



FORT ORD REUSE AUTHORITY

REGULAR MEETING FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, March 10, 2017 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 9, 2017.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE *(If able, please stand)*

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code 54956.9(a): Keep Fort Ord Wild v. FORA, Case No.:M114961

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

FORA is governed by 13 voting members as follows: (a) One member appointed by the City of Carmel; (b) One member appointed by the City of Del Rey Oaks; (c) Two members appointed by the City of Marina; (d) One member appointed by Sand City; (e) One member appointed by the City of Monterey; (f) One member appointed by the City of Pacific Grove; (g) One member appointed by the City of Salinas; (h) Two members appointed by the City of Seaside; and (i) Three members appointed by Monterey County. The Board includes 12 ex-officio non-voting members.

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine items accompanied by staff recommendation. Background information has been provided to the FORA Board on all matters listed under the Consent Agenda. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion being made, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve January 26, 2017 Special Meeting Minutes [\(p. 1\)](#)
- b. Approve February 10, 2017 Meeting Minutes [\(p. 2\)](#)
- c. Administrative Committee [\(p. 5\)](#)
- d. Veterans Issues Advisory Committee [\(p. 8\)](#)
- e. Water/Wastewater Oversight Committee [\(p. 12\)](#)
- f. Habitat Conservation Plan Update [\(p. 15\)](#)
- g. Public Correspondence to the Board [\(p. 17\)](#)
- h. Executive Officer Travel Report [\(p. 18\)](#)
- i. Finance Committee [\(p. 20\)](#)
- j. Environmental Services Cooperative Agreement Grant Amendment Background Report [\(p. 22\)](#)

8. BUSINESS ITEMS

ACTION

Business items are for Board discussion, debate, direction to staff, and/or action. Comments from the public are not to exceed 3 minutes or as otherwise determined by the Chair.

- a. Fort Ord Reuse Authority Fiscal Year 2016-17 Mid-Year Budget [\(p. 25\)](#)

- b. Multi-Modal Corridor (MMC) Report (p. 32)
 - i. Approve Memorandum of Agreement to cooperate in integrating the new MMC alignment
 - ii. Approve Memorandum of Agreement to terminate the 2010 MMC Agreement
- c. Local Preference Policy: Amendment to Master Resolution (p. 61)
- d. Calendar Year 2017 FORA Board Agenda Items/Work Program (p. 69)

9. PUBLIC COMMENT PERIOD

INFORMATION

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 and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.

10. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

11. ADJOURNMENT

NEXT REGULAR BOARD MEETING: April 7, 2017

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



**FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS SPECIAL MEETING MINUTES
4:00 p.m., Thursday, January 26, 2017 | FORA Conference Room
910 2nd Avenue, Marina, CA 93933**

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 4:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair O'Connell.

3. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (Monterey County)

Supervisor Mary Adams (Monterey County)

Mayor Jerry Edelen (City of Del Rey Oaks)

Councilmember Frank O'Connell (City of Marina)

Councilmember Gail Morton (City of Marina)

Councilmember Janet Reimers (City of Carmel-by-the-Sea)

Councilmember Cynthia Garfield (City of Pacific Grove)

Supervisor John Phillips (Monterey County)

Mayor Ralph Rubio (City of Seaside)

Mayor Joe Gunter (City of Salinas)

Andre Lewis (Cal State Monterey Bay)

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

There were no acknowledgements, announcements or correspondence received.

5. CLOSED SESSION

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

6. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel announced there was no action to report from the closed session.

7. PUBLIC COMMENT PERIOD

There were no verbal comments received from the public.

8. ITEMS FROM MEMBERS

There were no verbal comments received from the public.

9. ADJOURNMENT at 4:44 p.m.



FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00 p.m., Friday, February 10, 2017 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board member Jane Parker.

3. CLOSED SESSION

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

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel, Jon Giffen announced there was no action taken in closed session.

5. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (Monterey County)
Supervisor John Phillips (Monterey County)
Mayor Jerry Edelen (City of Del Rey Oaks)
Councilmember Frank O'Connell (City of Marina)
Councilmember Gail Morton (City of Marina)
Mayor Joe Gunter (City of Salinas)

Mayor Ralph Rubio (City of Seaside)
Mayor Pro-Tem Dennis Alexander (City of Seaside)
Mayor David Pendergrass (City of Sand City)
Councilmember Cynthia Garfield (City of Pacific Grove)
Councilmember Janet Reimers (City of Carmel-by-the-Sea)

Ex-officio (Non-Voting) Board Members Present: Andre Lewis (CSUMB), Bill Collins (Ft Ord BRAC Office), Lisa Rheinheimer (MST), Dr. Thomas Moore (MCWD), Hugh Hardin (United States Army), Brett McFadden (MPUSD)

Absent: Nicole Charles (17th State District Senator Monning), Erica Parker (29th State Assembly member Stone), Colonel Brown (US Army), Kathleen Lee (20th Congressional District), Debbie Hale (TAMC), Dr. PK Diffenbaugh (MPUSD), Vicki Nakamura (MPC), Dr. Scott Brandt (UCSC)

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Chair Rubio advised the Board that the 2017 work plan was provided and introduced Principal Planner, Jonathan Brinkmann to review the FORA progress dashboard update. On behalf of Economic Development Manager, Josh Metz – Mr. Brinkmann reviewed the items added and amended to the Economic Development presentation from the January 13, 2017 Board meeting. ESCA Program Manager, Stan Cook provided a status on building removal. Executive Officer, Michael Houlemard, announced that Mr. Cook, Chair Rubio and he would be travelling to Washington, D.C. to negotiate for the ESCA Grant Agreement Amendment.

7. CONSENT AGENDA

- a. Approve January 13, 2017 Board Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Habitat Conservation Plan Update
- e. Prevailing Wage Update
- f. 2017 Chair Committee Appointments
- g. Public Correspondence to the Board
- h. Approve Industrial Hygienist Contract – Stockade in Marina

Chair Rubio reviewed the items on the consent agenda. Public comment was received on item 7f – 2017 Chair Committee Appointments in regards to the committee charge for the Transition Task Force. Comments were received from the Board regarding item 7e – Prevailing Wage Update.

Motion: On motion by Board member Edelen and second by Board member Gunter and carried by the following vote, the Board approved the consent agenda items.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEM

- a. Approve General Engineering Services Contract

Mr. Brinkmann provided a presentation to the Board and reviewed the selection process for the services contract. The Request for Proposals (RFP) was authorized at the December 2016 Board meeting. Three qualified firms submitted qualifications after which, staff recommends the Board authorize the Executive Officer to execute a General Engineering Services contract with BKF Engineers not to exceed \$800,000 over five (5) years, or until transition (or earlier of the two).

Public comment was received on the item from Tim O'Halloran, Harris & Associates. Harris & Associates were one of three qualified firms that submitted qualifications for the contract and were not selected. Mr. O'Halloran asked the Board to consider a local hiring preference in the selection for the RFP.

Staff responded to questions/discussion from the public and the Board regarding FORA's policy on local hiring preference.

Motion: On motion by Board member Morton and second by Board member Parker and carried by the following vote, the Board authorized FORA Executive Officer to execute a General Engineering Services contract with BKF Engineers not to exceed \$800,000 over five (5) years, or until transition (or earlier of the two) and directed staff to agendize a policy for local preference prior to any further contracts being awarded.

MOTION PASSED UNANIMOUSLY

9. PUBLIC COMMENT PERIOD

Public comment was received on the 2017 work plan schedule. The comments were regarding “transition/extension reports” that would be coming in 2017, which contradicts the committee charge for the Transition Task Force (TTF) that was provided as Attachment C to item 7f.

Staff responded to the public comment and advised the TTF meetings would be open to the public. Board member Morton requested the committee charge be updated.

10. ITEMS FROM MEMBERS

Board member Cynthia Garfield announced that a discussion session was being held regarding “What’s happening on the water shed?” on Monday, February 13, 2017 at 7pm.

Board member Dr. Thomas Moore announced two water issues forums at the Marina Library on Friday, February 10, 2017 and Friday, February 17, 2017.

11. ADJOURNMENT at 3:04 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

| | | |
|-----------------------|--------------------------|---------------------------|
| Subject: | Administrative Committee | |
| Meeting Date: | March 10, 2017 | INFORMATION/ACTION |
| Agenda Number: | 7c | |

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on February 15, 2017. The minutes approved at this meeting are attached (**Attachment A**).

FISCAL IMPACT:

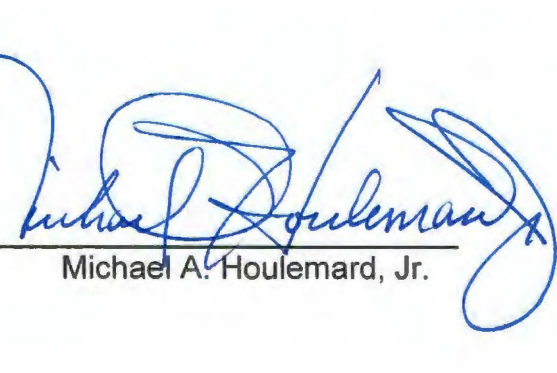
Reviewed by the FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by 
Dominique L. Jones

Approved by 
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, February 1, 2017 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Executive Officer, Michael Houlemard called the meeting to order at 8:32 a.m.

The following members were present:

AR = After Roll Call; * = voting member

Layne Long* (City of Marina)
Craig Malin* (City of Seaside)
Elizabeth Caraker* (City of Monterey)
Melanie Beretti* (Monterey County)
Anya Spear (CSUMB)

Steve Matarazzo (UCMBEST)
Lisa Rheinheimer (MST)
Mike Zeller (TAMC)
Vicki Nakamura (MPC)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Layne Long.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

There were no acknowledgements, announcements or correspondence from the Committee or public.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

There were no verbal comments received from the public.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. January 18, 2017 Regular Meeting Minutes

***MOTION:** On motion by Committee member Long and second by Committee member Nakamura and carried by the following vote, the Administrative Committee moved to approve the regular meeting minutes for January 18, 2017.*

MOTION PASSED UNANIMOUSLY

6. FEBRUARY 10, 2017 BOARD MEETING AGENDA REVIEW

Jonathan Brinkmann, Principal Planner provided an overview of the items on the agenda for the February 10, 2017 Board meeting.

There were no verbal comments from the public.

7. BUSINESS ITEMS

INFORMATION

- a. Capital Improvement Program (CIP)**
 - i. Development Forecast Requests
 - ii. Caretaker Costs Reimbursement Policy
 - iii. FY 2017-2018 CIP Schedule

Mr. Brinkmann reviewed the Capital Improvement Program items and confirmed that all jurisdictional development forecast were submitted. Peter Said, Project Manager, distributed the FY 2017-2018 Development Forecast spreadsheet and reviewed its contents with the Committee and public. Staff responded to questions raised about the spreadsheet information. Mr. Said advised the Committee that they would receive an electronic copy of the spreadsheet accompanied by the Road Priority Ranking Survey. Mr. Houlemard thanked the jurisdictions for submitting their development forecasts.

Mr. Brinkmann advised the Committee that the cities of Del Rey Oaks, Marina, and Seaside provided their caretaker costs, and also provided information about further action being taken to secure additional funding. Mr. Brinkmann also reviewed the FY 2017-2018 CIP schedule.

Public comment was received on the items and staff responded to questions.

This item was information only.

- b. Transportation Agency of Monterey County (TAMC)/FORA Fee Reallocation Study**

Mike Zeller, Principal Transportation Planner for the Transportation Agency of Monterey County reviewed the status of the reallocation study. Kimley-Horn & Associates are scheduled to provide a presentation to the Committee at the February 15, 2017 meeting.

8. ITEMS FROM MEMBERS

Mr. Houlemard announced that he would not be present at the February 15, 2017 Administrative Committee meeting. Mr. Long also indicated he may be absent at the next Administrative Committee meeting and would follow up with staff to confirm his attendance.

9. ADJOURNMENT at 9:26 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee

Meeting Date: March 10, 2017

Agenda Number: 7d

INFORMATION/ACTION

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The Veterans Issues Advisory Committee met on February 23, 2017. The minutes approved at this meeting are attached (**Attachment A**).

FISCAL IMPACT:

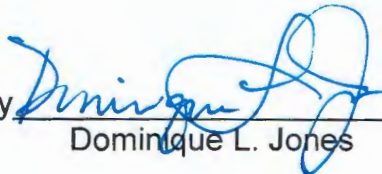
Reviewed by FORA Controller 

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

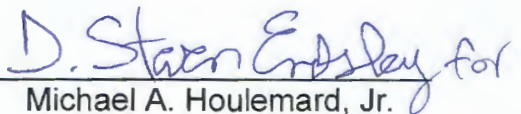
COORDINATION:

VIAC

Prepared by


Dominique L. Jones

Approved by

 for
Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. January 26, 2017 | FORA Conference Room
920 2nd Avenue, Suite A., Marina CA 93933**

1. CALL TO ORDER

Chair, Mayor Jerry Edelen called the meeting to order at 3:00 P.M.

Committee Members:

James Bogan, Disabled American Vets

Colonel Lawrence Brown, Presidio of Monterey

Mayor Jerry Edelen, City of Del Rey Oaks (Chair)

Richard Garza, Central Coast Veterans Cemetery Foundation (CCVC Foundation)

Edith Johnsen, Veterans Families

Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee

Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)

2. PLEDGE OF ALLEGIANCE led by Edith Johnsen

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- The Four Chaplains memorial service on February 4, 2017 – annual event hosted by the American Legion. Fliers provided to the public & committee.
- Marina Foundation – upcoming event on February 20, 2017, 3rd annual Jack Stewart Golf Fundraising Tournament at the Pines Golf Course.

