



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, March 9, 2018 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 8, 2018.

1. CALL TO ORDER

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

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Discuss Executive Committee Selection Policy

4. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code 54956.9(d)(2) one matter of significant exposure to litigation. Claimant: Marina Community Partners
- b. Conference with Legal Counsel – Gov. Code 54956.9(a): Keep Fort Ord Wild v. Fort Ord Reuse Authority, Monterey County Superior Court, Case No.:17CV004540

5. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

6. ROLL CALL

FORA is governed by 13 voting members: (a) 1 member appointed by the City of Carmel; (b) 1 member appointed by the City of Del Rey Oaks; (c) 2 members appointed by the City of Marina; (d) 1 member appointed by Sand City; (e) 1 member appointed by the City of Monterey; (f) 1 member appointed by the City of Pacific Grove; (g) 1 member appointed by the City of Salinas; (h) 2 members appointed by the City of Seaside; and (i) 3 members appointed by Monterey County. The Board also includes 12 ex-officio non-voting members.

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine information or action items accompanied by staff recommendation. Information has been provided to the FORA Board on all Consent Agenda matters. 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, 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 is requested, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve February 9, 2018 Meeting Minutes ([p. 1](#))
Recommendation: Approve February 9, 2018 meeting minutes.
- b. Administrative Committee ([p. 5](#))
Recommendation: Receive a report from the Administrative Committee.
- c. Veterans Issues Advisory Committee ([p. 8](#))
Recommendation: Receive an update from the Veterans Issues Advisory Committee.
- d. Water/Wastewater Oversight Committee ([p. 11](#))
Recommendation: Receive a report from the Water/Wastewater Oversight Committee.
- e. Base Reuse Plan (BRP) Post-Reassessment Category I Report ([p. 14](#))
Recommendation: Receive a report on BRP Post-Reassessment Category I tasks completion.
- f. Prevailing Wage Status Report ([p. 30](#))
Recommendation: Receive Prevailing Wage status report.

- g. 2018 Anticipated FORA Board Work Program (p. 37)
Recommendation: Receive the 2018 anticipated Fort Ord Reuse Authority (FORA) Board Work Program report regarding planned elements of Board policy decisions and related work plan.
- h. 2018 Chair Committee Appointments (p. 40)
Recommendation: Confirm FORA Board of Directors Chair Rubio's appointments to the Finance Committee and Legislative Committee.
- i. Public Correspondence to the Board (p. 45)

8. BUSINESS ITEMS

INFORMATION/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. Eastside Parkway Goals and Objectives – 2d Vote (p. 46)
Recommendation: Take a 2nd Vote to approve Eastside Parkway Goals and Objectives for use in future preparation of an Environmental Impact Report in compliance with the California Environmental Quality Act.
- b. Fiscal Year 2017-2018 Mid-Year Budget/Section 115 Trust (Continued from 2/9/18 Board meeting)
Recommendation: (p. 89)
Adopt 1) the Fort Ord Reuse Authority Fiscal Year 2017-18 (FY 17-18) Mid-Year Budget approving Finance Committee recommended additional expenditures, 2) authorize the Executive Officer to; a) negotiate associated contract documents for Board review/approval at a future meeting for FORA to participate in Public Agencies Post- Employment Benefits Section 115 Trust Program (Section 115 Trust) administered by Public Agency Retirement to pre-fund Pension and Other Post-Employment Benefits, and b) adjust FORA Investment Policy for Board review/adoption at a future Board meeting.
- c. Economic Development Report (p. 96)
Recommendation: Receive an Economic Development Quarterly Report – First Quarter 2018.
- d. Transition Planning Update (p. 100)
Recommendation:
 - i. Receive a transition planning issue update.
 - ii. Receive transition plan habitat and transportation summary charts.
- e. Marina Successor Agency Request that FORA Subordinate its Right to Statutory Payments – agenda item necessary in the event of a 2d Vote to protect FORA's right to approve/disapprove Successor Agency request within 45 days of receipt of request. (p. 108)
Recommendation: Direct staff to transmit a response letter requesting more information and denying the request to subordinate FORA's right to statutory payments.

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 or as otherwise determined by the Chair 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 MEETING: April 13, 2018 AT 2:00 P.M.

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



FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00p.m., Friday, February 9, 2018 | 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 Mayor Steve Dallas.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Mr. Houlemard held the announcements until a later time.

4. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code 54956.9(d)(2) one matter of significant exposure to litigation. Claimant: Marina Community Partners
- b. Conference with Legal Counsel – Gov. Code 54956.9(a): Keep Fort Ord Wild v. Fort Ord Reuse Authority, Monterey County Superior Court, Case No.:17CV004540
- c. Public Employment, Gov. Code 54959.7(b) – Executive Officer Evaluation

Time entered: 2:03 p.m.

Time exited: 2:46 p.m.

5. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel, Jon Giffen reported nothing to report.

Mr. Houlemard provided the announcements.

- 2018 Job Survey in process by the Economic Development Department. This item is scheduled to come to the Board in March or April 2018.
- February 16, 2018 – Land Use Control Training Seminar related to property transfers
- Water deed transfer was recorded to allow water to be transferred from the United States Army to the City of Marina for the Veterans Transitions Center.

6. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (Monterey County), Supervisor Mary Adams (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), Councilmember Alan Haffa (City of Monterey), Mayor Ralph Rubio (City of Seaside), Mayor Pro Tem Dennis Alexander (City of Seaside), Mayor Mary Ann Carbone (City of Sand City), Mayor Joe Gunter (City of Salinas), Councilmember Cynthia Garfield (City of Pacific Grove), Mayor Steve Dallas (City of Carmel-by-the-Sea)

Ex-officio (Non-Voting) Board Members Present:

Nicole Hollingsworth (17th State Senate District), Steve Matarazzo (University of California Santa Cruz), Dr. Lawrence Samuels (California State University Monterey Bay), Col. Lawrence Brown (United States Army), Lisa Rheinheimer (Monterey Salinas Transit), Dr. PK Diffenbaugh (Monterey Peninsula Unified School District), Bill Collins (Base Realignment and Closure), Dr. Walter Tribley (Monterey Peninsula College), Jan Shriner (Marina Coast Water District), Todd Muck (Transportation Agency for Monterey County)

7. CONSENT AGENDA

- a. Approve January 12, 2018 Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Water/Wastewater Oversight Committee Update
- e. Adopt Workers' Compensation Resolution for Governing Body Member and/ or Volunteer Workers Compensation Coverage
- f. Public Correspondence to the Board

Chair Rubio introduced the consent agenda items and asked Board members to make their request for any items to be pulled. Board member Morton asked a question regarding item 7e – Adopt Worker' Compensation Resolution for Governing Body Member and/ or Volunteer Workers Compensation Coverage and staff responded.

MOTION: On motion by Board member Gunter and second by Board member Carbone and carried by the following vote, the Board moved to approve the consent agenda as presented.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEMS

- a. 2018 Election of Board Officers (Continued from January 12, 2018 Board meeting)
Mr. Houlemard introduced the item and reviewed the slate proposed by the Nominating Committee. In response to comments regarding the Executive Committee selection policy from the Board the Chair asked that the request be discussed at the next Board meeting. There were no objections to the proposed slate. There was no public comment received.

MOTION: On motion by Board member Alexander and second by Board member Phillips and carried by the following vote, the Board moved to approve the slate for the 2018 Election of Board Officers as presented.

MOTION PASSED UNANIMOUSLY

- b. Transition Planning Update
Mr. Houlemard introduced the item and Prevailing Wage/Risk Coordinator Sheri Damon presented the item. Clarification was provided on a typo to the summary charts within the

report that were mislabeled. The Board provided comments and questions and staff responded. Public comment was received. This item was for information only.

c. Eastside Parkway Goals and Objectives

Mr. Houlemard introduced the item and provided background information regarding the item and its priority set by the Board. FORA Principal Planner Jonathan Brinkmann presented the status of the Eastside Parkway goals and objectives process. TAMC Deputy Executive Director Todd Muck presented in conjunction with consultant Frederik Venter, Kimley-Horne & Associates, to provide the modeling results for the FORA fee program. Mr. Brinkmann returned to present responses to questions received from Michael DeLapa, Land Watch Executive Director, in advance of the meeting. The Board provided comments and discussed the proposed goals and objectives. Public comment was received.

MOTION: On motion by Board member Edelen and second by Board member Alexander (with a friendly amendment by Board member Garfield to incorporate several amendments to the goals and objectives – and accepted) and carried by the following vote, the Board moved to approve the Eastside Parkway Goals and Objectives. *(Revised Goals and Objectives incorporating the friendly amendment can be found in the March 9, 2018 Board Packet in Item 8a, Attachment A)*

Roll Call Vote: Motion Passed (Ayes: 8; Noes: 5) – 2d vote at March 9, 2018 meeting

Item: 8c Motion			
Director Parker	No	Director Rubio	Aye
Director Phillips	Aye	Director Alexander	Aye
Director Adams	No	Director Carbone	Aye
Director Edelen	Aye	Director Gunter	Aye
Director O’Connell	No	Director Garfield	Aye
Director Morton	No	Director Dallas	Aye
Director Haffa	No		

SUBSTITUTE MOTION: On motion by Board member Parker and second by Board member Morton to not take action and direct staff to come back to the Board in March with a re-prioritization of the CIP.

Roll Call Vote: Motion Failed (Ayes: 5; Noes: 8)

Item: 8c Substitute Motion			
Director Parker	Aye	Director Rubio	No
Director Phillips	No	Director Alexander	No
Director Adams	Aye	Director Carbone	No
Director Edelen	No	Director Gunter	No
Director O’Connell	Aye	Director Garfield	No
Director Morton	Aye	Director Dallas	No
Director Haffa	Aye		

On motion by Board member Edelen and second by board member Morton and carried by the following vote, the Board moved to adjourn the meeting.

MOTION PASSED UNANIMOUSLY

d. Fiscal Year 2017-2018 Mid-Year Budget/Section 115 Trust
This item was continued to March 9, 2018 meeting.

9. PUBLIC COMMENT

There was no public comment received.

10. ITEMS FROM MEMBERS

There were no items from members.

11. ADJOURNMENT at 6:17 p.m.

Minutes Prepared by:
Dominique L. Jones
Deputy Clerk

Approved by: _____
Michael A. Houlemard, Jr.
Executive Officer

DRAFT

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee	
Meeting Date: March 9, 2018	INFORMATION/ACTION
Agenda Number: 7b	

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on February 14, 2018, however a quorum was not established. The Administrative Committee moved the "Capital Improvement Program – Review and Approve Development Forecast Requests" item to the February 28, 2018 meeting. The January 31, 2018 meeting minutes were also approved and provided as **Attachment A.**

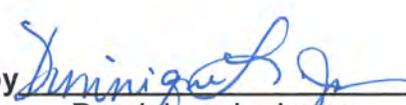
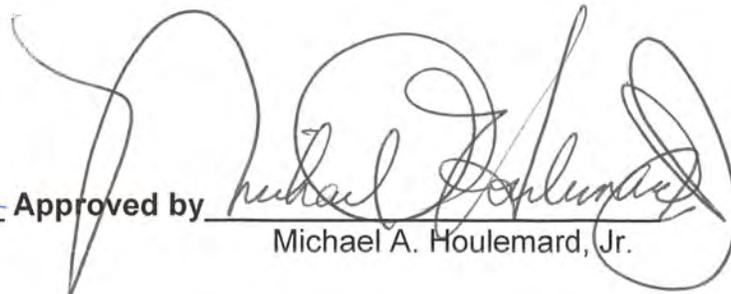
FISCAL IMPACT:

Reviewed by the FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by  Approved by 
Dominique L. Jones Michael A. Houlemard, Jr.



APPROVED

FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, January 31, 2018 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair City of Seaside City Manager Craig Malin called the meeting to order at 8:30 a.m.

The following members were present:

Craig Malin* (City of Seaside)
Layne Long* (City of Marina)
Hans Uslar* (City of Monterey)
Todd Bodem* (Sand City)
Mike Zeller (TAMC)
Vicki Nakamaura (MPC)

Steve Matarazzo (UCSC)
Michelle Overmeyer (MST)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Malin.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- Environmental Services Cooperative Agreement Senior Program Manager Stan Cook announced a Land Use Control Implementation Plan training seminar on February 16, 2018 from 9:00 a.m. – 4:00 p.m. at Carpenter's Union Hall in Marina.
- City of Marina City Manager Layne Long announced the Manager's Group Meeting is also scheduled on February 16, 2018.
- Executive Officer Michael Houlemard announced a Board of Directors Special meeting scheduled for Friday, February 2, 2018 at 3:00 p.m.

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 comments received from the public.

5. APPROVAL OF MEETING MINUTES

ACTION

- December 13, 2017 Meeting Minutes
- January 17, 2018 Meeting Minutes

MOTION: On motion by Committee member Long and second by Committee member Matarazzo and carried by the following vote, the Administrative Committee moved to approve the December 13, 2017 and January 17, 2018 meeting minutes.

6. FEBRUARY 9, 2018 DRAFT BOARD AGENDA REVIEW

INFORMATION

Mr. Houlemard provided an overview of the February 9, 2018 draft Board meeting items and responded to questions and comments from the Committee. Public comment was received. This item was for information only.

7. BUSINESS ITEMS

INFORMATION/ACTION

- Capital Improvement Program – Review and Approve Development Forecast Requests

Principal Planner Jonathan Brinkmann introduced the item and reviewed the Fiscal Year 18/19 through Post-FORA Development Forecast for Residential and Non-Residential Annual Land Use Construction (attached). Project Manager Peter Said reviewed the changes in how the information is being presented. Staff responded to questions and comments from the Committee. Public comment was received. The item is scheduled to go to the Board in April 2018 and the jurisdictions were encouraged to continue refining their projections. There was no action taken on the item.

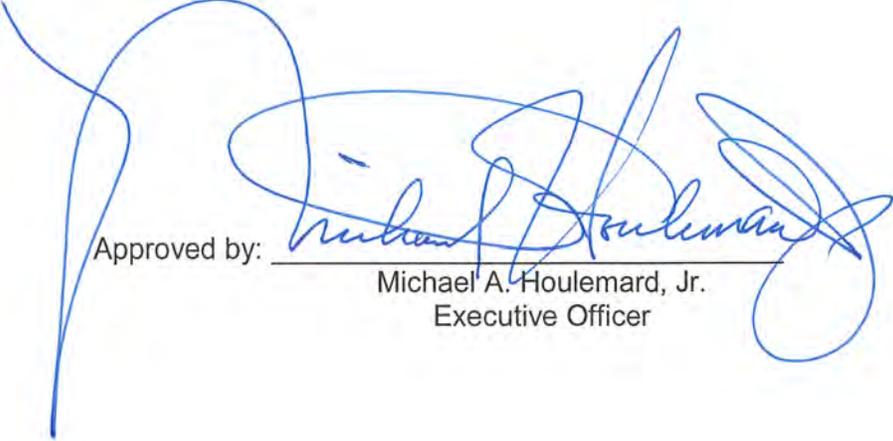
8. ITEMS FROM MEMBERS

- Mr. Malin announced City of Seaside Strategic Planning workshop on January 31, 2018 at 10:00 a.m. at Soper Field on Coe Avenue.
- City of Monterey Interim City Manager Hans Uslar announced the Grand Opening Ceremony for the Monterey Conference on January 31, 2018 at 2:00 p.m.

9. ADJOURNMENT at 9:24 a.m.

Minutes Prepared By:
Dominique Jones
Deputy Clerk

Approved by: _____


Michael A. Houlemard, Jr.
Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee	
Meeting Date: March 9, 2018	INFORMATION/ACTION
Agenda Number: 7c	

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The Veterans Issues Advisory Committee met on January 25, 2018. The approved minutes for this meeting are attached (**Attachment A**).

FISCAL IMPACT:

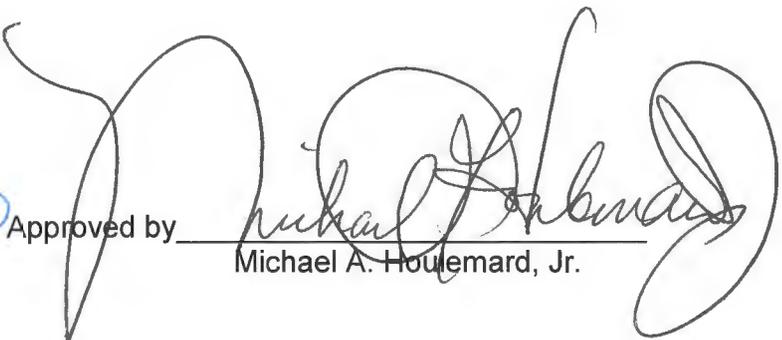
Reviewed by FORA Controller 

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

COORDINATION:

VIAC

Prepared by 
Heidi L. Lizarbe

Approved by 
Michael A. Houlemard, Jr.



APPROVED

**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. January 25, 2018 | FORA Conference Room
920 2nd Avenue, Suite A., Marina CA 93933**

1. CALL TO ORDER

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

Committee Members Present:

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

Sid Williams, Monterey County Military & Veteran Affairs Commission (MCM/VAC)

Mary Estrada, United Veterans Council (UVC)

Wes Morrill, Monterey County California Central Coast Veterans Cemetery Advisory Committee

Richard Garza, Central Coast Veterans Cemetery Foundation (CCVCF)

Colonel Lawrence Brown, US Army

Command Sgt. Major Roberto Marshall, US Army

James Bogan, Disabled American Veterans (DAV)

Jack Stewart, Monterey County California Central Coast Veterans Cemetery Advisory Committee

2. PLEDGE OF ALLEGIANCE led by Principal Analyst Robert Norris.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Executive Officer Michael Houlemard announced the water transfer for the VTC Housing Projects, is being recorded and officially transferred to the VTC.

Wes Morrill from Military Veterans Affairs announced his retirement effective March 1, 2018, Joe Farotte will be replacement. Mr. Morrill will however be available after his retirement to assist in a smooth transition.

4. PUBLIC COMMENT PERIOD

There were no verbal comments from the public.

5. BUSINESS ITEMS

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

i. Cemetery Administrator's Status

Mr. Robert Norris reported the CCCVC has received over 2270 veteran applications, 1693 dependent applications, along with 710 internments last year. In addition, the janitorial services have begun.

ii. Veterans Cemetery Land Use Status

Mr. Norris reported the land use status is pending while the County Fort Ord Committee completes remaining work.

iii. *Fort Ord Committee Verbal Report: Oak Woodlands Mitigation & Endowment MOU*

Mr. Norris advised they have staffed the committee for drafting the proposed changes of the memorandum of understanding, however there has been no movement on it since roughly October of 2017.

b. **Fundraising Status**

i. *CCVCF Status Report*

Richard Garza provided the report and indicated that 2017 was the most successful fund raising year ever and they plan on building on that this year. The budgeted amount of \$750,000 for the Environmental Impact Report (EIR) is insufficient, additional funds will be needed to complete the next phases.

c. **Veterans Transition Center (VTC) Housing Construction**

Jay Fagan provided an update on the current project and reported the estimated cost is 5 million more dollars to complete, however there was only a 5 year time period to spend those funds. The VTC will be seeking an extension to allow the funds to be used when the project is ready to continue, along with seeking additional funding from the state to pay for the entire project. The Demo and Rehab Construction has begun on one more 6 unit duplex on Hayes Circle, applications are in with California Department of Corrections & Rehabilitation and additional partners who are interested in supporting the Veterans Transition Center to do two more duplexes on Hayes Circle. In addition the VTC will be meeting next week with the City of Marina. The City expressed interested in talking about the duplexes at the end of Hayes Circle that they own.

d. **VA-DOD Clinic**

James Bogan provided an update and advised that the pharmacy is still closed. The cafeteria is projected to be open next week.

e. **Historical Preservation Project**

Mr. Guinn received a letter from an elected official that stated that the Historical Preservation Project is written into the master plan and is a designated Museum Area. Public works will clean the area; and a fence maybe installed around the property to secure it.

f. **Calendar of Events**

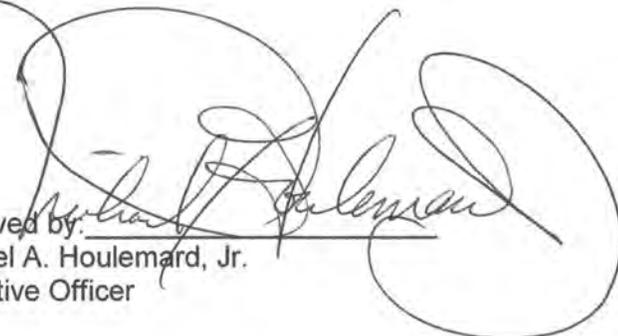
- February 19, 2018 8:00am to 3:00pm: Jack Stewart College Scholarship Fund Golf Tournament Monterey Pines Golf Course
- Veterans Transition Center is seeking volunteers to work the 4 tents at the Pebble Beach Golf Tournament

6. **ITEMS FROM MEMBERS**

None

7. **ADJOURNMENT** at 3:41 P.M.

Minutes Prepared by:
Heidi Lizarbe
Administrative Assistant

Approved by: 
Michael A. Houlemard, Jr.
Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Water/Wastewater Oversight Committee

Meeting Date: March 9, 2018

Agenda Number: 7d

INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Water/Wastewater Oversight Committee (WWOC).

