

From: [Ron Chesshire](#)
To: [FORA Board](#)
Cc: [Andy Hartmann](#); [John Papa](#); [Steve MacArthur](#); [Rod Smalley](#); [Sharon Seidenstein](#); [Jolene E. Kramer](#)
Subject: Prevailing Wage Issue
Date: Thursday, May 11, 2017 10:57:16 AM

Board members - Because Mayor Pendergrass is now gone from the Board and many of you have only served for a relatively short time in comparison, we believe it is important to let you know that the issues surrounding the Payment of Prevailing Wages (non- payment) has been a matter which pre-dates late 2006. We believe that prior to the Target Store being built, which the original lawsuit was filed on, Case No. M81343, there was some activity regarding the demolition of structures which were on the Cypress Marina Heights area and there were problems there. The point is, this has been ongoing for @ 13 years. We believe It is important for you to know this because we feel at times that many of you think this is a new revelation. This is quite the contrary. 13 years and the fraud, theft, and corruption continues. It is time to put an end to it.

Thank you, Ron Chesshire - CEO, on behalf of the Monterey/Santa Cruz Counties Building and Construction Trades Council

From: [Ron Chesshire](#)
To: [Lin Daly Roberts](#)
Cc: [Supervisor Alejo](#); [Supervisor Phillips](#); [Supervisor Salinas](#); [100-District 4 \(831\) 883-7570](#); [Supervisor Adams](#); [Michael Houlemard](#); [FORA Board](#); [Andy Hartmann](#); [John Papa](#); [Steve MacArthur](#); [Rod Smalley](#)
Subject: Request for info to TLM re: CCMI at EG
Date: Wednesday, May 10, 2017 10:03:47 AM
Attachments: [Letter to The Labor Compliance Managers - EG.pdf](#)

Please review our letter (attached). If you have any questions please contact me. Ron Chesshire CEO - on behalf of the M/SC BCTC



Monterey/Santa Cruz Counties Building & Construction Trades Council

10300 Merritt Street, Castroville, CA 95012

Phone 831.869.3073

Email: Office@MSCBCTC.com

www.MSCBCTC.com

FPPC No. 850048

Andy Hartmann
President

John Papa
Vice President

Manuel Pinheiro
Treasurer

Steve MacArthur
Recording Secretary

Ron Chesshire
CEO

Ms. Lin Robertson
The Labor Compliance Managers 1900
The Alameda #620
San Jose, Calif. 95126

May 10, 2017

Ms. Robertson,

We ask that you provide us with any and all evaluations or reports concerning the performance of the Monitor on the East Garrison Project (CCMI). That you provide copies of any complaints issued against the project regarding the payment of Prevailing Wages and any requests made or decisions rendered by the County or the State Dept. of Industrial Relations. That you provide any and all reports by your company regarding concerns of infractions or possible infractions on the East Garrison Project. This would include any response from CCMI, UCP, or Benchmark.

We will accept these in electronic form or if they need to be copied and sent we will pay all reasonable and customary charges for doing so.

If you have any questions or concerns regarding this matter, please contact me.

Thank you,

Ron Chesshire – CEO on behalf of the Monterey/Santa Cruz Counties Building and Construction Trades Council

Cc:

Monterey County Supervisors

FORA

M/SC BCTC E-Board

Boilermakers #549
Bricklayers #3
Carpenters #505
Carpenters #605
Carpet, Lin. & Soft Tile #12
Elevator Constructors #8
Glaziers #1621
IBEW #234
Insulators & Asbestos #16
Ironworkers #155
Ironworkers #377
Laborers #270
Laborers #297
Millwrights #102
OP & CMIA #300
Operating Engineers #3
Painters & Tapers #272
Plumbers & Steamfitters #62
Roofers & Waterproofers #95
Sheet Metal Workers #104
Sprinklerfitters #669
Teamsters #890



