



FORT ORD REUSE AUTHORITY (FORA)

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

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

REGULAR MEETING BOARD OF DIRECTORS Friday, March 11, 2016 at 2:00 p.m. 910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON MARCH 10, 2016.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

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

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Resolution of Appreciation ([pg. 1](#)) ACTION

7. CONSENT AGENDA

CONSENT AGENDA consists of routine items accompanied by staff recommendation.

- a. Committee Appointment Corrections/Recommendations ([pg. 2-4](#)) ACTION

8. BUSINESS ITEMS

- a. 2nd Vote: FORA Prevailing Wage Program ([pg. 5-18](#)) ACTION
- b. 2nd Vote: FORA Fiscal Year 2015-16 Mid-Year Budget ([pg. 19-26](#)) ACTION
- c. Resolution Fixing the Employer Contribution under the Public Employees' Medical and Hospital Care Act ([pg. 27-29](#)) ACTION
- d. Water Augmentation: 3-Party Pipeline Financing ([pg. 30-60](#)) ACTION
- e. University of California Monterey Bay Education Science and Technology Status Report ([pg. 61-65](#)) INFORMATION
- f. Resolution Supporting Draft Trails Concept ([pg. 66-78](#)) ACTION
- g. Regional Urban Design Guidelines (RUDG) Adoption Schedule ([pg. 79-90](#)) INFORMATION/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.

10. EXECUTIVE OFFICER'S REPORT

INFORMATION

The Executive Officer makes brief reports regarding FORA's ongoing activities or request clarification or direction regarding meeting or study session scheduling.

- a. Habitat Conservation Plan Update ([pg. 91](#))
- b. Administrative Committee ([pg. 92-95](#))
- c. Post Reassessment Advisory Committee ([pg. 96-98](#))
- d. Regional Urban Design Guidelines Task Force ([pg. 99-104](#))
- e. Veterans Issues Advisory Committee ([pg. 105-108](#))
- f. Water/Wastewater Oversight Committee ([pg. 109-114](#))
- g. Travel Report ([pg. 115-116](#))
- h. Public Correspondence to the Board ([pg. 117](#))

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT BOARD MEETING: April 8, 2016

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

Placeholder for Item 6a

Resolution of Appreciation

**This item will be made available on the FORA website prior
to the Board meeting.**

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Committee Appointment Corrections/Recommendations

Meeting Date: March 11, 2016

Agenda Number: 7a

ACTION

RECOMMENDATION(S):

Confirm Chair's Committee Appointment Corrections/Recommendations (**Attachment A**).

BACKGROUND/DISCUSSION:

The Board confirmed 2016 Committee Appointments at its February 12, 2016 meeting. Since this approval, a number of corrections and adjustments have come up due to staffing changes and committee member availability. The revised memo (**Attachment A**) shows red-lined changes to the February 12, 2016 Committee Appointments.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

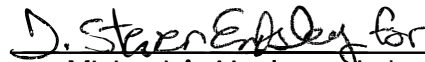
COORDINATION:

Chair Frank O'Connell, Administrative and Executive Committees.

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

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MEMORANDUM

TO: Chair O'Connell
FROM: Jonathan Brinkmann, Principal Planner
RE: Item 5b: Committee Appointment Corrections/Recommendations
DATE: March 11, 2016

FORA STANDING COMMITTEES

Each year at the February Board meeting, the FORA Chair recommends appointments to FORA's Finance and Legislative Committees for Board confirmation. This is an ideal time to inform the Board of any changes in Ad-Hoc advisory committee membership. Appointees serve for a term of one (1) year and are chosen from ex-officio, voting, or alternate Board members.

Current membership:

Finance Committee:

Councilmember Morton, City of Marina (Chair)
Mayor Pro-Tem Oglesby, City of Seaside
Nick Chiulos, County of Monterey
Andre Lewis, CSUMB
Councilmember Lucius, City of Pacific Grove

Legislative Committee:

Supervisor Potter, Monterey County (Chair)
Chair/Mayor Pro-Tem O'Connell, City of Marina
Mayor Rubio, City of Seaside
Mayor Edelen, City of Del Rey Oaks
Mayor Pendergrass, City of Sand City

Proposed membership:

Finance Committee:

Same as current with the addition of:
Councilmember Alan Haffa, City of Monterey
~~NO~~
~~CHANGE~~

Legislative Committee:

NO CHANGE

FORA AD-HOC ADVISORY COMMITTEES

The Chair is also responsible for creation and appointment to all *ad-hoc* advisory committees. These appointments do not require Board confirmation and are not term-limited, as *ad-hoc* committees are, by definition, convened for a limited term/purpose. Extensions to the RUDG Task Force, Post Reassessment Advisory Committee, Veterans Issues Advisory Committees, and Water/Wastewater Oversight Committee are needed as they expire this month (see attached committee charges).

Current membership:

Regional Urban Design Guidelines (RUDG)

Task Force:

Executive Officer Michael Houlemard, FORA (Chair)
Councilmember Beach, City of Carmel
City Manager Daniel Dawson, City of Del Rey
City Manager John Dunn, City of Seaside
City Manager Layne Long, City of Marina
Director Carl Holm, Monterey Cnty. Resource Mgmt.
Principal Planner Elizabeth Caraker, City of Monterey
[Anya Spear, CSUMB \(corrected\)](#)

Proposed membership:

Regional Urban Design Guidelines (RUDG)

Task Force:

Executive Officer Michael Houlemard, FORA (Chair)
Councilmember Beach, City of Carmel
City Manager Daniel Dawson, City of Del Rey
Diana~~e~~ Ingersoll, City of Seaside
City Manager Layne Long, City of Marina
Director Carl Holm, Monterey Cnty. Resource Mgmt.
Principal Planner Elizabeth Caraker, City of Monterey
[Anya Spear, CSUMB \(corrected\)](#)

Current membership:

Post-Reassessment Advisory Committee:

Proposed membership:

Post-Reassessment Advisory Committee:

Councilmember Beach, City of Carmel (Chair)
Councilmember Morton, City of Marina
Supervisor Parker, County of Monterey
President Ochoa, CSUMB (Alt: Andre Lewis)
Mayor Rubio, City of Seaside
Alan Haffa, City of Monterey (Alt: Ed Smith)
~~Graham Bice, UCMBEST (Alt: Steve Matarazzo)~~

Councilmember Beach, City of Carmel (Chair)
Councilmember Morton, City of Marina
Supervisor Parker, County of Monterey
President Ochoa, CSUMB (Alt: Andre Lewis)
Mayor Rubio, City of Seaside
~~Alan Haffa, City of Monterey (Alt: Ed Smith, City of Monterey)~~
Steve Matarazzo, UCMBEST

Veterans Issues Advisory Committee (VIAC):

Mayor Edelen, City of Del Rey Oaks (Chair)
Mayor Gunter, City of Salinas
Mayor Pro-Tem Oglesby, City of Seaside
Command Sgt. Major Wynn, U.S. Army
James Bogan, United Veterans Council
Sid Williams, Mont. County Military & VA Commission
Wes Morrill, Mont. County Office of Military & Vets Affairs
Edith Johnsen, Veterans Families/Fund Raising
Greg Nakanishi, CCVC Foundation
Jack Stewart, Fort Ord VCCAC

Veterans Issues Advisory Committee (VIAC):

Mayor Edelen, City of Del Rey Oaks (Chair)
Mayor Gunter, City of Salinas
Mayor Pro-Tem Oglesby, City of Seaside
~~Command Sgt. Major Wynn~~Master Sgt. Alan Gerardo,
U.S. Army
Preston Young, U.S. Army
Mary Estrada, United Veterans Council
Sid Williams, Mont. County Military & VA Commission
George Dixon, Mont. County Office of Military & Vets Affairs (Alt: Wes Morrill), Mont. County Office of Military & Vets Affairs
Edith Johnsen, Veterans Families/Fund Raising
~~Greg Nakanishi~~Richard Garza, CCVC Foundation
Jack Stewart, Monterey County California Central Coast Veterans Cemetery Advisory Committee~~Fort Ord VCCAC~~
James Bogan, Disabled American Veterans

Water / Wastewater Oversight Committee (WWOC)

Daniel Dawson, Dennis Allion, City of Del Rey Oaks
Elizabeth Caraker, Steve Wittry, City of Monterey
Rick Reidl, Tim O'Halloran, City of Seaside
Melanie Beretti, Nick Nichols, County of Monterey
Layne Long, City of Marina
Graham Bice, Steve Matarazzo, UCSC-MBEST
Chris Placco, Mike Lerch, CSUMB

Water / Wastewater Oversight Committee (WWOC)

Daniel Dawson, City of Del Rey Oaks (Alt: Dennis Allion, City of Del Rey Oaks)
Elizabeth Caraker, City of Monterey (Alt: Steve Wittry, City of Monterey)
Rick ~~Reidl~~, City of Seaside (Alt: Tim O'Halloran), City of Seaside
Melanie Beretti, County of Monterey (Alt: Nick Nichols)
Layne Long~~Nourdin Khayata~~, City of Marina
Steve Matarazzo, UCSC-MBEST
Mike Lerch, CSUMB (Alt: Chris Placco, CSUMB)

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: 2nd Vote: FORA Prevailing Wage Program

Meeting Date: March 11, 2016

Agenda Number: 8a

ACTION

RECOMMENDATION:

Second vote: Adopt the Prevailing Wage Compliance Program Option A (**Attachment A**).

BACKGROUND/DISCUSSION:

This item failed to receive a unanimous vote at the February 12, 2016 Board Meeting.

Please see the attached February 12 Board Report regarding this item (**Attachment B**).

Please also see the attached opinion of Authority Counsel regarding the question posed by the Dunes on Monterey Bay developer (**Attachment C**).

FISCAL IMPACT:

Reviewed by FORA Controller 

The annual budget includes about \$380,000 in property tax revenue that could be used to fund up to \$200,000 for the Prevailing Wage monitoring effort.

COORDINATION:

Authority Counsel, Executive Committee

Prepared by 
Robert J. Norris, Jr.

Approved by  for
Michael A. Houlemard, Jr.

Fort Ord Prevailing Wage Policy Options

Attachment A to Item 8a
FORA Board Meeting, 3/11/16

Description	Option A	Option B	Option C
Summary	FORA compliance with mix of 1 FORA staff and consultant monitors as needed	FORA compliance through staff monitors	Status Quo compliance provided by individual jurisdictions
FORA Master Resolution Amendment	Yes	Yes	Yes
Estimated Cost	80 hours week compliance software \$200,000 per FY.	Assuming 2 FTE compliance software: \$350,000 /per year.	Varies by jurisdiction
Estimated Schedule	Selection period Estimated 2 months.	Selection period Estimated 4 months.	Unknown
Estimated Duration	5 years if jurisdictions assume after 06/30/20	5 years if jurisdictions assume after 06/30/20	5 years or more; May change after 06/30/2020
Flexibility with changing development cycles	Flexibility could be addressed in contract	Hiring additional personnel when needed will be challenging	
Long-term obligations	FORA responsibility ends on 06/30/2020	Any retiree benefits will be addressed in FORA dissolution plan	

FORT ORD REUSE AUTHORITY BOARD REPORT
BUSINESS ITEMS

Subject: Fort Ord Reuse Authority Prevailing Wage Program

Meeting Date: February 12, 2016

Agenda Number: 8a

INFORMATION/ACTION

RECOMMENDATION(S):

- I. Approve the deferred Board action to adopt the Prevailing Wage Compliance Program Option A (**Attachment A**), now determined by Finance Committee (FC) review on February 1, 2016 that there is sufficient funding available to carry out the proposed program expenditures of up to \$200,000. FC did not consider the item for funding.

BACKGROUND/DISCUSSION:

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

FORA staff researched options for a FORA prevailing wage compliance program. **Attachment A** compares three (3) options for a FORA prevailing wage compliance support program. FORA staff's assumption of two full-time staff positions or equivalent consultant hours to monitor, respond to inquiries, and prepare reports is based on FORA Capital Improvement Program development forecasts.

Finance Committee has determined that adequate funding for this compliance work in the revised mid-year budget. If approved the cost for FORA to perform this work in the staff recommended option could range up to \$200,000/year. A PowerPoint has been prepared to explain the FORA Prevailing Wage Compliance Support program (**Attachment B**).

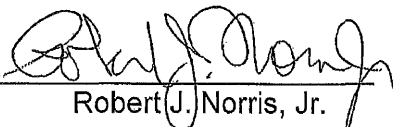
FISCAL IMPACT:


Reviewed by FORA Controller 

The annual budget includes about \$380,000 in property tax revenue that could be used to fund up to \$200,000 for the Prevailing Wage monitoring effort.

COORDINATION:

Authority Counsel, Finance Committee

Prepared by 
Robert J. Norris, Jr.

Approved by 
Michael A. Houlemard, Jr.

Placeholder for Item 8a Attachment C

2nd Vote: FORA Prevailing Wage Program

**This item will be made available on the FORA website in
advance of the Board meeting.**

MEMORANDUM

KENNEDY, ARCHER & GIFFEN
A Professional Corporation

DATE: March 4, 2016
TO: FORA Board of Directors
FROM: Authority Counsel
MATTER: Relationship Between California Prevailing Wage Law and Cypress Marina Heights Settlement

I. ISSUES

Authority Counsel has been asked to analyze the following issue:

- A. **What is the relationship between § 1725.5 (SB 854), Disclosure Requirements under Section 1776 (AB 766), and the Settlement Agreement re: University Villages/Dunes on Monterey Bay Development (“UV/DMB”)?**

As far as Authority Counsel understands the question presented to it, there is little or no direct link between the Labor Code requirements, which are enforced by the Department of Industrial Relations, and the Settlement Agreement regarding UV/DMB, which is a private agreement (to which FORA is not a party) and enforceable as a matter of contract law through a civil action in court.

II. FACTS

The following facts inform the analysis of the foregoing issues.

A. **UV/DMB Settlement Agreement**

In October 2006, the Monterey/Santa Cruz County Building and Construction Trades Council (“Council”), along with a couple unions and individuals, filed suit in Monterey Superior Court (case no. M81343) against Marina Community Partners LLC; Shea Properties LLC; W.L. Butler Construction, Inc.; City of Marina Redevelopment Agency; Board of the The City of

Marina Redevelopment Agency, individuals sued in their official capacities; Cypress Marina Heights LP; East Garrison Partners I LLC; Redevelopment Agency of The County of Monterey; Board of The Redevelopment Agency of the County of Monterey, individuals sued in their official capacities. The dispute related to the UV/DMB Development, and specifically to the basis and scope of prevailing wage requirements. In September 2008, the Plaintiffs settled with some of those defendants, namely: Marina Community Partners LLC; Shea Properties LLC; W.L. Butler Construction, Inc.; City of Marina Redevelopment Agency; Board of the City of Marina Redevelopment Agency, individuals sued in their official capacities (“Settlement”). That Settlement recited that:

In exchange for (1) Defendants’ prospective agreement that “First Generation Construction” ... undertaken on the UV/DMB Development ... shall be subject to (a) the prevailing wage provisions of the FORA Master Resolution, (b) the California Prevailing Wage Law, and (c) the terms and conditions of the Stipulation and Order set forth at Exhibit 1[.]

(Settlement, p. 2, Recital G.)

The Settlement incorporates a “Stipulation.” The Stipulation provides that the settling defendants would “pay prevailing wages and shall require all of their contractors and subcontractors to comply in all respects with the prevailing wage law, in accordance with Labor Code section 17200 et seq. and implementing regulations of the Department of Industrial Relations, on all ‘First Generation Construction’ work associated with the redevelopment project known as” UV/DMB.”¹ (Stipulation, 2:9-14.) The settling defendants also:

... shall require their contractors and subcontractors, (a) to keep and retain certified payroll records, in compliance with Labor Code section 1776, demonstrating payment of prevailing wages, (b) to provide notice of the location of such certified payroll records, as required by Labor Code section 1776, to the City of Marina Redevelopment Agency and to Plaintiffs, and (c) to provide true and correct copies of such certified payroll records, redacting or obliterating to prevent disclosure only the

¹ “The term ‘First Generation Construction’ means construction performed during the development and completion of each parcel of real property subject to the DDA at the time of transfer from the City of Marina Redevelopment Agency to a developer(s) or other transferee and until issuance of a certificate of occupancy to the initial owners or tenants of each parcel.” (Stipulation, 2:14-17.)

employees' names and first three digits of their Social Security numbers, to any joint labor-management committee request such records no later than 10 business days after receiving a written request therefor, subject to the joint labor-management committee's payment of copy costs pursuant to Labor Code section 1776 and the regulations promulgated thereunder.

(Stipulation, 3:2-11.)

B. Shea Homes' Request for Analysis

On February 19, 2016, Wendy Elliot of Shea Homes, on behalf of "Marina Community Partners," sent an email to FORA Staff. She states:

Please consider this written confirmation of a request we've made, to both the Admin Committee and to the FORA Board, that FORA staff and Authority Counsel prepare an analysis of the interaction between the DIR registration and disclosure process under SB 854 and the process for disclosure of payroll information set forth in the Settlement Agreement We understand FORA staff believes that ALL projects located on the former Fort Ord could be defined as "public works" however, we would like FORA counsel to opine on this assertion within the requested analysis.

III. ANALYSIS

A. FORA Registration Requirements (SB 854/ § 1725.5) and Payroll Disclosure Requirements (AB 766/ § 1776)

Section 1725.5 (SB 854) provides that "[a] contractor shall be registered pursuant to this section to be qualified to bid on, be listed in a bid proposal ... or engage in the performance of *any public work* contract that is subject to the requirements of this chapter." Section 1776 (AB 766) provides that "[e]ach contract and subcontractor shall keep accurate payroll records ... *in connection with the public work.*" (§ 1776, subd. (a).) If a project is not a "public work," the PWL does not apply and the contractor is not obligated to be registered under section 1725.5/SB 854 or to keep or provide such records under section 1776/SB 1776. So far, the DIR has not ruled that any project on Fort Ord qualifies as a public work. Of course, discussions are ongoing on that point. The fact that Fort Ord properties are specifically discounted when sold to developers to allow the payment of prevailing wages suggests that the development is a "public

work.” (§ 1720, subds. (a) & (b).) But that determination is for the Department of Industrial Relations to make with respect to a given project; so far, it has not made it.

B. Relationship Between Settlement and PWL

Shea Homes requested:

Authority Counsel [to] prepare an analysis of the interaction between the DIR registration and disclosure process under SB 854 and the process for disclosure of payroll information set forth in the Settlement Agreement We understand FORA staff believes that ALL projects located on the former Fort Ord could be defined as “public works” however, we would like FORA counsel to opine on this assertion within the requested analysis.

If a project such as the UV/DMB Development is a “public work,” then SB 854 would require contractors and subcontractors to register with the Department of Industrial Relations pursuant to SB 854. (§ 1725.5.) The contractor would also be subject to the disclosure requirements of AB 766 by virtue of that legislation. (§ 1776.) That is for the DIR to interpret and enforce. Meanwhile, if any party to the Settlement had disclosure or other obligations pursuant to the Settlement and Stipulation, those obligations would be privately enforceable by parties to those instruments pursuant to Code of Civil Procedure section 664.6, or by whatever other legal measures they wish to pursue. However, FORA is neither a party to the Settlement nor a spokesperson for the DIR whose charge it is to enforce the PWL.

MEMORANDUM

KENNEDY, ARCHER & GIFFEN
A Professional Corporation

DATE: March 4, 2016
TO: FORA Board of Directors
FROM: Authority Counsel
MATTER: FORA's Authority to Access Unredacted Payroll Information

I. ISSUES

Authority Counsel has been asked to analyze the following issue:

A. **Does FORA have the authority under Assembly Bill (AB) 766/ Labor Code section 1776¹ to inspect unredacted payroll records?**

Executive Summary of Analysis: The threshold issue is whether a project is a “public work” as section 1720, subdivisions (a) and (b) uses that term. FORA contends that certain projects, if not all development projects, are “public works.” However, the Department of Industrial Relations (“DIR”) has yet to make that determination. Without such a determination, it is unlikely that FORA can demand a contractor on a development project to comply with the inspection and disclosure provisions of section 1776.

If a project *is* a public work, there are three classes of persons entitled to inspect payroll records under section 1776. First, the employee or employee’s representative can inspect the documents. FORA is not the employee or the employee’s representative, but there is a possibility here for FORA to work with labor representatives or attorneys, or with employees themselves, to require compliance with section 1776. Second, the DIR or the “body awarding the contract” can inspect documents. FORA is clearly not the DIR. And it is not a *party* to the development or construction contracts, but may argue that it is a body “awarding” the contract by

¹ Unless otherwise specified, all references herein to a statutory section shall refer to the Labor Code.

virtue of its special place disposing of the lands that are developed at below market prices. Third, any member of the public can inspect the employment documents. However, records produced to the public must be redacted and may therefore be less useful.

II. FACTS

The following facts inform the analysis of the foregoing issues.

A. Mechanics of FORA Conveyances

FORA received fee title for most of Fort Ord from the U.S. Army. It is the “principal local public agent” for purposes of acquiring, repurposing, and conveying that land. (See Gov. Code, § 67678.) To carry out those obligations, FORA entered into Implementation Agreements (“IAs”) with the local jurisdictions, the Cities of Marina, Seaside, and Monterey, and the County of Monterey. The IAs are recorded. And when FORA conveys land to those jurisdictions, the deed of conveyance incorporates the applicable IA. The IA, in turn, requires the jurisdiction to “use or transfer” any such property in compliance with the Master Resolution. (See *Monterey/Santa Cruz County Bldg & Constr. Trades Council v. Cypress Marina Heights, LP* (2011) 191 Cal.App.4th 1500, 1506 (*Cypress Marina Heights*).) Section 3.03.090 of the Master Resolution, FORA’s prevailing wage requirement (“FORA PWR”), provides that “[n]ot less than the general prevailing rate of wages ... will be paid to all workers employed on the First Generation Construction performed on parcels subject to the Fort Ord Reuse Plan.” Developers are obligated to abide by the terms of the FORA PWR as a matter of property and contract law. (*Cypress Marina Heights, supra*, 191 Cal.App.4th at pp. 1518-1520.)

B. Finances of Conveyances

When FORA conveys property at Fort Ord to its constituent jurisdictions, it typically does so at no cost to the jurisdiction. The jurisdictions then convey the same land to developers at prices that are reduced from open/fair market prices to account for developer fees, prevailing wage requirements, on-site mitigation, building removal (though FORA sometimes pays for

building removal), etc. For instance, the Reuse Valuation for the University Villages Project (“UV”) in Marina provided: “It is important to note that this Reuse Valuation assumes that all construction costs in the Project ... pay prevailing wages. Prevailing wages adds significantly to the cost of construction for the Project. If all construction in the Project is not required to pay prevailing wages, the Reuse Value may need to be adjusted.”² (UV Reuse Valuation, May 2005, p. 16 [underlining added].) Further, Tables 3 and 4 of the Reuse Valuation indicate that the added cost to the developer of paying prevailing wages was deducted from the sales price. The Reuse Valuation goes on to say that “The DDA includes covenants and conditions that impact the development economics and hence the value of the interests conveyed to the Developer.” (UV Reuse Valuation, May 2005, p. 17.) While prevailing wages are not specifically listed in the following discussion, there is still clear evidence in the Reuse Valuation that the cost of prevailing wages were a factor in determining the value of the UV project land sale price.

Once the local jurisdiction sold the land to the developer, it would remit one-half of the proceeds to FORA.

III. ANALYSIS

Restated, the issues are (A) when is a contractor bound to keep and disclose payroll records [answer: only on “public works” projects] and (B) to whom must the contractor disclose them [answer: the employee/employee’s representative, the DIR, or redacted copies to the public].

A. To What Does § 1776 Apply? “Public Works”

Section 1776 provides that “[e]ach contract and subcontractor shall keep accurate payroll records ... *in connection with the public work.*” (§ 1776, subd. (a)). If a project is not a “public

² The Reuse Valuation also plainly provided: “To the extent prevailing wages are required to be paid either pursuant to Labor Code Sections 1720 et seq. or pursuant to the FORA Master Resolution, the Developer must cause the Project’s contractor and subcontractors to pay prevailing wages in the construction of the Project as those wages are determined pursuant to the Labor Code and implementing regulations of the Department of Industrial Relations.” (UV Reuse Valuation, May 2005, p. 4.)

work,” the PWL does not apply and the contractor is not obligated to keep or provide such records (unless there is some other source for such obligations). So far, the DIR has not ruled that any project on Fort Ord qualifies as a public work. Of course, discussions are ongoing on that point. The fact that Fort Ord properties are specifically discounted when sold to developers to allow the payment of prevailing wages suggests that the development is a “public work.” (§ 1720, subs. (a) & (b)). But that determination is for the Department of Industrial Relations to make with respect to a given project; so far, it has not made it.

B. Who Can Obtain Records and Under What Terms?

Section 1776, subdivision (a) provides that:

Each contractor and subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work.

(§ 1776, subd. (a).)

Subdivision (b) states that the records “shall be available for inspection at all reasonable hours at the principal office of the contractor on the following basis”:

- (1) A certified copy of an employee’s payroll record shall be made available for inspection or furnished to the employee or his or authorized representative on request.
- (2) A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the body awarding the contract and the [DIR].
- (3) A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request by the public for inspection or for copies thereof. However, a request by the public shall be made through either the body awarding the contract or the Division of Labor Standards Enforcement. If the requested payroll records have not been provided pursuant to paragraph (2), the requesting party shall, prior to being provided the records, reimburse the costs of preparation by the contractor,

subcontractors, and the entity through which the request was made. The public may not be given access to the records at the principal office of the contractor.