BACKGROUND/DISCUSSION:

The WWOC met on February 14, 2018. The approved minutes for this meeting are provided as (Attachment A).

FISCAL IMPACT:

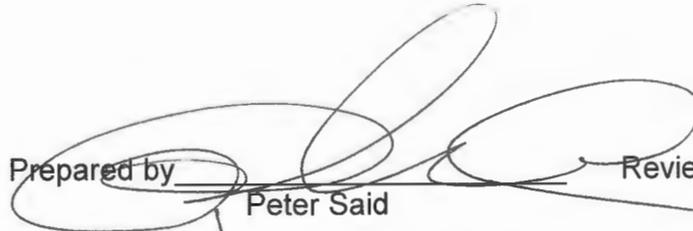
Reviewed by FORA Controller 

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

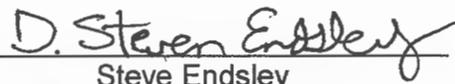
COORDINATION:

WWOC, Marina Coast Water District

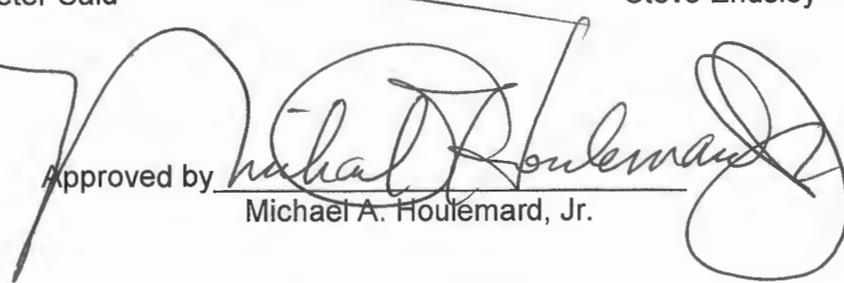
Prepared by


Peter Said

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.



APPROVED

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

920 2nd Avenue, Suite A, Marina CA 93933 | FORA CIC
9:30 A.M., Wednesday, February 14, 2018

1. CALL TO ORDER

Chair Riedl called the meeting to order at 9:34 A.M.

The following were present:

AR = After Roll Call

Committee Members:

Rick Riedl, City of Seaside
Brian McMinn, City of Marina
Elizabeth Caraker, City of Monterey
Mike Lerch, CSUMB

Other Attendees:

Brian True, MCWD

FORA Staff:

Steve Endsley
Ikuyo Yoneda-Lopez

2. PLEDGE OF ALLEGIANCE led by Brian True

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

4. PUBLIC COMMENT PERIOD

5. APPROVAL OF MEETING MINUTES

ACTION

a. **MOTION:** Brian McMinn moved to approve the January 17, 2018 Water/Wastewater Oversight Committee (WWOC) minutes. Seconded by Rick Riedl.

MOTION PASSED: UNANIMOUSLY

6. BUSINESS ITEMS

a. EKI unsolicited proposal for the Water Augmentation Study
Recommendation: Approve EKI's proposed Scope of Work

ACTION

After discussion by Committee members, a motion was made by Member Brian McMinn to request FORA staff to return with clarifications on the proposal in relationship to the three-party agreement, the MCWD contracting process, the proposal scope. Second by Member Mike Lerch. **MOTION PASSED: UNANIMOUSLY**

7. ITEMS FROM MCWD

- a.** Presentation of Masterplan Capital Improvement Program, Water EDU's, and assigned water use factors. INFORMATION/ACTION

Request was made (after meeting packet sent out, but before meeting) by MCWD to remove item from agenda as consultants not prepared to present at this time. MCWD expectation is that update will be provided at next meeting.

8. ITEMS FROM MEMBERS

9. ADJOURNMENT

Chair Riedl adjourned the meeting at 10:00 A.M.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Base Reuse Plan Post-Reassessment Category I Report	
Meeting Date:	March 9, 2018	INFORMATION
Agenda Number:	7e	

RECOMMENDATION(S):

Receive a report on Base Reuse Plan Post-Reassessment Category I tasks completion.

BACKGROUND/DISCUSSION:

In June 1997, the Fort Ord Reuse Authority (FORA) Board certified the Base Reuse Plan (BRP or "Reuse Plan") Final Environmental Impact Report (EIR), the April 1997 Response to Comments on the Draft EIR published in May 1996 and corrected by errata. At the same meeting, the Board approved the April 1997 BRP with published changes and modifications and corrected by errata. An accompanying Memo and Board Report (May and June 1997) included specific corrections for the Reuse Plan and the EIR.

In December 2012, the Board accepted the Final Reassessment Report, which identified five categories of work for the Board to consider in implementing the BRP. Category I focused on BRP corrections, and Category II considered prior Board action and regional plan consistency. Category I were termed "errata." These are grammatical and graphical errors and updates to identifying names of known locations within former Fort Ord. The Reassessment Report suggested Category I and II corrections for the Framework for the BRP section of Volume I and the Reuse Plan Elements, or Volume II, and a few edits to the Final EIR, BRP Volume IV.

The Board assigned a review of Category I items to a Post-Reassessment Advisory Committee (PRAC). The PRAC reviewed Category I items and made recommendations about Category I corrections. The PRAC report was accepted by the FORA Board on May 10, 2013.

In October 2015, FORA selected Michael Baker International (MBI) to assess whether Categories I and II required California Environmental Quality Act (CEQA) review. As part of its work, MBI hired environmental law specialists at Holland & Knight, a reputed law firm, to review MBI's Determination Opinion of Categories I and II. The response, in the form of a letter, was presented at the May 13, 2016 FORA Board meeting. MBI opined that Categories I and II do not meet the definition of "projects" under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies (**Attachment A**). Holland & Knight concurred that FORA has complied with CEQA for Categories I and II (**Attachment B**).

At the July 8, 2016 FORA Board meeting, the Board voted to accept the Determination Opinion of Categories I and II Report by MBI and requested staff provide a compiled document with tracked changes to the Board as an information item.

FORA staff, working with MBI, completed Category I work tasks as appropriate, including text and figure corrections to Volume I and II. Sources for the task of text and figure corrections came from the Fort Ord Reuse Plan Reassessment Report (2012), the Scoping Report, and Post-Reassessment Advisory Committee (PRAC) comments as presented to the Board May 10, 2013.

Internal consistency was an area of concern during the consistency determination hearing for the Monterey County General Plan (2010). Special Counsel Alan Waltner, an environmental law specialist, prepared a legal memorandum on December 26, 2013 (**Attachment C**) to respond to the issue. To address internal inconsistencies, FORA staff compared BRP Volume II: BRP

Elements with Volume IV: FEIR, and then traced each non-conformance back to the 1997 Final EIR, the May 1997 Memo to Board and Administrative Committee, and the June 1997 Board Report Exhibit I. Internal consistency errata that are corrected are labelled "Volume IV conformance" in a text corrections table, **Attachment D**. All text corrections types are explained at the end of the table, with linked references to the source documents.

Since the last Category I Report (April 7, 2017 Board Packet, withdrawn), FORA staff sought additional advice from MBI on the appropriateness of internal consistency corrections as Category I errata. MBI, its counsel Holland & Knight, and Authority Counsel agree that these corrections clarify the Final EIR and are ministerial in nature. Also, since April 7, 2017, staff reduced a number of BRP corrections that were characterized as:

- 1) should not be legally made, such as edits to the Final EIR,
- 2) suggest erroneous renaming,
- 3) would result in the need to repeat a correction, should conditions change, or
- 4) were BRP corrections that were beyond the scope of Category I.

Category I text corrections are redlined in **Attachment E**.

Attachment F is a table of all corrections to maps and graphical content. Correction types are the same in this table as in **Attachment D**. **Attachment G** is the set of these figure corrections. The original figures are shown before the corrected versions.

Due to the size of **Attachments D** through **G**, they are each available online:

(11 X 17 paper) http://fora.org/Board/2018/Packet/Additional/030918_Item7e-Attachment_D.pdf

— http://fora.org/Board/2018/Packet/Additional/030918_Item7e_Attachment_E.pdf

(11 X 17 paper) http://fora.org/Board/2018/Packet/Additional/030918_Item7e_Attachment_F.pdf

— http://fora.org/Board/2018/Packet/Additional/030918_Item7e_Attachment_G.pdf

This concludes the Category I process. Category I materials will be available on the FORA website and in a binder at the office Community Information Center.

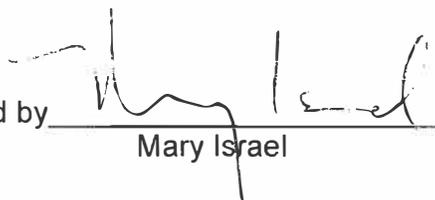
FISCAL IMPACT:

Reviewed by FORA Controller HF *signing for Helan Rodriguez*

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

COORDINATION:

Authority Counsel, Michael Baker International, Holland and Knight, Administrative Committee.

Prepared by 
Mary Israel

Approved by 
Michael A. Houlemard, Jr.

May 3, 2016

Ted Lopez, Associate Planner
FORT ORD REUSE AUTHORITY
920 2nd Avenue, Suite A
Marina, CA 93933

RE: DETERMINATION OPINION OF CATEGORIES I AND II

Dear Mr. Lopez:

Pursuant to Task 1 of our scope of work, Michael Baker International, in coordination with Holland & Knight LLP, has reviewed all relevant documents and supporting materials related to Category I and II of the Final Reassessment Report (2012). Review of this material was conducted to provide an informed opinion as to whether the Fort Ord Base Reuse Plan (BRP) activities, past and present, as identified and categorized during the reassessment process, constitute a project as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378.

FORA prepared the Fort Ord BRP pursuant to the provisions of Senate Bill 899 to guide the development of the Former Military Reservation. The BRP is a first-tier programmatic policy document that guides all land use decisions for any lands located within the former Fort Ord. Local land use agencies, such as the cities cited below, can refine BRP elements and act as independent lead agencies for environmental review purposes for lands that fall within their planning jurisdiction. Nonetheless, each lead local land use agency that approves projects on land located within the former Fort Ord needs to ensure such changes are consistent with the BRP. These changes can be either related to a specific development project or additional changes in land use designations. The FORA Board of Directors determines the subsequent changes' consistency with the BRP.

The Reassessment Report sorted the prior and pending changes to the BRP into five categories. For the purposes of this determination, our scope focuses only on Categories I and II. Category I, BRP Corrections and Updates, are mainly corrections to bring the BRP text and graphics up to date. These include correction of typographical errors, correction of outdated references, and revisions to the BRP maps to correct inconsistencies.

Category II, Prior Board Actions and Regional Plan Consistency, consists of text and map changes that would bring the BRP into conformance with previous FORA Board actions, particularly "consistency determinations" and other changes that would serve to improve BRP consistency with regional plans that have evolved since 1997. Such changes, taken in whole or in part, would result in modifications to the Land Use Concept map. The map changes are meant to reflect FORA Board decisions and consistency determinations that have already occurred. Category II also includes potential options for new BRP programs or policies and/or revisions to existing programs and policies to ensure the BRP is consistent with regional plans.

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of “projects” under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency’s General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

CATEGORY I EVALUATION SUMMARY

Table 5, Index of BRP Corrections in the Reassessment Report, lists the identified corrections under Category I, and the text following that table outlines the specific corrections to be considered. During 2013, after the FORA Board received the BRP Reassessment Report, the public and FORA staff identified additional errata not included in the August 2001 Republished BRP, which also fall into Category I. Those corrections have no material effect on the purpose, intent, or guidance provided in the BRP, but are meant solely as BRP “cleanup” items. All of the Category I corrections are minor and incidental, such as typographical, grammar, incorrect references, minor figure changes, and formatting associated with BRP policies, programs, or mitigation measures. In addition, the Post-Reassessment Advisory Committee (PRAC) adopted figure Category I recommendations to reflect land use designation changes, to clarify how boundaries and names have changed, to correct labels and legends, and to properly cite the sources for the various changes on each map. These changes to the BRP would not result in direct or indirect physical impacts on the environment and would be considered administrative activities of governments per CEQA Guidelines Section 15378(b)(5). Therefore, Category I changes do not constitute a distinct “project,” and an errata to the EIR can be prepared to address these changes.

CATEGORY II EVALUATION

Category II addresses two types of possible modifications to the BRP. The first type is based on actions the FORA Board has already taken (labelled II.a). These actions have resulted in draft modifications to BRP Figure 3.3-1, Land Use Concept Ultimate Development, and modifications to BRP transportation-related figures and text. The second type of modification reflects new policies or programs or the expansion of existing BRP policies or programs to ensure BRP consistency with regional and local plans (labelled II.b).

Our evaluation of Category II (II.a and II.b) for CEQA compliance follows.

II.A. MODIFICATIONS OF THE BRP LAND USE CONCEPT MAP

Prior Del Rey Oaks General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Del Rey Oaks General Plan (1997) included a General Plan designation change of approximately 7 acres of Open Space/Recreation under the BRP to General Commercial–Visitor/Office. In addition, the plan included other minor land use designation changes such as from Visitor Serving to General Commercial–Visitor/Office.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Land use changes in Del Rey Oaks are documented in the General Plan's Land Use Map (see Del Rey Oaks General Plan Figure 2). Environmental impacts from these changes were analyzed in the City's General Plan EIR (State Clearinghouse [SCH] #1996041076) and certified by the City Council in May 1997.

Because the City of Del Rey Oaks reviewed the impacts of this exact change, no additional CEQA review is needed. Public Resources Code (PRC) Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 7-acre designation (see also 14 California Code of Regulations (CCR) Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Del Rey Oaks General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Prior Marina General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Marina General Plan (2005) plan included a General Plan designation change of approximately 11 acres of Open Space under the BRP to High Density Residential. The plan also changed approximately 60 acres from Planned Development Mixed Use to Parks and Recreation. In addition, the plan included other minor land use designation changes such as from Regional Retail to Light Industrial/Service Commercial.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from most of the land use changes in Marina were analyzed in the City's General Plan EIR (SCH #1999031064), certified by the City Council in October 2000 (see Marina General Plan EIR Figure 2.4 and pages 2-13 and 2-14). The change in the city's eastern portion, which corresponds to the Marina Heights development, was analyzed in the Marina Heights Specific Plan EIR (SCH #2003021012), certified in November 2003 (see Marina Heights Specific Plan EIR Table 2.2 and pages ES-4 and ES-5). Therefore, these land use changes have been addressed under CEQA.

Because the City of Marina reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 11-acre designation (see also 14 California CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Marina General Plan and the Marina Heights Specific Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Prior Seaside General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Seaside General Plan (2003) included a General Plan designation change of approximately 43 acres of Open Space/Recreation under the BRP to Regional Commercial and approximately 11 acres of Open Space/Recreation to High Density

Residential. The plan also changed approximately 100 acres from Military Enclave and about 10 acres from Medium Density Residential to Park and Open Space. In addition, the plan included other minor land use designation changes such as from High Density Residential to Medium Density Residential.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from land use changes in Seaside were analyzed in the City's General Plan EIR (SCH #2003031021), certified by the City Council in August 2003 (see Seaside General Plan EIR Figure 5.8-1 and pages 5.8-3 through 5.8-7).

Because the City of Seaside reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 54-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Seaside General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

City of Monterey General Plan

This is a previously approved project under CEQA. The City of Monterey General Plan (amended 2013) was a discretionary project undertaken by the City and would be considered a project under CEQA. The plan included General Plan designation changes of approximately 8 acres of Public Facility/Institutional under the BRP to Industrial and approximately 7 acres of Public Facility/Institutional to Parks and Open Space.

Although FORA has not yet analyzed the City of Monterey General Plan for consistency, environmental impacts from land use changes in Monterey were analyzed in the City's General Plan EIR (SCH #2003081011), certified by the City Council in January 2005 (see City of Monterey General Plan EIR Figure 4 and pages S-3, 1-17, 1-18, and 3-3).

Because the City of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 15-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the City of Monterey General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

2010 Monterey County General Plan

This is a previously approved project under CEQA. The County of Monterey adopted the Fort Ord Master Plan concurrently with its General Plan (2010). Both were discretionary projects undertaken by the County and would be considered projects under CEQA. The Fort Ord Master Plan land use map

essentially matches the BRP Land Use Concept, with the following exceptions: (1) the Youth Camp site near East Garrison is shown in the BRP as Public Facility/Institutional and in the Fort Ord Master Plan as Habitat Management; and (2) the Fort Ord Master Plan describes the East Garrison/Parker Flats land swap but does not reflect changes on the land use map.

Although FORA has not yet analyzed the Monterey County General Plan for consistency with the BRP, environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR (SCH #2007121001), certified by the Board of Supervisors in October 2010 (see Monterey County General Plan EIR Exhibit 3.2 and pages 4.1-13 and 4.1-14).

Because the County of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding land use designation changes (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

FORA Board-Approved East Garrison/Parker Flats Land Swap

This is a project that was previously approved under CEQA. On December 13, 2002, the FORA Board authorized execution of the Memorandum of Understanding (MOU) Concerning the Proposed East Garrison/Parker Flats Land-Use Modification between the Fort Ord Reuse Authority, Monterey Peninsula College, County of Monterey, US Bureau of Land Management, and US Army as parties to the agreement MOU. The MOU documented several land use modifications to the BRP, primarily the relocation of Monterey Peninsula College public safety training facilities from East Garrison, and amendments to the Habitat Management Plan (approved by the US Fish and Wildlife Service). The five parties signed the MOU between August 3, 2004, and December 20, 2005.

The purpose of the land swap agreement was to resolve land use conflicts stemming from a long history of ordnance and explosives use, as well as competing conveyance requests for surplus property at the former base, and to address impacts associated with potential East Garrison development conflicts. The land swap agreement amended the 1997 Fort Ord Installation-Wide Multispecies Habitat Management Plan (HMP) for Fort Ord and was also signed by the US Fish and Wildlife Service and the California Department of Fish and Game. Although the land swap agreement affected the areas of allowable development, it resulted in a net increase of 246.7 acres in habitat reserve areas. The exchange of lands based on the MOU resulted in a transfer in densities without intensification, consistent with Section 8.02.010 of the Master Resolution. The land swap agreement amended the HMP designations for the territory within the East Garrison Specific Plan from Development with Reserve Areas/Restrictions to Development. Under the original HMP, the East Garrison area was permitted a 200-acre development footprint, 10 acres of development at the site of existing utilities, and a 31-acre road corridor; under the revised HMP, the East Garrison area has 451 acres of Development area with no restrictions (Zander Associates 2002).

At the time it was signed, MOUs were not legally considered a project under CEQA and in 2007 a case specifically found that a land swap agreement was not a project under CEQA (*Friends of the Sierra*

Railroad v. Tuolumne Park and Recreation Dist. (2007) 147 Cal.App.4th 643). Since that time, case law has evolved and an MOU that included wording that commits an agency to an action is now considered a project under CEQA (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116). Here, the terms of the MOU could be considered a project. However, since the MOU was entered, it is our understanding that all the parcels subject to the land swap have been legally exchanged and are owned by the entity contemplated under the exchange, or have since been sold to others. Those actions are complete and based on the MOU are valid since the time to challenge the actions has long since passed. FORA's amendments to make the BRP consistent with the land exchange merely restate the exchanges that were previously approved in the MOU and in the contractual land exchanges that already occurred.

Moreover, any subsequent projects or land use designation changes on the land that has been swapped are or were subject to CEQA. For example, Monterey County certified the project-level East Garrison Specific Plan Subsequent EIR (SCH #2003081086) in 2005, which analyzed impacts of the new land uses on that portion of the land swap. As such, all potential impacts associated with the action have been fully analyzed, with appropriate findings made by the County.

The City of Seaside is currently reviewing the Parker Flats portion of the land swap under the Monterey Downs and Horse Park and Central Coast Veteran's Cemetery Specific Plan Subsequent EIR (SCH #2012091056). Similar to East Garrison, any and all impacts will be disclosed and analyzed in the City's Final EIR, and findings will be required by the City Council if the project is ultimately approved. A separate consistency determination will also need to be made for that project.

Designation of the Fort Ord National Monument

This is not a project under CEQA. On April 20, 2012, the President of the United States established the Fort Ord National Monument (Proclamation 8803). Presidential proclamations are not subject to CEQA because CEQA applies to decisions of all California state, regional, or local agencies, but not to federal agencies. Therefore, this designation was not previously analyzed under CEQA and it does not need to be under California environmental law.

Modification of BRP Circulation Maps, Text, and Capital Improvement Program

Part of this is not a project and part is a previously approved project under CEQA. The reassessment plan identifies two potential changes to the circulation maps in the BRP:

1. A Memorandum of Agreement (MOA) adopted by FORA on December 10, 2010, resulted in changing the alignment of the multimodal corridor along Imjin Parkway/Blanco Road.
2. Abandoning planned improvements that would have realigned General Jim Moore Boulevard and 2nd Avenue where they intersect with Lightfighter Drive.

Change 1 is not a project under CEQA. The MOA is an agreement to cooperate. It is not a project under CEQA because it is not a discretionary action undertaken by a public agency per CEQA Section 21080(a). Under the California Supreme Court reasoning in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, the MOU by its terms and circumstances is not a project because it does not commit any agency to any particular action. Also per CCR Section 15004(b)(2)(B), the MOU does not approve a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project." CEQA review would begin when Monterey-Salinas Transit (MST) begins the

process of approving the corridor for construction. MST would be the lead agency at that time, and the MOU does not foreclose or predetermine any part of their analysis.

