



# FORT ORD REUSE AUTHORITY

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

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## REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, March 14, 2014 at 2:00 p.m.  
910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

### AGENDA

#### 1. CALL TO ORDER

Participating via Teleconference:

Supervisor Parker - Ahwahnee Hotel - Lobby, 1 Ahwahnee Dr., Yosemite National Park, CA 95389

#### 2. PLEDGE OF ALLEGIANCE

#### 3. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – **2 Cases**
  - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961
  - ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856

#### 4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

#### 5. ROLL CALL

#### 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

#### 7. CONSENT AGENDA

- a. Approve February 13, 2014 Board Meeting Minutes ACTION

#### 8. OLD BUSINESS

- a. 2<sup>nd</sup> VOTE: Consistency Determination - Consider Certification, in Whole or in Part, of 2010 Monterey County General Plan as Consistent with the 1997 Fort Ord Reuse Plan ([Pg. 1-23](#)) ACTION
- b. 2<sup>nd</sup> VOTE: Approve Executive Officer Contract Extension ([Pg. 24-29](#)) ACTION

#### 9. NEW BUSINESS

- a. Consistency Determination: Consider Certification, in Whole or in Part, of Seaside Zoning Code Text Amendments and Use Permit for a Youth Hostel, Located at 4420 Sixth Avenue, Seaside, CA, as Consistent with the 1997 Base Reuse Plan ([Pg. 30-39](#))
  - i. Noticed Public Hearing
  - ii. Board Determination of Consistency ACTION
- b. Appeal: Marina Coast Water District Determination Bay View Community Annexation ([Pg. 40-70](#)) ACTION
- c. Marina Coast Water District Presentation on Status of Water Augmentation Program ([Pg. 71](#)) INFORMATION/ACTION
- d. FORA FY 2013-14 Mid-Year Budget ([Pg. 72-75](#)) ACTION

- e. Base Reuse Plan Implementation - Regional Urban Design Guidelines (Pg. 76-80) INFORMATION
  - i. Consultant Solicitation
  - ii. Process/Schedule

**10. PUBLIC COMMENT PERIOD**

Members of the public wishing to address the FORA Board of Directors on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period for up to three minutes. Comments on specific agenda items are heard under that item.

**11. EXECUTIVE OFFICER'S REPORT**

- a. Outstanding Receivables (Pg. 81) INFORMATION
- b. Habitat Conservation Plan Update (Pg. 82) INFORMATION
- c. Administrative Committee (Pg. 83-86) INFORMATION
- d. Veterans Issues Advisory Committee (Pg. 87-89) INFORMATION
- e. Finance Committee (Pg. 90-92) INFORMATION
- f. Water/Wastewater Oversight Committee (Pg. 93-96) INFORMATION
- g. Travel Report (Pg. 97-101) INFORMATION
- h. FORA Master Resolution - Revised Version (Pg. 102) INFORMATION
- i. Public Correspondence to the Board (Pg. 103) INFORMATION

**12. ITEMS FROM MEMBERS**

**13. ADJOURNMENT**

**NEXT REGULAR BOARD MEETING: APRIL 11, 2014**

Persons seeking disability related accommodations should contact FORA 24 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at [www.fora.org](http://www.fora.org).



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS SPECIAL MEETING MINUTES

2:00 p.m. - Thursday, February 13, 2014  
Carpenters Union Hall - 910 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

### 1. CALL TO ORDER

Chair Edelen called the meeting to order at 2:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

Councilmember Cohen led the Pledge of Allegiance.

### 3. CLOSED SESSION - The Board adjourned into closed session at 2:01 p.m.

#### a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 2 Cases

- i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961
- ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856

### 4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 2:28 p.m. Authority Counsel Jon Giffen announced no reportable action was taken.

### 5. ROLL CALL

#### **Voting Members Present:** (\*alternates)(AR: entered after roll call)

Chair/Mayor Edelen (City of Del Rey Oaks)  
Councilmember Beach (City of Carmel-by-the-Sea)  
Supervisor Calcagno (County of Monterey)  
Mayor Gunter (City of Salinas)  
Councilmember Cohen\* (City of Pacific Grove)  
Councilmember Morton (City of Marina) *via telephone*  
Mayor ProTem O'Connell (City of Marina)

Mayor Pro-Tem Oglesby (City of Seaside) AR  
Supervisor Parker (County of Monterey)  
Mayor Pendergrass (City of Sand City)  
Supervisor Potter (County of Monterey)  
Mayor Rubio (City of Seaside)  
Councilmember Selfridge (City of Monterey)

**Ex-officio (Non-Voting) Board Members Present:** Alec Arago\* (20<sup>th</sup> Congressional District), Nicole Charles\* (17<sup>th</sup> State Senate District), Erica Parker\* (29<sup>th</sup> State Assembly District), Graham Bice\* (University of California, Santa Cruz), Andre Lewis\* (California State University, Monterey Bay), Vicki Nakamura\* (Monterey Peninsula College), Dan Albert, Jr.\* (Monterey Peninsula Unified School District), Debbie Hale (Transportation Agency for Monterey County), COL Fellingner (US Army), Bill Collins (Fort Ord BRAC Office), and Director Moore (Marina Coast Water District).

### 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Chair Edelen noted that because Councilmember Morton was participating via teleconference, all votes would be conducted by roll call.

Executive Officer Michael Houlemard stated FORA continued to receive good feedback from the state on the progress of the veterans cemetery. It appeared that the grading work for the joint Veterans Affairs/Department of Defense Clinic would begin the following month.

## 7. CONSENT AGENDA

Supervisor Parker requested agenda item 7b be pulled for discussion.

### a. **Approve January 10, 2014 Board Meeting Minutes**

### c. **Approve Veterans Issues Advisory Committee Extension and Revised Committee Charge**

### d. **Confirm Chair's Legislative Advisory Committee and Finance Advisory Committee Appointments**

Chair Edelen stated that unless there were any objections, items 8a, 8c, and 8d would be deemed approved. No objections were received and the items were unanimously approved.

### b. **Approve Executive Officer Contract Extension**

Supervisor Parker stated the staff recommended contract extension of six years was longer than customary for public agencies and proposed a three-year term instead.

MOTION: Supervisor Parker moved, seconded by Councilmember Morton, to approve extension of the Executive Officer employment agreement until June 30, 2017.

MOTION FAILED: Ayes: Morton, Parker. Noes: Beach, Calcagno, Cohen, Edelen, Gunter, O'Connell, Pendergrass, Potter, Rubio, Selfridge. Absent: Oglesby.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to approve extension of the Executive Officer employment agreement until June 30, 2020.

MOTION RECEIVED MAJORITY APPROVAL (2<sup>nd</sup> Vote Required for Passage): Ayes: Beach, Calcagno, Cohen, Edelen, Gunter, O'Connell, Pendergrass, Potter, Rubio, Selfridge. Noes: Morton, Parker. Absent: Oglesby.

## 8. OLD BUSINESS

### a. **Consistency Determination: Consider Certification, in Whole or in Part, of 2010 Monterey County General Plan as Consistent with the 1997 Fort Ord Reuse Plan**

Senior Planner Jonathan Garcia gave a PowerPoint presentation. Benny Young, County of Monterey, provided additional background information and clarified the County's commitment to meet Base Reuse Plan policies in response questions received from the Board and public.

#### i. **Noticed Public Hearing**

Chair Edelen opened the public hearing and the Board received comments on the item from members of the public. After all comments were received, Chair Edelen declare dteh public hearing closed.

#### ii. **Board Determination of Consistency**

MOTION: Supervisor Potter moved, seconded by Mayor Gunter, to approve resolution 14-XX, certifying that the 2010 Monterey County General Plan is consistent with the Fort Ord Base Reuse Plan.

John Ford and Wendy Strimling, County of Monterey, responded to questions from the Board and public.

MOTION RECEIVED MAJORITY APPROVAL (2<sup>nd</sup> Vote Required for Passage):

Ayes: Cohen, Calcagno, Gunter, Rubio, Oglesby, Pendergrass, Edelen, Potter, Beach. Noes: Parker, Morton, O'Connell, Selfridge.

### b. **Post Reassessment Items**

Mr. Houlemard introduced the item and Assistant Executive Officer Steve Endsley provided a quick overview of each item on the agenda.

**i. Approve Amended Post Reassessment Work-Plan**

Associate Planner Josh Metz reviewed the Post Reassessment Work Plan.

**ii. Approve Post Reassessment Advisory Committee (PRAC) Extension and Revised Committee Charge**

Chair Edelen provided a report on changes to the PRAC and Finance Committees. He stated that Mayor Kampe planned to step down from his position on the FORA Board and had appointed Councilmember Lucius as his replacement, Mayor Pro-Tem Oglesby agreed to replace Mayor Kampe as Finance Committee Chair and had resigned from his position on the PRAC, and Councilmember Lucius agreed to fill the vacancy on the PRAC.

**iii. Receive a Budget Report for the Fort Ord Reuse Authority/ California State University, Monterey Bay Colloquium Event**

Mr. Garcia provided a budget report.

MOTION: Supervisor Potter moved, seconded by Supervisor Parker, to approve the amended Post Reassessment Work-Plan, extend the PRAC, and approve the revised PRAC charge, as recommended.

MOTION PASSED: Unanimous.

**10. NEW BUSINESS**

**a. FORA Master Resolution Amendments**

Chair Edelen reviewed the proposed Master Resolution amendments, as described in the Board packet and recommended by the Executive Committee.

MOTION: Mayor Rubio moved, seconded by Supervisor Parker, to approve the proposed amendments, as presented.

MOTION PASSED: Unanimous.

**11. PUBLIC COMMENT PERIOD**

The Board received comments from members of the public.

**12. EXECUTIVE OFFICER'S REPORT**

**a. Outstanding Receivables**

**b. Habitat Conservation Plan (HCP) Update**

Mr. Houlemard provided an update on the progress of the HCP, noting that staff was working with Senator Monning and Assemblymember Stone to move the document forward at the state level. He stated that the FORA Federal Legislative Mission delegation planned to address federal progress with Congressman Farr during their March trip to Washington, D.C.

**c. Administrative Committee**

**d. Travel Report**

Mr. Houlemard briefly discussed the travel report.

**e. Public Correspondence to the Board**

The Board deemed the Executive Officer's report accepted.

**8. ITEMS FROM MEMBERS**

None.

**9. ADJOURNMENT**

Chair Edelen adjourned the meeting at 4:13 p.m.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** 2<sup>nd</sup> Vote: Consistency Determination - Consider Certification, in Whole or in Part, of 2010 Monterey County General Plan as Consistent with the 1997 Fort Ord Reuse Plan

**Meeting Date:** March 14, 2014

**Agenda Number:** 8a

**ACTION**

### RECOMMENDATION(S):

Take a second vote to approve Resolution 14-XX (**Attachment A**), certifying that the 2010 Monterey County General Plan (General Plan) is consistent with the Fort Ord Base Reuse Plan (BRP) (the public hearing was properly noticed in the Monterey County Weekly and the public hearing was held on February 13, 2014).

### BACKGROUND:

The FORA Board held a noticed public hearing on February 13, 2014. At the meeting, the Board voted on a motion to approve resolution 14-XX, certifying that the General Plan is consistent with the BRP. Since the vote was not unanimous, the motion is returning for a second vote. Staff notes that, at 1:24 pm on February 13, 2014, FORA received a letter from representatives of Keep Fort Ord Wild and The Open Monterey Project concerning this item. This correspondence was received after FORA's established deadline for distribution of materials to the FORA Board and is included under **Attachment F**. A representative of Keep Fort Ord Wild submitted a hard copy of the same correspondence during the February 13, 2014 Public Hearing.

The County submitted the General Plan for consistency determination on September 24, 2013 (**Attachment B**). **Attachment B** includes a link to the County of Monterey's website where documents related to the 2010 Monterey County General Plan consistency determination submittal can be obtained electronically. This link is: [http://www.co.monterey.ca.us/planning/gpu/GPU\\_2007/2010\\_Mo\\_Co\\_General\\_Plan\\_Adopted\\_102610/2010\\_Mo\\_Co\\_General\\_Plan\\_Adopted\\_102610.htm](http://www.co.monterey.ca.us/planning/gpu/GPU_2007/2010_Mo_Co_General_Plan_Adopted_102610/2010_Mo_Co_General_Plan_Adopted_102610.htm). At the October 11, 2013 Board meeting, several Board members raised concerns that a hard copy of the 2010 Monterey County General Plan consistency determination submittal was not included in the packet. The FORA Executive Committee previously established a policy directing staff to make large documents available on the internet in lieu of including voluminous pages in FORA Board packets. If any Board member finds this difficult, please contact staff to address the concern.

With its submittal, the County requested a Legislative Land Use Decision review of the General Plan in accordance with section 8.02.010 of the Fort Ord Reuse Authority (FORA) Master Resolution. Under state law, (as codified in FORA's Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, General Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review for consideration of certification under strict timeframes. This item is included on the Board agenda because the General Plan is a legislative land use decision, requiring Board certification.

The FORA Administrative Committee reviewed this item on October 2nd and October 30th, 2013. At the October 30th FORA Administrative Committee meeting, County representatives addressed each of the issues that were surfaced by the two letters received earlier that month, and reviewed their own response letter sent to the Administrative Committee. Staff described the Board report that was prepared and noted the individual meetings between the County and FORA Staff/Counsel leading up to the County letter addressing the issues raised in the late arriving correspondence. The Administrative Committee asked that the issues be addressed by counsel and outlined for the FORA Board at its November 8<sup>th</sup> meeting.

FORA Special Counsel Alan Waltner's response memorandum is included in **Attachment C** to this report, outlining how his previous memoranda addressed issues raised in recent comment letters and reiterating those points.

At its January 2, 2014 meeting, the Administrative Committee heard a report from FORA staff, heard comments from member of the public Jane Haines, and heard comments from County of Monterey Senior Planner John Ford. The Committee passed a motion to sustain its previous recommendation that the FORA Board certify that the 2010 Monterey County General Plan is consistent with the BRP.

## **DISCUSSION:**

In all consistency determinations, the following additional considerations are made, and summarized in table form (**Attachment D**).

**Rationale for consistency determinations** FORA staff finds that there are several defensible rationales for making an affirmative consistency determination and recognizes that the Board may wish to consider alternatives to the staff recommendation. Two such alternatives are outlined in this staff report and **Attachment E**. Sections 8.01.020(d) and 8.01.020(e) of the FORA Master Resolution describe procedures for the FORA Board to certify or refuse to certify a Legislative Land Use Decision as consistent with the BRP. **Attachment E** is a draft resolution that meets the provisions for refusing to certify the General Plan. This resolution provides suggested modifications to the 2010 Monterey County General Plan that, if implemented and confirmed by the Executive Officer, would result in the General Plan being certified as consistent with the BRP. The FORA Board can also refuse certification without prejudice, meaning they can resubmit at some future date.

The draft resolution under **Attachment E** includes an additional program, Recreation/Open Space Land Use Program B-2.1 within the list of policies and program to be addressed in resolution point #4. Other resolution changes include a complete quotation of Master Resolution section 8.02.010 subparagraphs 1-6 in recital L and clarification of the requested Board action, which is 'certification' that the General Plan is consistent with the BRP in lieu of 'concurrence' with the County's determination of consistency. The language change from 'concurrence' to 'certification' is supported by text found in the Authority Act under Government Code and Chapter 8 of the FORA Master Resolution.

Sometimes additional information is provided to buttress conclusions. In general, it is noted that the BRP is a framework for development, not a precise plan to be mirrored. However, there are thresholds set in the resource constrained BRP that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, the rationales for consistency analyzed are:

**LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTION 8.02.010  
OF THE FORA MASTER RESOLUTION**

(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 support 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;

The General Plan would not establish a land use designation that is more intense than the uses permitted in the BRP. Compared to the 1997 BRP, the General Plan increases the amount of habitat within the County's jurisdiction by 246.7 acres as a result of the December 20, 2005 Memorandum of Understanding (MOU) among the County, Monterey Peninsula College (MPC), FORA, the Bureau of Land Management (BLM), and U.S. Army, which swapped land uses between East Garrison and Parker Flats areas of the former Fort Ord. The result of the MOU is that an additional 210 acres are available for development in East Garrison in exchange for the preservation of approximately 447 additional habitat acres in Parker Flats. Also, the MOU added additional habitat acres next to the Military Operations Urban Terrain (MOUT) facility and provides for MPC to relocate a planned public safety officer training facility from the East Garrison area to the Parker Flats area. The County, FORA, and MPC entered into an October 21, 2002 agreement entitled "Agreement Regarding Public Safety Officer Training Facilities," which further describes relocation of MPC's planned facilities from the East Garrison area to the Parker Flats area.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;

No increase in density would be permitted by the General Plan.

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;

The General Plan is in substantial conformance with applicable programs. FORA staff notes that a member of the public and representatives of the Ventana Chapter of the Sierra Club, Keep Fort Ord Wild, the Open Monterey Project, and LandWatch Monterey County provided correspondence at the August 27 and September 17, 2013 Monterey County Board of Supervisors hearings pertaining to consistency between the 2010 Monterey County General Plan 1997 BRP. Copies and similar items were received by FORA. In summary, these individual letters requested that the Monterey County Board of Supervisors/FORA Board not adopt the consistency finding, citing instances of incomplete policies and programs and other issues. FORA staff agrees with Exhibit 1 to



Monterey County Board of Supervisors Order 13-0952/ Resolution No. 13-307 page 5 of 13 that:

Some but not all of the policies and programs have been implemented. Implementation efforts are currently underway. Implementation of the Base Reuse Plan policies is a separate measure from Consistency with the Base Reuse Plan.

Special legal counsel Alan Waltner's September 3, 2013 memorandum further stated that "FORA's procedures for determining consistency correctly interpret and apply the FORA Authority Act, Government Code Sections 67650-67700 and the FORA Master Resolution."

Comment letters from the Ventana Chapter of the Sierra Club, member of the public Jane Haines, and others are included in **Attachment F**.

County staff submitted an October 23, 2013 letter (**Attachment G**) providing additional analysis on concerns raised in recent comment letters and how these concerns are addressed.

(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;

The General Plan is compatible with open space, recreational, and habitat management areas.

(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;

County development within the former Fort Ord that is affected by the General Plan will pay its fair share of the basewide costs through the FORA Community Facilities District special tax and property taxes that will accrue to FORA, as well as land sales revenues. This is evidenced in Exhibit 1 to Monterey County Board of Supervisors Order 13-0952/Resolution No. 13-307 page 6 of 13 and the May 8, 2001 Implementation Agreement between FORA and County of Monterey.

(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;

The Fort Ord Habitat Management Plan (HMP) designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The General Plan affects lands that are located within areas designated for "Habitat Reserve," "Habitat Corridor," "Development with Reserve Areas and Restrictions," and "Development with no Restrictions" under the HMP. Lands designated as "Development with no Restrictions" have no management

restrictions placed upon them as a result of the HMP. The General Plan requires implementation of the Fort Ord HMP.

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board; and

The General Plan would not modify Highway 1 Design Corridor Design Guidelines.

(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.

The General Plan is consistent with the jobs/housing balance approved by the FORA Board.

**Additional Considerations**

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

The General Plan does not modify prevailing wage requirements. Future projects within the County's jurisdiction on former Fort Ord must comply with FORA prevailing wage requirements.

**FISCAL IMPACT:**


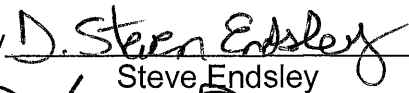
Reviewed by FORA Controller 

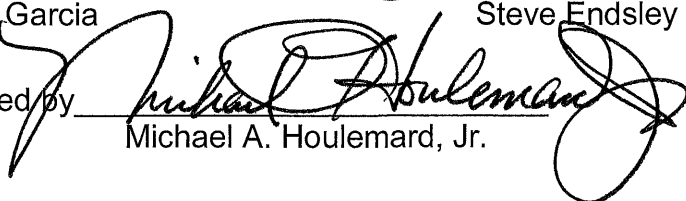
This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be engaged in reuse subject to the General Plan are covered by the Community Facilities District or other agreement that ensure a fair share payment of appropriate future special taxes/fees to mitigate for impacts delineated in the 1997 BRP and accompanying Environmental Impact Report. The County has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

Staff time related to this item is included in FORA's annual budget.

**COORDINATION:**

The County, Planners Working Group, Administrative Committee, and Executive Committee

Prepared by  Jonathan Garcia      Reviewed by  Steve Endsley

Approved by  Michael A. Houlemard, Jr.

**Resolution 14-XX**

Certification of the 2010 )  
Monterey County General Plan )

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

- A. On June 13, 1997, the Fort Ord Reuse Authority (FORA) adopted the Final Base Reuse Plan (the "Reuse Plan") under Government Code Section 67675, et seq.
- B. The Reuse Plan requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements set forth in the Reuse Plan.
- D. The County of Monterey (County) is a member of FORA. The County has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on October 26, 2010, the County adopted the 2010 Monterey County General Plan (General Plan), affecting lands on the former Fort Ord. After noticed public meetings on August 27, 2013 and September 17, 2013 the County determined the General Plan to be consistent with the Reuse Plan, FORA's plans and policies and the FORA Act and considered the Reuse Plan Environmental Impact Report (EIR) in their review and deliberations.
- F. On September 24, 2013, the County requested that FORA certify that the County General Plan is consistent with the Reuse Plan pursuant to the Reuse Plan, FORA Master Resolution, and Fort Ord Reuse Authority Act.
- G. Consistent with the Implementation Agreement between FORA and the County, on September 24, 2013, the County provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the County's action, a reference to the environmental documentation and/or CEQA findings, and findings and supporting evidence of its determination that the General Plan is consistent with the Reuse Plan and the FORA Act (collectively, "Supporting Material"). The County requested that FORA certify that the General Plan is consistent with the Reuse Plan for those portions of the County that lie within the jurisdiction of FORA.
- H. FORA's Executive Officer and the FORA Administrative Committee reviewed and evaluated the County's application and Supporting Materials for consistency. The Executive Officer submitted a report recommending that the FORA Board find that the General Plan is consistent with the Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with

the Executive Officer's recommendation. The Executive Officer and the FORA Executive Committee set the matter for public hearing before the FORA Board on October 11, 2013. The October 11, 2013 hearing was continued to November 8, 2013. The November 8, 2013 hearing was then continued to January 10, 2014. The January 10, 2014 hearing was continued to February 13, 2014.

- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(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..."
- J. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- K. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(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."

NOW THEREFORE be it resolved:

- (1) The FORA Board acknowledges the County's recommendations and actions of August 27, 2013, September 17, 2013 and September 24, 2013 requesting that the FORA Board certify that the General Plan and the Reuse Plan are consistent.

- (2) The FORA Board has reviewed and considered the EIR and the County's environmental documentation, and finds that these documents provide substantial additional information for purposes of FORA's determination that the General Plan and the Reuse Plan are consistent.
- (3) The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
- (4) The FORA Board certifies that the General Plan is consistent with the Base Reuse Plan. The FORA Board further finds that its legislative decision is based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in the County's submittal are not more intense or dense than those contained in the Reuse Plan.
- (5) The General Plan will, considering all its aspects, further the objectives and policies of the Reuse Plan. The County application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this 14th day of March, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Jerry Edelen, Chair

\_\_\_\_\_  
Michael A. Houlemard, Jr., Secretary

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



**Planning Department**  
Mike Novo, AICP, Director of Planning

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025  
Fax: (831) 757-9516  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

September 24, 2013

Jonathan Garcia, Senior Planner  
Fort Ord Reuse Authority  
920 2<sup>nd</sup> Ave., Suite A  
Marina, CA 93933

**SUBJECT: REQUEST FOR FORA CONSISTENCY DETERMINATION ON THE  
2010 MONTEREY COUNTY GENERAL PLAN PURSUANT TO FORA MASTER  
RESOLUTION, ARTICLE 8.01.020**

Dear Mr. Garcia,

On October 26, 2010 the Board of Supervisors of the County of Monterey adopted a comprehensive General Plan update (2010 General Plan) (Resolution 10-291). The 2010 General Plan now governs the future physical development of the unincorporated areas of the County of Monterey, excluding the Coastal Areas, but including most of the Former Fort Ord. As it relates to property in the territory of the Authority to the Executive Officer, the 2010 General Plan contains the Fort Ord Master Plan (in Chapter 9-E). The Fort Ord Master Plan is essentially the same as the 2001 Fort Ord Master Plan that was adopted by the County and found consistent by the Fort Ord Reuse Authority Board on January 18, 2002 (FORA Resolution #02-3) with some minor updates and amendments including:

- Recognition of the Land Swap Agreement
- Re-insertion of policies missing from the 2001 plan; and
- Updates to policies regarding the landfill parcel, East Garrison, and the York Road Planning area to reflect more recent events.