Subdivision (e) states:

Except as provided in subdivision (f), **any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by the awarding body or the [DIR] shall be marked or obliterated to prevent disclosure of an individual's name, address, and social security number.** The name of the contractor awarded the contract or the subcontractor performing the contract shall not be marked or obliterated. Any copy of records made available for inspection by, or furnished to, a multiemployer Taft-Hartley trust fund (29 USC s. 186(c)(5) that requests the records for the purposes of allocating contributions to participants shall be marked or obliterated only to prevent disclosure of an individuals' full social security number, but shall provide the last four digits of the social security number. Any copy of records made available for inspection by, or furnished to, a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 USC s. 175a) shall be marked or obliterated only to prevent disclosure of an individual's social security number.

(§ 1776, subd. (e).)

1. An "Employee" or "Representative"

If a project is a public work, the employee or an employee's representative can request unredacted copies of all records. (§ 1776, subd. (b)(1)). An employee's representative may include a labor representative; it would certainly appear to include an attorney. Therefore, the employee or its representative is in a position to obtain and forward any record which could assist anyone else in determining whether a contractor has fulfilled its obligations under the FORA PWR or the PWL. Even FORA does not have the authority to directly compel production of these records, it may be able to work with the employee or employee's representative/attorney to compel production of the records.

2. **A “Body Awarding the Contract”**

FORA is not a party *to* the contract. But neither is it a stranger to the contract. FORA’s gratis disposition of the land is what makes the contract (at below market rate to allow the payment of prevailing wage) possible in the first place. As such, it has a colorable argument, thus far untested, that it is therefore a “body *awarding* the contract.” If in fact it can demonstrate that it is an awarding body, FORA would have the right to inspect payroll records under section 1776, subdivision (b)(2)).

3. **The “Public”**

FORA certainly has authority as a member of “the public” to inspect records. (§ 1776, subd. (b)(3)). However, if it obtains records merely as member of the public, the party producing them would be obligated to redact certain information. (§ 1776, subd. (e).)

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	2 nd Vote: FORA Fiscal Year 2015-16 Mid-Year Budget	
Meeting Date:	March 11, 2016	ACTION
Agenda Number:	8b	

RECOMMENDATION:

Adopt the fiscal year 2015-16 (FY 15-16) mid-year budget approving additional expenditures, as recommended by the Finance and Executive Committees - 2nd Vote.

BACKGROUND / DISCUSSION:

At the February 12, 2016 meeting, the FORA Board reviewed the FY 15-16 mid-year budget (**Attachment A**).

The Board voted to approve the mid-year budget including the following additional FY 15-16 expenditures. The vote was not unanimous (1 dissenting vote), therefore, the 2nd vote is required.

1. \$23,669 – health insurance / employer contribution increase (\$47,338 annual cost)
2. \$10,000 – independent HR consultant / 2011 Salary Survey update
3. \$5,000 – administrative expenses / records archiving
4. \$40,000 – Authority Counsel budget increase / extended Preston Park sale negotiations

The Executive Committee was unable to provide salary/benefits recommendation to the Board prior to the first vote. They met on March 2, reviewed items #1 and #2 and recommend approval.

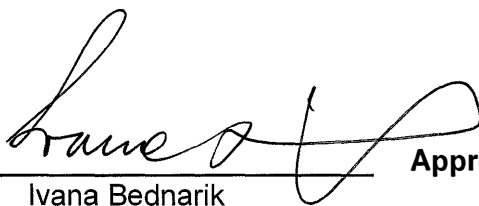
FISCAL IMPACT:

The combined fund ending balance at June 30, 2016 is anticipated to be about \$18.9 Million (this amount does not include non-spendable or committed funds such as the habitat management set-aside). Per the approved FY 15-16 budget, \$10 Million has been designated to FORA reserve account and \$5 Million for building removal reserve.

COORDINATION:

Finance Committee, Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD

BUSINESS ITEMS

Subject:	Fort Ord Reuse Authority Fiscal Year 2015-16 Mid-Year Budget	
Meeting Date:	February 12, 2016	ACTION
Agenda Number:	8b	

RECOMMENDATION:

Adopt the Fort Ord Reuse Authority (FORA) Fiscal Year 2015-16 (FY 15-16) Mid-Year Budget approving additional expenditures, as recommended by the Finance Committee (as specified in the "Coordination" section below).

BACKGROUND:

The mid-year budget update is typically provided by the March Board meeting. This report covers the status of the FY 15-16 budget approved at the May 8, 2015 Board meeting. The Finance Committee reviewed the mid-year budget at its February 1 meeting; the Executive Committee was scheduled to review certain items on February 3, 2016.

DISCUSSION:

The approved FY 15-16 budget assumed the City of Marina's acquisition of Preston Park by June 2015; therefore, reported in the previous FY. Since the purchase did not happen until September 2015, this sale transaction is now included in the current FY. Consequently, the mid-year budget shows both revenue and expenditure net increases to account for the Preston Park land sale revenues and loan payoff/debt service expenses.

REVENUES: Net Increase \$29.5 Million

➤ *Significant additions:*

- \$33 Million in land sale proceeds and legal fees reimbursement (Preston Park sale to City of Marina).

➤ *Significant reductions:*

- \$3 Million in borrowed funds. I-Bank loan to provide bridge financing to capital projects was not required due to Preston Park sale completion and I bank underwriting issues.
- \$.5 Million in federal grant/local match monies (the building removal grant was not awarded; these funds were replaced in the budget by the land sale proceeds dedicated to building removal) and reduction in anticipated investment income due to low interest rates and delayed land sale transaction.

Update on other significant revenues:

- Community Facilities District/development fee (CFD fees) budgeted at \$5.6 Million: collection is about 80% at mid-year. CFD fee projections are approved with the FORA Capital Improvement Program (CIP) budget and included in the overall annual budget.
- Property Tax revenue budgeted at \$1.7 Million: the first payment (payment 1 of 2) of \$.9 Million indicates conformity with the budget (as the second payment is typically smaller).

EXPENDITURES: Net Increase \$18 Million

➤ *Significant additions:*

Funding **authorized by the Board** since the budget approval:

- \$17.9 Million for Preston Park loan payoff and debt service through the sale transaction (approved 6/12/15 with PP loan extension)
- \$157,000 water augmentation planning (approved 11/2/2015)

Funding **requested:**

- \$33,669 for staffing adjustments as follows:
 - a) \$23,669 additional funding for health insurance/employer share. This is a prorated FY 15-16 cost (6 months), the annual cost is estimated at \$47,338.
 - b) \$10,000 for an independent consultant to conduct the 2011 Salary Survey update as several new positions were established and responsibilities added to existing positions.
- \$5,500 for Record Archiving; approved budget estimated at \$10,000, did not anticipate purchase of dedicated server to support the electronic filing system. Additional \$5.5K is needed to complete implementation.
- \$40,000 for Authority Counsel to cover extended services on Preston Park closing from June to September.

➤ *Significant reductions:*

Staff anticipates savings in several budget categories:

- \$50,000+ in Salaries and Benefits as a result of hiring dates/salary levels of replaced employees and/or new hires.
- \$175,000+ in Consulting/Contractual services due to staff securing contracts under the budgeted amounts.
- The CIP projects, including building removal, may not all be completed as budgeted in the approved FY 15-16 CIP, but they are typically not adjusted at mid-year.

Other Budget Items: Prevailing Wage (PW) compliance program.

The mid-year budget includes, *as an example only*, the breakdown of the PW compliance program costs (considered under *Item 8a on this Agenda*).

\$76,750 for PW monitoring includes one staff position, reporting software, and PW consultant/auditor. This is a prorated FY 15-16 cost (4 months), the annual cost is estimated at \$200,000. Recommended source of funding is property tax allocated to the CIP program.

This expense is not included in the mid-year budget.

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

Attachment B depicts the mid-year budget by individual funds, highlighted parts indicate significant adjustments in a particular line item or category.

Attachment C itemizes updated expenditures (*PW Compliance costs are included as an example only and are not included in budget totals*).

Attachment D provides proposed staffing/benefits adjustments (*PW Compliance costs are included as an example only and are not included in budget totals*).

FISCAL IMPACT:

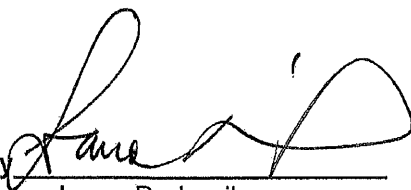
As a result of the proposed budget adjustments, the combined fund ending balance at June 30, 2016 is anticipated to be about \$18.9 Million (this amount does not include non-spendable or committed funds such as the habitat management set-aside). Per the approved FY 15-16 budget, \$10 Million has been designated to FORA reserve account and \$5 Million for building removal reserve.

COORDINATION:

Finance Committee, Executive Committee

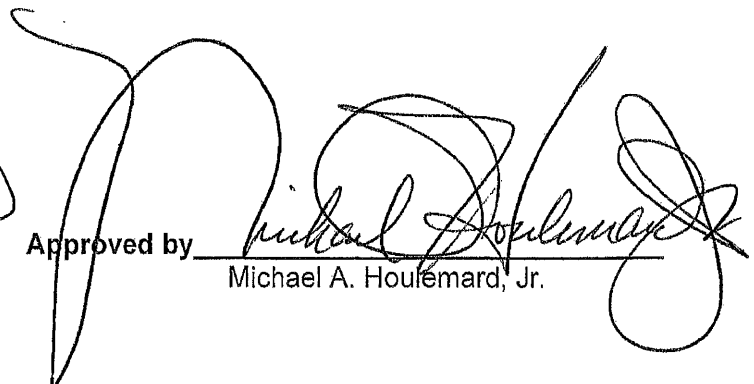
1. Finance Committee (making recommendations on funding availability);
 - i) The budget includes about \$380,000 in property tax revenue that a portion of could be allocated to the Prevailing Wage monitoring effort or to other expenditure/project as decided by the FORA Board,
 - ii) The budget includes sufficient funding to absorb mid-year adjustments, and
 - iii) Adopt the FY 15-16 mid-year budget.
2. Executive Committee (makes recommendations to the Board regarding staffing/benefits adjustments);
 - i) The February 3, 2016 meeting was not held due to a lack of a quorum and the Committee was not able to review or act on the budget items to provide recommendation/s.

Prepared by



Ivana Bednarik

Approved by



Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY - REVISED FY 15-16 ANNUAL BUDGET - ALL FUNDS COMBINED

CATEGORIES	FY 15-16 APPROVED	FY 15-16 Variances <i>Incr (decrease) projected</i>	FY 15-16 REVISED	NOTES
REVENUES				
Membership Dues	\$ 261,000		\$ 261,000	
Franchise Fees - MCWD	265,000		265,000	
Federal Grants	1,074,156	(224,000)	850,156	Building removal grant not awarded.
In-kind Local Match	28,000	(28,000)	-	Local match (CSUMB/Seaside) /grant not awarded.
PLL Insurance Payments	360,000		360,000	
Development Fees	5,585,000		5,585,000	Includes \$2.078M from Preston Park sale.
Land Sale Proceeds	485,000	32,221,165	32,706,165	Preston Park purchas moved from FY 14-15 (June 2015).
Rent Proceeds	45,000		45,000	
Property Taxes	1,679,468		1,679,468	
Reimbursement Agreements	25,000		25,000	
Loan Proceeds	3,000,000	(3,000,000)		I-Bank bridge financing not required
Investment/Interest Income	270,000	(160,000)	110,000	Delayed revenue collection (Preston Park sale), low interest rates.
Other Revenues	-	700,000	700,000	Preston Park attorneys' Fees reimbursements (FORA/Rabobank).
TOTAL REVENUES	13,077,624	29,509,165	42,586,789	<i>Increased net revenues due to Preston Park purchase deferral to FY 15-16</i>
EXPENDITURES				
Salaries & Benefits	2,902,169	(26,331)	2,875,838	
Supplies & Services	225,700	5,500	231,200	
Contractual Services	1,938,947	(125,000)	1,813,947	
Capital Projects (CIP)	11,498,103	157,000	11,655,103	
Debt Service (P+i)	67,500	17,917,424	17,984,924	
TOTAL EXPENDITURES	16,632,418	17,928,593	34,561,012	<i>Increased net expenses in FY 15-16; refer to Itemized Expenditures attachment for detail</i>
NET REVENUES				
Surplus (Deficit)	(3,554,794)	11,580,572	8,025,777	
FUND BALANCES				
Beginning	26,132,159	(15,231,160)	10,900,999	\$10.9M audited total fund balance at 6/2015, includes spendable funds only.
Ending	\$ 22,577,365	\$ (3,650,589)	\$ 18,926,776	Ending Fund Balance (Includes FORA Reserve: \$10M)
			10,000,000	FORA RESERVE ACCOUNT
			5,300,000	Designated: CalPERS pension liability (Including termination liability at 2020)
			4,700,000	Undesignated: Operating obligations through 2020 (future designations are subject to Board's approval)

Attachment A to Item 8b
FORA Board Meeting, 2/12/16

FORT ORD REUSE AUTHORITY - REVISED FY 15-16 ANNUAL BUDGET - BY FUND

CATEGORY	SPECIAL REVENUE FUNDS (SRF)					TOTAL ANNUAL BUDGET
	GENERAL FUND	LEASES LAND SALE	Developer / CFD Fees	EDA BR Plan	ARMY ESCA	
REVENUES						
Membership Dues	261,000					261,000
Franchise Fees - MCWD	265,000					265,000
Federal Grants					850,156	850,156
In-kind Local Match						-
PLL Insurance Payments	360,000					360,000
Development Fees			5,585,000			5,585,000
Land Sale Proceeds		32,706,165				32,706,165
Rental/Lease Revenues	45,000					45,000
Property Tax Payments	1,300,000		379,468			1,679,468
Reimbursement Agreements	25,000					25,000
Loan Proceeds (I-Bank)						-
Investment/Interest Income	90,000		20,000			110,000
Other Income	700,000	-	-	-	-	700,000
Total Revenues	3,046,000	32,706,165	5,984,468	-	850,156	42,586,789
EXPENDITURES						
Salaries & Benefits	2,190,899	-	340,208		344,732	2,875,838
Supplies & Services	180,359	-	25,417		25,424	231,200
Contractual Services	1,160,000	2,000	196,947		480,000	1,838,947
Capital Projects	-	6,820,000	4,810,103		-	11,630,103
Debt Service	-	17,984,924	-		-	17,984,924
Total Expenditures	3,531,257	24,806,924	5,372,675	-	850,156	34,561,012
REVENUES OVER (UNDER)	(485,257)	7,899,241	611,793	-	-	8,025,777
OTHER FINANCING SOURCES (USES)						
Transfer In/(Out) - PP sale funds to RESERVE	6,500,000	(6,500,000)				-
Transfer In/(Out) - PP loan repay principal						-
Transfer In/(Out) - EDA/BR local match	-	-	-	-	-	-
Total Other Financing Sources (Uses)	6,500,000	(6,500,000)	-	-	-	-
REVENUES & OTHER SOURCES OVER	6,014,743	1,399,241	611,793	-	-	8,025,777
FUND BALANCE-BEGINNING 7/1/15	6,287,924	3,925,777	687,298	-	-	10,900,999
FUND BALANCE-ENDING 6/30/16	12,302,668	5,325,018	1,299,091	-	-	18,926,776

prevailing wage funding source

plus \$10 M (estlm)
Habitat Management Acct

FUND GLOSSARY

- General Fund Accounts for general financial resources
- Lease/Land Sale Proceeds Fund Land sale proceeds finance CIP (building removal),
- CFD Tax/Developer Fees CFD tax/Developer fees finance CIP (CEQA mitigations)
- EDA/BR Plan Grant Finances the Building Removal Business Plan, requires 25% local match
- ET/ESCA Army Grant Finances the munitions and explosives cleanup activities
- ET/ESCA fund balance: FORA's share of unspent Army grant (for Program Management and Regulatory Response costs) is held in a separate bank account and, for financial/budgeting purposes, recognized when earned. Estlm. balance \$1.4M at June 30, 2016.

**Attachment C to Item 8b
FORA Board Meeting, 2/12/16**

ANNUAL FY 15-16 BUDGET - REVISED

ITEMIZED EXPENDITURES

EXPENDITURE CATEGORIES	FY 15-16 APPROVED	Variance/s	FY 15-16 REVISED	NOTES
"PW" indicates Prevailing Wage Compliance expenses as an EXAMPLE only, PW amounts are not included in budget totals.				
SALARIES AND BENEFITS (S & B)				
SALARIES - Existing Staff (15 positions)	1,659,616	(50,000)	1,609,616	Anticipated savings due to hiring date/level variances
BENEFITS/HEALTH, RETIREMENT, OTHER	567,482	23,669	591,151	Proposed health insurance benefit increase
TEMP HELP/VACTION CASH OUT/STIPENDS	65,000	-	65,000	
SUBTOTAL S & B	2,292,098	(26,331)	2,265,767	<i>Refer to Proposed Staffing/Benefits Adjustments attachment for detail</i>
PW SALARIES & BENEFITS - New Position (1 position)	-	36,750	36,750	Prevailing wage monitoring/Annual cost \$105K
CaPERS UNFUNDED LIABILITIES (UAL)				
SIDE FUND - PAYOFF	210,071	-	210,071	
SHARE OF RISK POOL UAL - PARTIAL PAYMENT	400,000	-	400,000	
SUBTOTAL PERS UAL	610,071	-	610,071	Payments to CaPERS to reduce pension liabilities submitted in 7/2015
TOTAL SALARIES, BENEFITS AND UAL	2,902,169	(26,331)	2,875,838	
SUPPLIES AND SERVICES				
PUBLIC & LEGAL NOTICES	6,000		6,000	
COMMUNICATIONS	8,000		8,000	
DUES & SUBSCRIPTIONS	7,000		7,000	
PRINTING & COPY	8,000		8,000	
SUPPLIES	12,000		12,000	
EQUIPMENT & FURNITURE	10,000		10,000	
TRAVEL, LODGING, REGISTRATION FEES	22,500		22,500	
TRAINING & SEMINARS	15,000		15,000	
MEETING EXPENSES	13,500		13,500	
TELEVISED MEETINGS	7,000		7,000	
BUILDING MAINTENANCE & SECURITY	10,000		10,000	
FORA OFFICES RENTAL	30,000		30,000	
UTILITIES	12,000		12,000	
INSURANCE	24,000		24,000	
PAYROLL/ACCOUNTING SERVICES	5,000		5,000	
IT/COMPUTER SUPPORT	22,500		22,500	
RECORD ARCHIVING	10,000	5,500	15,500	Reflects actual cost, dedicated server needed
PW PREVAILING WAGE TECH SUPPRT/SOFTWARE	-	15,000	15,000	Cost of central software monitoring system with user licenses
OTHER (POSTAGE, BANK FEES, MISC)	3,200	-	3,200	
TOTAL SUPPLIES AND SERVICES	225,700	5,500	231,200	
CONTRACTUAL SERVICES				
AUTHORITY COUNSEL	200,000	40,000	240,000	To reflect extension of Preston Park closing from June 2015
LEGAL/LITIGATION FEES	100,000		100,000	
LEGAL FEES - SPECIAL PRACTICE	25,000		25,000	
AUDITORS	20,000		20,000	
SPECIAL COUNSEL (EDC-ESCA)	120,000		120,000	
ESCA/REGULATORY RESPONSE/QUALITY ASSURANCE	380,000		380,000	
FINANCIAL CONSULTANT	100,000		100,000	
LEGISLATIVE SERVICES CONSULTANT	43,000		43,000	
PUBLIC INFORMATION/OUTREACH	20,000		20,000	
HCP CONSULTANTS	150,000		150,000	
REUSE PLAN IMPLEMENTATION	275,000		275,000	Proposed Water Summit/Symposium
GEOGRAPHIC INFORMATION	50,000		50,000	
CEQA CONSULTANTS	300,000	(175,000)	125,000	Reflects actual contract amount <i>(BM 10/9/15)</i>
PARKER FLATS BURN	18,000		18,000	
CIP/ARCHITECTS & ENGINEERS	25,000		25,000	
PROPERTY TAX SHARING/REUSE	37,947		37,947	To be used for Prevailing Wage Monitoring
ECONOMIC DEVELOPMENT	50,000		50,000	
PW WAGE COMPLIANCE	-	25,000	25,000	Prevailing wage auditor/consultant (annual cost \$75K)
OTHER CONSULTING/CONTRACTUAL EXP	25,000	10,000	35,000	Additional funding for salary survey update for FY 16-17 budget
TOTAL CONTRACTUAL SERVICES	1,938,947	(125,000)	1,813,947	
CAPITAL PROJECTS				
<i>Refer to CIP 15-16 for project detail</i>				
TRANSPORTATION/OTHER CIP PROJECTS	2,830,000	157,000	2,987,000	Water augmenation budget added <i>(BM 11/2/15)</i>
HABITAT MANAGEMENT/HCP ENDOWMENT	1,848,103	-	1,848,103	
BUILDING REMOVAL	6,820,000	-	6,820,000	
TOTAL CAPITAL PROJECTS	11,498,103	157,000	11,655,103	
DEBT SERVICE (Principal and Interest)				
PRESTON PARK LOAN PAYOFF	-	17,817,383	17,817,383	Loan extended from 6/15/15 to 9/15/15, repaid in Sept. 2015 <i>(BM 6/12/15)</i>
PRESTON PARK LOAN - DEBT SERVICE	-	167,541	167,541	Interest payments thru 9/15/15
I-BANK LOAN DEBT SERVICE	67,500	(67,500)	-	Loan not required
TOTAL DEBT SERVICE	67,500	17,917,424	17,984,924	
TOTAL EXPENDITURES	16,632,419	17,928,593	34,561,012	
Not Included in Mid-Year Budget:				
PW PREVAILING WAGE MONITORING	-	76,750	76,750	Annual cost \$200,000

FY 15-16 BUDGET-REVISED

**PROPOSED STAFFING/BENEFITS
ADJUSTMENTS**

Fiscal Impact
FY 15-16 Annual

1 New staff position: Project Coordinator/Prevailing Wage program

To add a staff position to manage FORA's prevailing wage policy enforcement.
Provided as an EXAMPLE, not included in the revised budget.

Salary <u>UP TO</u>	26,250	75,000	
Benefits	<u>10,500</u>	<u>30,000</u>	
Total	36,750	105,000	

2 Health insurance/employer share premium increase

Last employer contribution increase: 7-2013

Health premium increased 20% from 2013-2016

<u>EE</u>	<u>EE+1</u>	<u>Family</u>	
667	1,333	1,734	2013 premium
798	1,597	2,076	2016 premium
131	264	342	Increase - borne by Employee

2013	667	1,333	1,734	Premium
	667	1,175	1,481	Approved employer contribution
	0	158	253	Employee payment

2016	798	1,597	2,076	Premium
	667	1,175	1,481	Approved employer contribution
	132	421	595	Employee payment

PROPOSED

2016	798	1,597	2,076	Premium
	798	1,447	1,826	Proposed employer contribution
	132	271	345	Increase in employer contribution
	0	150	250	Employee payment (at 2013 level)

23,669	47,338
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- Options: a) Keep ER contribution constant until sunset/next review
b) Keep EE payments constant until sunset/next review

3 2011 Salary Survey Update

Staff recommends updating the 2011 independent consultant salary survey
Recent hiring demonstrated that the current schedule may not be competitive
Several new positions were established and new responsibilities were added to existing positions
Survey results to be reviewed/adopted during FY 16-17 budgeting process

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Resolution fixing the Employer Contribution under the Public Employees' Medical and Hospital Care Act	
Meeting Date:	March 11, 2016	ACTION
Agenda Number:	8c	

RECOMMENDATION:

Adopt Resolution No. 16-02 titled "Fixing the Employer's Contribution at Unequal Amounts for Employees and Annuitants under the Public Employees' Medical and Hospital Care Act (PEMHCA)" updating Fort Ord Reuse Authority's (FORA) contribution to employees' health premium (**Attachment A**), approved on March 11, 2016 (Item 8b in this Agenda).

BACKGROUND/DISCUSSION:

PEMHCA requires that contracting agencies adopt a resolution when modifying the employer contribution to employees' health premium. This provides the California Public Employees' Retirement System (CalPERS) proper authority to process the modification. On March 11, 2016, the FORA Board approved the Mid-Year FY 15-16 budget incorporating an adjustment in contributions to employees' health premium effective January 1, 2016. Therefore, Resolution No. 16-X is required to replace Resolution No. 13-07 currently on file with CalPERS.

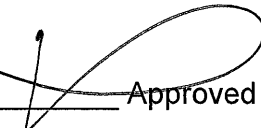
	Expiring contributions Resolution No. 13-07 <u>FY 13-14</u>	New Contributions Resolution No. 16-02 <u>FY 15-16</u>
1 party (employee)	\$ 666.74	\$ 798.00
2-party (employee+1 dependent)	\$ 1,175.48	\$ 1,447.00
Family (employee+ 2 or more dependents)	\$ 1,480.72	\$ 1,826.00

FISCAL IMPACT:

Annual cost of this adjustment is \$47,338 based on current health insurance coverage/enrollment. The FY 15-16 cost is \$23,669 and is included in the revised FY 15-16 budget.

COORDINATION:

Executive Committee

Prepared by  Approved by  *D. Steven Entley for*
Ivana Bednarik Michael A. Houlemard, Jr.