Change 2 is a previously approved project under CEQA. Realignment of a road would impact the physical environment because it could result in development of land that was not previously analyzed. As such, it would need to be analyzed under CEQA. To that end, environmental impacts from this change were analyzed in the California State University Monterey Bay Campus Master Plan EIR (SCH #1997081036), certified by the California State University Trustees in 2009 (see California State University Monterey Bay Campus Master Plan EIR Figure 11-4 and page 11-2). Therefore, Change 2 has been addressed under CEQA and no further analysis is necessary.

II.B. BRP MODIFICATIONS REGARDING CONSISTENCY WITH REGIONAL AND LOCAL PLANS

Transportation Agency for Monterey County (TAMC) Monterey County Regional Transportation Plan

This is a previously approved project under CEQA. The 2005 Monterey County Regional Transportation Plan (RTP) was prepared under the direction of the California Transportation Commission Regional Transportation Plan Guidelines, pursuant to Government Code Section 14522. This would be considered a project under CEQA. The plan includes many new or expanded policies, including one that directs TAMC to “implement road and highway capacity improvements” that would be subject to CEQA. Other policy changes, such as “identify and prioritize funding for elimination of bicycle network gaps,” would not impact the physical environment and would not be analyzed under CEQA.

Environmental impacts from these changes were analyzed in the RTP Program EIR (SCH #2004061013), certified by the TAMC Board in 2005 (see RTP Program EIR Chapter 3). Subsequently, the TAMC Board adopted an addendum in 2008 that evaluated the environmental impacts of the Investment Plan for Transportation Sales Tax in Monterey County and the Development Impact Fee program. The addendum did not identify any significant environmental impacts that were not previously identified in the program EIR (see Addendum EIR page 5). Therefore, these changes have been addressed under CEQA. Recently, the Association of Monterey Bay Area Governments, in partnership with Council of San Benito County Governments, the Santa Cruz County Regional Transportation Commission and TAMC started preparing the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (as an update to the RTP). This most recent update will yet again undergo individual environmental review.

Because TAMC reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the policy change (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County RTP are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Monterey Bay Unified Air Pollution Control District (MBUAPCD) Air Quality Management Plan

This is an exempt project under CEQA. The 2008 MBUAPCD Air Quality Management Plan (AQMP) was drafted to comply with the California Clean Air Act, which requires each nonattainment district in the state to adopt a plan showing how the California ambient air quality standard for ozone would be met in its area of jurisdiction. The AQMP is a State-certified regulatory program (PRC Section 21080.5; CCR Section 15251(d)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for “projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5.” As such, no CEQA review is necessary for the addition of policies that implement policies from the Air Quality Management Plan in the BRP. In addition, the MBUAPCD is considered exempt from CEQA under Class 8, Actions by Regulatory Agencies for the Protection of the Environment (CEQA Guidelines Section 15308). Similarly, the amendments to the BRP to be consistent with the AQMP are also exempt.

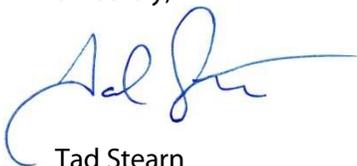
Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for the Central Coast Basin

This is an exempt project under CEQA. The RWQCB Water Quality Control Plan for the Central Coast Basin (2011, updated 2016) (Basin Plan) was drafted to comply with the state Porter-Cologne Water Quality Control Act (1969) and portions of the federal Clean Water Act (1977). The Basin Plan is a State-certified regulatory program that was reviewed under a Substitute Environmental Document (SED) which was approved by the State Water Resources Control Board on June 19, 2012 (PRC Section 21080.5; CCR Section 15251(g)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for “projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5.” As such, no CEQA review is necessary for the addition of policies that implement policies from the Basin Plan in the BRP.

CONCLUSION

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of “projects” under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency’s General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

Sincerely,



Tad Stearn
Project Director



Darcy Kremin
Project Manager

REFERENCES

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May 26, 2016

Ted Lopez, Associate Planner
FORT ORD REUSE AUTHORITY
920 2nd Avenue, Suite A
Marina, CA 93933

RE: RESPONSE TO COMMENTS ON DETERMINATION OPINION OF CATEGORIES I AND II

Dear Mr. Lopez:

Michael Baker International, in coordination with Holland & Knight LLP, has provided responses to the Fort Ord Reuse Authority (FORA) Board of Directors and public comments on the Determination Opinion of Categories I and II Memo, dated May 5, 2016. The comments were received at the May 13, 2016 meeting. For clarification purposes, we want to emphasize that Michael Baker International and Holland & Knight reviewed the land use decisions, which occurred subsequent to the adoption of the Base Reuse Plan in 1997, in light of the California Environmental Quality Act (CEQA). We looked at whether those decisions were adequately covered under CEQA or if they require additional environmental review. Consistent with our scope of work, we did not provide a conclusion as to whether those changes are consistent with the BRP; rather, we focused on the scope direction to determine whether additional CEQA review is needed.

One member of the public mentioned the equal-dignities rule. The equal-dignities rule refers to a legal doctrine related to written contracts whereby an agent must have written authority to enter the contract on the principal's behalf for the contract to be binding. The equal-dignities rule is a corollary to the Statute of Fraud and does not apply to CEQA. Therefore it is not applicable to our determination opinion. Moreover, the point the commenter seemed to be making was that the revisions to the BRP needed by be made through an ordinance amendment. The process for revising the BRP is outside the scope of the Determination Opinion. The Determination Opinion simply addresses whether additional CEQA review is necessary. CEQA review can be satisfied in CEQA documents prepared by other agencies as CEQA seeks to avoid duplicative environmental review (Public Resources Code Section 21080.1(a)).

Another member of the public also inquired about the Monterey County General Plan and the relationship between that plan and the previous Board decisions regarding it. FORA analyzed the Monterey County General Plan in 2012 for consistency with the BRP. The board voted 6 to 6 at that time, thus per the Board rules the General Plan was not found to be consistent or inconsistent with the BRP and was returned to the County "without prejudice." However, the Board's vote does not preclude a finding regarding the adequacy of CEQA analysis for the Monterey County General Plan. The Determination Opinion does not address consistency, rather it found that environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR and therefore, no further environmental analysis would be required.

Fort Ord Reuse Authority

RE: Response to Comments on response to comments on Determination Opinion of Categories I and II

Page 2

Lastly, the public inquired about the East Garrison/Parker Flats land swap agreement. The agreement included several conditions that may or may not have been met prior to exchange of the parcels. However, our review focused on whether land use changes were covered under CEQA and if additional environmental review would be needed. Our review determined that, regardless of the conditions, all of the exchanges have occurred. No subsequent environmental review is required to update the BRP.

Sincerely,



Tad Stearn
Project Director



Darcy Kremin
Project Manager

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Memorandum

Date: December 26, 2013
To: Fort Ord Reuse Authority
Board of Directors
Mayor Jerry Edelen, Board Chair
Michael Houlemard, Executive Officer
From: Alan Waltner, Esq.
RE: Response to Certain Comments on the Monterey County General Plan
Consistency Review

This memorandum responds to your request that we address certain comments made in a series of letters submitted to FORA¹ by Jane Haines regarding the Monterey County General Plan Consistency Review that is currently pending before FORA. In general, this response highlights points made in our two previous memoranda that have been overlooked in these letters.

Although the letters are extensive in length, they largely repeat three basic arguments. First, they argue that Section 8.02.010 or the FORA Master Resolution effectively modified the consistency review standards of the FORA Act and Master Resolution to require “strict adherence to the 1997 Reuse Plan” before consistency can be found. Second, they argue that substantial evidence has been provided triggering disapproval of the Monterey County General Plan under one or more of the provisions of Master Resolution Section 8.02.010 – specifically provisions relating to the intensity of land uses, the density of land uses, and substantial conformance with applicable programs in the Reuse Plan. Third, they argue that there is no legal authority supporting a consistency review standard that parallels the standard applying in the local planning context under the Planning and Zoning Law. All three of these arguments were addressed in our previous memoranda, as summarized in this memorandum.

First, there is no support in the FORA Act or Master Resolution for a “strict adherence” standard for consistency reviews. The FORA Act itself simply requires that the FORA Board find that “the portions of the general plan or amended general plan applicable to the territory of the base . . . are consistent with the reuse plan.” Government Code Section 67840.2. As with all statutes, this provision is to be interpreted in accordance with the “plain meaning” of the word chosen by the Legislature, which is “consistent.”

¹ Abbreviations, acronyms and references used in our previous memoranda dated July 3 and September 3, 2013 will be applied in this memorandum.

Regardless of the dictionary chosen, the definition of the word is similar. For example, the Merriam-Webster online dictionary defines the term as: “marked by harmony, regularity, or steady continuity: free from variation or contradiction.” The term does not require that two items be identical or strictly adhere to one another. Instead, it only requires harmony and a lack of conflict. This is the approach taken in extensive case law interpreting the Legislature’s intention in using the same word in the Planning and Zoning Law, as summarized in our previous memoranda.² It is also reflected in various provisions of the Master Resolution. For example, Section 8.02.010(b) clearly allows the “transfer of the intensity of land uses and/or density of development” between specific locations on the base, so long as “the cumulative net density or intensity of the Fort Ord Territory is not increased.” This means that “strict adherence” to the uses on specific parcels is not required so long as a base-wide balance of intensity and density is demonstrated. Regarding compliance with BRP programs, Section 8.02.010(a)(3) of the Master Resolution requires only “substantial conformance” with “applicable” programs. Again, this is much different than the “strict adherence” standard urged in the comment letters. We continue to conclude that the standards being applied by FORA accurately implement the FORA Act and the Master Resolution.

The comment letters argue that language in Master Resolution Section 8.02.010(a) stating that the Board “shall disapprove any legislative land use decision for which there is substantial evidence of [six listed factors]” implicitly modifies the meaning of the word “consistent” or alters the consistency review criteria of the Master Resolution to create a “strict adherence” standard. This implied modification of the applicable standard is unsupported by the structure or language of the provision. Such an interpretation would also conflict with several rules of statutory construction, particularly the rule against rendering language surplusage (the interpretation would effectively read Section 8.02.010(b) and the “substantial conformance” language out of the Master Resolution) and the rule disfavoring implied repeals.³ The plain meaning of the term “consistent” still applies, as do the limitations of the Master Resolution embodied in the “substantial conformance” and “applicable” references.

Second, there is no substantial evidence that any of the six criteria of Master Resolution Section 8.02.010(a) have been triggered.⁴ The comment letters reflect several

² The extensive discussion in the comment letters of differences between the FORA Act and the Planning and Zoning Law does not alter the fact they both use the same term (“consistent”) in a similar context.

³ There are also substantial questions as to whether the 1997 FORA Board could adopt provisions in the Master Resolution that conflict with the FORA Act, establish review standards binding on a reviewing Court, or limit the police power discretion of subsequent FORA Boards. These issues are reserved for subsequent elaboration if needed.

⁴ We note that the six criteria of this section are connected with the word “and.” Literally read, then, there would need to be substantial evidence that all six criteria have been triggered before disapproval is required. The comment letters focus on three of the six criteria and no argument is made regarding the other three. Since there is no substantial evidence that any of the criteria have been triggered, this memorandum does not rely upon the use of the word “and” in this provision, but the argument is reserved. Master Resolution 8.02.010(a)(3) also refers only to substantial conformance with “programs” and does not reference substantial conformance with “policies” of the BRP. Again, this memorandum does not rely

fundamental flaws in making this argument. Most importantly, the comment letters generally do not point to any specific evidence of a lack of consistency, but instead simply reference the Monterey County General Plan and FORA BRP as a whole and urge that within them are unspecified inconsistencies. In other words, the comment letters do not identify the “substantial evidence” upon which they are relying. The comment letters also do not attempt to rebut Monterey County’s analyses of consistency that support the application. The argument further erroneously applies the “strict adherence” standard addressed earlier herein. Thus, for example, regarding the requirement of “substantial conformance” with “applicable” programs of the BRP, there is no specifically identified evidence in any of the comment letters that any particular applicable program has not met the substantial conformance test.

We note in this regard that the entirety of the BRP has been incorporated by reference into the Monterey County General Plan that is the subject of the pending consistency review application. See Monterey County 2010 General Plan, Chapter 9.E (“This plan incorporates all applicable policies and programs contained in the adopted Reuse Plan as they pertain to the subject area.”). The comment letters do not attempt to explain how, despite this incorporation, “substantial conformance” with applicable BRP programs has not been achieved.

Given the general lack of specific objections in the comments, a more detailed response to the commenter’s substantial evidence argument cannot be made. The most specific objection made is to the fact that a natural ecosystem easement has not yet been recorded by Monterey County for the Monterey Downs area. See October 10, 2013 letter from Jane Haines. However, a commitment has been made by Monterey County, through incorporation of the BRP program requiring such an easement. The fact that implementation of this easement obligation is not yet applicable (there is not yet a specific Monterey Downs proposal and adjustments to any protected areas are likely to be made, meaning that the property description in an easement cannot yet be defined and recording such an easement is not yet possible) does not provide any evidence that substantial conformance with this BRP program is not reflected in the Monterey County General Plan. Any specific development entitlements for Monterey Downs will be subject to further review by the FORA Board at which time the easement obligation can be enforced if necessary. The other objections in the comment letters are very cursory and do not describe the substantial evidence purported to demonstrate a lack of substantial conformance with applicable BRP programs.

Third, although no challenge to a FORA consistency determination has ever been brought, and no other challenge to a FORA land use action has ever proceeded to a written judicial opinion, this does not mean that there is no legal authority for the interpretation and application of the consistency standard. As discussed earlier herein, the Legislature’s use of the word “consistent” in the FORA Act, and FORA’s interpretations and implementation of this language in the Master Resolution, are the applicable law, as discussed earlier herein and in our earlier memoranda.

upon this omission, since there is no substantial evidence of applicable BRP policies that have not been substantially complied with, but this argument is likewise reserved.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Prevailing Wage Status Report

Meeting Date: March 9, 2018

Agenda Number: 7f

INFORMATION/ACTION

RECOMMENDATION(S):

Receive Prevailing Wage Status Report

DISCUSSION:

From October 1, 2017 – December 31, 2017, construction workers were employed on multiple Fort Ord reuse projects. From the reported information (California State University Monterey Bay/County of Monterey/FORA/Seahaven-Layia/Villosa/Larkspur/Shops at Dunes), approximately 158,793 worker hours were utilized and approximately 2,547 workers employed. An average of 53% of those workers were from the tri-County area. (Santa Cruz, Monterey and San Benito Counties). In addition, Marina Coast Water District is moving ahead on the Regional Urban Water Augmentation Program (RUWAP) project. Based upon certified payroll records filed with the state, the RUWAP project employed 5 people for a total of approximately 143.25 hours for the period October 1, 2017 through December 31, 2017. The percentage of those workers from the tri-County area was unable to be determined from Department of Industrial Relations records. These reported numbers do not include Dunes on Monterey Bay (Dunes) housing project worker hours.

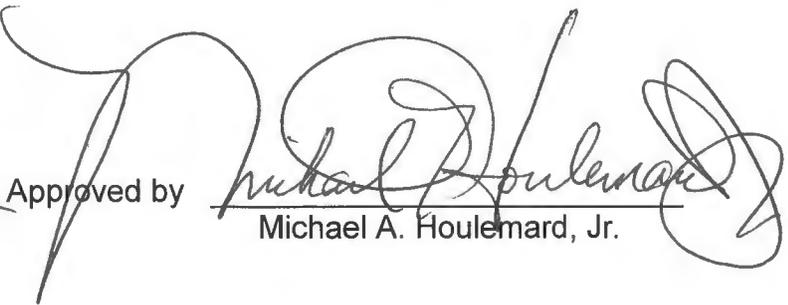
During the December 2017 Board update on prevailing wage compliance it was noted that we might need assistance from our legislative offices to clarify some issues related to prevailing wages. To that end on January 12, 2018, Senator Monning directed a letter to Christine Baker, the Director of the California Department of Industrial Relations (DIR) asking for clarification of obligations of contractors, cities and FORA when a project is deemed a public works project and when a project is not deemed a public works project. On February 12, 2018, Director Baker responded as to the DIR position on the obligations for enforcement of prevailing wages on Fort Ord. **A copy of Senator Monning's request letter and Director Baker's response are attached to this report.**

FISCAL IMPACT:

Reviewed by FORA Controller 

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

Prepared by 
Sheri Damon

Approved by 
Michael A. Houlemard, Jr.

COMMITTEES
CHAIR: LEGISLATIVE ETHICS
BUDGET & FISCAL REVIEW
BUDGET SUBCOMMITTEE 3
ON HEALTH & HUMAN SERVICES
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California State Senate



WILLIAM W. MONNING
MAJORITY LEADER
SEVENTEENTH SENATE DISTRICT

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SANTA CRUZ, CA 95060
(831) 425-0401

SANTA CLARA COUNTY
TELEPHONE NUMBER
(408) 847-6101

January 12, 2018

Christine Baker, Director
California Department of Industrial Relations
1515 Clay Street, Suite 1700
Oakland, CA 94612

Dear Director Baker:

This letter is to express my concerns about the enforcement of Prevailing Wage within the boundaries of the former Fort Ord United States Army post, which includes portions of the City of Marina, the City of Seaside, the City of Monterey, the City of Del Rey Oaks, and the County of Monterey. All these jurisdictions are members of the Fort Ord Reuse Authority (FORA), a multi-agency entity that oversees the redevelopment of the former Fort Ord through the implementation of and compliance with the Base Reuse Plan.

It has been brought to my attention that there have been numerous violations of prevailing wage on projects within the boundaries of FORA. Additionally, there seems to be confusion and conflict among the numerous local jurisdictions and FORA about prevailing wage compliance and enforcement.

I would like the California Department of Industrial Relations' clarification on the following questions pertaining to prevailing wage and the former Fort Ord.

1. What are the obligations of the contractors, cities, and FORA when a project is deemed a public works project?
2. When a project is not deemed a public works project, yet is still subject to a prevailing wage written agreement as specified within the Base Reuse Plan, what are the obligations of the contractors, cities, and FORA?

Director Baker
January 12, 2018
Page 2

My concern is that workers on various projects within the former Fort Ord have pursued litigation in order to receive the appropriate prevailing wages they are entitled to and that this is unacceptable. Employees have a right to be paid without engaging in litigation, which is costly and time consuming. Clarification by the California Department of Industrial Relations will help to avoid this problem in the future.

Thank you for your attention to this matter.

Sincerely,

M

WILLIAM W. MONNING
Senator, 17th District

WWM:tuv/jf

cc: Luis Alejo, Supervisor, Chair Monterey County
Jane Parker, Supervisor Monterey County
Mary Adams, Supervisor, Monterey County
Bruce Delgado, Mayor, City of Marina
Ralph Rubio, Mayor, City of Seaside
Jerry Edelen, Mayor, City of Del Rey Oaks
Michael Houlemard, Executive Officer of Fort Ord Reuse Authority
Ron Chesshire, Monterey/Santa Cruz Counties Building & Construction Trades Council

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SANTA CLARA COUNTY
TELEPHONE NUMBER
(408) 847-6101

February 26, 2018

Dear FORA Stakeholder:

As you know, in January I sent a letter to the Department of Industrial Relations (DIR) to express my concerns and seek clarification regarding the enforcement of Prevailing Wage within the boundaries of the former Fort Ord. Attached is the letter I received in response from the DIR.

My office will be in touch with you and FORA staff regarding any necessary next steps. In the meantime, please do not hesitate to contact my office with any immediate questions.

Thank you for your attention to this matter.

Sincerely,

WILLIAM W. MONNING
Senator, 17th District

WWM:nh

DEPARTMENT OF INDUSTRIAL RELATIONS

Christine Baker, Director

Office of the Director

1515 Clay Street, 17th Floor

Oakland, CA 94612

Tel: (510) 622-3959 Fax: (510) 622-3265



February 12, 2018

The Honorable William M. Monning
California State Senate
State Capitol, Room 303
Sacramento, California 95814

Re: Fort Ord Prevailing Wage Requirements.

Dear Senator Monning:

I received your letter seeking clarification on the obligations of contractors, cities, and the Fort Ord Reuse Authority on redevelopment projects located on former Fort Ord land.

As the Director of the Department of Industrial Relations (DIR), I share your concerns regarding the prevailing wage violations that are occurring on these projects. As you are aware, it is California's expressly stated public policy "to vigorously enforce minimum labor standards in order to ensure employees are not required or permitted to work under substandard unlawful conditions . . . and to protect employers who comply with the law from those who attempt to gain a competitive advantage at the expense of their workers by failing to comply with minimum labor standards." (Lab. Code, § 90.5.) The California Supreme Court has stated: "Delay of payment or loss of wages results in deprivation of the necessities of life, suffering inability to meet just obligations to others, and, in many cases may make the wage-earner a charge upon the public." (*Kerr's Catering Service v. Department of Industrial Relations* (1962) 57 Cal.2d 319, 326.) California wage earners, law-abiding employers, and the taxpaying public all lose when prevailing wage laws are violated.

