



# 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)

## REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, January 9, 2015 at 2:00 p.m.  
910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

### AGENDA

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. CLOSED SESSION

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

- a. Adopt Resolution Acknowledging Councilmember Selfridge ACTION
- b. Adopt Resolution Acknowledging Supervisor Calcagno ACTION

#### 7. CONSENT AGENDA

- a. Approve December 12, 2014 Board Meeting Minutes (pg. 1-4) ACTION
- b. Approve December 18, 2014 Board Meeting Minutes (pg. 5-6) ACTION

#### 8. BUSINESS ITEMS

- a. Approve Memorandum of Agreement among County of Monterey, UCP East Garrison, LLC, and FORA Regarding Habitat Management on Parker Flats Reserve (pg. 7-22) ACTION
- b. Monterey Bay Economic Partnership Implementation Plan Report (pg. 23-28) INFORMATION/ACTION
- c. Consider Executive Officer Compensation Adjustment (pg. 29-36) ACTION
- d. Post Reassessment Items (pg. 37-41)
  - i. January 22, 2014 Trails Symposium Status Report INFORMATION
  - ii. February 2-13, 2014 Regional Urban Design Guidelines Charrette INFORMATION
  - iii. Category 3 Work Plan Update INFORMATION

- e. Environmental Services Cooperative Agreement Quarterly Update (pg. 42-44) INFORMATION
- f. Confirm Chair Appointment to Fill Finance Committee Vacancy (pg. 45) ACTION
- g. Elect 2015 Board Officers (pg. 46-47) ACTION

**9. PUBLIC COMMENT PERIOD**

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

**10. EXECUTIVE OFFICER’S REPORT**

- a. Outstanding Receivables (pg. 48) INFORMATION
- b. Habitat Conservation Plan Update (pg. 49) INFORMATION
- c. Administrative Committee (pg. 50-54) INFORMATION
- d. Post Reassessment Advisory Committee (pg. 55-57) INFORMATION
- e. Regional Urban Design Guidelines Task Force (pg. 58-59) INFORMATION
- f. Travel Report (pg. 60) INFORMATION
- g. Public Correspondence to the Board (pg. 61) INFORMATION

**11. ITEMS FROM MEMBERS**

**12. ADJOURNMENT**

**NEXT BOARD MEETING: FEBRUARY 13, 2015**

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



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## FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, December 12, 2014 at 2:00 p.m.

910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

### 1. CALL TO ORDER

Chair Edelen called the meeting to order at 2:01 p.m.

### 2. PLEDGE OF ALLEGIANCE

Councilmember Haffa led the Pledge of Allegiance.

### 3. CLOSED SESSION

The Board adjourned to closed session at 2:03 p.m.

#### b. 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 2:40 p.m. and Authority Counsel Jon Giffen announced no reportable action had been taken.

### 5. ROLL CALL

#### Voting members present: (*\*alternates*) (*AR: entered after roll call*)

Chair/Mayor Edelen (Del Rey Oaks)

Mayor Pro-Tem Beach (City of Carmel-by-the-Sea)

Mayor Gunter (City of Salinas)

Councilmember Lucius (City of Pacific Grove)

Vice Chair/Mayor Pro-Tem O'Connell (City of Marina)

Councilmember Morton (City of Marina)

Mayor Pro-Tem Oglesby (City of Seaside)

Supervisor Parker (County of Monterey)

Mayor Pendergrass (City of Sand City)

Supervisor Potter (County of Monterey)

Mayor Rubio (City of Seaside)

Councilmember Haffa (City of Monterey)

Absent: Supervisor Calcagno (County of Monterey)

Ex-officio (Non-Voting) Members Present: Taina Vargas Edmond\* (29<sup>th</sup> State Assembly District), Donna Blitzer (University of California, Santa Cruz), Eduardo Ochoa (California State University Monterey Bay), Vicki Nakamura\* (Monterey Peninsula College), Lisa Rheinheimer\* (Monterey Salinas Transit), Lyle Shurtleff\* (Fort Ord BRAC Office), Director Moore (Marina Coast Water District).

### 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Chair Edelen announced that long-time FORA Senior Project Manager Jim Arnold had unexpectedly passed away and asked that the Board observe a moment of silence in his memory.

Executive Officer Michael Houlemard discussed the upcoming January 22, 2014 Fort Ord Trails Symposium. He also announced that FORA had recently hosted a visit from Economic Development Agency Regional Director Len Smith, during which Mr. Smith met with representatives from jurisdictions across the region, introduced newly appointed Economic Development Agency representative Malinda

Matson, and indicated he would advance FORA's \$350,000 business plan grant to assist in building removal work.

## **7. CONSENT AGENDA**

Mr. Houlemard noted that a revised version of the November 14, 2014 minutes had been distributed to the Board and public.

- a. Approve November 12, 2014 Board Meeting Minutes**
- b. Approve November 14, 2014 Board Meeting Minutes**
- c. Approve 2015 FORA Board Meeting Schedule**

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to approve the consent agenda, including the revised November 14, 2014 Board meeting minutes.

MOTION PASSED UNANIMOUSLY

## **8. BUSINESS ITEMS**

- a. 2<sup>nd</sup> Vote: Approve Agreement with Monterey Bay Economic Partnership**

Mr. Houlemard provided a brief background of the item and discussed the terms of the proposed agreement. Mary Ann Leffel addressed Board member comments, and Bud Colligan discussed the history of his involvement in the Monterey Bay Economic Partnership and the concept behind their regional approach. The Board received comments from members of the public.

MOTION: Mayor Gunter moved, seconded by Mayor Rubio, to authorize the Executive Officer to execute an agreement, not to exceed \$100,000, to join the Monterey Bay Economic Partnership for a period of one year, after which the item will return for Board consideration.

MOTION PASSED: Ayes: Beach, Edelen, Gunter, Lucius, Oglesby, Pendergrass, Potter, Rubio. Noes: Morton, O'Connell, Parker, Haffa. Abstentions: None. Absent: Calcagno.

- b. Post Reassessment Advisory Committee Report - Approve Trails Symposium Budget**

Associate Planner Josh Metz reviewed the event schedule and speaker list for the upcoming Trails Symposium.

MOTION: Supervisor Parker moved, seconded by Mayor Gunter, to approve the Fort Ord Trails Symposium Budget, not to exceed \$27,000.

MOTION PASSED UNANIMOUSLY

- c. Accept Fiscal Year 13-14 Annual Financial Report**

Mr. Houlemard presented the item and responded to Board member questions. The Board received comments from members of the public.

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to accept the Moss, Levy & Hartzheim, Certified Public Accountants Fort Ord Reuse Authority Fiscal Year 2013-14 Annual Financial Report, as presented.

MOTION PASSED UNANIMOUSLY

**d. Approve Resolution Requesting Preston Park Loan Extension**

Mr. Houlemard requested to present items 8d, 8e, and 8f together, as they were directly related. Chair Edelen agreed. Mr. Houlemard provided background information on each item, noting the amended resolution distributed for item 8d.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to approve resolution 14-14, as amended, requesting a Preston Park loan extension to June 15, 2015.

MOTION PASSED UNANIMOUSLY

**e. Approve One Year Renewal of Preston Park Management Agreement with Alliance Communities, Inc.**

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Councilmember Lucius, to authorize the Executive Officer to renew the Alliance/FORA Preston Park Management Agreement for a term of one year.

MOTION RECEIVED MAJORITY APPROVAL (2<sup>ND</sup> VOTE REQUIRED): Ayes: Beach, Edelen, Gunter, Haffa, Lucius, Oglesby, Pendergrass, Potter, Rubio. Noes: Morton, O'Connell, Parker. Abstentions: None. Absent: Calcagno.

Chair Edelen announced that a special meeting would be necessary to allow a second vote on this item prior to expiration of the agreement.

**f. Authorize Preston Park Budget Amendment for Compliance Work**

Director Moore discussed rebates available from Marina Coast Water District for low-flow toilet replacements.

MOTION: Mayor Rubio moved, seconded by Supervisor Potter, to authorize the transfer of up to \$300,000 from the Preston Park Fiscal Year 2013-14 Capital Improvement Program Budget to the Preston Park Operating Budget to bring the property into compliance with California/Marina Coast Water District Drought Regulations.

MOTION RECEIVED MAJORITY APPROVAL (2<sup>ND</sup> VOTE REQUIRED): Ayes: Beach, Edelen, Gunter, Haffa, Lucius, Oglesby, Parker, Pendergrass, Potter, Rubio. Noes: Morton, O'Connell. Abstentions: None. Absent: Calcagno.

Councilmember Lucius inquired as to whether representatives from the City of Marina had a conflict requiring recusal from this item. Authority Counsel Jon Giffen responded that while he could not provide individual legal advice to members of the Board, in his opinion Marina representatives did not have a legal conflict for which they must recuse themselves from the item.

**g. Approve Corrective Amendment to Executive Officer Contract**

Mr. Giffen presented the item to the Board and received Board members comments.

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to approve a corrective amendment to the Executive Officer's contract to permit merit increases.

MOTION RECEIVED MAJORITY APPROVAL (2<sup>ND</sup> VOTE REQUIRED): Ayes: Beach, Edelen, Gunter, Lucius, O'Connell, Oglesby, Pendergrass, Potter, Rubio. Noes: Haffa, Morton, Parker. Abstentions: None. Absent: Calcagno.

**9. PUBLIC COMMENT PERIOD**

The Board received comments from members of the public.

## 10. EXECUTIVE OFFICERS REPORT

### a. **Outstanding Receivables**

No report given on this item.

### b. **Habitat Conservation Plan Update**

Supervisor Parker asked when the screen check draft Habitat Conservation Plan would be ready for public review. Senior Planner Jonathan Garcia stated it should be ready for release in approximately three months. Donna Blitzer inquired into the cause of the delay, and Mr. Houlemard explained that staff continued to receive requests for review of new elements, which required considerable consultant time.

### c. **Administrative Committee**

No report given on this item.

### d. **Finance Committee**

No report given on this item.

### e. **Post Reassessment Advisory Committee**

No report given on this item.

### f. **Regional Urban Design Guidelines Task Force**

No report given on this item.

### g. **Travel Report**

Mr. Houlemard provided details of his experience at the recent Association of Defense Communities (ADC) conference in San Francisco, highlighting the benefits of participation in this and other ADC events. He urged the jurisdictions to utilize ADC resources on issues relating to base closure and economic development.

### h. **Public Correspondence to the Board**

No report given on this item.

### i. **Administrative Consistency Determination for Entitlement: City of Marina Church of Latter-Day Saints**

No report given on this item.

### j. **Administrative Consistency Determination for Entitlement: City of Marina Marriott Hotel**

Councilmember Beach suggested that visual depictions of proposed projects would greatly assist her review and Mr. Houlemard agreed to investigate ways to incorporate visual elements.

## 11. **ITEMS FROM MEMBERS**

None.

## 12. **ADJOURNMENT**

Chair Edelen adjourned the meeting in memory of Jim Arnold at 4:10 p.m.



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## FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS SPECIAL MEETING MINUTES

Thursday, December 18, 2014 at 1:00 p.m.

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933 (FORA Community Information Center)

### 1. CALL TO ORDER

Chair Edelen called the meeting to order at 1:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

Councilmember Pacheco led the Pledge of Allegiance.

### 3. ROLL CALL

Voting members present: (*\*alternates*) (AR: entered after roll call)

Chair/Mayor Edelen (Del Rey Oaks)

Mayor Gunter (City of Salinas)

Councilmember Lucius (City of Pacific Grove)

Councilmember Amadeo\* (City of Marina) AR

Councilmember Haffa (City of Monterey)

Councilmember Pacheco\* (City of Seaside)

Councilmember Carbone\* (City of Sand City) AR

Supervisor Potter (County of Monterey)

Mayor Rubio (City of Seaside)

Absent: Supervisor Calcagno (County of Monterey), Mayor Pro-Tem Beach (City of Carmel-by-the-Sea), Supervisor Parker (County of Monterey), Mayor Pro-Tem O'Connell (City of Marina)

Ex-officio (Non-Voting) Members Present: Taina Vargas Edmond\* (29<sup>th</sup> State Assembly District)

### 4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael Houlemard announced that FORA staff met that morning with representatives from the Environmental Protection Agency, Department of Toxic Substances Control, and the US Army to discuss the schedule of property transfers under the Environmental Services Cooperative Agreement.

### 5. BUSINESS ITEMS

#### a. 2<sup>nd</sup> Vote: Approve One Year Renewal of Preston Park Management Agreement with Alliance Communities, Inc.

MOTION (1<sup>st</sup> Vote on 12/12/14): Supervisor Potter moved, seconded by Councilmember Lucius, to authorize the Executive Officer to renew the Alliance/FORA Preston Park Management Agreement for a term of one year.

MOTION PASSED UNANIMOUSLY

#### b. 2<sup>nd</sup> Vote: Authorize Preston Park Budget Amendment for Compliance Work

*Councilmember Carbone entered at 1:06 p.m.*

MOTION (1<sup>st</sup> Vote on 12/12/14): Mayor Gunter moved, seconded by Mayor Rubio, to authorize the transfer of up to \$300,000 from the Preston Park Fiscal Year 2013-14 Capital Improvement Program Budget to the Preston Park Operating Budget to bring the property into compliance with California/Marina Coast Water District Drought Regulations.

MOTION PASSED UNANIMOUSLY

**c. Approve Corrective Amendment to Executive Officer Contract**

Councilmember Haffa discussed a salary survey previously used by the City of Monterey in their recruitment of a new City Manager and asked that it be provided to the Board in the event of a request for adjustment of the Executive Officer's compensation.