In February of 2012, the County submitted a package, with a formal request for a consistency determination to the Fort Ord Reuse Authority. That package included 1 hard copy and 5 CD's with the following documents and information:

- **Attachment 1** – The adopted 2010 General Plan
- **Attachment 2** – CEQA documents including:
  - a. Draft EIR
  - b. Final EIR; and
  - c. Supplemental Information to the FEIR
- **Attachment 3** – Reports and Resolutions
  - a. Planning Commission Staff Report and Resolution from August 11, 2010
  - b. Board of Supervisors Staff Report and Resolutions (10-290 and 10-291)

- **Attachment 4** – Fort Ord Master Plan redline version showing changes to text from the previously adopted and certified County version of the Fort Ord Base Reuse Plan.
- **Attachment 5** – Consistency Analysis

The County's consistency determination request was placed on hold while the County processed the consistency findings and certification required by the FORA Master Resolution. Between the time of the original submittal and the submittal of this information, the County has amended the 2010 General Plan three times. Because of these amendments, the County would like to ensure that FORA is working with, and considering consistency of, the most recent version of the General Plan. The updated sections of the General Plan along with the EIR Addendums prepared for those amendments are included in this revised submittal. In total, this revised submittal contains the following documents and information:

- **Amendments to Attachment 1 (The 2010 General Plan)** –
  - Updated Carmel Valley Master Plan Chapter (Chapter 9-B of the General Plan)
  - Updated Public Services Chapter (Chapter 5 of the General Plan)

These replace the chapters in the previously submitted General Plan. Note: The third amendment involved a land use designation change on a parcel in southern Monterey County and did not have any effect on Fort Ord Territory.
- **Additions to Attachment 2 (CEQA Documents)** – Addendums to the General Plan EIR were prepared for the General Plan amendments listed above.
  - Addendum 1 – (For Amendment to Chapter 5 of 2010 General Plan)
  - Addendum 2 – (for Amendment to Carmel Valley Master Plan)
  -
- **Additions to Attachment 3 (Reports and Resolutions)** – Two new Board of Supervisors Board Reports and Resolutions certifying that the 2010 General Plan is consistent with the Base Reuse Plan:
  - September 17, 2013 Board Report and Resolution affirming and updating the August 27, 2013 decision (Resolution # 13-0952)
  - August 27, 2013 Board Report and Resolution (Resolution # 13-0290)
  - Board Report for September 17, 2013 Public Hearing
- **Amended Attachment 5 (Consistency Analysis)** – A new and updated consistency analysis was attached to the August 27 and September 17 Board Resolutions. That analysis is the same in both reports.
- **New Attachment 6 (Public Comment)** – New comments and correspondence received on for the August 27 and September 17 Board of Supervisors hearing on the consistency certification.
  - Letter from Sierra Club – Ventana Chapter – September 16, 2013
  - Letter from Law Offices of Michael Stamp – September 17, 2013
  - Letter from Jane Haines -- September 16, 2013
  - Letter from Jane Hainse – August 26, 2013

- o Letter from MR Wolfe – August 26, 2013 (Attachement D of September 17, 2013 Board Report.

As was the case with the first, submitted with this letter is one hard copy and 5 CD's with the updated information listed above. All of the documents from the original submittal and the updated submittal can be found by following the link below:

[www.co.monterey.ca.us/planning/gpu/GPU\\_2007/2010\\_Mo\\_Co\\_General\\_Plan\\_Adopted\\_102610/2010\\_Mo\\_Co\\_General\\_Plan\\_Adopted\\_102610.htm](http://www.co.monterey.ca.us/planning/gpu/GPU_2007/2010_Mo_Co_General_Plan_Adopted_102610/2010_Mo_Co_General_Plan_Adopted_102610.htm)

This link will take you to the page for the 2010 General Plan, which provides links to the EIR and all addendums and a link directly to the material submitted as part of this package.

We would be happy to provide FORA staff and the FORA Board with any additional information deemed necessary to complete the Consistency Determination review. We look forward to working with you on this and should you have any questions regarding this submittal please contact Craig Spencer at (831) 755-5233 or John Ford at (831) 755-5158.

Sincerely,



FOR

Craig W. Spencer, Associate Planner  
Monterey County – Planning Department  
Email: [spencerc@co.monterey.ca.us](mailto:spencerc@co.monterey.ca.us)

Attachments



779 DOLORES STREET  
SAN FRANCISCO, CALIFORNIA 94110  
TEL (415) 641-4641  
WALTNERLAW@GMAIL.COM

## Memorandum

Date: December 26, 2013  
To: Fort Ord Reuse Authority  
Board of Directors  
Mayor Jerry Edelen, Board Chair  
Michael Houlemard, Executive Officer  
From: Alan Waltner, Esq.  
RE: Response to Certain Comments on the Monterey County General Plan  
Consistency Review

This memorandum responds to your request that we address certain comments made in a series of letters submitted to FORA<sup>1</sup> by Jane Haines regarding the Monterey County General Plan Consistency Review that is currently pending before FORA. In general, this response highlights points made in our two previous memoranda that have been overlooked in these letters.

Although the letters are extensive in length, they largely repeat three basic arguments. First, they argue that Section 8.02.010 or the FORA Master Resolution effectively modified the consistency review standards of the FORA Act and Master Resolution to require “strict adherence to the 1997 Reuse Plan” before consistency can be found. Second, they argue that substantial evidence has been provided triggering disapproval of the Monterey County General Plan under one or more of the provisions of Master Resolution Section 8.02.010 – specifically provisions relating to the intensity of land uses, the density of land uses, and substantial conformance with applicable programs in the Reuse Plan. Third, they argue that there is no legal authority supporting a consistency review standard that parallels the standard applying in the local planning context under the Planning and Zoning Law. All three of these arguments were addressed in our previous memoranda, as summarized in this memorandum.

First, there is no support in the FORA Act or Master Resolution for a “strict adherence” standard for consistency reviews. The FORA Act itself simply requires that the FORA Board find that “the portions of the general plan or amended general plan applicable to the territory of the base . . . are consistent with the reuse plan.” Government Code Section 67840.2. As with all statutes, this provision is to be interpreted in accordance with the “plain meaning” of the word chosen by the Legislature, which is “consistent.”

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<sup>1</sup> Abbreviations, acronyms and references used in our previous memoranda dated July 3 and September 3, 2013 will be applied in this memorandum.

Regardless of the dictionary chosen, the definition of the word is similar. For example, the Merriam-Webster online dictionary defines the term as: “marked by harmony, regularity, or steady continuity: free from variation or contradiction.” The term does not require that two items be identical or strictly adhere to one another. Instead, it only requires harmony and a lack of conflict. This is the approach taken in extensive case law interpreting the Legislature’s intention in using the same word in the Planning and Zoning Law, as summarized in our previous memoranda.<sup>2</sup> It is also reflected in various provisions of the Master Resolution. For example, Section 8.02.010(b) clearly allows the “transfer of the intensity of land uses and/or density of development” between specific locations on the base, so long as “the cumulative net density or intensity of the Fort Ord Territory is not increased.” This means that “strict adherence” to the uses on specific parcels is not required so long as a base-wide balance of intensity and density is demonstrated. Regarding compliance with BRP programs, Section 8.02.010(a)(3) of the Master Resolution requires only “substantial conformance” with “applicable” programs. Again, this is much different than the “strict adherence” standard urged in the comment letters. We continue to conclude that the standards being applied by FORA accurately implement the FORA Act and the Master Resolution.

The comment letters argue that language in Master Resolution Section 8.02.010(a) stating that the Board “shall disapprove any legislative land use decision for which there is substantial evidence of [six listed factors]” implicitly modifies the meaning of the word “consistent” or alters the consistency review criteria of the Master Resolution to create a “strict adherence” standard. This implied modification of the applicable standard is unsupported by the structure or language of the provision. Such an interpretation would also conflict with several rules of statutory construction, particularly the rule against rendering language surplusage (the interpretation would effectively read Section 8.02.010(b) and the “substantial conformance” language out of the Master Resolution) and the rule disfavoring implied repeals.<sup>3</sup> The plain meaning of the term “consistent” still applies, as do the limitations of the Master Resolution embodied in the “substantial conformance” and “applicable” references.

Second, there is no substantial evidence that any of the six criteria of Master Resolution Section 8.02.010(a) have been triggered.<sup>4</sup> The comment letters reflect several

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<sup>2</sup> The extensive discussion in the comment letters of differences between the FORA Act and the Planning and Zoning Law does not alter the fact they both use the same term (“consistent”) in a similar context.

<sup>3</sup> There are also substantial questions as to whether the 1997 FORA Board could adopt provisions in the Master Resolution that conflict with the FORA Act, establish review standards binding on a reviewing Court, or limit the police power discretion of subsequent FORA Boards. These issues are reserved for subsequent elaboration if needed.

<sup>4</sup> We note that the six criteria of this section are connected with the word “and.” Literally read, then, there would need to be substantial evidence that all six criteria have been triggered before disapproval is required. The comment letters focus on three of the six criteria and no argument is made regarding the other three. Since there is no substantial evidence that any of the criteria have been triggered, this memorandum does not rely upon the use of the word “and” in this provision, but the argument is reserved. Master Resolution 8.02.010(a)(3) also refers only to substantial conformance with “programs” and does not reference substantial conformance with “policies” of the BRP. Again, this memorandum does not rely

fundamental flaws in making this argument. Most importantly, the comment letters generally do not point to any specific evidence of a lack of consistency, but instead simply reference the Monterey County General Plan and FORA BRP as a whole and urge that within them are unspecified inconsistencies. In other words, the comment letters do not identify the “substantial evidence” upon which they are relying. The comment letters also do not attempt to rebut Monterey County’s analyses of consistency that support the application. The argument further erroneously applies the “strict adherence” standard addressed earlier herein. Thus, for example, regarding the requirement of “substantial conformance” with “applicable” programs of the BRP, there is no specifically identified evidence in any of the comment letters that any particular applicable program has not met the substantial conformance test.

We note in this regard that the entirety of the BRP has been incorporated by reference into the Monterey County General Plan that is the subject of the pending consistency review application. See Monterey County 2010 General Plan, Chapter 9.E (“This plan incorporates all applicable policies and programs contained in the adopted Reuse Plan as they pertain to the subject area.”). The comment letters do not attempt to explain how, despite this incorporation, “substantial conformance” with applicable BRP programs has not been achieved.

Given the general lack of specific objections in the comments, a more detailed response to the commenter’s substantial evidence argument cannot be made. The most specific objection made is to the fact that a natural ecosystem easement has not yet been recorded by Monterey County for the Monterey Downs area. See October 10, 2013 letter from Jane Haines. However, a commitment has been made by Monterey County, through incorporation of the BRP program requiring such an easement. The fact that implementation of this easement obligation is not yet applicable (there is not yet a specific Monterey Downs proposal and adjustments to any protected areas are likely to be made, meaning that the property description in an easement cannot yet be defined and recording such an easement is not yet possible) does not provide any evidence that substantial conformance with this BRP program is not reflected in the Monterey County General Plan. Any specific development entitlements for Monterey Downs will be subject to further review by the FORA Board at which time the easement obligation can be enforced if necessary. The other objections in the comment letters are very cursory and do not describe the substantial evidence purported to demonstrate a lack of substantial conformance with applicable BRP programs.

Third, although no challenge to a FORA consistency determination has ever been brought, and no other challenge to a FORA land use action has ever proceeded to a written judicial opinion, this does not mean that there is no legal authority for the interpretation and application of the consistency standard. As discussed earlier herein, the Legislature’s use of the word “consistent” in the FORA Act, and FORA’s interpretations and implementation of this language in the Master Resolution, are the applicable law, as discussed earlier herein and in our earlier memoranda.

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upon this omission, since there is no substantial evidence of applicable BRP policies that have not been substantially complied with, but this argument is likewise reserved.

| <b>FORA Master Resolution Section</b>  | <b>Finding of Consistency</b> | <b>Justification for finding</b>   |
|--|-------------------------------|--|
| (1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;   | Yes                           | The General Plan does not establish land use designations more intense than permitted in the Base Reuse Plan (“BRP”). See Exhibit 1 to Monterey County Board of Supervisors Order 13-0952/Resolution No. 13-307 (Reso. 13-307) page 5 of 13. |
| (2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;   | Yes                           | The General Plan does not allow denser development than permitted in the BRP. See Reso. 13-307 page 5 of 13.   |
| (3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.   | Yes                           | The General Plan is in compliance with applicable programs. See Reso. 13-307 page 5 of 13.   |
| (4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; | Yes                           | No conflict or incompatibility exists between the General Plan and BRP. See Reso. 13-307 page 6 of 13.   |
| (5) Requires or otherwise provides 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;  | Yes                           | The General Plan does not modify County obligations to contribute to basewide costs. See Reso. 13-307 page 6 of 13.  |
| (6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan (“HMP”).   | Yes                           | The General Plan provides for HMP implementation. See Reso. 13-307 page 6 of 13.   |
| (7) Is consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.  | Yes                           | The General Plan does not modify Highway 1 Scenic Corridor design standards.   |
| (8) Is 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.   | Yes                           | The General Plan is consistent with job/housing balance requirements. See Reso. 13-307 page 13 of 13.  |
| (9) Prevailing Wage  | Yes                           | The General Plan does not modify prevailing wage requirements.   |

**Resolution 14-XX**

Refusal to certify the 2010 )  
Monterey County General Plan )  
Until suggested modifications are )  
Adopted and submitted )

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

- A. On June 13, 1997, the Fort Ord Reuse Authority (FORA) adopted the Final Base Reuse Plan (the "Reuse Plan") under Government Code Section 67675, et seq.
- B. The Reuse Plan requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements set forth in the Reuse Plan.
- D. The County of Monterey (County) is a member of FORA. The County has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on October 26, 2010, the County adopted the 2010 Monterey County General Plan (General Plan), affecting lands on the former Fort Ord. After noticed public meetings on August 27, 2013 and September 17, 2013 the County determined the General Plan to be consistent with the Reuse Plan, FORA's plans and policies and the FORA Act and considered the Reuse Plan Environmental Impact Report (EIR) in their review and deliberations.
- F. On September 24, 2013, the County requested that FORA certify that the County General Plan is consistent with the Reuse Plan pursuant to the Reuse Plan, FORA Master Resolution, and Fort Ord Reuse Authority Act.
- G. Consistent with the Implementation Agreement between FORA and the County, on September 24, 2013, the County provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the County's action, a reference to the environmental documentation and/or CEQA findings, and findings and supporting evidence of its determination that the General Plan is consistent with the Reuse Plan and the FORA Act (collectively, "Supporting Material"). The County requested that FORA certify that the General Plan is consistent with the Reuse Plan for those portions of the County that lie within the jurisdiction of FORA.
- H. FORA's Executive Officer and the FORA Administrative Committee reviewed and evaluated the County's application and Supporting Materials for consistency. The Executive Officer submitted a report recommending that the FORA Board find that the

General Plan is consistent with the Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer and the FORA Executive Committee set the matter for public hearing before the FORA Board on October 11, 2013. The October 11, 2013 hearing was continued to November 8, 2013. The November 8, 2013 hearing was then continued to January 10, 2014. The January 10, 2014 hearing was continued to February 13, 2014.

- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(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..."
- J. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- K. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(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."

NOW THEREFORE be it resolved:

1. The FORA Board acknowledges the County's actions of August 27, 2013, September 17, 2013 and September 24, 2013, and the County's request that FORA certify that the County General Plan is consistent with the Reuse Plan pursuant to the Reuse Plan, FORA Master Resolution, and Fort Ord Reuse Authority Act.
2. The FORA Board has reviewed and considered the EIR and the County's environmental documentation, and finds that these documents provide substantial additional information for purposes of FORA's determination that the General Plan and the Reuse Plan are consistent.
3. The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and Administrative Committee and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board refuses to certify the General Plan until the following policies and programs are adopted in the Fort Ord Master Plan component of the General Plan as currently included and worded in the Reuse Plan and Reuse Plan EIR: Recreation/Open Space Land Use (ROLU) Policy A-1, ROLU Program A-1.2, ROLU Program B-2.1, Hydrology and Water Quality (HWQ) Policy B-1, HWQ Programs B-1.1 through B-1.3, HWQ Programs B-2.4 through B-2.7, HWQ C-6.1, Biological Resources (BR) Policy C-2, BR Programs C-2.1, C-2.2, C-2.3, and C-2.5.
5. If such modifications are adopted by the County as suggested, and the Executive Officer confirms such modifications have been made, the General Plan shall be deemed consistent with the Reuse Plan.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this 14th day of March, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
Jerry Edelen, Chair

ATTEST:

\_\_\_\_\_  
Michael A. Houlemard, Jr., Secretary

***Below is a link to 11 items of correspondence. Table 1 – List of Correspondence (below) describes who correspondence is from and the date.***

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<http://fora.org/Board/2014/Packet/Additional/031414Item8a-AttachF.pdf>

| <b>Table 1 – List of Correspondence</b> |  |             |
|---|--|-------------|
| <b>Label</b>                            | <b>From</b>  | <b>Date</b> |
| F.1                                     | Jane Haines, member of the public                                | 10/10/2013  |
| F.2                                     | Scott Waltz, Sierra Club Ventana Chapter                         | 10/10/2013  |
| F.3                                     | Jane Haines, member of the public                                | 11/07/2013  |
| F.4                                     | Jane Haines, member of the public                                | 11/08/2013  |
| F.5                                     | Jane Haines, member of the public                                | 12/30/2013  |
| F.6                                     | Thomas Lippe, Sierra Club Ventana Chapter                        | 01/08/2014  |
| F.7                                     | John Farrow, LandWatch Monterey County                           | 01/09/2014  |
| F.8                                     | Leslie Girard, Office of County Counsel                          | 01/10/2014  |
| F.9                                     | Jane Haines, member of the public                                | 02/10/2014  |
| F.10                                    | Thomas Lippe, Sierra Club Ventana Chapter                        | 02/12/2014  |
| F.11                                    | Molly Erickson, Keep Fort Ord Wild and The Open Monterey Project | 02/13/2014  |

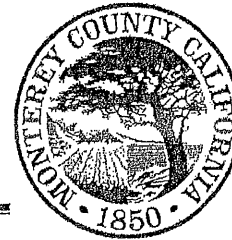


# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director  
Carl P. Holm, AICP, Deputy Director

---

Michael A. Rodriguez, C.B.O., Chief Building Official  
Michael Novo, AICP, Director of Planning  
Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
<http://www.co.monterey.ca.us/rma>

October 23, 2013

Fort Ord Reuse Authority  
Jonathan Garcia, Senior Planner  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

SUBJECT: 2010 Monterey County General Plan Consistency Determination.

Dear Mr. Garcia,

This letter is provided as the County's responses to comments received during the General Plan consistency determination process.

## Overview

In 2001, Monterey County added the Fort Ord Master Plan to our General Plan, which the FORA Board found consistent with the Fort Ord Reuse Plan in 2002 (FORA Resolution #02-3). In 2010, the Fort Ord Master Plan (FOMP) was updated to recognize actions that the FORA Board had already taken. The changes included references to the Land Swap Agreement, the East Garrison approvals (both of which were found consistent with the Reuse Plan by the FORA Board) and other minor text changes made in consultation with FORA staff. There was no intent to change any policy or program.

It has come to our attention through the consistency determination process that the 2001 Master Plan and hence the 2010 Monterey County General Plan does not accurately copy word for word several Base Reuse Plan policies and programs. Policies and programs certified by FORA for the 2001 plan were not changed as part of the 2010 update. The County has stated its intent in the language of the FOMP and the subsequent resolution to carry out the General Plan in a manner fully in conformity with the Reuse Plan, which includes the FEIR, Implementation agreement and the Authority Act. The County submits for your consideration that fulfilling the intent of the policies and programs is more important than whether the language is identical between the FOMP and the Base Reuse Plan. In this case there is significant history in the Fort Ord Reuse Plan, and in the FEIR that shape and guide how the policies of the FOMP are interpreted and applied. The County submits that while the language is different, the implementation must be consistent with the intent of the Reuse Plan, as such the Fort Ord Master Plan should be found consistent with Reuse Plan. To demonstrate this, below are the County's responses to comments received during the consistency determination process describing how the plans are consistent.

## Comments and Responses

**Issue 1:** Parts of the FOMP [Fort Ord Master Plan] reverse specific changes made in response to comments in the Fort Ord Reuse Plan Final EIR.

*County's Response:* As noted above it was not the County's intent to change anything as part of the 2010 General Plan that had not been acted on by FORA. The policies and programs do seem to be based upon the draft plan evaluated in the DEIR for the Reuse Plan. The question is whether these policies would be implemented in a manner consistent with the plan. Those policies identified are:

- *Recreation/Open Space Land Use Policy A-1.* The word change from "shall encourage the conservation and preservation" to "shall protect"

This word change in the FEIR was made as a result of potential Land Use Compatibility Impacts, specifically concerning the "Frog Pond" which is in Del Rey Oaks, the Police Officer Safety Training (POST) facility that was relocated by the Land Swap Agreement, and the Youth Camp/East Garrison development that has already been addressed through approvals of the East Garrison development and Youth Camp restrictions in the HMP. The concerns behind this language change have already been resolved through implementation.

- *Recreation/Open Space Land Use Program A-1.2* – program calling for Natural Ecosystem Easement Deeds on "identified open space lands" omitted.

This program also was the result of the potential Land Use Compatibility Impacts described above yet the County is committed to complying with this requirement through plan implementation. The item is included in the County's Long-range work program.

- *Hydrology and Water Quality Policy B-1 and Programs B-1.1 through B-1.7.*

The language of the FOMP is not identical to the Reuse Plan, but the language has been included in other policies and programs in an equivalent or more comprehensive manner.

- *Hydrology and Water Quality Program C-6.1* – Program requiring the County to work closely with other FORA jurisdictions and CDRP to develop and implement a plan for storm water disposal that will allow for the removal of ocean outfall structures.

The County is under order from the State Water Board to develop storm water requirements that meet current state standards. The County is nearing completion of those standards including eliminating ocean outfalls and will work closely with other FORA jurisdiction to accomplish the same in Fort Ord. The County is leading a storm water task force to address this issue.

- *Biological Resources Policy C-2 and Programs C-2.1, C-2.2, C-2.3 and C-2.5.* – Preservation of oak woodlands in the natural and built environments.

Oak woodlands are protected under the General Plan, state law, and within Current County code. The County reviews and requires each development to minimize impacts on native trees through siting, design, and other mitigations pursuant to policies within the Fort Ord Master Plan, the HMP, the Open Space Element of the General Plan (Policies OS-5.3, OS-5.4, OS-5.10, OS-5.11; OS-5.4, and OS-5.23), and the Land Use Element of the General Plan (Policies LU-1.6 and LU-

1.7). Appropriate protections are provided for Oak woodlands within the natural and built environments.

**Issue 2:** Fort Ord does not have a long-term sustainable Water Supply contrary to County General Plan Policy PS-3.1 [which establishes a rebuttable presumption that there is a long-term water supply in Zone 2C which includes Fort Ord Territory].

*County's Response:* Policy PS-3.1 requires a determination that there is a long-term sustainable water supply. An exception is given to development within Zone 2C; however, "This exception for Zone 2C shall be a rebuttable presumption that a Long Term Sustainable Water Supply exists within Zone 2C {...} Development in Zone 2C shall be subject to all other policies of the General Plan **and applicable Area Plan**" (emphasis added.) In the case of the Fort Ord Master Plan (an Area Plan), there are more specific area plan policies that give guidance on making a finding that a Long Term Sustainable Water Supply exists consistent with PS-3.1. The Determination of a Long Term Sustainable Water supply would rely on the Hydrology and Water Quality policies of the Reuse Plan including the requirement to comply with the Development Resource Management Plan (DRMP). The DRMP establishes a water allocation for the County. The Public Services Element and the Fort Ord Master Plan policies work in conjunction with each other in a manner that is consistent with the Reuse Plan.