Obligations on Statutory Public Works Projects

The overall purpose of the prevailing wage law is to benefit and protect employees on public works projects. "Public works" is generally defined as construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds. (Lab. Code, § 1720.) A public subsidy for the purposes of the prevailing wage law means not only a payment of cash from a public entity, it also includes a public entity's transfer of an asset of value for less than fair market price or a public entity's waiver or reduction of fees or costs normally required in the execution of the project. Once a project is deemed to be public works, all the prevailing wage requirements in the California Labor Code apply.

A contractor must pay at least the prevailing wage to workers on public works projects. To bid or work on a public works project, the contractor must be registered with DIR. For most public works projects, the contractor is also required to send contract award notification to local apprenticeship programs, request dispatch of apprentices, and hire a minimum number of apprentices. Payroll

records that document the work classification, hours worked, and identifying information about apprentice and journeyman workers must be maintained and certified to be true and correct under penalty of perjury. These certified payroll records must also be electronically submitted to DIR. A general contractor must ensure that its subcontractors are complying with prevailing wage requirements, as the general contractor is potentially jointly and severally liable for wages and penalties assessed against a subcontractor that has violated the prevailing wage law.

Cities and other public entities considered awarding bodies “shall take cognizance” of prevailing wage violations and “shall promptly report any suspected violations to the Labor Commissioner.” (Lab. Code, § 1726.) Awarding bodies must include in the contract various provisions notifying the contractor of prevailing wage obligations. Furthermore, upon award of a contract, the awarding body must electronically notify DIR within 30 days, but in no case later than the first day work is performed on the project. Awarding bodies are also required to ensure that all contractors and subcontractors working on the project are properly registered with DIR. Failure to comply with these requirements may result in monetary penalties against the awarding body. Deliberate, repeat offenders may have their state funding for public works projects withdrawn.

The Labor Commissioner’s Office within DIR is authorized to seek wages and penalties against contractors and public entities for violations of the prevailing wage law on public works projects. (See, e.g., Lab. Code, §§ 1741, 1771.1, 1773.3.)

Obligations on Projects in which Prevailing Wage Requirements are Imposed by Contract

If a project does not receive any public subsidies, it may not meet the statutory definition of “public works” in the Labor Code. Such a project, however, may still be subject to prevailing wage requirements as a matter of contract, as explained by the Court of Appeal in *Monterey/Santa Cruz etc. Trades Council v. Cypress Marina Heights LP* (2011) 191 Cal.App.4th 1500. In *Cypress Marina Heights*, the Court held that the FORA Master Resolution is the “originating source of any prevailing wage requirement that applies.” Its provisions clearly state that cities and other agencies that entered into “an Agreement with FORA for the acquisition, disposition, or development of property at Fort Ord” were obligated “to ensure that any other entity employing workers in connection with the development of the property acquired . . . must pay the prevailing wage.” (*Id.* at p. 1515.) Stated differently, cities that acquired land from FORA were required under the Master Resolution to ensure that developers and contractors on those projects paid their workers prevailing wages. The FORA Master Resolution and other associated implementation agreements imposed the obligation to pay prevailing wages on all “First Generation Construction” which was defined as “construction performed during the development of each parcel of real property at the time of transfer from the public agency” to a developer “until issuance of a certificate of occupancy by the initial owners or tenants of each parcel.” (*Id.* at p. 1510.)

The Court further clarified that “FORA’s goal was to ensure that the prevailing wage was paid on all development projects on FORA land so that local contractors would not be displaced by cheaper labor imported from elsewhere. Providing well-paying jobs for local contractors served FORA’s purpose, which was the revitalization of the local economy.” (*Id.* at p. 1522-23.)

Given this judicial precedent, cities that acquired land from FORA are obligated to ensure that the developers and contractors pay prevailing wages to their workers. Contractors themselves are also

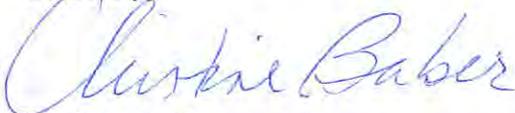
Letter to Senator William M. Monning
Re: Fort Ord Prevailing Wage Requirements
Page 3

obligated to make sure their workers are paid prevailing wages on these projects. These requirements effectuate FORA's purpose to revitalize the local economy.

An employee has the option of filing a lawsuit against his or her employer for nonpayment of contractually-agreed upon wages, like those at issue in the development projects on former Fort Ord land. (Lab. Code, § 218; *see also* *Murphy v. Kenneth Cole Productions, Inc.* (2007) 40 Cal.4th 1094, 1115; *Cortez v. Purolator Air Filtration Products Co.* (2000) 23 Cal.4th 163, 177 (employee authorized to recover payment of unlawfully withheld wages as a restitutionary remedy in an action under the Unfair Competition Law) The Labor Commissioner's Office within DIR is also authorized to investigate employee complaints regarding nonpayment of contractually agreed upon wages and, where appropriate, seek penalties and liquidated damages against employers. (Lab. Code, § 98.)

My Department and I look forward to working with you to ensure that full compliance with all of California's wage laws, including the prevailing wage laws on public works projects.

Sincerely,

A handwritten signature in blue ink that reads "Christine Baker". The signature is written in a cursive, flowing style.

Christine Baker
Director

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	2018 Anticipated FORA Board Work Program	
Meeting Date:	March 9, 2018	INFORMATION/ACTION
Agenda Number:	7g	

RECOMMENDATION(S):

Receive the 2018 anticipated Fort Ord Reuse Authority (FORA) Board Work Program report regarding planned elements of Board policy decisions and related work plan.

BACKGROUND:

In past years the Executive Committee set the year program through its monthly meetings. Last year, the Executive Officer presented to the Executive Committee (EC), that calendar year 2017 would likely be a busy year of policy decisions and action items. As a result the FORA EC directed staff to provide an outline of the calendar year Board agenda work plan.

Staff has prepared a draft work plan for 2018 for Board consideration (**Attachment A**).

Please note:

This graphic is a management tool and subject to change based on circumstances or assignments/direction that may be provided by the Board.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

Prepared by 
Dominique L. Jones

Approved by 
Michael A. Houlemard, Jr.

Policy Area	2018 Board Agenda Item Descriptions	2018	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec		B/ACT
BRP	HCP Board Workshop/Public Draft Report (receive report)															C/ACT
BRP	HCP Joint Powers Authority Agreement Authorization (approve contract)															C/INF
BRP	Category I Report (receive report)															B/INF/A
BRP	Category II Report (receive report) (approve regional plan consistency -categorical exemptions from CEQA)															B/INF
BRP	Category III - Oak Woodlands Report (receive report)															PLACEHOLDER
BRP	Category III - Status on completion of BRP policies and programs (receive report)															
BRP	County-Seaside-FORA-CCVF CCCVC MOU Amendment (approve MOU amendment)															
BRP	Consistency Determinations Reports (ongoing)															
BRP	Seaside Zoning Ordinance															
BRP	Seaside Senior Living - Development Entitlement CD															
BRP	Seaside Main Gate - Development Entitlement CD															
BRP	Seaside Nurses Barracks - Development Entitlement CD															
BRP	Seaside Concours - General Plan amendment, Zoning Ordinance amendment, and Development Entitlement CD															
BRP	Seaside General Plan and Zoning Ordinance - LLUD CD															
BRP	Campus Town - Combined Specific Plan, Zoning, and Development Entitlement CD															
BRP	Transaction Worksheet Report (receive report)															
BRP	Land Use Covenant Reporting (receive report)															
CIP	Surplus II HAZMAT removal contract															
CIP	Surplus II Building Removal contract															
CIP	Surplus II Notice of Completion															
CIP	Stockade CIP Budget approval															
CIP	Stockade authorization to proceed with Building Removal contracts															
CIP	Building Removal Information Reports															
CIP	Munitions Response coordination services contract															
CIP	Eucalyptus Road and General Jim Moore Boulevard Report (Harris SWO-H3)															
CIP	Eucalyptus Road and GJMB CIP budget approval															
CIP	Authorization to proceed with construction/repair of stormwater - Eucalyptus Road and GJMB															
CIP	Notice of completion for Eucalyptus Road and GJMB construction/repair															
CIP	RUWAP Recycled Water Report (receive information report)															
CIP	Water Augmentation Study (approve contract) (receive report)															
CIP	2018/19 FORA CIP Report (approve CIP)															
CIP	Rights of way or rights of entry to proceed with South Boundary															
CIP	Board approval to conduct munitions removal on SB Road															
CIP	Board approval to conduct a public bid process for SB Road															
CIP	Eastside Parkway Goals and Objectives Presentation															
CIP	Eastside Parkway Notice of Preparation/Scoping meeting information report															

Policy Area	2018 Board Agenda Item Descriptions	2018	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec			
CIP	Eastside Parkway Public Review Draft EIR information report																B/ACT
																	C/ACT
																	C/INF
EconDev	Economic Development Quarterly Report																B/INF/A
EconDev	CSUMB Startup Challenge Report																B/INF
EconDev	2017 Jobs Survey Report																PLACEHOLDER
EconDev	UCMBEST Status Update																
ESCA	ESCA Grant/RSA Amendment																
ESCA	Environmental 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																
VIAC	Veteran Cemetery/Clinic/Special Needs Housing																

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: 2018 Chair Committee Appointments

Meeting Date: March 9, 2018

Agenda Number: 7h

INFORMATION/ACTION

RECOMMENDATION:

Confirm Fort Ord Reuse Authority (FORA) Board of Directors Chair Rubio 2018 appointments to the Finance Committee and Legislative Committee.

BACKGROUND/DISCUSSION:

Each year at the February Board meeting, the FORA Chair appointments are subject to confirmation by the FORA Board, including FORA's Finance and Legislative Committees. Appointees serve for a term of one year and must be chosen from among the ex-officio, voting, or alternate Board members.

Chair Rubio recommends the following to serve through February 2019:

Finance Committee:

Mayor Joe Gunter, City of Salinas (Chair)
Councilmember Gail Morton, City of Marina
Mayor Ralph Rubio, City of Seaside
Andre Lewis, California State University, Monterey Bay
Councilmember Alan Haffa, City of Monterey
Supervisor John Phillips, County of Monterey
Councilmember Cynthia Garfield, City of Pacific Grove

Legislative Committee:

Supervisor Phillips, County of Monterey (Chair)
Councilmember Frank O'Connell, City of Marina
Mayor Ralph Rubio, City of Seaside
Mayor Jerry Edelen, City of Del Rey Oaks
Mayor Mary Ann Carbone, City of Sand City

Consistent with the 1998 FORA-Marina Coast Water District Water and Waste Water Facilities Agreement, Chair Rubio re-appoints the following:

Water/Wastewater Oversight Committee (WWOC):

Dennis Allion, City of Del Rey Oaks
Elizabeth Caraker, Steve Wittry, City of Monterey
Rick Riedl, Scott Ottmar, City of Seaside
Melanie Beretti, Nick Nichols, Monterey County
Layne Long, Brian McMinn, City of Marina
Steve Matarazzo, University of California Santa Cruz – MBEST
Mike Lerch, California State University Monterey Bay

The WWOC Committee Charge is provided as **Attachment A**.

The Chair is also responsible for creating and appointing all ad-hoc advisory committees. These appointments do not require Board confirmation and are not limited, as ad-hoc committees are, by definition, convened for a limited term/purpose and dissolved after the completion of the achievement of the objective.

Chair Rubio appoints the following to serve on these ad-hoc committees:

Veterans Issues Advisory Committee (VIAC):

Mayor Jerry Edelen, City of Del Rey Oaks (Chair)
Mayor Joe Gunter, City of Salinas
Ian Oglesby, US Army Veteran
Command Sgt. Major Marshall, US Army
Mary Estrada, United Veterans Council
Sid Williams, Monterey County Military & VA Commission
Wes Morrill, Monterey County Office of Military & Veteran Affairs
Edith Johnsen, Veterans Families/Fundraising
Richard Garza, California Central Coast Veterans Cemetery
Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee
James Bogan, Disabled American Veterans

The VIAC Committee Charge is provided as **Attachment B**.

Transition Ad-Hoc/Advisory Committee (TAC):

Andre Lewis, California State University, Monterey (Chair)
Councilmember Alan Haffa, City of Monterey
Councilmember Gail Morton, City of Marina
Mayor Jerry Edelen, City of Del Rey Oaks
Mayor Ralph Rubio, City of Seaside
Supervisor Mary Adams, County of Monterey
Councilmember Cynthia Garfield, City of Pacific Grove
Debbie Hale, Transportation Agency of Monterey County

The TAC Committee Charge is provided as **Attachment C**.

FISCAL IMPACT:

Reviewed by the FORA Controller 

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

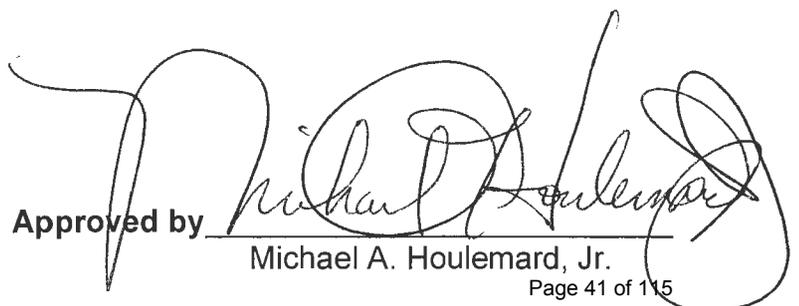
COORDINATION:

FORA Chair, Executive Committee

Prepared by


Dominique L. Jones

Approved by


Michael A. Houlemard, Jr.

Water & Wastewater Oversight Committee Committee Charge

The Water & Wastewater Oversight Committee (“WWOC”) was created through the 1998 FORA-Marina Coast Water District Water and Waste Water Facilities Agreement (“Facilities Agreement”). The WWOC’s roles and responsibilities are described under Article 4 Oversight of the Facilities Agreement as follows.

- 4.2.1. Committee Appointment. A Water/Wastewater Oversight Committee “Committee”, will be appointed by the FORA Board from appropriate agency staff members who will serve at the pleasure of the Board. The Committee will include representatives from the future land use jurisdictions and the two Universities (Cities of Marina, Seaside, Monterey, Del Rey Oaks, the County of Monterey, CSUM and UCMBEST), for a total of seven members.
- 4.2.2. Committee Role. The Committee shall be advisory to the FORA Board and shall have the following functions:
- 4.2.2.1. Receive recommendations regarding operation of the facilities.
 - 4.2.2.2. Advise the FORA Board and staff on appropriate action regarding such recommendations.
 - 4.2.2.3. Review and recommend on operating and capital improvement budgets.
 - 4.2.2.4. Periodically review and recommend a master plan of public sewer and water facilities.
 - 4.2.2.5. Make recommendations pursuant to Article 7 of this Agreement, including recommendations regarding allocation of costs over benefitted properties.
 - 4.2.2.6. Confirm adequacy of services provided.
 - 4.2.2.7. Review the annual financial statement and MCWD audit to affirm that results achieved comport with expectations of FORA.
 - 4.2.2.8. Evaluate annually the performance of MCWD in accordance with this Agreement.
 - 4.2.2.9. Advise on short and long term financial planning and fiscal management.
 - 4.2.2.10. Assure that the facilities are complimenting implementation of the reuse plan.

Veterans Issues Advisory Committee
Committee Charge

The Veterans Issues Advisory Committee (“VIAC”) will identify, discuss, evaluate, and advise regarding the development of former Fort Ord issues that directly impact Monterey Bay Area veterans. The primary issues that are to be monitored are initial construction of the California Central Coast Veterans Cemetery and the Veterans Administration/ Department of Defense Clinic – both to be located on the former Fort Ord, and the establishment of a Veterans Drop-in Counseling Center. The VIAC is charged with reviewing resources necessary for the successful implementation of both of these projects and will review data or recommendations that may come from the Fort Ord Reuse Authority Administrative Committee, Executive Committee, and Board of Directors as well as other Monterey County jurisdictions, and provide input regarding organizational, policy, financial, and technical elements in processing these projects and others related to veterans or military issues as may be assigned by the FORA Chair (on behalf of the Board of Directors). FORA staff will provide technical and administrative support to the VIAC.

Transition Ad-Hoc Committee (“TAC”)

2018 Charge

The Fort Ord Reuse Authority's (FORA's) legislative/State Law terminus is June 30, 2020. The TAC is a limited term *ad hoc committee*, formed to review a staff-generated comparative analysis for future FORA Board review. The analysis will contrast FORA Act continuation (including potential modifications) with FORA Act sunset and assignment of liabilities/obligations and resources/revenues to multiple successor agencies. The analysis will include:

- 1) Modifications to the existing FORA Act to address:
 - a. Governance/Membership/Voting.
 - b. Extension date.
 - c. Enforcement powers (prevailing wage, Base Reuse Plan, policies, etc.).
 - d. Affordable housing.
- 2) Multiple successor assignments with completion deadlines in a transition plan (by chapter) format for both tangible and intangible obligations.
 - a. Joint and several liability assignment.
 - b. Individualized/jurisdiction assignments and completion date.
 - c. Outstanding obligation and asset prioritization.
 - d. Enforcement of Basewide Costs and Mitigation Measures.

The TAC input is ongoing through June 1, 2018. The Committee Chair shall coordinate with staff on monthly progress reports to the Board.

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Public Correspondence to the Board
Meeting Date:	March 9, 2018
Agenda Number:	7i
	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

BUSINESS ITEMS

Subject:	Eastside Parkway Goals and Objectives – 2d Vote	
Meeting Date:	March 9, 2018	INFORMATION/ACTION
Agenda Number:	8a	

RECOMMENDATION(S):

Take a 2nd Vote to approve Eastside Parkway Goals and Objectives (**Attachment A**) for use in future preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA).

BACKGROUND/DISCUSSION:

At its January 12 and February 9, 2018 meetings, the Fort Ord Reuse Authority (FORA) Board discussed and considered Eastside Parkway Goals and Objectives. For additional background, please see FORA Board agenda item 8c from the regular February 9, 2018 meeting: <http://fora.org/Board/2018/Packet/020918BrdPacket.pdf>

At its January meeting, the Board directed staff to include Board input as updates to the Eastside Parkway Goals and Objectives. At its February meeting, the Board received a presentation by Transportation Agency for Monterey County (TAMC) on traffic-related issues related to goals and objectives and voted on a motion to approve Eastside Parkway Goals and Objectives, incorporating several amendments (**Attachment A**). Staff also compiled additional public comments received since the distribution of the February 9, 2018 Meeting Packet. These comments are included as **Attachment B**. The vote on the motion was not unanimous. According to FORA's rules, the motion must return for a second vote.

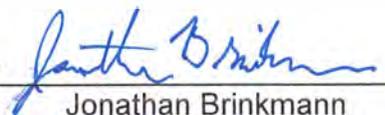
FISCAL IMPACT:

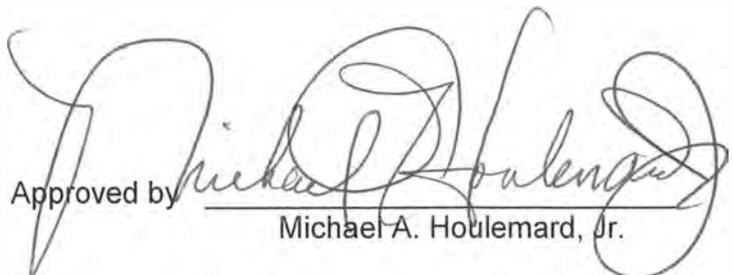
Reviewed by FORA Controller 

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

COORDINATION:

Authority Counsel, Whitson Engineers, Denise Duffy & Associates, TAMC, Administrative and Executive Committees.

Prepared by 
Jonathan Brinkmann

Approved by 
Michael A. Houlemard, Jr.

Eastside Parkway Goals and Objectives

Proposed Project Background/Need:

The 1997 Fort Ord Reuse Plan identified Eastside Road as a facility within the on-site portion of the Fort Ord transportation network for the mitigation of the reuse of Fort Ord. Since FORA's first CIP (2001-2), Eastside Road has been included as a future "on-site" transportation facility. In 2010, Monterey County staff suggested renaming Eastside Road to Eastside Parkway and plan line studies were prepared to avoid impacts to CSUMB circulation.

The most recent 2017 Fee Reallocation Study prepared by TAMC, in coordination with FORA, included Eastside Parkway as an important part of the FORA CIP, modeled to accommodate 18,586 average daily trips. The Study concluded that the transportation network in the FORA CIP would provide sufficient roadway improvements for the approved reuse of Fort Ord. The Study results for a "No Build" scenario shows that, by 2035, if FORA does not complete the FORA CIP transportation projects, seven of the existing roadways in the current FORA project list will operate at deficient levels of service (LOS) E or F. These results demonstrated that the FORA CIP projects provide measurable improvement to the roadway network to address future development-related transportation deficiencies.