RESOLUTION NO. 16-02

**FIXING THE EMPLOYER CONTRIBUTION AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

- WHEREAS, (1) **Fort Ord Reuse Authority** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- WHEREAS, (4) Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by 5 percent of the current monthly employer contribution for employees, until such time as the amounts are equal; and
- RESOLVED, (a) That the employer contribution for each employee shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members in a health benefits plan up to a maximum of **\$798** per month with respect to employee enrolled for self alone, **\$1,447** per month for employee enrolled for self and one family member, and **\$1,826** per month for employee enrolled for self and two or more family members, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) **Fort Ord Reuse Authority** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **Fort Ord Reuse Authority** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **Fort Ord Reuse Authority** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, Executive Officer, Michael A. Houlemard Jr., to file with the Board a verified copy of this resolution, and to perform on behalf of **Fort Ord Reuse Authority** all functions required of it under the Act.

Adopted at a regular meeting of the Fort Ord Reuse Authority Board of Directors at 910 2ND Avenue, Marina, California, this 11 day of March, 2016.

Signed: _____
Frank O'Connel, Chairman

Attest: _____
Michael A. Houlemard Jr., Secretary

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Water Augmentation: 3-Party Pipeline Financing

Meeting Date: March 11, 2016

Agenda Number: 8d

ACTION

RECOMMENDATION(S):

Authorize Executive Officer to negotiate a Memorandum of Understanding with MCWD to designate up to \$6M of the Capital Improvement Program's (CIP's) water augmentation budget (\$24M) to the Regional Urban Water Augmentation Project's (RUWAP's) direct construction costs of the recycled water pipeline, dependent on Pure Water Monterey's project approval by the California Public Utilities Commission (CPUC) and the completion of milestones approved by the three agency boards.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) Board voted to endorse the RUWAP Project in June 2005. In June 2007, the Board passed Resolution 07-10 allocating 1,427 Acre Feet per Year (AFY) of recycled water to the jurisdictions. MCWD then studied the recycled water component of the RUWAP under the California Environmental Quality Act (CEQA) to provide irrigation water to the Ord Community and mitigate the Base Reuse Plan (BRP) Environmental Impacts. In December 2015, Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District (MCWD) negotiated terms, in principle, where MRWPCA will provide Advanced Treated Water in lieu of Tertiary Reclaimed Water for this project. Further, in consultation with FORA, the two agencies have agreed to utilize the RUWAP Recycled Product Conveyance Facilities (Pipeline) instead of MRWPCA developing a redundant second pipeline. This allows FORA to move forward with a MCWD Pipeline Financing Agreement. The three parties will participate in the provision and oversight of the RUWAP Pipeline construction through two 2-party agreements. To this end;

- MRWPCA Board of Directors approved Resolution Number 2015-24 (**Attachment A**) on December 14, 2015 for the Pure Water Monterey (PWM) project to include approval of the conveyance facilities RUWAP Alignment.
- FORA Board of Directors unanimously endorsed the MRWPCA PWM Project as a potential supplier of augmented water for mitigation on October 9, 2015.
- FORA Board of Directors unanimously recommended the MRWPCA PWM Project to the California Public Utilities Commission On February 17, 2016.

The 1998 Facilities Agreement guides the parties concerning planning, provision, and eventual construction of the RUWAP 'Pipeline' because it will be a new MCWD water facility. Under Section 3.2.2 of the Agreement, FORA has the responsibility to determine, in consultation with MCWD, what additional water and sewer facilities are necessary for MCWD's Ord Community service area in order to meet the BRP requirements. Once FORA determines that additional water supply and/or sewer conveyance capacity is needed, it is MCWD's responsibility to plan, design, and construct such additional water and sewer facilities under Section 3.2.1. Section 7.1.2 allows MCWD to secure funds from the service area. FORA's financial participation decreases the amount of funds MCWD must secure.

FORA's approved budget for water augmentation mitigation in the Fiscal Year (FY) 2015/16 and Capital Improvement Program (CIP) projections are:

FY 15/16 CIP Budget	15/16	16/17	17/18	18/19	19/20
Water Augmentation	\$157,000	1,590,600	1,535,600	2,177,400	3,165,300

Staff has reviewed the RUWAP Recycled Project Report as submitted to the Clean Water State Revolving Fund. The report details a schedule, estimated project costs and estimated construction costs (**Attachment B**). After an analysis of the cost and schedule (taking into account a shift in the timeline) staff believes the highest and best use of FORA's budgeted funds is to apply up to \$6M of FORA dollars to the direct construction costs of key segments of the RUWAP Recycled Water Pipeline and to tie said funds to hard deliverables or milestones. A proposed milestone list (**Attachment C**) outlines some hard deliverables. By applying dollars to direct costs an additional \$2.8M (estimated) of soft costs (financing, risk reserves, escalation, and other contingencies) are removed from the project. Further, FORA can ensure mitigation dollars are spent on the recycled portion of the project.

Staff presented their analysis to the March 2, 2016 Administrative Committee who voted unanimously to recommend authorizing the Executive Officer to negotiate an agreement with MCWD, predicated upon an final agreement between MRWPCA and MCWD, to designate up to \$6M of the CIP water augmentation budget (\$24M) to the RUWAP direct construction costs of the recycled water pipeline, dependent on PWM's project approval by the CPUC and the completion of milestones approved by the three agency boards.



FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget. The proposed funding is included in the current CIP budget.

COORDINATION:

Administrative Committee, Executive Committee, Water Wastewater Oversight Committee, MCWD, MRWPCA.

Prepared by  Peter Said Approved by  Michael A. Houlemard, Jr.

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A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY TO (1) CERTIFY THE FINAL EIR FOR THE PURE WATER MONTEREY GROUNDWATER REPLENISHMENT PROJECT, (2) ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, (3) APPROVE MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM, (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND (5) APPROVE THE PROJECT AS MODIFIED

The Monterey Regional Water Pollution Control Agency ("MRWPCA"), as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the Pure Water Monterey Groundwater Replenishment Project (the "Project"). The Project is being proposed by the MRWPCA in partnership with the Monterey Peninsula Water Management District ("MPWMD").

The Project is a water supply project that would serve northern Monterey County. The project would provide: (1) purified recycled water for recharge of a groundwater basin that serves as drinking water supply; and (2) recycled water to augment the existing Castroville Seawater Intrusion Project's agricultural irrigation supply:

- *Replenishment of the Seaside Groundwater Basin.* The Project would enable California American Water Company (CalAm) to reduce its diversions from the Carmel River system by up to 3,500 acre-feet per year by injecting the same amount of purified recycled water into the Seaside Basin. The purified recycled water would be produced at a new facility at the MRWPCA Regional Wastewater Treatment Plant (Regional Treatment Plant) and would be conveyed to and injected into the Seaside Groundwater Basin via a new pipeline and new well facilities. The injected water would then mix with the existing groundwater and be stored for future urban use by CalAm, thus enabling a reduction in Carmel River system diversions by the same amount.
- *Additional recycled water for agricultural irrigation in northern Salinas Valley.* An existing water recycling facility at the Regional Treatment Plant (the Salinas Valley Reclamation Plant) would be provided additional source waters in order to provide additional recycled water for use in the Castroville Seawater Intrusion Project's agricultural irrigation system. It is anticipated that in normal and wet years approximately 4,500 to 4,750 acre-feet per year of additional recycled water supply could be created for agricultural irrigation purposes.

The Project would also include a drought reserve component to support use of the new supply for crop irrigation during dry years. With the drought reserve component, the Project could provide up to 5,900 acre feet per year for crop irrigation in drought conditions. The Project components include: conveyance of five potential types of source water to the Regional Treatment Plant for treatment; a new Advanced Water Treatment (AWT) Facility and other improvements to the Regional Treatment Plant; treated water conveyance system, including pipelines and booster pump stations; groundwater injection wells; and potable water distribution system improvements.

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The new source waters would supplement the existing incoming wastewater flows, and would include the following: 1) water from the City of Salinas agricultural wash water system, 2) stormwater flows from the southern part of Salinas and the Lake El Estero facility in Monterey, 3) surface water and agricultural tile drain water that is captured in the Reclamation Ditch and Tembladero Slough, and 4) surface water and agricultural tile drain water that flows in the Blanco Drain. The Project would require modifications to existing facilities and construction of new physical facilities, briefly listed below.

- *Source water diversion and storage.* New facilities would be required to divert and convey the new source waters through the existing municipal wastewater collection system and to the Regional Treatment Plant.
- *Treatment facilities at the Regional Treatment Plant.* A new AWT facility would be constructed at the Regional Treatment Plant site. This facility would include a state-of-the-art treatment system that uses multiple membrane barriers to purify the water, product water stabilization to prevent pipe corrosion due to water purity, a pump station, and a brine and wastewater mixing facility. There would also be modifications to the existing Salinas Valley Reclamation Plant to optimize and enhance the delivery of recycled water to growers.
- *Product water conveyance.* A new pipeline, a pump station and appurtenant facilities would be constructed to transport the purified recycled (product) water from the Regional Treatment Plant to the Seaside Groundwater Basin for injection.
- *Injection well facilities.* The injection facilities would include new wells (in the shallow and deep aquifers), back-flush facilities, pipelines, electricity/power distribution facilities, and electrical/motor control buildings.
- *Distribution of groundwater from Seaside Basin.* CalAm water distribution system improvements would deliver the extracted groundwater to CalAm customers.

As described below, the MRWPCA Board has determined to approve the Project as modified by the Alternative Monterey Pipeline, which eliminates the need for the proposed Transfer Pipeline to be built. Further, the MRWPCA Board has decided to select the Regional Urban Water Augmentation Project (RUWAP) alignment for the Product Water Conveyance pipeline and booster pump station.¹ Throughout the remainder of these findings, the term "Project" refers to the Proposed Project described in the EIR's Project Description chapter as modified by the Alternative Monterey Pipeline and the Board's selection of the RUWAP alignment for the Product Water Conveyance pipeline and booster pump station.

This resolution contains the MRWPCA's certification of the EIR, its CEQA findings, its adopted mitigation measures and mitigation monitoring and reporting program, its statement of

¹ The RUWAP alignment option was so named because it would follow a portion of the recycled water pipeline alignment of Marina Coast Water District's previously approved and partially-constructed RUWAP Recycled Water Project. The proposed new product water conveyance pipeline would be located primarily along paved roadway rights-of-way within urban areas. The Recycled Water Project was approved by the Marina Coast Water District in 2005; however, only portions of the recycled water distribution system have been built and no recycled water has been delivered to urban users.

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overriding considerations supporting approval of the Project, and its Project approval. The State Clearinghouse number for the Project is SC11#2013051094.

A Draft Environmental Impact Report ("Draft EIR") was released for public and agency review on April 22, 2015. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project.

The Final EIR is comprised of the Draft EIR together with one additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference.

I. CERTIFICATION OF THE FINAL EIR

The MRWPCA Board (the "Board") certifies that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following findings and statement of overriding considerations in Section II, below.

Pursuant to CEQA Guidelines section 15090 (Title 14 of the California Code of Regulations, section 15090) the Board certifies that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines. The Board certifies the Final EIR for the Project as described above.

The Board further certifies that the Final EIR reflects its independent judgment and analysis.

II. FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Board hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part A: Findings regarding the environmental review process and the contents of the Final EIR.

Part B: Findings regarding the significant environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval, as well as the reasons that some potential mitigation measures are rejected.

Part C: Findings regarding alternatives and the reasons that alternatives are rejected.

Part D: Statement of Overriding Considerations determining that the benefits of implementing the Project outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Project despite such impacts.

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The Board certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The Board adopts the findings and the statement in Parts A through D for Project.

In addition to the findings regarding environmental impacts, alternatives and overriding considerations, Part E, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part F describes the Mitigation Monitoring and Reporting Program for the Project. As described in Part F, the Board hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit B to these findings.

Part G, below, summarizes the findings and determinations regarding the Project.

A. Environmental Review Process

1. Notice of Preparation and Scoping Meeting

On May 30, 2013, the MRWPCA issued a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. The NOP had a 30-day review period until July 2, 2013. A supplement to the NOP was prepared and circulated December 9, 2014 through January 8, 2015 to reflect updates to the Project that had occurred since the original NOP was issued. The MRWPCA received written responses to the NOPs from agencies, organizations and individuals.

The MRWPCA held a public scoping meeting on Thursday, June 18, 2013 from 6:00 to 8:00 PM at the Oldemeyer Center located at 986 Hilby Avenue, Seaside, CA 93955 to present the Project to the public and agencies and to solicit input as to the scope and content of the EIR. Public notices were placed in local newspapers informing the general public of the scoping meetings. The MRWPCA received oral comments at the public Scoping Meeting. Appendix A to the Draft EIR provides a summary of all written comments received in response to the initial and supplemental NOPs and oral comments received at the public Scoping Meeting.

2. Preparation of the EIR

The MRWPCA completed the Draft EIR for the Project and, beginning on April 22, 2015, the MRWPCA made the Draft EIR available for review and comment. A notice of availability and notice of completion of the Draft EIR was sent to the State Clearinghouse/ Governor's Office of Planning and Research. A notice of availability also was published in the *Monterey County Herald* and the *Salinas Californian*. A hard copy of the Draft EIR was made available for review during normal business hours at the MRWPCA Administrative Office, 5 Harris Court, Bldg. D, Monterey, CA 93940 and at the MPWMD Offices, 5 Harris Court, Bldg. G, Monterey, CA 93940. The Draft EIR was available online at the GWR Project website at: www.purewatermonterey.org. The Draft EIR was also available at the following libraries: Seaside Public Library, Marina Public Library, Salinas Public Libraries, Castroville Public Library, Monterey Public Library, Carmel Valley Public Library, and Harrison Memorial Library (Carmel).

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The period for receipt of comments on the Draft EIR remained open until June 5, 2015. During the 45-day Draft EIR review period, the MRWPCA held two noticed public meetings to provide information and answer questions about the Project and the EIR. The first meeting was held on May 20, 2015 from 6:00 p.m. to 8:00 p.m. at the Oldemeyer Center (986 Hilby Avenue, Seaside, CA 93955). The second public meeting was held on May 21, 2015 from 4:00 p.m. to 6:00 p.m. at Hartnell College (411 Central Avenue, Salinas, CA 93901). Spanish translation was available, and both venues were accessible under the Americans with Disabilities Act (ADA). The notice of availability contained information about the meetings.

During the comment period, the MRWPCA received written comments from state and local agencies, organizations and individuals. A total of 26 comment letters were received on the Draft EIR during the public review process. Three letters from key agencies were received after the close of the review period and are included in the Final EIR.

The Final EIR was completed and made available to public agencies and members of the public on September 25, 2015.

The Final EIR contains all of the comments received during and immediately after the public comment period, together with written responses to significant environmental issues raised in those comments, which were prepared in accordance with CEQA and the CEQA Guidelines.

The Board finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

3. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Board recognizes that the Final EIR incorporates information obtained by the MRWPCA since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Board finds as follows:

Changes to Mitigation Measures. As described in Chapter 5 of the Final EIR (Changes to the Draft EIR) and in the responses to comments, several mitigation measures have been modified, including Mitigation Measures AE-3, AE-4, AQ-1, BF-1a through BF-1c, BF-2a/Alternate BF-2a, BT-1a, BT-2c, IIS-4, IIS-C/MR-C, NV-1d, NV-2b, TR-2, and TR-3. Language within Mitigation Measures CR-1 and CR-2a has been modified, for consistency with the discussion in the Draft EIR on pages 6-41 and 6-42 regarding the applicability of Impacts CR-1 and CR-2 to the Alternative Monterey Pipeline. The Board finds that these changes to the

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mitigation measures in the Final EIR augment the mitigation measures as proposed in the Draft EIR, strengthen the effectiveness of the proposed mitigation measures, respond to agency input, and/or enhance their clarity, but do not cause any new or more severe environmental impacts. Therefore, in accordance with CEQA and the CEQA Guidelines, no recirculation of the EIR is necessary based on the changes and additions to the mitigation measures in the Final EIR.

Other Changes. Various minor changes and edits have been made to the text and tables of the Draft EIR, as described in Chapter 5 of the Final EIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability. The Board finds that these changes are of a minor, non-substantive nature and do not require recirculation of the EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from public agencies, private organizations, and individuals. The Board finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. The public has not been deprived of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible project alternative or mitigation measure.

Recirculation is required in four situations. Here, the Board finds that the additional information, including the changes described above, does not show that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of the MRWPCA's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the Board hereby finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR. Therefore, in accordance with CEQA Guidelines Section 15088.5(b), no recirculation of the Draft EIR is required.

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4. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the Board recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in these environmental issues. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, by the MRWPCA's consultants, and by staff, addressing those comments. The Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues. The Board accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

B. Impacts and Mitigation Measures

These findings provide the written analysis and conclusions of the Board regarding the environmental impacts of the Project and the mitigation measures identified by the Final EIR and adopted by the Board as conditions of approval for the Project.

In making these findings, the Board has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the EIR. The Board finds that the determination of significance thresholds is a judgment that is within the discretion of the Board; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and MRWPCA staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

In particular, the EIR relied on significance criteria for evaluating impacts that are tailored to this type of project. The criteria used in this EIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance" listed in CEQA Guidelines section 15065; (b) the relationship of the project effect to the adopted policies, ordinances and standards of the MRWPCA and of responsible agencies; and (c) commonly accepted practice and the professional judgment of the EIR authors and MRWPCA staff.

I. Findings on the Project's Environmental Impacts.

Exhibit A, Summary of Impacts and Mitigation Measures for the Staff Recommended Alternative, attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Project's significant impacts before and

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after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the Board where the measure is within the Board's jurisdiction to adopt, and states the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

2. Adoption of Project Design Features and Mitigation Measures as Conditions of Approval.

The Board adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project. In adopting these mitigation measures, the Board intends to adopt each of the mitigation measures recommended for approval by the Final EIR that applies to a component of the Project that would be constructed by or funded by the Board. Accordingly, in the event an applicable mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

The Board hereby finds that the adopted mitigation measures are changes or alterations that have been required in, or incorporated into, the Project which mitigate or avoid significant effects on the environment.

- Some of the mitigation measures identified in the EIR cannot be fully implemented by the Board because the measures apply to a Project component that the Board does not control. The Alternative Monterey Pipeline would be implemented by CalAm and is not subject to regulatory approvals by MRWPCA. CalAm has confirmed that it would implement all of the mitigation measures that the EIR identifies for the Alternative Monterey Pipeline, including the following: AE-2; AQ-1; BT-1a; BT-1k; BT-1m; CR-1; CR-2(a); CR-2(b); CR-2(c); EN-1; III-2(a); III-2(b); III-2(c); LU-2; NV-1(b); NV-1(c); PS-3; TR-2; TR-3; and TR-4.

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The Board hereby finds that these mitigation measures are within the jurisdiction of other public agencies issuing regulatory approvals to CalAm, and can and should be approved by those other agencies.

3. Findings on Additional Suggested Mitigation Measures.

In several comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. As described above, several of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less than significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final EIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.

C. Basis for the Board's Decision to Approve the Project (as Modified)

1. Summary of Discussion of Alternatives in the Final EIR

The Final EIR evaluates a number of potential alternatives to the Project. The EIR examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy project objectives.

The EIR also describes the criteria used to identify a range of reasonable alternatives for review in the EIR and describes proposals that the MRWPCA concluded did not merit additional, more-detailed review because they did not present viable alternatives to the Project.

2. The Board's Findings Relating to Alternatives

In making these findings, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Final EIR is incorporated in these findings by reference.

The Final EIR describes and evaluates in detail several alternatives to the Project. As set forth in section B above, the Board has adopted mitigation measures that mitigate the significant environmental effects of the Project. As explained in section D of these findings, while these mitigation measures will not mitigate all Project impacts to a less than significant level, they will mitigate those impacts to a level that the Board finds is acceptable. The Board finds that only the Project would satisfy all of the Project Objectives. The Board finds that the remaining alternatives are unable to satisfy the project objectives to the same degree as the Project. The

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Board further finds that, on balance, none of the remaining alternatives has environmental advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project, in light of each such alternative's inability to satisfy the project objectives to the same degree as the Project. Accordingly, the Board has determined to approve the Project instead of approving one of the remaining alternatives.

In making this determination, the Board finds that when compared to the other alternatives described and evaluated in the Final EIR, the Project, as mitigated, provides a reasonable balance between fully satisfying the project objectives and reducing potential environmental impacts to an acceptable level. The Board further finds and determines that the Project should be approved, rather than one of the other alternatives, for the reasons set forth below.

a. Description of Project Objectives

The primary objective of the Project is to replenish the Seaside Groundwater Basin with 3,500 AFY of purified recycled water to replace a portion of CalAm's water supply as required by state orders. To accomplish this primary objective, the Project would need to meet the following objectives:

- Be capable of commencing operation, or of being substantially complete, by the end of 2016 or, if after 2016, no later than necessary to meet CalAm's replacement water needs;
- Be cost-effective such that the project would be capable of supplying reasonably-priced water; and
- Be capable of complying with applicable water quality regulations intended to protect public health.

Secondary objectives of the Project include the following:

- Provide additional water to the Regional Treatment Plant that could be used for crop irrigation through the Salinas Valley Reclamation Plant and Castroville Seawater Intrusion Project system;
- Develop a drought reserve to allow the increased use of Project source waters as crop irrigation within the area served by the Castroville Seawater Intrusion Project during dry years
- Assist in preventing seawater intrusion in the Seaside Groundwater Basin;
- Assist in diversifying Monterey County's water supply portfolio.

b. Discussion and Findings Relating to the Alternatives Evaluated in the Draft EIR

Chapter 6 of the Draft EIR provides a full discussion of the following alternatives, which are summarized below:

- No Project

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- Alternatives to Project
 - Reduced Seaside Basin Replenishment Alternative
 - Component-by-component alternatives for Source Water Diversion and Use, for Product Water Conveyance, and for CalAm Distribution System Pipelines
 - Three overall alternatives to the Project were considered that combined component-by-component alternatives into overall alternatives:
 - Alternative A: Reduced Seaside Basin Replenishment and Alternative Monterey Pipeline
 - Alternative B: Reduced Source Water Alternative #2 (No Tembladero Slough) and Alternative Monterey Pipeline
 - Alternative C: Reduced Source Water Alternative #7 (Salinas Source Waters Only) and Alternative Monterey Pipeline

No Project Alternative.

Under CEQA, a “No-Project Alternative” compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A No-Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

Here, the No Project Alternative would not include construction of any of the Project components, which in turn would eliminate all construction and operational impacts at all of the Project component sites, avoiding all significant impacts identified for the Project. However, the beneficial impacts of the project with respect to the restoration of flows in the Carmel River would potentially be delayed or would not occur if the No Project Alternative was implemented. Benefits of the Project related to additional irrigation water for CSIP (and related to offset of groundwater pumping by delivering additional recycled water for crop irrigation) and potential improvements in seawater intrusion conditions would also not occur.

Under the No Project Alternative, none of the objectives of the Project would be met, and the benefits of the Project would not occur. The No Project Alternative would not enable CalAm to reduce its diversions from the Carmel River system by up to 3,500 AFY by injecting the same amount of purified recycled water into the Seaside Basin. This alternative also would not meet the project objective of providing additional water to the Regional Treatment Plant to be used for crop irrigation through the Salinas Valley Reclamation Plant and CSIP system, and there would be no drought reserve for crop irrigation within the CSIP area during dry years.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to provide the environmental benefits of the Project or to achieve the project objectives, and the Board rejects this alternative.

A commenter on the Draft EIR suggested that the larger desalination plant proposed by CalAm for the Monterey Peninsula Water Supply Project (MPSWP) would result from disapproval of the Proposed GWR Project. The MPSWP is an independent project undergoing

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its own CEQA process, and that project is not an approved plan, nor is it consistent with available infrastructure. Nevertheless, the EIR describes the relationship between the Project and the MPSWP, and discloses that if the Project is approved and implemented, the desalination plant that CalAm would pursue as part of the MPSWP would be the smaller, 6.4 million gallons per day (mpg) plant rather than the larger 9.6 mpg plant. The scenario under which the smaller desalination plant could be combined with the GWR Project is described in the MPSWP Draft EIR as the "MPSWP Variant" and the combined impacts of the two projects are described in the EIR for the GWR Project as potential cumulative impacts.

The Board finds that the potential effects of approval and denial of the GWR Project on the size of the desalination plant proposed by CalAm for the MPSWP have been adequately disclosed in the EIR for the Project.

Reduced Seaside Basin Replenishment Project Alternative.

This alternative would constitute a 3,000 AFY capacity project for water deliveries for the Project to the Seaside Basin, instead of 3,500 AFY. All of the Project facilities would be constructed, and the proposed additional recycled water for crop irrigation in the CSIP area (4,500 to 4,750 AFY) would be included. Under this alternative, the required diversions of source water would be reduced. To produce 3,000 AFY of water, approximately 3,703 AFY of new source waters would be required to be diverted to the AWT Facility. This compares to the 4,320 AFY needed to produce 3,500 AFY under the Project.

This alternative would result in nearly the same environmental impacts as the Project, since all diversion, conveyance, storage, treatment and injection facilities would need to be constructed under this alternative, even though there would be a reduction of product water provided to the Seaside Groundwater Basin. This alternative would partially meet the project objectives during normal and dry years, in that a reduced water supply would be produced and available to CalAm – 3,000 AFY instead of the proposed 3,500 AFY to replenish the Seaside Groundwater Basin. This alternative would fully meet the Crop Irrigation water supply project objectives.

