provided an overview of the transportation projects and how they were placed in time, noting that completion of the Habitat Conservation Plan (HCP) is crucial to moving remaining projects forward. Mr. Endsley explained that the Board had previously prioritized funding for Eastside Parkway, but for several reasons, it is an unlikely candidate: 1) no access to the roadway area until the ESCA program is complete, 2) not projected to collect enough fees to fund construction (\$16.8M), and 3) Eastside Parkway connectivity is inter-dependent on Inter-Garrison, Eucalyptus and (portions of) Gigling Road improvements. At \$3M, South Boundary Road is within grant funding range and fee projections demonstrate collecting an adequate amount for a local match. The other project timed to receive funding in 13/14 is Davis Road south of Blanco, which includes bridge replacement. A reimbursement agreement with Monterey County is in place and they are using these funds as a local match.

Hunter Harvath noted incremental requests for transit service to former Fort Ord developments and suggested that if available, small amounts of funding earlier in the program would be more useful than

large lump sums later in the program. Mr. Endsley referenced the protocol for ordering projects which provides several criteria for prioritization.

Committee members made suggestions to add clarity to the tables and additional information they thought would be helpful to the May 10th presentation.

7. ITEMS FROM MEMBERS

None.

8. ADJOURNMENT

Chair Dawson adjourned the Administrative Committee meeting at 9:45 a.m.

Minutes Prepared by:

Crissy Maras, Grants and Contracts/Records Coordinator

Approved by:

Michael A. Houlemard, Jr., Executive Officer



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 •

Attachment C to Item 11e
FORA Board Meeting, 06/21/13

ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, MAY 15, 2013
920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

MINUTES

APPROVED

1. CALL TO ORDER

Co-Chair Houlemard called the meeting to order at 8:20 a.m. The following were present, as indicated by signatures on the roll sheet:

Carl Holm, County of Monterey*
Elizabeth Caraker, City of Monterey*
Layne Long, City of Marina*
Diana Ingersoll, City of Seaside*
Debby Platt, City of Marina
Graham Bice, UCSC
Vicki Nakamura, MPC
Mike Gallant, MST
Anya Spear, CSUMB

Kathleen Lee, Sup. Potter's Office
Patrick Breen, MCWD
Andy Sterbenz, MCWD
Brian Lee, MCWD
Bob Schaffer
Sid Williams, UVC
Scott Hilck, MCP

FORA Staff:
Michael Houlemard
Steve Endsley
Jim Arnold
Crissy Maras
Jonathan Garcia
Lena Spilman

* Voting Members

2. PLEDGE OF ALLEGIANCE

Andy Sterbenz led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Anya Spear announced that CSUMB would hold its spring commencement ceremony on Saturday, May 18, 2013.

4. PUBLIC COMMENT PERIOD

None

5. APPROVAL OF MEETING MINUTES

- a. **May 1, 2013 Administrative Committee Minutes**
- b. **May 8, 2013 Administrative Committee Minutes**

MOTION: Elizabeth Caraker moved, seconded by Carl Holm, to approve the May 1, 2013 and May 8, 2013 Administrative Committee minutes.

MOTION PASSED: unanimous.

6. May 10, 2013 BOARD MEETING FOLLOW-UP

a. **CIP Budget Implications of Formulaic Fee Decision**

Assistant Executive Officer Steve Endsley discussed the Board's May 10, 2013 action to approve the formulaic approach to the development fee. He noted that the Board approved fee would be automatically indexed on July 1, per the Community Facilities District enabling legislation.

7. OLD BUSINESS

a. **2013/14 Capital Improvement Program**

The Committee discussed the draft June 21, 2013 Board staff report included in the packet. Diana Ingersoll requested the staff report include information on the current status of the Eastside Parkway

project and the Committee unanimously recommended to the Board that the Eastside Parkway project continue to be FORA's top transportation priority.

Mr. Endsley provided an overview of the FY 2013-14 CIP budget. TAMC requested, and the Committee agreed, to move the Hwy 68 operational improvements from FY 2018-19 to FY 2013-14.

Co-Chair Houlemard suggested the Committee consider holding a CIP workshop to provide additional time to focus on the specifics of the CIP budget outside of a regular Administrative Committee meeting. The Committee agreed and recommended that the workshop take place in July or August. The Committee also directed staff to schedule the June 5, 2013 Committee meeting from 8:15 a.m. to 11:00 a.m. to provide for additional review of the full CIP package.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT

Co-Chair Houlemard adjourned the meeting at 10:00 a.m.