Proposed Project Goals and Objectives:

The purpose of the proposed project is to make improvements to the on-site former Fort Ord transportation system necessary to reduce future traffic congestion along Highway 1, 12th Street (now Imjin Parkway), Blanco Road, and the Del Monte/2nd/General Jim Moore Boulevard corridor while maintaining valued recreational, cultural, and natural resources, consistent with the Reuse Plan FEIR and Development and Resource Management Plan (BRP Vol.1, pg. 119, pgs.194-203, BRP Vol.2 pg. 295 and pg. 298). The primary objectives for implementing the proposed project are:

- **Provide a primary southwest-northeast corridor through former Fort Ord, while maintaining an acceptable level of service throughout the FORA CIP and regional roadway network with the implementation of the approved reuse of Fort Ord (BRP Vol.1 pg. 119, BRP Vol.2 pg. 297-298, Attachment C, Summary of December 6, 2017 Spoken Public Comments).**
- **Improve and provide efficient regional travel and access to the former Fort Ord, reducing travel time and distances and associated traffic, fuel consumption, and air pollution emissions (BRP Vol. 2 pg. 298, Commercial Land Use Objective E and program E-1.1, pg. 261, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 21, 44, Attachment C, Summary of December 6, 2017 Spoken Public Comments).**
- **Serve the area immediately south of CSUMB campus (BRP Vol.2 pg. 295).**
- **Minimize disrupting any community, including its expansion and circulation (FORA Board Meeting, January 12, 2018, BRP Vol.2 Institutional Land Use Program A-1.4 on pg. 278, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 76).**

- Recognize Intergarrison Road as a vehicular route while providing the greater accommodation of pedestrian and bicycle traffic~~De-emphasize Inter-Garrison Road as a major vehicular route with greater emphasis placed on pedestrian and bicycle traffic~~ (BRP Vol.2 pg. 295).
- **Provide direct and efficient linkages from former Fort Ord lands to the regional transportation system** (BRP Vol.2 Objective B, pg. 299, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 44, Exhibit C, Eastside Parkway Goals and Objectives Emails to the Board of Directors, pg. 8, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
 - **Consider best practices in transportation planning, including regional and systemic improvements such as roundabouts and autonomous vehicles** (FORA Board Meeting January 12, 2018, Exhibit C, Eastside Parkway Goals and Objectives Emails to the Board of Directors, pg. 31, 32).
- **Provide a safe and efficient street system at the former Fort Ord** (BRP Vol.2 Objective C, pg. 299, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 74, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Connect the Fort Ord National Monument and California Central Coast Veterans Cemetery to regional roadways** (BRP Vol.2 Objective A, pg. 298 and Recreation Policy A-1, pg. 327, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 7, 44, 53, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Design the project to respect and integrate natural resources by minimizing impacts to coast live oak woodland, special-status species, and wildlife corridors** (BRP Vol.2 Recreational/Open Space Objective A, pg. 263, Biological Resources Objective C, pg. 363, Biological Resources Policy C-2, pg. 383, and Recreation Policy C-1, pg. 328, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 4, 12, 34, 44, 49, 59, 84, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Maintain the aesthetic character of the area by avoiding or minimizing impacts from grading to major topographical features such as drainages, steep slopes, and scenic viewsheds** (BRP Vol.2 Biological Resources Objective C, pg. 363, and Biological Resources Policy C-1, pg. 383, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 59, 70, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Minimize noise impacts adjacent to sensitive receptors** (Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 77).
- **Consider the safety of residents, pedestrians, bicyclists, and wildlife through various project design features by:**
 - **Providing dedicated pedestrian and bicycle facilities** (BRP Vol.2 Commercial Land Use Policy E-2 and program E-2.2, pg. 261 and Pedestrian and Bicycles Objectives A and B, pg. 308, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 8, 21, 77, Attachment C, Summary of December 6, 2017 Spoken Public Comments);
 - **Considering Regional Urban Design Guidelines for complete street design features** (BRP Vol.1 pg. 61, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 34); and

- **Implementing design features to minimize impacts to wildlife movement** (BRP Vol.1 pg. 128, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 53, 58, 71, 77, 78, 84, Attachment C, Summary of December 6, 2017 Spoken Public Comments, Exhibit C Eastside Parkway Goals and Objectives Emails to the Board of Directors pg. 17).
- **Protect designated habitat management areas from potential roadway edge effects by applying suitable buffers and project design features** (BRP Vol.2 Biological Resources Objective C, pg. 363, and Biological Resources Policy C-3, pg. 384, Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 71, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Minimize environmental impacts on existing communities, including, but not limited to CSUMB campus, MPC, East Garrison, and the Cities of Seaside, Marina, Del Rey Oaks, and Monterey** (Attachment B, Eastside Parkway Goals and Objectives Written Public Comments pg. 4, 24 49, 58, Attachment C, Summary of December 6, 2017 Spoken Public Comments, Exhibit C Eastside Parkway Goals and Objectives Emails to the Board of Directors pg. 17).
- **Accommodate and maintain existing and proposed trail networks, including, but not limited to, the Fort Ord Recreational Trail and Greenway and other regional trails** (Attachment B, Eastside Parkway Goals and Objectives Written Public Comments, pgs. 3, 8, 44, 47, 50, 53, 59, Attachment C, Summary of December 6, 2017 Spoken Public Comments).
- **Improve mobility of emergency system responders, including, but not limited to, firefighter access** (FORA Board Meeting, January 12, 2018, BRP Vol. 2 Fire, Flood, and Emergency Management Objectives A and C, pg. 435, and Program C-1.1).
- **Improve MPC, CSUMB and other educational institutions' access for student, staff, and faculty** (FORA Board Meeting, January 12, 2018, BRP Vol. 2 Institutional Land Use Objective B, pg. 273).
- **Fully evaluate the utilization of Utilize existing roadways as the foundation for the future network** (FORA Board Meeting, January 12, 2018, BRP Vol. IV Environmental Setting, Internal Roadway Network description pg. 4-93, Eastside Parkway Goals and Objectives Written Public Comments, pgs. 2, 3, 4, 11, 24, 62, Attachment C, Summary of December 6, 2017 Spoken Public Comments, Exhibit C Eastside Parkway Goals and Objectives Emails to the Board of Directors, pg. 14).
- **Comply with policies and programs of the Reuse Plan** (FORA Board Meeting, January 12, 2018).

Eastside Parkway Goals and Objectives

Communication to the Board of Directors

Relating to the Board Meeting Agenda
Item 8a, March 9, 2018

From: Barbara Livingston <carmellivingston@gmail.com>
Sent: Wednesday, February 07, 2018 2:15 PM
To: FORA Board
Subject: Eastside Parkway, Feb. 9 meeting

Dear FORA board,

I write in opposition to the construction of a parkway through oak studded woodlands.
I write in opposition to o spending huge sums to build a senseless freeway to nowhere.
I write in support of the LandWatch position paper on transportation improvements on Fort Ord lands.

I regret I am always unable to attend your meetings to speak in person.

Thank you,
Barbara Livingston
President, Carmel Residents Association
Former Carmel Council Member

From: Bonnie Brooks <marybonnie@gmail.com>
Sent: Friday, February 09, 2018 7:35 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,
Bonnie Brooks. Carmel. Ca

Sent from my iPhone

From: Dave Whipple <dwhipple@statconcorp.com>
Sent: Thursday, February 22, 2018 10:22 AM
To: FORA Board
Cc: 'Dave Whipple'
Subject: Stop the road kill; East Side Park Way

Follow Up Flag: Follow up
Flag Status: Flagged

FORA Board:

If the East Side Park Way road was built it would impact Seaside with increase traffic; congested thoroughfares; producing noise throughout the city.

The traffic would become horrible on Coe Avenue with cars coming from Eucalyptus 9,000 vehicles. The residents on Coe Avenue would have a difficult time commuting in and out of their homes on this small single lane road; and would find it unpleasant even going to Sand City shopping center.

General Jim Moore Boulevard is projected having 16,000+ vehicles daily. That traffic merging on the end of the road would cause major traffic congestion on Canyon Del Rey Boulevard. People would look for alternative roads and that traffic would be using all the different roads coming off GJMB in the city. Many vehicles could use Broadway Avenue. Is this the vision; because of the business interest there? This would decrease retail sales in Sand City, Marina, Monterey and Carmel.

FORA Mayors, please consider expressing improvements about *U.S. Highway One*; the main thoroughfare on the peninsula. *U.S. Highway One*; needs widening to three lanes in both directions.

It time FORA stop wasting tax payer money for personal gains.

Please vote NO; on East Side Park Way road.

Thanks.

Dave

Dave Whipple
President
Statcon Consultants
831-594-6635 (mobile)
dwhipple@statconcorp.com

From: David Butler <david@steinbeck.org>
Sent: Wednesday, February 07, 2018 12:06 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,

David Butler

From: Dawn H <dhartsock@gmail.com>
Sent: Wednesday, February 07, 2018 12:26 PM
To: FORA Board
Cc: LandWatch Monterey County
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,
Dawn Hartsock

From: Donna Linda <freeflowfun@hotmail.com>
Sent: Wednesday, February 07, 2018 10:49 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

Donna Kaufman
1261 Harcourt Ave
Seaside, CA 93955

From: dra@redshift.com
Sent: Wednesday, February 07, 2018 7:04 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

If any of you are really familiar with this area, particularly, around 8th and Gigling, you know it's a popular jumping off place for bikers and hikers, who are immediately in great oak land. As Monterey County gets more widely known for such great places for recreation, this will become more valuable as fodder for promoting Monterey County's recreational attributes. The Eastside Parkway will destroy the very thing that we should be promoting (ready access to wild lands), and adding roadblocks that hinder the County's reputation as a recreational mecca. This is a bad idea that should be squelched post-haste. By dropping this bad idea, more good news will be recognized by visitors in various publications, while approval will do the opposite, and place the County in bad light. Deny this proposal.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,

Dennis Andresen home address in 93908 (local citizen who cares about Monterey County)

From: Hetty Eddy <hettyeddy1@me.com>
Sent: Wednesday, February 07, 2018 11:42 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

Hetty Eddy
hettyeddy1@me.com

From: Colleen Ingram
To: [FORA Board](#)
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway
Date: Wednesday, February 07, 2018 2:22:31 PM

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands.

As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

Colleen Ingram

From: Jan Scott <niniscott75@gmail.com>
Sent: Wednesday, February 07, 2018 2:01 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

Jan Scott
Pacific Grove

From: Jennifer Duggan <jduggan@csumb.edu>
Sent: Wednesday, February 07, 2018 10:53 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,
Jennifer Duggan

From: Jerry Wilkinson <roostercombranch@gmail.com>
Sent: Wednesday, February 07, 2018 11:38 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,
Jerry and Lynne Wilkinson, 155 San Benancio Road, Salinas, Ca 93908

From: Jim Tarhalla <jbt@tarhalla.com>
Sent: Thursday, February 08, 2018 6:43 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public. If you had to spend your own money defending the Eastside Parkway proposal you wouldn't support it so don't waste taxpayer dollars on this fool's errand.

Sincerely,

James Tarhalla

!8478 Deertrack Place

Salinas, CA 93908

From: Kim Williams <kiwipapa8@gmail.com>
Sent: Wednesday, February 07, 2018 10:56 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,
Kim K Williams

From: Linda Cheatham <bigruffs1616@yahoo.com>
Sent: Thursday, February 08, 2018 8:09 AM
To: FORA Board
Subject: Land Watch

Dear Board,

Please support the LandWatch goals. We are behind them one hundred per cent.

Sincerely yours,
Linda Cheatham
Carmel Valley

From: Liz Hibbard <elizard5@att.net>
Sent: Thursday, February 08, 2018 2:45 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I am writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,
Elizabeth Hibbard Salinas, Ca

From: Lynn Wilde <life48dancer@att.net>
Sent: Friday, February 16, 2018 7:02 PM
To: Heidi Lizarbe
Subject: East Side Parkway

I will work to make sure my elected official who voted in favor of the East Side Parkway on Fort Ord is NOT reelected. Voting for this project, instead of spending for projects that reflect true population projections and traffic use, was irresponsible and criminal. I hope you all can't sleep at night. You have violated the public trust, and we won't forget.

Lynn Wilde

I always vote.

From: Mark Anicetti <markanicetti@gmail.com>
Sent: Friday, February 09, 2018 10:48 AM
To: FORA Board
Cc: Landwatch Monterey County Land Watch
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

From: Marsha Zelus <mzelus@mac.com>
Sent: Wednesday, February 07, 2018 10:41 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

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Sincerely,

Marsha McMahan Zelus

From: mbpwriter@gmail.com
Sent: Wednesday, February 07, 2018 4:24 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,

Mary Pendlay, Ventana Ch. Exec.

Sent from my iPhone

From: Michael Do Couto <spookx12002@yahoo.com>
Sent: Wednesday, February 07, 2018 10:36 AM
To: FORA Board
Subject: Eastside Parkway

FORA Board,

1. I reject FORA staff's proposed goals and objectives for the Eastside Parkway;
2. The community is united in support of goals to identify regional transportation needs and improve existing roads to address those needs; and,
3. Stop rescheduling the meetings to get around all this.

V/R

Michael Do Couto

From: Nancy Burnett <burnettna@gmail.com>
Sent: Wednesday, February 07, 2018 5:54 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,
Nancy Burnett

From: Nona Jean Childress <nonajeane@hotmail.com>
Sent: Thursday, February 08, 2018 7:59 AM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

We have much more urgent needs and better ways to spend our limited resources than rehashing this.

Sincerely,

Nona Childress
707 Pajaro St
Salinas CA

EXECUTIVE COUNCIL:

Chairman of the Board
Peter Scudder
Scudder Roofing

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Ernie Lostrom
Lostrom & Company, Inc.

Treasurer
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Mary Ann Leffel

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Alvarez Technology

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Hunter Harvath
Monterey-Salinas Transit

Julie King
Pierce King, P.C., Prof. Law Corp

Michael La Pier
Monterey Regional Airport

Barbara Thompson
Wells Fargo Bank

Brian Turlington
FolkTale Winery

Wesley Van Camp
Tanimura & Antle

Rob Weakley
INDUS

STAFF:

Kimbley Craig
President & CEO

Melody Burgess
Projects Manager



February 8, 2018

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

Re: Eastside Parkway

Honorable Board Members of FORA:

The Monterey County Business Council is a 100+ member organization of businesses, non-profits and governments dedicated to forging cross-sector alliances to build a vibrant and prosperous Monterey County business community. We are writing IN SUPPORT of the Eastside Parkway.

Transportation capability is a critical element to the economic success of our major industries in Monterey County. While we remain sensitive to the beauty of our area that makes Fort Ord a destination for bicyclists, hikers, and recreationalists, our baseline focus should be around ease of access to our workforce, and visitors to the area. Currently, our hospitality industry is threatened by increasing traffic congestion to Monterey County, and the Eastside Parkway would allow some traffic relief to Highway 1, Imjin Parkway, Blanco Road, and General Jim Moore Boulevard.

We encourage you to move the Eastside Parkway project forward for the future success of economic growth in Monterey County.

Sincerely,

Pete Scudder
Chairman of the Board
Monterey County Business Council



Monterey County Business Council • PO Box 2746, Monterey, CA 93942
831-216-3000 • info@mcbc.biz • www.mcbc.biz

From: Robin Robinson <manta9@comcast.net>
Sent: Tuesday, February 06, 2018 9:18 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,
Robin Robinson
Carmel, CA

From: sally j. peterson <sisterbean@redshift.com>
Sent: Wednesday, February 07, 2018 1:41 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members,

I am sending you this letter as written by Land Watch because I believe that this is a more articulate expression of the issue than one that I could write.

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Thank you for your consideration.

Sincerely,

Sally Peterson
Pacific Grove, CA

From: Sheila Clark <saclark63@gmail.com>
Sent: Wednesday, February 07, 2018 3:04 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,
Sheila Clark

Sent from my iPad

Fort Ord Reuse Authority
Attn: Board of Directors
920 Second Ave., Suite A
Marina, CA 93933

February 6, 2018

Subject: FOR A Board of Directors Meeting of February 9, 2018, Item 8 c.

Dear Sir or Madam:

I am sorry but I am unable to attend your meeting of February 9 as I will be working the AT&T tournament for VTC. However, I would appreciate your consideration of the below comments when weighing the issues and making your decisions.

Regardless of some of the public comment and additional letters you have or will receive concerning this issue, there are two points that are paramount in your deliberations. The East Side Parkway as currently understood is the end result of negotiations, changes and relationships which have occurred over the years. It stems from the requirement in the Base Reuse Plan to have an additional east west connector through historic Ft. Ord. The realities of the initially proposed south Boundary Road alternative and other ideas over all these years have changed the routing of the recommended road but not the reason for it being in the Reuse Plan. The East Side Parkway is intended to provide increased east west capacity for the traffic envisioned due to the programed build out of the base. Many of the arguments against this project arise from a desire to not allow for the complete implementation of the Base Reuse Plan. The desire to abrogate the decisions made long ago by certain factions in our community serves to protect lands they feel should rightly belong to them for their enjoyment. They do not consider the greater good for the base and its surrounding communities to be important. These are the same people who constantly harp about performing all of the required environmental reports and mitigations for all projects.

This brings me to the second reason you must take into account. The EIR for the Base Reuse Plan has many important considerations based on the project. The project includes the economic redevelopment of historic Ft. Ord, which brings with it, increased traffic. One of the major mitigations for that traffic is the east west connector now known as the East Side Parkway. Action to not complete this road carries with it the failure of that traffic mitigation. Some already completed projects and others under construction or planned would lose the ability to proceed without this provision in your EIR. This is the reason some people oppose its construction. They simply do not wish to see the completion of the Base Reuse Plan and the fulfillment of the third E of economic redevelopment in that plan.

The operative word in your name is REDEVELOPMENT. Please do not forget this imperative in a hasty decision to not complete your responsibilities to the entire area, not just the squeakiest wheel. Thank you for your consideration of these comments and for your service to our communities.



Sid Williams

From: stevepetro <stevepetro@comcast.net>
Sent: Thursday, February 22, 2018 7:29 AM
To: FORA Board
Subject: East side parkway

Follow Up Flag: Follow up
Flag Status: Flagged

Please stop the opening of East side Parkway. It would be a hazard to wildlife and cause too much traffic in affected areas. Thanks for reading this. Steve Petro

Sent from my Verizon, Samsung Galaxy smartphone

From: Tom Ward <tomaward@yahoo.com>
Sent: Wednesday, February 07, 2018 12:04 PM
To: FORA Board
Cc: subscriptions@landwatch.org
Subject: I oppose the Eastside Parkway

Dear FORA Board Members:

I'm writing to express my opposition to the goals and objectives related to the proposed Eastside Parkway, which were developed without an analysis of regional transportation needs and continue to prioritize the ill-conceived Eastside Parkway, a senseless and expensive road through valuable oak woodlands. As an alternative to the goals advanced by your staff, I urge you to adopt those proposed by LandWatch, which focus on regional transportation needs and make it a priority to improve existing roads to address those needs.

FORA has wasted an enormous amount of time and public funds promoting the Eastside Parkway, the freeway to nowhere. It is time to stop the waste and listen to the public.

Sincerely,

Tom Ward
Pebble Beach
Sent from [Mail](#) for Windows 10

From: Michael DeLapa
To: [Jon Giffen](#)
Cc: [Michael Houlemard](#); [Sheri Damon](#); [Dominique Jones](#); [Ralph Rubio](#); [Steve Endsley](#); [Jonathan Brinkmann](#); [Robert Norris](#); [Mary Israel](#); [Diane Johnson](#); [David Willoughby](#); [FORA Board](#)
Subject: Re: FORA Policy Concerning Public Testimony
Date: Thursday, February 08, 2018 7:20:58 PM

Jon,

Thank you for the helpful clarifications. I appreciate knowing that I and others who testified in January will have an opportunity to comment tomorrow.

I still don't understand what constitutes "extraordinary circumstances." I also don't see a reference to that language in the Brown Act. At FORA's January meeting, it didn't seem that the circumstances were "extraordinary" yet the Board Chair changed the three minute limit to two minutes immediately prior to testimony starting. I don't recall him asking for a show of hands that would offer some insight into what he felt were "extraordinary circumstances."

In the interests of providing precision and predictability for the public, would you please clarify the number of potential speakers that would trigger a reduction from three to two or fewer minutes. Would there ever be an occasion when the Board Chair would reduce the limit to less than two minutes? If so, would you please explain those circumstances.

One other clarification, please. Following my testimony in January the Board Chair attempted to correct something I said, offering his unsubstantiated opinion ostensibly as fact. In your opinion, is it appropriate for the Board Chair to offer an opinion on an individual's testimony? If so, how does the Board Chair avoid prejudicing that testimony when his opinion is critical?

I, too, look forward to an orderly and productive meeting tomorrow.

Regards,

Michael

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

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On Feb 8, 2018, at 6:48 PM, Jon Giffen <jgiffen@kaglaw.net> wrote:

Michael:

You are correct in understanding that members of the public who have already commented on the Eastside Parkway will not be precluded from again offering commentary at tomorrow's meeting.

Each person requesting to address the Board is ordinarily allowed up to three minutes in which to make his or her comments. In extraordinary circumstances, that time limit may need to be reduced in order to allow the meeting to be concluded within a reasonable period or before a quorum will be lost. So, for example, if an unusually large number of people express a desire to comment, it may be necessary to further limit the time allowed per speaker (so as to allow all or the greatest number of speakers to be accommodated within the time available).