On balance, the relatively small environmental benefits that might be achieved with this alternative are outweighed by its failure to fully provide the environmental benefits that would be achieved by replacement of 3,500 acre feet per year of CalAm's water supply as required by state orders. This alternative would not fully achieve the project objectives, and the Board rejects this alternative.

Alternatives to Source Water Diversions and Use.

The Draft EIR considered eight different Reduced Source Water Alternatives, in which one or more source water components would be eliminated:

Reduced Source Water Alternative #1 (No Lake El Estero)

In this alternative, the Lake El Estero source water diversion facilities would not be implemented. The construction of the new physical facilities at the Lake El Estero site would not

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occur, and no operational diversions of water from this water body to the wastewater collection system would occur.

Significant impacts related to biological resources (wetlands), construction and land use policy consistency would be eliminated at the Lake El Estero site. However, the alternative would not meet the project objectives to the extent that the Project would, including water demands for CalAm Monterey District of 3,500 AFY and for Crop Irrigation in the CSIP area of 4,500 – 4,750 AFY and up to 5,900 AFY in drought years. While the necessary amount of yield could be provided by the other proposed source waters without the Lake El Estero diversion, this component provides source water in certain drought years to more easily meet the project objectives and to provide more certainty that those objectives would be consistently achieved.

On balance, the relatively small environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Water Alternative #2 (No Tembladero Slough)

This alternative consists of a reduced source water diversion through elimination of the proposed diversion facilities at the Tembladero Slough Diversion site. Under this alternative, the construction of the new physical facilities at the Tembladero Slough Diversion site would not occur, and no operational diversions of water from this water body to the wastewater collection system would occur.

In comparison to the Project, elimination of this component would eliminate all of the significant impacts at the Tembladero Slough diversion, including the significant and unavailable noise impact. The alternative would meet the primary project objective of replenishment of the Seaside Basin but would not accomplish the project objectives to the extent that the Project would for CSIP irrigation in some drought years in comparison to the Project. During normal/wet years while building the drought reserve, the Tembladero Slough source water diversion would yield approximately 535 AFY. On average during such years, the Project would increase water supplied to the CSIP growers by approximately 5,456 AFY. If the Tembladero Slough diversion were eliminated from the Project, the Project would increase water supplied to the CSIP growers by 4,921 AFY (90% of the amount with Tembladero Slough).

During normal/wet years with a full drought reserve, water from the Tembladero Slough would not be needed if all other sources were available. The Tembladero Slough diversion would, however, provide a back-up source in the event other sources were not available.

Drought years when the drought reserve is used for the CSIP growers, the Tembladero Slough diversion would yield approximately 772 AFY. On average during such years, the Project would increase water supplied to the CSIP growers by approximately 5,728 AFY. If the Tembladero Slough diversion were eliminated from the Project, the Project would increase water supplied to the CSIP growers by 4,956 AFY (87% of the amount with Tembladero Slough).

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

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Reduced Source Water Alternative #3 (No Tembladero Slough and No Lake El Estero)

In this alternative, there would be no source water diversion facilities constructed or operated at Tembladero Slough or at Lake El Estero. The construction of the new physical facilities at Tembladero Slough Diversion site at Lake El Estero would not occur, and no operational diversions of water from these water bodies to the wastewater collection system would occur.

Significant impacts related to noise, biological resources, cultural resources and land use policy consistency at the Lake El Estero and Tembladero sites would be eliminated. Additionally, impacts of public services, traffic, hazards and hazardous materials and energy would also be avoided at the Tembladero Slough and Lake El Estero sites due to the elimination of these diversion facilities. The significant and unavoidable noise impact at the Tembladero Slough diversion site also would be avoided.

This alternative would meet the primary project objective of replenishment of the Seaside Basin. However, elimination of the Tembladero Slough and Lake El Estero Diversions would not accomplish the Project objectives to the extent that the Project would because these source waters are needed to provide sufficient water supply during certain dry/drought year conditions, as explained under Reduced Source Water Alternatives 1 and 2, above. On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Alternatives #4 (No Blanco Drain Diversions)

Under this alternative, there would be no diversion of surface waters from the Blanco Drain and the construction of the new Blanco Drain pump station and pipeline (including the trenchless construction or directionally drilling activities to install the pipeline under the Salinas River) would not occur.

The impacts of eliminating the Blanco Drain Diversion component would reduce the physical changes to this site because no construction would occur to install the facilities needed to divert the surface water. In addition, the less-than-significant operational changes to flow and water levels and associated habitat and special status species impacts in the downstream reaches of the watershed (a short segment of the Blanco Drain, Salinas River and lagoon) would not occur. Biological, cultural, traffic, energy, land use, public services and noise impacts would also be reduced at the Blanco Drain site due to the elimination of these facilities.

The alternative would not fully accomplish the project objectives; in some drought years, the yield of the alternative would only provide from 2,800 to 4,300 AFY for the proposed Crop Irrigation component, as compared to up to 5,900 AFY under the Project. On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Alternatives #5 (No Reclamation Ditch and Tembladero Slough Diversions)

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This alternative assumes no diversion from the source waters of the Reclamation Ditch or Tembladero Slough. No construction of physical facilities would be built at the Reclamation Ditch or Tembladero Slough Diversion sites, and no operational diversion of water and the resulting flow and water level changes to the existing surface water hydrology and habitat in the affected reaches (below the diversion points) would occur.

The impacts of eliminating these components would reduce the physical changes to these sites because no construction would occur to install the facilities needed to divert the surface water. In addition, the operational changes to flow and water levels in the downstream reaches of the watershed would not occur.

This alternative would not fully accomplish the project objectives; in some drought years, the yield of this alternative would be from 2,800 to 4,300 AFY for the proposed Crop Irrigation component, as compared to up to 5,900 AFY under the Project. On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Alternative #6 (No Surface Water Appropriative Permits)

Under this alternative, the following diversions would be eliminated from the Project: Reclamation Ditch, Tembladero Slough, and Blanco Drain. The impacts of eliminating these components would reduce the physical changes to these sites because no construction would occur to install the facilities needed to divert the surface water. In addition, the operational changes to flow and water levels in the downstream reaches of the watershed would not occur.

The alternative would not fully accomplish the project objectives; in some drought years, the yield of the alternative would only provide from 2,800 to 4,300 AFY for the proposed Crop Irrigation component, as compared to up to 5,900 AFY under the Project. On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Water Alternative #7 (City of Salinas Sources Only - No Source Water Diversions to Augment CSIP Deliveries)

This alternative assumes new source waters would be conveyed to the Regional Treatment Plant for project use from the City of Salinas sources only, and this alternative eliminates all diversions from surface waters including the Reclamation Ditch, Tembladero Slough, Blanco Drain, and the diversion facility at Lake El Estero. This alternative assumes that no additional waters would be diverted to provide augmentation of recycled water for CSIP area crop irrigation as proposed under the Project.

Elimination of all of the surface water diversion components would reduce the physical changes to those sites because no construction would occur to install the facilities need to divert the surface water. In addition, the operational changes to flow and water levels in the downstream reaches of the Reclamation Ditch watershed would not occur.

This alternative would produce 3,500 AFY of purified recycled water to replace a portion of CalAm's water supply to meet project objectives to replenish the Seaside Basin. However,

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irrigation waters for CSIP would not be augmented in comparison to the Project. This alternative would not fully meet the Crop Irrigation objectives.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Reduced Source Water Alternative #8 (No Agricultural Wash Water or South Salinas Stormwater)

Under this alternative, no physical changes would be made to the Salinas Pump Station source water diversion site, the Salinas Treatment Facility or the 33-inch wastewater pipeline to enable agricultural wash water and south Salinas stormwater to be stored and recovered for recycling and reuse. Construction and operational impacts related to biological (terrestrial and fisheries) resources, cultural resources, noise, energy, public services (waste disposal), and traffic impacts would be reduced under this alternative at the City of Salinas facilities due to the elimination of construction and operation of these facilities.

The alternative would not fully meet the project objective to provide additional agricultural irrigation water as the yield of the alternative would not provide the total Crop Irrigation yield of the Project, and in drought years would require the use of CSIP wells in the peak irrigation demand months.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to fully achieve the project objectives, and the Board rejects this alternative.

Alternatives for Product Water Conveyance.

The Draft EIR describes two options for the Product Water Conveyance system, including two pipeline alignments and two associated locations for a booster pump station, called the RUWAP and Coastal Alignment Options. Only one of the two Product Water Conveyance pipeline alignments and booster pump stations would be constructed as part of the Project.

A comparison of the severity of impacts between the two alternative Product Water Conveyance Systems shows that they are very similar. The primary difference in impacts is in construction and operational impacts to riparian habitat and federally protected wetlands as defined by Section 404 of the Clean Water Act or waters of the state; specifically, the impacts of the RUWAP alignment option would be less than significant while the Coastal alignment option would be significant, but reduced to less than significant with mitigation in the EIR.

Either of the Product Water Conveyance options evaluated in the EIR would fully achieve the project objectives. The RUWAP Alignment Option would result in fewer adverse environmental impacts compared to the Coastal Alignment Option and is expected to be less costly to construct than the Coastal Alignment Option. For these reasons, the Board has determined that it will pursue the necessary permits and approvals to enable it to construct the RUWAP Alignment Option.

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Alternatives to CalAm Distribution System Pipelines.

The CalAm Distribution System Transfer and Monterey Pipelines are proposed to be built by CalAm, and the Draft EIR considers alternative alignments for the proposed Transfer and Monterey Pipelines alignments. Importantly, if the Alternative Monterey Pipeline were constructed instead of the Proposed Project's alignment for the Monterey Pipeline, then the Transfer Pipeline would no longer be needed and the impacts associated with construction of the Transfer Pipeline would be eliminated.

Alternative Transfer Pipeline

Similar to the Project's alignment, the Alternative Transfer Pipeline would be 2.4 miles long. The level of significance and the severity of the impacts would be the same or similar for all impact topics if the Alternative Transfer Pipeline were constructed instead of the Proposed Transfer Pipeline, because both would be 2.4 miles long and both would be entirely within existing, paved, public roadways. The alternative would achieve the project objectives.

Because, as described below, the Board supports and selects the Alternative Monterey Pipeline, neither the proposed Transfer Pipeline nor the Alternative Transfer Pipeline is necessary for the Project to proceed, the Board rejects inclusion of either Transfer Pipeline alignment as part of the Project.

Alternative Monterey Pipeline

The Alternative Monterey Pipeline is 6.5 miles long. The entire Alternative Monterey Pipeline is located outside of the Coastal Zone. If the Alternative Monterey Pipeline is selected for construction, neither the proposed Monterey Pipeline, proposed Transfer Pipeline, nor the Alternative Transfer Pipeline would be built to deliver the required water quantities to meet CalAm customers' demands. The Alternative Monterey Pipeline would avoid and reduce significant impacts compared to the proposed Monterey Pipeline, and would avoid impacts of the Transfer Pipeline.

The Alternative Monterey Pipeline would fully achieve the project objectives. Due to being located outside of the Coastal Zone and the elimination of the need for the Transfer Pipeline, the Alternative Monterey Pipeline would also have the potential to be implemented more expeditiously and thus would better meet the objective of being implemented in a timely manner.

Because the Alternative Monterey Pipeline would substantially lessen the Project's adverse environmental impacts while also fully achieving the project objectives, the Board supports construction of the Alternative Monterey Pipeline, and hereby selects this alternative.

Overall Alternatives to the Project.

The Draft EIR also discusses several combinations of alternatives discussed above. These are called Alternative A, Alternative B, and Alternative C, and Table 6-6 in the Draft EIR provides an overview of the environmental impacts of each combined alternative compared to the Project.

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Alternative A: Reduced Seaside Basin Replenishment and Alternative Monterey Pipeline

The Reduced Seaside Basin Replenishment Alternative would reduce the amount of water for Seaside Basin replenishment by 500 AFY compared to the Project (i.e., 3,000 AFY rather than 3,500 AFY of purified recycled water would be produced, conveyed to, and injected into the Seaside Basin, for later extraction by CalAm). The need to divert source waters would be reduced by approximately 600 AFY which could be achieved by eliminating one or more source water diversion sites, or by constructing and operating all of the source water diversions, but operating them with a lower total diversion amount.

If the Reduced Seaside Basin Replenishment Alternative were combined with the Alternative Monterey Pipeline (i.e., rather than the Proposed Transfer and Monterey Pipelines), numerous other significant construction impacts would be reduced due to reduced construction areas and activities, and the Project may be implemented more quickly, better meeting the project timeframe objective.

On balance, the relatively small environmental benefits that might be achieved by the Reduced Seaside Basin Replenishment component of this alternative are outweighed by the alternative's failure to fully provide the environmental benefits that would be achieved by replacement of 3,500 acre feet per year of CalAm's water supply as required by state orders. This alternative would not fully achieve the project objectives, and the Board rejects this alternative.

The Board selects the Alternative Monterey Pipeline.

Alternative B: Reduced Source Water Alternative # 2 (No Tembladero Slough) and Alternative Monterey Pipeline

Reduced Source Water Alternative # 2 would avoid the significant and unavoidable noise impact at the Tembladero Slough diversion due to exceedances of the MRWPCA's noise level ordinance; however, the alternative would not meet the project objectives as fully as the Project. Specifically, the Reduced Source Water Alternative #2 would only provide up to 5,200 AFY for the proposed Crop Irrigation component in some drought years (compared to up to 5,900 AFY under the Project).

If the Reduced Source Water Alternative #2 was combined with the Alternative Monterey Pipeline (i.e., rather than the Proposed Transfer and Monterey Pipeline), numerous other significant construction impacts would be reduced due to reduced construction areas and activities. Because the Alternative Monterey Pipeline avoids the Coastal Zone, it may be implemented more quickly than the Proposed Monterey Pipeline, better meeting the project timeframe objective.

The EIR determined that other than the No Project Alternative, the Environmentally Superior Alternative would be the Reduced Source Water (No Tembladero Slough) Alternative combined with the Alternative Monterey Pipeline.

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On balance, the environmental benefits that might be achieved by eliminating the Tembladero Slough diversion are outweighed by this alternative's failure to fully achieve the project objectives, and the Board rejects this alternative.

The Board selects the Alternative Monterey Pipeline.

Alternative C: Reduced Source Water Alternative # 7 (Salinas Source Waters Only) and Alternative Monterey Pipeline

Reduced Source Water Alternative #7 (Salinas Source Waters Only) was found to avoid the significant and unavoidable noise impact at the Tembladero Slough Diversion, in addition to reducing environmental impacts related to source water diversions from surface waters, such as changes in flow, induced water level changes, and direct and indirect impacts on biological resources (albeit the latter would be less-than-significant under the Project). The Reduced Source Water Alternative #7 would not meet the Crop Irrigation objective to the extent that the Project would: in fact it would provide very little or no augmentation of the existing supplies to the CSIP area.

If the Reduced Source Water Alternative #7 was combined with the Alternative Monterey Pipeline (i.e., rather than both the Proposed Transfer and Monterey Pipelines), numerous other significant construction impacts would be reduced due to reduced construction areas and activities. Because the Monterey Pipeline avoids the Coastal Zone, it may be implemented more quickly than the Project, better meeting the project timeframe objective.

On balance, the environmental benefits that might be achieved by eliminating all new source waters except for the Salinas source waters are outweighed by this alternative's failure to fully achieve the project objectives, and the Board rejects this alternative.

The Board selects the Alternative Monterey Pipeline.

Summary of Findings Regarding Alternatives. For all of the foregoing reasons, the Board has determined to approve the Project as modified by the Alternative Monterey Pipeline, instead of any of the other alternatives. As noted above, with the construction of the Alternative Monterey Pipeline, the Transfer Pipeline is no longer needed, and the impacts associated with construction of the Transfer Pipeline are eliminated. On balance, the Board finds that the Project as modified by the Alternative Monterey Pipeline best achieves the project objectives and environmental benefits.

c. Findings Regarding Suggestions for Modifying the Project, Variations on the Alternatives, and a Suggested Off-Site Alternative

Various modifications to the Project and variations on the alternatives were proposed in comments on the Draft EIR.

Certain commenters expressed their preference for an alternative to the Project or components thereof, and these are thoroughly discussed in Chapter 3 of the Final EIR (Master Responses to Comments on the Draft EIR), which is incorporated by reference into these

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findings. These proposed variations included a reduced Seaside Basin replenishment alternative, increased proposed project yield or AWT facility size alternatives, alternative water supply sources, a request for the Project to be considered an independent project, alternative pipeline alignments, and an additional no project alternative. The Final EIR determined that no additional alternatives were considered necessary to be added in the Final EIR because the alternatives suggested either would not reduce identified significant impacts, or would not feasibly meet most of the basic project objectives.

With respect to the additional alternatives suggested by commenters that were not added to the Final EIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting the addition of these alternatives.

Findings Regarding Adequacy of Range of Alternatives. The Board finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the project objectives. The Board finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the MRWPCA's ability to achieve the project objectives.

D. Statement of Overriding Considerations

1. Impacts That Remain Significant

As discussed in Exhibit A, the Board has found that the following impacts of the Project would or could remain significant following MRWPCA adoption of the mitigation measures described in the Final EIR:

- Impact NV-1: Construction Noise (Alternative Monterey Pipeline)
- Impact NV-2: Construction Noise That Exceeds or Violate Local Standards (Tembladero Slough)

2. Overriding Considerations Justifying Project Approval

In accordance with CEQA Guidelines Section 15093, the Board has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other project benefits against the Project's unavoidable environmental risks, and finds that the benefits of the Project set forth below outweigh the significant adverse environmental effects that are not mitigated to less than significant levels. This statement of overriding considerations is based on the Board's review of the Final EIR and other information in the administrative record. The benefits identified below provide separate and independent bases for overriding the significant environmental effects of the Project.

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- The Project would replace 3,500 AFY of unauthorized Carmel River diversions for municipal use with additional groundwater pumping enabled by recharge of purified recycled water;
- The Project would provide up to 4,500 – 4,750 AFY and up to 5,900 AFY in drought years of additional recycled water to Salinas Valley growers for crop irrigation;
- The Salinas Valley Groundwater Basin is in overdraft and the Project would reduce the volume of water pumped from Salinas Valley aquifers;
- The Project would increase water supply reliability and drought resistance;
- The Project would maximize the use of recycled water in compliance with the state Recycled Water Policy;
- The Project would reduce pollutant loads from agricultural areas to sensitive environmental areas including the Salinas River and Monterey Bay.

E. Record of Proceedings

Various documents and other materials constitute the record upon which the Board bases these findings and the approvals contained herein. The location and custodian of these documents and materials is: Mike McCullough, Governmental Affairs Administrator, Monterey Regional Water Pollution Control Agency, 5 Harris Court, Building D, Monterey, CA 93940.

F. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring program to ensure that the mitigation measures adopted herein are implemented. The Board hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as Exhibit B.

G. Summary

1. Based on the foregoing findings and the information contained in the administrative record, the Board has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:

a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.

b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.

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c. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing findings and information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section II.D. above.

III. PROJECT APPROVAL

1. The Board hereby approves the Project as modified by the Alternative Monterey Pipeline, and the Board hereby selects the RUWAP Alignment Option for the Product Water Conveyance pipeline and booster pump station.

2. The Board hereby authorizes staff to proceed immediately with obtaining necessary agreements, permits, funding and financing, and approvals to construct and operate any or all of the following Project components, including applying to the State Water Resources Control Board for financing provided by the Clean Water State Revolving Fund Loan program or other grant and loan programs:

a. Diversion and use of the following Source Waters: unused treated wastewater from the MRWPCA Regional Treatment Plant; agricultural wash water from the Salinas Treatment Facility; Salinas Treatment Facility pond storage and recovery; City of Salinas urban runoff; Reclamation Ditch; Tembladero Slough; Blanco Drain; and Lake El Estero.²

b. Treatment Facilities at the Regional Treatment Plant including a new AWT Facility and Salinas Valley Reclamation Plant modifications.

c. Product Water Conveyance RUWAP Alignment Option including a pipeline and booster pump station.

d. Injection Well Facilities including injection wells, back-flush facilities, monitoring wells, and electrical power supply facilities, driveways, motor control and instrumentation buildings for the injection wells and back-flush operations .

² Although Tembladero Slough and Lake El Estero source water diversions are included as a component of the Project in this Project approval, the MRWPCA and their partner agency may not include these facilities in the initial phase of the Project, in particular they may not be included in permit applications, loan applications, and/or grant applications. There would be no effect on Project yields due to elimination of the Lake El Estero source water diversion due to the amount and timing of water available from this source. The effect of not implementing the Tembladero Slough diversion would be a reduction in the crop irrigation water yield for the Castroville Seawater Intrusion Project (CSIP) of approximately 500 to 750 acre feet per year (AFY) within some drought years. Based on source water analysis in the EIR, the Project would be expected to achieve a CSIP crop irrigation additional yield of 4,750 to 4,950 AFY and, although less frequently, up to 5,292 AFY in drought years.

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e. All necessary infrastructure, construction equipment, construction staging and lay down areas, mitigation, and other activities needed to carry out the Project, with the exception of the Alternative Monterey Pipeline, which would be constructed by CalAm and is not within the control of the MRWPCA.

PASSED AND ADOPTED by the Board of Directors of the Monterey Regional Water Pollution Control Agency at a Special Board Meeting duly held on October 8, 2015 by the following votes:

AYES: De La Rosa, Fischer, Grier, Stefani, Phillips, Allion, Le, Downey, Pendergrass, and Rubio

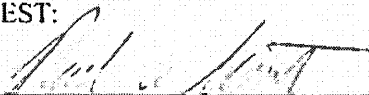
NOES: None

ABSENT: Razzeca



Gloria De La Rosa, Chair
MRWPCA Board of Directors

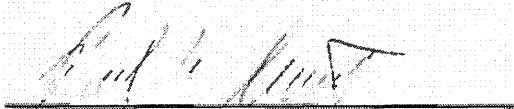
ATTEST:



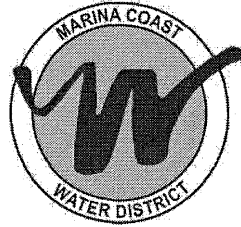
Paul Sciuto, General Manager
Secretary to Board of Directors

CERTIFICATION

I, Paul Sciuto, Secretary of the Board of Directors of the Monterey Regional Water Pollution Control Agency, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the said Board of Directors, and of the resolution adopted by said Board, by vote of the members present at its meeting of October 8, 2015, as the same appears in the Official Minutes of said Board.