*Minutes Prepared by:
Lena Spilman, Deputy Clerk*

Approved by:

Michael A. Houlemard, Jr., Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Veterans Issues Advisory Committee

Meeting Date: June 21, 2013
Agenda Number: 11f

INFORMATION

RECOMMENDATION:

Receive a report from the Veterans Issues Advisory Committee (VIAC).

BACKGROUND/DISCUSSION:

The VIAC met on May 30, 2013. The draft minutes from that meeting are included as **Attachment A.**


FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

VIAC

Prepared by 
Crissy Maras

Approved by  for
Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 •

Attachment A to Item 11f
FORA Board Meeting, 6/21/2013

VETERANS ISSUES ADVISORY COMMITTEE MEETING 3:00 P.M. WEDNESDAY, MAY 30, 2013 920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

MINUTES

1. CALL TO ORDER

Chair Edelen called the meeting to order at 3:00 p.m. A roll call confirmed a quorum. The following were present, as indicated by signatures on the roll sheet:

VIAC Members:

Edith Johnsen, Veterans' Families
Wes Morrill, Military & Veterans Affairs
Sid Williams, Military/Vets Advisory Comm.
Greg Nakanishi, CCVC Foundation
Jack Stewart, CAC
CSM Andrew Wynn, POM USAG
James Bogan, UVC
Ian Oglesby, FORA Board
Jerry Edelen, FORA Board

FORA Staff:

Michael Houlemard
Robert Norris
Crissy Maras

Others:

John Elliott, POM USAG
Candace Ingram, CCVCF

J

2. PLEDGE OF ALLEGIANCE

Chair Edelen asked Edith Johnsen to lead the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

a. **Fort Ord Veteran's Cemetery Citizen's Advisory Committee Endorsement of Central Coast Veterans Cemetery Phasing**

Minutes from the Citizen's Advisory Committee meeting when the endorsement of cemetery phasing was approved were distributed.

b. **Central Coast Veterans Cemetery Foundation Donation Letter**

The State of California has requested a donation from the Foundation toward the cemetery endowment. Discussions with the State, including an agreement in principle, will take place June 3rd. James Bogan suggested that the scope of the letter be broadened to include every city in the Central Coast Region, rather than only focusing on Monterey County cities.

4. PUBLIC COMMENT PERIOD

None

5. APPROVE VIAC MEETING MINUTES: April 25, 2013

On a motion by Sid Williams, seconded by Ms. Johnsen, the minutes were approved as presented.

MOTION PASSED: Unanimous

6. NEW BUSINESS

a. **Receive Report on Fort Ord Reuse Authority meetings with California Department of Veterans Affairs and Department of General Services**

Senator Monning's office has coordinated meetings with several Federal and State departments with land transfer responsibilities in an effort to stay on schedule. Upcoming FORA meetings will focus on funding requirements. It is currently estimated that a local match will be in the \$1.7M range and includes 10% local match, 20% contingency on the match, and approximately \$350K required O&M costs.

Greg Nakanishi asked that FORA staff convey the Foundation's request for reimbursement (if excess revenues are realized over time) for use in ancillary costs.

b. Water Resources for Mission Related Military Briefing for US Army

Committee Members received a PowerPoint presentation outlining the US Army mission related items for water resources; the veterans cemetery and the DoD/VA Clinic. FORA will request the release of approximately 50 acre-feet per-year of water from the US Army retention in meetings being held during the legislative mission to Washington D.C.

7. ITEMS FROM MEMBERS

None.

8. ADJOURMENT

The meeting was adjourned at 11:25 a.m. in honor of Herschel Pierce, a United States veteran committed to veteran's services through his volunteer work.

Minutes Prepared by:

Crissy Maras, Grants and Contracts/Records Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Water/Wastewater Oversight Committee

Meeting Date: June 21, 2013
Agenda Number: 11g

INFORMATION

RECOMMENDATION:

Receive a report from the Water/Wastewater Oversight Committee (WWOC).

BACKGROUND/DISCUSSION:

The WWOC met on May 15, 2013. The draft minutes from that meeting are included as **Attachment A**.


FISCAL IMPACT:

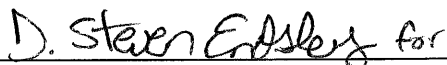
Reviewed by FORA Controller 

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

COORDINATION:

WWOC

Prepared by 
Crissy Maras

Approved by  for
Michael A. Houlemard, Jr.