*Councilmember Amadeo entered at 1:09 p.m.*

MOTION (1<sup>st</sup> Vote on 12/12/14): Supervisor Potter moved, seconded by Councilmember Carbone, to approve a corrective amendment to the Executive Officer's contract to permit merit increases.

MOTION PASSED UNANIMOUSLY

**6. PUBLIC COMMENT PERIOD**

None

**7. ITEMS FROM MEMBERS**

None

**8. ADJOURNMENT**

Chair Edelen adjourned the meeting at 1:13 p.m.

DRAFT



# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Approve Memorandum of Agreement among County of Monterey, UCP East Garrison, LLC, and FORA Regarding Habitat Management on Parker Flats Reserve	
<b>Meeting Date:</b>	January 9, 2015	<b>ACTION</b>
<b>Agenda Number:</b>	8a	

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

Approve Memorandum of Agreement among County of Monterey, Union Community Partners (UCP) East Garrison, LLC, and Fort Ord Reuse Authority (FORA) regarding habitat management on Parker Flats Reserve (MOA) (**Attachment A**). Due to color maps and length of documents, staff has made Exhibits A, B, and C to the MOA available at the following FORA website links:

[http://fora.org/Board/2015/Packet/Additional/Exh-A\\_Map\\_EastGarrisonInterimCTS\\_MitigationArea2014-09-02v2.pdf](http://fora.org/Board/2015/Packet/Additional/Exh-A_Map_EastGarrisonInterimCTS_MitigationArea2014-09-02v2.pdf)

[http://fora.org/Board/2015/Packet/Additional/Exh B InterimCTS MitigationMonitoringPlan2014-09-02%20v2.pdf](http://fora.org/Board/2015/Packet/Additional/Exh_B_InterimCTS_MitigationMonitoringPlan2014-09-02%20v2.pdf)

[http://fora.org/Board/2015/Packet/Additional/Exh C ConservationEasement%202014-12-02\\_CDFWcomments.pdf](http://fora.org/Board/2015/Packet/Additional/Exh_C_ConservationEasement%202014-12-02_CDFWcomments.pdf)

### **BACKGROUND/DISCUSSION:**

At its January 12, 2006 meeting, the FORA Board certified the County of Monterey's East Garrison Specific Plan, zoning, and project development entitlements as consistent with the 1997 Fort Ord Reuse Plan. On August 4, 2004, the United States Fish and Wildlife Service (USFWS) listed the California Tiger Salamander (CTS) as a threatened species under the federal Endangered Species Act (ESA). The USFWS issued a 2004 CTS Biological Opinion, allowing development at the East Garrison to occur provided certain restrictions were enforced. The developer, at that time, East Garrison Partners I, LLC, FORA, County of Monterey, and County of Monterey Redevelopment Agency entered into a Memorandum of Agreement regarding ESA enforcement of development restrictions at East Garrison, dated October 6, 2005. That agreement assures the USFWS that restrictions are fully implemented as part of East Garrison development.

On March 3, 2010, the California Fish and Game Commission designated CTS as threatened under the California Endangered Species Act (CESA). Several years ago, the current developer UCP East Garrison, LLC, sighted what appeared to be a CTS (unconfirmed) within the East Garrison development project site and has pursued a State of California 2081 Incidental Take Permit (ITP) since that time. To obtain an ITP, California Department of Fish and Wildlife (CDFW) requires the County of Monterey, UCP East Garrison, LLC, and FORA to execute an agreement whereby the parties agree to ensure CTS habitat preservation at a 134-acre habitat preservation and restoration area within the Parker Flats Habitat Reserve on former Fort Ord. According to this draft agreement, the County currently owns these 134-acres and would agree to allow preservation and restoration on these habitat deed-restricted lands. UCP East Garrison would agree to fund five years of habitat management and restoration on

these lands. FORA would agree to fund and implement long-term habitat management and restoration on these lands through Fort Ord Habitat Conservation Plan (HCP) implementation.



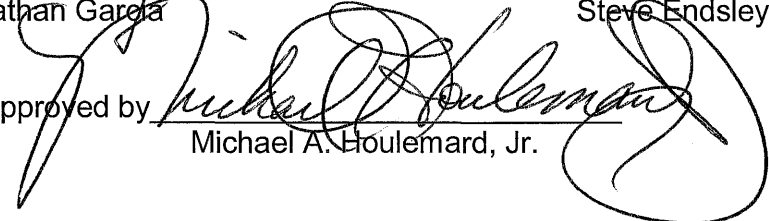
**FISCAL IMPACT:**

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. Collection of the FORA Community Facilities District (CFD) Special Tax/Development Fee is the primary funding source for the future Fort Ord HCP. FORA has collected more than \$2,000,000 in CFD Special Taxes from the East Garrison development project in the past two years. If UCP East Garrison, LLC, obtains a CDFW-issued ITP, it will allow the developer to proceed with future project phases in a timely manner.

**COORDINATION:**

Authority Counsel, County of Monterey, UCP East Garrison, LLC, CDFW, Administrative and Executive Committees.

Prepared by  for Jonathan Garcia Reviewed by  Steve Endsley  
Approved by  Michael A. Houlemard, Jr.

12/3/14 DRAFT v11 Rev

**MEMORANDUM OF AGREEMENT  
REGARDING HABITAT MANAGEMENT ON PORTIONS OF THE  
PARKER FLATS RESERVE AT THE FORMER FORT ORD,  
CALIFORNIA**

This Memorandum of Agreement Regarding Habitat Management on Portions of the Parker Flats Reserve at the former Fort Ord, California (this "Agreement") is made and entered into by and among the **FORT ORD REUSE AUTHORITY** ("FORA"), the **COUNTY OF MONTEREY** ("County"), and **UCP EAST GARRISON, LLC** ("UCP") (each a "Party" and collectively, as the "Parties").

**WITNESSETH THAT:**

**WHEREAS**, FORA is a public corporation of the State of California created for the purpose of planning for, financing, and managing the transition of the property comprising the former Fort Ord military installation (the "Former Fort Ord") from military to civilian use by, among other things, facilitating the transfer of Former Fort Ord property from the United States Army (the "Army") to local governmental entities or their designees;

**WHEREAS**, County is a political subdivision of the State of California, which agency has been designated by the *Fort Ord Reuse Plan* (June 13, 1997) (the "Reuse Plan"), the Economic Development Conveyance Agreement between FORA and the Army dated June 20, 2000, and the Implementation Agreement between FORA and County dated May 8, 2001, as currently amended, to receive certain property from FORA that has been or will be transferred to FORA from the Army;

**WHEREAS**, UCP is a Delaware limited liability company and the private developer of the East Garrison Project located on the Former Fort Ord and within the unincorporated portion of the County of Monterey;

**WHEREAS**, FORA has already received or will soon receive fee title to certain land parcels of the Former Fort Ord from the Army pursuant to the Reuse Plan (the "FORA Property");

**WHEREAS**, pursuant to the Reuse Plan, FORA already has conveyed to County the following parcels of FORA Property on the Former Fort Ord: Parcels L5.7, L20.2.1 and portions of E19a.3 and E19a.4 (hereinafter referred to collectively as the "County North Property");

**WHEREAS**, Parcel E19a.4, a portion of which has been transferred to the County as part of the County North Property, is an approximately 379-acre parcel which is subject to development restrictions as "Habitat Reserve" under the *Installation Wide Multispecies Habitat Management Plan for the Former Fort Ord, California* (dated 1997) ("HMP"), as that HMP has

been amended by the Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land Use Modification (Agreement #A-09555, known as the "Land Swap Agreement," approved by the County Board of Supervisors on September 23, 2003);

**WHEREAS**, the County North Property includes the northerly approximately 134 acres of Parcel E19a.4 as depicted in **Exhibit "A"** attached hereto, which the Parties desire to preserve as habitat for the California tiger salamander (*Ambystoma californiense*) ("CTS") subject to the terms of this Agreement (the "CTS Preservation and Habitat Restoration Area");

**WHEREAS**, FORA has undertaken the preparation of the *Fort Ord Multispecies Habitat Conservation Plan* ("Fort Ord HCP"), and Parcel E19.a.4 has been designated as the "Parker Flats Reserve" habitat management area in the draft Fort Ord HCP. The CTS Preservation and Habitat Restoration Area comprises a portion of the Parker Flats Reserve habitat management area included in the draft Fort Ord HCP; however, the Parties recognize that the draft Fort Ord HCP has not yet been adopted and could change in the course of the environmental review and adoption proceedings;

**WHEREAS**, all necessary environmental assessments for the East Garrison Project were conducted and all then required permits for the East Garrison Project were issued and obtained, prior to the initiation of physical construction. Although CTS was not listed under California law as endangered or threatened at the time of environmental review and approval of the East Garrison Project and no Section 2081 incidental take permit for CTS was then required, FORA has since that time been preparing the Fort Ord HCP in coordination with United States Fish and Wildlife Service ("USFWS") and the California Department of Fish and Wildlife ("CDFW"). This Fort Ord HCP will include mitigation measures relating to CTS. The draft Fort Ord HCP is anticipated to be released for public review in January 2015;

**WHEREAS**, because UCP intends to construct the East Garrison Project in reliance on the project approvals obtained prior to agency approval of the Fort Ord HCP and USFWS issuance of the associated Section 10(a)(1)(B) incidental take permit and CDFW issuance of the associated Section 2081 incidental take permit (collectively, the "Fort Ord HCP ITPs"), CDFW recommended that UCP obtain a separate Section 2081 incidental take permit to cover the possibility of take of CTS in the interim, with the understanding that such Section 2081 incidental take permit also would require a conservation easement and, until the Fort Ord HCP is adopted and USFWS and CDFW issue the Fort Ord HCP ITPs, a fund for the interim habitat management of the CTS Preservation and Habitat Restoration Area (the "Interim Habitat Management Fund");

**WHEREAS**, subject to the terms and conditions set forth below, FORA and County intend to allow the CTS Preservation and Habitat Restoration Area to be preserved and managed for its value as habitat for the CTS in accordance with this MOA and the policies set forth in the *Reuse Plan*, and the HMP, until the Fort Ord HCP is adopted and USFWS and CDFW issue the Fort Ord HCP ITPs.

**WHEREAS**, FORA and County intend to record a conservation easement over the CTS Preservation and Habitat Restoration Area to ensure the preservation and management of the property for the purposes set forth in the *Reuse Plan* and the HMP (the “Conservation Easement”) until such time as the HCP is adopted and USFWS and CDFW issue the Fort Ord HCP ITPs;

**WHEREAS**, the Reuse Plan (Program C-1.2) requires local jurisdictions to preserve sufficient right-of-way for anticipated future travel demands which includes a conceptual roadway improvement, known as the “Eastside Road,” to accommodate vehicular traffic resulting from base-wide implementation of land development under the policies of the Reuse Plan. (Reuse Plan, Section 4.2.2.3; Program B-1.1.) The project is identified as a “Basewide Mitigation” in the Circulation Element of the Reuse Plan, its associated Final EIR/S, and the *FORA Capital Improvement Program (CIP)*;

**WHEREAS**, the currently-proposed alignment of the proposed Eastside Road is adjacent to the southern portion of the approximately 333-acre Parcel S.1.3.2 (APN 031-101-023), which is presently owned by FORA, and which is designated for future conveyance to California State University, Monterey Bay (“CSUMB”) for use under its 2007 *Master Plan* as “Open Space,” and which is proximate and adjacent to the CTS Preservation and Habitat Restoration Area;

**WHEREAS**, the alignment and location of the proposed Eastside Road has not been finalized and may change;

**WHEREAS**, subject to the terms and conditions set forth below and until USFWS and CDFW issue the Fort Ord HCP ITPs, County does not object to the CTS Preservation and Habitat Restoration Area being restored and managed for its CTS habitat value in accordance with the terms set forth in this Agreement and consistent with the Reuse Plan and the HMP in conjunction with the restoration and management of other preservation and habitat restoration areas in the East Garrison portion of the Former Fort Ord;

**WHEREAS**, habitat management requirements and funding for the CTS Preservation and Habitat Restoration Area are set forth in the Incidental Take Permit No. 2081-\_\_\_\_\_ (dated, \_\_\_\_\_, 2014, as it may be amended pursuant to the terms of this Agreement) issued by the CDFW to UCP for the incidental take of the CTS at the East Garrison Project site (the “UCP Incidental Take Permit”) and the *East Garrison CTS Interim Mitigation Monitoring Plan, Monterey County*, Live Oak Associates, Inc., December 19, 2013, created thereunder and attached hereto as **Exhibit "B"** (the “Interim Mitigation Plan”) as it may be amended pursuant to the terms of this Agreement;

**WHEREAS**, UCP has paid development impact fees in the amount of more than Two Million and Five Hundred Thousand Dollars (\$2,500,000) of which a substantial portion are fees for the funding and long-term management of the habitat management areas identified in the Fort Ord HCP when it is approved and USFWS and CDFW issue the Fort Ord HCP ITPs, which is anticipated to include the Parker Flats Reserve habitat management area, identified in the draft Fort Ord HCP; and

**WHEREAS**, nothing in the UCP Incidental Take Permit or the Interim Mitigation Plan makes the County legally or financially responsible for implementation of the Interim Mitigation Plan or adherence to the UCP Incidental Take Permit requirements, which responsibility remains with UCP; provided, however, that upon UCP's deposit of the Interim Habitat Management Fund into escrow as provided in this Agreement, County shall allow the implementation of the Interim Mitigation Plan for the CTS Preservation and Habitat Restoration Area.

**NOW, THEREFORE**, based on the foregoing and in consideration of the mutual terms, covenants and conditions contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**I. AGREEMENT**

**A. LONG-TERM HABITAT MANAGEMENT**

1. FORA and County agree that the CTS Preservation and Habitat Restoration Area described and depicted in Exhibit A shall be protected and managed for its CTS habitat value in accordance with the terms of this Agreement and the policies set forth in the Reuse Plan, and the HMP until the Fort Ord HCP is adopted and CDFW and USFWS issue the Fort Ord HCP ITPs.