Paul Sciuto, General Manager/Secretary



Marina Coast Water District Regional Urban Water Augmentation Project

Clean Water State Revolving Fund Project Report

Prepared by:



September 2009

Updated by:





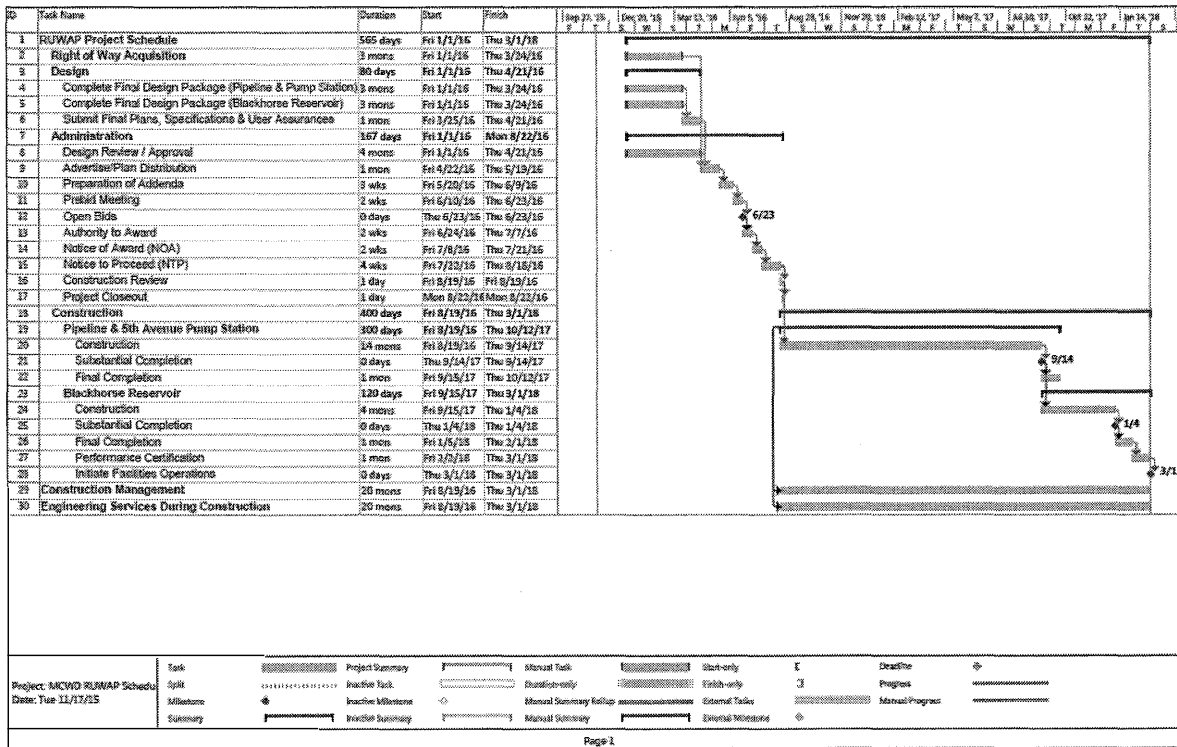
November 2015

Table 2-10: Total Project Cost Estimate

Project Component	Cost	Basis
MCWD Admin / Legal / Bidding	\$ 634,000	2.0% of Construction Cost
Design Completion	\$ 500,000	
Construction Cost Estimate	\$ 31,698,000	
Construction Management	\$ 1,585,000	5.0% of Construction Cost
Engineering Services During Construction	\$ 555,000	1.75% of Construction Cost
Total	\$ 34,972,000	
Note: Costs Rounded to the nearest \$1,000		

Table 2-11: Construction Cost Estimate

 			
PROJECT : MCWD RECYCLED WATER PIPELINE, PUMP STATION, AND RESERVOIR		ESTIMATE CLASS:	3
JOB # : 7568A.10		DATE :	11/16/2015
LOCATION : MARINA, CA		BY :	JPM
ELEMENT : CONSTRUCTION COST		REVIEWED:	AP
REACH NO.	DESCRIPTION		TOTAL
1	Total O&M Cost (Annual)		\$3,398,000
2	Crescent Ave to Reservation Road (Sta. 121+00 to 148+80)		\$1,627,000
3	Reservation Road to Carmel Ave (Sta. 148+80 to 167+30)		\$843,000
4	Vaughn Ave to Reindollar Ave (Sta. 167+30 to 182+30)		\$605,000
5	Reindollar Ave to California Ave (Sta. 182+30 to 201+90)		\$840,000
6	California Ave to 'Future Rd' S of 3rd Ave (Sta. 201+90 to 224+88)		\$1,026,000
7	California Ave - 'Future Rd' to Imjin Pkwy (Sta. 224+88 to 239+00)		\$619,000
8	California Ave - Imjin Pkwy to 8th St Cutoff (Sta. 239+00 to 265+00)		\$912,000
9	5th Ave - 8th St to 3rd St (Sta. 265+00 to 283+70)		\$635,000
10	3rd St & 5th Ave from 3rd St to the Library (Sta. 283+70 to 303+08)	INSTALLED	\$0
11	5th Ave - 3rd St to Gen. Jim Moore Blvd (Sta. 303+08 to 334+70)		\$1,189,000
12	Gen. Jim Moore Blvd - Engineer Rd to Gigling Rd (Sta. 334+70 to 362+00)		\$1,007,000
13	Gen. Jim Moore Blvd - Gigling Rd to Normandy Rd (Sta. 362+00 to 389+45)		\$1,081,000
14	Normandy Road to Reservoir (Sta. A10+00 to A48+31)		\$1,307,000
	Bayonet & Blackhorse Golf Course Connection		\$44,000
	5th Avenue Pump Station (Sta 282+00) (3 - 450HP Pumps)		\$2,074,000
	Blackhorse Reservoir - 1.5 MG		\$2,500,000
17	Coe Avenue Lateral (Sta. A10+00 to A42+46)		\$311,000
18	Beach Road Lateral (Sta. G10+00 to Sta G50+80)		\$748,000
20	Carmel Avenue Lateral (Sta. F10+00 to F41+14)		\$616,000
21	Abrams Dr - Imjin Rd. to MacArthur Dr. (Sta. C10+00 to C23+22)		\$290,000
21A	Imjin Pkwy - Abrams Dr to Reservation Rd (3,500LF)		\$659,000
		TOTAL DIRECT COST	\$22,331,000
CONTINGENCIES		5%	\$1,116,550
		SUBTOTAL	\$23,447,550
GENERAL CONDITIONS		10%	\$2,345,000
		SUBTOTAL	\$25,792,550
GENERAL CONTRACTOR OH&P + RISK		15%	\$3,517,000
		SUBTOTAL	\$29,310,000
ESCALATION TO MID-POINT (2017)		3%	\$879,000
		SUBTOTAL	\$30,189,000
BID MARKET ALLOWANCE (Moderate Competition)		0%	\$0
		TOTAL ANTICIPATED BID AMOUNT	\$30,189,000
OWNER'S RESERVE FOR CHANGE ORDERS		5%	\$1,509,000
		TOTAL ESTIMATED CONSTRUCTION COST	\$31,698,000
<p><i>The opinion of cost herein is based on our perception of current conditions at the project location. This estimate reflects our professional opinion of accurate costs at this time and is subject to change as the project design matures. Carollo Engineers has no control over variances in the cost of labor, materials, equipment, services provided by others, contractor's methods of determining prices, competitive bidding or market conditions, practices or bidding strategies. Carollo Engineers cannot and does not warrant or guarantee that proposals, bids or actual construction costs will not vary from the costs presented herein.</i></p>			



Proposed Milestones:

Milestones	Deliverable	Disbursement	Year
Design & Admin			
1	Contractor Notice to Proceed	\$ 500,000	
Construction:			
2	Reach 9 5th Ave/8th St to 3rd	\$ 500,000	
3	Reach 11 5th Ave/3rd St to Gen Jim Moore	\$ 500,000	16/17
		<i>16/17 Total</i>	<i>\$ 1,500,000</i>
4	Reach 12 GJM to Engineer Rd/Gigling	\$ 800,000	
5	Reach 13 GJM/Gigling to Normandy	\$ 800,000	17/18
		<i>17/18 Total</i>	<i>\$ 1,600,000</i>
6a	Reach 14a Approved Start: 5th Avenue Pump Station	\$ 1,150,000	
6b	Reach 14b Complete: 5th Avenue Pump Station	\$ 750,000	18/19
		<i>18/19 Total</i>	<i>\$ 1,900,000</i>
7	Reach 17 Coe Ave Lateral	\$ 300,000	19/20
8	Construction Cost Debt Service	700,000	19/20
			<i>\$ 1,000,000</i>
		Total	\$ 6,000,000
<i>Planned Disbursements contingent upon actual fund availability</i>			

Contingencies:

1. Pure Water Monterey approval by CPUC.
2. Monterey Regional Water Pollution Control Agency finalizes agreement with Marina Coast Water District.
3. FORA funds only applied directly to construction costs/debt service.
4. FORA disbursements contingent upon FORA's actual receipt of revenues and fund availability.
FORA total yearly payments may extend beyond project completion and should not exceed:
 - i. \$1,500,000 in Fiscal Year 2016/2017
 - ii. \$1,600,000 in Fiscal Year 2017/2018
 - iii. \$1,900,000 in Fiscal Year 2018/2019
 - iv. \$1,000,000 in Fiscal Year 2019/2020

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	University of California Monterey Bay Education Science and Technology Status Report	
Meeting Date:	March 11, 2016	INFORMATION
Agenda Number:	8e	

RECOMMENDATION:

Receive a University of California Monterey Bay Education Science and Technology (UCMBEST) Status Report.

BACKGROUND:

In 1994 the University of California (UC) obtained approximately 1,000 acres of Fort Ord land, approximately 600 for habitat conservation and 400 acres to provide research and development opportunities associated with the UCMBEST Center, which was to be managed by the UC Santa Cruz (UCSC) campus. Despite high aspirations, market demand for the Center has failed to meet expectations. Over the course of the last fifteen years UC engaged in two unsuccessful attempts to partner with a master developer. The UCSC Campus has managed the property for more than 20 years.

UCSC Chancellor George Blumenthal announced in March 2010 that UC intended to shrink the footprint of the Center and consider alternative uses for peripheral lands. In response to a request from Congressman Sam Farr, a group of stakeholders was assembled to discuss and make recommendations regarding a future vision for UCMBEST Center lands. UCSC and the Fort Ord Reuse Authority (FORA) hosted a series of facilitated stakeholder meetings. Stakeholder recommendations from that effort are summarized in the 2011 UCMBEST Center Visioning Process Report (<http://bit.ly/1SBPITt>), and memorialized in a letter executed by stakeholders (**Attachment A**). Stakeholders agreed on the following intended outcomes:

- UC's presence continues to be valued. Stakeholders recommend that UC retain control of the UCMBEST Center;
- The local institutions of higher education (and potentially others) should be invited to join an advisory group to help guide the UCMBEST Center;
- UC to actively seek new UCMBEST Center tenants and work to streamline the approval process;
- UC peripheral lands may be used in the near term for economic development opportunities; and
- UC may be expected to retain and utilize reasonable revenues for development.

Next steps outlined in the 2011 Report include:

- 1) Convene a special Working Group meeting to explore potential federal initiatives;
- 2) Convene a meeting between UCSC and CSUMB to explore Eighth Street parcel uses;
- 3) Invite local higher education institutions to collaborate in supporting UCSC development of the UCMBEST Center and to establish a process for expanding the range of potential research uses;
- 4) Seek funding for entitlements and additional water resources; and
- 5) Complete entitlements.

While many of the recommendations above remain valid, continued stagnation at the UCMBEST project area has repeatedly raised Board and community concerns. Recently, following Board direction, the strengthening of Monterey County Economic Development staffing, and the hiring of a new FORA Economic Development Coordinator, efforts have renewed to catalyze reuse activity at UCMBEST. To this end a series of meetings were held in the fall of 2015 culminating with an Executive-level meeting at UCSC on December 22, 2015 (**Attachment B**). Subsequently, UCSC requested inclusion at the March 11, 2016 FORA Board meeting to present the current UCMBEST project status and clarify their commitments to moving the project forward.

DISCUSSION:

UCSC Vice President for Research, Scott Brandt will provide historical context, describe what has been done to implement the visioning recommendations, and will lay out current and future efforts to catalyze activity at the MBEST Center.

FISCAL IMPACT:

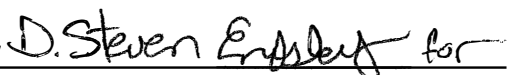
Reviewed by FORA Controller .

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

COORDINATION:

UCSC and Administrative Committee

Prepared by 
Josh Metz

Approved by  for
Michael A. Houlemard, Jr.

May 11, 2012

Chancellor Blumenthal
University of California, Santa Cruz
1156 High Street
Santa Cruz, CA

Re: Support for Implementing UC MBEST Center Vision

Dear Chancellor Blumenthal:

Reuse of the former Fort Ord offers both challenges and opportunities for the Monterey Bay region. A key reuse element is the University of California (“UC”) Monterey Bay Education, Science, and Technology Center (“MBEST Center”). The original MBEST Center vision called for establishing a 437-acre R&D Center. Now, after 15 years of development experience and a changing market, UC is repositioning UC MBEST to be an R&D Center of approximately 70 acres. In partnership with the Fort Ord Reuse Authority, UC convened a stakeholder group to update the MBEST Center vision and to explore ideas for moving forward with job creation and revenue generation on remaining developable UC land at the former Fort Ord.

The MBEST Center visioning process engaged leadership of regional institutions of higher education, local jurisdictions, the Fort Ord Reuse Authority, and the 17th Congressional District. After several months of meetings the final report, dated November 29, 2011, was issued, summarizing the salient points of the visioning process, which include the following:

1. UC will retain and continue to manage the 605-acre Fort Ord Natural Reserve as protected habitat while the MBEST Center footprint will be focused on the 70-acre Central North campus.
2. Other developable UC-owned lands at the former Fort Ord will be available for job-generating uses consistent with the Fort Ord Base Reuse Plan that are compatible with the UC MBEST Center.
3. UC will continue to seek research-related and educationally oriented uses on adjacent developable lands.
4. UC Santa Cruz will invite local higher education institutions to establish an advisory group to help guide the MBEST Center and to expand the range of potential research activities.
5. UCSC and CSUMB will collaborate on a path forward for UC’s Eighth Street Parcel.
6. UC Santa Cruz will partner with the City of Marina to complete entitlements on the Central North Campus to better position the MBEST Center to respond to R&D opportunities.

The following stakeholders support UC in its efforts to implement this updated MBEST Center vision and commit to working collaboratively with UC to bring this important effort to fruition.

1. _____
Sam Farr, Congressman
17th Congressional District
2. _____
Dave Potter, Chairman
FORA Board
3. _____
Dianne Harrison, President
California State University
Monterey Bay
4. _____
Doug Garrison, President
Monterey Peninsula College
5. _____
Jane Parker, District 4 Supervisor
Monterey County
6. _____
Sunder Ramaswamy
President
Monterey Institute of
International Studies
7. _____
Bruce Delgado, Mayor
City of Marina

The Defense Language Institute and the Naval Postgraduate School have a significant and continuing interest in the progress of the MBEST Center's movement forward under the revised vision.

8. _____
Dan Oliver, President
Naval Postgraduate School
9. _____
Daniel Pick, Colonel
Defense Language Institute



FORT ORD REUSE AUTHORITY

&

University of California Santa Cruz

Notes of December 22, 2015 Meeting

Present: Chancellor George Blumenthal, Vice Chancellor Scott Brandt, Associate Vice Chancellor Donna Blitzer, Director Graham Bice, Executive Officer Houlemard, Assistant Executive Officer Endsley, FORA Board member Edelen.

1. Status of the Visioning Recommendations

Graham Bice Reported on the status of items that were listed in the principles for moving ahead with the UC MBEST Center. He noted the difficulty they had experienced in getting the City of Marina to approve their specific plan that had been in process for more than two years. He further noted their desire to move forward with other projects including the 8th Street parcel. Chancellor Blumenthal noted that they had not met with the educational partners since neither UCSC nor the educational partners had anything to report. It was agreed that would be a good approach if there was nothing to report, but was a losing proposition if UCSC could use support from local entities in processing or other issues.

Progress has been made on all other principles set forth in the 2011 MBEST Visioning report, but this has still not achieved the goal of new development at the MBEST Center.

2. Anticipated UC MBEST Property Implementation/Update

The Specific Plan was at the core of much of the discussion, but the exchange led into a conversation about the potential of selling or conveying the 8th street parcel and for some joint planning with the County of Monterey and FORA on the south of reservation parcel and the Blanco Triangle. The University has sold one former Army building located on the UC MBEST Center West Campus, and still intends to sell the balance of the West Campus in the near future.

3. Barriers to Completing UC MBEST Promise/FORA Funding

UCSC considers limited water availability to be a potential barrier for their development. Processing delays through Marina. Lack of coordination with FORA and Monterey County Economic Development Committee. Need for a designated person from U.C. Santa Cruz with authority to make decisions and securing a skilled economic development professional (champion) and program to spearhead the active reuse of the North, West and South campus sites.

4. County Economic Development Committee Concerns/Impact to Monterey Bay

The County committee has specific concerns and criticisms. It was agreed it would be good idea for U.C. Santa Cruz to make regular reports to the County Economic Development Committee and FORA Economic Development.

5. Alternatives/Options

It was agreed that a palate of sites and approaches for use of U.C. land be explored including, but not limited, to potential sale of 8th Street parcel through discussions collaborations with FORA, sale of property, cooperative projects, donation of land, aggressive marketing, frequent meetings, reports, exchange of information, contracting with FORA for economic development services, making use of County Economic Development manager's expertise.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Resolution Supporting Draft Trails Concept	
Meeting Date:	March 11, 2016	ACTION
Agenda Number:	8f	

RECOMMENDATION:

Adopt Resolution 16-XX, in support of the Draft Trails Concept (**Attachment A**).

BACKGROUND/DISCUSSION:

The Fort Ord Base Reuse Plan (BRP), Volume 1: Context & Framework: Section 3.6.4 Major Open Space Areas includes a proposed network of trails on Fort Ord property. The BRP also provides that creation of non-motorized alternative transportation options become a core part of reuse activities (**Attachment B**). Figure 3.6-3, Recreation and Open Space Framework Plan describes a potential regional trail network (**Attachment C**).

The Draft Trails Concept (Trails Concept) is an effort to refine and meet BRP Recreation and Open Space Framework objectives (**Exhibit A** to **Attachment A**). As directed in the BRP, this Trails Concept connects several major and minor trails to make an east, west, north and south network.

BRP principles that guided Trails Concept development include:

- Connections that emphasized non-motorized transportation alternatives between neighborhoods such as hiking, walking, bicycling and equestrian activities.
- Reuse and recovery planning strategy making use of recreation and open space assets to attract potential users and increase public access.
- Right-of-Way paths and corridors that could reasonably accommodate future planned trails.
- A network system that would serve as a part of a larger, regional trails network that complements Toro Regional Park trails, Carmel Valley trails and Highway 68 corridor bicycle facility access.

The Trails Concept was developed in cooperation with California State University of Monterey Bay (CSUMB), University of California Monterey Bay Education, Science, and Technology (UCMBEST), Transportation Agency for Monterey County (TAMC), County of Monterey, and the cities of Seaside, Marina, and Del Rey Oaks. Staff-level representatives met with FORA staff to discuss a trails network on their property. A consensus-based Trails Concept as presented is the end result.

Subsequently, the Trails Concept will serve as a framework for jurisdictional review, approval, funding and future development.

FISCAL IMPACT:

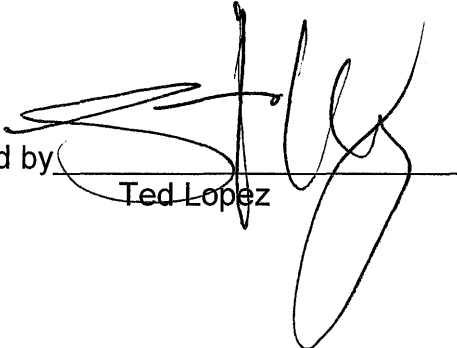
Reviewed by FORA Controller 

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

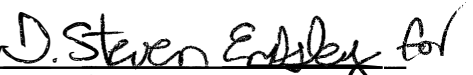
COORDINATION:

Administrative, and Executive Committees, CSUMB, UCMBEST, TAMC, County of Monterey, and the cities of Seaside, Marina, and Del Rey Oaks.

Prepared by


Ted Lopez

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY Resolution 16-XX

Resolution of the Fort Ord Reuse Authority Board In Support of the Draft Trails Concept

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

- A. The Fort Ord Reuse Authority (“FORA”) adopted the Base Reuse Plan in 1997 (“BRP”) to serve as a guide for former Fort Ord reuse and recovery; and,
- B. The BRP envisions integrating the former Fort Ord property into the regional economy of the Monterey Bay Region; and,
- C. The BRP Context & Framework: Section 3.6.4 Major Open Space Areas, includes a description of a proposed trails network; and,
- D. The BRP Context & Framework: Section 3.6.4 Major Open Space Areas, Proposed Trails Network emphasizes non-motorized transportation alternatives that consists of hiking, walking, bicycling, and equestrian activities; and,
- E. The BRP identifies three major trails that are described as, The Intergarrison Trail, The Fort Ord Dunes State Beach Trail, and The Salinas Valley/Seaside Trail; and,
- F. The BRP identifies four minor trails that are described as, The Monterey Road Trail, The Garrison Trail, The Crescent Avenue Trail, and The Reservation Road Trail; and,
- G. On January 22, 2015, the FORA sponsored Trails Symposium resulted in FORA convening a Trails Working Group, which began the process of exploring a trails network concept; and,
- H. On February 10, 2016, the FORA Post Reassessment Advisory Committee (PRAC) met and reviewed the Draft Trails Concept (**Exhibit A**); and,
- I. At the February 10, 2016 PRAC meeting, the PRAC directed staff to place the Draft Trails Concept on the agenda for March 11, 2016 FORA Board, meeting; and,
- J. The Draft Trails Concept is consistent with the principles established in the FORA BRP.

NOW THEREFORE the Board hereby resolves that:

- 1. The Fort Ord Reuse Authority hereby adopts Resolution 16-XX in support of the Draft Trails Concept, as described in **Exhibit A**.

Upon motion by _____, seconded by _____, the foregoing Resolution 16-XX was passed on this ____ day of March, 2016, by the following vote:

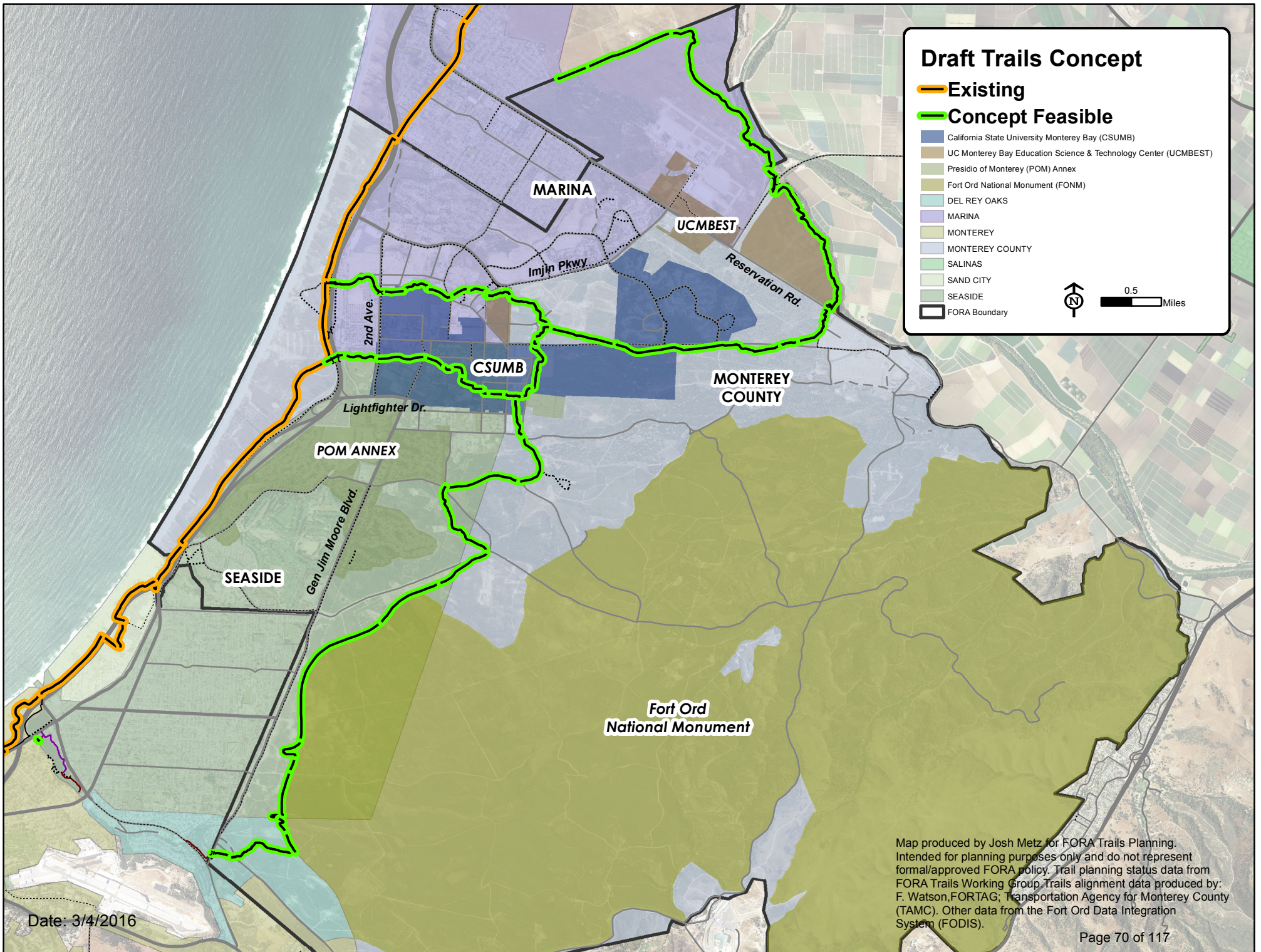
AYES:
NOES:
ABSTENTIONS:
ABSENT:

Mayor Pro Tem, Frank O'Connell

ATTEST:

Michael A. Houlemard, Jr., Secretary

DRAFT



Date: 3/4/2016

Map produced by Josh Metz for FORA Trails Planning. Intended for planning purposes only and do not represent formal/approved FORA policy. Trail planning status data from FORA Trails Working Group. Trails alignment data produced by: F. Watson, FORTAG; Transportation Agency for Monterey County (TAMC). Other data from the Fort Ord Data Integration System (FODIS).

**Attachment B to Item 8f
FORA Board Meeting, 3/11/16**

District, of which 125 acres are intended to be developed as all but 200 acres of the East Garrison. A variety of agencies lands, including the City of Marina, the University of California County. Additional habitat management lands include part of the former landfill site and the expansion of the existing Frog Pond Natural Area in the southwestern corner of the former Fort Ord. For a more complete description of these lands, refer to Section 4.4, the Conservation Element.

Oak Woodland Protection

The Oak Woodlands at Fort Ord represent an outstanding environmental asset. Much of this resource is located in lands that have been set aside for habitat management. A significant amount of these oak woodlands, however, are located in polygons that are designated for development. It is an objective of the Reuse Plan to accommodate the development programs on these polygons while protecting to the greatest extent possible the oak woodland resource.

“Development Character and Design Objectives” are defined for these polygons in the following Section 3.7, Planning Areas and Districts. In addition, policies and programs to encourage the preservation and enhancement of oak woodland elements in the natural and building environment are included in Volume II of the Reuse Plan. (See Section 4.4.3 Biological Resources.)

Commercial Recreation

Commercial recreation lands have been designated under the principle that tourism is one of the underlying strengths of the regional economy, and redevelopment at the former Fort Ord should support this segment of the economy. The existing Fort Ord golf courses adjacent the City of Seaside, containing approximately 350 acres, will remain in that use. Private ownership will be sought to operate this facility. An additional 150 acres in Monterey County adjacent the City of Del Rey are designated as commercial recreation and identified as a golf course opportunity site. A land use designation of ‘visitor serving’ has been assigned to land adjacent to both of these areas with the intent that overnight resort facilities would be developed there. Four additional golf course opportunity sites have been identified within the former Fort Ord boundaries, two within the City of Marina (one as an interim use), and two within the County. Improvement of these sites as golf courses is dependent on finding a willing developer. All golf course opportunity sites are shown in Figure 3.6-3.