I may have been a bit imprecise when I indicated in my earlier email that the Board Chair will make the decision as to whether the three minute limit needs to be cut down based on the number of people attending the meeting. You are correct that a better measure is the number of people desiring to comment (so that in a well-attended meeting in which most of the people are there merely as observers, there may not be a need to reduce the time limit applicable to those who choose to speak).

I look forward to an orderly and productive meeting tomorrow.

Best Regards,

Jon

Jon R. Giffen | Kennedy, Archer & Giffen | 24591 Silver Cloud Court, Suite 200 | Monterey, CA 93940 | Tel: 831-373-7500 | Fax: 831-373-7555 | jgiffen@kaglaw.net | www.kaglaw.net

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From: Michael DeLapa [<mailto:execdir@landwatch.org>]

Sent: Thursday, February 08, 2018 11:32 AM

To: Jon Giffen

Cc: Michael Houlemard; Sheri Damon; Dominique Jones; rafa@redshift.com; Steve Endsley; Jonathan Brinkmann; Robert Norris; Mary Israel; Diane Johnson; David Willoughby; FORA Board

Subject: Re: FORA Policy Concerning Public Testimony

Hi Jon,

Thank you for your reply. As I understand your reply, all members of the public will be allowed to testify on the Eastside Parkway tomorrow, regardless of whether they testified in January. Is that right? If not, what criteria and when will the Board Chair decide whether to allow public testimony on the Eastside Parkway from people who gave testimony at the last FORA meeting? If the answer is that he will decide before testimony starts, you can understand why that would discourage people from attending and participating in the hearing because they wouldn't know until they showed up whether they would be allowed to testify.

With regard to the duration of testimony, what criteria will the Board Chair use to decide on the duration of public testimony? For example, how many people interested in testifying would it take to trigger less than 3 minutes per speaker? Why would the number of people in attendance be relevant to limiting public testimony? Wouldn't the appropriate criteria be the number of people who are interested in testifying? If the answer is that there are no criteria and it is at the whim of the Board Chair, that, too, would discourage people from testifying because they wouldn't know how long to prepare their remarks — 3 minutes, 2 minutes, 1 minute, or something less.

Thank you for clarifying.

Regards,

Michael

Michael D. DeLapa
Executive Director
[LandWatch Monterey County](http://LandWatchMontereyCounty.com)
execdir@landwatch.org
650.291.4991 m

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On Feb 6, 2018, at 4:31 PM, Jon Giffen <jgiffen@kaglaw.net> wrote:

Hi Michael:

FORA Board Chair Ralph Rubio and Executive Officer Michael Houlemard asked me to respond to your inquiry seeking clarity and certainty to FORA's policy on public testimony.

FORA's policy on public testimony has always been and will continue to be to encourage the public to appropriately comment during public meetings. FORA recognizes the right of the public to express its views as fundamental to a free society, but also knows that right is not absolute and is subject to valid regulation. So, in conformance with the Brown Act, FORA will continue to allow an opportunity for members of the public to address the Board on any item of interest to the public that is within FORA's jurisdiction, and to comment on a specific business item before it is considered by the Board. FORA will also allow the public, near the conclusion of its meetings, to comment for up-to-three (3) minutes on jurisdictional matters not on the agenda.

The up-to-three (3) minute allowance for public comment is desired by the FORA Board, but the FORA Board Chair has the discretion given in FORA's Master Resolution to allocate the length of time for public discussion of any matter in advance of each discussion, with the concurrence of the Board, and to limit the amount of time a member of the public may address the Board in order to accommodate the number of people desiring to speak while facilitating the orderly conduct of business by the Board.

So, given the number of people in attendance at a FORA meeting, the FORA Board Chair will recognize, and balance, the right of the public to speak with the interest of facilitating the orderly conduct of business by the FORA Board.

Given the public interest in the Eastside Parkway, the FORA Board Chair recognizes the right of those members of the public who wish to speak the opportunity to express themselves for up-to-three minutes. However, if he feels at the time of the meeting that orderly FORA Board business will not be facilitated by allowing every interested member of the public to speak for the full three (3) minutes, he has the authority to limit that time.

If you have any questions, I am happy to discuss this issue with you directly before or at the next meeting, and look forward to that opportunity.

Best Regards,

Jon Giffen

Jon R. Giffen | Kennedy, Archer & Giffen | 24591 Silver Cloud Court, Suite 200 | Monterey, CA 93940 | Tel: 831-373-7500 | Fax: 831-373-7555 | jgiffen@kaglaw.net | www.kaglaw.net

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From: Michael DeLapa
To: [Jonathan Brinkmann](#)
Cc: [Michael Houlemard](#); [FORA Board](#)
Subject: Initial questions regarding Eastside Parkway staff report
Date: Thursday, February 08, 2018 10:36:31 AM

Jonathan,

I have a few initial questions about your staff report on the Eastside Parkway:

- Under “Eastside Parkway Goals and Objectives, Proposed Project Background/Need” you state: “The 1997 Fort Ord Reuse Plan identified Eastside Road as a facility within the on-site portion of the Fort Ord transportation network for the *mitigation of the reuse of Fort Ord*.” What section and pages of the [1997 Fort Ord Reuse Plan](#) identifies the Eastside Road as mitigation? Would you please clarify why this contradicts the article in the [Monterey County Weekly](#):

"FORA is also proceeding under the pretext that the road is a required environmental mitigation on the former Army base, when FORA's own Base Reuse Plan indicates it is not. FORA documents repeatedly refer to the road as an obligation – which is not a legally enforceable term – while FORA Executive Officer Michael Houlemard has referred to the Eastside Parkway as a required mitigation, which is legally enforceable. FORA spokesperson Candace Ingram says, “It’s not a mitigation.” In fact, the only required traffic mitigations under FORA’s Base Reuse Plan are off-site projects – such as widening Highway 156 – and not roads within the former Army base.”

- Under “Eastside Parkway Goals and Objectives, Proposed Project Background/Need” in the 2nd paragraph you imply that TAMC’s 2017 Free Reallocation Study justifies the Eastside Parkway. Is the 2017 Study FORA staff’s principal basis for advising the FORA board that the Eastside Parkway should be the highest transportation priority? Does TAMC support FORA staff’s interpretation that this study justifies the Eastside Parkway?
- Also in the 2nd paragraph you state that “No Build” scenario would result in 7 roadways being at deficient levels of service by 2035. What are the underlying assumptions in terms of the quantity and location of development that would result in this outcome? Did you evaluate other road improvement options vis a vis the “No Build Alternative” to determine the optimal transportation outcome for an \$18M investment in roads (i.e., the estimated cost of the Eastside Parkway)? If you were to make this investment in the Eastside Parkway how many existing roadways would still operate at deficient levels of service given other roadblocks in the regional transportation network?
- The Eastside Road has been under discussion for 21 years. Had FORA staff previously asked TAMC for a presentation on the Eastside Parkway and an opinion about its regional benefits? If so, when? If not, why?
- If the FORA staff and consultants are impartial on the proposed project, why did the staff summary mischaracterize the overwhelming public opposition to the format of the December workshops? Why does the staff report exclude quantifying the number of people testifying in support and opposition to the Parkway at the workshops? Would

- you be able to provide that data to the FORA board tomorrow?
- Why does the staff report exclude a summary of number of letters and emails in support and opposition (that is, a quantified summary of Exhibit C)? Would you be able to provide that data to the FORA board tomorrow?

Thank you for these clarifications.

Regards,

Michael

Michael D. DeLapa
Executive Director
[LandWatch Monterey County](#)
exedir@landwatch.org
650.291.4991 m

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From: [Heidi Lizarbe](#)
To: [Mary Israel](#); [Jonathan Brinkmann](#)
Subject: FW: East Side Park Way
Date: Wednesday, February 21, 2018 9:41:03 AM

From: Jim Lambert [mailto:lambertj4@yahoo.com]
Sent: Tuesday, February 20, 2018 9:50 PM
To: FORA Board <board@fora.org>
Cc: landwatch@mclw.org; State of California <senator.monning@outreach.senate.ca.gov>; CynthiaGarfield93950@gmail.com
Subject: East Side Park Way

If the East Side Park Way road was built it would impact Seaside with increase traffic; congested thoroughfares; producing noise throughout the city.

The traffic would become horrible on Coe Avenue with cars coming from Eucalyptus 9,000 vehicles. The residents on Coe Avenue would have a difficult time commuting in and out of their homes on this small single lane road; and would find it unpleasant even going to Sand City shopping center.

General Jim Moore Boulevard is projected having 16,000+ vehicles daily. That traffic merging on the end of the road would cause major traffic congestion on Canyon Del Rey Boulevard. People would look for alternative roads and that traffic would be using all the different roads coming off GJMB in the city. Many vehicles could use Broadway Avenue. Is this the vision; because of the business interest there? This would decrease retail sales in Sand City, Marina, Monterey and Carmel.

FORA Mayors, please consider expressing improvements about *U.S. Highway One*; the main thoroughfare on the peninsula. *U.S. Highway One*; needs widening to three lanes in both directions.

It time FORA stop wasting tax payer money for personal gains.

Please vote **NO**; on East Side Park Way road.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Fort Ord Reuse Authority Fiscal Year 2017-18 Mid-Year Budget/Section 115 Trust	
Meeting Date:	March 9, 2018	ACTION
Agenda Number:	8b	

RECOMMENDATION:

Adopt 1) the Fort Ord Reuse Authority (FORA) Fiscal Year 2017-18 (FY 17-18) Mid-Year Budget approving Finance Committee recommended additional expenditures, 2) authorize the Executive Officer to; a) negotiate associated contract documents for Board review/approval at a future meeting for FORA to participate in Public Agencies Post- Employment Benefits Section 115 Trust Program (Section 115 Trust) administered by Public Agency Retirement Services ("PARS") to pre-fund Pension and Other Post-Employment Benefits (OPEB), and b) adjust FORA Investment Policy for Board review/adoption at a future Board meeting.

BACKGROUND:

The mid-year budget update is typically provided by the March Board meeting. This report covers the status of the approved FY 17-18 budget. The Finance Committee reviewed the mid-year budget and Section 115 Trust at its January 10, 2018 meeting; the Executive Committee (EC) met on January 31, 2018 and reviewed the budget with respect to its role.

DISCUSSION:

The mid-year budget presents current revenue and expenditure estimates thru fiscal year end.

REVENUES: No change

EXPENDITURES: Net increase of \$6,286,160

Funding **requested:**

- **Unfunded Actuarial Liability - \$586,160:** This funds the current unfunded actuarial liability, saving interest cost and reducing estimated CalPERS \$6.3M - \$8.3M termination liability.
- **Section 115 Trust - \$5.7M:** Please review attached staff memo

Other:

- Expense reclassification of Architects and Engineers to the Capital Projects line in keeping with the Capital Project budgeting format.

Attachment A Staff memorandum to FORA EC.

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

Attachment C depicts the mid-year budget by individual funds.

Attachment D itemizes updated expenditures.

FISCAL IMPACT:

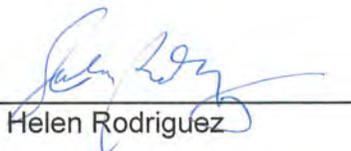
As a result of the proposed budget adjustments, the combined fund ending balance at June 30, 2018 is anticipated to be about \$40.8 Million.

COORDINATION:

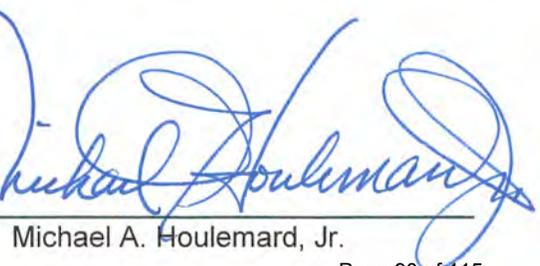
Finance Committee, Executive Committee

1. Finance Committee (making recommendations on funding availability);
 - i) The budget includes sufficient funding to absorb mid-year adjustments, and
 - ii) Adopt the FY 17-18 mid-year budget.
2. Executive Committee (makes recommendations to the Board regarding staffing/benefits adjustments);
 - i) If the Board concurs with Staff in participating in a Section 115 Trust, the Executive Committee will review a resolution to recommend creation of a Section 115 Trust and adjustment to the FORA Investment Policy at a future Board meeting.

Prepared by


Helen Rodriguez

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

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

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

MEMORANDUM

TO: Fort Ord Reuse Authority (FORA) Executive Committee (EC)
FROM: FORA Staff (Michael Houlemard, Helen Rodriguez, and Steve Endsley)
RE: Section 115 Trust Investment
DATE: January 26, 2018

RECOMMENDATION

That the Executive Committee recommend to the Fort Ord Reuse Authority (“FORA”) Board that they authorize participation in the Public Agencies Post- Employment Benefits Section 115 Trust Program (Section 115 Trust) administered by Public Agency Retirement Services (“PARS”) to pre-fund Pension and Other Post-Employment Benefits (OPEB) and authorize the Executive Officer to execute associated contract documents.

BACKGROUND

Please review the attached Executive Committee report considered by the EC at the January 3, 2018 regular meeting and Finance Committee (FC) report provided for their January 10 meeting.

As FORA staff described at the January 3, 2018 EC meeting, the FORA Executive Committee makes recommendations to the FORA Board on matters related to compensation and benefits. During the meeting the EC reviewed the potential for a Section 115 Trust and referred the question for consideration by the FC given its financial matters/budgeting role, prior to the EC recommending action to the FORA Board.

In the current FORA budget, upon recommendation by the Finance Committee, the Board set aside a \$7.3M reserve for future California Public Employee Retirement System (CalPERS) associated obligations. Staff noted to both the FC and the EC that CalPERS has concluded that the range of FORA’s post 2020 obligation is currently estimated to be between \$6.3M & \$8.1M.

DISCUSSION

The Section 115 Trust Program, to pre-fund pension and OPEB costs for retirement, is a relatively new mechanism available to California local/regional governments - and a number of Counties, municipalities, and special districts have recently taken the opportunity to enter such arrangements. FORA staff reviewed the options of the two independent retirement plan administrators, that have received the Private Letter Ruling (PLR) from the Internal Revenue Service (IRS) in looking at which would best serve FORA’s needs.

PARS has been the prevailing mechanism adopted by government agencies to access the Section 115 Trust Program to pre-fund pension and OPEB responsibilities. PARS

provides the security of a Private Letter Ruling from the IRS that assures participants of the tax-exempt status of their investments. PARS also allows FORA the flexibility to select investment strategies and portfolios to match our investment policy, providing control on target yield and level of risk. PARS has partnered with U.S. Bank to serve as trustee for this program.

Other Monterey Bay jurisdictions have taken advantage of the better returns from investing their reserves in special accounts/investment pools to address a portion of this type of future obligation. It appears that FORA may be able to take advantage of the Section 115 Trust opportunity to increase the yield of the set aside funds and, thereby, potentially increasing the impact of these funds for retiring the obligation.

After the FC reviewed this potential opportunity, they have unanimously concurred with staff's suggestion to invest with a Section 115 provider. They further have recommended that the EC concur in their recommendation for 1) funding \$586,160 of the CalPERS Unfunded Actuarial Liability, 2) investing \$5.7M in a Section 115 Trust, and 3) retaining \$1M in reserve to potentially add to the investment after reviewing initial results. The FC noted that such investment would be 1) consistent with FORA's investment Policy and 2) a wise action to potentially increase the yield of the set aside funds. FORA Staff and the FORA Finance Committee recommend using PARS as the provider for accessing the Section 115 opportunity and that the FC recommendation to invest \$5.7M be implemented in the near term.

FISCAL IMPACT

Establishing the Section 115 Trust Program to pre-fund pension obligations would require a Board resolution to create the Trust and use funds already designated for that purpose by the Board. Trust funding will restrict the use of funds that are transferred to the irrevocable trust account. \$5.7 million would be transferred to the Section 115 Trust Program to pre-fund Pension obligations. Future contributions to the Section 115 Trust Program would depend on the year end closing results in subsequent fiscal years.

According to the PARS representatives the total combined administrative, trustee and investment management fees for PARS, U.S. Bank and HighMark Capital Management start at 0.50% for assets of \$5-10 million and will become lower as assets in the Trust increase. The fees would be paid from the Trust assets.

FORT ORD REUSE AUTHORITY - FY 17-18 MID-YEAR BUDGET - BY FUND

CATEGORY	SPECIAL REVENUE FUNDS (SRF)				TOTAL ANNUAL BUDGET
	GENERAL FUND	LEASES/ LAND SALE	CFD/Tax Developer Fees	ARMY ESCA	
REVENUES					
Membership Dues	307,000	-	-	-	307,000
Franchise Fees - MCWD	415,000	-	-	-	415,000
Federal Grants	-	-	-	1,002,580	1,002,580
Development Fees	-	-	6,118,763	-	6,118,763
Land Sale Proceeds	-	-	-	-	-
Rental/Lease Revenues	50,000	-	-	-	50,000
Property Tax Payments	1,300,000	-	1,010,835	-	2,310,835
Reimbursement Agreements	5,000	-	-	-	5,000
Investment/Interest Income	90,000	-	20,000	-	110,000
Other Income	-	-	-	-	-
Total Revenues	2,167,000	-	7,149,598	1,002,580	10,319,178
EXPENDITURES					
Salaries & Benefits	8,359,021	150,480	629,869	405,880	9,545,250
Supplies & Services	304,443	19,457	97,200	54,200	475,300
Contractual Services	639,000	2,000	379,000	542,500	1,562,500
Capital Projects	-	3,750,000	9,293,796	-	13,043,796
Total Expenditures	9,302,464	3,921,937	10,399,865	1,002,580	24,626,846
REVENUES OVER (UNDER) EXPENDITURES	(7,135,464)	(3,921,937)	(3,250,267)	-	(14,307,668)
OTHER FINANCING SOURCES (USES)					
Transfer In/(Out)	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-
REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES	(7,135,464)	(3,921,937)	(3,250,267)	-	(14,307,668)
FUND BALANCE-BEGINNING 7/1/17	12,944,570	11,797,910	21,601,292	-	46,343,772
FUND BALANCE-ENDING 6/30/18	5,809,106	7,875,973	18,351,025	-	32,036,104

Fund Balances

Committed/Assigned for:

CalPers Termination	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 1,000,000
Operations	3,133,333	-	-	-	3,133,333
Habitat Management (HM/HCP)	-	-	13,829,853	-	13,829,853
Building Removal	-	3,339,000	-	-	3,339,000
CIP	-	4,536,973	4,521,172	-	9,058,145
Unassigned	1,675,773	-	-	-	1,675,773
Ending Fund Balance	5,809,106	7,875,973	18,351,025	-	32,036,104

FORT ORD REUSE AUTHORITY - FY 17-18 MID-YEAR BUDGET - BY FUND

CATEGORIES	FY 17-18 APPROVED	FY 17-18 <u>Variances</u> <i>Projected thru 6/30/18</i>	FY 17-18 Mid Year	NOTES
REVENUES				
Membership Dues	\$ 307,000	\$ -	\$ 307,000	
Franchise Fees - MCWD	415,000	-	415,000	
Federal Grants	1,002,580	-	1,002,580	
Development Fees	6,118,763	-	6,118,763	
Land Sale Proceeds	-	-	-	
Rent Proceeds	50,000	-	50,000	
Property Taxes	2,310,835	-	2,310,835	
Reimbursement Agreements	5,000	-	5,000	
Investment/Interest Income	110,000	-	110,000	
TOTAL REVENUES	<u>10,319,178</u>	<u>-</u>	<u>10,319,178</u>	
EXPENDITURES				
Salaries & Benefits	3,259,090	6,286,160	9,545,250	UAL Funding and Section 115 Trust
Supplies & Services	475,300	-	475,300	
Contractual Services	2,312,500	(750,000)	1,562,500	Reclassification of Engineers to match CIP Budget
Capital Projects (CIP)	12,293,796	750,000	13,043,796	Reclassification of Engineers to match CIP Budget
TOTAL EXPENDITURES	<u>18,340,686</u>	<u>6,286,160</u>	<u>24,626,846</u>	
REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES	(8,021,508)	(6,286,160)	(14,307,668)	<i>Use of Fund Balance</i>
FUND BALANCES				
Beginning	46,343,772	-	46,343,772	Ties to FY 16-17 Audited Financials
Ending	\$ 38,322,264	\$ (6,286,160)	\$ 32,036,104	Ending Fund Balance
Fund Balances				
<i>Committed/Assigned for:</i>				
CalPers Termination	\$ 7,300,000	\$ (6,300,000)	\$ 1,000,000	UAL Funding and Section 115 Trust
Operations	4,700,000	(1,566,667)	3,133,333	Reduced to 2 year reserve
Habitat Management (HM/HCP)	13,829,853		13,829,853	
Building Removal	3,339,000		3,339,000	
CIP	9,058,145		9,058,145	
Unassigned	<u>95,266</u>	<u>1,580,507</u>	<u>1,675,773</u>	
Ending Fund Balance	<u>\$ 38,322,264</u>	<u>\$ (6,286,160)</u>	<u>\$ 32,036,104</u>	