2. Notwithstanding the foregoing, this Agreement does not preclude any alignment of the proposed Eastside Road provided such proposed Eastside Road alignment does not extend into the CTS Preservation and Habitat Area.

3. Subject to the provisions of Section 1.A.4 of this Agreement, FOR A shall assume the long-term habitat management and maintenance responsibilities for the CTS Preservation and Habitat Restoration Area when USFWS and CDFW issue the Fort Ord HCP ITPs, subject to the terms of the adopted Fort Ord HCP. County's obligations to perform interim habitat management and UCP's obligation to fund the interim habitat management shall cease when FORA assumes the long-term habitat management and maintenance responsibilities for the CTS Preservation and Habitat Restoration Area. FORA's obligation may be transferred by FORA to a suitable land manager, such as a future HCP Joint Powers Authority that will ensure implementation of the Fort Ord HCP. This obligation shall not commence until such time as FOR A receives a factually correct written notice that USFWS and CDFW have issued the Fort Ord HCP ITPs.

4. FORA's duty (or that of the approved land manager designee) to implement the long-term habitat management and maintenance responsibilities for the CTS Preservation and Habitat Restoration Area as outlined in Section I.B.3 of this Agreement is limited by the amount of the Ford Ord HCP fees collected.

## **B. INTERIM HABITAT MANAGEMENT**

1. Commencing as soon as practicable, but in all events, within six (6) months after the later of (i) County's acceptance and recordation of the grant deed conveying the property containing the CTS Preservation and Habitat Restoration Area to County and (ii) CDFW's issuance of the UCP Incidental Take Permit, and subject at all times to UCP's compliance with the funding requirements described in Sections I.B.4 and I.B.5 of this Agreement, County (or its designee) shall manage the CTS Preservation and Habitat Restoration Area in accordance with the Interim Mitigation Plan and this Agreement, on an interim basis until the Fort Ord HCP is adopted and the USFWS and CDFW issue the Fort Ord HCP ITPs, but in no event exceeding five (5) years from the date of recordation of the Conservation Easement.

2. Attainment of the Interim Mitigation Plan success criteria is solely the responsibility of UCP in accordance with this Section I.B of this Agreement.

3. Intentionally omitted.

4. Pursuant to its obligations as the permittee under the UCP Incidental Take Permit, UCP shall deposit funds into the Interim Habitat Management Fund, in accordance with Section I.B.5 of this Agreement for the implementation of the Interim Mitigation Plan. As provided for under the UCP Incidental Take Permit, County shall hold and manage this Interim Habitat Management Fund in a separate account unless another entity is designated by CDFW for this purpose.

5. Within five (5) business days of the execution of this Agreement, UCP shall deposit into First American Title Company Escrow No. \_\_\_\_\_ (the "Escrow") the total Interim Habitat Management Fund amount of One Hundred and Four Thousand, One Hundred Fifty Five Dollars (\$104,155) to be paid to County as a fund sufficient to implement the Interim Mitigation Plan for the CTS Preservation and Habitat Restoration Area for a period not to exceed five (5) years subject to the terms and conditions set forth in this Agreement and subject to augmentation of funds and/or extension of the five year period under the terms set forth below, and all Parties shall deliver signed escrow instructions consistent with the terms of this Agreement. The amount of the Interim Habitat Management Fund is based upon the cost estimates contained in the Interim Mitigation Plan.

- a. Escrow shall transfer the Interim Habitat Management Fund to County for deposit into a separate interest-bearing account solely for purposes of the interim habitat management for the CTS Preservation and Habitat Restoration Area.
- b. In the event that County notifies UCP that the cost to implement the Interim Mitigation Plan exceeds the Interim Habitat Management Fund, UCP shall deposit into Escrow additional funds to pay for such additional costs within ten (10) days receipt of such notice. If there are any inconsistencies between the escrow instructions and this Agreement, this Agreement shall control.

- c. In the event that USFWS or CDFW has not issued all of the Fort Ord HCP ITPs on or before five (5) years from the effective date of this Agreement (as defined in the final paragraph of this Agreement), UCP shall deposit into Escrow such additional amount necessary to cover the costs of implementation of the Mitigation Plan until the USFWS and CDFW issue the Fort Ord HCP ITPs.

6. Upon UCP's deposit of the Interim Habitat Management Fund into Escrow, as the then current owner of the CTS Preservation and Habitat Restoration Area, County shall convey and record a Conservation Easement over the CTS Preservation and Habitat Restoration Area for the sole purpose of allowing UCP to fulfill the UCP Incidental Take Permit and Interim Mitigation Plan obligations. Recording fees, if any, shall be paid out of the Interim Habitat Management Fund. The Conservation Easement shall substantially be in the form attached hereto as **Exhibit "C."** Payment of the Interim Habitat Management Fund and conveyance of the Conservation Easement is contingent upon issuance by CDFW of the UCP Incidental Take Permit and CDFW written approval of the Interim Mitigation Plan reflecting the size and location of the Conservation Easement as described in the Recitals and **Exhibit A** and otherwise consistent with this Agreement. UCP shall deposit the Interim Habitat Management Fund, and County shall submit for recordation the Conservation Easement, within five (5) business days of CDFW's issuance of the UCP Incidental Take Permit and approval of the Interim Mitigation Plan. UCP shall use its best efforts to obtain such approval as quickly as feasible.

7. County shall periodically withdraw sufficient funds from the Interim Habitat Management Fund prior to the commencement of interim habitat management activities as expenses are incurred for that fiscal year in accordance with the Interim Mitigation Plan.

8. County shall return and release to UCP any unused funds in the Interim Habitat Management Fund remaining for the Interim Mitigation Plan within thirty (30) days of the later of the following events: USFWS and CDFW issuance of the Fort Ord HCP ITPs or the final disposition of any litigation challenging the Fort Ord HCP and/or Fort Ord HCP ITPs.

### **C. MISCELLANEOUS TERMS**

1. This Agreement may be modified or terminated only as mutually agreed in writing by the Parties. In no event shall UCP agree to any modification or termination without first securing the approval of, or a statement in writing of "no objection" from, CDFW.

2. Any or all obligations created by this Agreement for any individual Party may, as the law permits, be transferred or assigned by that Party to a third party; provided, however, any such transfer or assignment must be approved in writing by the other Parties, which approval shall not be unreasonably withheld, conditioned or delayed.

3. This Agreement shall not be effective until it has been signed on behalf of each of the Parties by their respective authorized representatives.



4. This Agreement may be executed in multiple identical counterparts, each of which shall be deemed an original; and counterpart signature pages may be detached and assembled to form a single original agreement. This Agreement may be executed and delivered by the exchange of electronic facsimile or portable document format (.pdf) copies or counterparts of the signature page which shall be considered the equivalent of ink signature pages for all purposes.

5. Each of the Parties agrees to use reasonable and good faith efforts to take, or cause to be taken, all action to do, or cause to be done, and to assist and cooperate with any and all other Parties in doing, all things necessary, proper or advisable to consummate and make effective, in the most expeditious manner practicable, the transactions contemplated by this Agreement including signing, acknowledging, and delivering any instruments and documents as may be necessary, expedient, or proper, to carry out the intent and purpose of this Agreement. Each Party agrees to exercise good faith and fair dealing in the performance of its obligations under this Agreement.

6. 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.

7. This Agreement shall be construed as a whole and in accordance with its fair meaning. The organization and format of this Agreement (including the numbering of, or the captions, headings, or titles to, any sections or paragraphs of this Agreement) are intended solely for convenience of reference and shall not be used to construe the scope, meaning, intent, or interpretation of any part of this Agreement. Whenever used in this Agreement, the word "including" shall be deemed to be followed by the words "but not limited to." Each number, tense, and gender used in this Agreement shall include any other tense, number, or gender where the context and references so require. Any pronoun used in this Agreement shall be read in the singular or plural number and in such gender as the context may require. 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, any rule of law or legal decision that would require interpretation of any ambiguities in this Agreement against the Party that has drafted it is not applicable and is waived. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law. Any provision of this Agreement held to be void or unenforceable under applicable law shall be deemed stricken and all remaining provisions of this Agreement shall continue to be valid and binding upon the Parties.

8. In the event of any action or proceeding in law or in equity arising out of or in connection with this Agreement or to enforce or interpret any of the terms of this Agreement, the prevailing Party or Parties in such action shall be entitled to have and recover from the non-

prevailing Party or Parties reasonable attorneys' fees, including fees on appeal, in addition to such other relief as may be granted. Each Party shall bear its own attorneys' fees and costs incurred in the negotiation and implementation of this Agreement.

9. Each person signing this Agreement on behalf of a Party expressly represents and warrants that he or she has received full and complete authority to sign this Agreement on behalf of that Party, whether the Party is an individual or an entity, by the exercise of any necessary powers governing the execution of contracts by that Party and that no further approval of any kind is necessary to bind that Party to this Agreement.

## **II. INDEMNITY**

UCP shall indemnify and hold County and FORA, and their officers, directors, partners, affiliates, principals, employees, agents, successors and permitted assigns (each an "Indemnified Party"), harmless from and against all claims, demands, losses, damages, liabilities, penalties, fines, assessments and actions and all related attorneys' fees and expenses and costs of litigation (collectively "Claims") for injury or death of any person or loss of or damage to tangible real or tangible personal property or the environment and from and against any Claims arising from or related to the approval of this Agreement. UCP shall also defend, indemnify and hold the County and its officers, directors, partners, affiliates, principals, employees, agents, successors and permitted assigns (each an "Indemnified Party") from and against any Claims brought under the Conservation Easement. The County or FORA shall notify UCP in writing promptly upon learning of any Claim for which indemnification may be sought, provided that the failure to do so shall not affect the indemnity except to the extent UCP is prejudiced thereby. UCP shall have control of the defense or settlement provided that no settlement that materially affects the obligations under this Agreement of the County or FORA shall be entered into without the affected Party's prior written approval, which shall not be unreasonably withheld or delayed, and provided further that the Indemnified Party shall have the right to participate in the defense or settlement with counsel of its own selection and at its sole expense. The Indemnified Party shall reasonably cooperate with the defense and at UCP's expense. Nothing in this Section II shall be understood or construed to mean that UCP shall indemnify the County or FORA or any of their respective officers, directors, employees or agents for any wrongful acts, willful misconduct, active negligence or omission of the County, FORA or their officers, employees, agents, or their consultants or contractors or solely as a result of County's or FORA's ownership of the County North Property.

## **III. NOTICES**

Formal notices, demands, and communications among the Parties shall not be deemed given unless sent by certified mail, return receipt requested, or express delivery service with a delivery receipt, or personal delivery with a delivery receipt or facsimile, to the principal office of the Parties as follows:

**Fort Ord Reuse Authority:**

ATTN: Michael A. Houlemard, Jr.,  
Executive Officer  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, California 93933

**County:**

ATTN: Carl Holm, Acting Director  
Monterey County Resource Management Agency  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, California 93901

**UCP East Garrison, LLC**

James W. Fletcher  
Chief Operating Officer  
UCP East Garrison, LLC  
Benchmark Communities  
99 Almaden Blvd, Suite 400, San Jose, CA 95113

With a copy to:

**UCP East Garrison, LLC**

Allen Bennett, Esq.  
Vice President and General Counsel  
548 W. Cromwell, Suite 104  
Fresno, CA 93711

Such written notices, demands, and communications may be sent in the same manner to such other addresses as the affected Party may from time to time designate as provided in this Section. Receipt shall be deemed to have occurred on the date marked on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

In addition, a copy of all notices under this Agreement shall be contemporaneously provided to CDFW at the following address:

California Department of Fish and Wildlife  
ATTN: Habitat Conservation Manager  
Central Region  
1234 E. Shaw Avenue  
Fresno, California 93710

**IV. LIST OF EXHIBITS**

The following listed Exhibits are made a part of this Agreement:

- Exhibit A: Map entitled "*East Garrison CTS Preservation and Habitat Restoration Area*," Live Oak Associates, Inc. November 22, 2013 updated September 2, 2014
- Exhibit B: East Garrison CTS Interim Mitigation Monitoring Plan, Live Oak Associates, Inc., December 19, 2013 updated September 2, 2014
- Exhibit C: Form of Conservation Easement Deed (CTS Preservation and Habitat Restoration Area) [Working Draft under review by CDFW]

###

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IN WITNESS WHEREOF, the Parties have executed this Agreement on the date set forth beside the signature of each, the latest of which shall be deemed to be the effective date of this Agreement.

**FORT ORD REUSE AUTHORITY**

BY: \_\_\_\_\_  
Michael A. Houlemard, Jr.  
Executive Officer

**COUNTY OF MONTEREY**

BY: \_\_\_\_\_  
Chair, Board of Supervisors of the  
County of Monterey

**UCP EAST GARRISON, LLC**  
a Delaware limited liability company,

BY: \_\_\_\_\_  
its Chief Operating Officer

**DRAFT**

###

**Exhibit A**

***“CTS Preservation and Habitat  
Restoration Area”***

*Live Oak Associates, Inc.*

*November 22, 2013 Updated September 2, 2014*

DRAFT

**Exhibit B**

**East Garrison CTS Interim Mitigation Monitoring Plan**

*Live Oak Associates, Inc.*

*December 19, 2013 Updated September 2, 2014*

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**Exhibit C**

**Form of Conservation Easement Deed  
(CTS Preservation and Habitat Restoration Area)  
[Working Draft under Review by CDFW]**

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# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Monterey Bay Economic Partnership Implementation Plan Report	
<b>Meeting Date:</b>	January 9, 2015	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8b	

### RECOMMENDATION(S):

Receive Monterey Bay Economic Partnership (MBEP) Implementation Plan Report

### BACKGROUND/DISCUSSION:

At the December 12, 2014 meeting, the FORA Board authorized the Executive Officer to execute a one year agreement, not to exceed \$100,000, to join the Monterey Bay Economic Partnership (MBEP). During the hearing the Board requested staff to include reports and success metrics as a component of the agreement.