Description of the Proposed Trail Network

The following principles were identified to guide the planning of the Fort Ord trails network:

- The trail system should be adequate to provide connections to non-motorized transportation alternatives to all neighborhoods in the former Fort Ord.

Framework for the Reuse Plan



Figure 3.6-3, Open Space and Recreation Framework

This figure can be found within the "Maps" section off the homepage of the FORA CD-ROM Application.

Framework for the Reuse Plan

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- The trail system should reinforce the redevelopment planning strategy of using recreation and open space assets to make the former Fort Ord attractive to potential users by interconnecting and increasing access to those assets.
- Adequate ROW should be reserved along planned transportation corridors to accommodate planned trails in addition to the entire planned road cross section.
- The Fort Ord trails system shall be considered as an integral part of a larger regional trails network which includes, but is not limited to, the Toro Regional Park trails, existing and proposed Carmel Valley trails, the existing Highway 68 corridor (used as a bike route). Fort Ord trails shall be linked to regional bike/pedestrian trails wherever possible.

The proposed trail network is shown in Figure 3.6-3, Recreation and Open Space Framework Plan.

Hiker/Biker Trails: Hiker/biker trails are divided into two categories of major and minor trails. These categories are analogous to the Arterial vs. Collector classification of roads. In general, major trails are seen as having a more regional function, connecting foot and non-motorized traffic to destinations outside of the former Fort Ord, or completing critical higher volume linkages with the former Fort Ord. In most cases these are located within the rights-of-way planned for major transportation arterials. Minor trails perform a less critical role, distributing and collecting traffic to and from neighborhoods along lower volume routes. Projected use volumes were not modeled for the planned network. More intensive research is needed prior to jurisdictions adopting an actual plan.

Major Trails: A minimum trail pavement width of 12 feet should be adopted as a trail standard for major trails. Trail surface should consist of asphalt or concrete, although a wood plank surface is permitted on causeways or boardwalks. Three major hiker/biker trails have been designated, as shown in heavy brown lines in Figure 3.6-3, with their description as follows:

- **The Intergarrison Trail:** Connects Fort Ord Dunes State Beach to the CSUMB campus, the former landfill area, the BLM lands through Marina's community park, and the East Garrison by means of the 8th Street Bridge, 8th Street, and Intergarrison Road. The right-of-way reserved for Intergarrison Road is sufficient to accommodate the hiker/biker trail on the south side of the road, in addition to the road travelway. This trail could also be located within the CSUMB campus, if this location were agreeable to CSUMB. The advantages of this siting is a greater separation from cars, potentially greater use to CSUMB, more space within the Intergarrison right-of-way for the equestrian trail planned for the north side of the road, and a unique identity for the trail. Siting would need to be coordinated with the CSUMB Master Plan.



- **Fort Ord Dunes State Beach Trail:** This trail would consist of lane striping within the travelway of the proposed Beach Range Road connecting the cities of Marina and Seaside through the back dune area. This will be a low speed, restricted access road, so physical separation between bike lanes and vehicles is not needed. For the same reason, trail width can be less than the specified 12 feet.
- **The Salinas Valley /Seaside Trail:** This trail is intended to serve as a major north/south hiker/biker trail through the former Fort Ord. It is located predominantly within planned transportation rights-of-way, although an option exists along the Seaside/former Fort Ord boundary to locate the bike trail within an existing power transmission line corridor. The proposed route of this trail, from north to south, follows Blanco Road into the former Fort Ord, turns along Reservation Road, crosses Reservation Road onto Imjin Road, then follows the proposed transportation corridor along the landfill site, across the CSUMB campus, and then along the extension of Eucalyptus Road. A user then has the option of following Coe Road into Seaside, or turning south toward Del Rey Oaks. The trail could be located along the North/South Road extension, or within the power line corridor mentioned above. This segment of the trail would have an important spur leading to the community park trailhead into the BLM lands beyond. Another spur continues west along the multi-modal transportation corridor parallel to Imjin Road into the Marina Village area. It turns south through the planned community park at California Street, and links to the Intergarrison Trail. A local level trail does not turn south on California but continues through the Village to Crescent Street.

Minor Trails: A minimum trail pavement width of ten feet should be adopted as a trail standard for minor trails. Four major trails have been designated, as shown in thin brown lines in Figure 3.6-3, with their description as follows:

- **The Monterey Road Trail:** A minor hiker/biker trail should follow Monterey Road from the vicinity of Fremont Boulevard through the planned residential district, then cross General Jim Moore Boulevard into the POM Annex. From there it follows oak woodlands through a ravine near Marshall Elementary up to the extension of Eucalyptus Road. A side spur connects the trail to Eucalyptus Road, while the main trail turns north along the Seaside/County line, through the Seaside community park, and connects with the CSUMB campus across Gigling Road.
- **The Main Garrison Trail:** A second minor trail connects the proposed visitors center and the Intergarrison Trail at 8th Street through the Town Center Planning Area to the Monterey Road Trail. One spur gives access to the State Beach through the underpass just north of the Main Gate. A second spur gives access into the west side of the CSUMB campus. The north end of the trail is located within a linear neighborhood park/greenway, in the Mixed Use District.



- **The Crescent Avenue Trail:** This trail connects Marina to the Intergarrison Trail and the CSUMB campus along Crescent Avenue and the Marina Village Community Park. A spur follows the multi-modal transit corridor eastward to connect to the Seaside/Salinas Valley Trail.
- **The Reservation Road Trail:** This trail connects the East Garrison to the City of Marina. It is located entirely within the right-of-way of Reservation Road.

Equestrian Trails: Several centers of equestrian activity are planned for the former Fort Ord. Fort Ord was one of the last active calvary posts in the U.S. Army, and is well suited to equestrian uses. The BLM intends to actively promote equestrian activities on BLM-managed lands in the center of the former Fort Ord, with a number of trails designated for equestrian use. Several community parks on the periphery of the BLM lands will be planned to act as trailheads for this trail system. A temporary equestrian center will be established in the Marina Village District in the short term, with the planned relocation of this equestrian center as a permanent use in the former landfill area.

A primary concern of trail planning at the former Fort Ord is to connect these various equestrian-related activities, building a synergy which will increase their attractiveness and usefulness. Two equestrian trails are designated outside of the BLM lands. These trails appear as a dashed black line in Figure 3.6-3.

The Intergarrison Equestrian Trail: This trail will connect the regional equestrian center planned for the former landfill area with the BLM trail system, with a trailhead staging area and related parking planned for the Marina community park adjacent to Intergarrison Road. The equestrian trail will be located within the Intergarrison Road right-of-way on the north side of the road, with a crossing east of the intersection with Gigling Road. An opportunity exists for this trail to connect all the way to the temporary equestrian center in the Marina Village community park along the planned multi-modal corridor as an interim use.



The Eucalyptus Road Trail: This trail parallels the northern boundary of the BLM lands. It is located within the future Eucalyptus Road Residential Community, where it forms a dual function as both a recreation trail and a firebreak between the residential area and the native coastal shrub areas. The trail will be a dirt trail at least twenty feet wide. South of the Eucalyptus Road district, the trail will be located within the planned Fort Ord Expressway easement all the way to the Seaside community park, where it will terminate at another major regional trailhead. Preliminary planning by the BLM indicates a potential to connect to the BLM trails at several other nodes along this trail between the two planned regional trailheads.

3.7 Planning Areas and Districts

Planning Areas and Districts within each of the former Fort Ord jurisdictions are designated to reinforce the community design vision for the former Fort Ord. They are based on the surrounding development context and the Development Framework, Circulation Framework, and Conservation, Open Space and Recreation Framework. They build on the major assets within the former Fort Ord including: CSUMB, UC MBEST, the Marina Municipal Airport, the East Garrison and the existing housing resources and recreational and open space features. The Planning Areas and Districts provide a flexible tool for planning and implementing coordinated development to take advantage of these assets for achieving the desirable community vision. The Planning Areas and Districts are identified in the "Area and District Matrix", illustrated as Table 3.7-1.

Land Reserves and Projected Land Uses

Districts within the Planning Areas contain one or more land use types. The Reuse Plan projects the balance of uses within each district based on existing site characteristics, public benefit conveyances, appropriate development prototypes based on market support, and role of the land area in achieving the community vision. Based on this balance of land use types, the Reuse Plan reserves land for: 1) community ROW's; 2) parks and open space; 3) habitat management; 4) public facilities; 5) schools; and 6) golf courses. The Net Area represents the land available for development.

The Reuse Plan projects a distribution of acreage and land use intensity for the Net Area. For each of the jurisdictions, the intensity is measured in: 1) number of dwelling units; 2) number of hotel rooms; or 3) square footage of industrial, office, or retail space.

General Development Character and Design Objectives

Development Character and Design Objectives are included in the Reuse Plan for each district to convey the significant community design interrelationships appropriate to realize the community vision and support the development framework for the Reuse Plan.



FORT ORD REUSE PLAN

Fort Ord Reuse Authority (FORA)

Land Planning	EDAW, Inc.
Market Analysis	EMC Planning Group, Inc.
Transportation Engineering	Sedway Kotin Mouchly Group
Civil Engineering	JHK and Associates
Fiscal Analysis	Reimer Associates
Habitat Planning	Angus McDonald Associates
Public Communications	Zander Associates
Community Development	The Ingam Group
	Resource Corps International

LEGEND:

	Bureau of Land Management Lands
	Limited Access
	Restricted Access
	California State Parks
	CSUMB Campus
	Other Public Open Space - Recreation-Oriented
	Other Public Open Space - Habitat Management
	Commercial Recreation
	Jurisdiction Boundaries
	Regional Hiker/Biker Trail
	Local Hiker/Biker Trail
	Equestrian Trail
	Neighborhood Park
	Community Park
	Golf Course Opportunity Site
	Equestrian Center Opportunity Site
	Visitor/Cultural Center
	Trailhead
	Environmental Education
	Youth Camp

SHEET TITLE:

OPEN SPACE & RECREATION FRAMEWORK

 	SOURCE: Jones & Siskin, 1993 Reimer Associates, (Re-Program), 1995 Monterey County, 1985 EDAW, Inc., 1995	FIGURE: 3.6-3
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EMC Planning Group Inc. Rev.: 6/7/01 5:37 PM

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Regional Urban Design Guidelines (RUDG) Adoption Schedule	
Meeting Date:	March 11, 2016	INFORMATION/ACTION
Agenda Number:	8g	

RECOMMENDATION(S):

Consider RUDG Adoption Schedule & Provide Direction.

BACKGROUND:

RUDG completion was identified as a separate 1997 Base Reuse Plan (BRP) implementation action (**Attachment A**). In May 1999, the Fort Ord Reuse Authority (FORA) Board voted to proceed with jurisdictional approach to base wide redevelopment (including creation of RUDG). In March 2005, the Board approved the Highway 1 Design Guidelines as the first stage of RUDG actions. The 2012 Reassessment Report identified RUDG completion, including policies for Gateways, Town & Village Centers, Regional Circulation Corridors and Trails, as incomplete BRP requirements. In spring 2013, the Post Re-assessment Advisory Committee (PRAC) was formed and recommended RUDG completion. Subsequently, the Board approved FY 13/14 and FY 14/15 budgets and FORA Staff Work plans that included RUDG completion.

During 2014, the Board empaneled the RUDG Task Force to oversee RUDG consultant recruitment, advising and project completion. Following a national search, Dover, Kohl & Partners (DKP) along with an interdisciplinary team was selected. In November DKP and FORA staff completed a series of stakeholder interviews during a preliminary Site Visit. In February 2015, DKP and FORA staff, completed a 10-day public design process leading to a preliminary draft RUDG. Staff and DKP presented a project update at the April 10 Board Meeting.

In May 2015, the FORA Board requested Authority Counsel clarify FORA RUDG authority and legal framework (**Attachment B**). The Authority Counsel memo clarifies the following:

- Development of RUDG for the Highway 1 Corridor (approved 2005), Town & Village Centers, Gateways, Regional Circulation Corridors, and Trails are required as distinct implementation actions under the BRP;
- RUDG are to focus on issues of visual quality and character;
- Board approved RUDG will establish measures for future consistency determinations; and
- RUDG do not override prior/current consistency determinations, redefine land use designations, or local zoning and General Plans.

Following the February charrette, staff, consultants and the RUDG Task Force conducted a robust review and revision process leading to the current administrative DRAFT RUDG policy document. The Task Force met on 14 separate occasions and reviewed 6 administrative DRAFT revisions. Along with Task Force members, the public review and revision process has included representatives from FORA's development community, regional agencies, members of the public, building and trade representatives, and California State University Monterey Bay (CSUMB) Master Planning team.

A Special Board Workshop and Public Open House was held on November 2, 2015 to present the administrative DRAFT RUDG and receive direct Board and public feedback. The administrative DRAFT RUDG policy document refines BRP policy direction, primarily drawing from Section 3.0: Framework for the Reuse Plan, with particular emphasis on Design Guideline 6: Adopt Regional Urban Design Guidelines (p. 61), and represents hours of constructive, collaborative work between a broad cross-section of FORA's stakeholders.

DISCUSSION:

Staff received an updated DRAFT RUDG document from DKP on December 31, 2015. In this DRAFT, DKP attempted to fully integrate Board, Task Force, and public input received to date. Following Task Force and staff requests at a December 16 meeting, DKP also delivered digital files allowing FORA direct editorial control of the RUDG document.

During detailed content review, staff recognized the need to further refine document organization and policy language. Staff completed this work (**Attachment C**; <http://bit.ly/1nIFiKs>) and created a new interactive project website <http://www.ordforward.org> for increased accessibility, clarity, and to facilitate editorial, and future implementation.

Editorial work has included text refinement, reorganization of key content items; reorganization of guidelines structure; and production and deployment of interactive, scalable web maps. The new website is intended as an interactive home for the RUDG. The current DRAFT RUDG document and website are organized following the original structure of previous RUDG documents with some modification, and the outline is provided below:

- **Home**
- **Introduction**
 - Project Timeline
 - Design Principles
 - Economic Factors
 - Policy Application
 - Definitions
- **Locations**
 - Land Use Jurisdictions
 - Town & Village Centers
 - Gateways
 - Regional Circulation Corridors
 - Trails
 - Regional Transit Facilities
- **Guidelines**
 - Roads
 - Complete Streets
 - Connectivity
 - Trails
 - Hwy 1 Design Corridor
 - Buildings
 - Orientation
 - Types, Setbacks & Height
 - Landscaping
 - Palettes
 - Lighting
 - Signage
 - Gateways
 - Wayfinding
 - Other Matters of Visual Importance
 - Public Spaces
 - Centers
 - Transit Facilities
- **Appendices**
 - Public Process
 - Vision & Illustrations
 - Market Update

Together these edits and adjustments will improve comprehension, applicability, usability and implementation of the FORA RUDG.

DISCUSSION:

Staff and the RUDG Task Force continue to refine the DRAFT RUDG received from the DKP consulting team on 12/31/15. In the process of this refinement, gaps in desired content have been identified including:

- Completion of landscape pallet and placement recommendations
- Completion of wayfinding and gateway signage recommendations
- Refinement of road and trail cross-sections
- Refinement of building height and setback recommendations

Staff is integrating content from existing local jurisdiction general and specific plans to fill some of these gaps. Targeted use of remaining consulting resources may be required to satisfy RUDG content needs. Staff is working with Task Force input to deliver the missing material in short order. The current target completion schedule is outlined below:

- Feb 25 – March 23: Staff work on content completion/refinement
- March 23: RUDG Task Force Review/Recommendation
- April 8: Potential RUDG Board Adoption

Staff will provide an update from the March 7 Special Board Meeting/Workshop, along with a project budget status update, and request Board members provide any further direction with respect to the RUDG adoption schedule.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

RUDG Task Force and Administrative Committee

Prepared by


Josh Metz

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

Project History

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1. FORA Act
2. Base Reuse Plan: Design Principle 6
3. Board policy on jurisdictional design implementation
4. Board approves Highway 1 Design Guidelines
5. Reassessment Report – Outstanding RUDG
6. Fort Ord Colloquium
7. 2014 Work Plan – RUDG Completion
8. Task Force – Competitive RFP
9. Board Approves Dover, Kohl (DKP) Selection
10. DKP Site Visit
11. 2015 Design Charrette
12. Task Force – DRAFT RUDG Development
13. DRAFT RUDG for Board Review
14. Task Force DRAFT RUDG review
- 15. Board RUDG Special Meeting**
- 16. Adoption Training**

MEMORANDUM

Kennedy, Archer & Giffen
A Professional Corporation

DATE: April 1, 2015
TO: Fort Ord Reuse Authority
FROM: Authority Counsel
RE: Regional Urban Design Guidelines

I. Issues:

This memorandum explores the scope of planning authority vested in the Fort Ord Reuse Authority (“FORA”) by the Regional Urban Design Guidelines (“RUDG”). To frame the issue, this memorandum specifically responds to questions that FORA Senior Planner Josh Metz posed to Authority Counsel in a February 23, 2015 email (“February 23 Email”). It also addresses a subsequent, related document that FORA’s Planning Department (namely, Steve Endsley, Jonathan Garcia, and Josh Metz) addressed to Authority Counsel entitled “RUDG Legal Questions Needing FORA Authority Counsel Opinion.” We have distilled from those two documents the following questions, followed by a summary of our conclusions:

A. What are “guidelines” and are they “mandatory”?

Generally, guidelines create standards that may be used to determine whether a local jurisdiction’s land use plan, zoning ordinances, and implementation acts are consistent with FORA’s Base Reuse Plan (“BRP”). In that sense, they are “mandatory.” But there are, as discussed below, limitations on the scope of such guidelines.

B. What is the difference between “guidelines” and “zoning”?

The relationship between the “guidelines,” including the RUDG, and zoning can be summarized as follows: FORA establishes guidelines pursuant to its authority under the FORA Act and BRP. The local jurisdictions must account for such guidelines when submitting its proposed land use plans, zoning, and implementing actions. FORA must then determine the consistency of such plans, zoning, and actions with those guidelines (and other requirements of the BRP), the process for which is set forth in the FORA Act and Article 8.01 of the Master Resolution. Accordingly, the RUDG are not zoning plans or zoning ordinances; only the local jurisdictions can establish those under the FORA Act.

C. Will FORA-approved guidelines limit local jurisdiction planning authority?

Yes, but only to the extent the guidelines are within their proper scope and follow the process for land use planning articulated in the FORA Act. Namely, the RUDG are limited in scope to matters of “visual importance/visual character,” and further that RUDG cannot impose requirements inconsistent with a local jurisdiction’s land use plan, zoning ordinances, implementation action, etc. after FORA has determined the same to be consistent with its BRP.

We therefore conclude RUDG can be implemented as a mandatory standard for local jurisdictions regarding matters of visual importance by which FORA can measure future consistency determinations.

II. Analysis

A. What are “Guidelines” and Are They Mandatory?

The February 23 Email first asks, “What are ‘guidelines’?” The RUDG Legal Questions Needing FORA Authority Counsel Opinion narrows the issue somewhat, by asking “What is FORA’s Regional Urban Design Guidelines (RUDG) legal authority?” And both the February 23 Email and the RUDG Legal Questions Needing FORA Authority Counsel Opinion ask: are the RUDG “mandatory?” This memorandum addresses those related questions together.

1. Definition of “Guidelines”

The term “guidelines” is not a legal term of art and has no particular legal meaning. Merriam-Webster defines a guideline as “a rule or instruction that shows or tells how something should be done.”¹ An alternative definition is “an indication or outline of policy or conduct.”² Though somewhat ambiguous, the former definition appears to provide a mandatory “rule,” whereas the latter may suggest something more permissive.³ But a dictionary definition does little to answer what “guidelines” means in this context, and is not dispositive of the issue of whether the RUDG are “mandatory.” It is therefore more instructive to focus on the source and substance of the RUDG, namely, the “Design Principles” set forth in the BRP.

2. Legal Authority for the RUDG

The legal authority for the BRP is set forth in the FORA Act at Government Code section 67675. That section obligates FORA to create the BRP, accounting for “[a] land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land ... and other natural resources[.]” Such authority encompasses the power to proscribe design guidelines.

¹ <http://www.merriam-webster.com/dictionary/guideline>

² *Ibid.*

³ See also “*Pirates of the Caribbean, Curse of the Black Pearl*” (Captain Barbossa: “[T]he code is more what you’d call ‘guidelines’ than actual rules”.)

The BRP provides for “Major Provisions of the Reuse Plan,” and “Context and Framework” for the BRP. (BRP, § 1.2.1, p. 3.)⁴ “The Framework for the Reuse Plan establishes the broad development considerations that link the various Reuse Plan elements to the land use jurisdiction into an integrated and mutually supporting structure.” (BRP, § 1.2.1, p. 8; see also art. 3.0, p. 55.) Part of that Framework is a “Community Design Vision,” which sets forth six specific “Design Principles.” (BRP, § 1.2.1, pp. 8-9; see also § 3.1, p. 56.) Design Principle no. 6 provides:

Design Principle 6: Adopt [RUDGs]. The visual character of the former Fort Ord will play a major role in supporting its attractiveness as a destination for many visitors every year. Maintaining the visual quality of this gateway to the peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire peninsula. [RUDG] will be prepared and adopted by FORA to **govern the visual quality of areas of regional importance within the former Fort Ord.**

(BRP, § 1.2.1, p. 9; see also § 3.1.1, p. 61.)

The “full” version of Design Principle no. 6 provides:

Adopt [RUDGs]. The **visual character** of the Monterey Peninsula plays a major role in supporting the area’s attractiveness as a destination for many visitors every year. ... **Maintaining the visual quality of this gateway to the Peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire Peninsula.** [RUDGs] will be prepared and adopted by FORA as a separate **implementation action to govern the visual quality of the following areas of regional importance.** The guidelines will address the State Highway 1 Scenic Corridor, the freeway entrances to the former Fort Ord ... from the State Highway 1 ..., areas bordering the public [sic] accessible habitat-conservation areas, major through roadways such as Reservation Road and Blanco Road, as well as other areas to be determined. **The urban design guidelines will establish standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.”**

(BRP, § 3.1.1, p. 61.)

The BRP therefore provides that the RUDG shall “govern” and shall “establish standards” for certain elements. (BRP, § 3.1.1, p. 61.) Those elements relate to the visual quality of certain areas. However, at least within that scope and subject to the processes

⁴ All references to the BRP are to volume 1, unless otherwise specified.

applicable to land use consistency determinations, the “guidelines” that the BRP sets forth in the RUDG “govern” and “establish standards,” and are mandatory on the local jurisdictions.

B. Differences and Relationship Between “Guidelines” and “Zoning”?

A memorandum prepared on September 3, 2013 by FORA Special Counsel Alan Waltner,⁵ discussed the relationship between “zoning” and FORA’s authority to govern land use. This memorandum will not repeat that one, save to highlight the discussion at pages 2 to 3, where Counsel pointed out that “zoning” is within the authority of the local jurisdictions, not FORA; FORA’s authority is to determine whether land use plans, zoning ordinances, implementing actions, etc. are consistent with the BRP, including design guidelines.

FORA has the authority and obligation to create the BRP, including “[a] land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space, and other natural resources within the area of the base.” (Gov’t Code, § 67675.) “[A]fter the board has adopted a reuse plan, a member agency with jurisdiction within the territory of Fort Ord may adopt and rely on the [BRP], including any amendments therefor, for purposes of its territory ... as its local general plan for purposes of Title 7 until January 1, 1996.” (Gov’t Code, § 67675.1.) Also, “[a]fter the board has adopted a [BRP], each county or city with territory occupied by Ford Ord shall submit its general plan to the board,” which (a) certifies after a public hearing that it is intended to be carried out pursuant to the FORA Act and (b) “contains, in accordance with guidelines established by the board, materials sufficient for a thorough and complete review.”⁶ (Gov’t Code, § 67675.2.) Within 90 days of the local jurisdiction submitting its general plan, FORA must determine that plan is consistent with the BRP. (Gov’t Code, § 67675.3, subd. (c).) Then, “[w]ithin 30 days after the certifications of a general plan or amended general plan, or any portion thereof, the board shall, after consultation with the county or a city, establish a date for that county or city to submit the zoning ordinances, zoning district maps, and where necessary, other implementing actions applicable to the territory of Ford Ord.” (Gov’t Code, § 67675.4.) The local jurisdiction then submits to FORA those zoning ordinances, zoning district maps, and other implementing actions – such RUDG (see Design Principle no. 6 at BRP, § 3.1.1, p. 61 [RUDGs “will be prepared and adopted by FORA as a *separate implementation action*”]) – and FORA must determine whether those zoning ordinances, maps, and implementation actions conform with the BRP. (Gov’t Code, § 67675.5.)

Accordingly, the relationship between the “guidelines,” including the RUDG, and zoning can be summarized as follows: FORA establishes guidelines, as “other implementing actions,” pursuant to its authority under the FORA Act and BRP. The local jurisdictions must account for such guidelines when submitting its proposed land use plans, zoning, and implementing actions. FORA must then determine the consistency of such plans, zoning, and actions with those

⁵ That memorandum can be found here: <http://www.fora.org/Board/2013/Packet/Additional/091313AlanWaltner.pdf>

⁶ See also Article 8.01 of the Master Resolution, providing for the BRP and FORA’s determinations of local jurisdictions’ legislative land use decisions.

guidelines (and other requirements of the BRP), the process for which is set forth in the FORA Act and Article 8.01 of the Master Resolution.

