

**From:** [Michael DeLapa](#)  
**To:** [FORA Board](#); [Dominique Jones](#)  
**Cc:** [Michael Houlemard](#); [Jon Giffen](#)  
**Subject:** RESENT: LandWatch's Question to FORA Transition Board Study Session Friday, July 13  
**Date:** Sunday, July 22, 2018 8:16:38 AM  
**Attachments:** [LandWatch Questions on FORA Transition.pdf](#)  
[ATT00001.htm](#)

---

Dear Ms. Jones,

Attached are LandWatch's questions related to the FORA Transition Board Study Session scheduled for Friday, July 13. LandWatch asks that FORA's staff, counsel, or Board members be prepared to address the following questions on Friday.

Please reply to confirm receipt of this request.

Thank you.

Regards,

Michael

---

**Michael D. DeLapa**  
Executive Director  
[LandWatch Monterey County](#)  
[execdir@landwatch.org](mailto:execdir@landwatch.org)  
650.291.4991 m

[Sign-Up](#) | [Get Involved](#) | [Donate](#)

[Like Us on Facebook!](#)



July 12, 2018

Mayor Ralph Rubio, Chair  
Fort Ord Reuse Authority (FORA) Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

Dear Chair Rubio and Board of Directors:

LandWatch asks that FORA's staff, counsel, or Board members be prepared to address the following questions at the Transition Board Study Session scheduled for Friday, July 13.

**1. Why hasn't FORA staff identified a proposed Implementation Local Redevelopment Authority ("Implementation LRA") as required by federal law?**

Unaccountably, FORA's June 5, 2018 Draft Transition Plan does not identify a successor Implementation LRA that would actually receive surplus property and quitclaim it to developers; seek, monitor, and implement Public Benefit Conveyances and Homeless Assistance Provider land conveyances; or manage financing of the BRP economic development objectives, including infrastructure requirements.

According to FORA's federal law counsel's (Kutak Rock LLP's) January 19, 2018 memorandum to FORA regarding the "Role of Federally Recognized Local Redevelopment Authorities," the Army will recognize only a single Local Redevelopment Agency (an "Implementation LRA") during the implementation phase of a Base Reuse Plan for the purpose of conveying surplus federal property, including water rights. Surplus property has previously been conveyed to FORA at no cost through an Economic Development Conveyance ("EDC") for FORA's subsequent conveyance of that property to developers. The EDC has been amended seven times between 2000 and 2018 and the memorandum states that there will likely be many more amendments to the EDC as surplus federal land is redeveloped. Under 32 C.F.R section 174.9(b), only the Implementation LRA can seek and enter these amendments.

The Kutak Rock memo also states that the Implementation LRA must

- Seek, monitor, and implement Public Benefit Conveyances and Homeless Assistance Provider land conveyances, a continuous process that must be in accord with Base Reuse Plan.
- Have segregated funding and ability to finance economic development objectives, including infrastructure requirements, in the BRP.

- Be able to accept and account for federal funding without co-mingling assets.

## **2. What parcels remain to be conveyed for future development?**

Consideration of a transition plan should be informed by the identification of the status of undeveloped surplus property. It is unclear to the public what surplus parcels still held by public agencies are expected to be developed in the future and which public agency currently owns these parcels, e.g., the Army, FORA, or FORA member agencies. We ask that FORA provide this information in a systematic form, including maps and a list of parcel numbers with ownership and land use designation under the local General Plans and the Base Reuse Plan, since it would affect post-FORA actions, e.g., the ability to convey and condition development parcels.

## **3. What were the prior FORA deliberations on the transition issues that should have been anticipated?**

Inexplicably, the staff report and draft transition plan make no reference to prior FORA deliberations on transition issues, deliberations that should have taken place at the time the existing commitments were made and that may help inform choices at this point.

For example, when FORA decided to implement a CFD funding arrangement in 2002, it knew or should have known that the CFD mechanism could not survive FORA's then-expected termination date. Before committing FORA to a funding mechanism with such a short shelf life, did FORA consider how it would transition to another funding system when it terminated? If so, what were those plans? Or, for example, at the time it adopted the prevailing wage requirement in the Master Resolution, what plans did FORA have to ensure the continued payment of prevailing wages after FORA sunsets?