**Issue 3:** The Fort Ord Master Plan does not comply with the Land Swap Agreement because the Land Swap Agreement traded residential density at Parker Flats for increased residential density at East Garrison. This trade made the Eastside Parkway no longer desirable as a primary travel route.

*County's Response:* The Fort Ord Master Plan reflects the action taken on the Land Swap Agreement in 2002 and 2003 by acknowledging the revised Habitat Lands under the HMP. The Land Swap Agreement did not include amendments to the Reuse Plan. The Land Swap Assessment that accompanied the Land Swap Agreement provided the biological evidence necessary to gain concurrence from HMP stakeholders that the "swap" was sufficient under the terms of the HMP. The Biological Assessment mentions changes being considered at the time of the Land Swap Agreement preparation<sup>1</sup>, but those references within the biological assessment for an HMP amendment did not amend the Reuse Plan nor do they make the adopted General Plan inconsistent with adopted Reuse Plan since both documents have the same land use designations for the areas in question.

<sup>1</sup> The FORA Master Resolution states "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."

**Issue 4:** The County Still has not complied with the Fort Ord Reuse Plan Policies after Fifteen (15 Years).

*County's Response:* The County has implemented some of the Reuse Plan policies and is actively working on others. Delays in implementation do not make the General Plan inconsistent with the Reuse Plan.

**Issue 5: Is the County the lead agency under CEQA?**

**County's Response:** Yes. The FORA Master Resolution describes FORA's role as a "Responsible Agency" under CEQA for review of legislative decisions and development projects (Section 8.01.070). The County has certified an EIR prior for the 2010 General Plan. The DEIR, FEIR, Supplemental Information, and subsequent addendums to the EIR have all been provided to FORA with the consistency determination submittal/request.

**Conclusion**

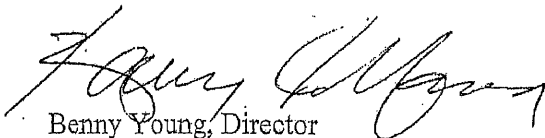
The Description of the Fort Ord Master Plan on pg FO-1 states "The purpose of this plan is to designate land uses and incorporate objectives, programs and policies to be consistent with the Fort Ord Reuse Plan (Reuse Plan) adopted by the Fort Ord Reuse Authority (FORA) in 1997." The County is implementing the Reuse Plan by adopting Reuse Plan Land Use Designations, enforcing the Habitat Management Plan, participating in the Base-wide Habitat Conservation Plan process, and coordinating with the public and private jurisdiction regarding development and open space in Fort Ord.

The County has supported the purpose statement of the Fort Ord Master Plan by adopting a resolution containing findings and certification that the 2010 General Plan is consistent with and intended to be carried out in a manner fully in conformity with the Reuse Plan (as required by the FORA Master Resolution). Attached to the findings is a table that outlines how the County's General Plan addresses all of the "Specific Programs and Mitigation Measures For Inclusion in Legislative Land Use Decisions" (Section 8.02.020 of the FORA Master Resolution).

None of the Findings requiring denial of the consistency determination, contained in 8.02.010 of the FORA Master Resolution can be made. The General Plan does not allow more intensity (1) or density (2) of Land Use than the Reuse Plan (see Land Use Designations), (3) Required programs and Mitigation Measures have been included and/or are being implemented as evidenced in the attachment to the County's consistency resolution and as further explained above, (4) The General Plan contains the same types of Land Uses that the Reuse Plan and the General Plan will not conflict or be incompatible with open space, recreational, or habitat management areas, (5) Financing and the provisions for adequate public services and facilities are required, and (6) implementation of the HMP is required.

The 2010 General Plan is consistent with the Fort Ord Reuse Plan.

Sincerely,



Benny Young, Director  
Resource Management Agency  
County of Monterey

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** 2<sup>nd</sup> VOTE: Approve Executive Officer Contract Extension

**Meeting Date:** March 14, 2014

**Agenda Number:** 8b

**ACTION**

### RECOMMENDATION(S):

Approve extension of Executive Officer Employment Agreement until June 30, 2020.

### BACKGROUND/DISCUSSION:

Executive Officer Michael Houlemard's existing employment contract is comprised of a September 21, 2000 agreement, with numerous extensions and supplements. In order to provide ease of review by the Board, the Executive Committee directed Authority Counsel to prepare an employment agreement that incorporated into one document all of the existing agreement terms, as extended and supplemented. The attached agreement (**Attachment A**) has been prepared by Authority Counsel to mirror the existing agreement terms, except that it commences July 1, 2014 and ends on June 30, 2020. Executive Officer Houlemard's current employment agreement terminates June 30, 2014.

The FORA Board received and reviewed the proposed agreement, and provided direction to Authority Counsel to set this item for February 13, 2014 Board meeting action. On February 13, 2014 the Board voted 10-2 (Morton and Parker dissenting) to approve extension of the Executive Officer contract until June 30, 2020. As the motion did not receive unanimous Board approval, the Board must conduct a second vote on this motion.

### FISCAL IMPACT:


Reviewed by FORA Controller 

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

### COORDINATION:

FORA Board, FORA Executive Committee, Authority Counsel

Prepared by

  
Jon Giffen

Approved by

  
Steve Endsley

**EXECUTIVE OFFICER  
EMPLOYMENT AGREEMENT**

This Executive Officer Employment Agreement (this "Agreement") is made and entered into effective July 1, 2014 (the "Commencement Date") by and between the Fort Ord Reuse Authority, a public corporation formed under the Fort Ord Reuse Authority Act, California Government Code sections 67650 *et seq.* (hereinafter "FORA") and Michael A. Houlemard, Jr., an individual (hereinafter "Houlemard").

**1. RECITALS.** This Agreement is made and entered into with respect to the following circumstances:

(a) Houlemard has served as the Executive Officer of FORA since March 1997. On or about September 21, 2000 FORA and Houlemard (each a "Party" and collectively, the "Parties") entered into an Executive Officer Employment Agreement for a term ending June 30, 2003 (the "Employment Agreement"). On or about July 11, 2003 the Parties entered into Extension #1 to the Employment Agreement by which the term of Houlemard's employment was extended through June 30, 2008. On or about June 13, 2008 the Parties entered into Extension #2 to the Employment Agreement by which the term of Houlemard's employment was extended through the then anticipated end of FORA's statutory authority (June 30, 2014). Subsequent amendment to the Fort Ord Reuse Authority Act has extended the term of FORA's statutory authority through June 30, 2020, but the term of the Employment Agreement as extended will expire on June 30, 2014.

(b) Houlemard has performed his duties as the Executive Officer of FORA to the satisfaction of FORA's governing Board of Directors (the "Board").

(c) The Parties desire that the term of Houlemard's employment as Executive Officer of FORA should be further extended on the terms and conditions set forth in this Agreement.

**2. TERM.** The term of this Agreement shall commence on the Commencement Date and shall end, unless sooner terminated or otherwise extended, no later June 30, 2020.

**3. COMPENSATION.**

(a) Salary, COLAs and Longevity Pay. During the term of this Agreement, as compensation for his services as FORA's Executive Officer, Houlemard shall be paid an annual salary of Two Hundred Seven Thousand Three Hundred Seventy-Four Dollars (\$207,374.00) in installments in accordance with the FORA's general compensation program, prorated for any partial payroll period. If and when a Cost of Living Adjustment ("COLA") is awarded to FORA's other employees, Houlemard's salary shall be adjusted in like proportion. Houlemard has been receiving and during the term of this Agreement Houlemard shall continue to receive

longevity pay on the same basis and subject to the same terms and conditions as apply to FORA's other employees. Except as a consequence of a COLA or longevity pay, Houlemard's salary shall not be adjusted during the term of this Agreement, but an incentive bonus may be awarded to Houlemard from time to time as provided in Section 3(b) below.

(b) Incentive Bonus. The Board may award a bonus to Houlemard in recognition of exemplary performance beyond that required under this Agreement as an incentive to continue such performance. The bonus shall not be considered to be salary to which Houlemard is entitled or as any form of compensation for past performance. Rather, any bonus shall be an inducement for future performance. As such, in order to be eligible to receive any bonus Houlemard must be employed by FORA at the time any bonus is awarded. The Board has the sole and unbounded discretion to award or withhold a bonus, and to establish the amount of any such bonus. The Board may award any bonus in a lump sum or in installments. The award of a bonus should not be expected.

(c) Employee Taxes. Houlemard is subject to all applicable Federal and State income tax withholdings from his income.

(d) Retirement Contribution. Houlemard shall be entitled to participate in the retirement program made available by FORA through the Public Employees' Retirement System to FORA's other employees (currently 2% at 55), as the retirement program may from time to time be amended, and in the same manner, to the same extent, and subject to the same terms and conditions, including but not limited to contribution rates, as apply to FORA's other employees.

(e) Paid Leave. During the term of this Agreement, Houlemard shall be entitled to forty-nine (49) days per year as paid leave, which shall be allocated as follows:

|                  |         |
|------------------|---------|
| Vacation         | 26 days |
| Sick Leave       | 18 days |
| Management Leave | 5 days  |

Vacation, Sick Leave, and Management Leave may be collectively referred to as "Annual Leave." Annual Leave shall accrue, be subject to accrual limits, be converted to service credit on retirement, be cashed out, or may be used, each only in conformity with those policies regarding Annual Leave established by FORA as they may be amended from time to time. Houlemard shall not be required to keep time sheets, but shall inform FORA's Executive Committee in advance of his vacation plans and shall report to the Executive Committee his use of all categories of Annual Leave contemporaneously with taking leave.

(f) Car Allowance. During the term of this Agreement, FORA shall pay Houlemard Two Hundred Fifty Dollars (\$250.00) per month as an allowance for use of his personal vehicle. Houlemard shall at all times during the term of this Agreement maintain liability insurance covering the business use of his personal vehicle meeting the reasonable satisfaction of FORA.

(g) Deferred Compensation. During the term of this Agreement, FORA shall contribute Eight Hundred Thirty-Three Dollars (\$833.00) per month into a deferred compensation plan mutually selected by the Parties.

(h) Insurance. Houlemard and his dependents shall be entitled to participate in any life or health insurance programs made available by FORA to FORA's other employees and their dependents, as such program(s) may from time to time be amended, and in the same manner, to the same extent, and subject to the same terms and conditions, including but not limited to contribution rates, as apply to FORA's other employees and their dependents.

(i) Professional Dues/Conferences. Houlemard shall be entitled to attend the conferences for which FORA budgets. If such conferences are budgeted, FORA shall also pay for Houlemard's reasonable expenses incurred in attending such conferences in conformity with those policies regarding reimbursements established by FORA as they may be amended from time to time.

(j) Holidays. Houlemard shall be entitled to the same paid holidays as are provided to FORA's other employees.

(k) Reimbursable Expenses. Houlemard shall be reimbursed for out-of-pocket expenses according to those policies regarding reimbursements established by FORA as they may be amended from time to time. In acknowledgment of the monthly car allowance described in Section 3(f), Houlemard shall not be reimbursed for mileage associated with the performance of his duties as Executive Officer.

**4. EVALUATION.** The Board intends to conduct a performance evaluation on or before June 1 of each year, at which time the Board may, but shall not be obligated to, consider awarding an incentive bonus as set forth in Section 3(b) above. Houlemard shall provide a timely reminder to FORA's Executive Committee to schedule the annual performance review. The Parties agree that any failure to conduct any performance review shall not be deemed a breach of this Agreement.

**5. EXCLUSIVE EMPLOYMENT AND OUTSIDE WORK.** Houlemard agrees to work exclusively for FORA as Executive Officer, with such duties and responsibilities as shall be set forth by the Board, and shall so serve faithfully and to the best of his ability under the direction and supervision of the Board. Houlemard may, without violating the exclusive services term in this Agreement, teach or write for publication without FORA's prior approval. With the prior written approval of the Board, Houlemard may also enter into consulting arrangements with public or private entities if such activities do not interfere with his duties as Executive Officer.



**6. TERMINATION.** Houlemard is an at-will employee and serves at the pleasure of the Board. Houlemard may be dismissed, and this Agreement terminated, at the discretion of the Board for any reason or for no reason at all, except that in the event of termination pursuant to Sections 6(c) or (d) below, FORA shall provide the notice and/or compensation as provided therein. This Agreement may be terminated prior to its scheduled expiration date as follows:

(a) By mutual agreement;

(b) By Houlemard providing FORA ninety (90) days advance written notice;

(c) By FORA through written notice to Houlemard of intent to terminate his employment for "Cause." For purposes of this Agreement, with respect to Houlemard the term "Cause" shall mean (i) breach of this Agreement; (ii) commission of an act of dishonesty, fraud, embezzlement or theft in connection with his duties or in the course of his employment; (iii) commission of damage to property or reputation of FORA; (iv) failure to perform satisfactorily the material duties of his position after receipt of a written or verbal warning from the Board; (v) conviction of a felony or a crime of moral turpitude; (vi) failure to adhere to or execute FORA's policies; or (vii) such other behavior detrimental to the interests of FORA as the Board determines. Cause shall be determined in the sole discretion of the Board. If the Board believes that FORA has Cause to terminate Houlemard's employment, FORA shall give appropriate written notice to Houlemard as provided in Government Code section 54957 of his right to have the complaints or charges heard in an open session rather than a closed session of a meeting of the Board. After written notice to Houlemard, if he does not request to have the complaints or charges heard in open session, he shall be provided the opportunity to meet with the Board in closed session regarding the specific complaints or charges stated in writing. Should the Board decide after meeting to terminate Houlemard, his employment shall be terminated immediately without rights to any appeal, severance pay or benefits other than compensation earned (including all benefits and reimbursements accrued and then due) up to the effective date of termination.

(d) By FORA through written notice to Houlemard of termination without Cause. In that event, the termination shall be effective upon delivery of the notice unless the notice provides otherwise. If terminated without Cause, Houlemard shall be entitled to severance pay equal to six (6) months salary, exclusive of benefits. At the election of the Board, severance pay may be paid in substantially equal installments over any period up to six (6) months.

**7. NOTICES.** Notices under this Agreement shall be by United States mail, postage prepaid, addressed as follows, or such other address as the Parties may establish and provide written notice thereof:

Chair of the Board of Directors  
Fort Ord Reuse Authority  
100 12th Street  
Marina, CA 93933

Michael A. Houlemard, Jr.  
2223 Albert Lane  
Capitola, CA 95010

**8. TERMINATION OF FORMER EMPLOYMENT AGREEMENT.** Effective upon the Commencement Date, the Employment Agreement shall automatically, and without any need for further action by the Parties, be terminated and of no further force and effect. During the term of this Agreement, the employment relationship between the Parties shall be controlled by the terms and conditions of this Agreement and not by any terms or conditions of the former Employment Agreement. The foregoing provisions notwithstanding, any Annual Leave which Houlemard has accrued but which remains unused and has not been cashed out as of the day before the Commencement Date shall be carried over and added to the Annual Leave which accrues pursuant to this Agreement, subject to any applicable accrual limits as may be specified in those policies regarding Annual Leave established by FORA as they may be amended from time to time.

**9. COMPLETE AGREEMENT.** This Agreement is a full and complete statement of the Parties' understanding with respect to the matters set forth in this Agreement. This Agreement supersedes and replaces any and all prior or contemporaneous agreements, discussions, representations, or understandings between the Parties relating to the subject matter of this Agreement, whether oral or written.

**10. INTERPRETATION.** This Agreement shall be construed as a whole and in accordance with its fair meaning. It is understood and agreed by the Parties that this Agreement has been arrived at through negotiation and deliberation by the Parties, with each Party having had the opportunity to review and revise this Agreement and to discuss the terms and effect of this Agreement with counsel of its choice. Accordingly, in the event of any dispute regarding its interpretation, this Agreement shall not be construed against any Party as the drafter, and the Parties expressly waive any right to assert such a rule of interpretation.

**11. PARTIAL INVALIDITY.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the Parties agree that the remaining provisions shall nonetheless continue in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date and year first written above.

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Michael A. Houlemard, Jr.

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Chair  
Fort Ord Reuse Authority

# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

|                       |   |               |
|-----------------------|---|---------------|
| <b>Subject:</b>       | <u>Consistency Determination:</u> Consider Certification, in Whole or in Part, of Seaside Zoning Code Text Amendments and Use Permit for a Youth Hostel, Located at 4420 Sixth Avenue, Seaside, CA, as Consistent with the 1997 Base Reuse Plan |               |
| <b>Meeting Date:</b>  | March 14, 2014  | <b>ACTION</b> |
| <b>Agenda Number:</b> | 9a  |               |

### **RECOMMENDATION(S):**

Approve Resolution 14-XX (**Attachment A**), certifying the City of Seaside’s legislative land use decision and development entitlement that the Seaside General Plan zoning text amendment and project entitlements related to American Youth Hostel (“AYH”) are consistent with the Fort Ord Base Reuse Plan (“BRP”).

### **BACKGROUND:**

Seaside submitted the AYH legislative land use decision and development entitlement for consistency certification on January 24, 2014 in accordance with sections 8.02.010 and 8.02.030, respectively, of the Fort Ord Reuse Authority (“FORA”) Master Resolution. All submitted documents are available: <http://www.ci.seaside.ca.us/index.aspx?page=506>.

Public Notice of the FORA Board’s schedule to Consider Certification, in Whole or in Part, of Seaside Zoning Code Text Amendments and Use Permit for a Youth Hostel, located at 4420 Sixth Avenue, Seaside, CA, as Consistent with the 1997 BRP was given in the Monterey Weekly beginning March 3, 2014.

Under state law, (as codified in FORA’s Master Resolution) legislative land use decisions (plan level documents such as General Plans, General Plan Amendments, Zoning Codes, Redevelopment Plans, etc.) must be scheduled for FORA Board review under strict timeframes. This item is included on the Board agenda because it includes a legislative land use decision, requiring Board certification.

On August 28, 2013 the Seaside City Council adopted Resolution No. 13-12: Mitigated negative declaration for the approval of text amendments to the Seaside Municipal Code (zoning code) and phased development of a 120-bed youth hostel at 4420 Sixth Ave; Resolution No. 13-13: approving an ordinance for text amendments to Title 17 of the Seaside Municipal Code (zoning Code) regarding the proposed development of a 120-bed youth hostel at 4420 Sixth Ave; and Resolution No. 13-14: approval of a Use Permit to allow the phased development of a 120-bed youth hostel in the mixed use commercial (CMX) zoning district, to be consistent with the BRP.

### **DISCUSSION:**

Seaside staff provided additional information to the Administrative Committee on March 5, 2014. Subsequently, the Administrative Committee was unanimous in concurring on the FORA Staff recommendation for consistency certification. In all consistency

**Rationale for consistency determinations** FORA staff finds that there are several defensible rationales for certifying a consistency determination. Sometimes additional information is provided to buttress those conclusions. In general, it is noted that the BRP is a framework for development, not a precise plan to be mirrored. However, there are thresholds set in the resource constrained BRP that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, the rationales for consistency analyzed are:

**LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTION 8.02.010  
AND DEVELOPMENT ENTITLEMENT CONSISTENCY FROM SECTION 8.02.03  
OF THE FORA MASTER RESOLUTION**

*(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 support 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;*

Seaside's submittal is consistent with the BRP and would not establish a land use designation that is more intense than the uses permitted in the BRP.

The Seaside General Plan under the BRP designates the project site Mixed Use (MX), to promote pedestrian and transit-oriented activity centers that have a mixture of residential, commercial, office, and civic uses. The intent of the Mixed Use designation is to provide additional residential, employment, and services that are conveniently located adjacent to existing population centers.

The youth hostel site is close to CSUMB campus and would provide low-cost accommodation for persons visiting the campus, as well as for persons visiting the open space and park areas, and other tourist destinations now located within the Fort Ord National Monument east of the project site and throughout the Monterey Peninsula.

The youth hostel has been anticipated at this location since 1998 when the State Department of Parks and Recreation submitted a request for a public benefit conveyance. Although relatively few transit lines serve the immediately adjacent streets, the CSUMB campus core area is within a one-half mile walk, and is served by multiple transit routes.

The General Plan projects 4,332,000 square feet of development within the Mixed Use designation, and up to 937 dwelling units. The proposed project would represent a very small percentage of that total, with about 22,200 square feet of building area (most of which is already existing) and three residential units for employees.

The Seaside General Plan text amendment adds "Youth Hostel" to the existing Commercial Mixed Use (CMX) zoning definition.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;

Seaside's submittal is consistent with the BRP and would not allow development that is denser than the uses permitted in the BRP. Allowable Floor-to-Area ("FAR") ratio in the CMX zoning district is 2.0. The proposed project FAR is 0.1, in compliance with the maximum allowable FAR.

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;

Seaside's submittal is in substantial conformance with the applicable programs in the BRP and Master Resolution.

The 2004 Seaside General Plan was certified consistent with the BRP on Dec 10, 2004. The proposed project and zoning code text amendment have been developed to implement the policies of the 2004 Seaside General Plan and therefore would also be consistent with the BRP and the Master Resolution.

The project site is designated as a "Development Parcel" in the approved Habitat Management Plan ("HMP"). It is also designated as Developed/Non-habitat in the Seaside General Plan. The site does not contain sensitive habitats. The project is not within or adjacent to the local Coastal Zone.

CFD fees from the project will contribute to mitigating overall base reuse development impacts through the implementation of the HMP. The project is in conformance with the following applicable General Plan goals and policies: LU-1, LU-5.2, LU-1.3, LU-2, LU-2.4, LU-4, LU-4.1, LU-5, LU-5.1, LU-6, and LU-6.2.

The proposed project will not change Seaside General Plan policies relating to: historical/cultural resources; waste reduction and recycling; on-site water collection; and inter-jurisdictional cooperation. The project would utilize existing wastewater collection system connections. No private wells would be installed. The proposed project site will not be used as a reservoir or water impoundment.

CA Department of Parks and Recreation transferred rights for 5.5 acre-feet of water/year to the City of Seaside for specific use at this project. Projected water demand would not exceed this amount. Water demand projections are based on 7-years of use data from the existing Monterey Youth Hostel. Mitigation measures would reduce any potential future impacts by monitoring use and adjusting at each new development phase. Specific mitigation measures HY-1 and HY-2 would be used.

Landscape plan requires drought resistant vegetation. Project would reduce impervious coverage onsite by 31,500 sf. Onsite rainwater collection and storm water retention would be developed.

(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;

Seaside's submittal is consistent with the BRP and noted documents. The submittal presents no such conflicts and is compatible with open space, recreational, or habitat management areas in that the subject property is designated "Developed/Non-habitat" on the General Plan Land Use Map, and is designated as a development parcel within the Installation-wide Multispecies HMP for Former Fort Ord.

(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;

The project would not result in any significant impact requiring the financing and/or installation of new or expanded public services. The project is the reuse of an existing development site and would be phased over 10 years. The project would be served by existing utilities and roadways.

(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;

The subject property is designated as a development parcel within the Installation-wide Multispecies HMP for Former Fort Ord and the requirements of the HMP are incorporated into the mitigation measures within the Mitigation and Monitoring Program. CFD fees from the project will contribute to mitigating overall base reuse development impacts through the implementation of the HMP.

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board; and

The area affected by this submittal is outside of the Highway 1 Design Corridor 1,000 foot Planning Corridor east of Highway 1.

(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(f) of this Master Resolution.

The submittal is consistent with job/housing balance requirements.

**Additional Considerations**

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

Project applicants are required to meet Master Resolution prevailing wage terms.

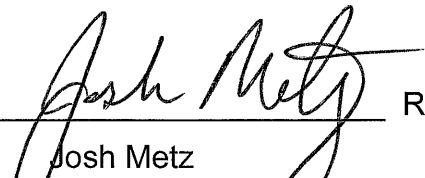
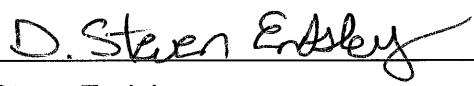
**FISCAL IMPACT:**

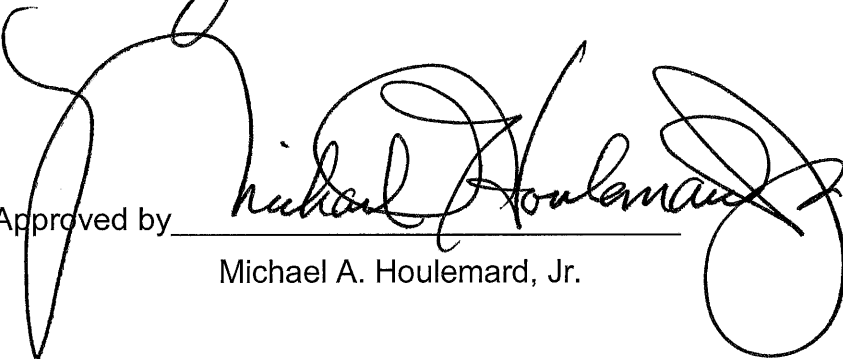
Reviewed by FORA Controller 

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, the former Fort Ord development expected to be charged with reuse subject to this submittal would be covered by the Community Facilities District or other agreement to the extent feasible, ensuring a fair share payment of appropriate future fees to mitigate for impacts delineated in the 1997 BRP and accompanying EIR. Seaside has agreed to provisions for payment of required fees for future developments in the former Fort Ord under its jurisdiction. Staff time related to this item is included in the approved FORA budget.