C. Will FORA-approved Guidelines Limit Local Jurisdiction Planning Authority? And What is the Scope of the RUDG Project?

Will FORA-approved guidelines limit local jurisdiction planning authority? As just discussed, FORA-approved guidelines limit local jurisdiction in the sense that the local jurisdictions must account for such guidelines and that FORA may reject local jurisdiction's land use plans and zoning if they do not comply with such guidelines. However, FORA's authority is not unlimited in this regard. Namely, the authority is limited by (1) prior consistency determinations, to the extent that they overlap with RUDG; and (2) the limited scope of RUDG (visual quality and characteristics).

1. FORA-approved Guidelines Generally Cannot Contradict Previously Enacted Land Use or Zoning Laws that FORA has Already Found to be Consistent with the BRP

First, as discussed in the memoranda of then Authority Counsel (Jerry Bowden) on Dec. 3, 2012 and on November 14, 2013, "[o]nce a local plan has been found consistent with the [BRP], the FORA Act does not permit the [BRP] to be amended if the amendment would negate the consistency finding," pursuant to Government Code section 67675.8⁷ (Jerry Bowden Memo, 11/14/2013, p. 1.) Accordingly, if a newly enacted RUDG imposed a requirement inconsistent with a pre-approved (by FORA) local jurisdiction land use plan or zoning ordinance, the local jurisdiction's land use plan or zoning ordinance should prevail over the new RUDG. As such, RUDG would only limit local jurisdiction's land use on matters that have not already been the subject of a FORA consistency determination.

2. The BRP Limits the Scope of RUDG

Another limitation on the RUDG is that those guidelines address "visual character." As discussed above, the BRP establishes a Framework delineating broad policy considerations. Part of that Framework is a "Community Design Vision," which sets forth six specific "Design Principles." (BRP, § 1.2.1, pp. 8-9; see also § 3.1, p. 56.) As quoted above, Design Principle no. 6 provides:

⁷ This memorandum does not comment on the correctness of that opinion, but will note that the then Authority Counsel recognized that section 67675.8 was ambiguous and that an alternative meaning was possible. (Jerry Bowden Memo, 12/3/12.) That alternative meaning was that section 67675.8 only imposed limitations on amendments to the BRP where the amendment would affect a single jurisdiction, as opposed to base-wide affects. Indeed, a plain reading of the statute suggests that result. Mr. Bowden found that result anomalous, since the FORA Act would thereby "address the narrow case of single agency amendments and not the broader case of base-wide amendments." (Jerry Bowden Memo, 12/3/12; see also Jerry Bowden Memo, 11/14/13.) In other words, if section 67675.8 only applies to cases where the BRP amendments apply to a single jurisdiction, there would be little else preventing FORA from making amendments with basewide effect.

Design Principle 6: Adopt [RUDGs]. The visual character of the former Fort Ord will play a major role in supporting its attractiveness as a destination for many visitors every year. Maintaining the visual quality of this gateway to the peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire peninsula. [RUDG] will be prepared and adopted by FORA to govern the visual quality of areas of regional importance within the former Fort Ord.

(BRP, § 1.2.1, p. 9; see also § 3.1.1, p. 61.)

Similarly, the “full” version of Design Principle no. 6 provides:

Adopt [RUDGs]. The visual character of the Monterey Peninsula plays a major role in supporting the area’s attractiveness as a destination for many visitors every year. ... Maintaining the visual quality of this gateway to the Peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire Peninsula. [RUDGs] will be prepared and adopted by FORA as a separate implementation action to govern the visual quality of the following areas of regional importance. The guidelines will address the State Highway 1 Scenic Corridor, the freeway entrances to the former Fort Ord ... from the State Highway 1 ..., areas bordering the public [sic] accessible habitat-conservation areas, major through roadways such as Reservation Road and Blanco Road, as well as other areas to be determined. The urban design guidelines will establish standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.

(BRP, § 3.1.1, p. 61.) The last sentence gives examples of the matters to which the RUDG pertain. Though RUDG are not limited to those specific examples (“... and other matters of visual importance”), RUDG do appear limited to matters of “visual character,” “visual quality,” or “visual importance” of the type listed as examples.⁸

a. Highway 1 Design Corridor Treatment

The RUDG Legal Questions Needing FORA Authority Counsel Opinion inquires “how were issues handled in Hwy 1 Guidelines?” Two points may be made here. First, the Design Guidelines set forth at article 2.0 of the Board approved (2005) Highway 1 Design Corridor Design Guidelines can generally be described as “visual” in character, including landscaping and other elements to promote conservation (§ 2.2.3), use of native plants (§ 2.2.4), setbacks (§

⁸ Another potential limitation on the RUDG is a geographic limitation. Design Principle no. 6 lists the specific geographic areas to which the RUDG are expected to apply. However, it also encompasses (as quoted above) “other areas to be determined.” Thus, the BRP does not actually limit RUDG to those specific geographic areas, provided that it make a determination that maintaining the visual qualities in those areas will serve the purposes laid out in Design Principle no. 6.

2.2.5), compatible signage and common themes to promote a connected quality (§ 2.2.6), greenbelts (§ 2.2.7), common minimum standards for medians lighting, and open spaces (§ 2.2.8), common gateway look and feel (§ 2.2.9), designs that promote walkable streets such as street furniture (§ 2.2.10), building design features (§ 2.2.11), particular signage (§ 2.2.13), viewsheds (§ 2.2.14), etc. Thus, the Highway 1 Design Corridor Design Guidelines are generally limited in scope to the matters set forth in BRP Design Principle 6, i.e., “visual” matters.

Second, the process for enforcing the designs called for in the Highway 1 Design Corridor Design Guidelines recognizes the process of consistency reviews, discussed above. For instance, the first paragraph of the Highway 1 Design Corridor Design Guidelines addresses that treatment:

This document provides a set of design guidelines for the creation of design standards and zoning ordinances by jurisdictions with authority by jurisdictions with authority along the 3-mile California Highway 1 stretch of the former Ford Ord. These guidelines will also serve as the basis for *future* [FORA] consistency determination review of legislative, land use, and project approvals submitted by affected jurisdictions, as required by state law.

(Highway 1 Design Corridor Design Guidelines, § 1.1, p. 1 (italics added).) Later, at section 1.6 beginning on page 7, the Highway 1 Design Corridor Design Guidelines discusses how they fall within the Design Review Process, including consistency determinations under the FORA Act and article 8.01 of the Master Resolution, and including development entitlement reviews under the BRP.

In closing, the Highway 1 Design Corridor Design Guidelines recognize that they must comply with the scope of the BRP’s provision for design guidelines and with the process for FORA’s review process set forth in the FORA Act, Master Resolution, and BRP.

b. The Scope of the RUDG Project with Dover, Kohl & Partners (“DKP”)

The RUDG Legal Questions Needing FORA Authority Counsel Opinion penultimately inquires “what is [the] scope of [the] RUDG project?” As addressed above, the scope of RUDG is visual quality.

FORA’s Request for Proposals for Regional Urban Design Guidelines (“RFP”) identifies Design Principle no. 6, i.e., creation of RUDG, as the focus of that scope of work. (RFP, p. 18 of 29.) As discussed above, Design Principle no. 6 relates principally to visual characteristics. Other design principles, it should be noted, relate to more “substantive” land use considerations, such as establishment of mixed-use development patterns (no. 3), establishing diverse neighborhoods (no. 4), and encouraging sustainable development (no. 5.)

The RFP then identifies two “top level” goals: (1) completion of RUDG focusing on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways on the former Ford Ord; and (2) Development of a strategic implementation plan to guide FORA and its member jurisdictions on integrating RUDG into planning processes.” In order to achieve those goals, the RFP contemplates the design professional “understand[ing] in detail existing land use and design regulations,” while recognizing that “local land use jurisdictions ... retain [] local control over all land use policies.” (RFP, pp. 18-19 of 29.) The “Key Deliverables” section of the RFP also appears to recognize the scope of RUDG. (RFP, p. 21 of 29.)

Form Based Code examples to be provided by the consultant under the contract are meant to serve as a visual representation of already allowed land uses in the BRP and are meant for illustrative purposes only. As noted above, the State has granted purview over Zoning to the FORA jurisdictions, and so insofar as Form Based Codes could substitute for a jurisdiction's Zoning Code, staff is recommending that those aspects of the Scope be provided to the jurisdiction's on an optional basis

III. CONCLUSION

The RUDG can be implemented as a mandatory standard for local jurisdictions regarding matters of visual importance by which FORA can measure future consistency determinations.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update

Meeting Date: March 11, 2016

Agenda Number: 10a

INFORMATION

RECOMMENDATION(S):

Receive a Habitat Conservation Plan (HCP) and State of California 2081 Incidental Take Permit status report.

BACKGROUND/DISCUSSION:

Item 10b from January 8, 2016 included additional background on this item and is available at the following website: <http://www.fora.org/Board/2016/Agenda/010816BrdAgenda.pdf>

For more than 19 years, the Fort Ord Reuse Authority (FORA) has worked towards completing a Fort Ord HCP that will satisfy U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) criteria for issuing federal and state Incidental Take Permits. Factors delaying progress, such as additional species in the plan area becoming listed as endangered, regulation changes, wildlife agency staff changes, and changes to species impact analyses, have all been addressed with the exception of one factor: USFWS's solicitor review of the Administrative Draft HCP and Environmental Impact Statement/Environmental Impact Report (EIS/EIR). In February, FORA representatives recently traveled to Washington, D.C. During the trip, Executive Officer Michael Houlemard, Jr. spoke with a Department of Interior Headquarters representative concerning this remaining hurdle to circulating the Public Review Draft HCP and its Draft EIS/EIR. The tenor of the conversation was cooperative. As a result, we hope to receive remaining USFWS comments in short order and complete the Public Draft HCP and its accompanying EIS/EIR.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Inner City Fund International, Denise Duffy and Associates, USFWS, CDFW, Authority Counsel, Administrative and Executive Committees, and land use jurisdictions.

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee	
Meeting Date: March 11, 2016 Agenda Number: 10b	INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on February 3 and 17, as well as March 2, 2016. The approved minutes for the February 3 meeting are attached (**Attachment A**).

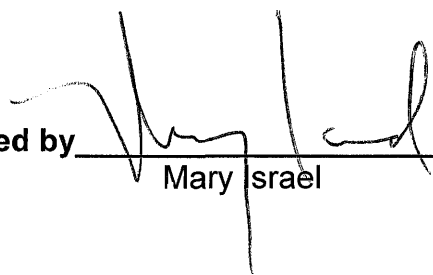
FISCAL IMPACT:

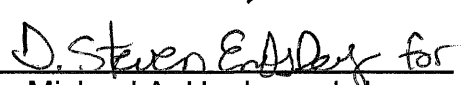
Reviewed by the FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by 
Mary Israel

Approved by 
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, February 3, 2016 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

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

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

Daniel Dawson, City of Del Rey Oaks	Lyle Shurtleff, BRAC	<u>FORA Staff:</u>
Craig Malin, City of Seaside*	Wendy Elliott, MCP	Michael Houlemard Jr.
Layne Long, City of Marina* AR	Don Hofer, MCP	Steve Endsley
Melanie Beretti, Monterey County*	Diana Ingersoll, City of Seaside	Jonathan Brinkmann
Elizabeth Caraker, City of Monterey*	Rick Riedl, City of Seaside	Robert Norris
Mike Lerch, CSUMB	Kathleen Lee, Sup. Potter	Ted Lopez
Chris Placco, CSUMB	Andy Sterbenz, Schaat & Wheeler	Peter Said
Steve Matarazzo, UCSC	Brian Boudreau, Monterey Downs	Mary Israel
Graham Bice, MBEST	Bob Schaffer	Maria Buell
Vicki Nakamura, MPC	Kathleen Lee, Sup Potter (County)	
Mike Zeller, TAMC	Paul Sciuto, MPRWRD	
Lisa Reinheimer, MST	Mike Wesley, MCWD	
	Keith Van Der Maaten, MCWD	

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Kathleen Lee.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Houlemard announced Helen Rodriguez was hired as the Controller and joins FORA March 1st.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES (no minutes were approved)

a. January 13, 2016 Administrative Committee Minutes

MOTION: Chris Placco moved, seconded by Steve Matarazzo to approve the January 13, 2016 Administrative Committee minutes as presented.

MOTION PASSED UNANIMOUSLY

The committee received comments from members.

6. FEBRUARY 12, 2016 BOARD MEETING AGENDA REVIEW

a. Fort Ord Reuse Authority Prevailing Wage Program

Mr. Houlemard briefly reviewed the agenda and referenced the resolution prepared for immediate past City Manager of Seaside, John Dunn. He discussed the items on the consent agenda and their relation to work at FORA: Item 7d, the Habitat Conservation Plan; Item 8b, Prevailing Wage: He said correspondence was sent to each City Manager of FORA jurisdictions along with the Resolution amending the Master Resolution related to compliance of prevailing wage. He also said the Board took action to approve the resolution requiring contractors to comply with DIR requirements. Item 8c. Finance Committee provided their review and adjustments will be made pertaining the close of escrow on Preston Park, that the registration of income on Capital Improvement Projects is on target

with all permit projections and developer fees. Item 8d will be heard at Joint Committee today; and Item 8e was requested be moved to March Board agenda. On Executive Officers items, he said more detail and next steps in getting Regional Urban Design Guidelines to adoption will soon follow.

Committee members provided comments/questions relating to the type of support to be provided to jurisdictions after FORA goes away; suggested to have discussions with jurisdictions to avoid duplication of efforts so they understand its implementation; how would this software be available; should all contractors registered with DIR have to integrate with ELATION software; and, that DIR was rolling back due to challenges on getting information from consultants and proceed with this registration requirement.

Mr. Houlemard said staff proposed multiple actions last year but Board chose the one being reviewed. Robert Norris supports orientation to jurisdictions on Prevailing Wage program for ELATION (compliance specific software) which interfaces with all existing accounts and items required such as certified payrolls, etc., and would help those contractors/subs who do not have experience with Prevailing Wage rules compliance. He added this software is used in San Francisco. Mr. Houlemard said Finance Committee will review this request and provide a recommendation to Board if financing is available.

The committee received public comment.

7. BUSINESS ITEMS

a. Fort Ord Reuse Authority 2020 Sunset / Transition Plan

Mr. Houlemard introduced this item and added the Finance Committee received this presentation at their monthly meeting. It was well received and they are aware of the contracts issues affected by sunset in 2020. Steve Endsley provided a presentation to committee and asked their help in designing the best way to present it to Board and stakeholders in order to understand the obligations, responsibilities and resources FORA has and what might be a way to undertake those obligations once FORA goes away. A series of meetings will be created with Local Agency Formation Commission (LAFCO) regarding FORA's future.

The committee received comments from members: would a Community Facilities District (CFD) continue if FORA goes away; a request to add funding sources on the table, identify the funding source and its relationship to the obligations; show the agencies' responsibilities and break them apart (each has its own); a la Carte option, show underlying jurisdictions next to land allocations; how much representation will be needed in the new entity as new responsibilities are given; provide guidance to CFD as to what components should be shifted to local jurisdictions and which are overarching; and, add a statement that "responsibilities will continue with jurisdictions and if they fail, they fail for everyone."

Mr. Houlemard said if FORA continues, then yes a CFD could exist and that it is being explored. But if CFD goes away, CEQA also goes away, but it would require a vote of the people in those jurisdictions. He explained that some funds come with restrictions and its already in the Capital Improvement Program. Steve Endsley said the Memo will be expanded to include looking at CFD, expectations in the next 4 years, how it might be lowered and what the revenues would be.

b. Capital Improvement Program (CIP) 2016 Schedule & Development Forecast

Jonathan provided a PowerPoint presentation to committee. Peter Said presented a 2016 schedule and fee formula and stated it is going to Board for consideration. He added that the CIP forecast is the first step in the process, Admin Committee reviews and then conforms it. He added Transportation Agency of Monterey County (TAMC) will have new data in June and might impact the study in September.

c. Post-Base Reuse Plan Reassessment Work Plan Update

Jonathan Brinkmann provided a PowerPoint presentation to members and answered their questions.

The committee received public comment.

8. ADJOURN TO JOINT ADMIN/WWOC COMMITTEE

Meeting adjourned at 9:51 a.m. and continued as Joint Water-Wastewater Oversight Committee meeting.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Post Reassessment Advisory Committee

Meeting Date: March 11, 2016

Agenda Number: 10c

INFORMATION

RECOMMENDATION(S):

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

BACKGROUND/DISCUSSION:

The PRAC met on Wednesday, February 10, 2016 and received Business Item presentations on Housing Map – FORA Property, Housing Affordability Next Steps, Draft Trails Map Blueprint, and 2016 PRAC Calendar Meeting Schedule.

PRAC members received a staff report on a draft map that identified affordable housing on Fort Ord property. PRAC members asked staff to continue to refine the map and also provide additional data at a future meeting. PRAC members also received a scope of work and cost proposal from Ms. Cathy L. Gallagher and Dr. Lynn Reaser, Ph.D., of the Fermerian Business and Economic Institute at Point Loma Nazarene University. PRAC members discussed the proposal and took no action. The PRAC reviewed the Draft Fort Ord Reuse Authority (FORA) Trails Map Blueprint and passed a motion to send the draft to the FORA Board at its next scheduled meeting.

Approved January 21, 2016 minutes (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

PRAC, California State University Monterey Bay, Transportation Agency for Monterey County, Administrative and Executive Committees.

Prepared by 

Ted Lopez

Approved by 

Michael A. Houlemard, Jr.



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

9:00 a.m., Thursday, January 21, 2016 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Victoria Beach called the meeting to order at 9:03 a.m. The following were present:

Committee Members:

Victoria Beach (Chair), City of Carmel
Andre Lewis, California State University Monterey
Bay (CSUMB)
Kristi Markey, Supervisor Parker's Office, County of
Monterey
Gail Morton, City of Marina
Ralph Rubio, Mayor City of Seaside

FORA Staff:

Jonathan Brinkmann
Steve Endsley
Michael A. Houlemard Jr.
Mary Israel
Ted Lopez
Josh Metz

Other Attendees:

Dr. Lynn Reaser, guest speaker
Cathy Gallagher, guest speaker
Jerry Hernandez, Monterey County
Diana Ingersoll, City of Seaside
Steve Matarazzo, University of California, Santa Cruz
Chris Placco, CSUMB
Jane Haines, Member of the Public
Bob Schaffer, Member of the Public

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Chair Victoria Beach announced that FORA staff are organizing the RUDG document in a new web layout. RUDG Task Force members and staff would now have the capability to edit content.

Executive Officer Michael Houlemard announced that Ed Smith is a new chair appointee to the PRAC.

3. PUBLIC COMMENT PERIOD

None.

4. APPROVAL OF MEETING MINUTES

a. January 14, 2016 Minutes

MOTION: Ralph Rubio moved, seconded by Gail Morton to approve the January 14, 2016 PRAC Committee minutes.

MOTION PASSED UNANIMOUSLY.

5. BUSINESS ITEMS

a) Development Fee Costs – Preliminary Research

Assistant Executive Officer Steve Endsley provided a brief presentation on local development fees, including sample development fees from local jurisdictions on and off former Fort Ord lands.

b) Guest speakers: Dr. Lynn Reaser and Cathy L. Gallagher, Fermenian Business and Economic Institute at Point Loma Nazarene University

Ms. Gallagher and Dr. Reaser presented their report, "Opening San Diego's Door to Lower Housing Costs." The report surveyed jurisdictions in San Diego development fees and regulations that resulted in an increase in time and costs to construct housing. The report included a model that estimated the number of households not priced out of the market for each 1% decrease in costs. The study identified local best practices as well as in the states of Texas, Arizona and Colorado. The findings suggested ways that public agencies could reduce housing regulatory costs by implementing employee compensation/incentives to process plans, restrictions on when legal challenges can be made, and having a development master plan. Dr. Reaser offered to apply the same methodology to FORA's local needs, promising informed actionable recommendations. Victoria Beach and other members suggested the committee add this topic to the next PRAC meeting Agenda.

c) 2016 PRAC Calendar Meeting Schedule

PRAC members tentatively agreed to meet at 9 a.m. on the 2nd Wednesday of each month in 2016. PRAC members requested that FORA staff check whether there are conflicts with other FORA committee meetings.

6. ITEMS FROM COMMITTEE MEMBERS

None.

7. ADJOURNMENT

Meeting was adjourned at 10:55 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Regional Urban Design Guidelines Task Force

Meeting Date: March 11, 2016

Agenda Number: 10d

INFORMATION

RECOMMENDATION(S):

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

BACKGROUND/DISCUSSION:

The RUDG process began in spring 2014 and is nearing completion. The Task Force met at 9:30 a.m. Friday, February 5, 2016 and again at 9:30 a.m. Thursday February 25, 2016 to review staff progress refining RUDG policy language, producing an updated DRAFT RUDG document and interactive website (<http://www.ordforward.org>).

Members made recommendations for additional content refinements including:

- Completion of landscape pallet and placement recommendations
- Completion of wayfinding and gateway signage recommendations
- Refinement of road and trail cross-sections
- Refinement of building height and setback recommendations

Staff continues working with Task Force members to integrate existing plans, complete critical RUDG content refinements, and finish the RUDG development process.

The next RUDG Task Force meeting is scheduled for 9:30 a.m. Wednesday, March 23, 2016. A special Board meeting/workshop to present the new website is scheduled for 4:30-6:30 p.m. Monday March 7, 2016.

Approved December 16, 2015 and February 5, 2016 minutes are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
REGIONAL URBAN DESIGN GUIDELINES (RUDG) TASK FORCE
MEETING MINUTES

9:30 a.m., Wednesday, December 16, 2015

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

1. CALL TO ORDER AND ROLL CALL

RUDG Task Force (Task Force) Chair Michael Houlemard called the meeting to order at 9:35 a.m. The following were present:

Members:

John Dunn, City of Seaside
Victoria Beach, City of Carmel-by-the-Sea
Carl Holm, Monterey County
Elizabeth Caraker, City of Monterey
Anya Spear, CSUMB

FORA Staff:

Michael A. Houlemard, Jr. (Chair)
Jonathan Brinkmann
Josh Metz
Steve Endsley
Ted Lopez
Mary Israel

Others:

Diana Ingersoll, City of Seaside
Virginia Murillo, TAMC
Chris Placco, CSUMB
Lisa Brinton, City of Seaside
Tim O'Halloran, City of Seaside
Rick Medina, City of Seaside
Kathleen Lee, County of Monterey
Robert Guidi, Presidio of Monterey (U.S. Army)
Jane Haines
Kathy Biala
Bob Schaffer
Beth Palmer
Wendy Elliott, MCP
Jason King, Dover-Kohl (phone in)
Brian Boudreau (entered while meeting in progress)

2. PLEDGE OF ALLEGIANCE

Mary Israel led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None.

4. APPROVAL OF MEETING MINUTES

a. November 3, 2015 minutes.

MOTION: Carl Holm moved, seconded by Victoria Beach to approve the November 3, 2015 RUDG Task Force minutes as presented.

MOTION PASSED: Unanimous.

5. PUBLIC COMMENT PERIOD

None.

6. BUSINESS ITEMS

a. Review DRAFT RUDG and provide direction.

Project manager Josh Metz presented the key FORA Board feedback on the RUDG Draft that was submitted over the last two months. Members urged RUDG consultant Dover Kohl & Partners (DKP)

and FORA staff to incorporate the following changes from the list of Key Board Feedback: clarify policy language so that it is consistent with the BRP; remove “centers” from General Jim Moore Boulevard; consider adding UCMBEST as Employment Center (distinct from Town & Village Center); clarify where RUDG apply; and consider adding “Regional Transit Facilities” and “Public Open Spaces” focus areas as “additional areas to be determined”.

Chair Michael Houlemard urged DKP to implement Task Force directed use of the active voice in the document and the continued purging of “should” from the text. There was general discussion on what should be included in the RUDG. Members emphasized the need for an Introduction or Prologue to provide most recent project context.

Wendy Elliott requested clarification between the idea of complete streets and the emphasis on designing street for pedestrians. Beth Palmer urged a differentiation between “corridors” and “complete streets.”

Members discussed removing the Centers within the CSUMB Campus and focusing on the Centers described in the BRP around the western perimeter of CSUMB. Victoria Beach suggested “Secondary centers” be renamed “Opportunities” and a center be added to UCMBEST as previously stated by the Board. Carl Holm also requested that Secondary Trailheads be left as optional or Opportunity. Regarding Board feedback about removing centers along General Jim Moore Blvd., John Dunne suggested if they are no longer centers, they might be considered great opportunities.

Victoria Beach suggested that local Economic Development information be pulled in to section 1.8. Lisa Brinton added that the Economic Development section should be more than just walkability, add housing affordability and other information currently in the Appendix. Victoria Beach urged DKP to produce FORA specific palettes and design options for signage, landscaping, transit design and lighting, stating these were part of the original expected project deliverables.

The Task Force recommended staff obtain the primary document digital files from DKP to facilitate direct staff and task force content editorial as the project moves to completion

7. ITEMS FROM MEMBERS

None.

8. ADJOURNMENT

The meeting was adjourned at 12:16 p.m.