## **4. Please provide a legal opinion with respect to the proposed CEQA exemption.**

The draft transition plan makes two arguments without any substantive legal analysis that the transition plan should be exempt from CEQA review.

First, the draft transition plan characterizes the transition plan as a mere administrative or financial reorganization that could not have any effect on the physical environment. However, the transition plan would apparently alter or abandon specific provisions of the BRP that were identified as CEQA mitigation when the BRP was adopted, including numerous specific policies and the entire DRMC system. CEQA requires that an agency make findings that altered mitigation will remain effective or that there is no feasible alternative to abandonment of mitigation. How does FORA intend to address this obligation, especially in light of the repeated statements in the draft transition plan that it is unclear whether BRP policies will even continue to apply in the future?

Second, the draft transition plan claims that the adoption of a transition plan is ministerial because state law mandates it. State law mandates FORA adopt a transition plan just like it mandates that a city adopt a general plan, but it does not mandate the contents of these plans. The contents of the plan are discretionary, and for that reason the transition plan is just as much subject to CEQA as a general plan is.

Thank you for your consideration and timely response.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. DeLapa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael D. DeLapa  
Executive Director



**From:** [Michael DeLapa](#)  
**To:** [Michael Houlemard](#)  
**Cc:** [Jon Giffen](#); [FORA Board](#); [Dominique Jones](#)  
**Subject:** LandWatch request for notice including under Public Resources Code § 21092.2, and advanced notice for all proposed actions on the former Fort Ord  
**Date:** Monday, July 23, 2018 4:53:36 PM  
**Attachments:** [FORA Public Resources Code § 21092.2.pdf](#)  
[ATT00001.htm](#)

---

Dear Mr. Houlemard,

Please see below and attached. Please reply to acknowledge receipt.

Regards,

Michael DeLapa



July 24, 2018

Michael Houlemard, Executive Director  
Fort Ord Reuse Authority (FORA)  
920 2nd Avenue, Suite A  
Marina, CA 93933

RE: LandWatch request for notice including under Public Resources Code § 21092.2, and advanced notice for all proposed actions on the former Fort Ord

Dear Mr. Houlemard,

I represent the LandWatch Monterey County. LandWatch requests timely and advanced notice under Public Resources Code section 21092.2 for all agency actions and agenda items related to any project on the former Fort Ord, including everything related to environmental review, approvals, contracts, requests for proposals, consideration of funding, interagency agreements, memoranda of agreement, memoranda of understanding, changes to existing approvals and agreements, etc. Please provide at least ten days' notice of such actions, and more notice if possible, by email as follows:

Email: [execdir@landwatch.org](mailto:execdir@landwatch.org)

If you are not the correct person to receive this request, please forward it to that person and please inform me of their identity and contact information.

Please reply to this request to confirm your receipt.

Thank you.

Regards,

A handwritten signature in black ink that reads "Michael D. DeLapa". The signature is stylized and cursive.

Michael D. DeLapa  
Executive Director

**From:** [Dominique Jones](#)  
**To:** [Dominique Jones](#)  
**Cc:** [FORA Staff](#); [Peter Said](#)  
**Subject:** FW: Pacific Grove Pre-Apprenticeship Graduation  
**Date:** Tuesday, July 24, 2018 12:17:34 PM  
**Attachments:** [Prop 39 Graduation Invite PG 2018.pdf](#)

---

**Board Members,**

**Please see the attached correspondence to the Board that was received on July 24, 2018.**

**Thank you,  
Dominique**

---

**From:** Andy Hartmann [mailto:[andy@ibew234.org](mailto:andy@ibew234.org)]  
**Sent:** Tuesday, July 24, 2018 11:36 AM  
**To:** Donnelly, Chris x6644 <[DonnellyC@co.monterey.ca.us](mailto:DonnellyC@co.monterey.ca.us)>  
**Cc:** FORA Board <[board@fora.org](mailto:board@fora.org)>; Supervisor Alejo <[district1@co.monterey.ca.us](mailto:district1@co.monterey.ca.us)>; Supervisor Salinas <[district3@co.monterey.ca.us](mailto:district3@co.monterey.ca.us)>; Supervisor Adams <[district5@co.monterey.ca.us](mailto:district5@co.monterey.ca.us)>; Supervisor Phillips <[district2@co.monterey.ca.us](mailto:district2@co.monterey.ca.us)>; 100-District 4 (831) 883-7570 <[district4@co.monterey.ca.us](mailto:district4@co.monterey.ca.us)>  
**Subject:** Pacific Grove Pre-Apprenticeship Graduation

Graduation for the Building Trades Pre-Apprenticeship program will be **Tuesday, August 7<sup>th</sup> at 5pm.**  
RSVP by **Friday, August 3<sup>rd</sup>** with Ron Chesshire at 831-869-3073.