Subsequently, FORA staff discussed the Partnership with the Administrative Committee at the December 30, 2014 meeting. Later that same day, FORA staff met with MBEP representatives to discuss and clarify the requested reporting and metrics. FORA staff and MBEP agreed to report MBEP status at the following 2015 FORA Board Meeting: April 10, July 10, October 9, and January 8, 2016.

It was also agreed that quarterly reporting and success metrics will follow the General and Specific MBEP Services as outlined in the MOA (**Attachment A**) as noted below:

1. General MBEP Services: MBEP will provide the following general services to all its partners, including FORA:
  - i. Advocate for sustainable economic development and jobs, consistent with the environmental values of the Monterey Bay region, and will be a resource for factual information about the Monterey Bay region economy for policy makers, business and the public.
  - ii. Provide accountability for public investments and spending related to infrastructure and economic development.
  - iii. Convene education, government, business and non-profit entities regarding sustainable economic development issues.
  - iv. Provide linkage between education institutional priorities and workforce needs.
  - v. Work with the community to foster the continued success of our Department of Defense/federal assets.
  - vi. Support MBEP partners with research, data, introductions, and networking.
  
2. Specific MBEP Services: MBEP will provide the following specific services to all its partners, including FORA:
  - i. Convene the annual Regional Economic Development Forum and Forecast for the Monterey Bay Region and provide an annual "State of the Region" report.

- ii. Identify and work on 2 - 3 regional initiatives per year with important economic and jobs impact.
- iii. Convene monthly sector roundtables of key stakeholders in critical Monterey Bay region economic sectors.
- iv. Support regional efforts for the former Fort Ord's Economic Recovery through Educational Reuse Programs and Environmental Conservation.
- v. Host the standard International Economic Development Corporation (IEDC) data sets on the MBEP website.

In each category status updates will incorporate reference impacts to the Fort Ord reuse/recovery. FORA will adjust staffing to ensure accountability and transparency for the FORA investment in MBEP membership and act as a convener of stakeholder meetings to include MBEP and FORA staff, jurisdictional staff, business representatives and other interested parties.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

The MBEP agreement will not exceed \$100,000.

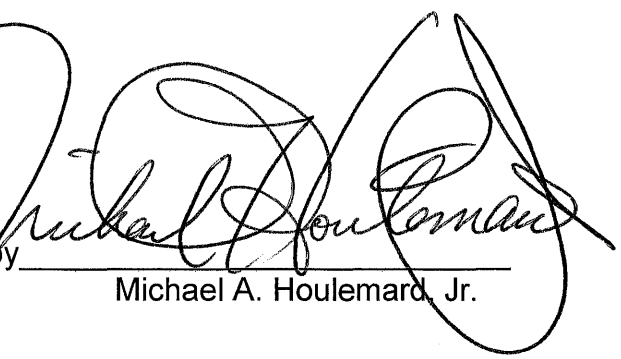
**COORDINATION:**

MBEP, Authority Counsel, Executive and Administrative Committees.

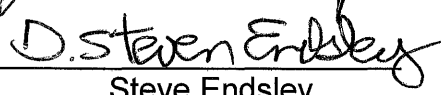
Prepared by

  
Josh Metz

Approved by

  
Michael A. Houlemard, Jr.

Reviewed by

  
Steve Endsley

Partnership Agreement  
Memorandum of Understanding

THE FORT ORD REUSE AUTHORITY  
and  
THE MONTEREY BAY ECONOMIC PARTNERSHIP

This Memorandum of Understanding (“MOU”) describes the responsibilities and expectations between the Fort Ord Reuse Authority, a subdivision of the State (“FORA”) and the Monterey Bay Economic Partnership, a private non-profit association (“MBEP”) in regard to combining FORA’s regional interests with the MBEP’s regional interests insofar as FORA and the MBEP (collectively hereinafter, the “Parties”) are independently and cooperatively working on economic development programs that are structured to benefit the former Fort Ord and Monterey Bay Region. The purpose of this partnership is to aid both Parties' future course of conduct with respect to recovery from former Fort Ord closure and economic development and is entered into with regard to the following facts:

RECITALS

A. FORA is a regional agency established under Government Code Section 67650 to plan, facilitate and manage the three county Monterey Bay regional recovery from the closure/downsizing of the former Fort Ord Army Military Reservation (hereinafter referred to as “Fort Ord”) and to facilitate former Fort Ord property reuse.

B. The MBEP is an alliance of business executives, professionals and public agencies that provide collaborative leadership to assist business, government, education, and the community to coordinate/enhance effective economic development efforts that reflect a strong environmental, business vitality, and quality of life commitment.

C. The Parties are independently and cooperatively working on economic development programs that are structured to benefit the former Fort Ord and Monterey Bay Region.

D. The MBEP will focus on supporting economic recovery and enhancement efforts such as business location/relocation, retaining enterprises currently active in the Monterey Bay Region, and strengthening or expanding existing businesses to increase production or diversification to increase Monterey County jobs.

E. The FORA Board of Directors and the MBEP leadership find it to be mutually beneficial to join these independent efforts to establish and sustain a coordinated approach to accomplish both Parties' economic development goals/objectives.

F. The Parties intend to review accomplishments under this agreement to determine if future FORA investment or extension of this agreement is warranted.

G. The Parties now desire to enter into this MOA to set forth the Parties' understanding with regard to combining the MBEP’s regional interests with FORA’s regional interests and the Parties' future course of conduct with respect to recovery from former Fort Ord closure and economic development.

## AGREEMENT

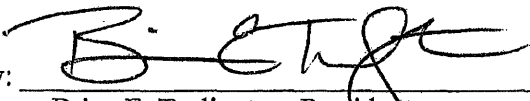
Now, therefore, for valuable consideration, as noted below, the Parties agree as follows:

1. Creation of an Economic Development Program. FORA acknowledges that it is solely responsible for the implementation of the terms and conditions of the former Fort Ord recovery program and any related policies, such as the Base Reuse Plan. In accordance with State Law, FORA will complete those recovery financing, planning, and other defined policies.
2. FORA Financial Support. FORA agrees to invest \$100,000 in MBEP from FORA resources for calendar year 2015.
3. MBEP Financial Support. The MBEP hereby agrees to provide \$100,000 in funding from MBEP resources and/or other sources of private business or individual financial support secured by the MBEP to match the funds dedicated by FORA for economic development needs.
4. MBEP Services.
  - a. General MBEP Services: MBEP will provide the following general services to all its partners, including FORA:
    - i. Advocate for sustainable economic development and jobs, consistent with the environmental values of the Monterey Bay region, and will be a resource for factual information about the Monterey Bay region economy for policy makers, business and the public.
    - ii. Provide accountability for public investments and spending related to infrastructure and economic development.
    - iii. Convene education, government, business and non-profit entities regarding sustainable economic development issues.
    - iv. Provide linkage between education institutional priorities and workforce needs.
    - v. Work with the community to foster the continued success of our Department of Defense/federal assets.
    - vi. Support all MBEP partners with research, data, introductions, and networking.
  - b. Specific MBEP Services: MBEP will provide the following specific services to all its partners, including FORA:
    - i. Convene the annual Regional Economic Development Forum and Forecast for the Monterey Bay Region and provide an annual "State of the Region" report.
    - ii. Identify and work on 2 - 3 regional initiatives per year with important economic and jobs impact.
    - iii. Convene monthly sector roundtables of key stakeholders in critical Monterey Bay region economic sectors.
    - iv. Support regional efforts for the former Fort Ord's Economic Recovery through Educational Reuse Programs and Environmental Conservation.
    - v. Host standard International Economic Development Corporation data sets on the MBEP website.

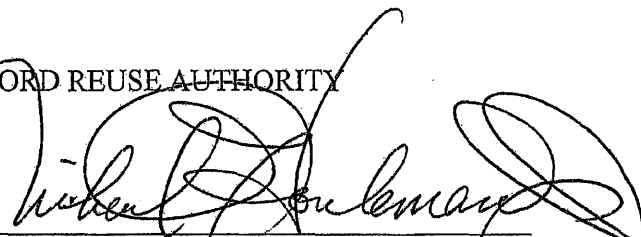
5. Maximum FORA Investment. FORA's investment is \$100,000 for calendar year 2015. FORA shall be entitled to all "Chairman" investor benefits as set forth in the MBEP "Investor Benefits" in the document attached hereto as Exhibit "A." FORA will be invoiced by MBEP upon FORA Board approval.
6. Facilities and Equipment. FORA agrees to make conference rooms and other facilities available to MBEP for coordinated use to implement the terms of this MOA – subject to scheduling availability as contrasted with other FORA program demands.
7. Exhibits. All exhibits referred to herein/attached hereto are by this reference incorporated.
8. Time. Time is and shall be of the essence of each term of this MOA.
9. Severability. If any of the provisions of this MOA are determined to be invalid or unenforceable, those provisions shall be deemed severable from the remainder of this MOA and will not cause its invalidity unless this MOA without the severed provisions would frustrate a material purpose of either party in entering into the MOA.

AGREED AND ACCEPTED:

MONTEREY BAY ECONOMIC PARTNERSHIP

By:   
Brian E. Turlington, President

FORT ORD REUSE AUTHORITY

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

APPROVED AS TO FORM

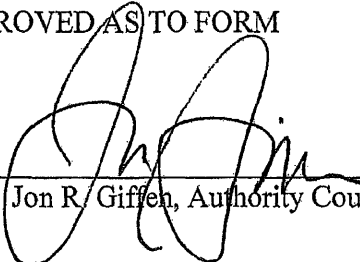

By:   
Jon R. Giffen, Authority Counsel

Exhibit "A"

# Investor Benefits

	Small Business/ Individual (under 10 employees) \$1,000-2,499	Shareholder \$2,500-4,999	Manager \$5,000-9,999	Executive \$10,000-24,999	Chairman \$25,000 and above
MBEP print and electronic communications	X	X	X	X	X
Invitations to MBEP events and programs	X	X	X	X	X
Recognition in MBEP newsletter and annual report	X	X	X	X	X
Relationship building on behalf of your company or organization at trade shows & conferences	X	X	X	X	X
Access to MBEP research and data resources		X	X	X	X
Business link on website		X	X	X	X
Face Sheet on website		X	X	X	X
Company banner ad or log on website			X	X	X
Company profiled in newsletter and on website				X	X
Invitation to the MBEP Board				X	X
Video profile of company on website					X
Automatic sponsor of MBEP Regional Economic Forum and all site selector events which includes recognition as sponsor, logo in advertising, signage at event, table for 8, and introductory remarks					X

montereybayeconomicpartnership.com

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

**Subject:** Consider Executive Officer Compensation Adjustment

**Meeting Date:** January 9, 2015

**Agenda Number:** 8c

**ACTION**

### **RECOMMENDATION:**

Authorize a 4 percent salary adjustment and an \$8,400 per year increase to Executive Officer (EO) Michael Houlemard's compensation, as recommended by the Executive Committee (EC).

### **BACKGROUND:**

At its October 2014 meeting, the Board voted for an 8 percent increase to the EO's salary, as recommended by the EC. The recommendation assumed the terms of the Spring 2014 consolidated contract between the Fort Ord Reuse Authority (FORA) and the EO provided for merit adjustments, as had been the case for the prior seventeen years. However, in December 2013, during contract consolidation processing, the provision providing for merit adjustments was inadvertently deleted. That deletion was corrected by FORA Board action in December 2014. Authority Counsel advised that the EC confirm their prior merit adjustment recommendation for a new *first* vote by the Board to align with the now corrected contract. The Executive Committee met on December 30, 2014 and unanimously approved the above recommendation.

In August 2014, the EC requested that FORA staff provide a review of recent accomplishments as they relate to the prospective expected service of the Executive. Board members also asked for an historical review of the Executive Officer's salary, options for non-PERS adjustments and the recent City of Monterey survey of some regional executives. Those items are addressed in this report.

### **DISCUSSION:**

The EO has served the FORA Board/Monterey Bay Region since 1997. The position is uniquely complex and requires expansive working comprehension of technical, scientific, legal, regulatory, legislative, financial, public relations/advocacy, communications, and municipal and special district managerial skills. This breadth of skills is essential for the future success of former Fort Ord recovery. The following summary is provided to inform the Board's consideration of the EO request for a salary/compensation adjustment.

Key (but not all) EO responsibilities are as follows:

- As Chief Operations Officer, the EO must; 1) meet all operational and programmatic demands, 2) direct daily functions and programs, 3) have a broad technical understanding of the diverse scientific/technical, legal and financial elements of military base reuse/economic recovery, and 4) interface collaboratively with the Board/member agencies, the public, and multiple external entities to aid reuse efforts.