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Teamsters #890

FORA Board

May 9, 2017

Re: May 12, 2017 Agenda Number 7k – Accepting Prevailing Wage Status Report

We wish to report that we have some deep concerns regarding a report which is partial in nature and uses estimates and projects outside of FORA's direct authority. The use of numbers provided by "any" project within the realm of the former Ft Ord military base are not indicative of what is actually taking place concerning FORA. The issue of Prevailing Wages within FORA is subject to 3.03.090 of the Master Resolution. Example – even though the Base Reuse Plan covers all of the former Ft Ord, FORA's policy in the Master Resolution, 3.03.090, would not be applicable within lands owned or controlled by UCSC, CSUMB, BLM, Calif. State Parks, and the U.S. Military. Therefore, projects of, for, and by these entities within their jurisdiction should not be used. Please note a pipeline project which cuts through many jurisdictions may apply but only if FORA's policy of 3.03.090 applies. If not, it should not be used.

We applaud FORA's step in providing the Elation system to all of the jurisdictions within FORA but since it is not being used this only goes to harden our position regarding the abuse and exploitation of workers. It would behoove the jurisdictions to actively carry out their responsibilities regarding compliance and the Elation system would be a big help in doing so.

We are very concerned that if FORA and the jurisdictions are aware of issues (problems w/Prevailing Wages) then why aren't the jurisdictions and FORA doing anything about them and leaving it up to the State? This along with the so-called confusion that is taking place is absurd. The issue at the Chapel at East Garrison is not confusing. The issue being raised by the developer is based on their attorney's statement, "UCP does not intend to pay prevailing wages on this work". They have asked for a determination by the State on whether the project is a Public Work. The local Superior Court and the 6th District Appeals Court have both upheld that the East Garrison Project is a Public Work and we are waiting for FORA's interpretation as to whether Prevailing Wages are to be paid on the project because it meets the terms of 3.03.090 of the Master Resolution. This is an important issue because of all the existing buildings which possibly can be renovated for use.

As for the State law issues, we feel it would be better for the local jurisdictions and FORA to uphold and enforce their current compliance responsibilities. Neither have done anything to promote the State's efforts. In fact, it is our opinion that more has been done to "wash one's hands" of the responsibility than uphold it. It is often said, "If we just enforced the laws we already have we wouldn't need any new laws". This would lead one to believe that if you aren't up to the responsibility then maybe someone else should be given the duty.

Lastly, to show you that even when one drags their feet there can be progress. We report the State DIR has recently assessed Prosidig Inc., a subcontractor of Shea Homes on the Dunes project over \$1.8 million for failure to pay the correct wages, failure to pay apprenticeship contributions, and seek employment of apprentices on the project (see attached). The progress was because of the hard work done by the Carpenter's Union in spite of all the feet dragging by others. It was only through their tenacity, persistence, expertise, and compassion for workers that the workers have been given their just due. Unfortunately the battle is not over since the issue of collection will arise.

FORA has been and continues to be a viable organization and asset but it is instances like this which may lead one to believe otherwise. This is another "bruise" in the battle that is allowed to continue because of inaction. The problems continue and it is time alleviate the problems. It is time to discuss and act. We hope you concur?

Thank you,

A handwritten signature in cursive script that reads "Ron C." with a horizontal line underneath the name.

Ron Chesshire – CEO on behalf of the M/SC BCTC

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Prevailing Wage Report	
Meeting Date:	May 12 , 2017	INFORMATION/ACTION
Agenda Number:	7k	

RECOMMENDATION(S):

Accept Prevailing Wage Status Report

DISCUSSION:

From January 1, 2017 – March 31, 2017, multiple construction workers were employed on Fort Ord projects. From reported information (CSU and County), approximately 85,049 man hours were utilized and approximately 1232 workers employed. Approximately 40% of those workers were from the tri-County area. (Santa Cruz, Monterey and San Benito County). It should be noted that three large projects in Marina are not included in these numbers. The estimated amount of man hours on the Seahaven and MCWD pipeline projects is estimated at 4855 man hours. These numbers do not include the amount of man hours on the Dunes housing project as they have not agreed to be in our Elation system and the City of Marina has not provided any reporting on projects within their jurisdictional area. Additionally, the estimated hours do not include the number of workers or the location of where those workers are from as this information is not easily distillable from the payroll records filed with the State.