**COORDINATION:**

Seaside staff, Authority Counsel, Administrative Committee, and Executive Committee.

Prepared by  Reviewed by   
Josh Metz Steve Endsley

Approved by   
Michael A. Houlemard, Jr.

Resolution 14-XX

Resolution Certifying Consistency of                    )  
Seaside General Plan zoning text amendment        )  
and project entitlements related to                    )  
the American Youth Hostel                                )

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan ("BRP") under Government Code Section 67675, et seq.
- B. Upon BRP adoption, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the FORA Board adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Seaside ("Seaside") is a member of FORA. Seaside has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on August 28, 2013, the City of Seaside adopted a General Plan zoning text amendment and project entitlements related to the American Youth Hostel ("AYH"). Seaside also found these items consistent with the BRP, FORA's plans and policies and the FORA Act and considered the BRP Environmental Impact Report ("EIR") in their review and deliberations.
- F. On January 24, 2014, the City of Seaside recommended that FORA concur in the City's determination that FORA's BRP, certified by the Board on June 13, 1997, and Seaside General Plan ("SGP") zoning text amendment and project entitlements related to the AYH are consistent. Seaside submitted to FORA these items together with the accompanying documentation.
- G. Consistent with the Implementation Agreement between FORA and Seaside, on January 24, 2014, Seaside provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and ordinance approving it, a staff report and materials relating to the City of Seaside's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the SGP zoning text amendment and project entitlements related to the AYH are consistent with the BRP and the FORA Act (collectively, "Supporting Material"). Seaside requested that FORA certify the submittal as being consistent with the BRP for those portions of Seaside that lie within the jurisdiction of FORA.
- H. FORA's Executive Officer and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the SGP zoning text amendment and



project entitlements related to the AYH are consistent with the BRP. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the SGP zoning text amendment and project entitlements related to the AYH before the FORA Board on March 14, 2014.

- I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(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 [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the BRP for the affected property..."
- J. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- K. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(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."

NOW THEREFORE be it resolved:

1. The FORA Board recognizes the City of Seaside's August 28, 2013 recommendation that the FORA Board certify consistency between the BRP and the SGP text amendment and project entitlements related to the AYH was appropriate.
2. The Board has reviewed and considered the BRP EIR and Seaside's environmental documentation. The Board finds that this documentation is adequate and complies with the California Environmental Quality Act. The Board finds further that these



5. The SGP zoning text amendment and project entitlements related to the AYH will, considering all their aspects, further the objectives and policies of the BRP. The Seaside application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the BRP.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this 14th day of March, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Jerry Edelen, Chair

\_\_\_\_\_  
Michael A. Houlemard, Jr., Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Fort Ord Reuse Authority hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 14-XX adopted March 14, 2014.

\_\_\_\_\_  
Michael A. Houlemard, Jr., Secretary

| <b>FORA Master Resolution Section</b>  | <b>Finding of Consistency</b> | <b>Justification for finding</b>  |
|--|-------------------------------|---|
| (1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;   | Yes                           | The general plan zoning text amendment adds “Youth Hostel” as an acceptable use within the Commercial Mixed Use (CMX) district.                                     |
| (2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;   | Yes                           | The 120 units of youth hostel lodging do not exceed BRP thresholds.   |
| (3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.   | Yes                           | With the adoption of its 2004 General Plan (December 10, 2004), Seaside fulfilled its obligations to FORA for long range planning to implement the Base Reuse Plan. |
| (4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; | Yes                           | Seaside’s submittal is consistent with the Base Reuse Plan and noted documents.   |
| (5) Requires or otherwise provides 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;  | Yes                           | The project would not result in any significant impact requiring the financing and/or installation or expansion of public services.                                 |
| (6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan (“HMP”).   | Yes                           | CFD fees from the project will contribute to mitigating overall base reuse development impacts through the implementation of the HMP.                               |
| (7) Is consistent with the Highway 1 Design Corridor Design Guidelines as such standards may be developed and approved by the Authority Board.   | Yes                           | The project is outside of the Highway 1 Design Corridor.  |
| (8) Is 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.   | Yes                           | The submittal is consistent with job/housing balance requirements.  |
| (9) Prevailing Wage  | Yes                           | Project applicants are required to meet Master Resolution prevailing wage terms.  |

# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

|                       |   |               |
|-----------------------|---|---------------|
| <b>Subject:</b>       | Appeal: Marina Coast Water District Determination Bay View Community Annexation |               |
| <b>Meeting Date:</b>  | March 14, 2014  | <b>ACTION</b> |
| <b>Agenda Number:</b> | 9b  |               |

### RECOMMENDATION(S):

Adopt a proposed resolution from interim MCWD General Manager and Bay View Community Owners (**Attachment A**). The proposed resolution would not result in MCWD assuming ownership and operational responsibility of the water system located within Bay View Community. However, the proposed resolution may result in an acceptable metering program for the community.

### BACKGROUND/DISCUSSION:

Bay View Community is a privately owned 223-residential unit community located at 5100 Coe Avenue, Seaside, within the former Fort Ord. MCWD provides water and wastewater services to the community. In April 2012, the owners of the Bay View Community requested that MCWD assume ownership and operational responsibility of the water distribution system located within Bay View Community. On May 10, 2012, the MCWD General Manager refused the request.

On September 21, 2012, Bay View Community representative Anthony Lombardo addressed a letter to FORA, appealing MCWD's request denial (**Attachment B**). Over the course of the last two years, MCWD and Bay View Community representatives have attempted to negotiate a solution to the issue. A few months ago, the interim MCWD General Manager and Bay View Community representatives negotiated a proposed resolution. However, the MCWD Board has not adopted the proposed resolution. At this time, Bay View Community representatives request that their appeal of MCWD's denial be presented to the FORA Board of Directors for consideration, as provided for on page 7 of the FORA-MCWD Facilities Agreement Section 5.13, which reads:

"5.1.3 Complaints. Complaints about MCWD's operation of the facilities will be dealt with in the first instance by MCWD's General Manager or designee. Decisions of the General Manager or designee may be appealed to the FORA Board in the same manner that decisions within the boundaries of MCWD are appealed to MCWD's Board. The decision of the FORA Board on complaints will be final and will exhaust all administrative remedies."

Additional correspondence on this issue is provided under **Attachment C**.

### FISCAL IMPACT:

Reviewed by FORA Controller 

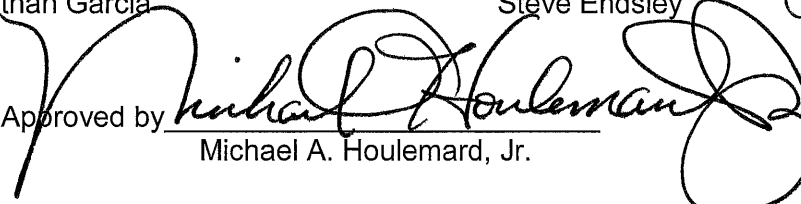
Staff time for this item is included in the approved FORA budget.

### COORDINATION:

MCWD, Bay View Community representatives, Administrative and Executive Committees.

Prepared by   
Jonathan Garcia

Reviewed by   
Steve Endsley

Approved by   
Michael A. Houlemard, Jr.

**Proposed resolution:**

1. Bay View Community owners agree to replace all community water meters at cost.
2. Marina Coast Water District (MCWD) agrees to read and bill the community water meters individually.
3. The eight-inch water meter serving Bay View Community will remain in place. MCWD will read this meter as a control meter.
4. Bay View Community owners and MCWD agree that Bay View Community owners will be responsible for payment above a system loss of 10% as measured between the eight-inch water meter and individual community water meters.
5. Bay View Community owners remain responsible for upkeep and maintenance of the water system.

**ANTHONY LOMBARDO & A**  
A PROFESSIONAL CORPORATION

Attachment B to Item 9b  
FORA Board Meeting, 3/14/2014

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
DEBRA GEMGNANI TIPTON

SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

September 21, 2012

File No. 03138.001

Mr. Michael Houlemard, Jr.  
Fort Ord Reuse Authority  
100 12<sup>th</sup> Street, Building 2880  
Marina, CA 93933

Re: **Bay View Community**

Dear Mr. Houlemard:

Our firm represents the owners of the Bay View Community located in the former Fort Ord area.

Please accept this letter as an appeal to the Fort Ord Reuse Authority (FORA) of the May 10, 2012 decision of the Marina Coast Water District ("MCWD") General Manager refusing to assume ownership and operational responsibility of the water distribution system located within the Bay View Community.

The attached May 10<sup>th</sup> letter from MCWD provides no explanation for MCWD's refusal to accept the system. Bay View Community is entitled to receive water service on the same basis as all other properties within the former Fort Ord. I am also enclosing copies of the relevant documents from my research which seem to indicate that MCWD does have an obligation to accept the responsibility for the ownership and maintenance of the system.

Attached as Exhibit A is Amendment No. 1 to the MOA between the United States Army and FORA. Article 1, paragraph f of that Agreement states that Bay View Community is to receive service under the same terms and conditions as any other existing residential development in the City of Seaside. The language of this document is clearly inconsistent with MCWD's interpretation that the Bay View Community is to be held to a different standard than the remaining existing residential development in the City of Seaside and treated as if it were a multi-unit residential development in Marina. It appears clear to me from the unequivocal language of this document that Bay View is entitled to have the water system turned over to MCWD and have MCWD read and bill the meters just as they do with every other residential property owner in the City of Seaside.

Attached as Exhibit B is correspondence from the former Mayor of Seaside, former General Manager of the MCWD and the Executive Director of FORA confirming that fact to the owner of Bay View, which again reiterates and amplifies the fact that MCWD is going to provide the

Mr. Michael Houlemard, Jr.  
Fort Ord Reuse Authority  
September 21, 2012  
Page 2

same level of service as it does to other existing residential housing units within the City and FORA development area. Based on our research, it appears that all of those developments are individually metered as has been requested by Bay View.

I have also reviewed the In-Tract Water and Wastewater Collection System Infrastructure Policy dated January, 2004 from MCWD and nowhere in that policy does it describe a situation where any capital improvement is required of a water system within Fort Ord absent the redevelopment of the site by the property owner. Since this portion of the Bay View development is neither scheduled for development nor redevelopment, there is nothing in this property which would mandate any changes to the existing water system which MCWD should have taken ownership and control of many years ago.

Further, the Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority and MCWD reiterates in paragraph 5.5.1 that it will operate the facilities in Fort Ord consistent with the rules, regulations and policies established by the FORA Board and MCWD which, as they relate to this property, are clearly set forth in the correspondence I referenced previously.

Since paragraph 5.13 of that Agreement makes decisions of the General Manager of the MCWD appealable to the FORA Board, we are hereby filing that appeal.

Please let me know if there is any additional information you need to process this appeal.

Sincerely,



Anthony L. Lombardo

ALL:GHC:ncs

Enclosures

cc: Mr. Ray Roeder  
Jerry Bowden, Esq.  
Terra Chaffee, Esq.





## MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

TEL: (831) 384-6131 FAX: (831) 883-5995

### DIRECTORS

DAN BURNS  
*President*

HOWARD GUSTAFSON  
*Vice President*

KENNETH K. NISHI  
JAN SHRINER  
WILLIAM Y. LEE

May 10, 2012

Mr. Ray Roeder  
RINC Diversified  
5100 Coe Avenue  
Seaside, CA 93955

Subject: Bay View Community Water and Sewer Infrastructure

Dear Mr. Roeder,

The Marina Coast Water District (District) has reviewed your request for the District assuming ownership and operational responsibility for the potable water and sanitary sewer infrastructure that serves your Bay View Community in Seaside. The District staff has reviewed the submitted Bay View water and sewer system as-built drawings and has conducted a review of the infrastructure.

The results of the review indicate that the Bay View Community water and sewer systems do not conform to MCWD requirements and standards and would require substantial modification to achieve compliance. As such, it would not be in the best interest of the District to assume ownership and operational responsibility.

If you would like to meet to review our findings, please give me a call at (831) 883-5925. Thank you for your patience in this matter.

Sincerely,

Carl Niizawa, P.E.  
Deputy General Manager/District Engineer

Cc: James Derbin                      Jim Heitzman  
Lloyd Lowrey                         Brian True

# EXHIBIT A

KR LLP DRAFT  
7/26/01

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AMENDMENT NO. 1  
TO THE  
MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
ACTING BY AND THROUGH  
THE SECRETARY OF THE ARMY  
UNITED STATES DEPARTMENT OF THE ARMY  
AND  
THE FORT ORD REUSE AUTHORITY  
FOR THE SALE OF  
PORTIONS OF THE FORMER FORT ORD  
LOCATED IN MONTEREY COUNTY, CALIFORNIA

THIS AMENDMENT NO. 1 to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* ("Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_\_ 2001 by and between **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Army ("Government"), and **THE FORT ORD REUSE AUTHORITY** ("Authority"), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the "Parties."

## RECITALS

**WHEREAS**, the Parties did enter into the Agreement for the "No Cost" Economic Development Conveyance ("EDC") to the Authority of a portion of the former Fort Ord, California ("Property") pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175);

**WHEREAS**, subsequent to the execution and delivery of the Agreement, the Parties determined that in accordance with the Reuse Plan and in order to facilitate the economic redevelopment of the Property, it is desirable and necessary to include within the scope of the Agreement the Water and Wastewater Systems at the former Fort Ord ("Water Systems"), more particularly described in the Quitclaim Deed attached as Exhibit A to this Amendment No. 1, for transfer through the Authority to the Marina Coast Water District ("District") in lieu of a direct transfer of the Water Systems from the Government to the District under a Public Benefit Conveyance ("PBC");

FORT ORD MOA AMENDMENT NO. 1

1  
2 WHEREAS, subsequent to the execution and delivery of the Agreement, Section  
3 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 was amended by Section  
4 2821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. No. 106-398) to  
5 change certain requirements regarding the use of proceeds from the sale or lease of the Property  
6 transferred under the Agreement.  
7

8 NOW THEREFORE, in consideration of the foregoing premises and the respective  
9 representations, agreements, covenants and conditions herein contained, and other good and  
10 valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the  
11 Parties agree as follows:  
12

13 AGREEMENTS  
14

15 Article I. Water and Wastewater Systems  
16

17 a. In lieu of the Government transferring the Water and Wastewater Systems and all  
18 associated and ancillary rights directly to the District under the PBC dated August 26, 1997, as  
19 described in paragraph 5.01 of the Agreement, the Government, pursuant to paragraph 2.01 of  
20 the Agreement, shall transfer to the Authority at no-cost, as part of the Economic Development  
21 Conveyance, simultaneously with the execution of this Amendment No. 1, the Water and  
22 Wastewater Systems on the Property and the Presidio of Monterey Annex, together with all their  
23 respective water rights and wastewater discharge rights and ancillary rights.  
24

25 b. Notwithstanding Article 5.02 of the MOA, the Government and the Authority  
26 agree that the water rights reserved to the Government are reduced by 38 acre feet per year  
27 ("afy") for a total reservation of water rights for the Government of 1691 afy. The Government  
28 and the Authority agree further that the water rights to be conveyed to the Authority pursuant to  
29 this Amendment No. 1 shall be 38 afy in addition to the water rights described in the District  
30 PBC Application dated August 26, 1997 for a total conveyance of water rights to the Authority  
31 of 4,909 afy.  
32

33 c. The Transfer of the Water and Wastewater Systems on the Property and the  
34 Presidio of Monterey Annex, together with all their respective water rights and wastewater  
35 discharge rights and ancillary rights, shall be accomplished upon the execution by the  
36 Government and the recordation by the Authority of the Deed attached as Exhibit A to this  
37 Amendment No. 1.  
38

39 d. Immediately following the transfer of the Water and Wastewater Systems and  
40 their associated and ancillary rights from the Government to the Authority, the Authority shall  
41 transfer the Water and Wastewater Systems and all associated and ancillary rights to the District.  
42

FORT ORD MOA AMENDMENT NO. 1

1 e. The Authority, through allocation instructions to the District, the Authority  
2 selected water purveyor, agrees to provide water service to the SunBay Housing Area  
3 ("SunBay"), in an amount up to 120 afy in the same fashion as water service is provided to other  
4 users on the former Fort Ord.

5  
6 f. The Authority, through allocation instructions to the District, the Authority  
7 selected water purveyor, agrees to provide water service to the Bay View Community/Brostrom  
8 Housing Area ("Bay View"), in an amount equal to .21 afy per residential housing unit times 223  
9 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:

- 10  
11 1. Under the same terms and conditions of any other existing residential  
12 development in the City of Seaside, California ("Seaside").  
13 2. Bay View residents will have three years to reduce consumption at Bay View to  
14 meet Seaside's .21 afy per unit conservation requirement without penalty.  
15 3. Bay View residents will be charged at the then District rate as any other former  
16 Fort Ord user will be charged for similar water services.  
17 4. The same level of water service (.21 afy per residential housing unit times 223  
18 residential housing units, and 38 afy) shall be available for future residential  
19 development on the Bay View site when and if a project is approved in  
20 conformity with Seaside's General Plan and Zoning requirements.  
21 5. If a future development on the Bay View site can achieve a more efficient use of  
22 this amount of water service, credit for such conservation may be applied to an  
23 increase in units on the Bay View property in conformity with Seaside's General  
24 Plan and Zoning requirements if and when a project is approved.  
25

26 **Article 2. Reporting Period**

27  
28 In accordance with Section 2821 of the National Defense Authorization Act for Fiscal  
29 Year 2001 (Pub. L. No. 106-398) and the Agreement, the Agreement is hereby amended as  
30 follows:

31  
32 a. In paragraph 1.20 of the Agreement, delete the definition of Reporting Period in  
33 its entirety and substitute the following:

34  
35 "A period of time, beginning with the recordation of the Deed or Lease in  
36 Furtherance of Conveyance ("LIFOC") for the initial transfer of property and  
37 ending seven (7) years thereafter, within which the Authority will submit annual  
38 statements as described in paragraph 2.01(F) of this Agreement."  
39

40 b. In paragraph 2.01(F) of the Agreement delete the first sentence and substitute the  
41 following:  
42

FORT ORD MOA AMENDMENT NO. 1

1 "The Authority shall prepare and submit to the Government an annual financial  
2 statement certified by an independent certified public accountant. The statement  
3 shall cover the Authority's use of proceeds it receives from the sale, lease, or  
4 equivalent use of the Property. The first such statement shall cover the 12 month  
5 period beginning on the date of recordation of the first Deed or LIFOC and shall  
6 be delivered to Government within 60 days of the end of that period and annually  
7 thereafter. The seven-year period will commence with the recordation of the  
8 Deed or LIFOC for the initial transfer of property. The last such statement shall  
9 cover the 12 month period beginning on the date seven years following the  
10 recordation of the Deed or LIFOC for the initial transfer of property. The  
11 financial statements shall cover all parcels of property that have been conveyed  
12 during the seven-year period."  
13

14 **Article 3. Survival and Benefit**

- 15  
16 a. Unless defined separately, the terms used in this Amendment No. One shall be the  
17 same as used and defined in the Agreement.  
18  
19 b. Except as set forth herein, and unless modified specifically by this Amendment  
20 No. 1, the terms and conditions contained in the Agreement shall remain binding upon the  
21 Parties and their respective successors and assigns as set forth in the Agreement.  
22

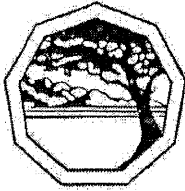
23 In Witness whereof, the Parties, intending to be legally bound, have caused their duly  
24 authorized representatives to execute and deliver this Amendment No. 1 as of the date first above  
25 written.  
26

27 **UNITED STATES OF AMERICA,**  
28 **Acting by and through the Department of the Army**  
29  
30

31 **By:** \_\_\_\_\_  
32 **PAUL W. JOHNSON**  
33 **Deputy Assistant Secretary of the Army (I&H)**  
34  
35

36 **FORT ORD REUSE AUTHORITY**  
37 **LOCAL REDEVELOPMENT AUTHORITY**  
38  
39

40 **By:** \_\_\_\_\_  
41 **JIM PERRINE**  
42 **Chair**



# EXHIBIT B

## FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2680, MARINA, CALIFORNIA 93934  
PHONE: (831) 883-3672 - FAX: (831) 883-3675  
WEBSITE: www.fora.org

January 4, 2002

Bay View/Brostrom  
ATTN: Ray Roeder  
c/o The RINC Organization  
5100 Coe Avenue  
Seaside, CA 93955

RE: Bay View/Brostrom - Commitment Regarding Provision of Water Resources and Services

Dear Mr. Roeder:

This letter offers a specific commitment from the City of Seaside ("the City"), the Fort Ord Reuse Authority ("FORA") and the Marina Coast Water District ("MCWD") regarding the provision of water resources and services for the Bay View Community/Brostrom Housing Area ("Bay View/Brostrom") at the former Fort Ord.

FORA has adopted a policy that all existing and future developments on the former Fort Ord will be treated on an equitable basis. In order to implement this policy, and to comply with other provisions of the Final Fort Ord Base Reuse Plan, FORA has adopted a water resources and services distribution program that includes requirements for water conservation and use. The distribution program is formally acknowledged in agreements with the MCWD, the United States Army, and the underlying jurisdictions, including the City, to guide the supply of water resources and services to properties within the former Fort Ord geographic envelope.

As the State empowered redevelopment entity for the former Fort Ord, and in compliance with the approved distribution program, FORA recognizes the water resource and service needs for Bay View and assures the provision of water resources and services to these existing residential housing units under the same terms and conditions as other existing developments within the City and the FORA development area. Specifically, and pursuant to Amendment No. 1 dated October 23, 2001 to the Fort Ord Economic Development Memorandum of Agreement, FORA, through allocation instructions to MCWD, agrees to provide water resources and services to Bay View, in an amount equal to .21 acre feet per year ("afy") per residential housing unit times 223 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:

1. Under the same terms and conditions of any other existing residential development in the City.
2. Bay View residents will have three years to reduce consumption at Bay View to meet the City's .21 afy per unit conservation requirement without penalty.
3. Bay View residents will be charged at the then MCWD rate as any other former Fort Ord user will be charged for similar water services.
4. The same level of water service (.21 afy per residential housing unit times 223 residential housing units, and 38 afy) shall be available for future residential development on the Bay View site when and if a project is approved in conformity with the City's General Plan and Zoning requirements.

Bay View/Brostrom, Commitment Re Water Resources & Service


January 4, 2002

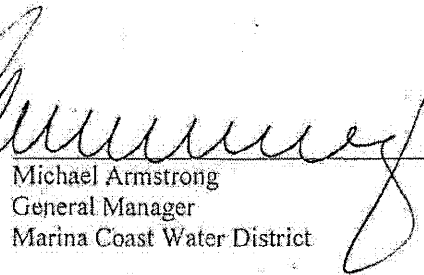
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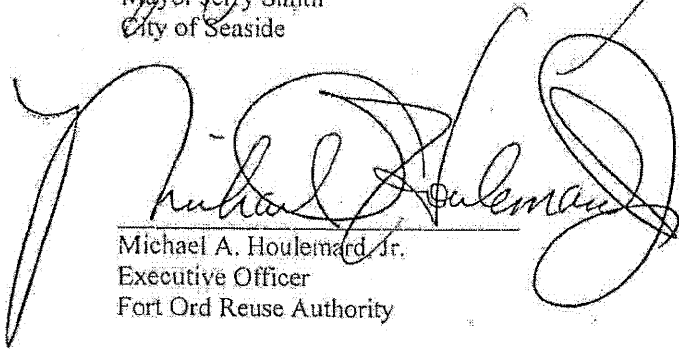
5. If a future development can achieve a more efficient use of this amount of water service, credit for such conservation will be applied to an increase in units on the Bay View property in conformity with the City's General Plan and Zoning requirements.