Ron needs to know how many will be attending the graduation dinner.

There will be 17 graduates. Please join us.

Sincerely,

Andy Hartmann  
Business Manager/Financial Secretary  
[International Brotherhood of Electrical Workers Local 234](#)  
10300 Merritt Street  
Castroville, CA 95012  
(831) 594-7471 cell  
(831) 633-2311  
(831) 633-0570 fax



# Proposition 39 Multi-Craft Apprenticeship Preparation Program *Graduation Day*

*Please join us in celebrating the  
GRADUATES hard work,  
diligence and success!*

Pacific Grove Adult School  
Multi Purpose Room  
1025 Lighthouse Avenue  
Pacific Grove, CA  
**Tuesday, August 7, 2018**  
5:00 – 6:00 p.m.

*"The apprenticeship infrastructure of North America's Building Trades Union which today encompasses over thousands of training centers across the United States offers young men and women the chance to work and further their education, without the burden of student loans" Sean Mcgarvey*

**From:** [Ron Chesshire](#)  
**To:** [FORA Board](#)  
**Subject:** Latest Developments  
**Date:** Wednesday, July 25, 2018 8:41:18 AM  
**Attachments:** [Wathen & Castanos - Ltr to Deborah E.G. Wilder 7-24-18.pdf](#)  
[Renasci Homes - Ltr to Deborah E.G. Wilder 7-24-18.pdf](#)

---

FORA Board members, to keep you up to date as to developments revolving around FORA, we have sent two letters to the builders at the Cypress Marina Heights Project regarding their obligations under a Court Order. They seem to have the opinion it does not apply to them. Also, we are getting word, but no official assesment at this time, from the State Dept of Industrial Relations/ Dept of Labor Standards Enforcement, that the initial assesment against Prosiding on the Dunes Project (Shea) of \$1.2 million in back wages and \$600,000 in penalties has been reduced. All I have at this time is what is attached and am awaiting official word but will say, this is why we have no faith in working with the DIR. For an employer to get a second bite at the apple, bring in favorable members of the crew not the whole crew to testify, and get a reduction of this nature is a travesty and I'm being nice. We really question the governments mission in these instances. This seems to be standard procedure at the DIR and our faith in them has been rocked again. Please note that after the State's looking into this matter the workers have to wait another 16-18 weeks to be compensated. Yes, it's better than a sharp stick in the eye but that is no consolation.

This is your baby, your model base closure which has turned into a monster with your lack of attention and oversight while you play politics at the cost of our greater community. For those of you who don't know what I'm talking about, bless your ignorant little souls. For those of you that do and have not genuinely inquired and sought remedy to the situation , shame on you.

In Solidarity,

Ron Chesshire

***Monterey/Santa Cruz Counties Building & Construction Trades Council***

10300 Merritt Street  
Castroville, CA 95012  
(831) 869-3073  
[ron@mscbctc.com](mailto:ron@mscbctc.com)  
[www.MSCBCTC.com](http://www.MSCBCTC.com)

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA \*  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERIANNE R. STEELE \*\*  
GARY P. PROVENCHER  
EZEKIEL D. GARDER \*\*\*\*  
MONICA T. GUIZAR  
LISL R. SOTO  
JOLENE KRAMER

**WEINBERG, ROGER & ROSENFELD**  
**A Professional Corporation**  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501  
TELEPHONE (510) 337-1001  
FAX (510) 337-1023  
WWW.UNIONCOUNSEL.NET