Fort Ord Reuse Autho

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www

Attachment A to Item 11g
FORA Board Meeting, 6/21/2013

WATER/WASTEWATER OVERSIGHT COMMITTEE MEETING 9:00 A.M. WEDNESDAY, MAY 15, 2013 920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

MINUTES

1. CALL TO ORDER

FORA Assistant Executive Officer Steve Endsley called the meeting to order at 10:07 a.m. The following were present, as indicated by signatures on the roll sheet:

WWOC Members:

Elizabeth Caraker, City of Monterey
Rick Riedl, City of Seaside
Carl Holm, Monterey County
Debby Platt, City of Marina
Graham Bice, UCMBEST
Mike Lerch, CSUMB

MCWD Staff:

Patrick Breen, MCWD
Andy Sterbenz, MCWD
Brian Lee, MCWD
Brian True, MCWD

FORA Staff:

Steve Endsley
Jim Arnold
Jonathan Garcia
Crissy Maras

2. PUBLIC COMMENT PERIOD

None

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None

4. APPROVAL OF MINUTES: April 17, 2013

MOTION: Graham Bice moved, seconded by Elizabeth Caraker, to approve the March 20, 2013 meeting minutes as presented.

MOTION PASSED: Unanimous

5. OLD BUSINESS

a. Ord Community Budget – Rate Study

i. Capital Improvement Program

The draft FY 2013-14 MCWD Capital Improvement budget was distributed and reviewed by MCWD staff with the committee. MCWD District Engineer Brian Lee noted that they are researching augmented water needs to determine which capital project should move forward toward design and environmental work. He stated that they should know by July what project MCWD will recommend. FORA Assistant Executive Officer Steve Endsley noted that the FORA Board, in an effort to protect rate payers, had previously stated that Ord Community customers should not be inordinately funding regional water augmentation.

While reviewing the project list, it was noted that project GW0112 (A1 & A2 Zone Tanks & B/C Booster Station @ CSUMB) had been deferred due to the denied rate increase last year, and both Ord Community and CSUMB are being impacted. Committee members made formatting and other suggestions; the next budget iteration will include committee recommendations, maps, and a 5-year CIP.

b. Ord Community Annexation

i. MSR and Sphere of Influence

In a strategic planning process, the MCWD Board of Directors included the annexation of Ord Community as a 5-year goal. LAFCO released the draft Municipal Service Review (MSR) for MCWD review and comment. After an independent review, MCWD will jointly review the MSR with Seaside County Sanitation District staff before making board recommendations. The next step is to expand the sphere of influence which is anticipated to take 1.5-2 years.

c. MCWD Performance Evaluation – Results

All evaluation forms had not been received, but the average of four out of seven forms indicate an overall performance of 3.75 out of 5 possible points. Committee members made recommendations on making the form more user friendly. If remaining forms are submitted, final results can be reported at a future meeting.

6. NEW BUSINESS

a. Quarterly Report – Presentation by MCWD

Committee Members received a PowerPoint presentation outlining MCWD's quarterly report.

7. ADJOURNMENT

The meeting adjourned at 11:25 a.m.

Minutes Prepared by:

Crissy Maras, Grants and Contracts/Records Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Public Correspondence to the Board	
Meeting Date:	June 21, 2013	INFORMATION
Agenda Number:	11h	

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> under the "comments" column.

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

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Fort Ord Reuse Authority Initiatives Status

Meeting Date: June 21, 2013

Agenda Number: 11i

INFORMATION

RECOMMENDATION(S):

Receive a report on the status of Initiatives filed with the Fort Ord Reuse Authority (FORA).

BACKGROUND/DISCUSSION:

On April 2, 2013, a Notice of Intention (NOI) "to circulate initiative petition entitled Protect Fort Ord Open Space Access Initiative" (Initiative #1) was filed with FORA. On May 1, 2013, a NOI "to circulate initiative petition" entitled "California Central Coast Veterans Cemetery, Open Space Preservation and Economic Revitalization Initiative" (Initiative #2) was also filed with FORA. Information regarding these initiatives is available at the following websites:

- Initiative #1: <http://fortordaccess.org>
- Initiative #2: <http://securethepromise.org>

On May 23, 2013, initiative #2 proponents submitted petition signatures to FORA for purposes of qualifying the ballot measure for a county-wide election. According to the FORA Elections Calendar (**Attachment A**) prepared by Churchwell White LLP, FORA or its contractor must determine the number of signatures on the petition within 30 working days. July 8th is the deadline in this case due to Memorial Day and Independence Day holidays.