MCWD, as the FORA selected water purveyor for the former Fort Ord, accepts responsibility for providing the above-described level of water resources and services to Bay View consistent with the provision of water resources and services for all other projects and in compliance with the policies for conservation required throughout the former Fort Ord.

Yours truly,

  
\_\_\_\_\_  
Mayor Jerry Smith  
City of Seaside

  
\_\_\_\_\_  
Michael Armstrong  
General Manager  
Marina Coast Water District

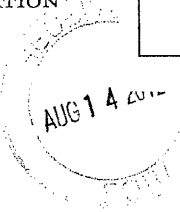
  
\_\_\_\_\_  
Michael A. Houlema, Jr.  
Executive Officer  
Fort Ord Reuse Authority

c: George Schlossberg, Esq., Kutak Rock  
Jim Feeney, FORA

**ANTHONY LOMBARDO & ASSOCI**  
A PROFESSIONAL CORPORATION

Attachment C to Item 9b  
FORA Board Meeting, 3/14/2014

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
DEBRA GEMGNANI TIPTON



SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

August 13, 2012

File No. 03138.001

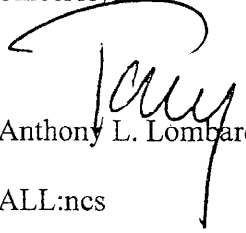
Mr. Michael Houlemard  
Fort Ord Reuse Authority  
920 Second Avenue, Suite A  
Marina, CA 93933

Re: **Marina Coast Water District Issues/Bay View Mobile Home Park**

Dear Michael:

Per our conversation of last week, please find enclosed copies of my correspondence with Lloyd Lowrey and Jim Heitzman. Please call me after you have had a chance to review these.

Sincerely,

  
Anthony L. Lombardo

ALL:ncs

Enclosures

S



8138.1

**Tony Lombardo**

---

**From:** Tony Lombardo  
**Sent:** Thursday, July 19, 2012 10:33 AM  
**To:** Lowrey, Lloyd (lloyre@nheh.com); jheitzman@mcwd.org  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW COMMUNITY

Lloyd and Jim:

I am writing to inform you that Marina Coast's most recent billing on Account No. 000990-000 of \$6,276.63 has been deposited in my trust account in addition to the amount previously deposited pending resolution of the dispute over the ownership and maintenance of the water system within the Bay View project.

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
Email [tony@alombardolaw.com](mailto:tony@alombardolaw.com)

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5

3817

**BAY VIEW COMMUNITY DE LLC-AP**

GENERAL ACCOUNT  
5100 COE AVENUE  
SEASIDE, CA 93955  
(831) 899-9900



CARMEL OFFICE  
**FREMONT BANK**  
26356 CARMEL RANCHO LANE, CARMEL, CA 93923

ESShield<sup>SM</sup> Check Fraud  
Protection for Business

90-788-1211

7/16/2012

PAY TO THE ORDER OF Anthony Lombardo & Associates

\$ \*\*6,276.63

Six Thousand Two Hundred Seventy-Six and 63/100\*\*\*\*\* DOLLARS

Anthony Lombardo & Associates  
450 Lincoln Ave, Suite 103  
Salinas, Ca. 93901

  
AUTHORIZED SIGNATURE

MEMO Marina Coast Water - Acct: 000990-000

⑈003817⑈ ⑆121107882⑆ 14⑈90250⑈8⑈

**BAY VIEW COMMUNITY DE LLC-AP**

Anthony Lombardo & Associates

7/16/2012

3817

| Date      | Type | Reference | Original Amt. | Balance Due | Discount     | Payment  |
|-----------|------|-----------|---------------|-------------|--------------|----------|
| 7/10/2012 | Bill |           | 6,276.63      | 6,276.63    |              | 6,276.63 |
|           |      |           |               |             | Check Amount | 6,276.63 |

BVC - AP

Marina Coast Water - Acct: 000990-000

6,276.63

**Tony Lombardo**

3138.1

**From:** Tony Lombardo  
**Sent:** Wednesday, July 11, 2012 3:31 PM  
**To:** jheitzman@mcwd.org; Lowrey, Lloyd (lloyd@nheh.com)  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW COMMUNITY

Jim and Lloyd:

I am following up on my letter of June 29<sup>th</sup> regarding the water system serving the Bay View Mobile Home Park. In light of the dispute between Bay View and the Marina Coast Water District over Marina Coast's responsibility to operate the system, my client has made payment to my trust account of \$5,229.90 which is the last month's billing to the master meter in addition to the billings which you were sending to the individual accounts in Bay View. I have deposited those amounts in my trust account for the benefit of Marina Coast Water District and will hold the monthly amounts of those billings in my trust account pending the resolution of this dispute.

I look forward to your reply to my previous correspondence.

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
Email [tony@alombardolaw.com](mailto:tony@alombardolaw.com)

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**ANTHONY LOMBARDO & ASSOCIATES**

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101  
P.O. Box 2330  
SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

June 29, 2012

File No. 03138.001

Mr. Jim Heitzman  
General Manager  
Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933-2099

Lloyd W. Lowrey, Esq.  
Noland, Hamerly  
333 Salinas Street  
Salinas, CA 93901

Re: **Bay View Community Water Service**

Dear Jim and Lloyd:

Thank you for sending me the information you referenced during our last meeting. I have also done some additional research regarding agreements between FORA and the Marina Coast Water District related to the Bay View property.

I am enclosing copies of the relevant documents from my research which seem to indicate that the District does have an obligation to accept the responsibility for the ownership and maintenance of the system.

Attached as Exhibit A is Amendment No. 1 to the MOA between the United States Army and FORA.

Article 1, paragraph f. of that Agreement states that Bay View Community is to receive service under the same terms and conditions as any other existing residential development in the City of Seaside. The language of this document is clearly inconsistent with the District's interpretation that the Bay View Community is to be held to a different standard than the remaining existing residential development in the City of Seaside and treated as if it were a multi-unit residential development in Marina. It appears clear to me from the unequivocal language of this document that Bay View is entitled to have the water system turned over to Marina Coast and have Marina Coast read and bill the meters just as they do with every other residential property owner in the City of Seaside.

Attached as Exhibit B is correspondence from the former Mayor of Seaside, former General Manager of the Marina Coast Water District and the Executive Director of FORA confirming that fact to the owner of Bay View, which again reiterates and amplifies the fact that Marina Coast is going to provide the same level of service as it does to other existing residential housing units within the City and FORA development area. As we discussed at our meeting last week, it



Mr. Jim Heitzman  
Lloyd W. Lowrey, Esq.  
June 29, 2012  
Page 2

appears that all of those developments are individually metered as has been requested by Bay View.

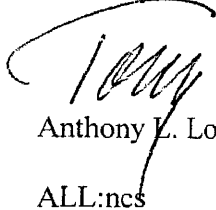
I have also reviewed the In-Tract Water and Wastewater Collection System Infrastructure Policy dated January, 2004 from Marina Coast Water District and nowhere in that policy does it describe a situation where any capital improvement is required of a water system within Fort Ord absent the redevelopment of the site by the property owner. Since this portion of the Bay View development is neither scheduled for development nor redevelopment, there is nothing in this property which would mandate any changes to the existing water system which Marina Coast should have taken ownership and control of many years ago.

The document Lloyd was kind enough to send me, which is entitled Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority and Marina Coast reiterates in paragraph 5.5.1 that it will operate the facilities in Fort Ord consistent with the rules, regulations and policies established by the FORA Board and District which, as they relate to this property, are clearly set forth in the previous correspondence I referenced.

I also noted in paragraph 5.13 of the same Agreement that it references decisions of the General Manager being appealed to the FORA Board, not to the Marina Coast Board as it relates to this water system. It also, therefore, appears that the appeal of the General Manager's decision should potentially be to the FORA Board, not to the Marina Coast Board.

Please give me a call after you have had a chance to review this so we can determine how we need to proceed.

Sincerely,



Anthony L. Lombardo

ALL:ncs

Enclosures

cc: Mr. Ray Roeder

# EXHIBIT A

KR LLP DRAFT  
7/26/01

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**AMENDMENT NO. 1  
TO THE  
MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
ACTING BY AND THROUGH  
THE SECRETARY OF THE ARMY  
UNITED STATES DEPARTMENT OF THE ARMY  
AND  
THE FORT ORD REUSE AUTHORITY  
FOR THE SALE OF  
PORTIONS OF THE FORMER FORT ORD  
LOCATED IN MONTEREY COUNTY, CALIFORNIA**

THIS AMENDMENT NO. 1 to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* ("Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_\_ 2001 by and between **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Army ("Government"), and **THE FORT ORD REUSE AUTHORITY** ("Authority"), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the "Parties."

## RECITALS

**WHEREAS**, the Parties did enter into the Agreement for the "No Cost" Economic Development Conveyance ("EDC") to the Authority of a portion of the former Fort Ord, California ("Property") pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175);

**WHEREAS**, subsequent to the execution and delivery of the Agreement, the Parties determined that in accordance with the Reuse Plan and in order to facilitate the economic redevelopment of the Property, it is desirable and necessary to include within the scope of the Agreement the Water and Wastewater Systems at the former Fort Ord ("Water Systems"), more particularly described in the Quitclaim Deed attached as Exhibit A to this Amendment No. 1, for transfer through the Authority to the Marina Coast Water District ("District") in lieu of a direct transfer of the Water Systems from the Government to the District under a Public Benefit Conveyance ("PBC");

FORT ORD MOA AMENDMENT NO. 1

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WHEREAS, subsequent to the execution and delivery of the Agreement, Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 was amended by Section 2821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. No. 106-398) to change certain requirements regarding the use of proceeds from the sale or lease of the Property transferred under the Agreement.

NOW THEREFORE, in consideration of the foregoing premises and the respective representations, agreements, covenants and conditions herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENTS

Article 1. Water and Wastewater Systems

a. In lieu of the Government transferring the Water and Wastewater Systems and all associated and ancillary rights directly to the District under the PBC dated August 26, 1997, as described in paragraph 5.01 of the Agreement, the Government, pursuant to paragraph 2.01 of the Agreement, shall transfer to the Authority at no-cost, as part of the Economic Development Conveyance, simultaneously with the execution of this Amendment No. 1, the Water and Wastewater Systems on the Property and the Presidio of Monterey Annex, together with all their respective water rights and wastewater discharge rights and ancillary rights.

b. Notwithstanding Article 5.02 of the MOA, the Government and the Authority agree that the water rights reserved to the Government are reduced by 38 acre feet per year ("afy") for a total reservation of water rights for the Government of 1691 afy. The Government and the Authority agree further that the water rights to be conveyed to the Authority pursuant to this Amendment No. 1 shall be 38 afy in addition to the water rights described in the District PBC Application dated August 26, 1997 for a total conveyance of water rights to the Authority of 4,909 afy.

c. The Transfer of the Water and Wastewater Systems on the Property and the Presidio of Monterey Annex, together with all their respective water rights and wastewater discharge rights and ancillary rights, shall be accomplished upon the execution by the Government and the recordation by the Authority of the Deed attached as Exhibit A to this Amendment No. 1.

d. Immediately following the transfer of the Water and Wastewater Systems and their associated and ancillary rights from the Government to the Authority, the Authority shall transfer the Water and Wastewater Systems and all associated and ancillary rights to the District.

**FORT ORD MOA AMENDMENT NO. 1**

1 e. The Authority, through allocation instructions to the District, the Authority  
2 selected water purveyor, agrees to provide water service to the SunBay Housing Area  
3 ("SunBay"), in an amount up to 120 afy in the same fashion as water service is provided to other  
4 users on the former Fort Ord.  
5

6 f. The Authority, through allocation instructions to the District, the Authority  
7 selected water purveyor, agrees to provide water service to the Bay View Community/Brostrom  
8 Housing Area ("Bay View"), in an amount equal to .21 afy per residential housing unit times 223  
9 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:  
10

- 11 1. Under the same terms and conditions of any other existing residential  
12 development in the City of Seaside, California ("Seaside").
- 13 2. Bay View residents will have three years to reduce consumption at Bay View to  
14 meet Seaside's .21 afy per unit conservation requirement without penalty.
- 15 3. Bay View residents will be charged at the then District rate as any other former  
16 Fort Ord user will be charged for similar water services.
- 17 4. The same level of water service (.21 afy per residential housing unit times 223  
18 residential housing units, and 38 afy) shall be available for future residential  
19 development on the Bay View site when and if a project is approved in  
20 conformity with Seaside's General Plan and Zoning requirements.
- 21 5. If a future development on the Bay View site can achieve a more efficient use of  
22 this amount of water service, credit for such conservation may be applied to an  
23 increase in units on the Bay View property in conformity with Seaside's General  
24 Plan and Zoning requirements if and when a project is approved.  
25

26 **Article 2. Reporting Period**  
27

28 In accordance with Section 2821 of the National Defense Authorization Act for Fiscal  
29 Year 2001 (Pub. L. No. 106-398) and the Agreement, the Agreement is hereby amended as  
30 follows:  
31

32 a. In paragraph 1.20 of the Agreement, delete the definition of Reporting Period in  
33 its entirety and substitute the following:  
34

35 "A period of time, beginning with the recordation of the Deed or Lease in  
36 Furtherance of Conveyance ("LIFOC") for the initial transfer of property and  
37 ending seven (7) years thereafter, within which the Authority will submit annual  
38 statements as described in paragraph 2.01(F) of this Agreement."  
39

40 b. In paragraph 2.01(F) of the Agreement delete the first sentence and substitute the  
41 following:  
42



FORT ORD MOA AMENDMENT NO. 1

1 "The Authority shall prepare and submit to the Government an annual financial  
2 statement certified by an independent certified public accountant. The statement  
3 shall cover the Authority's use of proceeds it receives from the sale, lease, or  
4 equivalent use of the Property. The first such statement shall cover the 12 month  
5 period beginning on the date of recordation of the first Deed or LIFO and shall  
6 be delivered to Government within 60 days of the end of that period and annually  
7 thereafter. The seven-year period will commence with the recordation of the  
8 Deed or LIFO for the initial transfer of property. The last such statement shall  
9 cover the 12 month period beginning on the date seven years following the  
10 recordation of the Deed or LIFO for the initial transfer of property. The  
11 financial statements shall cover all parcels of property that have been conveyed  
12 during the seven-year period."  
13

14 **Article 3. Survival and Benefit**

15  
16 a. Unless defined separately, the terms used in this Amendment No. One shall be the  
17 same as used and defined in the Agreement.  
18

19 b. Except as set forth herein, and unless modified specifically by this Amendment  
20 No. 1, the terms and conditions contained in the Agreement shall remain binding upon the  
21 Parties and their respective successors and assigns as set forth in the Agreement.  
22

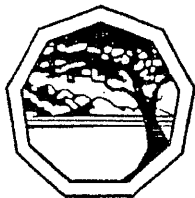
23 In Witness whereof, the Parties, intending to be legally bound, have caused their duly  
24 authorized representatives to execute and deliver this Amendment No. 1 as of the date first above  
25 written.  
26

27 **UNITED STATES OF AMERICA,**  
28 **Acting by and through the Department of the Army**  
29  
30

31 **By:** \_\_\_\_\_  
32 **PAUL W. JOHNSON**  
33 **Deputy Assistant Secretary of the Army (I&H)**  
34  
35

36 **FORT ORD REUSE AUTHORITY**  
37 **LOCAL REDEVELOPMENT AUTHORITY**  
38  
39

40 **By:** \_\_\_\_\_  
41 **JIM PERRINE**  
42 **Chair**



# EXHIBIT B

## FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933  
PHONE: (831) 883-3672 - FAX: (831) 883-3675  
WEBSITE: www.fora.org

January 4, 2002

Bay View/Brostrom  
ATTN: Ray Roeder  
c/o The RINC Organization  
5100 Coe Avenue  
Seaside, CA 93955

RE: Bay View/Brostrom - Commitment Regarding Provision of Water Resources and Services

Dear Mr. Roeder:

This letter offers a specific commitment from the City of Seaside ("the City"), the Fort Ord Reuse Authority ("FORA") and the Marina Coast Water District ("MCWD") regarding the provision of water resources and services for the Bay View Community/Brostrom Housing Area ("Bay View/Brostrom") at the former Fort Ord.

FORA has adopted a policy that all existing and future developments on the former Fort Ord will be treated on an equitable basis. In order to implement this policy, and to comply with other provisions of the Final Fort Ord Base Reuse Plan, FORA has adopted a water resources and services distribution program that includes requirements for water conservation and use. The distribution program is formally acknowledged in agreements with the MCWD, the United States Army, and the underlying jurisdictions, including the City, to guide the supply of water resources and services to properties within the former Fort Ord geographic envelope.

As the State empowered redevelopment entity for the former Fort Ord, and in compliance with the approved distribution program, FORA recognizes the water resource and service needs for Bay View and assures the provision of water resources and services to these existing residential housing units under the same terms and conditions as other existing developments within the City and the FORA development area. Specifically, and pursuant to Amendment No. 1 dated October 23, 2001 to the Fort Ord Economic Development Memorandum of Agreement, FORA, through allocation instructions to MCWD, agrees to provide water resources and services to Bay View, in an amount equal to .21 acre feet per year ("afy") per residential housing unit times 223 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:

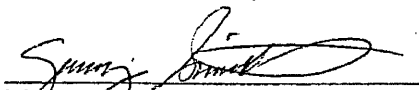
1. Under the same terms and conditions of any other existing residential development in the City.
2. Bay View residents will have three years to reduce consumption at Bay View to meet the City's .21 afy per unit conservation requirement without penalty.
3. Bay View residents will be charged at the then MCWD rate as any other former Fort Ord user will be charged for similar water services.
4. The same level of water service (.21 afy per residential housing unit times 223 residential housing units, and 38 afy) shall be available for future residential development on the Bay View site when and if a project is approved in conformity with the City's General Plan and Zoning requirements.

RECEIVED BY 1 1 2002

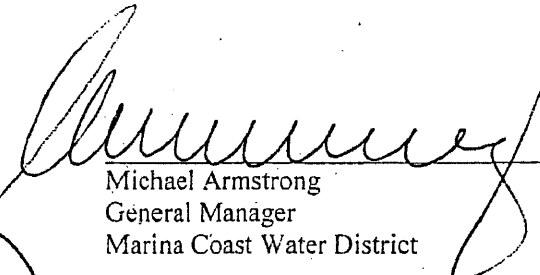
5. If a future development can achieve a more efficient use of this amount of water service, credit for such conservation will be applied to an increase in units on the Bay View property in conformity with the City's General Plan and Zoning requirements.

MCWD, as the FORA selected water purveyor for the former Fort Ord, accepts responsibility for providing the above-described level of water resources and services to Bay View consistent with the provision of water resources and services for all other projects and in compliance with the policies for conservation required throughout the former Fort Ord.

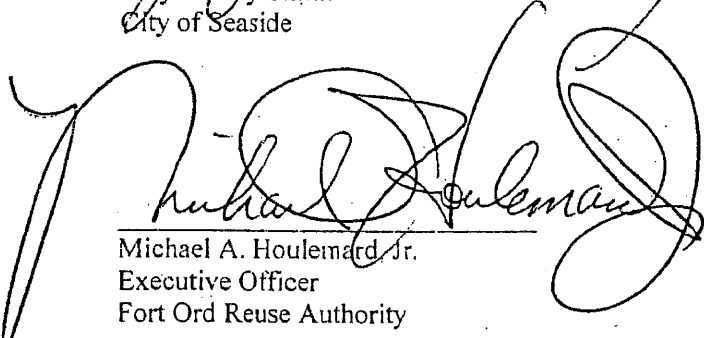
Yours truly,



\_\_\_\_\_  
Mayor Jerry Smith  
City of Seaside



\_\_\_\_\_  
Michael Armstrong  
General Manager  
Marina Coast Water District



\_\_\_\_\_  
Michael A. Houlemard Jr.  
Executive Officer  
Fort Ord Reuse Authority

c: George Schlossberg, Esq., Kutak Rock  
Jim Feeney, FORA

## Nancy Stafford

---

**From:** Nancy Stafford  
**Sent:** Friday, June 29, 2012 11:57 AM  
**To:** jheitzman@mcwd.org; Lowrey, Lloyd (llowrey@nheh.com)  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW COMMUNITY WATER SERVICE  
**Attachments:** L-HEITZMAN, LOWREY.06.29.12.pdf

Good morning, Mr. Heitzman and Mr. Lowrey:

Please find attached a letter to you from Mr. Lombardo regarding the above referenced subject. The originals have been placed in today's mail.

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Nancy Stafford  
Secretary to Anthony L. Lombardo and Dale Ellis  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
Email [nancy@alombardolaw.com](mailto:nancy@alombardolaw.com)

## Tony Lombardo

---

**From:** Tony Lombardo  
**Sent:** Friday, June 01, 2012 2:28 PM  
**To:** Lowrey, Lloyd (lloyre@nheh.com)  
**Cc:** rr@rincorg.com; 'Dave Fuller (dfuller@wwdengineering.com)'; jheitzman@mcwd.org  
**Subject:** BAY VIEW/MCWD

Lloyd:

Thank you for scheduling yesterday's meeting.

I am writing to follow up on our discussions.

My client would like to first investigate the issues raised in our discussions prior to scheduling the appeal hearing. Please accept this as a request by appellant to not set the hearing for the appeal until such time as we have had a chance to review the information we discussed yesterday. We can pick a date to set the hearing on the appeal (if necessary) once we have had an opportunity to further discuss the information you are going to provide.

In that regard, it is my understanding that the District is going to provide a copy of their Master Metering/Multi-Unit Residential Metering Ordinance as well as a copy of the Water/Wastewater Facilities Agreement between the District and Ft. Ord.

It would also be helpful, I believe, if the District could provide information on its ownership of the water system within the former Ft. Ord particularly those which were constructed prior to Base closure and are not consistent with the current construction standards for Marina Coast. As I mentioned yesterday, we could do this by Public Records Act request, but I assume we can work cooperatively to obtain this information.

I have also requested more information from my client on his future plans for the property and the status of the property as a mobile home park.

Thank you for your assistance. I look forward to receiving the information from you and will probably set up a subsequent meeting at that time.

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
Email [tony@alombardolaw.com](mailto:tony@alombardolaw.com)

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**ANTHONY LOMBARDO & ASSOCIATES**

A PROFESSIONAL CORPORATION

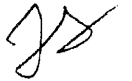
ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101  
P.O. Box 2330  
SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

May 17, 2012

File No. 03138.001

MAY 18 2012



Mr. Jim Heitzman  
General Manager  
Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933-2099

Re: **Bay View Community**

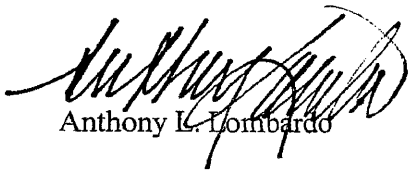
Dear Mr. Heitzman:

Our firm represents the owners of the Bay View Community located in the former Fort Ord area.

Please accept this letter as an appeal of the May 10, 2012 decision of the General Manager of the Marina Coast Water District ("MCWD") refusing to assume ownership and operational responsibility of the water distribution system located within the Bay View Community. The fifteen dollar (\$15.00) filing fee is enclosed.

The May 10<sup>th</sup> letter provides no explanation for the reason the District is refusing to accept the system. Bay View Community is entitled to receive water service on the same basis as all other properties within the former Fort Ord.