ANTHONY J. TUCCI \*\*  
MICHAEL D. BURSTEIN  
ALEJANDRO DELGADO  
CAROLINE W. COHEN  
XOCHITL A. LOPEZ  
CAITLIN E. GRAY  
TIFFANY CRAIN ALTAMIRANO \*\*  
RYAN B. KADEVARI  
DAVID W.M. FUJIMOTO  
ADAM J. THOMAS  
PAUL K. PFEILSCHIEFFER  
ALEXANDER S. NAZAROV  
ERIC J. WIESNER

ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel  
TRACY L. MAINGUY, Of Counsel \*\*\*\*\*  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel \*  
SHARON A. SEIDENSTEIN, Of Counsel

July 24, 2018

**VIA U.S. MAIL**

Ms. Deborah E.G. Wilder  
President  
CONTRACTOR COMPLIANCE & MONITORING, INC.  
635 Mariners Island Blvd., Suite 200  
San Mateo, CA 94404

**Re: Wathen and Castanos - Sea Haven Development**

Dear Ms. Wilder:

As I believe you know, our office represents the Monterey/Santa Cruz Counties Building and Construction Trades Council ("BTC"). This letter follows our correspondence last fall regarding the above-referenced project, and the BTC's request for information required under the Superior Court Judgment in the litigation brought by the BTC against developers at former Fort Ord. As explained in our prior correspondence, under the Judgment, East Garrison Partners I LLC ("EGP") and Cypress Marina Heights LP ("CMH"), their constituent members and the members thereof, their successors-in-interest and/or assigns, their contractors and subcontractors, their employees and agents, and all other persons acting in concert with them (defined as the "Bound Parties") are prohibited from taking any action to develop their projects unless they are fully in compliance with the Judgment.

As indicated in our correspondence of November 29, 2017, Wathen and Castanos is not in compliance with the Judgment. The Judgment is not limited to those entities specifically named. It applies to any entity that is a constituent, successor, assign, contractor, subcontractor, employee, or agent of CMH. Wathen and Castanos, as the builder at Sea Haven (formerly Marina Heights) is subject to the Judgment.

Furthermore, the Judgment applies to all first generation construction on the Cypress Marina Heights parcel and on that project as planned and finally approved. The Sea Haven development constitutes first generation construction. If CMH did not notify Wathen and Castanos of its obligations under the Judgment, that would implicate CMH as being in violation of the Judgment as well. However, it would not release Wathen and Castanos's obligations as a Bound Party.

In our correspondence of November 29, 2017, we indicated that if you have evidence to the contrary, you should provide it for our review. You did not do so.

Ms. Deborah E.G. Wilder  
July 24, 2018  
Page 2

We understand the project is now well underway, and once again renew our request that Wathen and Castanos comply with the Court-ordered Judgment, in lieu of our moving forward with contempt proceedings.

**In addition, please consider this a formal request for all Certified Payroll Records on the project to date.** Please indicate the cost, as soon as possible but no later than ten (10) days from the date of this letter, so that we can remit payment.

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

**& Email:** Michael Houelmard, Executive Director, Fort Ord Reuse Authority  
([michael@fora.org](mailto:michael@fora.org))

Ron Chesshire, CEO, Monterey/Santa Cruz Building and Construction Trades Council  
([ron@mscbctc.com](mailto:ron@mscbctc.com))

143171\978892



STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA \*  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERIANNE R. STEELE \*\*  
GARY P. PROVENCHER  
EZEKIEL D. CARDER \*\*\*\*  
MONICA T. GUIZAR  
LISL R. SOTO  
JOLENE KRAMER

## WEINBERG, ROGER & ROSENFELD

### A Professional Corporation

1001 Marina Village Parkway, Suite 200

Alameda, CA 94501

TELEPHONE (510) 337-1001

FAX (510) 337-1023

WWW.UNIONCOUNSEL.NET

ANTHONY J. TUCCI \*\*  
MICHAEL D. BURSTEIN  
ALEJANDRO DELGADO  
CAROLINE N. COHEN  
XOCHITL A. LOPEZ  
CAITLIN E. GRAY  
TIFFANY CRAIN ALTAMIRANO \*\*  
RYAN B. KADEVARI  
DAVID W.M. FUJIMOTO  
ADAM J. THOMAS  
PAUL K. PFELSCHIEFTER  
ALEXANDER S. NAZAROV  
ERIC J. WIESNER

ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel  
TRACY L. MAINGUY, Of Counsel \*\*\*\*\*  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel \*  
SHARON A. SEIDENSTEIN, Of Counsel

July 24, 2018

### VIA U.S. MAIL

Ms. Deborah E.G. Wilder  
President  
CONTRACTOR COMPLIANCE & MONITORING, INC.  
635 Mariners Island Blvd., Suite 200  
San Mateo, CA 94404

**Re: Renasci Homes - Sea Haven Development**

Dear Ms. Wilder:

As I believe you know, our office represents the Monterey/Santa Cruz Counties Building and Construction Trades Council ("BTC"). This letter follows our correspondence last fall regarding the above-referenced project, and the BTC's request for information required under the Superior Court Judgment in the litigation brought by the BTC against developers at former Fort Ord. As explained in our prior correspondence, under the Judgment, East Garrison Partners I LLC ("EGP") and Cypress Marina Heights LP ("CMH"), their constituent members and the members thereof, their successors-in-interest and/or assigns, their contractors and subcontractors, their employees and agents, and all other persons acting in concert with them (defined as the "Bound Parties") are prohibited from taking any action to develop their projects unless they are fully in compliance with the Judgment.

As indicated in our correspondence of November 29, 2017, Renasci Homes is not in compliance with the Judgment. The Judgment is not limited to those entities specifically named. It applies to any entity that is a constituent, successor, assign, contractor, subcontractor, employee, or agent of CMH. Renasci Homes, as the builder at Sea Haven (formerly Marina Heights) is subject to the Judgment.

Furthermore, the Judgment applies to all first generation construction on the Cypress Marina Heights parcel and on that project as planned and finally approved. The Sea Haven development constitutes first generation construction. If CMH did not notify Renasci Homes of its obligations under the Judgment, that would implicate CMH as being in violation of the Judgment as well. However, it would not release Renasci Homes's obligations as a Bound Party.

In our correspondence of November 27, 2017, we indicated that if you have evidence to the contrary, you should provide it for our review. You did not do so.

\* Admitted in Hawaii  
\*\* Also admitted in Nevada  
\*\*\* Also admitted in Illinois  
\*\*\*\* Also admitted in New York and Alaska  
\*\*\*\*\* Also admitted in Florida

LOS ANGELES OFFICE  
800 Wilshire Boulevard, Suite 1320  
Los Angeles, CA 90017-2607  
TEL 213.380.2344 FAX 213.443.5098

SACRAMENTO OFFICE  
431 I Street, Suite 202  
Sacramento, CA 95814-2341  
TEL 916.443.6600 FAX 916.442.0244

HONOLULU OFFICE  
220 South King Street, Suite 901  
Honolulu, HI 96813-4500  
TEL 808.528.8880 FAX 808.528.8881



Ms. Deborah E.G. Wilder  
July 24, 2018  
Page 2

We understand the project is now well underway, and once again renew our request that Renasci Homes comply with the Court-ordered Judgment, in lieu of our moving forward with contempt proceedings.

**In addition, please consider this a formal request for all Certified Payroll Records on the project to date.** Please indicate the cost, as soon as possible but no later than ten (10) days from the date of this letter, so that we can remit payment.

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

**& Email:** Michael Houelmard, Executive Director, Fort Ord Reuse Authority  
([michael@fora.org](mailto:michael@fora.org))

Ron Chesshire, CEO, Monterey/Santa Cruz Building and Construction Trades Council  
([ron@mscbctc.com](mailto:ron@mscbctc.com))

143171\978986

↩ RE: Prosiding [40-50364]  
- Workers Attending 3/20  
Conference



July 11, 2018 1:22 PM

McClain, Jerry@DIR to 2 recipients

[DETAILS](#)

Emilio,

This matter was settled in legal in the amount of \$203,494.77. Broken down as follows:

Wages:	\$ 162,134.77
1775:	\$ 31,960.00
1777.7:	\$ 9,400.00

Workers will be notified by our cashiering unit in writing to verify identity for payout of wages collected. This process usually takes about 16 to 18 weeks.

**JERRY MCCLAIN JR**  
**Deputy Labor Commissioner I**  
*Labor Commissioner's Office*



Reply



Reply all



Forward



Delete



Thread

**From:** [Ron Chesshire](#)  
**To:** [FORA Board](#)  
**Subject:** Re: Latest Developments  
**Date:** Wednesday, July 25, 2018 9:02:03 AM

---

Did you read it yet? Are you going to anything about it?