- As Clerk to the Board, the EO works closely with the Deputy Clerk and Authority Counsel to assure proper documentation, compliance, and clarity regarding notices, meetings, records, and other ministerial public agency requirements. As the primary financial/budget staff to the Board, the EO interacts regularly with the Controller and Finance Committee Chair to assure fiduciary obligations/financial strength. *This includes ongoing requirements to provide general and specialized risk coverage such as the Pollution Legal Liability Insurance Policy, which is currently provided at a very reasonable cost to participants and supported by FORA funding.*
- As a primary designated FORA spokesperson, Mr. Houlemard oversees and directs FORA's public information consultant and coordinates with the FORA Board Chair in all press and public engagement matters. In that role, he regularly communicates with jurisdictions, special interest groups, business associations, the media, and professional/labor organizations to actively pursue opportunities to educate regional municipalities, special districts, service organizations, and community business partners about FORA's role and mission. On average, the EO makes 40-50 public presentations annually - some years that number has exceeded 100. In addition, he coordinates all such communications with the Board Chair. These have included official formal State and Federal legislative testimonies. *It is expected that such activity will increase in coming years – leading to the crucial report to the State Legislature in 2018.*
- As primary program/project overseer, Mr. Houlemard deploys managerial strategic leadership utilizing best practices to effectively implement Board decisions, complete FORA's educational and environmental economic recovery mission, and assure compliance with federal and state requirements.
- The EO is often required to undertake special/unanticipated roles. As a result of the 2013 ballot initiative, Mr Houlemard served as FORA Elections Officer. In that capacity, working closely with County Elections Officials and Authority Counsel to respond to the unique circumstance, the EO assured compliance with State Regulatory requirements, offered the Board full analysis of all options and laws, and met public and interest group expectations. Despite estimates that ranged upwards of \$1.2M in potential cost – the coordinated/cooperative approach resulted in FORA costs of less than \$700K. These types of specialized assignments are not necessarily extraordinary or unique, but are not a part of the primary position and often require significant time reallocation to assure coverage on key events. *These kinds of unexpected and unpredictable demands will continue to surface and require direct response by the EO.*
- The EO position requires *and will continue to require* experience/skill in judging the relationship/distinction between administrative and policy matters and the ability to interface with diverse constituencies and stake holders, including member jurisdictions and regional agencies/municipalities, environmental/special interest groups, community/ neighborhood entities, business interests, media, and professional organizations.

In addition to fulfilling ongoing responsibilities, Mr. Houlemard carefully develops and maintains strong working relationships with state and federal lawmakers and their staffs, traveling to various locations - including Sacramento, CA and Washington, DC. A significant number of FORA projects and funding awards owe a portion of their success, if not their inception, to this coordination. Under his leadership, FORA acquired \$133 million in Federal, State and private grant funding to further FORA's recovery mission, including:



- \$98 Million in the Department of Defense/US Army Environmental Services Cooperative Agreement (ESCA) Grant;
- \$31 Million in varying construction grants from the US Department of Commerce Economic Development Administration; and
- More than \$4 Million in planning and building removal funds from federal (US Army Corps of Engineers), state (DAM Grant funds) and private (Packard Foundation) sources.

Applying the \$98 Million Department of Defense ESCA Grant, FORA successfully manages a comprehensive Munitions Remediation Program, which remains on-target and within budget. Recently FORA completed major infrastructure projects, provided key assistance and coordination for the California Central Coast Veterans Cemetery (CCCVC) funding land transfer, advocated nationally and provided local support for the now dedicated Fort Ord National Monument and the Gourley Department of Defense/Veterans Administration Clinic, completed an 18-month intensive Reassessment of the Fort Ord Base Reuse Plan, and organized a new committee and staffing structure to follow-up on the Reassessment Report, including co-hosting the 2013 Fort Ord Colloquium. FORA vigilantly pursues the permanent protection of 17,000 habitat acres and is embarking on a strategic economic development program to support the educational and research focused recovery. In addition, FORA secured several other grant or loan funds to support former Fort Ord projects (including the CCCVC). *This role is ongoing as future expansion of the initial cemetery construction is expected.*

As a means to assist FORA's mission, the EO has assumed/continued active leadership in the Association of Defense Communities (ADC) - serving on the Board of Directors from 2001 - 2012 and as President from 2008 to 2011. Although no longer on the Board, the EO continues to participate through a variety of ADC committees (Past Presidents Chair) and often leads panels at national conferences on topics such as best practices in legislative agenda planning, sustainable reuse, and the challenges of redevelopment. This strong national presence has sustained important visibility and support for FORA and has helped to elevate FORA as a national leader in the field of military base reuse. Most recently, the EO moderated the plenary session at the ADC National Base Redevelopment Forum in San Francisco. In these capacities, *Mr. Houlemard will continue to have an important role in sustaining the Monterey region's \$1.5 Billion military mission, which contributes in many ways to the economic strength of the area and its cultural history.*

Mr. Houlemard is in his 18th year as FORA Executive Officer. Since 2007, the EO has provided annual self-evaluations and/or the FORA Board has independently assessed his performance as Executive Officer. Each year the EO was commended, including Board member compliments of his "extraordinary" or "exemplary" regional, statewide, and national efforts that benefit FORA's mission. In 2012, the EO received the Ruth Vreeland Public Official of the Year award from the Monterey Peninsula Chamber of Commerce. Last year, the EO completed a six-month training process to receive certification as a Special District Manager by the California Special Districts Leadership Foundation – confirming his aptitude and skills, and adding to his credentials to serve this region as EO.

In recent years, FORA has actively responded to changing information and technological requirements, community requests, and staffing adjustments; successfully updating and improving meeting management and information dissemination systems. FORA's ongoing financial stability over the past 18 years has resulted in key operational and programmatic

achievements, which in many cases exceeded expectations. These efforts are reflected in a number of significant positive outcomes: FORA's national pre-eminence in base reuse, consistent successful property transfers and management/stewardship, compliance with Base Reuse Plan policies, effective project development, construction of critical basewide infrastructure, significant completion of building removal projects, and timely closure of munitions and explosives removal for 3300 acres. The EO performs these tasks while managing complex legal and other challenges. As well, FORA sustains a high quality, low-turnover staff by reinforcing morale and empowering individual excellence, even in resource restrained times. *The EO expects these demands will continue and intensify in the coming years, especially as FORA looks toward the important additional tasks of completing the design guidelines, Joint Powers Authority, and asset/liability sunset analysis, while sustaining high quality ministerial and management responsibilities.*

It is clear that the scope of FORA's obligations for the coming several years will be at least as complex and demanding as it has been in the immediate past years. *Prospectively, successfully achieving the goals of the Board will require significant additional workload. Examples include:*

- *Implement Base Reuse Plan operational and programmatic completion demands for Category 3 & 4 obligations, oversee the Regional Urban Design Guidelines/Coast to Monument connections and Habitat Conservation demands, and address the jobs/housing balance requirements in the Master Resolution.*
- *Provide a comprehensive and effective program for financing FORA's building removal obligations and to assist others in their building removal demands.*
- *Assure the long term financial obligations for meeting the Base Reuse Plan goals of infrastructure development, habitat conservation, and property stewardship.*
- *Continue and elevate transparent community participation/involvement and public information/engagement through regularly communicating with jurisdictions, special interest groups, business associations, the media, and professional/labor organizations regarding FORA's role and mission.*
- *Complete the Records of Decision processing necessary to finish the munitions removal and property transfer process within the coming two fiscal years.*
- *Securing additional grants or subsidies to assist in the regional recovery program on or in conjunction with former Fort Ord reuse.*
- *Prepare a comprehensive summary description of the post-FORA sunset financial, programmatic, legal, and operational requirements for presentation to the California State Legislature in 2018.*

The EO respectfully contends his successful performance and record of accomplishment reflect his ongoing and future value to FORA, and supports consideration of a merit compensation adjustment awarded retroactively from this fiscal year inception.

#### SALARY ADJUSTMENT REQUEST OPTIONS/HISTORICAL SALARY SUMMARY

Mr. Houlemard and Controller Ivana Bednarik have prepared three options for Board consideration that address questions, comments or requests made by Board members. In particular, the options address alternatives for phasing a merit adjustment and methods to

reduce impact on Public Employee Retirement System FORA costs. Those options are charted in the Fiscal Impact Section of this report and further itemized in **Attachment A**.

Also provided in **Attachment A** are the requested historical EO salary adjustments. As reported in past meetings, the last merit adjustment was in 2005. The EO has had other salary increases when *Board action authorized Cost of Living adjustments for all staff or recognized when the EO achieved longevity-step eligibility*. His last longevity increase was in 2010, and such benefits are exhausted. Those merit, COLA, and longevity salary adjustments were in compliance with the FORA contract terms and FORA policies.

**REQUESTED COMPARATIVE SALARY SURVEY**

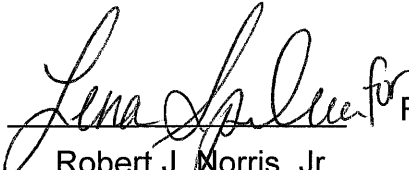
Councilmember Haffa provided staff with a comparative salary survey (**Attachment B**) completed by the Monterey Regional Waste Management District and requested its distribution to the FORA Board. FORA staff has also attached another salary survey completed by the Special District Manager’s Group (**Attachment C**) in December 2014. The surveys are somewhat inconsistent.

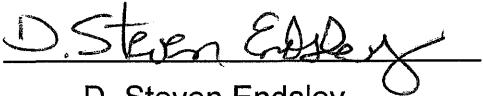
FORA staff note that the Monterey Bay Region is fortunate to have extraordinary executives who perform their roles and responsibilities with laudable expertise. Numerous similar surveys have been performed by various entities over the past decades to inform multiple human resource recruitments – but are not the sole or even the primary means of assessing how an executive is paid.

**FISCAL IMPACT:**

Reviewed by the FORA Controller 

<b>Voted 10/14/14</b>	<u>Current Salary</u>	<u>Salary Increase</u>	<u>Adjusted Salary</u>	<u>FORA Annual Impact</u>
<b>8% Merit</b>	211,521	16,922	228,443	<b>20,955</b>
<b>Alternative #1</b>	<u>Current Salary</u>	<u>Salary Increase</u>	<u>Adjusted Salary</u>	<u>FORA Annual Impact</u>
<b>4% Merit 14-15</b>	211,521	8,461	219,982	10,477
<b>4% Merit 15-16</b>	219,982	8,800	228,782	10,978
				<b>21,455</b>
<b>Alternative #2</b>	<u>Current Salary</u>	<u>Salary/Benefit Incr.</u>	<u>Adjusted Salary</u>	<u>FORA Annual Impact</u>
<b>1/2 Merit</b>	211,521	8,461	219,982	10,477
<b>1/2 Benefit Increase</b>	-	8,400	219,982	8,523
				<b>19,000</b>

Prepared by:   
Robert J. Norris, Jr.

Reviewed by:   
D. Steven Endsley

**EXECUTIVE OFFICER - COMPENSATION ADJUSTMENT**

		Salary	2% COLA 7-1-14	Benefit Change/s
Old Contract	7/2000 - 6/2014	207,374		-
New Contract	7/2014 - 6/2020	207,374	211,521	(2,516)

PAST SALARY INCREASES	Beginning Salary	TYPE	%	Ending Salary
FY 00-01	\$137,900			\$137,900
FY 01-02	\$137,900	COLA	3%	\$142,037
FY 02-03	\$142,037	COLA	3%	\$146,298
FY 03-04	\$146,298	COLA, Merit	3%, 2%	\$153,701
FY 04-05	\$153,701	COLA	1.5%	\$156,006
FY 05-06	\$156,006	COLA, Merit	1%, 5%	\$165,445
FY 06-07	\$165,445	COLA	2.5%	\$169,581
FY 07-08	\$169,581	COLA, Longevity 1	3%, 5%	\$183,402
FY 08-09	\$183,402	COLA	3%	\$188,904
FY 09-10	\$188,904			\$188,904
FY 10-11	\$188,904	Longevity 2	5%	\$198,349
FY 11-12	\$198,349	COLA	2%	\$202,316
FY 12-13	\$202,316			\$202,316
FY 13-14	\$202,316	COLA	2.5%	\$207,374

**CURRENT BENEFIT PACKAGE**

Time Off	Health/mo	Retirement (PERS)	Deferred Comp/mo	Car/Phone/mo
26 days/year - Vac	1,320	2% @ 55	833	300
18 days/year - Sick				
5 days/year - Management				

**PROPOSED**

8% Merit Increase	Salary Increase	Adjusted Salary	FORA Cost	Itemized
A permanent increase in salary	16,922	228,443	20,955	
			3,704 PERS (21.488%)	
			245 Medicare (1.45%)	
			84 Workers' Comp (.5%)	
			4,033	

**OTHER OPTIONS**

A.	Salary Increase	Adjusted Salary	FORA Cost	Itemized
4% Merit Increase FY 14-15	8,461	219,982	10,477	
			1,852 PERS	
			123 Medicare	
			42 Workers' Comp	
			2,017	
4% Merit Increase FY 15-16	8,799	228,782	10,977	
			2,006 PERS (22.80%)	
			128 Medicare	
			44 Workers' Comp	
			2,178	
	17,260		21,455	

**B.**

1/2 Merit, 1/2 Benefit Increase	Salary/Benefit Increase	Adjusted Salary	FORA Cost	Itemized
4% Merit	8,461	219,982	10,477	
700/mo Deferred Comp	8,400	219,982	8,523	
			123 Medicare	
	16,861		19,000	