Respectfully submitted,

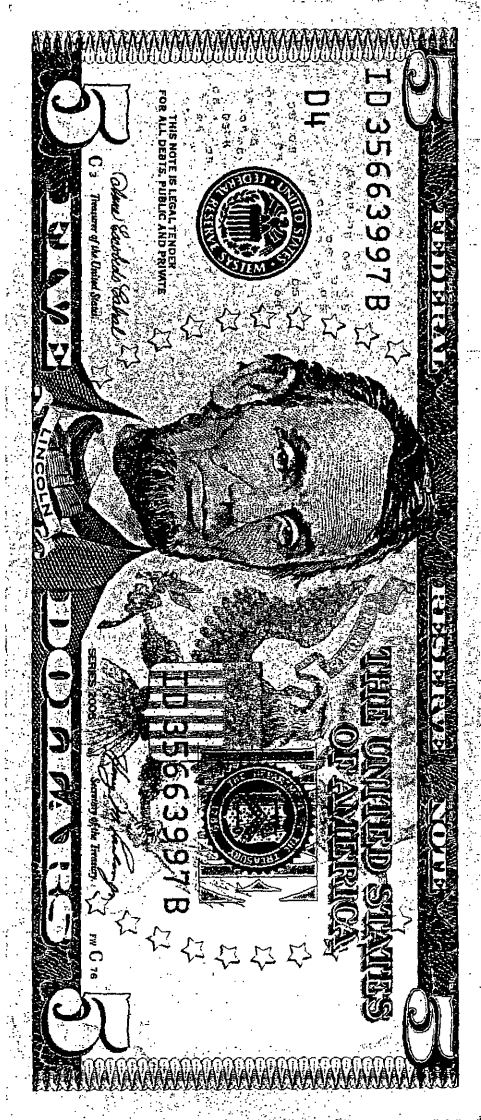


Anthony L. Lombardo

ALL:ncs

Enclosure

cc: Mr. Ray Roeder (without Enclosure)  
Lloyd W. Lowrey, Esq. (without Enclosure)



3138.001

**ANTHONY LOMBARDO & ASSOCIATES**

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101  
P.O. Box 2330  
SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

May 15, 2012

Lloyd Lowery, Esq.  
Noland, Hamerly, Etienne & Hoss  
Post Office Box 2510  
Salinas, California 93902-2510

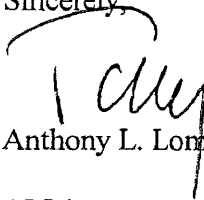
Re: **Marina Coast Water District**

Dear Lloyd:

We represent the Bay View Community in Seaside. On May 10, 2012, our client received a letter from your client, the Marina Coast Water District ("MCWD"), indicating that the MCWD staff had declined to "assume ownership and operational responsibility" for the water and sewer systems currently providing water to the Bay View Community. Can you please let me know what the process is that we need to follow to appeal the staff's decision?

Thank you.

Sincerely,



Anthony L. Lombardo

ALL/gp

cc: client



**Tony Lombardo**

3138.1

**From:** Tony Lombardo  
**Sent:** Monday, May 14, 2012 4:33 PM  
**To:** jheitzman@mcwd.org; Lowrey, Lloyd (llowrey@nheh.com)  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW COMMUNITY WATER SYSTEM

Gentlemen:

I received a copy of the letter that was sent to my client last week.

I would appreciate it if the District would provide specifics of why you are refusing to accept the system and provide me with information regarding whether or not there is any right of appeal of that determination to the District Board and when such an appeal would have to be made.

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
Email [tony@alombardolaw.com](mailto:tony@alombardolaw.com)

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**Tony Lombardo**

---

3138.1

**From:** Tony Lombardo  
**Sent:** Wednesday, May 02, 2012 4:13 PM  
**To:** jheitzman@mcwd.org  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW

Jim:

I think I recall you telling me you were meeting with your staff last week on scheduling the hearing date. Do you have an update?

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
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3138.1

**Tony Lombardo**

---

**From:** Tony Lombardo  
**Sent:** Thursday, April 19, 2012 2:59 PM  
**To:** jheitzman@mcwd.org  
**Cc:** rr@rincorg.com  
**Subject:** BAY VIEW SYSTEM DEDICATION

Jim:

I left you a message yesterday regarding the Bay View water system acceptance.

It is my understanding that all of the technical issues have been resolved and the client would like to get this on an agenda for the District as soon as possible so this property would be able to have its water service treated the same as everyone else in your District.

Thank you for your assistance.

Anthony L. Lombardo  
ANTHONY LOMBARDO & ASSOCIATES  
A Professional Corporation  
450 Lincoln Avenue, Suite 101  
Salinas, CA 93901  
Phone (831) 751-2330  
Fax (831) 751-2331  
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# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

|                       |  |                           |
|-----------------------|--|---------------------------|
| <b>Subject:</b>       | Marina Coast Water District Presentation on Status of Water Augmentation Program |                           |
| <b>Meeting Date:</b>  | March 14, 2014   | <b>INFORMATION/ACTION</b> |
| <b>Agenda Number:</b> | 9c   |                           |

### RECOMMENDATION:

Receive a presentation by Marina Coast Water District (MCWD) staff providing a status report on the water augmentation program as requested by the Fort Ord Reuse Authority (FORA) Board of Directors at their February 2014 meeting.

### BACKGROUND/DISCUSSION:

The Fort Ord Base Reuse Plan (BRP) identifies water availability as a resource constraint. In addition to groundwater supply, the BRP assumes an estimated 2,400 acre-feet per-year (af/yr) augmentation to achieve the permitted development level reflected in the BRP. FORA contracted with MCWD to implement a water augmentation program (see the FORA Capital Improvement Program (CIP) Section II b for background detail, online at [www.fora.org](http://www.fora.org)).

At the April 2008 FORA Board meeting, the Board endorsed the 'Regional Plan' as the preferred plan to deliver the requisite 2,400 af/yr of augmenting water to the 6,600 af/yr groundwater entitlements. Since that time, the Regional Plan was designated by the State Public Utilities Commission as the preferred environmental alternative and an agreement in principal to proceed was entered into by Cal-Am, MCWD and Monterey Regional Water Pollution Control Agency. This agreement will not 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, therefore, the FORA CIP defaults to the June 2005 FORA Board endorsed 'hybrid' desalinated/recycled water project that MCWD performed CEQA for and is contractually required to implement.

MCWD staff will provide a presentation on the current status of the water augmentation program, including available options, project costs and a timeline for delivery.

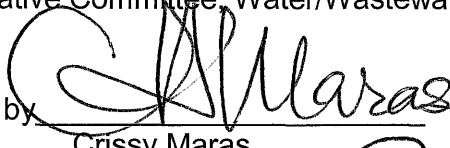
### FISCAL IMPACT:

Reviewed by FORA Controller 

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

### COORDINATION:

Administrative Committee, Water/Wastewater Oversight Committee, MCWD staff

Prepared by   
Crissy Maras

Reviewed by   
D. Steven Endsley

Approved by   
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

**Subject:** FORA FY 2013-14 Mid-Year Budget

**Meeting Date:** March 14, 2014

**Agenda Number:** 9d

**ACTION**

### RECOMMENDATIONS:

Accept the FY 13-14 Fort Ord Reuse Authority (FORA) Operating Budget mid-year status report approving additional expenditures, as noted and recommended by the Finance Committee.

### BACKGROUND:

The mid-year budget update is typically provided by the March Board meeting. This report covers the status of the FY 13-14 budget approved at the June 21, 2013 meeting. The Finance Committee (FC) reviewed the mid-year budget at its February 26, 2014 meeting.

### DISCUSSION:

Despite the economic downturn/recession of the last six years delaying development activities on the former Fort Ord, FORA has maintained financial stability. There is some evidence of gradual economic recovery as building permit issuances have ramped up. Deferred payment from the City of Del Rey Oaks (DRO) and increased expenditures for election legal services, financial consultant, and office equipment are the most significant changes in this report.

### Revenues:

#### Revenues: Net Decrease \$694,920

- Significant reductions:

\$694,920 DRO Pollution Legal Liability insurance premium payment deferred to FY 14-15 at DRO request. Agreement to defer payment was approved by the Board August 2013.

CIP revenue (CFD/development fee, land sale): there is little expectation that the jurisdictional/developer CFD/development fees and land sale proceeds projections will be collected by the fiscal year end. At mid-year (as of end of January 2014) FORA collected:

\$1,012,766 of the projected \$11,090,443 CFD/development fees or **9%**

\$1,068,800 of the projected \$6,291,800 land sale proceeds or **17%**

In previous years, the FC recommended reducing the jurisdictional/developer projected figures to provide more realistic estimates based on historical/actual collections. However, the FC did not feel it was their role to make these adjustments as a) it has been the responsibility of the FORA Administrative Committee to review and recommend CIP budgets to the Board for approvals and b) it resulted in the operating and CIP budgets reporting different revenue projections. Beginning this fiscal year, it was recommended by the FC and approved by the Board, that the two budgets should consolidate these projections. The CFD/development fee and land sale projections were approved by the FORA Board (with the FORA CIP budget approval) and the same amounts included in the FORA overall budget.

- Significant additions: none reported at this time

**Expenditures: Net Increase \$54,000**

- **Significant reductions:** none reported at this time. However, CFD/development fee reduction and unrealized land sale proceeds (as explained above) will result in deferred Capital/CEQA mitigation projects, 25% of funds set aside for Habitat Conservation endowment will be reduced.

- **Significant additions:**

Increased funding **approved by the Board** since the budget approval for:

- Financial Consultant (EPS) to complete CIP Phase IV study (\$25,000).
- Election Legal Services Contract (Steve Churchwell) extension (\$11,000).

Increased funding **requested** for:

- Conference room furniture (tables)/phone/video equipment for teleconferencing capacity (\$5,500).
- Special Counsel Veterans Cemetery property transfer support and title expenses (\$12,500).

Election services by Monterey County Elections Department (MCED):

The approved FY 13-14 budget estimated \$600,000 for initiative election costs. Final invoice expected from MCED in April. The FC recommends splitting the payment over two fiscal years (FY 13-14 and FY 14-15) should the MCED invoice exceed the budgeted amount.

*Unresolved FY 13-14 item:* Preston Park loan pay-off is due June 15, 2014, the outstanding balance is approximately \$18,000,000.

**Attachment A** illustrates the mid-year budget as compared to the approved budget; corresponding notes offer brief narrative descriptions of budget variances.

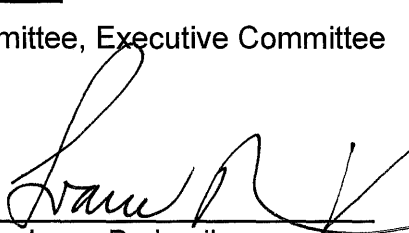
**Attachment B** itemizes updated expenditures.

**FISCAL IMPACT:**

As a result of the budget adjustments and a larger beginning (carryover) balance, the combined fund ending balance at June 30, 2013 is anticipated to be about \$19.8 million (this amount does not include non-spendable or committed funds such as pre-paid insurance or habitat management set-aside). However, as already explained in the revenue section, the combined fund ending balance will be reduced should the projected CFD/development fees and land sale proceeds not be collected. FC members were concerned about these projections and recommend thorough review by the Administrative Committee and Board for the upcoming FY 2014-15 approvals of CIP revenue estimates.

**COORDINATION:**

Finance Committee, Executive Committee

Prepared by   
Ivana Bednarik

Approved by   
Michael A. Houlemard, Jr.

FORA Board Meeting  
March 14, 2014  
Item 9d - Page 2

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

| CATEGORIES                                  | FY 13-14<br>APPROVED | FY 13-14<br>UPDATED  | BUDGET<br>ADJUSTMENTS<br>Incr/(Decrease) | NOTES  |
|---|----------------------|----------------------|--|--|
| <b>REVENUES</b>                             |                      |                      |  |  |
| Membership Dues                             | \$ 261,000           | \$ 261,000           | \$ -                                     |  |
| Franchise Fees - MCWD                       | 245,000              | 245,000              | -  |  |
| Federal Grants - ESCA                       | 970,325              | 970,325              | -  |  |
| PLL Loan Payments                           | 694,920              | -                    | (694,920)                                | DRO PLL premium payment deferred to June 2015 per approved FORA/DRO Agreement  |
| Development Fees                            | 11,090,443           | <b>11,090,443</b>    | -  | * Based on CIP budget approved by FORA Board in September 2013; 9% collected to date   |
| Land Sale Proceeds                          | 6,291,800            | <b>6,291,800</b>     | -  | * Based on CIP budget approved by FORA Board in September 2013; 17% collected to date  |
| Lease/Rent Proceeds                         | 1,758,380            | 1,758,380            | -  |  |
| Property Taxes                              | 1,300,000            | 1,300,000            | -  |  |
| CSU Deficit Payment                         | -                    | -                    | -  | Final payment in FY 12-13  |
| Planning Reimbursements                     | 5,000                | 5,000                | -  |  |
| Investment/Interest Income                  | 110,000              | 110,000              | -  |  |
| <b>TOTAL REVENUES</b>                       | <b>22,726,868</b>    | <b>22,031,948</b>    | <b>(694,920)</b>                         | <b>Decrease in Total revenues</b>  |
| <b>EXPENDITURES</b>                         |                      |                      |  |  |
| Salaries & Benefits                         | 2,106,975            | 2,106,975            | \$ -                                     |  |
| Supplies & Services                         | 144,750              | 150,250              | 5,500                                    | Increased budget for FORA conference room tables, phone and video equipment  |
| Contractual Services                        | 2,865,344            | 2,913,844            | 48,500                                   | CCCVC, Financial, Legal (elections) Consultants budget increase, MCED billing unknown  |
| Capital Projects (CIP)                      | 3,717,641            | 3,717,641            | -  | * Required Habitat management, other projects CFD fee/land sale revenues dependent   |
| Debt Service (P+I)                          | 1,480,880            | 1,480,880            | -  |  |
| <b>TOTAL EXPENDITURES</b>                   | <b>10,315,590</b>    | <b>10,369,590</b>    | <b>54,000</b>                            | <b>Increase in Total expenditures (See Attachment B - Itemized Expenditures)</b>   |
| <b>NET REVENUES</b>                         |                      |                      |  |  |
| <b>Surplus/(Deficit)</b>                    | <b>12,411,278</b>    | <b>11,662,358</b>    | <b>(748,920)</b>                         | <b>Decreased annual net revenue due to DRO PLL premium payment deferral to next FY and increased expenditures; may decrease further if CIP revenues not realized</b> |
| <b>FUND BALANCES</b>                        |                      |                      |  |  |
| <b>Budget Surplus/(Deficit) - Beginning</b> | <b>5,425,802</b>     | <b>8,089,428</b>     | <b>2,663,626</b>                         | <b>Audited fund beginning balance (July 1, 2013)</b>   |
| <b>Budget Surplus/(Deficit) - Ending</b>    | <b>\$ 17,837,080</b> | <b>\$ 19,751,786</b> | <b>\$ 1,914,706</b>                      | <b>Increase in Ending fund balance/FORA Reserve</b>  |

| Ending Balance Itemized |                      |
|-------------------------|----------------------|
| 153,158                 | Development Fees     |
| 10,383,015              | Land Sale Proceeds   |
| 9,215,614               | General Fund/Reserve |
| 19,751,786              | Total                |

(set aside to cover a portion of FORA costs thru 2020; includes \$7.6M from to repay borrowed funds)

Attachment A to Item 9d  
FORA Board Meeting, 3/14/14

**MID-YEAR FY 13-14 BUDGET**

**ITEMIZED EXPENDITURES**

| EXPENDITURE CATEGORIES                              | FY 13-14<br>APPROVED | FY 13-14<br>MID-YEAR | Budget<br>Variances | NOTES  |
|---|----------------------|----------------------|---------------------|--|
| <b><u>SALARIES &amp; BENEFITS</u></b>               | 14 positions         | 14 positions         |                     |  |
| Staff - Salaries                                    | 1,459,795            | 1,459,795            | -                   |  |
| Staff - Benefits/Employer taxes                     | 587,180              | 587,180              | -                   |  |
| Temp help/Vac cash out                              | 60,000               | 60,000               | -                   |  |
| <b><u>TOTAL SALARIES &amp; BENEFITS</u></b>         | <b>2,106,975</b>     | <b>2,106,975</b>     | <b>-</b>            |  |
| <b><u>SUPPLIES &amp; SERVICES</u></b>               |                      |                      |                     |  |
| COMMUNICATIONS                                      | 7,500                | 7,500                | -                   |  |
| SUPPLIES  | 12,000               | 12,000               | -                   |  |
| EQUIPMENT & FURNITURE                               | 6,000                | 11,500               | 5,500               | Conference room/Board chambers video/phone equipment, tables   |
| TRAVEL, LODGING, REGISTRATION FEES                  | 20,000               | 20,000               | -                   |  |
| MEETING EXPENSES                                    | 5,000                | 5,000                | -                   |  |
| BUILDING MAINTENANCE & SECURITY                     | 6,000                | 6,000                | -                   |  |
| UTILITIES   | 12,000               | 12,000               | -                   |  |
| INSURANCE   | 22,000               | 22,000               | -                   |  |
| IT/COMPUTER SUPPORT                                 | 22,500               | 22,500               | -                   |  |
| PAYROLL/ACCOUNTING SERVICES                         | 5,000                | 5,000                | -                   |  |
| TRAINING & SEMINARS                                 | 5,000                | 5,000                | -                   |  |
| COMMUNITY INFORMATION CENTER COSTS                  | -                    | -                    | -                   |  |
| TELEVISED MEETINGS                                  | 12,000               | 12,000               | -                   |  |
| OTHER:  |                      |                      |                     |  |
| NOTICES, DUES, PRINTING, POSTAGE, ETC               | 9,750                | 9,750                | -                   |  |
| <b><u>TOTAL SUPPLIES AND SERVICES</u></b>           | <b>144,750</b>       | <b>150,250</b>       | <b>5,500</b>        |  |
| <b><u>CONTRACTUAL SERVICES</u></b>                  |                      |                      |                     |  |
| AUTHORITY COUNSEL/EXPIRING CONTRACT                 | 77,344               | 77,344               | -                   |  |
| AUTHORITY COUNSEL/NEW CONTRACT                      | 135,000              | 135,000              | -                   |  |
| LEGAL/LITIGATION FEES                               | 500,000              | 500,000              | -                   |  |
| LEGAL FEES - SPECIAL PRACTICE                       | 10,000               | 10,000               | -                   |  |
| OTHER LEGAL FEES - REFERENDA, POOLS                 | 600,000              | 611,000              | 11,000              | FORA BM 12/13/13 - Churchwell contract increase<br>County election expenses estimated; final bill not received |
| AUDITOR   | 20,000               | 20,000               | -                   |  |
| SPECIAL COUNSEL (EDC-ESCA)                          | 200,000              | 200,000              | -                   |  |
| ESCA PROPERTY CARETAKING                            | 50,000               | 50,000               | -                   |  |
| ESCA/REGULATORY RESPONSE/QUALITY ASSURANCE          | 420,000              | 420,000              | -                   |  |
| VETERANS CEMETERY CONSULTANTS                       | TBD                  | 12,500               | 12,500              | CCCVC Property transfer/title costs, consultant/legal services for PBC   |
| FINANCIAL CONSULTANT                                | 50,000               | 75,000               | 25,000              | FORA BM 12/13/13 - EPS contract increase   |
| LEGISLATIVE SERVICES CONSULTANT                     | 43,000               | 43,000               | -                   |  |
| PUBLIC INFORMATION/OUTREACH                         | 25,000               | 25,000               | -                   |  |
| HCP CONSULTANTS                                     | 260,000              | 260,000              | -                   |  |
| BASE REUSE PLAN (BRP) POST-REASSESSMENT             | 450,000              | 450,000              | -                   |  |
| OTHER CONSULTING/CONTRACTUAL EXP                    | 25,000               | 25,000               | -                   |  |
| <b><u>TOTAL CONTRACTUAL SERVICES</u></b>            | <b>2,865,344</b>     | <b>2,913,844</b>     | <b>48,500</b>       |  |
| <b><u>CAPITAL PROJECTS</u></b>                      |                      |                      |                     |  |
| TRANSPORATION/OTHER CIP PROJECTS                    | 945,030              | 945,030              | -                   |  |
| HCP ENDOWMENT                                       | 2,772,611            | 2,772,611            | -                   |  |
| <b><u>TOTAL CAPITAL PROJECTS</u></b>                | <b>3,717,641</b>     | <b>3,717,641</b>     | <b>-</b>            | Based on CIP budget approved by FORA Board Sept 2013   |
| <b><u>DEBT SERVICE (Principal and Interest)</u></b> |                      |                      |                     |  |
| PRESTON PARK LOAN DEBT SERVICE                      | 1,364,880            | 1,364,880            | -                   | Preston Park loan payments thru 6/15/14 (maturity date)  |
| PRESTON PARK LOAN - PAY OFF                         | -                    | -                    | -                   | PP sale delayed due to litigation  |
| FIRE TRUCK LEASE                                    | 116,000              | 116,000              | -                   |  |
| <b><u>TOTAL DEBT SERVICE</u></b>                    | <b>1,480,880</b>     | <b>1,480,880</b>     | <b>-</b>            |  |
| <b><u>TOTAL EXPENDITURES</u></b>                    | <b>10,315,590</b>    | <b>10,369,590</b>    | <b>54,000</b>       | <b>Increase in TOTAL Expenditures</b>  |



# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

|                       |   |                    |
|-----------------------|---|--------------------|
| <b>Subject:</b>       | Base Reuse Plan Implementation - Regional Urban Design Guidelines |                    |
| <b>Meeting Date:</b>  | March 14, 2014  | <b>INFORMATION</b> |
| <b>Agenda Number:</b> | 9e  |                    |

### **RECOMMENDATION:**

Receive Fort Ord Reuse Authority (FORA) staff report on the Regional Urban Design Guidelines (RUDG) consultant solicitation process & schedule.

### **BACKGROUND:**

The 1997 Base Reuse Plan called for completion of RUDG for the Highway 1 Corridor, Town & Village Centers, Regional Circulation Corridors, Trails and Gateways on the former Fort Ord. The FORA Board approved Design Guidelines for the Highway 1 Corridor in March 2005.

The 2012 Fort Ord Base Reuse Plan Reassessment Report identified completion of the RUDG as a remaining FORA obligation. RUDG became one of the four focus topics for the December 2013 Fort Ord Colloquium.

At its February 13, 2014 meeting, the FORA Board approved the Post Reassessment 2014 Work Plan, which included staff action to recruit qualified consultants to facilitate a community engaged RUDG completion process.

The Board tasked the Administrative Committee with oversight of the RUDG process including regular Board updates. The focus of the RUDG process will be the remaining Town & Village Centers, Regional Circulation Corridors, Trails and Gateways.

### **DISCUSSION:**

FORA staff has prepared a Request for Qualifications (RFQ) (**Attachment A**) as part of an envisioned 2-stage process, culminating with a RUDG proposal competition. Stage 1 will involve Statements of Qualifications (SOQ) received from a broad set of qualified urban design professionals. The goal is to recruit the best fit from nationally respected design professionals to enable an efficient and high quality completion of the RUDG.

A consultant selection panel will be formed including FORA Board, Administrative Committee and FORA Staff members. SOQs will be reviewed and three teams will be invited to participate in the Stage 2 Competitive Selection Process. The goal of Stage 2 is to incentivize the finalists to invest substantial effort in the production of in-depth proposals to provide the selection panel the clearest insight into each team's proposed course of action. To provide sufficient incentive, the best fit team would win the RUDG contract, the first runner-up a cash award of \$15,000, and second runner-up \$5,000.

Following consultant selection and contract award, a FORA Board RUDG Workshop will be scheduled to outline the RUDG process and development schedule.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

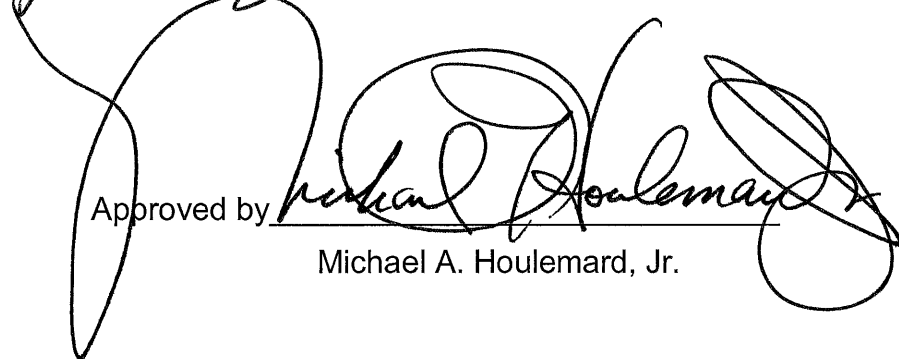
Board approved Post Reassessment funds will be used to cover RUDG process costs through the remainder of the fiscal year. A total of \$350,000 remains for use on all Post Reassessment tasks through June 2014. The competitive proposal incentives would cost \$20,000. Specific costs for the RUDG process will become clear during the proposal process. Staff time related to this item is included in the approved FORA budget.

**COORDINATION:**

FORA Board – RUDG selection panel, Administrative and Executive Committees.