4. PUBLIC COMMENT PERIOD

There were no verbal comments from the public

5. APPROVAL OF MEETING MINUTES

- a. December 14, 2016 Regular Meeting Minutes

MOTION: On motion by Committee member Johnsen and second by Committee member Bogan and carried by the following vote, the VIAC moved to approve the December 14, 2016 meeting minutes.

MOTION: PASSED UNANIMOUSLY

6. BUSINESS ITEMS

a. California Central Coast Veterans Cemetery (CCCVC) Status Report

- i. Cemetery Administrator's Status Report
Daria Maher, Cemetery Administrator informed the Committee that the Cemetery had its 200th burial, an advisory committee has been formed and first meeting will be held on February 8, 2017 at 4 P.M. Also, the Army will soon install permanent signs.
- ii. Veterans Cemetery Land Use Status
Update provided by Principal Analyst, Robert Norris
 - The Monument Village Specific Plan has been rescinded and the endowment parcel is back in the Seaside General Plan which is slated to be parks and open space. Any future development will require a developer to propose for a specific use and project. The value of the parcel would be based on its current zoning as open space.
 - Cemetery MOU – the funding from the endowment parcel would have to flow through an approved MOU document by the County – and the County will have to weigh in on the composition. County plans to appoint a representative to the Cemetery Advisory Committee which also leads into other land use considerations. It has also been noted that any funds would have to go through a government account for auditing and tracking purposes. The State would be in charge of preparing the “go-forward” plan for the cemetery and would be reviewed at the office of the State Architect.
 - Mitigation – Identified the specific size and location mitigation for the cemetery.

b. Fundraising Status

- i. CCVCF Status Report
Rich Garza – announcement of working with the American Legion Riders on the cross-country ride, and efforts are focused on getting national news media coverage. Recruitment for a grant writer is in progress so that contributions can be sought after now that the 501(c)(3) designation has been assigned.

J. Fagan also provided information regarding collaboration with organizations to gain funds. Candy Ingram provided information about the process and time it takes to construct a grant, status of the foundation website, and made a request to have the policies that apply to the Veteran's cemetery be collated into a binder and made available at the cemetery or FORA offices. Ms. Maher advised the policies were available on the CCCVC section of the website.

Mr. Norris reported that the Hero's Open Golf Tournament fundraiser has taken place for 7 years, and that \$25,000 was contributed last year.

c. VA/DoD Veterans Clinic Status Report

- i. Historic Flag Pole Variance Update
- ii. Operational Schedule

Mr. Norris provided the Committee and the public with a printed article from the U.S.

Department of Veterans Affairs website that indicated the clinic construction would be delayed until spring 2017, and the opening is now slated for the summer of 2017. It was also reported that an engineer visited the historic flag pole site to obtain measurements and gather data for an assessment.

d. Veterans Transition Center (VTC) Housing Construction

Mr. Fagan reported that the City of Monterey is funding the "Monterey Quad" and that construction is ahead of schedule. The Monterey Planning Commission met on January 24, 2017 and the project was moved ahead without objection, including a request for additional funds to improve those units. Also, \$500,000 was received from the Home Depot foundation for 2-3 additional duplexes. Permission was also granted for the remaining homes on Hayes Circle to be remodeled in the same form as those in the "Monterey Quad" project.

Selection of the Executive Director for the VTC is expected to be announced soon.

e. Historical Preservation Project

The project is still in search of grants for funding.

7. ITEMS FROM MEMBERS

Hero's Open is planned for October 29, 2017; the Golf Tournament Committee will be meeting in March, one hour prior to the next scheduled VIAC meeting.

Mr. Bogan suggested a thank you letter be sent to the cities and County for what has been accomplished in 2016, with a friendly reminder of what still needs to be completed in 2017 and beyond.

VTC has offered Martinez Hall as the site for a VIAC meeting to be held, to serve as an opportunity for the community to see the improvements made.

It was also reported that a \$30,000 award was provided, and a 2017 Ford transit van was ordered that will provide transportation to the VA hospital in Palo Alto for veterans.

8. ADJOURNMENT at 3:53 P.M.

NEXT SCHEDULED MEETING: February 23, 2017

| FORT ORD REUSE AUTHORITY BOARD REPORT | | |
|---------------------------------------|--------------------------------------|---------------------------|
| CONSENT AGENDA | | |
| Subject: | Water/Wastewater Oversight Committee | |
| Meeting Date: | March 10, 2017 | INFORMATION/ACTION |
| Agenda Number: | 7e | |

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The WWOC met on February 22, 2017. The agenda included review of the 2016-2017 Second Quarter Report, review of the Fiscal Year (FY) 2017-2018 draft budget and the FY 2017-2018 draft 5 year Capital Improvement Program. The minutes approved at this meeting are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

WWOC, Marina Coast Water District

Prepared by 
Peter Said

Approved by 
Michael A. Houlemard, Jr.



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

920 2nd Avenue, Suite A, Marina CA 93933 | FORA Conference Room
9:30 a.m., Wednesday, December 14, 2016

1. CALL TO ORDER

Confirming quorum, Chair Rick Riedl called the meeting to order at 9:34 a.m. The following were present:

Committee Members:

Nick Nichols, Monterey County
Steve Matarazzo, University of California
Santa Cruz (UCSC)
Mike Lerch, CSUMB
Brian McMinn, City of Marina

Patrick Breen, Marina Coast Water District
Bob Schaffer
Ken Nishi
Sean Kranyak, M.P.P.
Andy Sterbenz, Schaaf & Wheeler

Other Attendees:

Mike Wegley, Marina Coast Water District
Kelly Cadiente, Marina Coast Water District
Keith Van Der Maaten, MCWD

FORA Staff:

Steve Endsley
Jonathan Brinkmann
Peter Said
Ikuyo Yoneda-Lopez

2. PLEDGE OF ALLEGIANCE

Brian McMinn led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Endsley announced FORA has seen an increase in unsubstantiated/ non-contextual information presented publically, and suggested correspondence by in impartial WWOC may be beneficial.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. MOTION: Nick Nichols, moved to appoint Peter Said Chair pro-tem in the absence of Rick Riedl, Seconded by Brian McMinn.

MOTION PASSED: UNANIMOUSLY.

b. December 14, 2016 Minutes

MOTION: Committee member Nick Nichols moved to approve the December 14, 2016 Water/Wastewater Oversight Committee (WWOC) minutes with the addition of Brian McMinn on the Attendees list.

MOTION PASSED: UNANIMOUSLY.

6. BUSINESS ITEMS

a. Q2 Quarterly Report

Ms. Kelly Cadiente of Marina Coast Water District (MCWD) provided the committee with the Quarter 2 (Q2) Quarterly Report. She reported that MCWD secured an agreement with the ARMY to replace 450+ meters for their Ord Community housing. Mr. Mike Wegley of MCWD provided the committee with the Capital Improvement Program updates. Mr. Wegley noted the re-prioritization of the Hatten lift Station and Ord Village Force Main due issues exposed by the recent heavy rains. Mr. Said inquired about the status of the State Revolving Fund Loan for the RUWAP 'Pipeline'. Mr. Wegley and Mr. Van Der Maaten reported the design process is continuing as further communication with the State and Monterey Regional Water Pollution Control Agency (MRWPCA) will determine the path forward. Ms. Cadiente affirmed Mr. Nishi's questions concerning MCWD's ability to fulfill the bond covenant.

b. Review Fiscal Year (FY) 2017-2018 Draft Budget

Ms. Cadiente presented the updated Budget Approval Calendar. Mr. Endlsey reminded the committee of the purposeful approach used to review the data and move the budget towards recommendation to the FORA board in May.

Review Fiscal Year (FY) 2017-2018 Draft Budget

Mr. Wegley reviewed the upcoming 5 year Capital Improvements Program and requested jurisdictional input to coordinate various projects such as the Intergarrison road water line to support E. Garrison. Mr. Wegley reported on the Master Planning process and speculated the WWOC review of the Master Plan in the first part of FY 2017-2018. Mr. Said requested MCWD advance the South Boundary Road Project to coincide with FORA's CIP.

7. ITEMS FROM MCWD

Mr. Van Der Maaten reported on the Ground Water Sustainability application and the overlap with Monterey County's application. He noted the State Water Board would charge up to \$40 per acre foot pumped per month to mediate overlapping GSA areas.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT

Chair Riedl adjourned the meeting at 10:45 a.m.

NEXT MEETING: March 15, 2017

| FORT ORD REUSE AUTHORITY BOARD REPORT | | |
|--|----------------------------------|--------------------|
| CONSENT AGENDA | | |
| Subject: | Habitat Conservation Plan Update | |
| Meeting Date: | March 10, 2017 | INFORMATION |
| Agenda Number: | 7f | |

RECOMMENDATION(S):

Receive a United States Fish and Wildlife Service (USFWS) Habitat Conservation Plan (HCP) and State of California Department of Fish and Wildlife (CDFW) 2081 Incidental Take Permit status report.

BACKGROUND:

The 1997 Fort Ord Reuse Plan included a draft Implementing/Management Agreement as Appendix A. The Implementing/Management Agreement's purpose was to allow the Fort Ord Reuse Authority (FORA) and its member agencies to receive Incidental Take Permits (ITPs) from USFWS and CDFW for "Take" of federally and state-listed species under the Endangered Species Act (ESA) and California Endangered Species Act (CESA). FORA and its member agencies must obtain ITPs to implement conservation measures outlined in the Army's 1997 Habitat Management Plan (HMP) and to reuse and develop former Fort Ord as envisioned in the 1997 Fort Ord Reuse Plan. FORA, its member agencies, USFWS, and CDFW never signed the draft Implementing/Management Agreement since it could not be processed concurrently with the 1997 HMP. Since 1997, FORA diligently pursued a Fort Ord Habitat Conservation Plan (HCP) and its accompanying documents as required by USFWS and CDFW. FORA worked through many challenges in its pursuit of a base-wide HCP. Some of these challenges included: impediments to conducting habitat restoration burns, listing of the California Tiger Salamander, additional species and habitat management requirements, limited CDFW and USFWS staffing resources, changing HCP requirements, changing CDFW and USFWS staff representatives, and additional habitat mitigation or restoration requirements.

DISCUSSION:

On July 29, 2016, FORA received a comment letter from USFWS Ventura Office Field Supervisor Stephen P. Henry outlining nine general recommendations for changes to the draft Fort Ord HCP. USFWS representatives recognize the 20-year history of FORA working toward a basewide HCP and affirmed their continued support for FORA's Public Review Draft HCP schedule. At its September 9, 2016 meeting, the FORA Board authorized contract amendments for HCP consultant Inner City Fund (ICF) International and Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) consultant Denise Duffy & Associates (DD&A) to address these nine USFWS recommendations/comments and prepare a public review draft HCP and its accompanying EIS/EIR.

Since the September 9, 2016 meeting, FORA staff and consultants met with USFWS and CDFW representatives five times. FORA staff and consultants have received sufficient guidance to prepare the public review draft HCP and its EIS/EIR. Key revisions include: (1) removing non state or federally listed species, or listed species not known to occur outside of the Fort Ord National Monument (Monument); (2) additional mitigation measures to benefit

HCP species within the Monument; and (3) rewriting the HCP to only rely on Monument lands for mitigation when Permittees' additional mitigation measures provide a link for the reliance. USFWS and CDFW representatives have agreed to meet an HCP schedule allowing one 60-day review period prior to publishing the public review draft HCP and its EIS/EIR. Staff and consultants are preparing a screencheck draft HCP for USFWS, CDFW, and Permittee's 60-day review. If agencies meet the review schedules, FORA will complete a public review draft HCP in July 2017.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

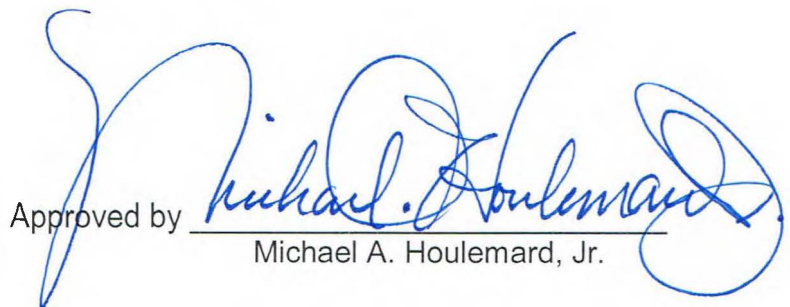
COORDINATION:

Authority Counsel, Administrative Committee, Permittees, ICF, DD&A, and wildlife agencies.

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Public Correspondence to the Board

Meeting Date: March 10, 2017

Agenda Number: 7g

INFORMATION/ACTION

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

| FORT ORD REUSE AUTHORITY BOARD REPORT | |
|---------------------------------------|--|
| CONSENT AGENDA | |

| | |
|-----------------|-----------------------------------|
| Subject: | Executive Officer's Travel Report |
|-----------------|-----------------------------------|

| | |
|----------------------|----------------|
| Meeting Date: | March 10, 2017 |
|----------------------|----------------|

| | |
|-----------------------|----|
| Agenda Number: | 7h |
|-----------------------|----|

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|---------------------------|
| INFORMATION/ACTION |
|---------------------------|

RECOMMENDATION:

Receive a report from the Executive Officer

BACKGROUND/DISCUSSION:

Executive Officer Michael Houlemard provided a travel report/Environmental Services Cooperative Agreement (ESCA) Grant Amendment report to the Executive Committee (EC) on March 1, 2017. The EC report is attached as **Attachment A**, and provides a summary of the approved travel. Please see item 7j – Negotiations for ESCA Grant Agreement Amendment for more details.