If the petition contains enough signatures, and the petition contains a request that the ordinance is submitted immediately to a vote at a special election, the FORA board shall:

- (a) Adopt the ordinance without alteration within 10 days after it is presented (regular or special meeting); or
(b) Immediately order an election to be held in accordance with Elections Code section 1405(a)

- i. Executed Agreement with Steve Churchwell, Churchwell White LLP, to Provide Legal Consulting Services for Anticipated Ballot Measures.

At the May 29, 2013 Board meeting, the Board approved the contract retaining Steve Churchwell, of Churchwell White LLP to provide elections consulting services to support Authority Counsel Jon Giffen, not to exceed \$25,000.

- ii. County of Monterey Approved Agreement with the County of Monterey to Perform Verification of Signatures for Anticipated Ballot Measures.

The County of Monterey will perform signature verification services and other services, as needed, to conduct the anticipated election.

- iii. At the May 29, 2013 meeting the FORA Board Adopted Resolution 13-06, Designating the County of Monterey as the Responsible Party for Verification of Signatures for Anticipated Ballot Measures and Authorized the Executive Officer to Execute a Future Contract with the Appropriate Entity to Conduct an Election(s), as needed.

This resolution assigns to the County FORA's obligation to verify signatures for both ballot measures and also authorizes the Executive Officer to contract with the appropriate entity

for additional services needed to conduct the anticipated election. Any necessary additional contract will be provided to the Board upon execution.

- iv. FORA General Counsel has advised that the agency's role is to be neutral as to any questions of the legality of either petition.

FISCAL IMPACT:

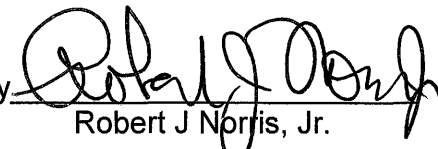
Reviewed by FORA Controller 

The activities associated with the initiatives and possible elections affect the current (FY 2012-13) as well as the upcoming (FY 2013-14) budgets. There is an adequate balance in the Legal Fees line item in both FY budgets to cover the Churchwell White LLP agreement for not to exceed \$25,000. In addition, the preliminary FY 2013-14 budget includes a new line item "Other Legal Fees" that contains \$600,000 to cover the anticipated signature validation and county-wide elections services.

Should the signature validation services under the County of Monterey Agreement for initiative #2 (submitted to FORA on May 23, 2013) be performed in this FY, the cost may potentially be absorbed by the available balance in the Legal Services budget and any excess by the FORA reserve fund. However, we currently do not anticipate billing processing until FY 2014.

COORDINATION:

County of Monterey Elections Department, Authority Counsel, FORA Elections Consultant.

Prepared by 
Robert J Norris, Jr.

Reviewed by 
D. Steven Endsley

Approved by  for
Michael A. Houlemard, Jr.

***DISCLAIMER:** The information set forth below does not constitute legal advice and is not a substitute for reading the applicable California election laws or consulting an attorney. Many variables will affect the actual time required to complete the qualification process. This calendar does not represent an exact timeline for any particular initiative. It is provided simply to give the reader a general idea of the length of the process.*

STEPS TO QUALIFY A FORT ORD REUSE AUTHORITY INITIATIVE

1. **Publication of Notice of Intention and Statement of Reasons:** Before obtaining any signatures on the petition, the proponents must publish a Notice of Intention and Statement of Reasons of 500 words or less in a newspaper of general circulation. (Elec. Code §§ 9302--9303.)

2. **Filing of Verification of Publication:** Within **10 days** after the publication of the Notice of Intention, the proponents must file with the FORA elections official a copy of the Notice as published, together with the text of the initiative, and an affidavit made by a representative of the newspaper in which the Notice was published, verifying the fact of publication. (Elec. Code § 9304.)

3. **180 Day Period to Obtain Signatures On Petition:** Once the Notice of Intention, text, and affidavit are filed, the proponents may commence to circulate the petition among the voters of the county for signatures. Proponents have **180 days** after the date of filing to file sufficient signatures supporting the petition. (Elec. Code §§ 9305--9306.) If the petition is not filed within the 180 period, the petition is void for all purposes.

4. **Signature Verification:** From the date the petition is filed, the FORA elections official or contractor must determine the number of signatures on the petition within **30 working days**. If the petition contains more than 500 signatures, a *random sample* of 500 signatures or 3% of the signatures, whichever is greater, is allowed. (Elec. Code § 9310.) The Secretary of State has adopted regulations describing in detail how such sample counts should be performed. (2 Cal. Code Regs. §§ 20510 – 20540.)