**FORA Board members, to keep you up to date as to developments revolving around FORA, we have sent two letters to the builders at the Cypress Marina Heights Project regarding their obligations under a Court Order. They seem to have the opinion it does not apply to them. Also, we are getting word, but no official assesment at this time, from the State Dept of Industrial Relations/ Dept of Labor Standards Enforcement, that the initial assesment against Prosidng on the Dunes Project (Shea) of \$1.2 million in back wages and \$600,000 in penalties has been reduced. All I have at this time is what is attached and am awaiting official word but will say, this is why we have no faith in working with the DIR. For an employer to get a second bite at the apple, bring in favorable members of the crew not the whole crew to testify, and get a reduction of this nature is a travesty and I'm being nice. We really question the governments mission in these instances. This seems to be standard procedure at the DIR and our faith in them has been rocked again. Please note that after the State's looking into this matter the workers have to wait another 16-18 weeks to be compensated. Yes, it's better than a sharp stick in the eye but that is no consolation.**

**This is your baby, your model base closure which has turned into a monster with your lack of attention and oversight while you play politics at the cost of our greater community. For those of you who don't know what I'm talking about, bless your ignorant little souls. For those of you that do and have not genuinely inquired and sought remedy to the situation , shame on you.**

In Solidarity,

Ron Chesshire

***Monterey/Santa Cruz Counties Building & Construction Trades Council***

10300 Merritt Street

Castroville, CA 95012

(831) 869-3073

[ron@mscbctc.com](mailto:ron@mscbctc.com)

[www.MSCBCTC.com](http://www.MSCBCTC.com)

---

**From:** Ron Chesshire

**Sent:** Wednesday, July 25, 2018 8:41 AM

**To:** board@fora.org

**Subject:** Latest Developments

FORA Board members, to keep you up to date as to developments revolving around FORA, we have sent two letters to the builders at the Cypress Marina Heights Project regarding their obligations under a Court Order. They seem to have the opinion it does not apply to them. Also, we are getting word, but no official assesment at this time, from the State Dept of Industrial Relations/ Dept of Labor Standards Enforcement, that the initial assesment against Prosiding on the Dunes Project (Shea) of \$1.2 million in back wages and \$600,000 in penalties has been reduced. All I have at this time is what is attached and am awaiting official word but will say, this is why we have no faith in working with the DIR. For an employer to get a second bite at the apple, bring in favorable members of the crew not the whole crew to testify, and get a reduction of this nature is a travesty and I'm being nice. We really question the governments mission in these instances. This seems to be standard procedure at the DIR and our faith in them has been rocked again. Please note that after the State's looking into this matter the workers have to wait another 16-18 weeks to be compensated. Yes, it's better than a sharp stick in the eye but that is no consolation.

This is your baby, your model base closure which has turned into a monster with your lack of attention and oversight while you play politics at the cost of our greater community. For those of you who don't know what I'm talking about, bless your ignorant little souls. For those of you that do and have not genuinely inquired and sought remedy to the situation , shame on you.

In Solidarity,

Ron Chesshire

***Monterey/Santa Cruz Counties Building & Construction Trades Council***

10300 Merritt Street  
Castroville, CA 95012

(831) 869-3073

[ron@mscbctc.com](mailto:ron@mscbctc.com)

[www.MSCBCTC.com](http://www.MSCBCTC.com)

From: [Stephen Cry](#)  
To: [FORA Board](#)  
Date: Wednesday, July 25, 2018 9:46:23 AM  
Attachments: [Wathen & Castanos - Ltr to Deborah E.G. Wilder 7-24-18.pdf](#)  
[Renasci Homes - Ltr to Deborah E.G. Wilder 7-24-18.pdf](#)

---

FORA Board members, to keep you up to date as to developments revolving around FORA, we have sent two letters to the builders at the Cypress Marina Heights Project regarding their obligations under a Court Order. They seem to have the opinion it does not apply to them. Also, we are getting word, but no official assessment at this time, from the State Dept of Industrial Relations/ Dept of Labor Standards Enforcement, that the initial assessment against Prosiding on the Dunes Project (Shea) of \$1.2 million in back wages and \$600,000 in penalties has been reduced. All I have at this time is what is attached and am awaiting official word but will say, this is why we have no faith in working with the DIR. For an employer to get a second bite at the apple, bring in favorable members of the crew not the whole crew to testify, and get a reduction of this nature is a travesty and I'm being nice. We really question the governments mission in these instances. This seems to be standard procedure at the DIR and our faith in them has been rocked again. Please note that after the State's looking into this matter the workers have to wait another 16-18 weeks to be compensated. Yes, it's better than a sharp stick in the eye but that is no consolation.