FORT ORD REUSE AUTHORITY EXECUTIVE COMMITTEE REPORT

EXECUTIVE OFFICER'S REPORT

| | | |
|-----------------------|---|---------------------------|
| Subject: | Executive Officer's Travel Report/Environmental Services Cooperative Agreement (ESCA) Grant Amendment | |
| Meeting Date: | March 1, 2017 | INFORMATION/ACTION |
| Agenda Number: | 7a | |

RECOMMENDATION:

- i. Receive a report February 13–15, 2017 Executive Officer's Travel to Washington, D.C.
- ii. Authorization to proceed with contract negotiations with U.S. Army and U.S. Army Corps of Engineers leading to ESCA Grant Amendment governing regulatory reimbursement, stewardship and report requirements, munitions assessments, long term management and administrative costs.

BACKGROUND/DISCUSSION:

Executive Officer Michael Houlemard regularly submits reports to the Executive Committee providing details of his travel requests. Travel expenses may be paid or reimbursed by FORA, outside agencies/ jurisdictions/organizations, or a combination of these sources. The Executive Committee approves Executive Officer and Board member travel requests, and travel expenses are reported back to the Committee as an information item. The Executive Officer provides an informational travel report to the Board, as required by the FORA travel policy. It is requested the Executive Committee authorize the Executive Officer to proceed with further contract negotiations. The Executive Officer provides an informational travel report to the Board, as required by the FORA travel policy.

The FORA Board authorized the original contract negotiation and committee in 2005/2006. These current discussions were anticipated at the close of the ESCA contract in 2007.

Completed Travel

Destination: Washington, D.C.

Date: February 13 – 15, 2017

Receive a report from the Executive Officer regarding travel to Washington, D.C. to negotiate the ESCA Grant Amendment.

ACTION:

The Executive Committee authorized the Executive Officer and negotiating team to engage the U.S. Army Base Realignment and Closure Office with scope/residual issues discussions leading to a potential ESCA Grant Amendment. Those negotiations/discussions concluded eligibility of several stewardship, review, assessment, and reporting items. To quantify terms and funding, staff must now engage further with the U.S. Army Corps of Engineers in the grant amendments. We seek Executive Committee/Board authorization to proceed.

| FORT ORD REUSE AUTHORITY BOARD REPORT | | |
|---------------------------------------|-------------------|---------------------------|
| CONSENT AGENDA | | |
| Subject: | Finance Committee | |
| Meeting Date: | March 10, 2017 | INFORMATION/ACTION |
| Agenda Number: | 7i | |

RECOMMENDATION:

Receive a report from the Finance Committee.

BACKGROUND/DISCUSSION:

The Finance Committee met on February 28, 2017. The minutes approved at this 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 
Dominique L. Jones

Approved by 
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
FINANCE COMMITTEE MEETING MINUTES
3:00 p.m., December 2, 2016 | FORA's Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Morton called the meeting to order at 3:00 PM.

Members Present:

Gail Morton, City of Marina (Chair)
Ian Oglesby, City of Seaside
Alan Haffa, City of Monterey
Nick Chiulos, County of Monterey
Andre Lewis, CSUMB

Members Absent:

Casey Lucius, City of Pacific Grove

2. PLEDGE OF ALLEGIANCE - Pledge of Allegiance was led by Chair Morton

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE - None

4. APPROVAL OF MEETING MINUTES - Adopted: Motion Lewis, Second Oglesby. Passed. Ayes; Morton, Lewis, Oglesby, Chiulos, Haffa. Noes; None.

5. PUBLIC COMMENT PERIOD

Doug Yount requested that the Audit Report note an outstanding and disputed item that may be an obligation.

6. BUSINESS ITEMS

FY 15-16 Annual Financial Statements (Audit Report)

Auditor Moss, Levy & Hartzheim representative Hadley Hui, Audit Partner-in-charge (Auditor) in attendance by telephone. Chair Morton introduced Auditor. The Auditor issued the same opinion as in prior year audit - a modified opinion on the Proprietary Funds (Preston Park) because FORA (through Alliance) has not recorded the value of Preston Park land, buildings and depreciation and an unmodified opinion on the governmental activities and each governmental fund of FORA. With the sale of Preston Park and the closure of the Proprietary Fund, Auditor noted that the coming (FY 16-17) year financial will consist of one opinion for the governmental activities and funds. Auditor discussed the increase in FORA's Net Position due to the sale of Preston Park. Auditor reviewed various notes to the Basic Financial Statements. Auditor reviewed the Single Audit Report and that findings were repeat findings related to Preston Park. Auditor reports that FORA has complied, in all material respects, with the types of compliance requirements that could have a direct and material effect on its major federal programs for the fiscal year. FC recommended that the FORA Board accept the FY 15-16 Audit Report as presented. Motion to accept: Oglesby, Second Lewis. Passed. Ayes; Morton, Oglesby, Lewis, Haffa, Chiulos. Noes; None.

7. NEXT MEETING DATE - The next meeting was set for January 23, 2017 at 3:30 PM.

8. ADJOURNMENT – Meeting adjourned at 3:31 PM.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

| | | |
|-----------------------|---|--------------------|
| Subject: | Environmental Services Cooperative Agreement- Grant Amendment Background Report | |
| Meeting Date: | March 10, 2017 | INFORMATION |
| Agenda Number: | 7j | |

RECOMMENDATION:

Receive an Environmental Services Cooperative Agreement – Grant Amendment Background Report.

BACKGROUND:

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received former Fort Ord 3,340 acres (ESCA parcels) prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those ESCA parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for ESCA parcels. FORA received ESCA parcels after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer in 2009.

In order to complete the AOC defined obligations, FORA entered into a Remediation Services Agreement (RSA) with the competitively selected LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a cost-cap insurance policy for this remediation work through American International Group (AIG) to assure financial resources to complete the work and to offer other protections for FORA and its underlying jurisdictions.

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

DISCUSSION:

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

Under the \$98M ESCA Grant, FORA has been clearing munitions and securing regulatory approval for the former Fort Ord ESCA parcels. FORA and ARCADIS executed the RSA, a guaranteed fixed-price contract for ARCADIS to perform the ESCA Grant Technical Specifications and Review Statement work. As part of the RSA, FORA paid \$82.1 million, upfront, to secure an AIG "cost-cap" insurance policy. Under the terms of the ESCA Grant, the EPA AOC requirements

and AIG insurance provisions, AIG controls the \$82.1 million in a commutation account and pays ARCADIS directly as work is performed. In addition, AIG provides up to \$128 million, through a cost-cap insurance policy, to assure additional work (both known and unknown) is completed to the Regulator's satisfaction. Under these agreements, AIG pays ARCADIS directly while FORA oversees ARCADIS compliance with the grant and AOC requirements.

FORA/Army Previously Unfunded ESCA Grant Long Term Obligation Request

The FORA/Army Previously Unfunded ESCA Grant Long Term Obligation Request addresses funding Army CERCLA Long Term Obligation responsibilities that were anticipated during the ESCA negotiations and award, but could not be known until the CERCLA process was implemented and remedies were selected. Per the Federal Facilities Agreement (FFA) Amendment 1, the EPA and Army agreed that FORA could receive the ESCA properties through an Early Transfer and take on the Army's CERCLA Munitions and Explosives of Concern (MEC) cleanup responsibilities.

- FFA Amendment 1, Page 2, Paragraph 3, *"the Army and FORA have entered into an Environmental Services Cooperative Agreement (ESCA) as a vehicle for the Army to fund FORA to conduct certain CERCLA response actions and Long Term Obligations for the Early Transfer Property."*
- FFA Amendment 1, Section I.O., *"Long Term Obligations' shall mean any requirement of a ROD (Record of Decision) or the AOC (Administrative Order on Consent) that extends beyond the Completion of Remedial Action, including but not limited to, long-term review and monitoring; implementation and enforcement of Land Use Controls and other operation and maintenance activities, reporting, and performance of additional response actions, if needed."*

ESCA Grant C2.2 & C2.3 state, *"the AOC and (Grant) Technical Specifications and Requirements Statement (TSRS) establish the process for obtaining Site Closeout within the ACES."*

- TSRS Section 1.2, *"lists those environmental sites of the ACES requiring MEC remediation and/or investigation by the FORA and generally describes the activities that will be accomplished for each of the sites."*
- The Remedial Activities Table lists activities to achieve Site Closure, but does not list/describe post-Site Closure Long Term Obligation activities.

At the time the ESCA Grant was negotiated/awarded, Records of Decision were not fully developed which capture the Army's requirements for implementing and maintaining Remedy Long Term Management and Land Use Controls. Remedy requirements were further refined in subsequent Land Use Control Implementation Plan/Operation and Maintenance Plans (LUCIP/OMP). One refinement that has been agreed upon by the Army and EPA is for FORA (as the Army ESCA Grant recipient) to take on the Army's post-closure responsibility to assess if the possibility for encountering MEC has increased after MEC finds on transferred ESCA property.

The currently identified unfunded Army Long Term Obligations are:

- Long Term Management
- Land Use Controls
- Post-Closure MEC Find Assessments

In December 2016, FORA requested and hosted two ESCA management meetings for Army Base Realignment and Closure (BRAC) Headquarters (HQ), EPA Region 9 and DTSC management to meet and discuss pressing ESCA issues. Following this meeting, FORA and Army BRAC HQ staff held a second meeting to discuss the FORA/Army Previously Unfunded ESCA Grant Long Term Obligation Request and resume the final ESCA negotiations. Army BRAC HQ agreed to review a draft Grant Amendment Funding Request package with the ESCA Grant Administrator and, if appropriate, outline the process for requesting additional grant funding. On February 12, 2017, the FORA Board Chair and two staff members met with Army BRAC HQ to draft the appropriate FORA/Army Previously Unfunded ESCA Grant Long Term Obligation Request Scope of Services. This meeting was successful in reaching agreement on the Scope of Services, but additional meetings with the Army Grant Administrator staff will be required to negotiate pricing the Scope of Services and to finalize the funding of the Army ESCA Grant Long Term Obligations. These price negotiations are expected to resume in March 2017. The Executive Officer has authority to proceed with these negotiations from prior approvals, but requested and received Executive Committee confirmation at the March 1, 2017 meeting. The FORA Board is provided this report to educate both new and longer serving members who were not on the Board during the 2006-2007 negotiations.

FISCAL IMPACT:

Reviewed by FORA Controller 

This is a status report with no financial impact.

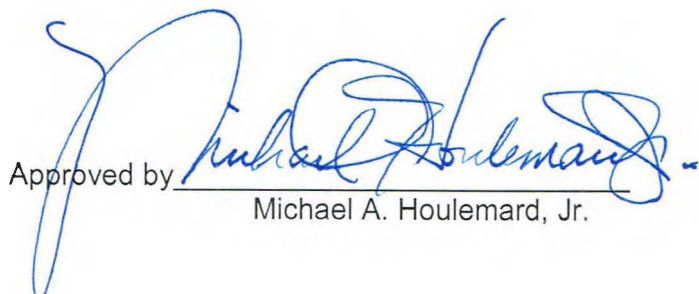
COORDINATION:

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

Prepared by


Stan Cook

Approved by


Michael A. Houlemard, Jr.

| FORT ORD REUSE AUTHORITY BOARD REPORT | | |
|---------------------------------------|--|---------------|
| BUSINESS ITEMS | | |
| Subject: | Fort Ord Reuse Authority Fiscal Year 2016-17 Mid-Year Budget | |
| Meeting Date: | March 10, 2017 | ACTION |
| Agenda Number: | 8a | |

RECOMMENDATION:

Adopt the Fort Ord Reuse Authority (FORA) Fiscal Year 2016-17 (FY 16-17) 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 16-17 budget approved at the May 13, 2016 and on July 11, 2016 (CIP) Board meetings. The Finance Committee reviewed the mid-year budget at its February 28, 2017 meeting; the Executive Committee met on March 1, 2017 and reviewed the budget with respect to its inclusion on the Board Agenda.

DISCUSSION:

The mid-year budget represents revenues and expenditures based on current estimates through the end of the fiscal year.

REVENUES: Net Decrease \$1.6 Million

➤ *Significant additions:*

- \$0.4 Million in membership dues and franchise fees from Marina Coast Water District (MCWD). FORA Executive Officer and MCWD General Manager are working through the facilities agreement compliance.

➤ *Significant reductions:*

- \$1.5 Million in Development Fees due to Marina Heights projected build less than original projection. This also resulted in a reduction of the Habitat Management set aside of \$453,000 (30.2% of the fees collected as approved by the Board).
- \$0.5 Million in land sales due to sale of Ord Market pending – appraisal process slower than expected and sale not currently anticipated in FY 16-17.

Update on other significant revenues:

- Property Tax revenue budgeted at \$1.7 Million: the first payment (1 of 2) of \$1.0 Million indicates conformity with the budget (as the second payment is typically smaller).

EXPENDITURES: Net Decrease \$7.2 Million

➤ *Significant additions:*

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

- \$160,000 for general engineering services for projects to support building removal, transportation and urgent/emergency needs, etc. The total Board approved cost was \$800,000 over five years or \$160,000 per annum or until transition. (approved 12/9/16).

Funding **requested:**

- \$100,000 to further reduce the CalPers Unfunded Actuarial Liability of \$669,843. This amount is offset by savings in salaries and benefits of \$97,837.
- \$11,500 for travel for ESCA grant amendment negotiations.
- \$15,000 for Community Engagement/Public Involvement additions.
- \$75,000 for emergency caretaker cost due to increased request for caretaker cost by jurisdictions.
- \$5,000 for Employee Benefit adjustment to compensate for the 4% health insurance cost increase. FY 16-17 approved budget anticipated a potential 10% increase on January 1, 2017.