Prepared by   
Josh Metz

Reviewed by   
Steve Endsley

Approved by   
Michael A. Houlemard, Jr.

Interested Consultants  
Distributed via email

**Re: Request for Qualifications (RFQ) to complete Regional Urban Design Guidelines (RUDG) on the former Fort Ord with a focus on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways.**

The Fort Ord Reuse Authority's (FORA's) mission is to prepare, adopt, finance, and implement a plan for the former Fort Ord, including land use, transportation systems, conservation of land/water, recreation and business operations. In order to meet these objectives, the Fort Ord Base Reuse Plan (BRP) was adopted in 1997. FORA adopted the BRP as the official local regional plan to enhance economic recovery, promote education and protect natural resources.

The BRP underwent a comprehensive reassessment process that concluded in December 2012. The reassessment process was a community-wide effort that identified a range of policy options for the FORA Board's subsequent consideration. The identified policy options are discussed in the final Reassessment Report (linked above).

While development of RUDG was initiated in 2005 with Board approval of the Highway 1 Corridor Design Guidelines, completion of guidelines for Town & Village Centers, Regional Circulation Corridors, Trails and Gateways was delayed until now. In February 2014, the FORA Board authorized completion of Regional Urban Design Guidelines as defined in Section 3.0 of the BRP.

This RFQ invites you to submit relevant Statements of Qualification (SOQ) for completion of the RUDG on the former Fort Ord to focus on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways. The ideal design partner will be skilled in developing form-based tools and solutions that integrate required BRP regulations with forward thinking and application in land use design and planning. Responses from leading design and planning firms are welcome, but integrated design, planning, finance, and development teams are encouraged.

The consultant selection will consist of a 2 stage process. The first stage is represented in this RFQ, where potential consultants will be evaluated to identify a set of 3 finalists who will be invited to advance to a competitive selection process. The process is intended to provide the FORA Board an in-depth view of each team's approach and proposed methods, with the aim of finding the best fit to complete the work in a timely and context sensitive manner. Both phases will encourage extensive interaction between the consultants and the FORA staff, Board, and community as necessary to achieve the highest standards in the SOQs, competitive proposals, and final products of the consultants.

The selected team will be awarded the RUDG contract, and the other participants will be paid a fee for work submitted. All competition materials/proposals will become property of FORA.

SOQ submittals will be evaluated on the following factors:

- 1) Demonstrated ability to competently and efficiently complete RUDG in complex multi-jurisdictional settings
- 2) Experience and knowledge about working with complex entitled projects and form-based tools and delivering innovative and integrated yet realistic solutions
- 3) Demonstrated practical ability to successfully facilitate charettes and public meetings

- 4) Knowledge of public policy matters affecting the Monterey Bay region, and/or experience in military base reuse in the local area or elsewhere (desirable but not mandatory)
- 5) Demonstrated experience producing real estate products tailored to specific market segments and contexts supported by market and economic analysis

SOQs must be structured to address the skills, experience, and abilities needed to complete the RUDG, as generally described in the attached Scope of Work.

Submitting consultants must provide SOQs to FORA as specifically described herein by **5:00 PM on Tuesday, April 15, 2014**. Please submit your proposal, with a cover letter, via email to FORA, attn: Josh Metz: [josh@fora.org](mailto:josh@fora.org)

The FORA Executive Officer/consultant selection panel will select one or more of the respondents to participate further in the selection process, if such is deemed necessary, and make the final selection of a consultant. FORA reserves the right to reject any and all SOQs.

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### **General Scope of Work**

The FORA Board has authorized the completion of the Regional Urban Design Guidelines (RUDG) on the former Fort Ord with a focus on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways.

#### **Desirable Qualifications:**

- Current knowledge of planning and urban design best practices
- Familiarity with regional planning; Fort Ord Planning (Base Reuse Plan) and policy context
- Expertise in real estate marketing, development and associated infrastructure; economic analysis; development financing
- Familiarity with environmental justice; public outreach; and working with diverse communities
- Proven ability to navigate complex multi-jurisdictional planning environments and deliver realistic and appropriate solutions
- Demonstrated experience facilitating public meetings and design charrettes
- Demonstrated ability to gather information from public meetings and provide summaries
- Demonstrated ability to produce graphics, diagrams and renderings to convey design guidelines
- Ability to produce form-based planning documents that integrate existing regulations
- Ability to appear in person for meetings and presentations
- Redevelopment experience including planning in blighted communities
- Experience in developing or coordinating development of large land tracts

#### **Phase 2 Deliverables:**

- Former Fort Ord RUDG with a focus on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways
- **Gateways** will focus on the areas surrounding the intersections of:

- Lightfighter Drive and General Jim Moore Blvd
- Highway 218 and General Jim Boulevard
- Imjin Parkway and 2<sup>nd</sup> Avenue
- **Town & Village Centers** will be limited to two areas:
  - South of Colonel Durham Road and North of Gigling Road (Seaside Surplus II) and
  - 2<sup>nd</sup> Avenue corridor between Lightfighter Dr and Imjin Parkway
- **Circulation Corridors** will address three areas:
  - Imjin Parkway to Reservation Road to Blanco Road
  - Lightfighter Drive to General Jim Moore Blvd. to Intergarrison Road to Reservation Road
  - Highway 218 to General Jim Moore Blvd to South Boundary Road
- **Trails** will address two areas:
  - Fort Ord Dunes State Park to 8<sup>th</sup> Street bridge to 9<sup>th</sup> Street to 5<sup>th</sup> Avenue to Intergarrison Road to Jerry Smith Trail to Fort Ord National Monument
  - Fort Ord Dunes State Park to Lightfighter Drive to General Jim Moore Blvd. to Gigling Road to Fort Ord National Monument
- **Meetings/Presentations at Fort Ord**
  - Orientation Workshop
  - Draft: Village & Town Centers
  - Draft: Regional Circulation Corridors
  - Draft: Trails
  - Draft: Gateways
  - Final: Comprehensive
- Organize & facilitate public meetings & charrettes
- Graphics, Charts, Maps, Posters, Powerpoints
- Form-based documentation, integrating current land regulations
- Video documentation of charrettes

Applicable Resources for Consultants to review before submitting qualifications:

- [www.Fora.org](http://www.Fora.org)
- [www.FortOrdCleanup.com](http://www.FortOrdCleanup.com) (including the administrative record)
- [www.Fora-Esca-RP.com](http://www.Fora-Esca-RP.com)
- [Base Reuse Plan](#)
- [Reassessment Report](#)
- [Fort Ord Colloquium](#)
- [City of Marina](#)
- [City of Seaside](#)
- [County of Monterey](#)
- [City of Del Rey Oaks](#)
- [City of Monterey](#)
- [Sand City](#)

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Outstanding Receivables

**Meeting Date:** March 14, 2014

**Agenda Number:** 11a

**INFORMATION**

### RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for February 2014.

### BACKGROUND/DISCUSSION:

Development Fee/Preston Park: In 1997, the U.S. Army and FORA entered into an interim lease for Preston Park. Preston Park consisted of 354 units of former Army housing within the jurisdiction of the City of Marina (Marina). Marina became FORA's Agent in managing the property. Marina and FORA selected Mid-Peninsula Housing Coalition to manage the property and lease it to tenants. In 1998, Mid-Peninsula completed rehabilitating Preston Park units and began leasing the property to the public. After repayment of the rehab loan, Marina and FORA have by state law each shared 50% of the net operating income from Preston Park.

The FORA Board enacted a base-wide Development Fee Schedule in 1999. Preston Park is subject to FORA's Development Fee Schedule overlay. In March 2009, the FORA Board approved the MOU between FORA and Marina whereby a portion of the Preston Park Development Fee was paid by the project. In 2009, Marina transferred \$321,285 from Preston Park, making an initial Development Fee payment for the project. The remaining balance is outstanding and is the subject of current litigation.

### FISCAL IMPACT:

All former Fort Ord projects are subject to either the developer fee overlay or the Community Facilities District fees to pay fair share of the California Environmental Quality Act required mitigation measures. In addition the outstanding balance is a component of the Basewide Mitigation Measures and Basewide Costs described in Section 6 of the FORA Implementation Agreements. If any projects fail to pay their fair share it adds a financial burden to other reoccupied or development projects to compensate.

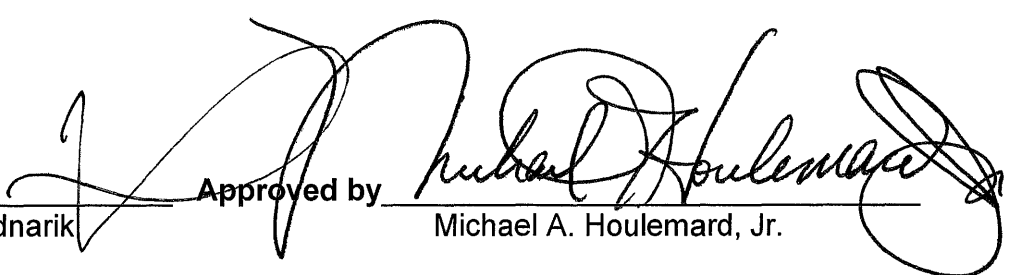
### COORDINATION:

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:** March 14, 2014

**Agenda Number:** 11b

**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 2015, 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 recent in-person meetings on April 10, June 19, and November 19, 2013 to discuss outstanding issues; 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. 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 additional time. 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 funding structure and 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 to expedite 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 screen check draft HCP should be completed in the next few months. If the current schedule is maintained, FORA staff expects a Public Draft HCP available for public review by August 2014.

**Update:** FORA staff scheduled a meeting with CDFW Chief Deputy Director Kevin Hunting, University of California and State Parks representatives on March 25<sup>th</sup> to address outstanding State to Fed and State to State policy issues.

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

### COORDINATION:

Administrative Committee, Executive Committee, ICF, Denise Duffy and Associates

Prepared by   
Jonathan Garcia

Reviewed by   
Steve Endsley

Approved by   
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Administrative Committee

**Meeting Date:** March 14, 2014

**Agenda Number:** 11c

**INFORMATION**

### RECOMMENDATION:

Receive a report from the Administrative Committee.

### BACKGROUND/DISCUSSION:

The approved February 5, 2014 and February 19, 2014 Administrative Committee minutes are included for Board review.

### FISCAL IMPACT:


Reviewed by the FORA Controller 

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

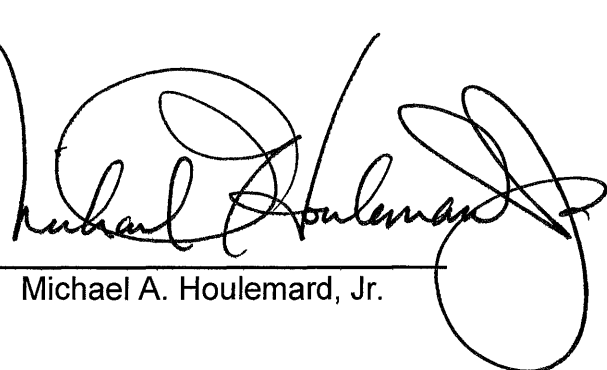
### COORDINATION:

Administrative Committee

Prepared by

  
Lena Spilman

Approved by

  
Michael A. Houlemard, Jr.





## FORT ORD REUSE AUTHORITY ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES

8:15 a.m., Wednesday, February 5, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

### 1. CALL TO ORDER AND ROLL CALL

Co-Chair Dawson called the meeting to order at 8:17 a.m. The following were present:

Dan Dawson, City of Del Rey Oaks\*  
Carl Holm, County of Monterey\*  
Elizabeth Caraker, City of Monterey\*  
John Dunn, City of Seaside\*  
Layne Long, City of Marina\*  
Vicki Nakamura, MPC  
Graham Bice, UC MBEST  
Diana Ingersoll, City of Seaside

Tim O'Halloran, City of Seaside  
Anya Spear, CSUMB  
Patrick Breen, MCWD  
Lyle Shurtleff, BRAC  
Bob Schaffer  
Wendy Elliot, MCP  
Chuck Lande, Marina Heights  
Don Hofer, MCP

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Jim Arnold  
Lena Spilman  
Crissy Maras  
Jonathan Garcia  
Josh Metz

\* Voting Members

### 2. PLEDGE OF ALLEGIANCE

Diana Ingersoll led the Pledge of Allegiance.

### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Executive Officer Michael Houlemard stated that fundraising for Phase I of the California Central Coast Veterans Cemetery had concluded and Fort Ord Reuse Authority (FORA) staff was working with the Community Foundation of Monterey County to repay the David and Lucile Packard Foundation loan eight months ahead of schedule.

### 4. APPROVAL OF MEETING MINUTES

#### a. December 4, 2013 Administrative Committee meeting minutes

MOTION: Carl Holm moved, seconded by Elizabeth Caraker, to approve the December 4, 2014 Administrative Committee meeting minutes as presented.

MOTION PASSED: Ayes: Caraker, Dawson, Dunn, Holm, Long. Noes: None

#### b. January 2, 2013 Administrative Committee meeting minutes

MOTION: John Dunn moved, seconded by Elizabeth Caraker, to approve the January 2, 2014 Administrative Committee meeting minutes as presented.

MOTION PASSED: Ayes: Caraker, Dawson, Dunn, Long. Noes: None. *Abstentions:* Holm

### 5. PUBLIC COMMENT PERIOD

None.

### 6. JANUARY 10, 2014 BOARD MEETING FOLLOW UP

Executive Officer Michael Houlemard provided an overview of discussion and action at the January 10, 2014 FORA Board meeting.

**7. FEBRUARY 13, 2014 BOARD MEETING - AGENDA REVIEW**

Mr. Houlemard provided an overview of items on the upcoming Board agenda, reminding the Committee that the meeting would be held on a Thursday. He stated that the City of Seaside had requested to remove item 9a from the Board agenda and to reschedule it for the March Board meeting. Co-Chair Dawson indicated that, with the City of Seaside's consent, item 9a would be withdrawn from the Administrative Committee agenda as well. John Dunn agreed. Mr. Houlemard reviewed several changes to FORA committee membership agendized for Board consideration, particularly the proposed Master Resolution amendments altering the structure of the FORA Executive Committee. Senior Planner Jonathan Garcia discussed amendments made to the resolution for item 9b.

**8. OLD BUSINESS**

**a. Discuss Habitat Conservation Plan (HCP) Document Review Schedule**

Mr. Garcia reviewed the HCP document review schedule and responded to questions from the Committee and public.

**9. NEW BUSINESS**

**a. Provide Board Recommendation: Consider Certification, in Whole or in Part, of Seaside Zoning Code Text Amendments and Use Permit for a Youth Hostel, Located at 4420 Sixth Ave., Seaside, as Consistent with the 1997 Fort Ord Reuse Plan**

*Item was withdrawn from the agenda.*

**b. FORA Resolution Revisions - 2010 Monterey County General Plan Consistency Determination**

Mr. Garcia stated the revisions were discussed under item 7 and he had no further report.

**c. Fort Ord Reuse Authority Property Transaction Worksheet Update**

Mr. Houlemard provided historical context regarding the use of the Property Transaction Worksheet and an overview of the recent revisions. Associate Planner Josh Metz and ESCA Project Manager Stan Cook discussed the revisions and answered questions from the Committee and public.

**10. ITEMS FROM MEMBERS**

Mr. Garcia requested all jurisdictions submit their Land Use Covenant Reports for the next reporting period.

**11. ADJOURNMENT**

Co-Chair Dawson adjourned the meeting at 8:50 a.m.



**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**  
8:15 a.m., Wednesday, February 19, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER AND ROLL CALL**

Co-Chair Houlemard called the meeting to order at 8:18 a.m. The following were present:

Dan Dawson, City of Del Rey Oaks\*  
Marti Noel, County of Monterey\*  
Elizabeth Caraker, City of Monterey\*  
John Dunn, City of Seaside\*  
Layne Long, City of Marina\*  
Vicki Nakamura, MPC  
Diana Ingersoll, City of Seaside  
Tim O'Halloran, City of Seaside  
Mike Lerch, CSUMB

Patrick Breen, MCWD  
Rick Riedl, City of Seaside  
Todd Muck, TAMC  
Bob Schaffer  
Wendy Elliot, MCP  
Chuck Lande, Marina Heights  
Andy Sterbenz, Schaafs Wheeler  
Doug Yount, ADE

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Jim Arnold  
Lena Spilman  
Crissy Maras  
Jonathan Garcia  
Josh Metz

\* Voting Members

**2. PLEDGE OF ALLEGIANCE**

Elizabeth Caraker led the Pledge of Allegiance.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

None.

**4. PUBLIC COMMENT**

None.

**5. FEBRUARY 13, 2014 BOARD MEETING FOLLOW UP**

Co-Chair Houlemard reviewed the February 13, 2014 Board meeting and distributed a letter from Chair Edelen to Marina Coast Water District related to discussion of water issues that took place under the Monterey County General Plan consistency determination item. The consistency determination and the Executive Officer contract extension would require a second vote in March.

**6. NEW BUSINESS**

**a. Capital Improvement Program Development Forecasts - Reports from Jurisdictions**

Senior Planner Jonathan Garcia stated that while the tables had been updated to reflect the received development forecasts that were, several jurisdictions had yet to submit. In order to keep the Capital Improvement Program on schedule, all forecasts must be submitted as soon as possible. Co-Chair Houlemard noted the County of Monterey had raised questions about forecasting methodology, discussion of which was scheduled for the next committee meeting.

**b. Administrative Committee Tasks - Post Reassessment Workplan**

Associate Planner Josh Metz reviewed the Board approved workplan and provided a description of workplan items that would return to the Administrative Committee for action.

**7. ITEMS FROM MEMBERS**

Co-chair Houlemard discussed recent building removal efforts, noting that a group was working with local legislators to put forward legislation this year to assist in those efforts.

**8. ADJOURNMENT**

Co-Chair Dawson adjourned the meeting at 8:50 a.m.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

|  |                    |
|--|--------------------|
| <b>Subject:</b> Veterans Issues Advisory Committee |                    |
| <b>Meeting Date:</b> March 14, 2014                | <b>INFORMATION</b> |
| <b>Agenda Number:</b> 11d                          |                    |

### RECOMMENDATION:

Receive a report from the Veterans Issues Advisory Committee (VIAC).

### BACKGROUND/DISCUSSION:

The VIAC met on October 31, 2013. The approved minutes from that meeting are included as **Attachment A**.

### FISCAL IMPACT:

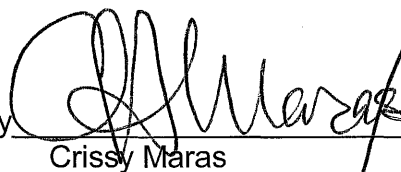
Reviewed by FORA Controller 

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

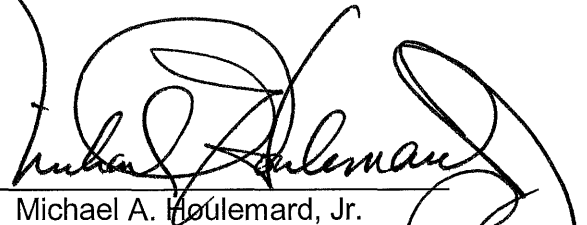
### COORDINATION:

VIAC

Prepared by

  
Crissy Maras

Approved by

  
Michael A. Houlemard, Jr.



## **FORT ORD REUSE AUTHORITY**

### **VETERANS ISSUES ADVISORY COMMITTEE REGULAR MEETING MINUTES**

3:00 p.m., Thursday, October 31, 2013 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

#### **1. CALL TO ORDER AND ROLL CALL**

Chair Edelen called the meeting to order at 3:02 p.m. The following were present, as indicated by signatures on the roll sheet:

##### VIAC Members:

Jerry Edelen, FORA Board  
James Bogan, United Veterans Council  
Sid Williams, Mo. Co. Military/Vets  
Wes Morrill, Mo. Co. Vets Services  
Edith Johnsen, Vets Families/Fundraising  
Greg Nakanishi, CCVC Foundation  
Jack Stewart, Cemetery Advisory Comm.  
CSM Wynn, US Army POM

##### FORA Staff:

Michael Houlemard  
Robert Norris  
Crissy Maras

##### Others:

Sonja Arndt, Rep. Farr  
John Garske, VRSI  
Richard Garza, CCVCF  
George Dixon, DMVA  
Jason Burnett

#### **2. PLEDGE OF ALLEGIANCE**

Chair Edelen asked Robert Norris to lead the Pledge of Allegiance.

#### **3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

The Hero's Open Annual Golf Tournament at Bayonet and Blackhorse is scheduled for Saturday November 9<sup>th</sup>. Golf teams can still sign up; all proceeds benefit the Central Coast Veterans Cemetery. The VA/DoD health clinic groundbreaking event is scheduled for Monday November 11<sup>th</sup> at 1:00 PM. The event will take place in Marina near the Target parking lot with a reception being held afterward at the FORA and Veteran's Transition Center offices.

#### **4. PUBLIC COMMENT PERIOD**

John Garske from Monterey County Veterans Services requested the use of FORA compound building 2880, or some other suitable building, for a veteran's drop-in center. Mr. Norris reported that he had been working with Mr. Garske and noted that four buildings are being evaluated for suitability.

#### **5. APPROVE VIAC MEETING MINUTES: August 29, 2013**

MOTION: Sid Williams moved, seconded by Wes Morrill, to accept the August 29, 2013 minutes as presented.

MOTION PASSED: Unanimous

#### **6. OLD BUSINESS**

##### **a. California Central Coast Veterans Cemetery Status Report**

FORA Executive Officer Michael Houlemard reviewed the status of the grant applications and loan agreements leading up to the successful effort to confirm the federal grant and asked City of Carmel-by-the-Sea Mayor Jason Burnett to provide a status report on cemetery fundraising efforts. Mayor Burnett reported that current cemetery funding includes a \$6.8M federal grant and \$2M from the State of California (\$1M via SB232 and \$1M via Speaker budget contribution). \$617K was the local match required to be in place by October 15<sup>th</sup> to allow the State to receive the Federal funds.

The local match was collected through loans, grants and fundraising and was in place by the deadline. Fundraising efforts continue to capitalize on current enthusiasm and the hope is to raise funds beyond what is needed for loan repayment and begin on Phase II funding. Fundraising dinners are planned and outreach has been expanded to Silicon Valley with the thought that since the San Francisco cemetery is at capacity, the CCCVC would serve a larger area. Mayor Burnett further noted that Clint Eastwood and Denise Foderaro/Frank Quattrone were both matching grant contributors. Each dollar raised would be matched up to \$100k each, including funds raised at planned events like the Run for the Fallen and the Hero's Open golf tournament.

Ms. Arndt noted since the San Francisco cemetery was at capacity, the timing of Phase II funding efforts should be emphasized, since it may be needed earlier than previously estimated.

**b. VA/DoD Veterans Clinic Status Report**

The groundbreaking is scheduled for 1:00 PM on November 11<sup>th</sup>. Contract award is expected by the end of the year with an opening date in 2016.

**7. NEW BUSINESS - none**

**8. ITEMS FROM MEMBERS**

James Bogan requested that the veteran's drop-in center request be added to a future agenda.

**9. ADJOURNMENT**

Chair Edelen adjourned the meeting at 3:38 p.m.

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator

Approved by: \_\_\_\_\_  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

|  |                    |
|--|--------------------|
| <b>Subject:</b> Finance Committee                                |                    |
| <b>Meeting Date:</b> March 14, 2014<br><b>Agenda Number:</b> 11e | <b>INFORMATION</b> |

### RECOMMENDATION(S):

Receive minutes from the February 26, 2014 Finance Committee (FC) meeting.

### BACKGROUND/DISCUSSION:

The FC met on February 26, 2014 to discuss the FY 13-14 mid-year budget and other items. Please refer to the attached minutes (**Attachment A**) from this meeting for more details and the FC recommendations. Also, please note the FC notations that the Board review the impacts of developer fee and land sales projection failure.

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

### COORDINATION:

Finance Committee

Prepared by 

Marcela Fridrich

Approved by 

Michael A. Houlemard, Jr.



# FORT ORD REUSE AUTHORITY

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | [www.fora.org](http://www.fora.org)

**Finance Committee Meeting**  
Wednesday, February 26, 2014 at 3:00 pm

**Attachment A to Item 11e**  
FORA Board Meeting, 3/14/2014

## ACTION MINUTES

**Present:** Chair Ian Oglesby, Members: Graham Bice, Gail Morton, Casey Lucius  
**Absent:** Nick Chiulos (excused)  
**Staff:** Michael A. Houlemard, Jr., Steve Endsley, Marcela Fridrich

### AGENDA

The Fort Ord Reuse Authority (FORA) Finance Committee (FC) discussed the following agenda items:

1. Roll Call

A quorum was achieved at 3:00 PM. Member Morton joined meeting at 3:40 PM.