This is your baby, your model base closure which has turned into a monster with your lack of attention and oversight while you play politics at the cost of our greater community. For those of you who don't know what I'm talking about, bless your ignorant little souls. For those of you that do and have not genuinely inquired and sought remedy to the situation , shame on you.

*Stephen Cry*

Organizer/Apprenticeship Coordinator  
Plumbers & Steamfitters Local 62  
11445 Commercial Parkway  
Castroville, CA 95012  
(831)633-6091  
(831)633-1613 fax



**From:** [Ron Chesshire](#)  
**To:** [Michael Houlemard](#); [Sheri Damon](#); [Robert Norris](#); [Dominique Jones](#); [FORA Board](#)  
**Cc:** [Andy Hartmann](#); [John Papa](#); [Steve MacArthur](#); [Rod Smalley](#); [Jolene E. Kramer](#); [Sharon Seidenstein](#)  
**Subject:** Agenda Aug 2-18 Item 7f Resol. & 3G  
**Date:** Thursday, August 09, 2018 1:26:06 PM  
**Attachments:** [Ltr to FORA August 2018.pdf](#)

---

Please review our letter regarding Agenda Item 7f Transition Update, the Resolution, and Section 3G. This should be included in communications for the August 10, 2018 meeting. Thank you.

In Solidarity,

Ron Chesshire

***Monterey/Santa Cruz Counties Building & Construction Trades Council***

10300 Merritt Street

Castroville, CA 95012

(831) 869-3073

[ron@mscbctc.com](mailto:ron@mscbctc.com)

[www.MSCBCTC.com](http://www.MSCBCTC.com)



STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA •  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN ••  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES •••  
KERIANNE R. STEELE ••  
GARY P. PROVENCHER  
EZEKIEL D. CORDER ••••  
MONICA T. GUIZAR  
LISL R. SOTO  
JOLENE KRAMER

**WEINBERG, ROGER & ROSENFELD**  
**A Professional Corporation**  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501  
TELEPHONE (510) 337-1001  
FAX (510) 337-1023  
WWW.UNIONCOUNSEL.NET

ANTHONY J. TUCCI ••  
MICHAEL D. BURSTEIN  
ALEJANDRO DELGADO  
CAROLINE N. COHEN  
XOCHITL A. LOPEZ  
CAITLIN E. GRAY  
TIFFANY GRAIN ALTAMIRANO ••  
RYAN B. KADEVARI  
DAVID W. M. FUJIMOTO  
ADAM J. THOMAS  
PAUL K. PFELSCHIEFTER  
ALEXANDER S. NAZAROV  
ERIC J. WIESNER

ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel  
TRACY L. MAINGUY, Of Counsel ••••  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel •  
SHARON A. SEIDENSTEIN, Of Counsel

August 9, 2018

• Admitted in Hawaii  
•• Also admitted in Nevada  
••• Also admitted in Illinois  
•••• Also admitted in New York and Alaska  
••••• Also admitted in Florida

**VIA EMAIL**

Board of Directors  
Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, CA 93933

**Re: Agenda Item 7f – Transition Planning Process Update  
Continuation of Prevailing Wage Policy and Enforcement of Same**

Members of the Fort Ord Reuse Authority Board:

Our office represents the Monterey and Santa Cruz Counties Building and Construction Trades Council (the “BTC”). On behalf of our client, we thank the Board for finding that the prevailing wage policy in the Master Resolution must continue as part of FORA’s transition plan.<sup>1</sup> As the Board recognized, the prevailing wage policy promotes dignity and fairness for the construction workers at former Fort Ord, and is a crucial part of achieving the community benefits intended when FORA was formed.