➤ *Significant reductions:*

Staff anticipates savings in several budget categories:

- \$97,837 in Salaries and Benefits as a result of hiring dates/salary levels of replaced employees and/or new hires as well as error in budgeting for health benefits.
- \$218,000+ in Contractual services
 - a. \$75,000 in Prevailing Wage Consultant services - no need for additional labor compliance monitor at this time.
 - b. \$30,000 in FORA Transition based on anticipated EPS estimate of study cost.
 - c. \$65,000 in ESCA/EDC Special Council - anticipated need during ESCA grant amendment reduced.
 - d. \$48,000 in ESCA Regulatory Response and Quality Assurance - based on current year expenditures.
- \$7.2 Million in Capital Projects
 - a. \$4.7 Million due to protracted timeframe for the transit multi-modal corridor and FORA engineering design master services solicitation.
 - b. \$2.2 Million for HCP Endowment – this is not an expenditure but rather a set aside of fund balance. Thus, the fund balance for Habitat Management has been increased by this amount offset by the proportionate set aside for the decrease in Development Fees – as noted above.
 - c. \$500,000 in building removal as a result of projected timing.

Other Budget Items:

Staff and the Finance Committee recommend increasing the reserve for the CalPers Retirement Termination Liability by \$2.0 Million – to be funded from the Unassigned Fund Balance of the General Fund. The most current actuarial report estimates that the termination liability ranges between \$12 and \$15 million. The increase in reserve would bring the total reserve to \$7.3 Million.

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.

Attachment C itemizes updated expenditures.

Attachment D provides proposed staffing/benefits adjustments.

FISCAL IMPACT:

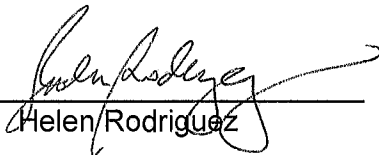
As a result of the proposed budget adjustments, the combined fund ending balance at June 30, 2017 is anticipated to be about \$40.8 Million.

COORDINATION:

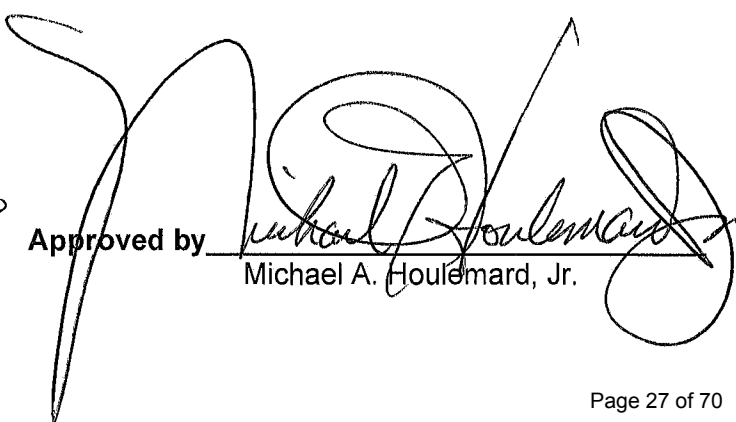
Finance Committee, Executive Committee

1. Finance Committee (making recommendations on funding availability):
 - i) The budget includes sufficient funding to absorb mid-year adjustments.
 - ii) Adopt the FY 16-17 mid-year budget.
2. Executive Committee (recommends to the Board regarding staffing/benefits adjustments):
 - i) If the Board concurs in the Staff request for a benefit adjustment to compensate for the increase in health insurance costs, the Executive Committee will review a resolution to recommend consideration at for the April Board meeting.

Prepared by


Helen Rodriguez

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY - REVISED FY 16-17 ANNUAL BUDGET - ALL FUNDS COMBINED

| CATEGORIES | FY 16-17 APPROVED | FY 16-17 Variances <i>Incr (decrease) projected</i> | FY 16-17 REVISED | NOTES |
|---|----------------------|---|----------------------|---|
| REVENUES | | | | |
| Membership Dues | \$ 261,000 | \$ 70,000 | \$ 331,000 | MCWD |
| Franchise Fees - MCWD | 265,000 | 350,000 | 615,000 | MCWD |
| Federal Grants | 995,933 | (73,523) | 922,410 | ESCA |
| Development Fees | 6,739,869 | (1,500,000) | 5,239,869 | Marina Heights projection lower |
| Land Sale Proceeds | 480,187 | (480,187) | - | Ord Market sale pending |
| Rent Proceeds | 29,500 | 20,500 | 50,000 | Ord Market sale pending - rent for Ord Market was not included in original budget |
| Property Taxes | 1,722,472 | - | 1,722,472 | |
| Reimbursement Agreements | 25,000 | (25,000) | - | Offsets actual expenditure |
| Investment/Interest Income | 105,000 | - | 105,000 | |
| TOTAL REVENUES | 10,623,961 | (1,638,210) | 8,985,751 | |
| EXPENDITURES | | | | |
| Salaries & Benefits | 2,953,810 | 2,163 | 2,955,973 | Additional \$100K funding of UAL offset by error in budgeting |
| Supplies & Services | 398,055 | 15,250 | 413,305 | Grant Scope Negotiations and Legislative Issues |
| Contractual Services | 1,966,000 | (33,187) | 1,932,813 | Board approved RFP for solicitation of engineering services and timing of projects |
| Capital Projects (CIP) | 11,067,978 | (7,186,304) | 3,881,674 | HCP set aside not an expenditure but a fund balance commitment and deferral of projects to subsequent years |
| TOTAL EXPENDITURES | 16,385,843 | (7,202,078) | 9,183,765 | |
| REVENUES OVER (UNDER) EXPENDITURES | | | | |
| Surplus (Deficit) | (5,761,882) | 5,563,868 | (198,014) | |
| FUND BALANCES | | | | |
| Beginning | 40,989,569 | - | 40,989,569 | Per Audited Financial Statements |
| Ending | \$ 35,227,687 | \$ 5,563,869 | \$ 40,791,556 | Ending Fund Balance |
| Committed/Assigned Fund Balance: | | | | |
| CalPers Termination | \$ 5,300,000 | 2,000,000 | \$ 7,300,000 | Increase Reserve |
| Operations | 4,700,000 | - | 4,700,000 | |
| Habitat Management | 9,803,000 | 1,582,440 | 11,385,440 | |
| Building Removal | 6,589,000 | 500,000 | 7,089,000 | Timing of project |
| Capital Improvement Program | 4,300,289 | 4,342,122 | 8,642,411 | |
| Unassigned Fund Balance | 4,535,398 | (2,860,693) | 1,674,705 | |
| Total Fund Balance | 35,227,687 | 5,563,869 | 40,791,556 | |

FORT ORD REUSE AUTHORITY - REVISED FY 16-17 ANNUAL BUDGET - BY FUND

| CATEGORY | SPECIAL REVENUE FUNDS (SRF) | | | | TOTAL ANNUAL BUDGET |
|---|-----------------------------|---------------------|-------------------------|----------------|---------------------------|
| | GENERAL FUND | LEASES LAND SALE | Developer / CFD Fees | ARMY ESCA | |
| REVENUES | | | | | |
| Membership Dues | 331,000 | | | | 331,000 |
| Franchise Fees - MCWD | 615,000 | | | | 615,000 |
| Federal Grants | | | | 922,410 | 922,410 |
| Development Fees | | | 5,239,869 | | 5,239,869 |
| Land Sale Proceeds | | - | | | - |
| Rental/Lease Revenues | 50,000 | | | | 50,000 |
| Property Tax Payments | 1,300,000 | | 422,472 | | 1,722,472 |
| Reimbursement Agreements | - | | | | - |
| Investment/Interest Income | 85,000 | | 20,000 | | 105,000 |
| Other Income | - | - | - | - | - |
| Total Revenues | 2,381,000 | - | 5,682,341 | 922,410 | 8,985,751 |
| EXPENDITURES | | | | | |
| Salaries & Benefits | 1,943,628 | - | 635,817 | 376,528 | 2,955,973 |
| Supplies & Services | 250,399 | - | 96,152 | 66,754 | 413,305 |
| Contractual Services | 1,100,731 | 138,151 | 214,803 | 479,128 | 1,932,813 |
| Capital Projects | - | 500,000 | 3,381,674 | - | 3,881,674 |
| Total Expenditures | 3,294,758 | 638,151 | 4,328,446 | 922,410 | 9,183,765 |
| REVENUES OVER (UNDER) EXPENDITURES | (913,758) | (638,151) | 1,353,895 | - | (198,014) |
| FUND BALANCE-BEGINNING 7/1/16 | 14,588,462 | 11,829,557 | 14,571,550 | - | 40,989,569 |
| FUND BALANCE-ENDING 6/30/17 | 13,674,705 | 11,191,406 | 15,925,445 | - | 40,791,556 |
| Committed/Assigned Fund Balance: | | | | | |
| CalPers Termination | 7,300,000 | - | - | - | 7,300,000 |
| Operations | 4,700,000 | - | - | - | 4,700,000 |
| Habitat Management | - | - | 11,385,440 | - | 11,385,440 |
| Building Removal | - | 7,089,000 | - | - | 7,089,000 |
| Capital Improvement Program | - | 4,102,406 | 4,540,005 | - | 8,642,411 |
| Unassigned Fund Balance | 1,674,705 | - | - | - | 1,674,705 |
| Total Fund Balance | 13,674,705 | 11,191,406 | 15,925,445 | - | 40,791,556 |

ANNUAL FY 16-17 BUDGET - REVISED

ITEMIZED EXPENDITURES

| EXPENDITURE CATEGORIES | FY 16-17 APPROVED | Variance/s | FY 16-17 Proposed | NOTES |
|---|----------------------|--------------------|----------------------|---|
| <u>SALARIES AND BENEFITS (S & B)</u> | | | | |
| SALARIES - Existing Staff (16 positions + 1 intern) | 1,776,107 | (10,330) | 1,765,777 | |
| BENEFITS/HEALTH, RETIREMENT, OTHER | 712,703 | (87,507) | 625,196 | Error in budgeting |
| TEMP HELP/VACTION CASH OUT/STIPENDS | 65,000 | - | 65,000 | |
| SUBTOTAL S & B | 2,553,810 | (97,837) | 2,455,973 | |
| <u>CalPERS UNFUNDED LIABILITIES (UAL)</u> | | | | |
| SHARE OF RISK POOL UAL - PARTIAL PAYMENT | 400,000 | 100,000 | 500,000 | Current valuation is \$669,843 Unfunded Liability as of 10/12/16 after funding \$400K |
| SUBTOTAL PERS UAL | 400,000 | 100,000 | 500,000 | |
| TOTAL SALARIES , BENEFITS AND UAL | 2,953,810 | 2,163 | 2,955,973 | |
| <u>SUPPLIES AND SERVICES</u> | | | | |
| PUBLIC & LEGAL NOTICES | 6,000 | - | 6,000 | |
| COMMUNICATIONS | 8,000 | - | 8,000 | |
| POSTAGE & DELIVERY | 1,500 | - | 1,500 | |
| DUES & SUBSCRIPTIONS | 8,855 | 2,250 | 11,105 | Dues & subscriptions inadvertently missed during budgeting |
| PRINTING & COPY | 8,000 | - | 8,000 | |
| SUPPLIES | 14,000 | 500 | 14,500 | |
| EQUIPMENT & FURNITURE | 15,500 | - | 15,500 | |
| TRAVEL & LODGING Including Meals | 22,500 | 11,500 | 34,000 | Grant Scope Negotiations and Legislative Issues |
| TRAINING & SEMINARS, REGISTRATION FEES | 17,500 | - | 17,500 | |
| MEETING EXPENSES | 13,500 | - | 13,500 | |
| TELEVISED MEETINGS | 7,000 | - | 7,000 | |
| BUILDING MAINTENANCE & SECURITY | 10,000 | - | 10,000 | |
| FORA OFFICES RENTAL | 180,000 | - | 180,000 | |
| UTILITES | 12,000 | - | 12,000 | |
| INSURANCE | 26,000 | - | 26,000 | |
| PAYROLL/ACCOUNTING SERVICES | 6,000 | 1,000 | 7,000 | New Special District Reporting Requirements |
| IT/COMPUTER SUPPORT | 29,000 | - | 29,000 | |
| PREVAILING WAGE TECH SUPPRT/SOFTWARE | 10,000 | - | 10,000 | |
| RECORD ARCHIVING | 1,000 | - | 1,000 | |
| OTHER (POSTAGE, BANK FEES, MISC) | 1,700 | - | 1,700 | |
| TOTAL SUPPLIES AND SERVICES | 398,055 | 15,250 | 413,305 | |
| <u>CONTRACTUAL SERVICES</u> | | | | |
| AUTHORITY COUNSEL | 200,000 | - | 200,000 | |
| LEGAL/LITIGATION FEES | 100,000 | - | 100,000 | |
| AUDITORS | 20,000 | 2,813 | 22,813 | Final FY 15-16 Audit Fee Per Engagement Letter/GASB 68 Reporting |
| FINANCIAL CONSULTANTS | 100,000 | - | 100,000 | |
| SPECIAL COUNSEL (EDC-ESCA PROPERTY) | 175,000 | (65,000) | 110,000 | Projected need reduced |
| PUBLIC INFORMATION/OUTREACH | 20,000 | 12,000 | 32,000 | Community Engagement and Public Information and Outreach (Video) |
| LEGISLATIVE SERVICES CONSULTANT | 43,000 | - | 43,000 | |
| OTHER CONSULTING/CONTRACTUAL EXP | 25,000 | - | 25,000 | |
| PREVAILING WAGE CONSULTANTS | 75,000 | (75,000) | - | Not needed in current fiscal year |
| FORA TRANSITION | 105,000 | (30,000) | 75,000 | |
| REUSE PLAN IMPLEMENTATION | 100,000 | - | 100,000 | |
| CIP/ARCHITECTS & ENGINEERS | 25,000 | 170,000 | 195,000 | Board approved RFP solicitation for engineering services |
| HABITAT MANAGEMENT/HCP ENDOWMENT | 150,000 | - | 150,000 | |
| CEQA CONSULTANTS | 300,000 | - | 300,000 | |
| ESCA/REGULATORY RESPONSE/QUALITY ASSURAN | 418,000 | (48,000) | 370,000 | Based on current expenditure |
| ECONOMIC DEVELOPMENT | 110,000 | - | 110,000 | |
| TOTAL CONTRACTUAL SERVICES | 1,966,000 | (33,187) | 1,932,813 | |
| <u>CAPITAL PROJECTS</u> | | | | |
| | | | | <u>Refer to CIP 16-17 for project detail</u> |
| TRANSPORTATION/OTHER CIP PROJECTS | 7,937,538 | (4,650,864) | 3,286,674 | Based on current project schedules and emergency care taker cost \$75K |
| HABITAT MANAGEMENT/HCP ENDOWMENT | 2,130,440 | (2,035,440) | 95,000 | HCP set aside is a commitment of fund balance not an expenditure |
| BUILDING REMOVAL | 1,000,000 | (500,000) | 500,000 | Reduced projection due to timing |
| TOTAL CAPITAL PROJECTS | 11,067,978 | (7,186,304) | 3,881,674 | |
| TOTAL EXPENDITURES | 16,385,843 | (7,202,078) | 9,183,765 | |