Two jurisdictions have registered to utilize the Elation software, however, neither jurisdiction has begun to require projects to use the software and provide them with access. To encourage usage of the product for Fort Ord purposes, staff is recommending extending the pre-paid licensing period through the next fiscal year.

FORA has been made aware that the state is investigating several issues. One stems from a contract dispute on the Springhill Suites project. Another involves whether or not rehabilitation of the East Garrison chapel is a public works project. There remains confusion about the interpretation of the state laws and the master resolution provisions and how these respective provisions are enforced. Additionally, there have been at least five (5) Public Records Act requests seeking records related to projects being built on Fort Ord.

Related to the prevailing wage program are changes in state labor codes. Budget trailer bill 502 makes significant changes to prevailing wage monitoring and enforcement by the Department of Industrial Relations. In particular, contractor registrations may increase from \$1,000 to \$25,000 for new construction and \$15,000 for maintenance. Stop orders on public works projects could be issued for unregistered contractors and/or subcontractors. Additionally, new civil penalties could be imposed for infractions of the contractor registration program. The State Labor Commissioner would be given new authority to crack down on contractors, subcontractor and **public agencies** that fail to fulfill program requirements. Agencies who 1) utilize unregistered contractors or subcontractor on a project or 2) fail to notify DIR of a public works project subject to registration could be fined up to \$100 per day up to \$10,000 for each offense. Of major consequence to public agencies, a public agency who is found to have

willfully violated the requirements of the program twice in one calendar year would be ineligible to receive state funding for *any project* for one year. The actual language of the bill can be found at the following link:

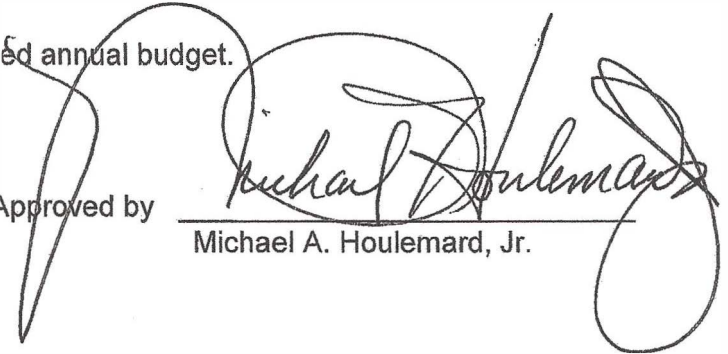
http://www.dof.ca.gov/Budget/Trailer_Bill_Language/documents/502PublicWorksEnforcement_001.pdf

FISCAL IMPACT:

Reviewed by FORA Controller 

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

Prepared by 
Sheri Damon

Approved by 
Michael A. Houlemard, Jr.

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$1,298,422.64

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$1,298,422.64</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$499,675.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$28,200.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$1,826,297.64

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$1,298,422.64</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$499,675.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$28,200.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$1,826,297.64

Distribution:

Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On May 1, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

PARTNERSHIP, A California Limited Partnership ----- 655 Brea Canyon Rd. ----- Walnut, CA 91789 ----- Ross A Kay -----

Carpenters Local 701 ----- 1361 North Hulbert Avenue ----- Fresno, CA 93728 ----- Emilio Hipolito -----

PROSIDING, INC., A California Corporation ----- 2717 North Main St, Suite 6 ----- Walnut Creek, CA 94597 ----- Ralph G. Austin -----

Arch Insurance Company ----- 3 Parkway, Suite 1500 ----- Philadelphia, PA 19145 ----- Bond #SU5012792, SU5012793 & SU5016864 -----