The BTC shares FORA’s desire for “legislative clarity” regarding the authority of the Department of Industrial Relations (“DIR”), the member jurisdictions, and FORA itself to establish a prevailing wage compliance procedure. However, notwithstanding whether the DIR has jurisdiction over construction projects at FORA, the BTC urges the Board to adopt a local, streamlined monitoring procedure that will effectively and efficiently return unpaid wages to workers.

Put another way, the DIR should not be the only recourse for addressing wage theft on FORA projects. The DIR’s public works enforcement arm, the Division of Labor Standards Enforcement (“DLSE”), has up to 18 months after project completion to issue a penalty assessment, meaning workers often wait *years* to be paid what they are owed. Furthermore, after a DLSE complaint is filed, the contractor loses incentive to pay its workers because the State is already pursuing an investigation. Finally, workers can find the DLSE process confusing, and often prefer to avoid State action against their own employer, for fear of retaliation. There should be a *swift* and *efficient* process for addressing wage theft on FORA projects, to avoid rampant problems in the future.

<sup>1</sup> See Agenda Item 7f, Draft Resolution Section G, “Policy Issues.”

Board of Directors

August 9, 2018

Page 2

This process should involve regular jobsite visits, worker interviews, checking pay stubs and other documentation, recording worker classifications, reviewing sign-in and sign-out sheets, and reviewing certified payroll records for the correct rate of pay, correct classification and correct payment of overtime, travel time, subsistence, meal breaks, rest breaks and other components of the prevailing wage.<sup>2</sup> The BTC would also encourage a system of making assessments, withholding retention, facilitating mechanics liens and/or stop notices, etc., to the extent allowable by law.

On October 11, 2017, the BTC sent correspondence to the Transition Task Force requesting that any transition plan adopted by FORA include a Prevailing Wage Compliance Program designed to monitor and enforce strict compliance with prevailing wage obligations on FORA projects, and suggesting the components of such a program.<sup>3</sup> On behalf our client, we continue to make that request.

We appreciate the Board's time and attention to this important issue.

Sincerely,



Jolene Kramer

JEK:mda

opeiu 29 afl-cio(1)

Enclosure (1)

143171\981648

---

<sup>2</sup> A contractor complying with the law should not be concerned with this level of transparency.

<sup>3</sup> See Letter of October 11, 2017 attached hereto.





# 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

SENT VIA EMAIL

October 11, 2017

TO: Fort Ord Reuse Authority Transition Task Force c/o the Executive Officer

SUBJECT: TRANSITION/EXTENSION PLAN – INTEGRATION OF PREVAILING WAGE  
COMPLIANCE PROGRAM

Members of the Transition Task Force:

I serve as CEO of the Monterey/Santa Cruz Counties Building and Construction Trades Council. On behalf of the labor unions affiliated with the Council and their membership, I am formally requesting that any Transition Plan or Extension Plan adopted by the Fort Ord Reuse Authority (FORA) include a **Prevailing Wage Compliance Program** designed to monitor and enforce strict contractor and subcontractor compliance with prevailing wage obligations.

Unfortunately, there have been far too many prevailing wage violations reported by underpaid workers or their representatives on FORA projects. In a number of cases, even when violations were reported to the offending contractor, upstream contractor, developer, member jurisdiction, and/or labor compliance professional hired by the developer or member jurisdiction, workers were not made whole. In some cases, **no action was taken whatsoever**. This is unacceptable and must be remedied as part of FORA's transition or extension.

The Prevailing Wage Compliance Program should include, at a minimum, the following:

- (1) Informing contractors of their prevailing wage obligations;
- (2) Monitoring compliance by regularly obtaining and reviewing certified payroll records, including conducting audits if violations are suspected or reported;
- (3) Corroborating information on certified payroll records by assessing reliability, comparing them against other payroll documents, conducting worker interviews, obtaining information from contractors, etc.;
- (4) Investigating complaints and suspected violations; and
- (5) Taking appropriate enforcement action when violations are found, including recordkeeping violations.

The Council would like to engage with the Task Force in developing this program. Please direct all follow-up correspondence to my attention, at the above contact information.

Sincerely,  
Ron Chesshire

Cc via email Michael Houlemard  
Robert Norris  
Sheri Damon

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