FORT ORD REUSE AUTHORITY FY 16-17 PROPOSED BENEFITS ADJUSTMENT

Health insurance/employer share premium increase

Health premium increased 4% from 2016

Fiscal Impact FY 16-17

| <u>EE</u> | <u>EE+1</u> | <u>Family</u> | |
|-----------|-------------|---------------|-----------------------------------|
| 798 | 1,597 | 2,076 | 2016 premium |
| 830 | 1,661 | 2,159 | 2017 premium |
| 32 | 64 | 83 | <u>Increase in</u> premium |

OPTIONS

a) Keep ER contribution constant until sunset/next review

| | | | | |
|-------------|-----|-------|-------|---|
| 2017 | 830 | 1,661 | 2,159 | Premium |
| | 798 | 1,447 | 1,826 | <u>Approved employer contribution</u> |
| | 32 | 214 | 333 | <u>Employee contribution</u> |
| | 0 | 150 | 250 | Current employee contribution |
| | 32 | 64 | 83 | <u>Increase in</u> employee contribution |

None

b) Keep EE payments constant until sunset/next review

| | | | | |
|-------------|-----|-------|-------|---|
| 2017 | 830 | 1,661 | 2,159 | Premium |
| | 0 | 150 | 250 | <u>EE contribution at 2016 Rate</u> |
| | 830 | 1,511 | 1,909 | <u>Proposed</u> employer contribution |
| | 798 | 1,447 | 1,826 | Current employer contribution |
| | 32 | 64 | 83 | <u>Increase in</u> employer contribution |

Staff recomendation

4,939

c) Both ER and EE contribution share increase

| | | | | |
|-------------|-----|-------|-------|---|
| 2017 | 830 | 1,661 | 2,159 | Premium |
| | 814 | 1,476 | 1,863 | <u>Proposed</u> employer contribution |
| | 16 | 32 | 42 | <u>Increase in</u> employer contribution |
| | 16 | 32 | 42 | <u>Increase in</u> employee contribution |
| | 32 | 64 | 83 | <u>Increase in</u> premium |
| | 16 | 185 | 296 | Employee Contribution would be |

2,846

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Multi-Modal Corridor (MMC) Report

Meeting Date: March 10, 2017

Agenda Number: 8b

ACTION

RECOMMENDATION(S):

Adopt Resolution 17-XX (**Attachment A**) authorizing the Executive Officer to: 1) to rescind the 2010 MMC Memorandum of Agreement (MOA) [execute termination MOA (**Exhibit 1**)]; and 2) execute the 2017 MMC MOA (**Exhibit 2**) realigning the MMC.

BACKGROUND/DISCUSSION:

The 1997 Fort Ord Base Reuse Plan (BRP) provided for a multi-modal corridor along Imjin Parkway to Blanco Road serving to-and-from the Salinas area to the Transportation Agency for Monterey County (TAMC)/Monterey Salinas Transit (MST) inter-modal center planned at 8th Street and 1st Avenue in Marina. Long range planning for transit service resulted in an alternative Intergarrison/Reservation/Davis Roads corridor to increase habitat protection and fulfill transit service needs between the Salinas area and Peninsula cities and campuses.

FORA hosted a series of stakeholder meetings in 2006 to advance adjustments and refinements to the proposed multi-modal corridor plan line. Stakeholders included TAMC, MST, the Fort Ord Reuse Authority (FORA), City of Marina, Monterey County, California State University Monterey Bay (CSUMB), and the University of California Monterey Bay Education, Science and Technology Center (UCMBEST). The stakeholders entered in to a 2010 MOA outlining the new multi-modal alignment plan line in February 2010. Since all stakeholders had signed the MOA, the FORA Board designated the new alignment and rescinded the original alignment on December 10, 2010.

Since that time, several stakeholders, including CSUMB, requested that the alignment be re-evaluated. TAMC prepared the analysis, utilizing grant funds, local match, and a \$15,000 FORA contribution. After a series of stakeholder meetings and community workshops, TAMC determined a preferred multi-modal corridor route and a conceptual plan. TAMC approved the Marina-Salinas MMC Plan (Plan) adopting Resolution 2015-15 (**Exhibit 3**) determining the Plan is within the 2014 Monterey County Regional Transportation Plan's Environmental Impact Report scope certified by the Association of Monterey Bay Area Governments. The Plan closely follows the 1997 Base Reuse Plan alignment.

FISCAL IMPACT:

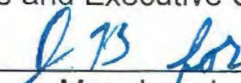
Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 16-17 budget.

COORDINATION:

TAMC, Authority Counsel, County of Monterey, Cities of Marina, Salinas, CSUMB, UC MBEST, Administrative and Executive Committees.

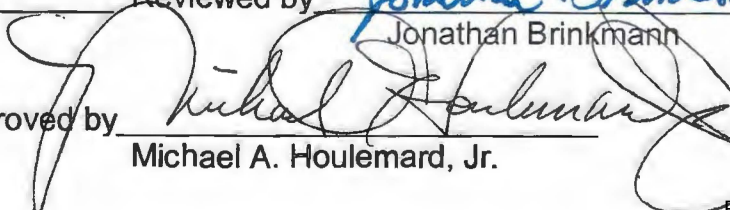
Prepared by


Mary Israel

Reviewed by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

RESOLUTION NO. 17-xx

A RESOLUTION OF THE FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE MEMORANDUM OF AGREEMENTS REGARDING THE MULTI-MODAL CORRIDOR ALIGNMENT AND TERMINATING A RELATED 2010 MEMORANDUM OF AGREEMENT

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

- A. The Transportation Agency for Monterey County (TAMC) has requested the Fort Ord Reuse Authority (FORA) Board terminate the existing 2010 Memorandum of Agreement (2010 MOA) Concerning the Realignment of the Multi-Modal Corridor (MMC) on the Former Fort Ord and replace it with a new MMC memorandum of agreement (2017 MOA);
- B. On June 24, 2015, TAMC approved the Marina-Salinas MMC Plan (the "Plan") and adopted Resolution 2015-15, determining that the Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed under an Association of Monterey Bay Area Governments certified Environmental Impact Report (EIR) and considered by TAMC in adopting its Resolution No. 2014-10;
- C. The FORA Board has considered the EIR (**Exhibit 6**) and TAMC's findings in adopting Resolution No. 2015-15; and
- D. The 2017 MOA is a planning and feasibility level document and nothing contained therein is intended to limit the discretion of the underlying lead agencies from revising the MMC alignment as may result from project-level CEQA review.

NOW THEREFORE the FORA Board hereby resolves:

1. That no additional environmental analyses are needed before entering this 2017 MOA because there have been no substantial changes to the project, no substantial changes in circumstances, and no new information of substantial importance that would require major revisions in the EIR due to the involvement of new significant environmental impacts or substantial increases in the severity of previously identified significant effects;
2. That the 2010 MOA Concerning the Realignment of the Multi-modal Corridor on the Former Fort Ord be terminated (**Exhibit 1**); and
3. That the new MOA Concerning the Realignment of the Multi-modal Corridor on the Former Fort Ord be approved as a replacement for the 2010 MOA (**Exhibit 2**).

Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ralph Rubio, Chair

ATTEST:

Michael A. Houlemard, Jr., Clerk

**AGREEMENT TERMINATING MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA
REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY
BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY,
MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY
COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE
MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this ____ day of _____, 2016, by and among the FORT ORD REUSE AUTHORITY (“FORA”), the CITY OF MARINA (“MARINA”), THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY (“MRA SUCCESSOR”), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (“CSUMB”), UNIVERSITY OF CALIFORNIA SANTA CRUZ (“UCSC”), GOLDEN GATE UNIVERSITY (“GGU”), MONTEREY SALINAS TRANSIT DISTRICT (as successor to Monterey-Salinas Transit and hereinafter referred to as “MST”), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (“TAMC”), THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (“AGENCY”) and the COUNTY OF MONTEREY (“COUNTY”) (with FORA, MARINA, MRA SUCCESSOR, CSUMB, UCSC, GGU, MST, TAMC, AGENCY and COUNTY each being from time to time hereinafter referred to as a “Party”, and together being from time to time collectively hereinafter referred to as the “Parties”).

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the “BRP”). The BRP included the designation of a multi-modal transit corridor along the “Imjin Parkway/Blanco Road” corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the “Transit Corridor”). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the “Original Alignment”) of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the “2010 Alignment”) to the Transit Corridor, as shown in Exhibit 1B. The Parties then entered into that Memorandum of Agreement dated November 2, 2010 (the “2010 Memorandum of Agreement”), a copy of which is attached hereto as Exhibit 1C.

E. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.

F. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.

G. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan and adopted Resolution 2015-15 (a copy of which is attached as Exhibit 3), determining that the Marina-Salinas Multi-Modal Corridor Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES
HERETO AS FOLLOWS:**

1. Termination of 2010 Memorandum of Agreement. The Parties hereby agree to terminate the 2010 Memorandum of Agreement, which shall hereafter be of no further force or effect.

2. Counterparts. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: _____

By: _____

Executive Officer
Michael A. Houlemard, Jr.

APPROVED AS TO FORM:

By: _____

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
OF THE COUNTY OF MONTEREY**

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, CITY OF SALINAS,
CALIFORNIA STATE UNIVERSITY MONTEREY BAY, UNIVERSITY OF
CALIFORNIA SANTA CRUZ, MONTEREY SALINAS TRANSIT DISTRICT,
TRANSPORTATION AGENCY FOR MONTEREY COUNTY, AND THE COUNTY OF
MONTEREY CONCERNING THE REALIGNMENT OF THE MULTI-MODAL
CORRIDOR TRANSIT ON THE FORMER FORT ORD**

THIS MEMORANDUM OF AGREEMENT (this “Agreement”) is made and signed on this ____ day of _____, 2016, by and among the FORT ORD REUSE AUTHORITY (“FORA”), the CITY OF MARINA (“MARINA”), the CITY OF SALINAS (“SALINAS”), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (“CSUMB”), UNIVERSITY OF CALIFORNIA SANTA CRUZ (“UCSC”), MONTEREY SALINAS TRANSIT DISTRICT (“MST”), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (“TAMC”), and the COUNTY OF MONTEREY (“COUNTY”) (with FORA, MARINA, SALINAS, CSUMB, UCSC, MST, TAMC, and COUNTY each being from time to time hereinafter referred to as a “Party,” and together being from time to time collectively hereinafter referred to as the “Parties”).

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (hereinafter referred to as the “BRP”). The BRP included the designation of a multi-modal transit corridor along the “Imjin Parkway/Blanco Road” corridor, as shown in Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as the “Transit Corridor”). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as the “Original Alignment”) of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, along Reservation Road to Blanco Road, and then along Blanco Road to Salinas, as generally shown in Exhibit 1A.
- C. Problems arose with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. In 2010 the Parties identified and reviewed a proposed new alignment (the “2010 Alignment”) to the Transit Corridor, as shown in Exhibit 1B. The 2010 Alignment avoided certain impacts, but raised others. Additionally, some of the development that was anticipated in 2010 has since failed to occur.
- E. Due to the desire of the Parties to reassess the 2010 Alignment, TAMC led the development of a Marina-Salinas Multi-Modal Corridor Conceptual Plan, which identified a new alignment (shown in Exhibit 2) based on input from the Parties, stakeholders and the public.

F. On June 24, 2015, TAMC approved the Marina-Salinas Multi-Modal Corridor Plan (the “Plan”) and adopted Resolution 2015-15 (a copy of which is attached as Exhibit 3), determining that the Plan is within the scope of the 2014 Monterey County Regional Transportation Plan which was previously analyzed by the Environmental Impact Report certified by the Association of Monterey Bay Area Governments and considered by TAMC in adopting its Resolution No. 2014-10.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Agreement to Cooperate. The Parties agree to cooperate with each other to consider and integrate applicable provisions of the Plan in accordance with law and to incorporate the concepts and provisions of the Plan into their respective planning and design documents.
2. Engineering and Design. Each Party shall be responsible for its own engineering or design costs resulting from the integration of the Plan into its planning and design documents.
3. Agreement to Grant Right of Way Reservations/Easements. To the extent that land on which the Transit Corridor described in the Plan will be located is held by FORA, the Parties agree to permit the imposition of necessary easements and/or reservations of rights of way consistent with the Plan over such property by FORA in any conveyance.
4. Agreement to Release Conflicting Prior Right of Way Reservations and Easements. To the extent that right of way reservations or easements were placed on property previously conveyed but on which the Transit Corridor described in the Plan is no longer intended to be located, the Parties agree to take such action as is necessary and appropriate to release any easements or right of way reservations over such land which are not consistent with the alignment of the Transit Corridor as described in the Plan.
5. Costs. If any Party elects to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
6. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by all of the Parties.
7. Release and Mutual Indemnification. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party’s actions or inactions under this Agreement.
8. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
9. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the Parties concerning the subject matter hereof.