Wage Survey of Monterey County Regional Agencies

Agency		No. of Employees	FY 14-15 Operating Budget	2014 GM Annual Salary	Benefits	Total Comp
AMBAG	Association of Monterey Bay Area Governments	17.5	\$3,628,003	\$165,000	\$43,932	\$208,932
CAWD	Carmel Area Wastewater District	25	\$5,493,248	\$168,300	*	*
FORA	Fort Ord Reuse Authority	15	\$11,311,438	\$211,521 (current) \$228,433 (requested 10-10-14)	\$55,292	\$289,239
MBUAPCD	Monterey Bay Unified Air Pollution Control District	36	\$6,400,000	\$164,430	\$34,103	\$213,337
MCWD	Marina Coast Water District	35	\$13,452,233	\$190,000	*	*
MCRFD	Monterey County Regional Fire District	55	\$18,000,000	\$177,036	*	*
MPAD	Monterey Regional Airport District	38	\$10,568,000	\$182,580	\$82,161	\$264,741
MPRPD	Monterey Peninsula Regional Park District	14	\$6,459,050	\$161,256	\$29,261	\$190,517
MPWMD	Monterey Peninsula Water Management District	26	\$10,936,000	\$175,000	*	*
MRWMD	Monterey Regional Waste Management District	107	\$19,279,000	\$187,188	\$54,285	\$267,466
MRWPCA	Monterey Regional Water Pollution Control Agency	79	\$25,591,092	\$206,583	\$104,490	\$311,072
MST	Monterey-Salinas Transit	220	\$36,000,000	\$182,000	\$89,180	\$271,180
PBCSD	Pebble Beach Community Services District	11	\$11,569,000	\$182,644	\$74,961	\$257,605
SVSWA	Salinas Valley Solid Waste Authority	49	\$15,000,000	\$176,451	\$87,813	\$264,264
TAMC	Transportation Agency for Monterey County	14	\$2,463,284	\$165,924	*	*

\*Requested/No Reply

10/10/2014

Attachment B to Item 8c  
FORA Board Meeting, 1/9/15

Revised 12/3/14  
**Special District Managers Salary/Benefits Survey -- November 2014**  
*Data Submitted by Managers*

Name	Agency	Title	Salary	Def Comp	Auto Allowance	Health Ins.	Retirement Health Savings Acct.	Other	% Employee Paid Retirement	Annual Operating Budget	FTE's
Barbara Buikema	Carmel Area Wastewater District	Gen. Mgr.	\$172,675	0	0				2%	\$5,493,250	24
D Chardavoyne	Monterey County Water Resources Ag.	Gen. Mgr.	\$202,000	0	\$375/month			\$54.17/month professional expens allowance	100%		
David J. Stoldt	Monterey Peninsula Water Management District	Gen. Mgr.	\$195,000	4% of salary/cash	\$500/month	\$9,576 med opt-out	0	0	4%	\$10,936,000	26
Debbie Hale	Transportation Agency for Monterey Co.	Exec. Dir.	\$165,924	8%	\$395/month			\$80/month cell phone	2.50%		
Forrest W. Arthur	Santa Lucia Community Services District	Gen. Mgr.	\$214,000	\$10,700	\$14,400/yr.				7.00%		
Linda G. McIntyre, Esq.	Moss Landing Harbor District	Gen. Mgr./ Harbormaster	\$116,128	N/A	\$400/month	Cash in lieu of medical		\$12,000 for special project reimbursed by 3rd party, ends when project complete.	457 available. District pays 6%, and will match up to another 6%. District pays 12% and employee pays 6%.		
Maura F. Twomey	Association of Monterey Bay Area Governments	Exec. Dir.	\$165,000	0	\$500/month			\$100/month	7%		
Mike Niccum	Pebble Beach Community Services District	Gen. Mgr.	\$182,644	0	0	\$23,576	\$2,020		2%		
Patrick Mathews	Salinas Valley Solid Waste Authority	CAO/Gen. Mgr.	\$176,448	0	\$600/month			Benefits paid	2%		
Paul Robins	Resource Conservation Dist of Mont. County.	Exec. Dir.	\$101,972	\$3059 (3% of salary)	0				~75% (10% deducted from paycheck, District matches 3% of salary). No retirement/pension prog.		

Attachment C to Item 8c  
FORA Board Meeting, 1/9/15

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

**Subject:** Post Reassessment Items

**Meeting Date:** January 9, 2015

**Agenda Number:** 8d

**INFORMATION**

### RECOMMENDATION(S):

Receive a Post Reassessment Items report and updates.

### BACKGROUND/DISCUSSION:

#### **(i) January 22, 2015 Trails Symposium Report**

In February 2014, the Board requested that the Post Reassessment Advisory Committee (PRAC) focus its efforts on the issues of Economic Recovery and Trails. Subsequently, the PRAC discussed convening a Regional Trails Symposium, modeled after the 2013 Colloquium, to bring together national thought leaders on the community and economic values of connectivity, trails and transit. The idea was refined during multiple PRAC meetings, and a date (Thursday 1/22/2015) and location (California State University Monterey Bay (CSUMB) University Center) were established in coordination with multiple partner agencies.

The Fort Ord Trails Symposium will focus on: Reuse Plan Context, Local Planning, Economics, Regional Coordination and Design (**Attachment A**). Staff is working with partner agencies to ensure the broadest possible outreach and quality local program representation.

#### **(ii) February 2-13, 2015 Regional Urban Design Guidelines Charrette**

Earlier this year the FORA Board empaneled the Regional Urban Design Guidelines (RUDG) Task Force to enjoin the RUDG. The Task Force engaged in consultant selection and oversight. A key element of the selected RUDG consultant process is a Design Charrette that will be held February 2-13, 2015. Lead RUDG consultants Dover, Kohl & Partners will be onsite during this period engaging with the Fort Ord community and stakeholders to develop draft RUDG following Board direction. The current Design Charrette schedule involves the team being based at the FORA offices, holding numerous public events at the Carpenters Hall and at off-site locations including the Seaside Community Center, the Marina Library, and on the CSUMB campus (**Attachment B**).

#### **(iii) Category 3 Work Plan Update**

Completion of the Post Reassessment Report, Category III Items (Implementation of Policies and Programs), was authorized by the Board in the 2014 Work Plan. Since then staff has worked successfully with affected land use jurisdictions (City of Marina, City of Seaside and County of Monterey) to compile status updates on each of the identified items. Next steps during 2015 include vetting each of the status updates with the Administrative Committee, bringing the completed items to the Board for recognition, and completing any necessary environmental review.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

Staff time for these items is included in the approved FORA budget. FY 14-15 Reuse Plan Implementation budget includes sufficient funding to pay for the following Board approved expenditures:

- (i) FORA contributions not to exceed \$27,000 towards the Fort Ord Regional Trails Symposium, and
- (ii) RUDG contract with Dover, Kohl & Partners not to exceed \$444,910.

**COORDINATION:**

RUDG Task Force, PRAC, CSUMB, TAMC, MST, Monterey County, BLM, Administrative and Executive Committees

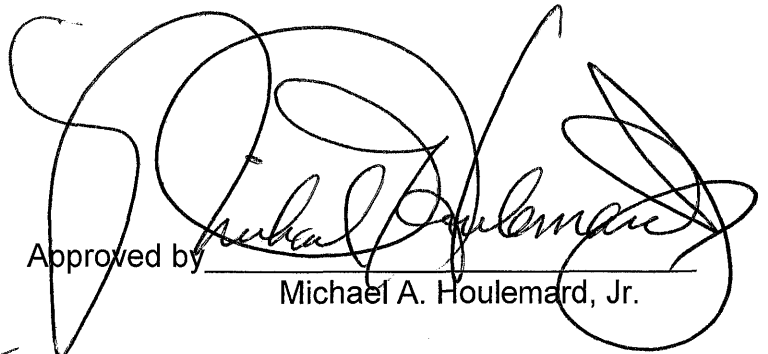
Prepared by

  
Josh Metz

Reviewed by

  
Steve Endsley

Approved by

  
Michael A. Houlemard, Jr.





**Fort Ord Trails Symposium**  
Regional trails, transit & economic vitality

**FORA**  
Fort Ord Reuse Authority

**CSUMB**

**TRANSPORTATION AGENCY**  
MONTEREY COUNTY

**U.S. DEPARTMENT OF THE INTERIOR**  
BUREAU OF LAND MANAGEMENT

**MONTEREY COUNTY CALIFORNIA**  
1850

- CSUMB University Center
- 9am-5:00pm
- January 22, 2015
- Topics:
  - Introduction
    - Reuse Plan Context
  - Economics
    - Costs, benefits, funding
  - Regional Coordination
    - Organizational structure
  - Design
    - Design considerations

## Symposium Schedule



- **Doors 8:30am**
- **Welcome 9:00-9:15 am**
- **Introduction 9:15-9:45 am**
  - Reuse Plan Context
    - Economic Recovery
    - Routes, etc.
  - Local Planning (*FORHA, Marina, Seaside, CSUMB, FORTAG*)
  - Transportation / Recreation Nexus
- **Economics 9:45-11:15 am**
  - Costs, benefits
    - Real estate, employment, income, revenue
    - Development costs, insurance, etc.
  - Funding (sources, collaboration)
- **Local Officials Roundtables 11:15-11:45am**
- **Networking/Lunch 11:45am-12:15pm**
- **Keynote Speaker 12:15-1:15pm**
- **Regional Coordination 1:15-2:45pm**
  - *Multiple outside speakers*
  - Regional trail development organizations
  - Trail connections to/thru Federal / State lands
- **Networking 2:45-3:00 pm**
- **Design 3:00-4:30pm**
  - Design considerations
  - Urban connections
  - Multi-use
- **Full Panel Q&A 4:30-5:00pm**
- **Reception 5:00-6:00pm**

## Speakers



- **Welcome**
  - Eduardo Ochoa
    - President, CSUMB
- **Introduction/Format**
  - Michael Houlemard,
    - Executive Officer, FORA
- **Local Context**
  - Josh Metz, FORA
    - Reuse Plan overview and regional initiatives summary
- **Economics**
  - *Tim Blumenthal*
    - *President, People 4 Bikes*
    - *Topic: Improving bicycle transit and economic vitality*
  - Dena Belzer
    - Founder, Strategic Economics
    - *Topic: Economic benefits of investment in transit, TOD & connectivity*
- **Local Officials Round Tables**
  - *Jurisdiction-focused discussions*
- **Keynote Lunch Speaker**
  - Mia Birk
    - President, Alta Planning + Design
    - Author, Joyride
    - *Topic: Portlands bike/transit conversion*
- **Regional Coordination**
  - Laura Thompson, SF Bay Trail
    - Editor: Trail Planning for California Communities
    - SF Bay Trail Project Manager
    - *Topic: Trail Planning for California Communities*
  - John Wentworth
    - Executive Director, Mammoth Lakes Trails & Public Access
    - *Topic: Urban-rural trail system planning, development and integration*
- **Design**
  - Peter Katz
    - International Mobility Consultant
    - *Topic: Alternative transit design & economics*
  - Bryan Jones
    - Senior Associate, Alta Planning + Design
    - Trail network planning & design

# Fort Ord Regional Urban Design Guidelines

## Preliminary Charrette Schedule v6 12/29/14

	Sunday, Feb 1 DAY ZERO	Monday, Feb 2 DAY ONE	Tuesday, Feb 3 DAY TWO	Wednesday, Feb 4 DAY THREE	Thursday, Feb 5 DAY FOUR	Friday, Feb 6 DAY FIVE	Saturday, Feb 7 DAY SIX	Sunday, Feb 8 DAY OFF	Monday, Feb 9 DAY SEVEN	Tuesday, Feb 10 DAY EIGHT	Wednesday, Feb 11 DAY NINE	Thursday, Feb 12 DAY TEN	Friday, Feb 13 DAY ELEVEN			
8:00 AM	Team Travels to Fort Ord															
9:00 AM		Set up Studio	Team Briefing	Team Briefing	Team Briefing	Team Briefing			Team Briefing	Team Briefing						
10:00 AM		Tour of Fort Ord and Surrounding Areas				Middle School Hands-on Design Session 10:00 - 12:00		Mobile Charrette (Seaside Community Center)								
11:00 AM			Technical Mtg (Transportation)	Technical Mtg (Marina)		Technical Mtg (Monterey/DRO)			Technical Mtg (Education)	Technical Mtg (TBD)						
12:00 PM												Presentation Prep				
1:00 PM		Katz/Speck/Dover Practicum	Technical Mtg (Developers)	Technical Mtg (Seaside)		Studio Design	Technical Mtg (Monterey County)		Technical Mtg (Diverse Communities)	Technical Mtg (RUDG Task Force)						
2:00 PM																
3:00 PM				Alternative Concepts Development	Alternative Concepts Development		Mobile Charrette (CSUMB University Center )	Studio Design		Studio Design				Team Departs Fort Ord	Fort Ord Board of Directors Briefing 2:00	
4:00 PM			Set-up for Presentation													
5:00 PM		Facilitator Briefing at 5:30														
6:00 PM			Charrette Kick-Off & Hands-on Design  6pm-9pm	Marina City Council Meeting	Mobile Charrette (Seaside Community Center) includes unveiling Alternative Concepts	Seaside City Council Meeting				Open House (includes Preferred Plan)						
7:00 PM																
8:00 PM																
9:00 PM																
		City Council Meetings	Technical Meetings	Community Event	Team Meetings	Open Studio Day 10am - 7pm Drop-ins Welcome							Remaining Team Departs Fort Ord			

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Environmental Services Cooperative Agreement Quarterly Update	
<b>Meeting Date:</b>	January 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	8e	

### RECOMMENDATION:

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

### BACKGROUND:

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

In order to complete the AOC defined work, FORA entered into a Remediation Services Agreement with LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a Cost-Cap insurance policy for this remediation work through American International Group (AIG). FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

The ESCA Remediation Program (RP) has been underway for seven (7) years. Currently, the FORA team has completed known ESCA RP field work, pending regulatory review.

### DISCUSSION:

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

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

appended to the ESCA grant contract. As part of a contract between FORA and ARCADIS, insurance coverage was secured from AIG for which FORA paid \$82.1 million upfront from grant funds. This policy provides a commutation account which holds the funds that AIG uses to pay ARCADIS for the work performed. The AIG coverage also provides for up to \$128 million to address additional work for both known and unknown site conditions, if needed. That assures extra funds in place to complete the scope of work to the satisfaction of the Regulators. AIG monitors/approves ARCADIS expenditures in meeting AOC/TSRS/ESCA grant requirements.