FORT ORD REUSE AUTHORITY - FY 17-18 MID-YEAR BUDGET - BY FUND

EXPENDITURE CATEGORIES	FY 17-18 Approved	FY 17-18 Mid-Year Proposed	Change	NOTES
				"N" indicates a new expense in FY 17-18 budget
<u>SALARIES AND BENEFITS (S & B)</u>	16 positions + 1 intern	16 positions + 1 intern		
SALARIES	1,911,684	1,911,684	-	
BENEFITS/HEALTH, RETIREMENT, OTHER	672,406	672,406	-	
TEMP HELP/VACTION CASH OUT/STIPENDS	100,000	100,000	-	
<i>SUBTOTAL S & B</i>	2,684,090	2,684,090	-	
<u>CalPERS UNFUNDED LIABILITIES (UAL)</u>				
PERS - Termination Liability		5,700,000	5,700,000	Creation of Sec 115 Trust - funding liability unfunded actuarial liability - reduces termination liability, save interest.
PERS UAL	575,000	1,161,160	586,160	
<i>SUBTOTAL PERS UAL</i>	575,000	6,861,160	6,286,160	
<u>TOTAL SALARIES , BENEFITS AND UAL</u>	3,259,090	9,545,250	6,286,160	
<u>SUPPLIES AND SERVICES</u>				
PUBLIC & LEGAL NOTICES	8,000	8,000	-	
COMMUNICATIONS	8,000	8,000	-	
DUES & SUBSCRIPTIONS	25,000	25,000	-	
PRINTING & COPY	13,000	13,000	-	
SUPPLIES	16,000	16,000	-	
EQUIPMENT & FURNITURE	25,000	25,000	-	
TRAVEL & LODGING	33,000	33,000	-	
CONFERENCE, TRAINING & SEMINARS	19,000	19,000	-	
MEETING EXPENSES	15,000	15,000	-	
TELEVISED MEETINGS	7,000	7,000	-	
BUILDING MAINTENANCE & SECURITY	10,000	10,000	-	
FORA OFFICES RENTAL	180,000	180,000	-	
UTILITIES	13,500	13,500	-	
INSURANCE	27,300	27,300	-	
PAYROLL/ACCOUNTING SERVICES	7,500	7,500	-	
IT/COMPUTER SUPPORT	29,000	29,000	-	
RECORD ARCHIVING	1,000	1,000	-	
PREVAILING WAGE TECH SUPPORT/SOFTWARE	10,000	10,000	-	
N Community Outreach/Marketing	25,000	25,000	-	
OTHER (POSTAGE, BANK FEES, MISC)	3,000	3,000	-	
<u>TOTAL SUPPLIES AND SERVICES</u>	475,300	475,300	-	
<u>CONTRACTUAL SERVICES</u>				
AUTHORITY COUNSEL	200,000	200,000	-	
LEGAL/LITIGATION FEES	125,000	125,000	-	
LEGAL FEES - SPECIAL PRACTICE	25,000	25,000	-	
AUDITORS	24,000	24,000	-	
SPECIAL COUNSEL (EDC-ESCA)	100,000	100,000	-	
ESCA/REGULATORY RESPONSE/ QUALITY ASSURANCE	460,000	460,000	-	
FINANCIAL CONSULTANT	25,000	25,000	-	
LEGISLATIVE SERVICES CONSULTANT	43,000	43,000	-	
PUBLIC INFORMATION/OUTREACH	20,000	20,000	-	
HCP CONSULTANTS	150,000	150,000	-	
FORA Sunset/Transition	50,000	50,000	-	
REUSE PLAN IMPLEMENTATION	150,000	150,000	-	
CIP/ARCHITECTS & ENGINEERS	750,000	-	(750,000)	Reclassified to CIP to match CIP budget classification
ECONOMIC DEVELOPMENT	85,500	85,500	-	
PW WAGE CONSULTANTS	75,000	75,000	-	
OTHER CONSULTING/CONTRACTUAL EXP	30,000	30,000	-	
<u>TOTAL CONTRACTUAL SERVICES</u>	2,312,500	1,562,500	(750,000)	
<u>CAPITAL PROJECTS</u>				
TRANSPORTATION/OTHER CIP PROJECTS	8,543,796	9,293,796	750,000	Reclassification of CIP Architects & Engineers
BUILDING REMOVAL	3,750,000	3,750,000	-	
<u>TOTAL CAPITAL PROJECTS</u>	12,293,796	13,043,796	750,000	
<u>TOTAL EXPENDITURES</u>	18,340,686	24,626,846	6,286,160	

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Economic Development Report

Meeting Date: March 9, 2018

Agenda Number: 8c

INFORMATION

RECOMMENDATION(S):

Receive an Economic Development (“ED”) Quarterly Report – First Quarter 2018.

ECONOMIC DEVELOPMENT QUARTERLY UPDATE

Background/Discussion:

The primary goal of the Fort Ord Reuse Authority’s (“FORA’s”) current ED effort, as referenced in the 1997 Base Reuse Plan (“BRP”) and 2012 Reassessment Report (“RR”), is to assist the three-county (Monterey/Santa Cruz/San Benito) region in general and FORA jurisdictions specifically in economic recovery from the employment, business, and other economic losses resulting from the departure of soldiers, civilians, and families post Fort Ord closure. BRP projections for full recovery include: 37,000 replacement population; 15, 000+ jobs to replace military employment and soldiers; 11-12,000 homes (6160 new units); and approximately 3 million sf commercial/office.

Prior to establishing the current ED program in 2015, extensive groundwork was directed by the FORA Board and overseen by FORA staff including: securing funding, implementation, and completion of the \$98 M Environmental Services Cooperative Agreement (“ESCA”); reuse and/or removal of 3614 of 4370 military buildings (including reopening 500+ units for affordable workforce housing); transfer of 10,013 of 17,652 habitat acres for permanent preservation; construction of \$66.5 M worth of new transportation infrastructure (including \$40M in grant funding); storm water outfall removal (including securing \$6M in grant funding); and continued and ongoing support for the veterans community leading to the Central Coast Veterans Cemetery, and the nation’s first Joint DoD/VA Veterans Clinic. Also, in concert with former Fort Ord jurisdictions, progress toward the above noted BRP goals to date are: 15,717 population; 5458 FTE jobs; 5536 homes (1345 new + 4191 reused); and 660k sf commercial. These accomplishments provide the strong foundation and equitable basis for realizing new economic development gains.

FORA’s ongoing ED strategy is based on the following key components:

- **Build upon Regional Economic Strengths** (Agriculture, Tourism, Higher Education/ Research, Military Missions)
- **Pursue New & Retain Existing Businesses/Enterprises.**
- **Engage Internal & External Stakeholders** (i.e. FORA Jurisdictions, California State University Monterey Bay (“CSUMB”), University of California Santa Cruz (“UCSC”), Monterey Bay Economic Partnership (“MBEP”), Monterey County Business Council (“MCBC”), Monterey Peninsula Chamber of Commerce (“MPCC”), and other.
- **Develop and Maintain Information Resources.**
- **Report Success Metrics.**

Per ongoing Board direction and following the strategy outlined above, staff continues to make progress on a number of key projects. The following notes summarize and highlight progress since the December 8, 2017 Economic Development Quarterly Update:

- **Business Recruitment/Retention.** FORA staff continues efforts to both respond to and broadly refer inquiries from businesses/contacts interested in location or relocation and reuse of former Fort Ord real estate. Developer engagement in recent months include interest in affordable housing, hospitality, and light industrial/commercial projects. Staff is playing a critical role in advancing airport related development interest at Marina Municipal Airport and UCMBEST. As part of a response to Federal Aviation Administration (“FAA”) call for proposals, staff completed an Unmanned Aerial Systems Integration Pilot Program (“UASIPP”) submission in partnership with the City of Marina and local private sector partners. The proposal includes two main parts- technological innovation and economic development. The pending proposal would help attract new aerospace industries to our region and leverage existing airport facilities in Marina. Staff supported on-going planning processes for City of Seaside projects, with particular emphasis on optimizing urban design, and facilitating key contacts. Staff is also actively engaged with business recruitment efforts through the Central Coast Marketing Team (“CCMT”) including continued development and management of TeamCentralCoast.org. This new website provides a useful web resource to support business location decisions and integrates OppSites software as an opportunity site marketing resource. Efforts are underway to prepare/package site marketing content, and strategies in collaboration with partners. Staff continues working with relevant jurisdiction staff and elected officials where appropriate to advance new and emerging opportunities.
- **University of California Santa Cruz (“UCSC”) Monterey Bay Education, Science and Technology (“UCMBEST”).** The vision for UCMBEST as a regional R&D tech innovation and regional employment center has yet to be realized. Even after 21 years of UC ownership only a small fraction of new venture and employment opportunities exist on the lands conveyed for that purpose. FORA has a critical interest in seeing progress made on the UCMBEST vision. To that end, Executive Officer Michael Houlemard and Economic Development Manager, Josh Metz have taken active roles in convening relevant stakeholders to infuse the effort with new energy and craft a viable route forward. Advancing existing planning efforts to conclusion and entitlement for future sale, lease or other transfer, as well as exploring a wide range of future ownership/management structures are key areas of staff/stakeholder focus.

Vice Chancellor Scott Brandt provided a UCSC-UCMBEST Status Report at the April 7, 2017 Board meeting. Assistant Vice Chancellor for Research, Mohamed Abousalem, provided a UCSC-UCMBEST Status Report at the November 17, 2017 Board meeting. UCSC staff continue working internally to prepare the West Campus Parcels, and other ancillary parcels for public auction. They also are working with the City of Marina staff to complete environmental review of the jointly prepared Specific Plan and subdivision maps. Once complete, these process will enable productive/job generating use of UCMBEST lands.

Mr. Metz and Mr. Houlemard continue to represent FORA in bi-weekly status update calls with UC Santa Cruz and Monterey County representatives. Focus of the planning group included: Moving West Campus parcels to auction; Completing North Central Campus sub-division map and specific plan (City of Marina) – then water and environmental; advancing East Campus mixed-use development planning with UCSC and County. UC Office of the President and UCSC leadership provided Letters of Support for UASIPP

submission, from the City of Marina and FORA. If successful, this designation would provide a catalyst to attract new employers to the region.

- **Start-up Challenge Monterey Bay/California State University Monterey Bay (“CSUMB”) Collaboration.** FORA continues to support expansion of regional entrepreneurship through collaboration with CSUMB on a broad Start-up Monterey Bay initiative including high quality events throughout the year. The annual cycle of entrepreneurship events culminating in the Startup Challenge Monterey Bay kicked-off this year with the Startup Hackathon, held at CSUMB Nov 3-5. Over 110 participants spent the weekend hacking tech solutions for disaster/response/recovery. Startup Weekend Monterey Bay was held on January 29, 2018 and the Startup Challenge process is now underway. FORA hosted a Startup Challenge Workshop on Thursday March 1. The Startup Challenge will culminate in the Otter Tank competition in May 2018.

Other collaborations with CSUMB faculty and staff include: creation of a new Startup Monterey Bay website to facilitate continuous engagement and growth of the Startup Monterey Bay community; contribution toward planning a November 2018 Sustainable Hospitality Forum in Monterey; Continuing to cultivate relationships and interest from the visiting Costa Rica delegation (Oct 31, 2017); Development of a new Monterey Bay Eco-recreation and Tourism Region website (MBETR.org) to provide a web hub for the efforts of regional educational, business, and government officials in increasing the viability/profitability of sustainable hospitality/eco-recreation tourism in the Monterey Bay region; and continuing collaboration with planning and economic development initiatives including R&D Business park, recreation, and residential resources. The sustained growth in relationships and mutually beneficial projects and initiatives highlights value generated from working relationships with CSUMB faculty/staff.

- **Community Engagement/Jurisdiction Support.**

Community engagement/jurisdiction support remains a focus for ED staff. Staff engaged with the following processes since the December ED Progress Report:

FORA ED staff supported the City of Seaside Campus Town planning in developer/consultant informational meetings, and provided affordable housing information and resources to development teams. Staff also supported on City request, developer interest and concept refinement for productive reuse of the former nursing quarters in the City of Seaside. Staff also supported on-going land use optimization discussions in and around the Campus Town Specific Planning Area.

Staff worked closely with the City of Marina Airport Manager and Economic Development team to complete the UASIPP application. Inclusive in the proposal is an extensive public outreach and engagement component which would be an integral part to realizing the potential for UAS innovation business attraction at the Marina Airport.

- **Metrics: Housing Starts:** New residential development at the Dunes on Monterey Bay, Sea Haven, and East Garrison continues to gain momentum. A summary of CFD fees collected over the past 3 years and projected for FY 17/18 is provided below:

New Residential	FY 14/15 Full year	FY 15/16 Full year	FY 16/17 Full Year	FY 17/18 Projected
Total Units	89	256	317	258
Total CFD Fees	\$1,982,669	\$5,202,626	\$7,329,706	\$6,149,946

Jobs: Staff began conducting the 2018 Jobs Survey in January, through email surveys, followed by phone calls, then site visits. Initial results indicate a total of 5458 jobs (3971 Full-time Equivalent (“FTE”) and 1487 part-time (“PT”)) on the former Fort Ord. These results suggest a 9% increase in total jobs from 2017 (11% growth in FTE and 5% growth in PT jobs). Total surveyed businesses increased from 117 to 133 (12% change), some new, some previously unreported. In addition, we estimate there are approximately 3,000 construction contractor positions in 3 main developments and CSUMB, and in excess of 10,000 students (7122 at CSUMB). A full Jobs Report will be released during Q2 2018.

Looking Forward

The following events and initiatives will be in focus for the FORA economic development team in the months ahead: FAA UASIPP; Business Recruitment; Monterey Bay Ecotourism Region website; Startup Challenge, Jan-April. CALED Annual Conference March 14-16 (including Fort Ord tour). MBEP Regional Economic Summit, Watsonville. May 3. Forbes 4th Annual AgTech Summit, Salinas July.

FISCAL IMPACT:

Reviewed by FORA Controller HF signing for *Helia Rodriguez*

Funding for staff time and ED program activities is included in the approved FORA budget.

COORDINATION:

Administrative and Executive Committees

Prepared by

Josh Metz
Josh Metz

Approved by

Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Transition Planning Update

Meeting Date: March 9, 2018

Agenda Number: 8d

INFORMATION/ACTION

RECOMMENDATION

- i. Receive a transition planning issue update
- ii. Receive transition plan habitat and transportation summary charts

BACKGROUND/DISCUSSION

1. At the January 12, 2018 FORA Board meeting, staff presented the Transition Plan workplan. The first two summary charts of the Transition Plan were presented at that time (Financial and Water). The workplan requires a strict schedule of summary charts in order to meet the Transition Plan submission date prior to December 30, 2018. Accordingly, we are including the draft Transition Plan summary charts for known habitat and transportation components. We expect further discussion and refinements during the Transition Ad Hoc Committee discussions. Since the February board meeting, staff has worked to successfully schedule a TAC meeting, now set for March 5, 2018. Additionally, staff has received notification that TAMC will be unable to participate in the TAC due to workload and their focus on Measure X responsibilities.
2. FORA staff remains in communication with the Local Area Formation Commission (LAFCO) to secure a draft Indemnification Agreement. Since environmental review will be required, a brief exploration with an environmental consultant has estimated environmental review costs range up to \$200,000 (depending upon the required level of environmental analysis).
3. Attached this month are the summary charts for habitat and transportation. FORA staff has been working with affected jurisdictions toward the issuance of a base-wide habitat conservation plan, along with its Federal Section 10 permit, and a base-wide 2081 permit from California Department of Fish and Wildlife. It is hoped that implementation and longterm management of those basewide permits and attendant funding will be managed by the Fort Ord Regional Habitat Cooperative (Cooperative) joint powers authority, which has not yet been formed but is in the process of formation. The Cooperative cannot be named as a successor entity, unless it is in legal existence at the time of LAFCO action on the Transition Plan. The HCP requires longterm management and funding well in advance of the Section 10/2081 permit expiration and is projected to be approximately \$46M dollars post 2020, in addition to the approximately \$15M already collected.
4. Also attached are the contracts affecting transportation projects. There are multiple reimbursement agreements for local road projects that are currently in FORA's Capital Improvement Program (CIP) and will be assigned most likely as a liability to all land use entities. A chart of transportation projects, the anticipated lead agency assignments, priorities and anticipated completion dates to the Transportation Summary Chart. Only FORA lead agency projects, not yet completed by 2020, will be assigned to be completed prior to a date certain.

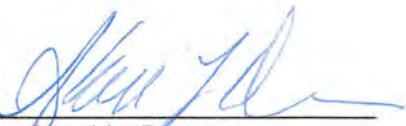
FISCAL IMPACT

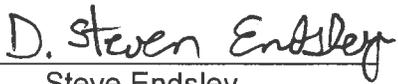
Reviewed by FORA Controller 

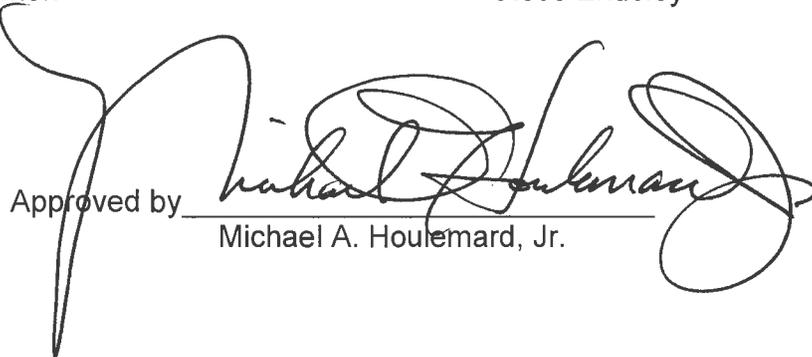
Staff time/legal are generally within the approved annual budget, and have been added to current staff workload. Staff anticipates presenting future transition plan budget items for Board consideration.

ATTACHMENTS:

- Attachment A: Summary Chart: Habitat
- Attachment B: Summary Chart: Transportation

Prepared by 
Sheri L. Damon

Reviewed by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.

TRANSITION PLANNING/SUMMARY CHART

HABITAT

SUMMARY OF OBLIGATIONS AND SOURCE

When the Army began its disposal process for the former Fort Ord, it was required to comply with Federal regulations in that process. As part of the disposal process, it took into consideration the local planning efforts at the time, which set aside a significant amount of the approximately 28,000 acres for habitat protection and recreational use. During that process, the Army, FORA, BLM, State Parks, CalTrans, UCSC, County of Monterey, UCNRS, MPRPD, and City of Marina executed a Habitat Management Plan (HMP) with the United States Fish and Wildlife Service. The applicable measures set forth in the HMP are required to be complied with by all real property recipients on the former Fort Ord. The 1997 Base Reuse Plan (BRP) Final Environmental Impact Report (FEIR) described a biological resources impact from implementation of the BRP as: “Loss of sensitive species and habitats addressed in the Habitat Management Plan (HMP)” (pg. 4-164). It is noted that this impact is considered less than significant through implementation of BRP Biological Resources policies and programs, the HMP, and the HMP Implementing/Management Agreement (pg. 4-173). Although the BRP policies and programs and HMP are currently in effect, the US Fish and Wildlife Service and California Department of Fish and Wildlife did not sign the HMP Implementing/Management Agreement. Instead, they have required FORA and former Fort Ord land owners to complete a Habitat Conservation Plan (HCP) prior to issuance of Federal and State Incidental Take Permits. Therefore, FORA and Fort Ord Jurisdictions must complete an HCP as a BRP implementation step. The long-term management and funding of those protected areas (Est. at \$46M post-2020) are to be addressed in the basewide documents which have not yet completed the public review process.

EXISTING CONTRACTS AFFECTING HABITAT

Please see **Exhibit A**.

Habitat Management

Contract	Year	Asset/Liability Pledge/Obligation	Multi-Agency	Multi-Agency Notes
County-FORA-Developer Endangered Species MOA	2005	Obligation/Liability	County/Habitat Cooperative	
Del Rey Oaks-FORA-Developer Endangered Species MOA	2005	Obligation/Liability	County/Habitat Cooperative	
FORA-UCSC Agreement Concerning Funding of Habitat Management Related Expenses on the Fort Ord Natural Reserve	2005	Obligation/Liability/A	Habitat Cooperative/County?	This Agreement may be replaced by the basewide HCP when adopted.
Habitat Management Plan	1997	Obligation/Liability	Marina/Seaside/County/City of Monterey/MPC/CSUMB/All property recipients	
Parker Flats - East Garrison biological assesement	2005			
Proposed East Garrison-Parker Flats Land Use Modification MOU	2005			
USFWS EG-PF BiologicalAssessment Concurrence Letter	2002			

TRANSITION PLANNING/SUMMARY CHART

TRANSPORTATION

SUMMARY OF OBLIGATIONS AND SOURCE

FORA was required by the Authority Act to plan and adopt a transportation network as well as a public financing plan. As a part of the Base Reuse Plan, FORA adopted a transportation network and incorporated those elements into a Capital Improvement Program as a part of its financing program. As codified in the Capital Improvement Program, FORA's obligations are monetary in the form of reimbursement agreements or financial contributions to regional roadway projects or actual construction. The 1997 Base Reuse Plan (BRP) Final Environmental Impact Report (FEIR) described a Traffic and Circulation impact from implementation of the BRP as: "Increased travel demand on Regional Transportation System" (FEIR pg. 4-108). The FEIR noted that implementation of BRP policies and programs for transit, transportation demand management, and non-vehicular circulation "would help reduce impacts, but would not be sufficient to eliminate significant impacts due to deterioration of Levels of Service (LOS) on regional roadways" (FEIR pg. 4-112). The FEIR identifies two mitigations for this impact: 1) add wording to Streets and Roads Policy A-1.2 requiring FORA to review options for distributing its financial contributions to off-site transportation improvements to maximize effectiveness in reducing regional roadway system traffic impacts; and 2) FORA shall establish a Development Resource and Management Plan (DRMP) to establish programs and monitor Fort Ord development to assure that development does not exceed resource constraints from transportation facilities and water supply (FEIR pg. 4-111 and pg. 4-112). The DRMP includes the following Fair Share Financing Program: "FORA shall fund its "fair share" of "on-site," "off-site," and "regional" roadway and transit capital improvements based on the nexus analysis of the TAMC regional transportation model" (BRP pg. 195). The DRMP also requires FORA to "annually update its CIP to reflect proposed capital projects," including on-site, off-site, and regional roadways (BRP pg. 202). To the extent the roads are to be constructed by FORA those obligations are required to be assigned to a successor, whose responsibility will be to complete the construction in accordance with the timelines set forth for completion.