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on May 1, 2017, at Sacramento, County of Sacramento, California



SIGNATURE

STATE CASE NO. 40-50364

From: [Molly Erickson](#)
To: [FORA Board](#)
Subject: Fwd: Consent calendar item on proposed changes to Reuse Plan
Date: Friday, April 07, 2017 9:50:33 AM
Attachments: [17.04.06.KFOW.ltr.to.FORA.BOD.probs.w.Reuse.Plan.changes.pdf](#)
[ATT00001.htm](#)

Chair O'Connell and FORA Board members:

Keep Fort Ord Wild objects to the Board's consideration of this agenda item under the Brown Act, CEQA and California Planning and Zoning Laws due to serious concerns with process and substance.

Please see attached letter.

If you cannot open the letter, please advise me promptly. I also have sent the letter directly to Mr. Houlemard. Thank you.

Regards,

Molly

Molly Erickson
STAMP ERICKSON
479 Pacific St., Suite One
Monterey, CA 93940

From: [Molly Erickson](#)
To: [FORA Board](#)
Subject: Corrected: Consent calendar item 7f on proposed changes to Reuse Plan
Date: Friday, April 07, 2017 1:06:30 PM
Attachments: [17.04.07.KFOW.Ltr.to.FORA.BOD.probs.w.Reuse.Plan.changes.pdf](#)

Chair Rubio and FORA Board members:

Keep Fort Ord Wild objects to the Board's consideration of this agenda item under the Brown Act, CEQA and California Planning and Zoning Laws due to serious concerns with process and substance.

The attached letter corrects the salutation to identify Chair Rubio. Thank you.

Molly Erickson
STAMP ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940
tel: 831-373-1214, x14

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
Attorneys at Law

479 Pacific Street, Suite One
Monterey, California 93940
T: (831) 373-1214
F: (831) 373-0242

April 6, 2017

Via E-mail

Frank O'Connell, Chair
Board of Directors
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Subject: Reuse Plan changes (Item 7f on FORA "consent calendar")

Dear Chair O'Connell and members of the FORA Board of Directors:

This Office represents Keep Fort Ord Wild (KFOR) KFOR believes the Reuse Plan should be accurate and reliable. KFOR supports the overall effort to try to make the Reuse Plan accurate. Unfortunately, there are significant problems with the current approach. KFOR objects to item 7f on FORA's agenda "consent calendar" which is for "routine items accompanied by staff recommendation," according to FORA.

Let there be no mistake: nothing about amending the Reuse Plan is routine. The issue is highly controversial. FORA's approach is to try to change FORA's governing documents without following the proper procedures. The item should be scheduled for a public hearing if FORA is going to consider it at all. The Reuse Plan is like the General Plan of a City or County. It is not to be treated lightly. No County or City would allow changes to their General Plan to be placed on a consent calendar.

To make matters worse, the FORA Board packet does not include the changes to be made. Instead, the packet includes only materials that FORA staff wants the Board to see. The documents that really matter – the item 7f attachments C, D, F and G – are not in the packet. Those important document require the reader to separately click and download each of the four documents which do not open within the packet, but instead open as separate documents, which makes reading them very unwieldy. Those four standalone documents are nearly 150 pages total, including 22 pages of very tiny print that is essentially impossible to read.

FORA staff is proposing that the Board *not* follow many FORA Board Committee recommendations made by members Victoria Beach, Ralph Rubio, Ed Smith, Gail Morton, and Jane Parker of the Post-Reassessment Advisory Committee (PRAC).

FORA is spending large amounts of resources – staff, consultants, legal counsel – on changes that are mostly meaningless, except for a number of significant and material changes. It appears that FORA is trying to hide the significant changes in a forest of meaningless corrections to typographic errors. I am reminded of the time when FORA staff made of dozens of changes to the text of the Master Resolution – specifically, FORA staff changing all "shall"s to "may"s, thus making permissive what

had been mandatory – and the Board approved it without reading the fine print and understanding the tiny-text changes. The FORA Board should be proactive now to avoid another similar embarrassing episode.