Based on the Army ESCA grant contract, the EPA AOC requirements and AIG insurance coverage provisions, AIG controls the ARCADIS/AIG \$82.1 million Commutation Account. The full amount was provided to AIG in 2008 as payment for a cost-cap insurance policy where AIG reviews ARCADIS' work performed and makes payments directly to ARCADIS. FORA oversees the work to comply with grant/AOC requirements. Current status follows:

<b>Item</b>	<b>Originally Allocated</b>	<b>Accrued through September 2014</b>
FORA PLL Self-Insurance/Policy Purchase	916,056	916,056
Reimburse Regulators & Quality Assurance	4,725,000	2,419,311
State of California Surplus Lines Tax, Risk Transfer, Mobilization	6,100,000	6,100,000
Contractor's Pollution Liability Insurance	477,344	477,344
Work Performed ARCADIS/AIG Commutation Account	82,117,553	69,447,000
FORA Administrative Fees	3,392,656	3,007,335
<b>Total</b>	<b>97,728,609</b>	<b>82,367,045</b>
	<b>ESCA Remainder</b>	15,361,564

It is important to highlight that data collected during the ESCA investigation stage remains under review by the regulators who determine when remediation is complete. They will only issue written confirmation that CERCLA MEC remediation work is complete (regulatory site closure) when they are satisfied the work is protective of human health and that the Final Proposed Plan, Record of Decision, Land Use Control Operation and Maintenance Plan are completed and approved. The process of completing the review and documentation is dependent on Army and regulatory agency responses/decisions. Until regulatory site closure is received, the ESCA property remains closed to the public. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction. To date, the ESCA RP has provided the stewardship for 3,340 ESCA acres. The ESCA team continues to actively monitor biological resources and track restoration activities on the ESCA property.

The ESCA RP team's major effort is on the required CERCLA documentation to gain regulatory certification of completion. Two significant issues have impacted the document delivery schedule. First was an issue between the Army and EPA concerning the definition of MEC as hazardous substances under CERCLA. After months of formal and informal discussions, EPA and the Army resolved their dispute in July 2014. The second significant issue concerns documenting FORA's Residential Quality Assurance (RQA) process as developed under a pilot study in accordance with the terms of the ESCA. DTSC has required reporting, in addition to the CERCLA documentation, on the RQA process which is likely to

further impact the ESCA document schedule. FORA staff and the ESCA RP team are working with the Army and Regulators to mitigate the effects these may have on the documentation phase of the program.

For the County North and Parker Flats Phase 1 ESCA properties, FORA received written confirmation from the regulatory agencies that CERCLA MEC remediation work is complete. For these properties, ARCADIS commuted ESCA insurance coverage for related clean-up costs for coverage for unknown conditions.

On November 25, 2014 the U.S. EPA signed the Record of Decision for the ESCA Group 3 properties located in: the County of Monterey (at Laguna Seca), the City of Monterey (south of South Boundary Road) and Del Rey Oaks (south of South Boundary Road). The ESCA Group 3 properties also include the Monterey Peninsula College (MPC) property known as the Military Operations in Urban Terrain (MOUT) facility. The Record of Decision (ROD) records the Regulator's and Army's decision on the cleanup of these properties and what controls are required to continue to protect the public health and safety.

Per the existing FORA/Jurisdiction Implementation Agreements (2001) and Memorandum of Agreement (2007) regarding property ownership and responsibilities during the period of environmental services, deeds and access control for these properties has been transferred to the new land owner. At the County's request, FORA staff is working with County staff to adjust the former ESCA property signage based on a signage plan being developed under the joint direction of Monterey County staff, Monterey County Sheriff's Department and the Bureau of Land Management, with review by the FORA ESCA team.

Regulatory approval does not determine end use. Underlying jurisdictions are empowered to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

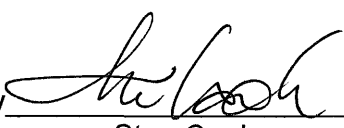
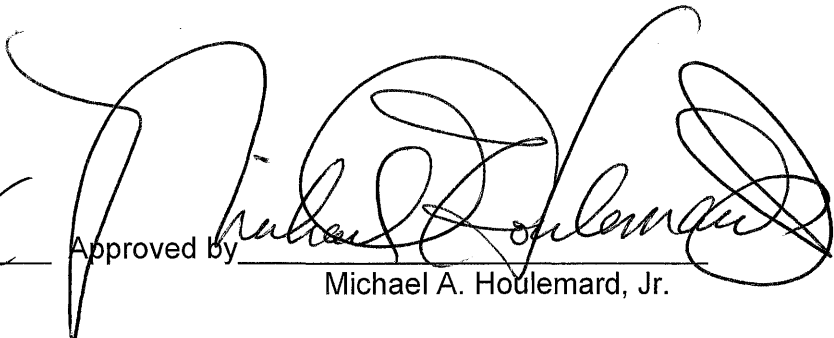
**FISCAL IMPACT:**

Reviewed by FORA Controller 

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

**COORDINATION:**

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

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

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Confirm Chair Appointment to Fill Finance Committee Vacancy	
<b>Meeting Date:</b>	January 9, 2015	<b>ACTION</b>
<b>Agenda Number:</b>	8f	

### RECOMMENDATIONS:

Confirm the Chair's appointment of Andre Lewis, CSUMB, to fill a vacancy on the Finance Committee.

### BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA") Finance Committee ("FC") is currently functioning with five members, comprised of four voting and one ex-officio members from the FORA Board. Their appointments are recommended by the FORA Chair and confirmed by the Board each year in February. When a committee member can no longer serve out their term, the same procedure for new appointments is followed.

FC member Graham Bice, UC Santa Cruz, has announced that he is unable to continue serving on the Committee due to the time constraints of his new responsibilities. FORA Chair is proposing FORA ex-officio alternate Andre Lewis to replace Graham Bice; Board concurrence is required.

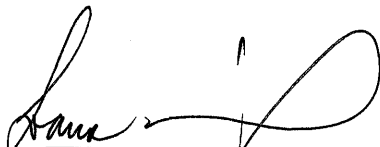
### FISCAL IMPACT:

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

### COORDINATION:

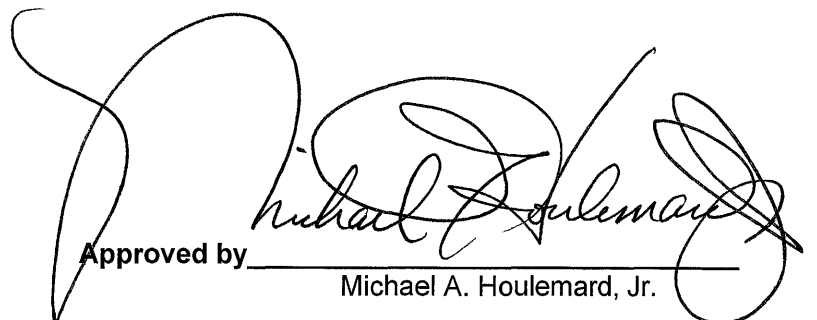
Executive Committee

Prepared by



Ivana Bednarik

Approved by



Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Elect 2015 Board Officers	
<b>Meeting Date:</b>	January 9, 2015	<b>ACTION</b>
<b>Agenda Number:</b>	8g	

### RECOMMENDATION:

1. Receive a report from the 2015 Nominating Committee.
2. Approve the Nominating Committee's proposed slate or conduct elections for individual offices, as follows:
  - i. Elect two voting members of the Fort Ord Reuse Authority (FORA) Board to serve as Board Chair and Vice-Chair and FORA Executive Committee members for a term of one year.
  - ii. Elect two voting members of the FORA Board to serve as members-at-large on the FORA Executive Committee for a term of one year.
  - iii. Elect a past Board Chair to serve on the Executive Committee for a term of one year.
  - iv. Elect one ex-officio Board member to serve as a non-voting member of the Executive Committee for a term of one year.

### BACKGROUND/DISCUSSION:

The FORA Master Resolution states that the two Board officers shall be elected annually at the end of the first regular Board meeting in January. The Board officers serve for a term of one year and may be reelected for no more than one consecutive, additional term in the same office. Under that policy, the current Board officers are not eligible for reelection to their current positions. The Master Resolution also establishes a Board policy of succession from 1<sup>st</sup> Vice Chair to Chair. The Board may appoint other officers as deemed necessary.

The 2015 Nominating Committee was unable to meet prior to distribution of the Board packet. The Committee will provide their report at the Board meeting or it will be distributed earlier, if possible.

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

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

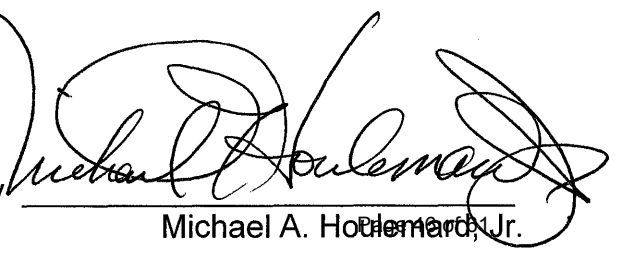
### COORDINATION

Nominating Committee and Executive Committee

Prepared by

  
Lena Spilman

Approved by

  
Michael A. Hordern, Jr.



## **FORA VOTING PROCEDURES**

### **Election of Officers**

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

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Outstanding Receivables

**Meeting Date:** January 9, 2015

**Agenda Number:** 10a

**INFORMATION**

### RECOMMENDATIONS:

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

### BACKGROUND/DISCUSSION:

Development Fee/Preston Park: In 1997, the U.S. Army and FORA executed 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/was the subject of litigation.

On November 10, 2014, Marina and FORA agreed to settle pending litigation primarily by Marina acquiring FORA's interest in Preston Park. Currently, FORA and Marina are finalizing terms of a settlement agreement; it is expected that it will be concluded and executed by 12/31/2014. The \$35 million settlement amount includes \$2,078,835 payment of the outstanding fees.

### 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:** January 9, 2015

**Agenda Number:** 10b

**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) issuing federal and state Incidental Take Permits.

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)]. However, CDFW must review the funding structure and anticipated payout rate of the HCP endowment holder to verify the assumptions are feasible. CDFW has outlined a process for FORA and other Permittees to expedite compliance with endowment funding requirements. FORA has engaged Economic & Planning Systems (EPS) to provide technical support during this process.

If the current schedule is maintained, FORA staff expects a Public Draft HCP available for public review by the middle of 2015. On March 25, 2014, FORA representatives met with representatives from CDFW, University of California, and State Parks to address outstanding State-Fed and State-State policy issues. State Senator Bill Monning convened a follow-up meeting on June 23 in Sacramento. General agreement was achieved to conclude policy issues and publish the HCP on schedule. A technical meeting was held July 30, 2014 with BLM, Permittees, USFWS, and CDFW representatives to review HCP governance and cost items. Comments on HCP technical items and agreements were received by the August 29, 2014 deadline. **Update:** ICF and Denise Duffy Associates (Environmental Impact Report/ Environmental Impact Statement consultant) are completing covered activities analyses and are preparing the screen check draft HCP. Confirming covered activity impacts and mitigations for future Marina Municipal Airport expansion and conceptual alignment of the Fort Ord Recreational Trail and Greenway (FORTAG) has taken longer than expected. Now that these covered activities are quantified, Staff expects consultants to complete the screen check draft HCP by the middle of January 2015.

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

### COORDINATION:

ICF, Denise Duffy and Associates, USFWS, CDFW, Executive and Administrative Committees

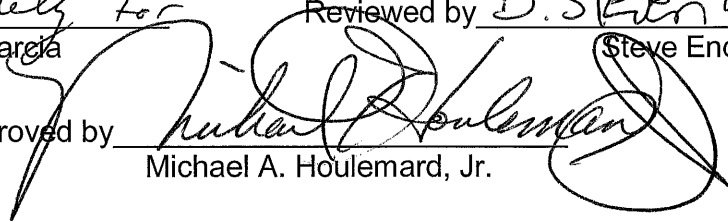
Prepared by

  
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:** January 9, 2015

**Agenda Number:** 10c

**INFORMATION**

### RECOMMENDATION:

Receive a report from the Administrative Committee.

### BACKGROUND/DISCUSSION:

The approved October 1, 2014 and November 5, 2014 Administrative Committee minutes are included for Board review.

### FISCAL IMPACT:

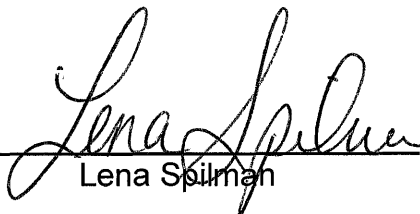
Reviewed by the FORA Controller 

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

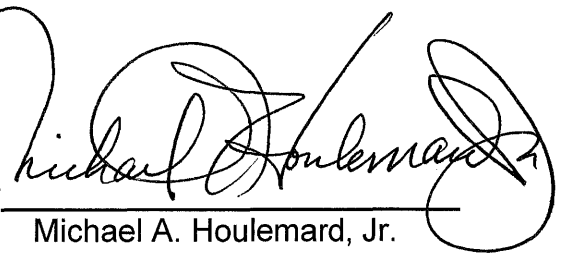
### COORDINATION:

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, October 1, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER**

Co-chair Houlemard called the meeting to order at 8:18 a.m. The following were present (\*voting members):

John Ford, County of Monterey\*  
John Dunn, City of Seaside \*  
Elizabeth Caraker, City of Monterey \*  
Layne Long, City of Marina\*  
Vicki Nakamura, MPC  
Anya Spear, CSUMB  
Lisa Rheinheimer, MST  
Patrick Breen, MCWD  
Brian Lee, MCWD  
Tim O'Halloran, City of Seaside

Graham Bice, UC MBEST  
Donna Blitzer, UCSC  
Steve Matarazzo, UCSC  
Lyle Shurtleff, Fort Ord BRAC  
Kathleen Lee, Sup. Potter's Office  
Bob Schaffer  
Don Hofer, Shea Homes  
Brian Boudreau, Monterey Downs  
Chuck Lande, Marina Heights

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

Voting Members Absent: Dan Dawson (City of Del Rey Oaks)

**2. PLEDGE OF ALLEGIANCE**

John Ford led the Pledge of Allegiance.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Associate Planner Josh Metz stated that a staff working group, primarily comprised of Seaside City and Monterey County staff, was meeting to discuss compliance with Base Reuse Plan policies across jurisdictional boundaries. Executive Officer Michael Houlemard announced that Congressman Farr and Senator Monning had held a joint press conference that Monday to announce that the \$6.7 million federal grant for construction of the California Central Coast Veterans Cemetery had been awarded to the State of California. Cemetery groundbreaking was anticipated to take place in February. Graham Bice explained that Donna Blitzer and Steve Matarazzo would be attending Administrative Committee meetings in his place for the next several months as he worked on another project.