10. Interpretation. This Agreement has been arrived at through negotiation and that no Party is to be deemed the Party which prepared this Agreement within the meaning of Civil Code Section 1654.

11. Counterparts. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same complete instrument. The signature page of each counterpart may be detached from such counterpart and attached to a single document which shall for all purposes be treated as an original. Faxed, photocopied or e-mailed signatures shall be deemed originals for all purposes. This Agreement shall be effective as to each Party when that Party has executed and delivered a counterpart hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: _____

By: _____

Executive Officer

Michael A. Houlemard, Jr.

APPROVED AS TO FORM:

By: _____

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CITY OF SALINAS

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MONTEREY-SALINAS TRANSIT DISTRICT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

**RESOLUTION 2015-15
OF THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**

**DETERMINING THAT THE MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN
IS WITHIN THE SCOPE OF THE
2014 MONTEREY COUNTY REGIONAL TRANSPORTATION PLAN
WHICH WAS ANALYZED BY THE ENVIRONMENTAL IMPACT REPORT
CERTIFIED BY THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS
AND CONSIDERED BY TAMC IN ADOPTING
RESOLUTION NO. 2014-10, AND ADOPTING THE
MARINA-SALINAS MULTI-MODAL CORRIDOR PLAN**

WHEREAS, the Transportation Agency for Monterey County is the state-designated Regional Transportation Planning Agency ("RTPA") for Monterey County; and

WHEREAS, on June 25, 2014, the Monterey County Regional Transportation Plan was approved by TAMC after review, consideration of, and adoption of findings for the program Environmental Impact Report ("EIR") (SCH# 2013061052) for the 2035 MTP/SCS, certified by the Association of Monterey Bay Area Governments ("AMBAG"), which EIR incorporates the Monterey County RTP, in compliance with CEQA; and

WHEREAS, TAMC acknowledged in Resolution No. 2014-10 that implementation of the RTP would result in significant environmental impacts, as identified in the Final EIR; and

WHEREAS, CEQA Findings were prepared in compliance with Public Resources Code §§21081 and CEQA Guidelines Section §15091 for every significant impact of the 2014 Monterey County RTP identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097 to ensure implementation of the mitigation measures identified in the Final EIR; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan was specifically identified and analyzed in the EIR which was the subject of TAMC Resolution 2014-10, including the Plan's associated roadway widening projects; and

WHEREAS, the Marina-Salinas Multi-Modal Corridor Plan acknowledges that further environmental review will be needed by the appropriate jurisdictions at the project-level to develop appropriate mitigation for individual projects.

NOW, THEREFORE, BE IT RESOLVED THAT: the Transportation Agency for Monterey County finds that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that the matters contained in the Marina-Salinas Multi-Modal Corridor Plan are within the scope of, and have already been analyzed in, the Final EIR for the 2035 MTP/SCS, certified by AMBAG and approved by TAMC on June 25, 2014; and

BE IT FURTHER RESOLVED THAT the Transportation Agency for Monterey County Board of Directors finds that, pursuant to CEQA Guidelines § 15162, no new effects could occur and no new mitigation measures would be required by reason of the adoption of the Marina-Salinas Multi-Modal Corridor Plan; and

BE IT FURTHER RESOLVED THAT no new environmental documentation is required for adoption of the Marina-Salinas Multi-Modal Corridor Plan.


ACCORDINGLY, the Marina-Salinas Multi-Modal Corridor Plan is hereby adopted.

PASSED AND ADOPTED by the Transportation Agency for Monterey County, State of California this 24th day of June 2015, by the following vote:

AYES: F. Armenta, J. Burnett, T. Bodem, A. Chavez, K. Craig, J. Edelen,
J. Huerta, R. Huitt, J. Mohammadi, M. Orozco, K. Markey,
J. Phillips, R. Rubio, S. Salinas and E. Smith

NOES:

ABSENT: B. Delgado, and B. Hendrickson



KIMBLEY CRAIG, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST: 

DEBRA L. HALE, EXECUTIVE DIRECTOR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

NOV -2 2010
FORT

**MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA
REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY
BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY,
MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY
COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE
MULTI-MODAL TRANSIT CORRIDOR ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this 2nd day of November, 2010, by and among the FORT ORD REUSE AUTHORITY (hereinafter referred to as "FORA"), the CITY OF MARINA (hereinafter referred to as "CITY"), the MARINA REDEVELOPMENT AGENCY (hereinafter referred to as "MRA") CALIFORNIA STATE UNIVERSITY MONTEREY BAY (hereinafter referred to as "CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY (hereinafter referred to as "GGU"), MONTEREY SALINAS TRANSIT (hereinafter referred to as "MST" and which will be succeeded by the Monterey-Salinas Transit District effective July 1, 2010), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (hereinafter referred to as "TAMC"), THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (hereinafter referred to as "AGENCY") and the COUNTY OF MONTEREY (hereinafter referred to as "COUNTY") (with FORA, City, MRA, CSUMB, UCSC, GGU, MST, TAMC, Agency and County each being from time to time hereinafter referred to as "Party", and together being from time to time collectively hereinafter referred to as "Parties").

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report (hereinafter referred to as "FEIR") and a Fort Ord Base Reuse Plan (hereinafter referred to as "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, and then along Blanco Road to Salinas, as shown generally in Exhibit 1.
- C. Problems have arisen with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. The Parties have identified and reviewed a proposed new alignment ("New Alignment") to the Transit Corridor, as shown in Exhibit 2, and it appears that the New Alignment provides the same benefit to the regional transportation network as the Original Alignment and avoids potential impacts to habitat-related lands and to agricultural operations.

E. Property has been conveyed by FORA to various jurisdictions with right of way reservations based upon the Original Alignment. A list of the parcels conveyed with such reservations is attached as Exhibit 3.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES
HERETO AS FOLLOWS:**

1. FORA Board Consider Re-Designation of Transit Corridor

The Parties, excepting FORA, hereby agree to recommend rescission of the Original Transit Corridor Alignment and designation of the New Transit Corridor Alignment. It is acknowledged that this re-designation will require at least the following steps:

1.1 Agreement to Cooperate. The jurisdictions agree to cooperate with each other to process the proposed re-designation of the Transit Corridor from the Original Alignment to the New Alignment on the following conditions: (i) the New Alignment will require certain improvements to be performed on the southerly side of 3rd Street, which would only impact Property owned by CSUMB and will not encroach on GGU property and (ii) the Parties shall not be required to incur any costs or expenses in so cooperating with each other.

1.2 Engineering and Design. The COUNTY and CITY, at their respective costs, have prepared preliminary designs for that portion of the New Alignment that will extend through their respective boundaries, for the New Alignment to be approved.

1.3 Agreement to Grant Right of Way Reservations. Those Parties who will receive or have received land over which the New Alignment will extend agree to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement. It is intended that any actual conveyance of right of way easements or fee ownership would occur by separate agreement(s) at a later date. The COUNTY will not grant any right of way reservation at this time that would diminish its development potential by allowing a triangle interchange at the intersection of Intergarrison Road, Eastside Parkway and Schoonover Road, but may elect to grant a right of way or other form of easement to MST at a later date. The Parties agree that none of GGU's property (i.e., parcel APN 031-101-019) and none of UC's property (i.e., parcel APN 031-101-018) will be taken in connection with the proposed New Alignment, and therefore no easements or right of way reservations will be requested of, nor imposed upon, GGU or UC.

1.4 Agreement to Release Right of Way Reservations/Easements. FORA agrees, upon adoption of the re-designation of the alignment of the Transit Corridor, to release any right of way reservations or easements with respect to the Original Alignment of the Transportation Corridor, as such Original Alignment is modified by the New Alignment.

1.5 Agreement to consider designation of the New Transit Corridor Alignment. Upon formal agreement by the Parties to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement by the Parties, FORA agrees to consider the recommended designation of the New Transit

Corridor Alignment and rescission of the Original Transit Corridor Alignment at its next scheduled Board of Directors meeting. If the recommended designation of the New Transit Corridor Alignment is approved, FORA shall include the New Transit Corridor Alignment in any revision to the Base Reuse Plan.

2. Costs. As stated in section 1.1 of this agreement, the parties shall not be required to incur any costs or expenses in cooperating with each other. Should any Party elect to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
3. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by the parties.
4. Indemnity and Hold Harmless. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party's actions or inactions under this Agreement.
5. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
6. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.
7. Interpretation. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that no party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.
8. Authority. Each signatory to this Agreement certifies that he or she has the lawful authority to execute this Agreement for and on behalf of the Party named herein.
9. Term. This Agreement will expire on December 31, 2025. This term may not be extended absent separate negotiations and a separate fully executed written agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: 11 Oct 2010

By: 

Executive Officer
Michael A. Houlemard, Jr.

By: 

Gerald D. Bowden, Esq.
FOIRA Counsel

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MARINA REDEVELOPMENT AGENCY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: 8/31/10

By: 

Kevin R. Saunders,
Interim Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: 

Carrie Rieth, CSU Attorney

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

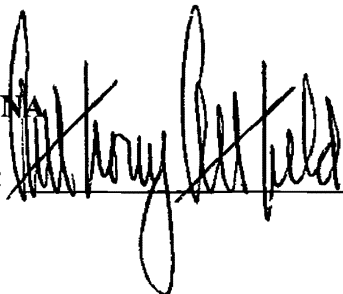
Date: _____

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


By: _____
Gerald D. Bowden, Esq.
FORA Counsel

CITY OF MARINA

Date: 11.2.10

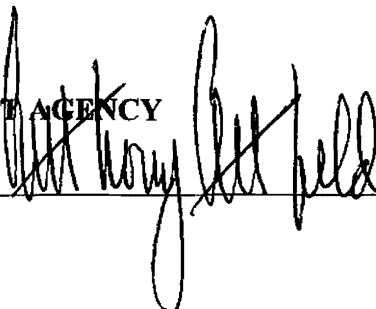
By:  _____

APPROVED AS TO FORM:

By:  _____

MARINA REDEVELOPMENT AGENCY

Date: 11.2.10

By:  _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

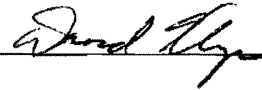
By: _____
James E. Main, Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: _____
Carrie Rieth, CSU Attorney

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: 3/17/10

By: 

APPROVED AS TO FORM:

By: 

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: 9/23/10

By: Robert D. Hite

Its: V.P. and CEO

APPROVED AS TO FORM:

By: R D Hite

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: 8/23/2010

By: Came G. Sady

APPROVED AS TO FORM:

By: [Signature]

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: 8/20/10

By: 

APPROVED AS TO FORM:

By: Wynne Blankenship

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: _____


By: _____

APPROVED AS TO FORM:

By: _____

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: 3/12/10

By: 

APPROVED AS TO FORM:

By: Kay Reenan
Deputy Agency Counsel

COUNTY OF MONTEREY

Date: 3/12/10

By: 

APPROVED AS TO FORM:

By: Kay Reenan
Deputy County Counsel



EXHIBIT A

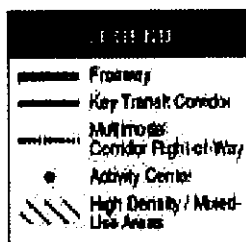
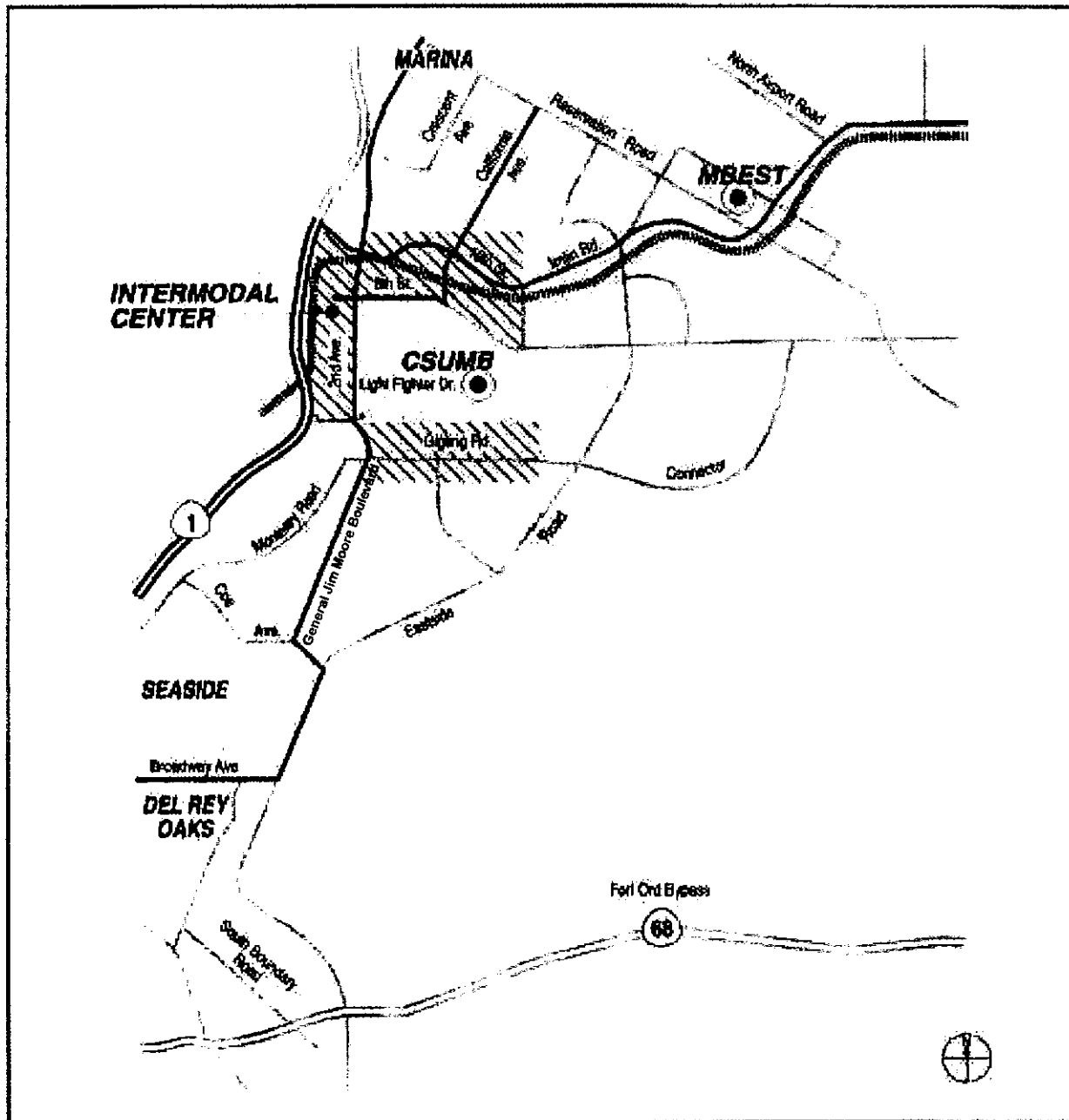
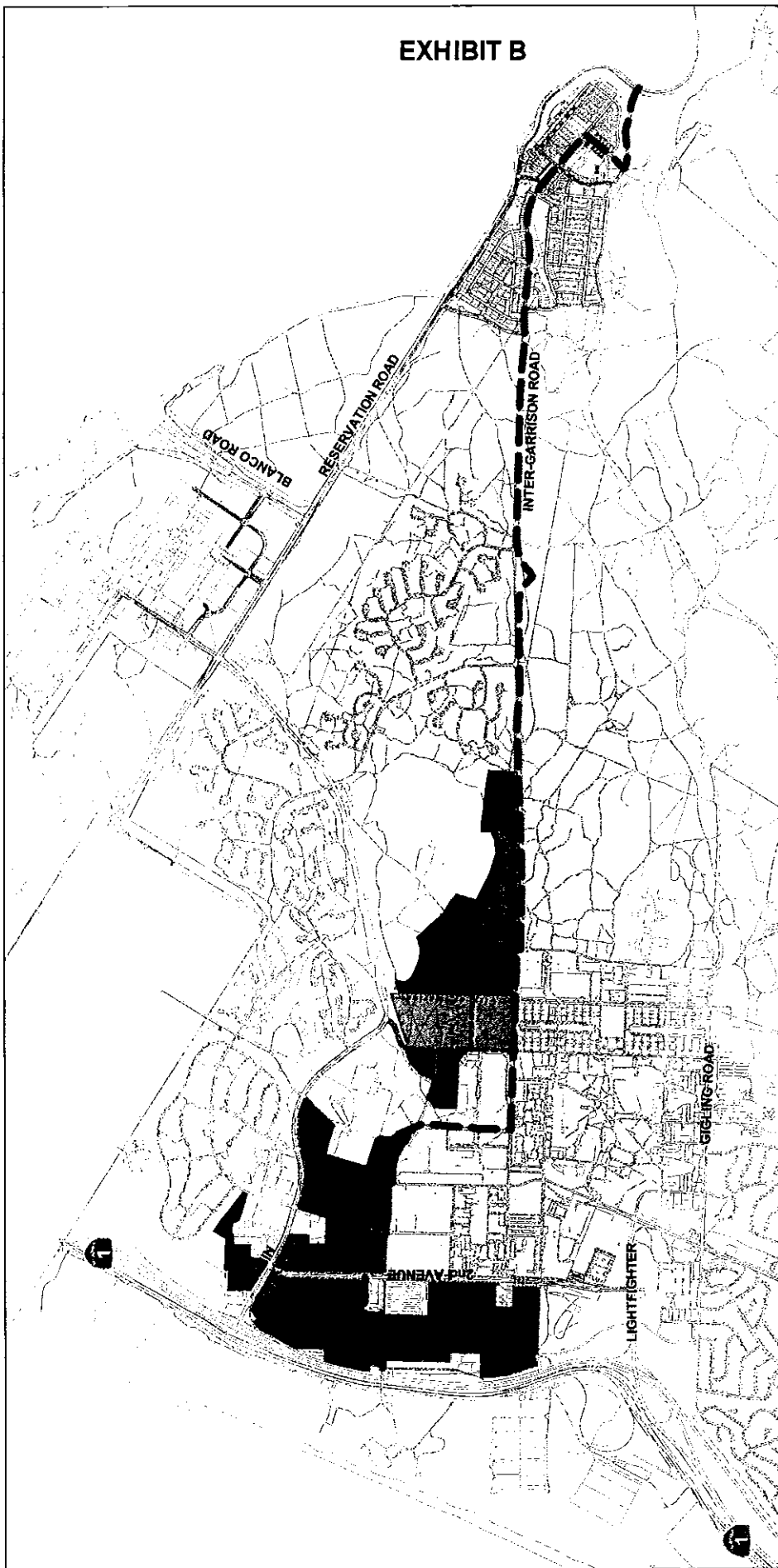


Figure 4.2-5
Transit Activity Centers and Corridors

EXHIBIT B



Proposed Multi-Modal
Corridor Alignment

The Dunes of
Monterey Bay
(Marina)

Golden Gate
University

U.C. Development
Parcel

C.S.U.M.B.
Property

City of Marina
Property

Whispering Oaks
Development (County)

Whispering Oaks
Habitat Conservation

Whispering Oaks
MST Transit Parcel

**FORT ORD REUSE AUTHORITY
MULTI-MODAL CORRIDOR
ALIGNMENT**

September 24, 2009

WE WHITSON ENGINEERS
5850 Blue Lakes Lane • Suite 105 • Monterey, CA 93940
831 649-5225 • Fax 831 373-5065
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

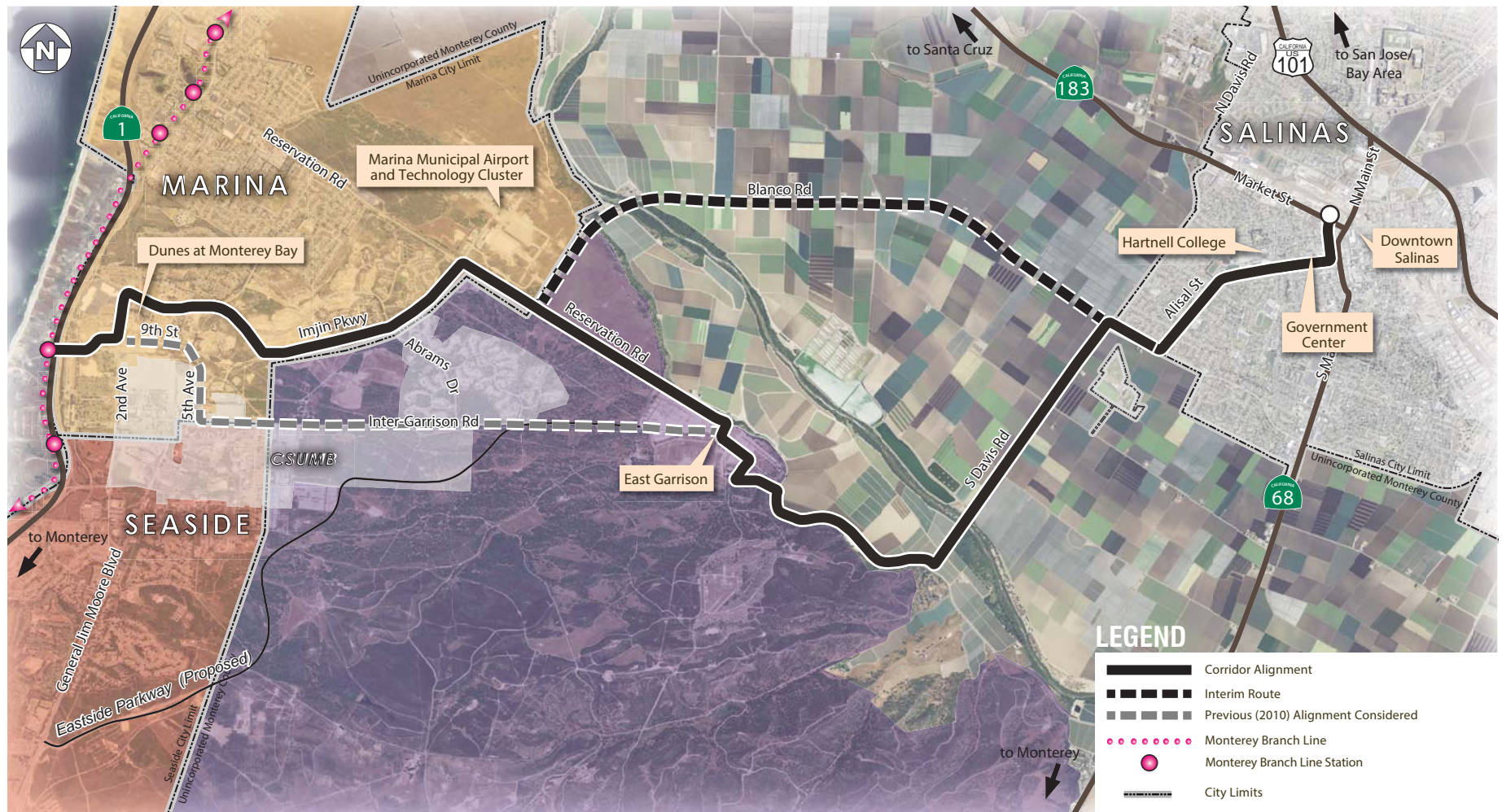
EXHIBIT C

| Exhibit 3 | |
|---|-----------------|
| Army Corps of Engineers Parcel | Jurisdiction |
| L2.1 | City of Marina |
| L20.16.1 | City of Marina |
| L20.16.2 | City of Marina |
| L20.16.3 | City of Marina |
| E2b.3.2 | City of Marina |
| E2b.2.3 | City of Marina |
| E2b.1.4 | City of Marina |
| E2d.2 | City of Marina |
| L5.9.1.2 | City of Marina |
| L5.9.2 | City of Marina |
| E2c.4.4 | City of Marina |
| E2c.4.3 | City of Marina |
| S2.5.1.1 | City of Marina |
| S2.5.1.2 | Monterey County |
| E4.6.1 | City of Marina |
| E4.6.2 | Monterey County |
| E4.7.1 | City of Marina |
| E4.7.2 | Monterey County |
| S2.3.2.2 | Monterey County |
| S2.3.1.2 | Monterey County |
| S2.3.2.3 | Monterey County |
| L20.10.1.1 | Monterey County |
| L20.11.1 | Monterey County |
| L20.11.2 | City of Marina |

Marina-Salinas Multimodal Corridor Conceptual Plan



Corridor Alignment



Link to the Association for Monterey Bay Area Governments
Metropolitan Transportation Plan/Sustainable Communities
Strategy for the 2014 Monterey County Regional Transportation
Plan Environmental Impact Report:

http://ambag.org/programs/met_transp_plann/documents/Final_2035_EIR/AMBAG%20MTP-SCS%20and%20RTPs%20FEIR%20with%20Appendices.pdf

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Local Preference Policy: Amendment to Master Resolution

Meeting Date: March 10, 2017

Agenda Number: 8c

ACTION

RECOMMENDATION(S):

1. Receive report on local preference policies on the expenditure of FORA funds for goods, supplies, services, contracting and hiring.
2. Adopt Resolution 17-xx to amend the Master Resolution to add subsection (c) to Section 3.02.130 and delete subsection (d) from Section 3.03.040.

BACKGROUND:

In January 2013, FORA provided an overview of the activities FORA had engaged over its 20+ year history that addressed the provisions of the Authority Act that encouraged local hires and economic recovery. By way of additional background, when Fort Ord closed, the region lost 13,500 active duty military and 4,500 civilian jobs. There were multiple business closures/impacts and 18,700 residents lost an estimated \$500M per year in regional economic impact. As a part of the recovery program, FORA took the following measures to address the devastating impacts on the regional community. The Base Reuse Plan included programs to create replacement employment through educationally focused and complementary job creation, it included policies for a jobs to housing balance, it also included targets for local job creation. FY 2012-13 job creation survey revealed 3,306 full time and 1,591 part time permanent jobs were created. FY 2014-15 job creation survey revealed 3,545 full time and 722 part time permanent jobs. These most recent surveys do not include construction related jobs. All of this information can be found in the FORA Annual Reports. The ESCA RP Team has prioritized local hiring when possible.