2. Acknowledgements, Announcements, and Correspondence

Executive Officer Houlemard pointed out that the full amount of the funding to pay for the Packard Foundation Central Coast Veterans Cemetery Loan had been received and the repayment of the loan would be occurring this week (2/28/14).

3. Public Comment Period

None

4. December 17, 2013 Minutes

Adopted. 3-0.

5. FY 13-14 Mid-Year Budget Update

FC Members received Mid-Year budget tables with the narrative notes prior to the meeting. Executive Officer Houlemard summarized pertinent major variances/adjustments, including; 1) Deferred PLL Loan payment of \$694,920 from City of Del Rey Oaks until June 2015 and lower than projected developer fees and land sales/lease revenues and 2) increases of \$52,500 in expenses described in detail in the itemized expenditures table. FC Members were mostly concerned about the current level of CFD and Land Sale collections and projections that are listed in the budget and most likely will not be realized in this FY. Member Bice suggested including a clarification note in the table and in the narrative part of the board report indicating that CFD/development fee and land sale projections were already set at 50% of projections provided by jurisdictions; (Previously FC Members did not feel it was their role to make budget adjustments regarding unrealistic projections and recommended thorough review of CIP revenue estimates by the Administrative Committee and the Board for upcoming FY CIP approval). FC Members were concerned about the FY 13-14 budget figures if the developer fee projections fall further than expected. FC Members reviewed budget variance in the itemized expenditures table. Member Lucius asked about the FORA referenda status. Michael Houlemard explained that FORA is still expecting the final bill from MoCo which most likely will be higher than budget estimate (2 initiatives). FC Members suggested staff negotiate with Monterey County and that the bill will be potentially spread to the next FY year. Member Morton asked staff to include additional funds (\$1,500) to the equipment/furniture category for setting up a telephone line in Carpenters/Board Conference room for Board members to teleconference into meetings. Motion to approve Morton, Second Bice. Approved 4-0. Member Lucius suggested that the next budget have a more detailed format, describing the approved, projected and actual budget, by adding a column for "actual." FC



Members recommend FORA Board acceptance of the 13-14 Mid-Year Budget with above described changes. Motion to approve Bice, Second Lucius. Approved 4-0.

6. Payments on-line/1st Capital Bank

FC Members received the updated list of on-line payees/vendors prior to the meeting. Accounting Officer Fridrich explained cost benefits of using on-line bill pay procedure. FC reviewed additions and deletions to the authorized list of payees/vendors. Member Morton indicated her preference that the Executive Officer and Controller (together) can authorize extending on-line pay to new routine payees/vendors. She also suggested that FC consider directing that CSUMB on-line payment authorization is limited to current internet/IT related services. FC Members approved 1) the payees/vendors list additions/deletions, 2) Executive Officer/Controller two-signature authority for payee list modifications and 3) to review this policy within the next three months. Motion Morton, Second Lucius. Approved 4-0.

7. 2014 Meeting Calendar

FC Members reviewed 2014 meeting dates and agreed to schedule the next FC Meeting for April 23 @ 3:00 PM and if an additional budget meeting is required it would be April 30 @ 3:00 PM. Motion to approve Morton, Second Lucius. Approved 4-0.

8. Adjournment

Meeting adjourned at 4:30 pm.

*Minutes prepared by Marcela Fridrich.*

DRAFT

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Water/Wastewater Oversight Committee

**Meeting Date:** March 14, 2014

**Agenda Number:** 11f

**INFORMATION**

### RECOMMENDATION:

Receive a report from the Water/Wastewater Oversight Committee (WWOC).

### BACKGROUND/DISCUSSION:

The WWOC met jointly with the Administrative Committee on December 18, 2013 and February 19, 2014. The approved minutes from those meetings are included as **Attachment A** and **Attachment B**.

### FISCAL IMPACT:

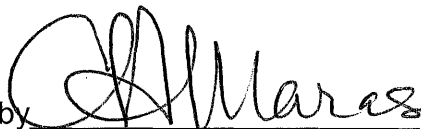
Reviewed by FORA Controller 

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

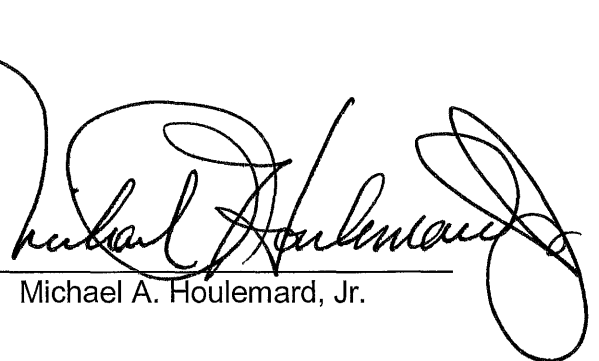
### COORDINATION:

WWOC, Administrative Committee

Prepared by

  
Crissy Maras

Approved by

  
Michael A. Houlemard, Jr.



## FORT ORD REUSE AUTHORITY

### JOINT ADMINISTRATIVE AND WATER/WASTEWATER OVERSIGHT COMMITTEE

Wednesday, December 18, 2013

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933 (FORA Conference Room)

### MINUTES

#### 1. CALL TO ORDER

Administrative Committee co-chair Daniel Dawson called the meeting to order at 8:16 a.m. The following were present, as indicated by signatures on the roll sheet:

##### Committee Members:

John Dunn, City of Seaside  
Elizabeth Caraker, City of Monterey  
Dirk Medema, County of Monterey  
Mike Lerch, CSUMB  
Tim O'Halloran, City of Seaside  
Anya Spear, CSUMB  
Diana Ingersoll, City of Seaside  
Layne Long, City of Marina  
Daniel Dawson, City of DRO

##### Staff:

Michael Houlemard, FORA  
Steve Endsley, FORA  
Jim Arnold, FORA  
Josh Metz, FORA  
Jonathan Garcia, FORA  
Crissy Maras, FORA  
Brian Lee, MCWD  
Patrick Breen, MCWD  
Kelly Cadiente, MCWD

##### Others:

Bob Schaffer  
Crisand Giles  
Vicki Nakamura  
Chuck Lande  
Doug Yount

#### 2. PLEDGE OF ALLEGIANCE

Chuck Lande led the Pledge of Allegiance.

#### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Co-chair Dawson led committee members in singing Happy Birthday to Executive Officer Houlemard. Co-chair Dawson additionally noted that the court case involving Del Rey Oaks and their former developer had been remanded back to Monterey County.

#### 4. PUBLIC COMMENT PERIOD

None

#### 5. APPROVAL OF MEETING MINUTES

a. October 30, 2013 Joint Administrative/WWOC Minutes

Motion: John Dunn moved, seconded by Elizabeth Caraker, to approve the joint October 30, 2013 minutes as presented.

Motion Passed: Unanimous

#### 6. DECEMBER 13, 2013 BOARD MEETING FOLLOW UP

A resolution allowing execution of a California Central Coast Veterans Cemetery land transfer agreement between FORA and the State of California was added to the agenda as an urgency item. Executive Officer Houlemard noted that the FORA/CSUMB co-hosted colloquium was on the agenda for discussion later. Committee members were in agreement that the speakers and presentations were professional and well prepared. The Board and Administrative/Post Reassessment Advisory Committees will consider the necessary next steps in the reassessment process.

## 7. **OLD BUSINESS**

### a. Follow up from the Colloquium

The FORA/CSUMB co-hosted colloquium was well attended and provided an opportunity for experts and attendees to interact on several topics relevant to the reuse of the former Fort Ord. In particular, design guidelines and connections between the jurisdictions, dunes and National Monument were two principle areas of discussion. FORA staff is working on recommendations for moving forward which the Administrative and Post Reassessment Advisory Committees could consider prior to FORA Board review. All of the presentations and video from the colloquium are available on FORA's website.

### b. FY 2013/14 Ord Community Budget

#### i. MCWD Draft Rate Study

The MCWD Board directed MCWD staff to review their recently concluded Proposition 218 process to ensure that it was conducted properly and that MCWD met all requirements. The MCWD Board will review the findings at their January 6, 2014 meeting.

MCWD staff reviewed the Q&A document with committee members, going through individual member questions and discussing the answers provided. There were some outstanding questions remaining which MCWD staff will continue to resolve.

After lengthy discussion, FORA staff noted that under the Water and Wastewater Facilities Agreement between MCWD and FORA, the budget currently in place and approved by the FORA Board remains in place until a new budget is adopted. MCWD staff noted that 2014/15 Ord Community budget preparation will begin in two weeks. Therefore, if the committee is concerned with the 2013/14 draft Ord Community budget, there is the option of continuing the current budget while MCWD staff and consultants address outstanding questions and concerns.

Motion: John Dunn moved, seconded by Layne Long, to 1) continue the Ord Community budget currently in place and approved by the FORA Board, 2) FORA staff inform MCWD that they have met their contractual obligation under the terms of the facilities agreement to bring a budget forward to the WWOC, 3) FORA staff write an informational report to the FORA Board for their January meeting outlining the budget process and providing an update on the joint committee's efforts in that regard, and 4) schedule a technical meeting with the WWOC, MCWD staff and consultants Carollo Engineers.

Motion Passed: Unanimous

## 8. **SCHEDULE NEXT MEETING**

January 2<sup>nd</sup>, 2014 was scheduled as the next Administrative Committee meeting. The technical WWOC meeting will be scheduled at a later date.

## 9. **ADJOURNMENT**

Co-chair Dawson adjourned the meeting at 9:40 AM

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator



**FORT ORD REUSE AUTHORITY**  
**JOINT ADMINISTRATIVE AND WATER/WASTEWATER OVERSIGHT COMMITTEE**  
**REGULAR MEETING MINUTES**

Wednesday, February 19, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER (immediately following Administrative Committee meeting)**

Co-Chair Dawson called the meeting to order at 9:25 a.m. The following were present:

Dirk Medema, County of Monterey\*  
Elizabeth Caraker, City of Monterey\*  
Rick Reidl, City of Seaside\*  
Mike Lerch, CSUMB\*  
Vicki Nakamura, MPC

Brian Lee, MCWD  
Patrick Breen, MCWD  
Bob Schaffer  
Doug Yount  
Wendy Elliot, MCP  
Chuck Lande, Marina Heights  
Andy Sterbenz, Schaaf & Wheeler

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Jim Arnold  
Lena Spilman  
Crissy Maras  
Jonathan Garcia  
Josh Metz

\* Voting Members

**2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

None.

**3. APPROVAL OF MEETING MINUTES**

**a. December 18, 2013 Joint Administrative/WWOC Meeting Minutes**

The December 18, 2014 joint meeting minutes were approved as presented.

**4. PUBLIC COMMENT PERIOD**

None.

**5. NEW BUSINESS**

**a. FY 2014/15 Ord Community Water/Wastewater Budget Schedule**

Marina Coast Water District Interim General Manager Brian Lee outlined scheduled dates and tasks for getting to WWOC budget recommendation to the FORA Board. MCWD obtained legal advice to determine if their previously completed Proposition 218 process was correctly conducted. The MCWD Board will hear that advice at their March 3<sup>rd</sup> meeting and if necessary, a new Proposition 218 mailing and hearing has been budgeted for and will be conducted. Carollo Engineers, the consultant that prepared the rate study that the FY 2013/14 budget was based on, re-examined existing information and MCWD's facilities on the former Fort Ord and recommended reducing the proposed capacity charge. That information will be presented to the MCWD Board in March and will then be presented to the WWOC on March 5.

Mr. Lee reviewed the mid-year budget update, noting that Ord water and sewer capital improvement projects were carried forward into the next budget year (FY14/15) and that MCWD is attempting to recover approximately \$20M from Cal-Am and Monterey County for breaking the contract in place for the Regional Desalination Plant including \$750K in attorneys' fees spent in 2013. Regarding water augmentation, the District is currently reviewing their options, which include a surface water treatment plant, ag water run-off, desalinated water utilizing their existing 300-afy plant and recycled water options in conjunction with MRWPCA. MCWD is at the point where they will soon begin developing unit costs for the surface water treatment plant.

**6. ADJOURNMENT**

Co-Chair Dawson adjourned the meeting at 9:55 a.m.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Travel Report

**Meeting Date:** March 14, 2014

**Agenda Number:** 11g

**INFORMATION**

### RECOMMENDATION(S):

Receive an informational travel report from the Executive Officer.

### BACKGROUND/DISCUSSION:

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

#### California Special District Association (CSDA) Board Clerk/Secretary Conference

**Destination:** Napa, CA

**Date:** February 27-28, 2014

**Traveler/s:** Lena Spilman

Ms. Spilman previously completed the CSDA Board Clerk Certificate Program and returned this year to participate in their Advanced Certificate Holders Program. Although the Program focuses heavily on advanced Public Records Act, Ralph M. Brown Act, and Roberts Rules of Order training, Ms. Spilman also attended sessions on implementation of plain language guidelines, public outreach strategy, and SB 751 implementation. This conference provided an excellent opportunity to coordinate with public agencies from across the state and was well attended by clerks from the Monterey Bay region.

#### National Coalition of Homeless Veterans (NCHV) - Board of Directors Meeting

**Destination:** Washington, DC

**Date:** February 24-25, 2014

**Traveler/s:** Robert Norris

In addition to his position at FORA as staff liaison for veterans issues, Mr. Norris also serves as a Member of the Board for the National Coalition for Homeless Veterans. He travelled to Washington, D.C., at his own expense, to attend the NCHV Board meeting and meet with senior staff at the Departments of Labor and Veterans Affairs, and the NCHV on the following issues:

- White House announcement that NCHV, in Partnership with Easter Seals, was designated as lead agency for the Department of Labor Homeless Veterans Reintegration Program Technical Assistance Cooperative Agreement with four years of funding at \$450,000 year.
- Impacts of sequestration on homeless veterans programs in Departments of Labor, Housing and Urban Development, and Veterans Affairs.
- Development the first comprehensive Veterans Housing Policy Agenda in collaboration with the Home Depot Foundation, National Alliance to End Homelessness, National Housing Conference, LISC-National Equity Fund, and US Interagency Council on Homelessness.

2014 Annual Legislative Mission to Washington, D.C.

**Destination:** Washington D.C.

**Date:** March 9-12, 2014

**Traveler/s:** Chair Edelen, Mayor Rubio, Supervisor Potter,  
Michael Houlemard, Robert Norris

FORA's 2014 Annual Legislative Mission will include meetings with the US Environmental Protection Agency, US Department of Veterans Affairs, Army Base Realignment and Closure Office, US Office of Economic Adjustment, Bureau of Land Management, and Congressman Farr. The Legislative Mission Itinerary is attached for your review. As the trip had not yet occurred at the distribution of this report, the delegation will provide an oral report at the Board meeting.

Upcoming Travel

Fort Ord Habitat Conservation Plan Coordination

**Destination:** Sacramento, CA

**Date:** March 25-26, 2014

**Traveler/s:** Michael Houlemard, Jonathan Garcia, (likely one member of Legislative Committee and additional staff members, as needed)

The 2013 federal government shut-down delayed review of the draft HCP by the wildlife agencies and negatively impacted the document's progress. In order to keep the momentum, staff has participated in numerous conference calls with the various agencies to resolve outstanding issues. This coordination effort requires a trip to Sacramento, which has been planned for several months and approved by the Executive Committee. FORA representatives will meet with the CA Department of Fish and Wildlife on policy-level issues. While in Sacramento, travelers may also use the opportunity to meet with the CA Department of Veterans Affairs.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item was included in the approved annual budget. Travel expenses are reimbursed according to the FORA Travel Policy.

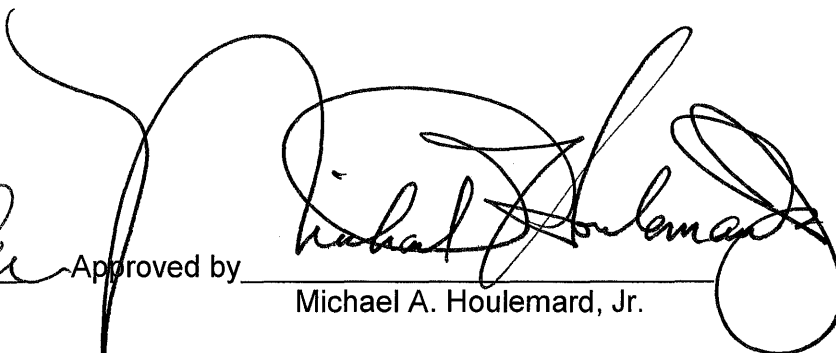
COORDINATION:

Legislative/Executive Committee

Prepared by

  
Lena Spilman

Approved by

  
Michael A. Houlemard, Jr.



# FORT ORD REUSE AUTHORITY

## 2014 Annual Federal Legislative Mission Itinerary

March 10-11, 2014, Washington, D.C.

### SUNDAY, MARCH 9 - DELEGATION ARRIVAL

- **ARRIVAL**                      **CRYSTAL CITY MARRIOTT AT REAGAN NATIONAL AIRPORT**  
1999 Jefferson Davis Highway, Arlington, VA 22202

### MONDAY, MARCH 10 – LEGISLATIVE MISSION, DAY 1

- **8:15 A.M. – 9:15 A.M.**        **BREAKFAST MEETING AT KUTAK ROCK**  
1101 Connecticut Ave NW, Suite 1000, Washington, D.C.

Subject:

- Review Legislative Mission Agenda
- Background on Army/EPA language dispute
- Review Army property transfer issues

Attendees:

- Barry Steinberg, Partner, Kutak Rock
- George Schlossberg, Partner Kutak Rock
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- **10:00 A.M.-11:00 A.M.**      **U.S. DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
1849 C Street, Washington D.C.

Subject: Coordinate national monument issues and plan access from coast to national monument.

Attendees:

- Carl Rountree, Director, National Landscape Conservation System
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- **11:30 A.M. - 12:30 P.M.**    **U.S. DEPARTMENT OF VETERANS AFFAIRS**  
**NATIONAL CEMETERY ADMINISTRATION**  
1100 First Street, NE, Washington, DC.

Subject:

- California Central Coast Veterans Cemetery (follow-up to January visit)
- Discuss expectations for Phase I of the CCCVC
- Discuss Joint VA/DoD Clinic - how FORA can assist

Attendees:

- George D. Eisenbach, Jr., Acting Director, Veterans Cemetery Grants Program,
- Tom Paquelet, Project Manager, Veterans Cemetery Grants Program
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- **12:30 P.M.-1:30 P.M.**      **LUNCH BREAK**



- 2:00 P.M.-3:00 P.M.

**KUTAK ROCK**

**1101 Connecticut Ave NW, Suite 1000, Washington, D.C.**

**Subject:**

- California Central Coast Veterans Cemetery water supply confirmation
- Pollution Legal Liability Insurance Policy solicitation update

**Attendees:**

- George Schlossberg, Partner, Kutak Rock
- Barry Steinberg, Partner, Kutak Rock
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- 7:00 P.M.

**DINNER MEETING**

**Attendees:**

- Kristie Reimer, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

**TUESDAY, MARCH 11 – LEGISLATIVE MISSION, DAY 2**

- 8:15 A.M.

**BREAKFAST MEETING**

Bell20 Restaurant (in Marriott)

- 9:30 A.M. – 10:30 A.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.
- Water for the VA/DOD Clinic and CCCVC.
- ESCA update.
- Army refusal to accept deed amendments.

**Attendees:**

- Tom Lederle, Chief, Army BRAC Office
- Kristie Reimer, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- 11:00 A.M. – 12:00 P.M.

**U.S. DEPARTMENT OF DEFENSE**

**OFFICE OF ECONOMIC ADJUSTMENT**

**2231 Crystal Drive, Suite 520, Arlington, VA, 22202**

**Subject:**

- ESCA and Fort Ord updates
- Water for the VA/DoD Clinic and CCCVC
- Current FORA grant application
- Future BRAC rounds.

**Attendees:**

- Patrick O'Brien, Director, Office of Economic Adjustment
- Kristie Reimer, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- 12:00 P.M. – 1:15 P.M. **LUNCH BREAK**
- 1:30 P.M. – 2:30 P.M. **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**2733 S Crystal Drive, Arlington, VA 22202. PYN 5th Floor, N5731**

Subject:

- ESCA and Fort Ord updates
- Water for the VA/DoD Clinic and CCCVC
- Current FORA grant application
- Future BRAC rounds.

Attendees:

- Reggie Cheatham, Director, Federal Facilities Restoration & Reuse Office
- Charlotte Bertrand, Deputy Director, Federal Facilities Restoration & Reuse Office
- Barry Steinberg, Partner, Kutak Rock
- Kristie Reimer, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- 2:30 P.M. – 5:30 P.M. **INDIVIDUAL JURISDICTION MEETINGS**  
(No FORA Activities scheduled)

- 5:00 P.M. - 5:30 P.M. **20<sup>TH</sup> CONGRESSIONAL DISTRICT OFFICE - ROCHELLE DORNATT**  
**1126 Longworth House Office Building, Washington, D.C. 20515**

Subject:

- Seaside swap issues

Attendees:

- Rochelle Dornatt, Chief of Staff to Congressman Farr
- FORA: Ralph Rubio, Michael Houlemard.

- 5:30 P.M. – 6:30 P.M. **20<sup>TH</sup> CONGRESSIONAL DISTRICT OFFICE - CONGRESSMAN FARR**  
**1126 Longworth House Office Building, Washington, D.C. 20515**

Subject:

- CCCVC and Joint VA/DoD status
- Water resources for CCCVC/Clinic
- Blight removal issues
- BRAC 2017

Attendees:

- Congressman Sam Farr, California's 20<sup>th</sup> Congressional District
- Rochelle Dornatt, Chief of Staff to Congressman Farr
- Kristie Reimer, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

- 7:00 P.M. **DINNER MEETING**

Attendees:

- Kristie Reimer, Associate Vice President, ARCADIS
- FORA: Jerry Edelen, Ralph Rubio, Dave Potter, Michael Houlemard, Robert Norris.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** FORA Master Resolution – Revised Version

**Meeting Date:** March 14, 2014

**Agenda Number:** 11h

**INFORMATION**

### RECOMMENDATION:

Receive a copy of the Fort Ord Reuse Authority (FORA) Master Resolution as revised by the FORA Board on February 13, 2014.

### BACKGROUND/DISCUSSION:

Per Master Resolution §1.01.070(b), the updated document is distributed when amendments are made. Access <http://fora.org/Board/2014/Packet/Additional/021314-MasterResolution.pdf> or for Board members requesting a hard copy of the document, please contact FORA Grants and Contracts Coordinator Crissy Maras.

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

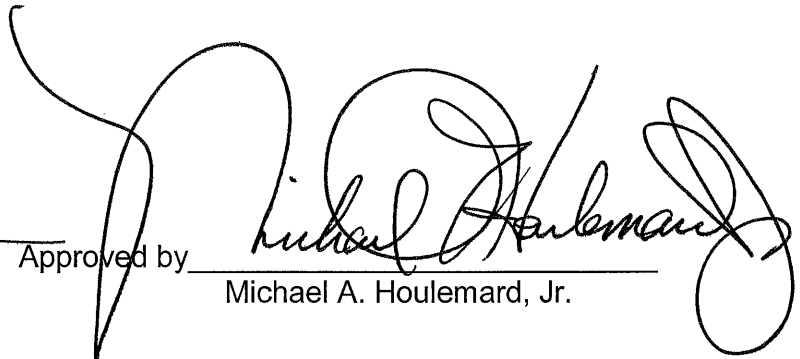
### COORDINATION:

Executive Committee

Prepared by

  
Crissy Maras

Approved by

  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

|                       |                                    |                    |
|-----------------------|------------------------------------|--------------------|
| <b>Subject:</b>       | Public Correspondence to the Board |                    |
| <b>Meeting Date:</b>  | March 14, 2014                     | <b>INFORMATION</b> |
| <b>Agenda Number:</b> | 11i                                |                    |

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at <http://fora.org/Board/2014/Emails/comments02-2014.pdf>

Correspondence may be submitted to the Board via email to [board@fora.org](mailto:board@fora.org) or mailed to the address below:

FORA Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933