FORT ORD REUSE AUTHORITY
REGIONAL URBAN DESIGN GUIDELINES (RUDG) TASK FORCE
MEETING MINUTES
9:30 a.m., Friday, February 5th, 2016
920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

1. CALL TO ORDER

RUDG Task Force (Task Force) Chair Michael Houlemard called the meeting to order at 9:33 a.m. The following were present:

Committee Members:

Victoria Beach, City of Carmel-by-the-Sea
Elizabeth Caraker, City of Monterey
Diana Ingersoll, City of Seaside
Layne Long, City of Marina
Anya Spear, California State University Monterey Bay

FORA Staff:

Michael A. Houlemard Jr. (Chair)
Mary Israel
Ted Lopez
Josh Metz
Jonathan Brinkmann

Other Attendees:

Grace Bogdan, County of Monterey
Gene Doherty, Marina Planning Commission
Robert Guidi, Department of the Army (POMDWP)
Craig Malin, City of Seaside
Steve Matarazzo, University of California Monterey Bay Education,
Science and Technology Center (UCMBEST)
Virginia Murillo, Transportation Agency of Monterey County (TAMC)
Tim O'Halloran, City of Seaside
Wendy Elliot, Dunes at Monterey Bay
Jane Haines, member of the public
Bob Schaffer, member of the public

2. PLEDGE OF ALLEGIANCE led by Anya Spear.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Diane Ingersoll is appointed to the RUDG to replace John Dunn as the representative from City of Seaside.

4. PUBLIC COMMENT PERIOD

Jane Haines said that she is concerned that Highway 1 lacks a sign for Former Fort Ord. She suggested it be located at Lightfighter Drive.

5. APPROVAL OF MEETING MINUTES

- a. December 16, 2015 Minutes
Deferred to the next meeting.

6. BUSINESS ITEMS

a. DRAFT RUDG format and content review/update

Executive Officer Michael Houlemard gave a brief overview of how the RUDG went with the consultants up until December, when they passed the editable copy to FORA staff lead Josh Metz, and the steps that staff have taken since to make final editing of the RUDG more efficient. Victoria Beach added that the process of 'webification' of the RUDG showed repetitiveness and fluffiness in writing as well as gaps in the product. She and Carl Holm have helped FORA staff clean up the writing and note where the gaps are.

Josh Metz then gave a live tour of the website version of the RUDG while Task Force members followed with the most recent draft from December 2015 for comparison. He explained that he did not send the latest 12/31/15 consultant draft RUDG document to members because he didn't want them to go too deep in to the print since it has recently been revised. Instead, Mr. Metz encouraged a detailed review of each guideline in this format. He asked for help deciding what to do about the larger gaps in the work. These are: road and trail cross-section consistency; road and trail atlas; lighting and landscaping palettes; gateway and wayfinding signage design; transit hub design.

The Task Force discussed options for moving ahead including: a) bringing on consultants from the local sub-consultant pool of Dover-Kohl and Partners (DKP); b) assigning tasks directly to DKP; or c) reassigning some of these items to FORA staff. Victoria Beach suggested the Task Force also address the need for re-branding the former Fort Ord as recommended by the 2012 Reassessment Report and the RUDG Developer Consultants. Michael Houlemard cautioned that "branding" is a component of the Reassessment Report – Category III items assigned to the Post Reassessment Advisory Committee and the task would be time consuming and complex.

Content and organizational recommendations from the Task Force included:

1. Introduce the terms and differences between Centers, Gateways, and Corridors above the main map. Can you make the legend more prominent? Perhaps with a pop-up window that gives directions to scroll down, and is clicked to close. Remove redundant links. Keep the left bar as a set format, add sub-lists under and keep it as an outline of the material that is clicked through to in the main body of the page. Clarify titles on left bar to be relevant exclusively to what is in the main body on that page.
2. Rotating pictures are distracting, leave that as optional.
3. How are the Consistency Determinations (CD) to be used? Clarify implementation and evaluation within the webpages on each guideline. Purpose is the first section, and CD is broken out as Objectives in the second section. Guidelines is confusing showing up in different uses. Compliance is with Design Objectives.
4. Consider Title line to offer Guidelines, subtitle to offer Location on each section.
5. Elizabeth Caraker agreed to draft a couple of sentences as the Objectives for each guideline.
6. For the next Agenda, Anya Spear requested the Task Force review what type of road designs go where, and designate.
7. Craig Malin asked for greater clarity on the building types and setbacks, and for the Task Force to consider using the term "landscape" rather than "landscaping." Michael Houlemard replied that FORA Board of Directors (Board) chose the former in the Highway 1 Design Workshop, but the BRP used the latter.
8. Wendy Elliot said that lighting and signage design requirements should be in respect to where projects are (Coastal like the Dunes, Rolling hills like East Garrison, etc.) so that place is respected while the collective look is whole.
9. Road cross-sections don't match trail cross-sections. Specific recommendations are needed. Victoria Beach suggested that staff gather what is known and hand a file off to a consultant

who would write a Regional Identity piece, label the roads correctly and say where the regulations apply.

Josh Metz said that the Board meets to review the RUDG on March 7, and that roughly 18% of the budget remains. The Task Force discussed options. Michael Houlemard said it should stay on schedule and any pieces that need to be refined post-adoption can be done, but CDs will be coming in. He asked: can gap assignments be brought in-house for some of the data collection with consultants brought on for completion, as Victoria Beach suggested? Can the Task Force have a final draft ready for Board consideration in April/May? Some decisions can be made within RUDG Task Force meetings. Next meeting, the Task Force agreed to review roads and trails.

7. ITEMS FROM COMMITTEE MEMBERS

None.

8. ADJOURNMENT

Meeting was adjourned at 11:36 a.m.

NEXT MEETING: Thursday, February 25th from 9:30 to 11:30 a.m

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Veterans Issues Advisory Committee

Meeting Date: March 11, 2016

Agenda Number: 10e

INFORMATION

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The VIAC met on January 28, 2016. The approved January 28, 2016 minutes are included as Attachment A.

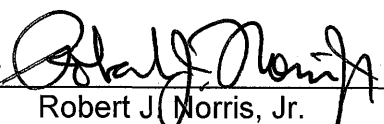
FISCAL IMPACT:

Reviewed by FORA Controller 

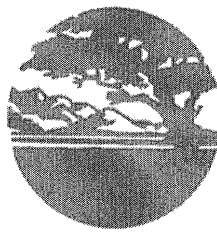
Staff time for this item is included in the approved FORA budget.

COORDINATION:

VIAC

Prepared by 
Robert J. Norris, Jr.

Approved by  for
Michael A. Houlemard, Jr.



VETERANS ISSUES ADVISORY COMMITTEE (VIAC)

MEETING MINUTES

3:00 P.M. THURSDAY, January 28, 2016

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

1. CALL TO ORDER

Acting Chair Edith Johnsen called the meeting to order at 3:03 p.m.
The following were present:

Committee Members:

Master Sgt. Alan Gerardo, U.S. Army POM Garrison
Mary Estrada, United Veterans Council (UVC)
Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)
George Dixon, Monterey County Office of Military & Veterans Affairs
Edith Johnsen, Veterans Families/Fund Raising
Richard Garza Central Coast Veterans Cemetery Foundation (CCVC Foundation)
Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee

FORA Staff:

Mary Israel
Robert Norris

Others:

Terry Bare, Veterans Transition Center
Candy Ingram, CCVC Foundation
Erica Parker, Office of Assemblymember Stone
Bob Schaffer, CCVC Foundation

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Jack Stewart.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Terry Bare of Veterans Transition Center (VTC) announced the Pebble Beach Pro-Am will include many veterans volunteering and that there are opportunities to serve food and drinks; he shared a flyer. The dates for the Homeless Veterans Stand Down are set for August 19-21 2016, and he anticipates a larger legal process this year than last. The Stillwell Club bar is existing, albeit in pieces, in a Transportation Alliance of Monterey County (TAMC) building and is being offered to VTC for use.

Jack Stewart added that it could be on the Veterans Memorial Walk route.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. October 22, 2015

MOTION: Richard Garza moved, seconded by Jack Stewart to approve the October 22, 2015 Veterans Issues Advisory Committee minutes, with corrections by Sid Williams and Erica Parker.

MOTION PASSED UNANIMOUSLY.

6. BUSINESS ITEMS

a. California Central Coast Veterans Cemetery Status Report

i. Cemetery Administrator's Status Report

Principle Analyst Robert Norris reported that rain may delay work for up to three months.

ii. Cemetery Advisory Committee (CAC) Working Meeting Agenda

Robert Norris said that it was agreed in the last CAC meeting that the next meeting, to be held from 12 noon to 2 p.m. on February 11, 2016 at the VTC, would be a working meeting. The CAC will review justifications for submitting an application for expansion, by updating metrics such as a survey counting in-ground burial needs in the target veteran population. The pre-application goal is June. Food will be provided.

iii. Endowment Parcel MOU

Sid Williams reported that the attached Memorandum of Understanding by and among County of Monterey, City of Seaside, CCVC Foundation, and FORA regarding CCCVC planning came up in the CAC meeting because it requires an update to the time period terms. Termination could be extended to 2025. If it is not extended, the agreement to pass on profits from land sale to California Department of Veterans Affairs could be deemed null-and-void. Extension is on the agenda for the County Supervisors meeting February 22nd. Mr. Williams encourages attendance. After the County, the CAC will bring it to the FORA Board of Directors.

b. Fundraising Status

i. CCVC Foundation Status Report

Richard Garza reported that the Foundation is working on expanding its catchment area, but Monterey County cannot supply \$3 Million that it will need to expand. Veteran service officers will be contacted to present to their groups.

Candy Ingram commented that UVC was very generous in donating a \$30,000 check for the tournament. Goals for a Board planning session in February include partnering with VTC on major fundraising. The website is improved, maintained free of charge by Mike O'Brien. Candy Ingram requested that everyone visit the website and give feedback.

c. VA/DoD Veterans Clinic Status Report

i. Historic Flag Pole Variance Update

Sid Williams reported that the pole is on sawhorses in a tent, and when it is drier out George Reid will sandblast it. After three emails in two weeks asking the VA to receive the historic flag pole, there have been no responses. There is no specific location settled for the flag pole at this time. Erica Parker offered to contact Aides to Congressman Farr directly to move things ahead.

ii. Clinic Construction Schedule

Robert Norris reported that clinic construction is extending three months, although the outside work is done.

d. Historical Preservation Project

Jack Stewart said that Cliff is not available today, but things are getting busy with 501(c) status. Terry Bare added that yesterday Cliff mentioned he has the status with the State, but he is still raising funds for IRS status.

7. ITEMS FROM MEMBERS

a. Female Veteran membership on VIAC

Robert Norris said that James Dogen indicated an amendment may be needed to add women to the VIAC. But the UVC representative sub is now Mary Estrada, so no amendment is needed for additional members.

b. Year of the Veteran

Sid Williams said that 2016 will be proclaimed the Year of the Veteran by the County Board of Supervisors (County BOS) on February 9th at approximately 10:30 after re-opening from closed session. Mr. Williams intends to use the proclamation plaque from the County BOS as a stimulus for Marina to also do so. He encourages VIAC members living in Seaside and other jurisdictions to borrow the plaque for similar campaigning. Richard Garza asked that FORA join the County BOS proclamation and then spread the word via local television and newspapers.

8. ADJOURNMENT

Acting Chair Edith Johnsen adjourned the meeting at 4:02 p.m.

NEXT SCHEDULED MEETING: 3 p.m. February 25, 2016

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Water/Wastewater Oversight Committee

Meeting Date: March 11, 2016

Agenda Number: 10f

INFORMATION

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The WWOC received Marina Coast Water District's (MCWD) Fiscal Year (FY) 15/16 Quarter 2 and the five-year Capital Improvements Program (CIP) reports in preparation for the upcoming review of MCWD's Budget for FY 16/17 in March. The subsequent discussion identified the need for specific data concerning line loss at specific interchanges. Members further voiced a desire to clarify the quarterly reports in respect to the CIP performance through a comparison of line item planned budget, yearly budget and actual dollar amounts.

The WWOC also approved minutes from:

- a. January 13, 2016 (**Attachment A**)
- b. February 3, 2016 (**Attachment B**)

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

WWOC, Administrative Committee, Executive Committee.

Prepared by 

Peter Said

Approved by 

Michael A. Houlemard, Jr.



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

9:30 a.m., Wednesday, January 13, 2016 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Steve Endsley called the meeting to order at 9:48 a.m. The following were present:

Committee Members:

Mike Lerch, CSUMB
Steve Matarazzo, UCSC
Melanie Beretti, Monterey County
Elizabeth Caraker, City of Monterey
Rick Riedl, City of Seaside

FORA Staff:

Jonathan Brinkmann
Steve Endsley
Mary Israel
Michael A. Houlemard Jr.
Peter Said

Other Attendees:

Patrick Breen, MCWD
Keith Van der Maaten, MCWD
Kelly Cadiente, MCWD
Mike Wegley, MCWD
Chris Placco, CSUMB
Bob Schaffer
Wendy Elliott
Andy Sterbenz
Beth Palmer
Brian Boudreau

2. PLEDGE OF ALLEGIANCE

Executive Officer Michael Houlemard led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Andy Sterbenz of Schaaf and Wheeler reminded the WWOC of a request sent out in October 2015 for planning departments of jurisdictions to submit development projects, Capital Improvement Projects (CIPs), road resurfacing, etc. projections. The request has not been fully responded to, so he reminds jurisdictions to turn them in so that the 20-year projection for the area can be prepared.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. April 29, 2015 Minutes

MOTION: Steve Matarazzo moved, seconded by Melanie Beretti to approve the April 29, 2015 Water/Wastewater Oversight Committee minutes.

MOTION PASSED. Rick Riedl abstained.

b. August 5, 2015 Minutes

MOTION: Steve Matarazzo moved, seconded by Melanie Beretti to approve the August 5, 2015 Water/Wastewater Oversight Committee minutes.

MOTION PASSED UNANIMOUSLY.

c. October 14, 2015 Minutes

MOTION: Rick Riedl moved, seconded by Chris Placco to approve the October 14, 2015 Water/Wastewater Oversight Committee minutes.

MOTION PASSED UNANIMOUSLY.

d. December 11, 2015 Water/Wastewater Oversight Committee Meeting of the Whole Notes

Notes were received.

6. BUSINESS ITEMS

a. Review Jan-Feb-March WWOC Work Plan Schedule

Project Specialist Peter Said presented the Workplan that was accepted by the WWOC in the July 2015 meeting. He noted some differences in the February 2016 through April 2016 work program activities and those that are currently proposed in the Marina Coast Water District (MCWD) Fiscal Year (FY) 2016-2017 Budget Calendar (agenda item **6b**).

b. Review Schedule for Budget Approval Process

Peter Said reviewed the MCWD Budget Schedule provided by MCWD earlier and included in the meeting Agenda Packet. WWOC members raised concern that the March 9th, 2016 date for "Distribute Ord Community Draft Budget to WWOC" would limit the FORA Board of Directors to less than three months review period because a second vote, if needed, would occur in the Board Meeting on June 10th. Kelly Cadiente of MCWD assured the group that the date "3/9/2016" was a typographical error, and that MCWD's intention is to distribute the Ord Community Draft Budget to WWOC on March 10th. She also clarified that the Budget Worksheet works like a Master Plan and is used to schedule their budgets. WWOC members asked how FORA staff will assess the completeness of the submittal. Peter Said offered to return a presentation of the process to the committee. The WWOC discussed the meaning of "completeness" of a budget. Mike Lerch requested that changes to the budget in subsequent versions are only those changes requested by the WWOC after the first draft on March 10th. Assistant Executive Officer Steve Endsley suggested that a FORA decision by June 30th may be the best that can be achieved, and he expects all parties to act in good faith to iron out the document (referring to the Water/Wastewater Facilities Agreement section 7.1.3.1 – 7.1.3.4 and 7.2.1).

c. Set 2016 Schedule ACTION

Steve Endsley announced that the Administrative Committee have requested a second review of the Three Party Planning effort and requested the WWOC members attend as well. The meeting is scheduled for Wednesday, February 3rd, 2016.

Chris Placco suggested the May 2nd tentative meeting date be added to the 2016 WWOC Meeting Schedule as "tentative."

MOTION: Steve Matarazzo moved, seconded by Mike Lerch to approve the 2016 Meeting Schedule with the February 3, 2016 special joint meeting and the May 2, 2016 tentative meeting added.
MOTION PASSED UNANIMOUSLY.

7. ITEMS FROM MCWD

a. Review Financial Audit

Kelly Cadiente presented the clean audit and pointed members to review pages 1 and 2 which reported “no findings.” In “Activities” and “Analysis,” she pointed out that the anticipated loan for Marina and Ord Community water is not in place because the costs were contained, and the 2006 participation bonds of \$42 Million and \$29 Million for Ord Community Water and Sewer were refinanced in 2015 so the interests dropped from 4.8 to 3.6.

Principal Planner Jonathan Brinkmann asked if litigation doesn’t result in repaying the balance of the Regional Project fund, is there a plan? Kelly Cadiente replied that there are many scenarios for the outcome, so they do not have a plan and will react when they know; in the worst case, they will not recoup the funds. Steve Matarazzo asked where that is in the budget. She pointed the committee to page 49 of the FY 2014/2015 outflow, regional capital and financing activities for the cost during one year.

Jonathan Brinkmann asked what the New Water Fund means. Kelly Cadiente clarified that it is the Regional Urban Water Augmentation Project (RUWAP) and the debt is the pipeline, built with Capital Improvement Projects (CIPs) on the General Jim Moore Boulevard expansion.

b. Ord Community Annexation Report

Mike Wegley presented the annexation planning process to the WWOC as he had in the December 11, 2015 meeting of the whole. He added that the MCWD Board of Directors (Board) has new members and that they will be brought up to current information about the annexation process. Melanie Beretti asked what the timeline is for annexation. Mike Wegley said that steps are to talk it through with the new Board, then negotiate with the stakeholders, then do a CEQA report for the set area, then enter into review with Local Agency Formation Commission of Monterey County (LAFCO). Steve Endsley offered that FORA staff are available to facilitate the negotiations with stakeholders. Steve Matarazzo said he would email Mike Wegley about the logical boundaries in his jurisdiction. Mike Lerch asked what rate structures are being considered for the future area. Kelly Cadiente replied that previous LAFCO processing on the subject laid plans for separate cost centers and the current Board is open to cost centers remaining separate but with different rates in different sections. Mike Lerch asked what Board structure changes would be made. Andy Sterbenz suggested the Board have 5 Board members “at large” and every Ord Community member could vote in the election. Steve Endsley suggested that LAFCO may order all customers access to a vote. Jonathan Brinkmann asked how MCWD plans to set the boundaries for wastewater. Mike Wegley said that they have not set meeting dates for the discussion, but Keith Van der Maaten would lead that step.

8. ITEMS FROM COMMITTEE MEMBERS

None.

9. ADJOURNMENT

MOTION: Steve Matarazzo moved and Mike Lerch seconded that the meeting be adjourned at 10:56 a.m.

MOTION PASSED UNANIMOUSLY.



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

9:30 a.m., Wednesday, February 3, 2016 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Dan Dawson called the WWOC meeting to order at 9:58 a.m. The following were present:

Committee Members:

Melanie Beretti, Monterey County
Elizabeth Caraker, City of Monterey
Mike Lerch, California State University Monterey Bay (CSUMB)
Layne Long, City of Marina
Steve Matarazzo, University of California Santa Cruz
Rick Riedl, City of Seaside
Dan Dawson, City of Del Rey Oaks

Tim O'Halloran, City of Seaside
Chris Placco, CSUMB
Bob Schaffer
Beth Palmer
Andy Sterbenz
Mike Wegley, MCWD
Doug Yount

Other Attendees:

Patrick Breen, Marina Coast Water District (MCWD)
Jim Brezack
Brian Boudreau
Elizabeth Caraker, City of Monterey
Diane Ingersoll, City of Seaside
Craig Malin, City of Seaside
Steve Matarazzo
Mike McCollough, Monterey Regional Water Pollution Control
Agency (MRWPCA)
Vicki Nakamura, Monterey Peninsula College
Keith Van der Maaten, MCWD

FORA Staff:

Jonathan Brinkmann
Steve Endsley
Mary Israel
Peter Said
Michael A. Houlemard Jr.

2. BUSINESS ITEMS

- a. Water Augmentation Program: Three Party Planning Report
Project Specialist Peter Said gave a presentation on the history, current negotiations and potential future of the water augmentation program for the Ord Community. Mr. Said stated that in April 2016, MCWD and MRWPCA will take the case to the California Public Utilities Commission (PUC), and Fort Ord Reuse Authority (FORA) staff are recommending that the Board of Directors (Board) pass a resolution supporting the Three Party Planning because it is ready now, and the end result will lower the cost of water delivered to the Ord Community, prevent environmental impacts of multiple pipelines and has flexibility to meet two thirds of FORA's 2020 water augmentation obligation.
Mr. Said also introduced the FORA staff recommendation that will go to the Board for a financial commitment to the pipeline construction.

Mr. Said presented an update on the three-party Memorandum of Understanding with a budget splitting the cost three ways among FORA, MRWPCA and MCWD and a Scope of Work to assemble a technical advisory group that would work with jurisdictions on the secondary water augmentation project.

Mr. Said proposed that the Request for Proposals for a consultant to do an alternatives study, which would inform the three-party technical advisory group, could go to the Board in April for consideration.

During the presentation, he answered questions from members of the two committees and the public. Particularly, he clarified that a shared pipeline does not mean the Tertiary and Advanced Treated Water are blended, but that MCWD's allotment of water would be delivered to MRWPCA facilities where it would become Advanced Treated Water for release to Ord Community. He also clarified that use would include landscaping irrigation. Andy Sterbenz said a separate study could be done on water injection and control of who draws back out. Dan Dawson asked why the pipeline is not planned to extend to Del Rey Oaks. Elizabeth Caraker asked why the pipeline is not planned to extend to Monterey.

Questions and comments by committee members after the presentation were:

Mike Lerch asked who the "ratepayer" is that is referred to as getting a lower cost water if the CIP has a lowered cost.

Rick Riedl said that the PUC will want to know where the cost of supply will go in the Pure Water project.

Steve Matarazzo asked if MCWD is willing to put MRWPCA Pure Water into the groundwater and, if Cal Am becomes a buyer, would the PUC need to be involved for MCWD's water.

Mike Lerch asked how the three-party system will handle ratepayers who opt to source switch. How would the project have an idea of the volume?

Mike Lerch asked is the FORA CIP will be used to get the cost of the Pure Water project down. He commented that, if that is the case, it should be known and let it be known that, if water augmentation starts with desalinization, then it would start with an even higher price point.

Questions and comments by members of the public or administrative committee were:

A member of the public asked why the PUC would turn down the Pure Water project proposal.

Doug Yount asked if the Three-Parties anticipate financing agreements with each end user and if those users will provide the CIP dollars.

Bob Schaffer asked if they will produce a breakdown of the cost per month to the end users.

Doug Yount asked if the PUC will review the main pipeline only or secondary pipelines to other developments. He also asked if there will be sufficient supply coming in from the alternative sources to make the Pure Water pipeline deliver more than traditional reclaimed water as previously proposed.

Mike Wegley said, regardless of desalinization plant or Pure Water, there is no "magic bullet" because they have to get many land use approvals to meet the pipeline needs.

Doug Yount complimented the Pure Water project's scale-ability by remarking that the desalinization project would have a limited size plant and small capacity and, as an application at the PUC, it will unlikely be anticipated as an alternative.

Craig Malin suggested the parties pursue multiple alternatives.

3. ITEMS FROM MCWD

None.

4. ITEMS FROM COMMITTEE MEMBERS

None.

5. ADJOURNMENT

Chair Dawson adjourned the meeting at 11:05 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Travel Report	
Meeting Date:	March 11, 2016	INFORMATION
Agenda Number:	10g	

RECOMMENDATION:

Receive a travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

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

COMPLETED TRAVEL (As of February 29, 2016)

Environmental Services Cooperative Agreement/State Agencies Coordination Meetings (2/8-2/9)

Destination: Sacramento, CA
Travel Dates: February 8-9, 2016
Travelers: Michael Houlemard, Authority Counsel, and Jonathan Brinkmann.

Meetings with Senator Monning, the California Departments of Toxic Substances Control, Fish and Wildlife, Veterans Administration, and the Division of Industrial Relations on a number of issues related to the ESCA, the Habitat Conservation Plan, and the enforcement of prevailing wage. These meetings are necessary to establish partnerships and coordination of post FORA sunset projects and funding requirements. The Executive Committee was unable to review this item as their meeting was not conducted for lack of quorum.

National Coalition of Homeless Veterans (NCHV) - Board of Directors Meeting (2/8-2/9)

Destination: San Diego, CA
Travel Dates: February 7-9, 2016
Traveler: Robert Norris

In addition to his position as FORA staff liaison for veterans issues, Mr. Norris also serves as an NCHV Board member. The board meeting will cover a review of current policy recommendations on federal funds to end veteran homelessness, programs for supportive housing for veterans and employment opportunities. A tour of a newly-developed housing facility operated by a local veteran organization in San Diego will be conducted.

Environmental Services Cooperative Agreement/Federal Agencies Coordination Meetings (2/22-2/23)

Destination: Washington, DC
Travel Dates: February 21-24, 2016
Traveler/s: Michael Houlemard, Authority Counsel, Stan Cook, Sup. Potter and Mayor Rubio.

FORA team met with representatives of U.S. Army and Congressman Farr pertaining the Base Realignment Closures (BRAC) and its impact on the Environmental Services Cooperative Agreement, the Habitat Conservation Plan, and Land Use Conservation.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Executive Committee.

Prepared by 
Maria Buell

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Public Correspondence to the Board

Meeting Date: March 11, 2016

Agenda Number: 8h

INFORMATION

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

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

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