**4. PUBLIC COMMENT PERIOD**

None.

**5. APPROVAL OF MEETING MINUTES**

**a. September 10, 2014 Administrative Committee Meeting Minutes**

The meeting minutes were approved by unanimous consent.

**6. OCTOBER 10, 2014 BOARD MEETING - AGENDA REVIEW**

Mr. Houlemard provided an overview of items on the October 10<sup>th</sup> Board meeting agenda, noting that item 7b would be pulled at the City of Marina's request and that other agenda items could be removed if the Executive Committee determined the agenda was too full. Mr. Houlemard added that item 8b would become an "information/action" item. The Committee discussed the challenges of prevailing wage compliance and Layne Long requested that Mr. Houlemard's letter to him be removed from the item 8g attachments.

## **7. BUSINESS ITEMS**

### **a. California Department of Toxic Substances Control (DTSC) Annual Land Use Covenant (LUC) Reporting - Combined FY 12-13 and FY 13-14 Report Request Letter**

Mr. Houlemard stated that one jurisdiction had yet to submit their FY 12-13 LUC Report, but FORA staff had received assurances it would be forthcoming. He emphasized the importance of submitting FY 13-14 reports in a timely manner.

### **b. Regional Urban Design Guidelines (RUDG) - Draft Interview List**

Mr. Metz announced that staff had begun preparations for the November 12-19<sup>th</sup> consultant site visit, during which the consultants would conduct a series of stakeholder meetings and interviews. He requested jurisdictions forward the names of any staff members that should be included in the process.

## **8. ITEMS FROM MEMBERS**

None.

## **9. ADJOURNMENT**

Co-Chair Houlemard adjourned the meeting at 9:03 a.m.



**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**  
8:15 a.m., Wednesday, November 5, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER**

Co-chair Dawson called the meeting to order at 8:16 a.m. The following were present (*\*voting members*):

Dan Dawson, City of Del Rey Oaks  
Carlos Urrutia, County of Monterey\*  
Daphne Hodgson, City of Seaside \*  
Layne Long, City of Marina\*  
Vicki Nakamura, MPC  
Anya Spear, CSUMB  
Lisa Rheinheimer, MST

Patrick Breen, MCWD  
Jarron Hollion, MCWD  
Dave Delfino, TAMC  
Doug Yount  
Bob Schaffer  
Don Hofer, Shea Homes  
Chuck Lande, Marina Heights

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

Voting Members Absent: Elizabeth Caraker (City of Monterey)

**2. PLEDGE OF ALLEGIANCE**

Daphne Hodgson led the Pledge of Allegiance.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael Houlemard thanked the Committee for their support and understanding as FORA experienced understaffing due to illness, injury, and family emergencies.

**a. Infrastructure Financing Districts Legislation**

Mr. Houlemard discussed the status of legislative and community efforts to establish infrastructure financing districts across the state.

**4. PUBLIC COMMENT PERIOD**

None.

**5. NOVEMBER 14, 2014 BOARD MEETING - AGENDA REVIEW**

Mr. Houlemard provided an overview of items on the November 14<sup>th</sup> Board meeting agenda and responded to questions from the Committee and public.

**6. BUSINESS ITEMS**

*The following items were taken out of agenda order.*

**b. Pollution Legal Liability Insurance Policy**

**i. First Named Insured Designee After 2020**

**ii. Individual Insurance Coverage Amounts**

**iii. Insurance Cost Reimbursement Agreements**

FORA Special Counsel Barry Steinberg joined the meeting via telephone. Senior Planner Jonathan Garcia presented the item and Mr. Steinberg responded to questions from the Committee and public.

**a. Review 2015 Fort Ord Reuse Authority Legislative Agenda**

Mr. Houlemard reviewed the proposed 2015 Legislative Agenda and requested that Committee members advise their elected representatives of any desired amendments or additions to the document. Lisa Rheinheimer stated that MST would provide several proposed amendments related to transit for Legislative Committee consideration.

**7. ITEMS FROM MEMBERS**

Mr. Houlemard discussed the Committee and Board meeting schedules for December and January, noting that the regular Administrative Committee meeting would fall on New Year's Eve. The Committee suggested the meeting be rescheduled for the following week to allow for greater participation.

**8. ADJOURNMENT**

Co-Chair Dawson adjourned the meeting at 9:12 a.m.



# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Post Reassessment Advisory Committee

**Meeting Date:** January 9, 2015

**Agenda Number:** 10d

**INFORMATION**

### RECOMMENDATION(S):

Receive a Post Reassessment Advisory Committee (PRAC) activity/meeting report.

### BACKGROUND/DISCUSSION:

The PRAC met on Friday, December 12, 2014. The meeting focused on continuing planning for the Fort Ord Trail symposium scheduled for Thursday, January 22, 2015. The Symposium is by multi-agencies, including the Fort Ord Reuse Authority (FORA), CSUMB, Transportation Agency for Monterey County (TAMC), Monterey County Parks, and the Bureau of Land Management (BLM). The PRAC discussion focused on finalizing the symposium agenda including topics, speakers and timelines.

The next meeting of the PRAC is scheduled for Thursday, January 8, 2015, from 1:00 pm.

Approved minutes from the November 21 meeting are attached (**Attachment A**).

### FISCAL IMPACT:

Reviewed by Fort Ord Reuse Authority (FORA) Controller 

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

### COORDINATION:

PRAC, CSUMB, TAMC, BLM, Administrative and Executive Committees.

Prepared by   
Josh Metz

Approved by   
Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY**  
**BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE (PRAC)**  
**MEETING MINUTES**

9:00 a.m., Friday, November 21, 2014 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

Confirming a quorum, Fort Ord Reuse Authority (FORA) PRAC Chair Jerry Edelen called the meeting to order at 9:00am. The following people were in attendance:

**Committee Members**

Jerry Edelen (Chair), Del Rey Oaks  
Gail Morton, City of Marina  
Victoria Beach, Carmel-by-the-Sea  
Andre Lewis, CSUMB  
Tom Moore, MCWD

Josh Metz, FORA

**Other Attendees**

Eric Morgan, BLM  
John Akeman, Monterey County Parks  
Ariana Green, TAMC  
David Spaur, Monterey County  
Steve Matarazzo, UCSC

**Staff**

Steve Endsley, FORA  
Jonathan Garcia, FORA

**2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Member Gail Morton noticed Thursday night 11/20, the Marina City Council had directed Marina Staff to begin incorporating the grassroots led regional trail plan (known as the Fort Ord Rec Trail & Greenway – FORTAG) into the Cities formal planning documents. Member Victoria Beach noticed the Big Sur Land Trust had also recently convened a cross-jurisdictional group of planners and elected officials to discuss trail planning coordination.

**3. APPROVAL OF MEETING MINUTES**

**MOTION:** Gail Morton moved, seconded by Tom Moore, to approve the October 30, 2014 meeting minutes, as presented.

**MOTION PASSED:** Unanimous.

**4. PUBLIC COMMENT PERIOD**

None.

**5. BUSINESS ITEMS**

Staff presented an updated draft Trails Symposium agenda, potential speaker list and event schedule for discussion (**Attachment A**). Members gave input on the agenda and staff made

notes for a future revision. Members requested staff to contact potential speakers and bring back an updated list of options for the following meeting.

**6. ITEMS FROM MEMBERS**

None.

**7. NEXT STEPS**

a. FORA staff will continue to:

- i. Finalize speaker commitments to Jan 22, 2015 Fort Ord Trails Symposium
- ii. Develop background material for speaker education and inclusion in event program
- iii. Develop budget for consideration at Dec 12 Board meeting
- iv. Continue general coordination of the Fort Ord Regional Trails Symposium

**8. ADJOURNMENT**

The next meeting of the PRAC was set for Friday December 12 at 12:30pm. The meeting was adjourned at approximately 10:30am.

Minutes prepared by Josh Metz

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Regional Urban Design Guidelines Task Force

**Meeting Date:** January 9, 2015

**Agenda Number:** 10e

**INFORMATION**

### RECOMMENDATION(S):

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

### BACKGROUND/DISCUSSION:

The RUDG Task Force met on Thursday, December 11 and Friday December 19, 2014, in preparation for the February 2-13 Dover, Kohl & Partners (DKP) Design Charrette. This 2-week long charrette will involve the consultant team on-site working with public and key stakeholders to develop draft design guidelines. The task force reviewed preparations for the charrette and made recommendations for schedule and format changes. The attached charrette schedule represents the final schedule that incorporated Task Force input (**Attachment A**).

The next meeting of the RUDG Task Force will be 11:30am, Friday January 9, 2015.

### FISCAL IMPACT:

Reviewed by Fort Ord Reuse Authority (FORA) Controller 

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

### COORDINATION:

Administrative Committee, RUDG Task Force, and Dover, Kohl & Partners.

Prepared by

  
Josh Metz

Approved by

  
Michael A. Houlengard, Jr.

# Fort Ord Regional Urban Design Guidelines

## Preliminary Charrette Schedule v6 12/29/14

	Sunday, Feb 1 DAY ZERO	Monday, Feb 2 DAY ONE	Tuesday, Feb 3 DAY TWO	Wednesday, Feb 4 DAY THREE	Thursday, Feb 5 DAY FOUR	Friday, Feb 6 DAY FIVE	Saturday, Feb 7 DAY SIX	Sunday, Feb 8 DAY OFF	Monday, Feb 9 DAY SEVEN	Tuesday, Feb 10 DAY EIGHT	Wednesday, Feb 11 DAY NINE	Thursday, Feb 12 DAY TEN	Friday, Feb 13 DAY ELEVEN			
8:00 AM	Team Travels to Fort Ord															
9:00 AM		Set up Studio	Team Briefing	Team Briefing	Team Briefing	Team Briefing			Team Briefing	Team Briefing						
10:00 AM		Tour of Fort Ord and Surrounding Areas				Middle School Hands-on Design Session 10:00 - 12:00		Mobile Charrette (Seaside Community Center)								
11:00 AM			Technical Mtg (Transportation)	Technical Mtg (Marina)		Technical Mtg (Monterey/DRO)			Technical Mtg (Education)	Technical Mtg (TBD)						
12:00 PM												Presentation Prep				
1:00 PM		Katz/Speck/Dover Practicum	Technical Mtg (Developers)	Technical Mtg (Seaside)		Studio Design	Technical Mtg (Monterey County)		Technical Mtg (Diverse Communities)	Technical Mtg (RUDG Task Force)						
2:00 PM																
3:00 PM				Alternative Concepts Development	Alternative Concepts Development		Mobile Charrette (CSUMB University Center )	Studio Design		Studio Design				Team Departs Fort Ord	Fort Ord Board of Directors Briefing 2:00	
4:00 PM			Set-up for Presentation													
5:00 PM		Facilitator Briefing at 5:30														
6:00 PM			Charrette Kick-Off & Hands-on Design  6pm-9pm	Marina City Council Meeting	Mobile Charrette (Seaside Community Center) includes unveiling Alternative Concepts	Seaside City Council Meeting				Open House (includes Preferred Plan)						
7:00 PM																
8:00 PM																
9:00 PM																
		City Council Meetings	Technical Meetings	Community Event	Team Meetings	Open Studio Day 10am - 7pm Drop-ins Welcome							Remaining Team Departs Fort Ord			

**FORT ORD REUSE AUTHORITY BOARD REPORT**  
**EXECUTIVE OFFICER'S REPORT**

<b>Subject:</b> Travel Report	
<b>Meeting Date:</b> January 9, 2015 <b>Agenda Number:</b> 10f	<b>INFORMATION</b>

**RECOMMENDATION(S):**

Receive an informational travel report from the Executive Officer.

**BACKGROUND/DISCUSSION:**

The Executive Officer regularly submits reports to the Executive Committee on FORA staff/Board travel. The Committee reviews and approves requests, and the travel information is reported to the Board as an informational item.

**UPCOMING TRAVEL**

**Association of Defense Communities (ADC) Installation Innovation Forum**

**Destination:** Monterey, CA

**Date:** March 15-17, 2015

**Traveler/s:** Michael Houlemard, 2 Board members

Executive Officer Michael Houlemard and 2 other Board members will attend the ADC Installation Innovation Forum. The Forum will explore the cutting-edge developments that are reshaping how installations are managed and the way communities and installations work together.

\*no travel expenses will be paid for this event, as it is held locally.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

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

**COORDINATION:**

Executive Committee

Prepared by  Approved by   
 Lena Spilman Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Public Correspondence to the Board

**Meeting Date:** January 9, 2015

**Agenda Number:** 10g

**INFORMATION**

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

Correspondence may be submitted to the Board via email to [board@fora.org](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