The initiative petition must be signed by not less than 10 percent of the voters of the county according to the last report of registration by the county to the Secretary of State. (Elec. Code § 9310.) If statistical sampling shows that the number of valid signatures is between 95% and 110% of the required signatures, FORA or its contractor may take **up to 60 working days** to verify each signature on the petition. A petition below 95% fails, and a petition above 110% is approved as sufficient without a full count.

5. **If Signatures Sufficient, the FORA Board Has Two Options:** If the petition contains enough signatures, and the petition contains a request that the ordinance be submitted immediately to a vote at a special election, the FORA board shall:

(a) Adopt the ordinance without alteration within 10 days after it is presented (regular or special meeting); or

(b) Immediately order an election to be held in accordance with Elections Code section 1405(a).¹

6. **Special Election Date Calculus:** The Elections Code states that the election shall be held between 88 and 103 days after the Board orders the election. (Elec. Code § 1405(a).) However, there are a number of important exceptions.

First, not more than one special election on a FORA initiative measure shall be held in any 180 day period. Second, if the 88 to 103 day period falls within 180 days of any election occurring in Monterey County, the initiative election may be consolidated with that election. Third, if the 88 to 103 day period falls between the June 4, 2014, and November 5, 2014, statewide elections, the measure may be consolidated with the November 2014 statewide election. Finally, if FORA had recently held a special election, the initiative election could be held “as early as practicable” after 180 days has expired since that election.

7. **Election Date Example No. 1:** For example, if the FORA Board were to order a special election at its meeting scheduled for June 21, 2013, 88 to 103 days would fall between **September 13, 2013**, and **October 2, 2013**. However, those dates are within 180 days of another election occurring within Monterey County. Therefore, the election would be consolidated with that election on **November 5, 2013**. Note that the election date would not change if the Board meeting occurred on any date up to and including **August 9, 2013**, the 88th day before the November 5 election.

8. **Election Date Example No. 2:** Assuming that a petition requests a special election and is turned in on September 30, 2013, with sufficient signatures, the FORA Board probably would consider the measure sometime in November (random sample) or December (full count required) of 2013. Assuming that the Board’s order of a special election occurred on November 15, the 88 to 103 days would fall between **February 11, 2014**, and **February 26, 2014**. However, those dates are within 180 days of another election occurring within Monterey County. Therefore, the election would be held on **June 4, 2014**. Note that the election date would not change if the Board meeting occurred on any date up to and including **March 8, 2014**, the 88th day before the June 4 election.

Following the order of an election, there are deadlines for ballot arguments, an impartial analysis of the County Counsel, a public examination period, and mailing of a Sample Ballot and Voter Guide.

¹ If the petition does **not** contain a request for a special election, the Board has the option of submitting the ordinance at FORA’s next regular election held more than 88 days after the Board meeting, or at any special election described in Section 1405(a) (see discussion below). Since FORA does not hold regular elections, a petition is treated the same whether a special election is requested or not.

FORA INITIATIVE QUALIFICATION CALENDAR

November 5, 2013 and June 4, 2014 Elections

Using Random Sample Method to Qualify

(Dates are Hypothetical)

Event	Code Section	# of Days	Date
1	Proponents publish Notice of Intention	Elections Code 9302-9303	-- April 1, 2013 June 1, 2013
2	Proponents file with FORA their Notice of Intention, text of initiative, and affidavit of publication	Elections Code 9304	≤10 from publication April 11, 2013 June 11, 2013
3	Proponents gather signatures & submit to Clerk within 180 days of publishing notice of intention	Elections Code 9306	≤180 Signatures Submitted May 30, 2013 Signatures Submitted Sept. 30, 2013
4	Clerk or Contractor verifies signatures by random sample of greater of 3% or 500 signatures, whichever is greater	Elections Code 9308, 9309	≤ 30 working days (example shows 20 actual days) June 19, 2013 October 20, 2013
5	If "full count" of all signatures required (95% to 110%)	Elections Code 9309	<i>Additional</i> 30 working days N/A N/A
6	Last day for FORA Board to order initiative placed on Nov. 5, 2013 or June 4, 2014 ballot	Elections Code 1405	Election Day minus 88 August 9, 2013 March 8, 2014
7	Likely Election Dates	Elections Code 1405	Nov. 5, 2013 June 4, 2014