EXISTING CONTRACTS AFFECTING TRANSPORTATION

Please see **Exhibits A1 and A2**.

Transportation Contracts

Contract	Year	Asset/Liability Pledge/Obligation	DATE COMPLETION	Multi-Agency	Multi-Agency Notes
FORA-City of Marina reimbursement agreement for Abrams, Crescent, 8th Street, and Salinas Roads	2007	Liability/Obligation:		City of Marina: Obligation Other Cities Liability:	[1]
FORA-County of Monterey reimbursement agreement for Davis Road Improvements	2005	Liability/Obligation:		County	[3]
FORA-TAMC Reimbursement Agreement Concerning Hwy 68 Operational Improvements	2014	Liability/Obligation:			
FORA-Monterey Bay Charter School Traffic MOU	2015	Asset			
MST - TAMC-Marina-FORA MOU	2007				
Whitson Engineers (Master Services)	2017	Asset			
Capital Improvement Program Transportation Assignments	TBD	Liability/Obligation		As Assigned.	

Notes:

[1] Contract deals with Four Streets: 8th Street: 4,871,433; Crescent: 1,018,004 (Already completed pd. Approx. \$400,000 remainder reallocated to other projects); Abrams Drive: 852,578; Salinas Road: \$3,410,313

[2] Contract is City of Marina assigning a portion of the above reimbursement Agreement to Dunes for building a portion of 8th Street.

Cell: S6

Comment: Four Streets:

8th Street: 4,871,433

Crescent: 1,018,004 (Already completed pd. Approx. \$400,00 remainder reallocated to other projects).

Abrams Drive: 852,578

Salinas Road: 3410313

Cell: S7

Comment: Sheri Damon - 2:

\$1,000xxx to MCP for 8th Street b/t 2nd & 3rd - Complete

	Proj#	Description	Obligation	Assignment	Est. Completion*
TAMC/Caltrans	R3a	Hwy 1-Del Monte-Fremont-MBL	\$ 13,565,097	TAMC	
TAMC/Caltrans	R10	Hwy 1-Monterey Rd. Interchange	\$ 3,604,250	TAMC	
TAMC/Caltrans	R11	Hwy 156-Freeway Upgrade	\$ 16,993,507	TAMC	
Subtotal Regional Roads			\$ 34,162,854		
Off-Site Improvements					
	Proj#	Description	Obligation	Assignment	Est. Completion*
Monterey County	1	Davis Rd north of Blanco	\$720,208	CO	2025-2026
Monterey County	2B	Davis Rd south of Blanco	12,733,317	CO	2022-2023
Monterey County	4D	Widen Reservation-4 lanes to WG	9,390,281	CO	2025-2026
Monterey County	4E	Widen Reservation, WG to Davis	4,978,440	CO	2024-2025
City of Marina	8	Crescent Ave extend to Abrams	399,475	MARINA	2017-2018
City of Marina	10	Del Monte Blvd Extension	947,000	MARINA	
Subtotal Off-Site			\$29,168,721		
On-Site Improvements					
	Proj#	Description	Obligation	Assignment	Est Completion
City of Marina	FO2	Abrams	\$1,127,673	MARINA	2019-2020
City of Marina	FO5	8th Street	6,443,262	MARINA	2021-2022
FORA	FO6	Intergarrison	6,324,492	CO	2021-2022
FORA	FO7	Gigling	8,495,961	SEASIDE	2020-2021
FORA	FO9C	GJM Blvd	1,083,775	DEL REY OAKS	2019-2020
City of Marina	FO11	Salinas Ave	4,510,693	MARINA	2021-2022
FORA	FO12	Eucalyptus Road	532,830	SEASIDE	2018-2019
FORA	FO13B	Eastside Parkway	18,611,779	CO	2024-2025
FORA	FO14	South Boundary Road Upgrade	3,733,921	DEL REY OAKS	2019-2020
Subtotal On-Site			\$50,864,386		

Funding Completion

Yellow Highlights: Construction Completion

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:

Marina Successor Agency Request that FORA subordinate its Right to Statutory Payments – agenda item necessary in the event of a 2d Vote to protect FORA’s right to approve/disapprove Successor Agency request within 45 days of receipt of request.

Meeting Date:

March 9, 2018

Agenda Number:

8e

INFORMATION/ACTION

RECOMMENDATION(S):

Direct staff to transmit the attached response letter (**Attachment A**), requesting more information and denying the request to subordinate FORA’s right to statutory payments.

BACKGROUND/DISCUSSION:

On January 25, 2018, FORA received a letter (**Attachment B**) from the Successor Agency to the Marina Redevelopment Agency (Successor Agency) requesting that the Fort Ord Reuse Authority (FORA) subordinate its right to receive certain statutory payments, pursuant to Health and Safety Code section 34177.5(c) from the Successor Agency’s Redevelopment Property Tax Fund (RPTTF) revenue, to the Successor Agency’s debt service obligations on the 2018 Tax Allocation Refunding Bonds (Bonds). In its letter, the Successor Agency also informed FORA that, within 45 days of receipt of their letter, FORA is required to approve or disapprove the request for subordination with respect to the Bonds.

After detailed review by Authority Counsel and staff, staff recommends that the FORA Board direct staff to transmit a letter (Attachment A), requesting more information and denying the Successor Agency’s request to subordinate FORA’s right to statutory payments. Staff finds that the Debt Coverage Table, included with the Successor Agency’s letter, does not demonstrate the Successor Agency’s ability to make such payments for the following reasons:

1. The Successor Agency did not provide evidence of past revenue collection, such as audited financial statements, which would substantiate the revenue assumptions used in the Debt Coverage Table;
2. Property tax revenues typically increase on an annual basis as assessed value increases. The revenue assumptions in the Debt Coverage Table appear incorrect because they do not increase over time and are therefore misleading and inaccurate;
3. Jurisdictions on former Fort Ord cannot create any land-based financing without the FORA Board’s consent, except for purposes specified in the FORA Capital Improvement Program according to the FORA Act, California Government Code section 67679(d)(12). The Successor Agency did not request or obtain the FORA Board’s consent to create land-based financing;
4. The Successor Agency did not provide assurance or analysis of whether its proposed Bonds will interfere with FORA’s ability to issue debt as needed to carry out its responsibilities; and
5. The Successor Agency did not provide assurance or analysis of whether the proposed Bonds will interfere with other jurisdictions’ efforts to use this revenue source to fund former Fort Ord basewide obligations, such as water augmentation, transportation/transit, Habitat Management, and Building Removal.

In 2002, FORA issued revenue bonds under similar circumstances. FORA's revenue bonds were backed by FORA's share of Preston Park lease revenue. FORA agreed not to affect Marina's share of the lease revenue and to only access FORA's 50% share. FORA retired those 2002 revenue bonds without affecting Marina's income stream. Given this example and FORA's financial obligations, FORA has the prerogative to expect the same treatment from the Successor Agency. FORA staff are willing to meet with Successor Agency staff to identify an equitable solution that allows both the Successor Agency and FORA to meet their financial needs.

FISCAL IMPACT:

Reviewed by FORA Controller HF signing for Helen Rodriguez
Staff time for this item is included in the approved annual budget.

COORDINATION:

Authority Counsel and Executive Committee.

Prepared by Jonathan Brinkmann
Jonathan Brinkmann

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

March 7, 2018

Layne Long
City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Re: Successor Agency's request that FORA subordinate its right to statutory payments

Dear Mr. Long:

I am writing this letter to respond to your letter (received January 25, 2018), requesting that the Fort Ord Reuse Authority (FORA) subordinate its right to receive certain statutory payments, pursuant to Health and Safety Code section 34177.5(c) from the Successor Agency's Redevelopment Property Tax Trust Fund (RPTTF) revenue, to the Successor Agency's debt service obligations on the 2018 Tax Allocation Refunding Bonds (Bonds).

FORA is writing to inform you that FORA disapproves your request for subordination with respect to the Bonds. As asserted by you, and pursuant to HS§34177.5(c)(2), a requesting agency is required to provide substantial evidence that it can pay amounts required by Section 34183(a)(1). However, FORA's payments are paid pursuant to Chapter 4.5 of the Military Base Act and, more specifically, tax increment allocations are made pursuant to 33492.70 and following.

FORA is unable to determine, based upon the information provided, that Marina will be able to meet its indebtedness to FORA pursuant to Health and Safety Code section 33492.15. Additionally, FORA believes that subordination at this time will interfere with its ability to issue debt as needed to complete its responsibilities. In your letter, you note that FORA is required to approve or disapprove the request for subordination with respect to the Bonds within 45 days of receipt of this letter. This letter meets this requirement. We are requesting that you provide us with substantial evidence that you have the right that you assert and any supporting information that substantiates it.

FORA finds that the Debt Coverage Table does not demonstrate the Successor Agency's ability to make such payments for the following reasons:

1. The Successor Agency did not provide evidence of past revenue collection, such as audited financial statements, which would substantiate the revenue assumptions used in the Debt Coverage Table;
2. Property tax revenues typically increase on an annual basis as assessed value increases. The revenue assumptions in the Debt Coverage Table appear incorrect because they do not increase over time and are therefore misleading and inaccurate;

3. Jurisdictions on former Fort Ord cannot create any land-based financing without the FORA Board's consent, except for purposes specified in the FORA Capital Improvement Program according to the FORA Act, California Government Code section 67679(d)(12). The Successor Agency did not request or obtain the FORA Board's consent to create land-based financing;
4. The Successor Agency did not provide assurance or analysis of whether its proposed Bonds will interfere with FORA's ability to issue debt as needed to carry out its responsibilities; and
5. The Successor Agency did not provide assurance or analysis of whether your proposed Bonds will interfere with other jurisdictions' efforts to use this revenue source to fund former Fort Ord basewide obligations, such as water augmentation, transportation/transit, Habitat Management, and Building Removal.

FORA has a right to this revenue stream stemming directly from a tax sharing formula included in the California Health and Safety Code sections 33492.70 and following. Under similar circumstances, FORA issued revenue bonds in 2002, backed by FORA's share of Preston Park lease revenue. FORA agreed to only access FORA's statutory 50 percent share of the lease revenue and not affect Marina's share of the lease revenue. FORA retired those revenue bonds without affecting Marina's share of the revenue. FORA would expect the same treatment from the Successor Agency to the Marina Redevelopment Agency. FORA staff are willing to meet with you and your staff to discuss this matter further and come to an equitable solution that allows the city to proceed with efforts to accomplish its objectives.

Sincerely,

Michael A. Houlemard, Jr.



CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.ci.marina.ca.us

January 22, 2018

Fort Ord Reuse Authority
902 2nd Avenue, Suite A
Marina, CA 93933

Ladies and Gentlemen:

The Successor Agency to the Marina Redevelopment Agency (the "Successor Agency"), as allowed under Health and Safety Code Section 34177.5(a)(4), intends to issue 2018 Tax Allocation Refunding Bonds (the "Bonds") in accordance with the requirements of the Disposition and Development Agreement with Marina Community Partners originally entered into in 2006 as amended by the Second Implementation Agreement entered into in 2008 ("DDA") providing for the development of what is referred to as the Dunes Development. The DDA is an enforceable obligation listed annually on the Successor Agency's Recognized Obligation Payment Schedule ("ROPS"). The DDA, along with a Tax Increment Financing Plan and Agreement entered into in 2008, pledged to Marina Community Partners ("MCP") the tax increment generated by the Dunes development as well as additional low and moderate income housing fund tax increment from the Marina Heights development project to pay for infrastructure and affordable housing costs associated with the Dunes project. The Second Implementation Agreement as well as the Tax Increment Financing Plan and Agreement provides that MCP may from time to time request that the Former Redevelopment Agency issue bonds secured by the pledge of tax increment in the DDA and the Tax Increment Financing Plan. MCP has made such a request and the Successor Agency and the Oversight Board to the Successor Agency have approved the issuance of the bonds.

The Successor Agency is proposing to issue bonds in an amount not to exceed \$17,500,000 in two series of bonds. The bonds would have a 20-year term. The actual amount of bonds to be issued will depend upon interest rates at the time of issuance and whether the bonds are tax exempt or taxable bonds. The debt service on the bonds will be paid solely from the funds that are pledged to MCP pursuant to the DDA and that are currently paid to MCP pursuant to the ROPS process. The proceeds of the bonds will be paid to MCP to reimburse MCP for costs associated with the Dunes development project.

By this letter we request that the Fort Ord Reuse Authority ("FORA") subordinate its right to receive certain statutory payments from the Successor Agency's RPTTF revenue, to the Successor Agency's debt service obligations on the Bonds.

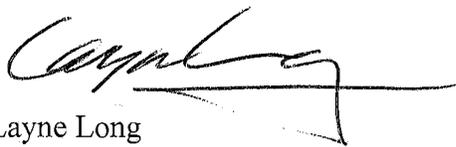
Statutory Pass-Through Payments

Pursuant to Section 33492.71 of the California Health and Safety Code (the "Statute"), the FORA is entitled to receive statutory pass-through payments (the "Statutory Payments") from RPTTF revenue received by the Successor Agency from the Former Fort Ord Redevelopment Project Area (the "Project Area").

Health and Safety Code Section 33492.72 provides for the subordination of the FORA's right to receive the Statutory Payments to the Successor Agency's debt service obligation under the Bonds, upon a showing by the Successor Agency that there will be sufficient revenue to pay the debt service on the Bonds affecting the Project Area, as well as meet the Successor Agency's other obligations, including making the Statutory Payments to the FORA pursuant to Health and Safety Code Section 34183(a)(1). Accordingly, attached as Exhibit A to this letter, is a debt coverage table from the Successor Agency's fiscal consultant (the "Debt Coverage Table") which shows that the Successor Agency will have sufficient revenue to repay the Bonds associated with the Project Areas without demand being made on the Statutory Payments due the FORA under Section 34183(a)(1).

Under the terms of Health and Safety Code Section 33492.72, the FORA is required to approve or disapprove the request for subordination with respect to the **Bonds within forty-five (45) days after receipt of this letter**. Under Section 33492.72(c), the FORA may disapprove the request only if it finds, based upon substantial evidence, that the Successor Agency will not be able to pay debt service on the Bonds, as well as make the Statutory Payments to the FORA under Section 34183(a)(1). The attached Debt Coverage Table demonstrates the Successor Agency's ability to make such payments. If the FORA does not act within forty-five (45) days after receipt of this request, the request for subordination of the Statutory Payments with respect to the refunding Bonds associated with the Project Areas shall be deemed approved, all in accordance with Section 33492.72.

Sincerely,



Layne Long
City Manager
City of Marina

SUBORDINATION CERTIFICATE

CERTIFICATE OF THE FORT ORD REUSE AUTHORITY IMPLEMENTING
SUBORDINATION OF PAYMENTS FROM THE SUCCESSOR
AGENCY TO THE MARINA REDEVELOPMENT AGENCY

By its execution of this Certificate below, the Fort Ord Reuse Authority, ("FORA"), hereby certifies and agrees as follows:

1. Pursuant to Section 33492.71 of the California Health and Safety Code, the FORA is entitled to receive statutory pass-through payments (the "Statutory Payments") from the tax increment revenue received by the Successor Agency from the Former Fort Ord Redevelopment Project Area.

2. The Successor Agency has requested that FORA approve a subordination of its right to receive Statutory Payments, to the Successor Agency's pledge of RPTTF funds for the repayment of Bonds.

3. In connection with such request, the Successor Agency has submitted evidence (including a Debt Coverage Table) relating to the Successor Agency's anticipated ability to repay the Bonds without demand being made on the statutory and contractual pass-through payments, due to FORA.

4. The evidence submitted by the Successor Agency demonstrates to FORA's satisfaction that the RPTTF Revenue needed to make the statutory and contractual pass-through payments due to FORA, will be used in the cash-flow for the Bonds only for additional security (debt service coverage) and that the RPTTF revenue, together with other pledged funds, will be adequate, over the term of the Bonds, to pay 100% of the actual debt service thereon, to pay the Successor Agency's pass-through obligations, and to pay all other enforceable obligations of the Successor Agency with respect to the Redevelopment Project Area, whether statutory or contractual, which are or would be superior to the Successor Agency's pass-through obligations.

7. FORA hereby approves the Successor Agency's request and agrees to the subordination of the District's statutory pass-through payments, to the pledge of RPTTF for the repayment of the Bonds.

Dated: _____

Attachment A
 Projection of Revenues Available to Fully Satisfy Subordinated Pass Through Obligations
 City of Marina Successor Agency
 December 18, 2017
 \$Thousands

Fiscal Year	A. Assessed Valuation of the Dunes Project (2)	B. Gross Property Tax Revenues: Dunes Project @1% of AV	C. Less: County Admin Expense @1.55%	D. Sea Haven Housing Revenues(3)	E. Projected Site-Specific Revenue Available for Debt Service and Pass Throughs	F. Less: Estimated Debt Service on 2017 Bonds (Series A and B)(4)	G. Balance Available for Pass Throughs	H. Projected Site Specific Pass Through Obligations: Dunes Project	I. Excess Available Above Pass Through Requirements
2017-18	288,998	2,890	(45)	67	2,912	(359)	2,553	1,600	953
2018-19 (1)	326,835	3,268	(51)	71	3,288	(1,133)	2,156	1,815	341
2019-20	326,835	3,268	(51)	71	3,288	(1,135)	2,154	1,815	339
2020-21	326,835	3,268	(51)	71	3,288	(1,136)	2,152	1,410	742
2021-22	326,835	3,268	(51)	71	3,288	(1,132)	2,156	1,410	746
2022-23	326,835	3,268	(51)	71	3,288	(1,137)	2,151	1,410	741
2023-24	326,835	3,268	(51)	71	3,288	(1,131)	2,158	1,410	748
2024-25	326,835	3,268	(51)	71	3,288	(1,133)	2,156	1,410	746
2025-26	326,835	3,268	(51)	71	3,288	(1,133)	2,155	1,410	745
2026-27	326,835	3,268	(51)	71	3,288	(1,132)	2,156	1,410	746
2027-28	326,835	3,268	(51)	71	3,288	(1,135)	2,154	1,410	744
2028-29	326,835	3,268	(51)	71	3,288	(1,135)	2,153	1,410	743
2029-30	326,835	3,268	(51)	71	3,288	(1,133)	2,155	1,410	745
2030-31	326,835	3,268	(51)	71	3,288	(1,135)	2,154	1,410	743
2031-32	326,835	3,268	(51)	71	3,288	(1,134)	2,154	1,410	744
2032-33	326,835	3,268	(51)	71	3,288	(1,131)	2,157	1,410	747
2033-34	326,835	3,268	(51)	71	3,288	(1,136)	2,152	1,410	742
2034-35	326,835	3,268	(51)	71	3,288	(1,128)	2,160	1,410	750
2035-36	326,835	3,268	(51)	71	3,288	(1,133)	2,155	1,410	745
2036-37	326,835	3,268	(51)	71	3,288	(1,135)	2,153	1,410	743
2037-38	326,835	3,268	(51)	71	3,288	(1,134)	2,154	1,410	744

Notes:

- (1) Increase in revenues in 18-19 is due to AV added from 2017 construction completions and recorded home sales totaling \$43.6 M for Dunes Project and \$2 M for Sea Haven, as offset for an estimated \$5.7 million reduction in AV as a result of assessment appeals.
- (2) For purposes of the projection, County reported FY 2017-18 assessed values are assumed to remain constant, with the exception of new construction completed in 2017 per note 1.
- (3) Includes former low and moderate income housing funds from the Sea Haven project.
- (4) Payment of principal and interest on the proposed 2017 Bonds is secured by a pledge of certain site-specific property tax revenues only. Estimated debt service provided by Stifel Nicolaus & Company, November 14, 2017.
- (5) Decrease in pass throughs in 2020-21 is due to sunset of the Fort Ord Reuse Authority (FORA) on June 30, 2020 pursuant to Section 67700 of the California Government Code and redistribution of pass through amounts currently paid to FORA.

Actual taxable values and RPTTF revenues may vary from the amounts in this projection.
 Prepared by Keyser Marston Associates, Inc.
 C:\Users\jfranklin.KMA\AppData\Local\Microsoft\Windows\NetCache\IE\G003VINQ\Subordination request 12-18-17; sub request tab