The so-called “Category I” changes are far more than fixing typographical errors. The typographical errors that exist have not created problems for 15 years, and fixing them now on a piecemeal basis is meaningless in the overall picture. The Category I changes are intended to be “corrections and updates,” according to the staff report. But the Category I changes do not include updates as to oak woodlands, habitat land, and the oak oval, which exist and are undisputed. The Oak Woodlands map (Figure 4.4-1) is not current and is materially incorrect and has not been updated in the report. FORA should not update names of roads and refuse to update the maps of the critical resources that the Reuse Plan was designed to protect.

Another problem is that the FORA staff proposal would make changes to the 2001 version of the 1997 Reuse Plan, but the 2001 version was not approved by the Board and contains material inconsistencies with the Board-approved plan. FORA staff has announced that the item 7f changes are based on the 2001 Final EIR, which also is materially inconsistent with the Board-approved 1997 EIR documents.

The discussion of Hydrology and Water Quality Policy C-3 and its implementing programs is one example of the grave problems with the item 7f report. FORA proposes to make changes as follows:

Hydrology and Water Quality Policy C-3: The ~~MCWRA and the~~ City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on ~~the~~ Salinas Valley Basin Management Plan.

Program C-3.1: The City shall continue to work with the MCWRA and the MPWMD to estimate the current safe yield within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and the Seaside groundwater basins to determine available water supplies.

Program C-3.2: The City shall work with MCWRA and MPWMD to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan, and shall participate in implementing measures to prevent further intrusion.

FORA has failed to identify a far more glaring error: a “Salinas Valley Basin Management Plan” does not exist. FORA should correct the error.

FORA should not change historic maps as proposed. FORA has not explained its purpose and intent. The proposed changes to the names of roads make no sense. For example, FORA should not rename the North-South Road as General Jim Moore

Boulevard on the "existing" 1997 map because in 1997 the road was called North-South Road and not called General Jim Moore which is in a materially different alignment. FORA cannot and should not fix the maps and the text in stages. If FORA does, there will be far too many versions floating around. FORA has never compiled a single accurate version, which is what is needed. All map changes should include accurate and detailed version numbers, which is not proposed currently.

As another example of a material change for which no explanation is provided, FORA staff proposes to change an important Biological program as follows:

Program C-2.3: The County shall require the use of oaks and other native plant species for project landscaping. To that end, the County shall **recommend collection** and **propagation** of acorns and other plant material from the former Fort Ord oak woodlands to be used for restoration areas or as landscape **plants. material.** However, this program does not exclude the use of non-native plants species.

There is no support in the FORA report or in the underlying documents for the proposed new sentence "However, this program does not exclude the use of non-native plant species" which would change the meaning significantly.

The Reuse Plan lacks policies and programs for the Cities of Del Rey Oaks and Monterey, which took over land destined for the County and at that time should have taken over the policies/programs assigned to the County. FORA should make a simple clarification in the Plan that all policies that apply to land originally intended for the County remain in effect as to that land regardless of the recipient. That clarification would apply whether policies are specific to polygons or generally applicable.

In the limited time available, and under the circumstances, we did not have time to itemize all the problems. We refer you to our past letters on behalf of KFOW to the Board that identified many of the issues and problems with the Reuse Plan and EIR.

One final comment: The proposed changes would be material amendments to adopted CEQA mitigations, which FORA cannot legally do as proposed. There is a specific process that must be followed when an agency seeks to amend adopted CEQA mitigations. FORA has not followed it. Thank you.

Very truly yours,

STAMP | ERICKSON

/s/ Molly Erickson

Molly Erickson

From: [Molly Erickson](#)
To: [FORA Board](#)
Subject: Corrected: Consent calendar item 7f on proposed changes to Reuse Plan
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