DISCUSSION:

The Master Resolution was complementary to the policies and programs in the Base Reuse Plan. It included three major provisions to encourage and support local hiring: prevailing wage requirements; local preference in the procurement of local goods and local preference in hiring contractors performing work on FORA projects. One of the concepts supporting the inclusion of the prevailing wage requirements was to help provide an "equal playing field" for local contractors to bid on FORA projects without being underbid by non-local contractors with access to less expensive labor. As to **local preference**, the Master Resolution contains section 3.02.090 relating to the purchase of goods and supplies, and section 3.03.040 relating to contractors performing work to which FORA is a signatory on the contract. Additionally, the Master Resolution includes section 3.03.110 as to Woman, Minority owned businesses. A copy of the language of these sections is attached as **Exhibit A**. Section 3.03.040 expired by its own terms on December 31, 1999. There is no formalized local preference relating to the solicitation and acquisition of personal, professional and consultant services and non-public works projects. In the past, FORA has addressed local preference in each specific request for bid/proposal solicitation.

The FORA Board again raised the issue of local preference at the Board meeting of February 9, 2017 in the award of the contract for general engineering services. In making the following proposal, staff reviewed the County of Monterey's local hire policies and the City of Salinas's local preference policies. It is noteworthy that each of those local hire policies specifically exempt the application to public works contracts. It is also noteworthy that there have been numerous challenges to local preference policies on the basis of Federal laws including but not limited to Equal Protection, the Commerce Clause, Privileges and Immunities Clauses as well as issues related to California competitive bidding statutes. Accordingly, staff recommends a narrowly tailored amendment to the Master Resolution to strengthen and formalize FORA's local preference policies.

ADD to Section 3.02.130 subsection (c) as follows:

Contracts for personal services, professional and consultant services and for other, non-public works projects and contractual services shall be subject to local preference policies in this section.

- (i) FORA shall grant preference to a **local provider** which submits a bid within ten percent (10%) of the lowest responsible bidder and which is otherwise responsive and responsible to the invitation for bids, which preference shall allow the **local provider** the opportunity to reduce its bid to an amount equal to the amount of the lowest responsible bid, if the lowest responsible bid is submitted by other than an eligible local provider. If the local provider reduces its bid to meet or beat the lowest responsible bid, it shall be determined to be the lowest responsible bidder. If the lowest responsible bid is submitted by an eligible local provider, that provider shall be deemed to have submitted the lowest responsible bid.
- (ii) FORA shall grant preference to a **local provider** which submits a response to qualifications or proposals as follows. Up to ten percent (10%) of the total points awardable will be made for local preference, as more specifically defined in the Request for Proposal/Qualification solicitation documents. The award of total points may be allocated between the location of a local office of a provider and the use of **local workforce** in any response submitted.
- (iii) Each solicitation for bids or proposals made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Each responder to a bid solicitation or proposal shall certify receipt of this policy and shall certify under penalty of perjury the truth and accuracy of any local preference information (e.g. employee address; office location and length of existence) contained in the bid or proposal response.
- (iv) Except as otherwise specifically provided in this Master Resolution, Local preference shall not apply to public works contracts or where precluded by state or federal law or regulation.
- (v) "Local provider" as used in this Section 3.02.130(c) shall mean a supplier or provider of good or services, for non-public works projects and contractual services which has an established place of business within the County of Monterey, at least one year prior to the invitation for bids or proposals. "Local workforce" means use of workers or team members with residence addresses within the tri-county area of Santa Cruz, Monterey, or San Benito County.

AMEND Section 3.03.040. **Delete subsection (d) in its entirety.** This deletion would reenact the provisions of 3.03.040 for as long as the Master Resolution remains in effect.

A draft Resolution for amending the Master Resolution as outlined above is attached for your consideration.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

ATTACHMENT:

EXHIBIT A: Master Resolution sections 3.02.090, 3.02.130, 3.03.040 AND 3.03.110

EXHIBIT B: Draft Resolution 17-xx

Prepared by


Sheri Damon

Approved by

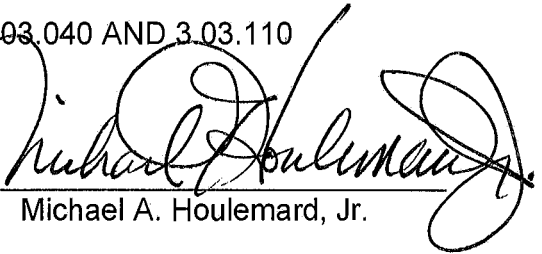

Michael A. Houlemard, Jr.

EXHIBIT A:**3.02.090. PREFERENCE FOR LOCAL SUPPLIERS.**

(a) Each local supplier providing goods or supplies funded in whole or in part by Authority funds, or funds which the Authority expends or administers, is eligible for a local preference as provided in this section.

(b) Each local supplier who is within five percent of the lowest responsible bid is provided the opportunity to reduce the local supplier's bid to the amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts is provided first to the lowest eligible local bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of bids. In the event an eligible local supplier reduces the bid to the amount of the lowest responsible bid, the eligible local supplier will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) For the purpose of this section, the term "local supplier" means a business or resident doing business as a supplier in the jurisdiction of the Authority for the past five years.

3.02.130. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT.

(a) Notwithstanding any provision of this Article to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

(1) When the estimated amount involved is less than \$25,000.00.

(2) When the commodity can be obtained from only one vendor.

(3) When the Board finds that the commodity is unique and not subject to competitive bidding.

(4) The Board may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed.

(5) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.

(b) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided in this Article. The Executive Officer is authorized to enter into such contracts where the amount of the contract does not exceed \$25,000.00, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of the contract exceeds \$25,000.00, the contract will be approved by the Authority Board. In the case of professional services, qualifications and experience to the benefit of the Authority will receive first consideration. Upon determination of these factors, a price or fee may be negotiated.

3.03.040. LOCAL PREFERENCE.

(a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

(1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.

(2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.

(3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.

3.03.110. MINORITY, FEMALE, AND HANDICAPPED-OWNED BUSINESSES.

The rules and regulations, as amended, promulgated by the Department of Transportation of the State of California pursuant to Section 10115 of the Public Contract Code for the certification and establishment of specified preferences applicable to minority, female, and handicapped-owned businesses are applicable to contracts for construction awarded by FORA.

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE
AUTHORITY
AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION ADDING
SUBSECTION (c) TO SECTION 3.02.130 AND DELETING SUBSECTION (d) from
SECTION 3.03.040**

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

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a local preference policy on or about July 14, 1995 by adopting Ordinance No. 95-01; and
- B. WHEREAS, FORA has had an informal policy of providing local preference where it is legally available; and
- C. WHEREAS, the FORA Board of Directors desire to formalize the language in order to address the devastating effects of the closure of Fort Ord Base on the local region, and promote the hiring of local vendors and suppliers of services where available.
- D. WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language of the Master Resolution would further the implementation of local jobs; and
- E. WHEREAS, the FORA Board of Directors intends this language to take effect from and after adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors that the Master Resolution be amended as follows:

- 1. Subsection (c) shall be added to Section 3.02.130 as noted below; and
- 2. Subsection (d) shall be deleted from Section 3.03.040 as noted below.

Section 3.02.130(c): All contracts for personal services, professional and consultant services and for other, non-public works projects and contractual services shall be subject to the local preference policies of this section.

- (i) FORA shall grant preference to a **local provider** which submits a bid within ten percent (10%) of the lowest responsible bidder and which is otherwise responsive and responsible to the invitation for bids, which preference shall allow the **local provider** the opportunity to reduce its bid to an amount equal to the amount of the lowest responsible bid, if the lowest responsible bid is submitted by other than an eligible local provider. If the local provider reduces its bid to meet or beat the lowest responsible bid, it shall be determined to be the lowest responsible bidder. If the lowest responsible bid is submitted by an eligible local provider, that provider shall be deemed to have submitted the lowest responsible bid.
- (ii) FORA shall grant preference to a **local provider** which submits a response to qualifications or proposals as follows. Up to ten percent (10%) of the total points awardable will be made for local preference, as more specifically defined in the Request for Proposal/Qualification solicitation documents. The award of total

- points may be allocated between the location of a local office of a provider and the use of **local workforce** in any response submitted.
- (iii) Each solicitation for bids or proposals made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Each responder to a bid solicitation or proposal shall certify receipt of this policy and shall certify under penalty of perjury the truth and accuracy of any local preference information (e.g. employee address; office location and length of existence) contained in the bid or proposal response.
 - (iv) Except as otherwise specifically provided in this Master Resolution, Local preference shall not apply to public works contracts or where precluded by state or federal law or regulation.
 - (v) “Local provider” as used in this Section 3.02.130(c) shall mean a supplier or provider of good or services, for non-public works projects and contractual services which has an established place of business within the County of Monterey, at least one year prior to the invitation for bids or proposals. “Local workforce” means use of workers or team members with residence addresses within the tri-county area of Santa Cruz, Monterey, or San Benito County.

3.03.040. LOCAL PREFERENCE.

(a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

- (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
- (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.
- (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor

seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

~~(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.~~

Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ralph Rubio, Chair

ATTEST:

Michael A. Houlemard, Jr.
Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

| | | |
|-----------------------|---|---------------------------|
| Subject: | Calendar Year 2017 FORA Board Agenda Items/Work Program | |
| Meeting Date: | March 10, 2017 | INFORMATION/ACTION |
| Agenda Number: | 8d | |

RECOMMENDATION(S):

Receive Calendar Year 2017 Fort Ord Reuse Authority (FORA) Board Agenda Items/Work Program report regarding planned elements of Board policy decisions and related work plan.

BACKGROUND:

In January 2017, the Executive Officer indicated to the Executive Committee (EC), that calendar year 2017 would likely be a busy year of policy discussions and action items. As a consequence the FORA EC directed staff to provide an outline of a calendar year 2017 Board agenda work plan. Staff prepared a draft work plan, which was discussed at a Special EC meeting on February 9, 2017. The EC directed staff to make some adjustments to the February 9 draft and also provide copies for the FORA Board meeting on February 17, 2017.

DISCUSSION:

Since the February 17, 2017 FORA Board meeting, staff made adjustments to the draft agenda item/work plan graphic. It is attached here to for your review (Attachment A), and was presented to the EC on March 1, 2017.

Please note:

1. This graphic is a management tool and subject to change based on circumstances or assignments/direction that may be provided by the Board;
2. The relatively heavy action item agendas planned for May, June & July may require an added Board meeting.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

Prepared by 
Josh Metz

Approved by 
Michael A. Houlemard, Jr.

2017 DRAFT Work Program Schedule

3/2/2017

| Policy Area | Board Agenda Item Descriptions | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | |
|-------------|--|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|
| BRP | Transaction Worksheet Reporting | | | | | | | | | | | | | ACT |
| BRP | Consistency Determinations Reporting | | | | | | | | | | | | | C/ACT |
| BRP | Category I Report | | | | | | | | | | | | | C/INF |
| BRP | Category II Report | | | | | | | | | | | | | I/A |
| BRP | Category III - Oak Woodlands Report | | | | | | | | | | | | | INF |
| BRP | Category III - Status on completion of BRP policies and programs | | | | | | | | | | | | | |
| BRP | Category IV Reporting | | | | | | | | | | | | | |
| BRP | Category V Report | | | | | | | | | | | | | |
| BRP | County-Seaside-FORA-CCVF MOU Amendment | | | | | | | | | | | | | |
| CIP | Stockade Contracts and Notices of Completion | | | | | | | | | | | | | |
| CIP | Surplus II Contracts and Notices of Completion | | | | | | | | | | | | | |
| CIP | Building Removal Quarterly Report | | | | | | | | | | | | | |
| CIP | 2017/18 FORA CIP Report | | | | | | | | | | | | | |
| CIP | EPS Biennial Fee Calculation Reports | | | | | | | | | | | | | |
| CIP | 2017 FORA Fee Reallocation Study | | | | | | | | | | | | | |
| CIP | Caretaker Costs Reimbursement Policy Report | | | | | | | | | | | | | |
| CIP | Master Services Contract for Engineering Design RFP & Contract | | | | | | | | | | | | | |
| CIP | Eastside Parkway Environmental Review Report | | | | | | | | | | | | | |
| CIP | Eucalyptus Road and General Jim Moore Boulevard Report | | | | | | | | | | | | | |
| CIP | Multi-Modal Corridor Alignment MOA | | | | | | | | | | | | | |
| CIP | Gigling Road design work order | | | | | | | | | | | | | |
| CIP | South Boundary Road design work order | | | | | | | | | | | | | |
| CIP | 2017/18 MCWD Water and Wastewater Budgets Report | | | | | | | | | | | | | |
| CIP | Water Augmentation Study | | | | | | | | | | | | | |
| CIP | Groundwater Sustainability Agency Report | | | | | | | | | | | | | |
| CIP | RUWAP Recycled Water Report | | | | | | | | | | | | | |
| EconDev | Economic Development Quarterly Report | | | | | | | | | | | | | |
| EconDev | CSUMB Startup Challenge Report | | | | | | | | | | | | | |
| EconDev | 2017 Jobs Survey Report | | | | | | | | | | | | | |
| EconDev | UCMBEST Status Update | | | | | | | | | | | | | |
| ESCA | ESCA Grant/RSA Amendment | | | | | | | | | | | | | |
| ESCA | Enviornmental Services Cooperative Agreement Quarterly Report | | | | | | | | | | | | | |
| Finance | Annual Audit | | | | | | | | | | | | | |
| Finance | Annual Budget | | | | | | | | | | | | | |
| Finance | Mid-year Budget | | | | | | | | | | | | | |
| HCP | HCP Public Draft Report | | | | | | | | | | | | | |
| HCP | HCP Joint Powers Authority Agreement Authorization | | | | | | | | | | | | | |
| Legal | Potential Closed-Session Updates | | | | | | | | | | | | | |
| Legislative | FORA Legislative Agenda/Session | | | | | | | | | | | | | |
| Prev Wage | Prevailing Wage Quarterly Report | | | | | | | | | | | | | |
| Transition | Transition/Extension Reports | | | | | | | | | | | | | |