



Jen Simon <jen@fora.org>

MBCLC Prevailing Wage Letter

1 message

Glen Schaller <glenschaller@gmail.com>

Thu, May 14, 2020 at 10:29 AM

To: board@fora.org, Cesar Lara <labordirector@gmail.com>, Ron Chesshire <idachesshire@hotmail.com>

Please see attached letter re. Agenda Item 6.d on today's FORA meeting.

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Glen Schaller
MBCLC Political Coordinator

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MBCLC Prevailing Wage FORA letter.docx
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Monterey Bay Central Labor Council, AFL-CIO

Ford Ord Reuse Authority
Board of Directors
920 2nd Ave, Marina, CA 93933

FORA Board of Directors,

As the Ford Ord Reuse Authority works toward the sunset of FORA on June 30, 2020, it is imperative that the prevailing wage agreements for any projects on the former Fort Ord be continued. Local jurisdictions will begin to administer on-going and new projects. **Prevailing wage agreements must remain.**

From the closing of old Fort Ord to the beginning of FORA, through administrative agreements and judicial rulings, prevailing wages and the economic vitality of the local workforce have been crucial to FORA's success and recovery of the impact the base closer had on the local economy. These last few weeks of FORA must guarantee that local workers and supporting local employment remain a top priority.

The Monterey Bay Central Labor Council, AFL-CIO covers Monterey and Santa Cruz Counties and has 80 affiliated unions and 38,000 working families. **We strongly urge you to maintain prevailing wages at the former Fort Ord.**

We look forward to continuing to work with local jurisdictions, local elected officials and their constituents and voters to protect and expand economic opportunities on the former Fort Ord.

In Solidarity,

Cesar Lara,
Executive Director,
Monterey Bay Central Labor Council

Keep Fort Ord Wild Notice of intent to sue Fort Ord Reuse Authority (FORA) and jurisdictions for failure to implement Reuse Plan mitigations; notice of intent to sue FORA for failure to assign the ongoing mitigations and duties of FORA with regard to approved projects

1 message

Molly Erickson <erickson@stamplaw.us>

Thu, May 14, 2020 at 12:39 PM

Reply-To: Molly Erickson <erickson@stamplaw.us>

To: Supervisor Jane Parker <district4@co.monterey.ca.us>, "board@fora.org" <board@fora.org>

Cc: Josh Metz <josh@fora.org>, Harry Tregenza <harry@fora.org>

Chair Parker and the FORA Board of Directors,

Please see attached letter. Thank you.

Mr. Metz: Please distribute this letter to all FORA board members prior to today's board meeting. Please contact me with any questions. Thank you.

Regards,

Molly Erickson
STAMP | ERICKSON
tel: 831-373-1214



20.05.14.KFOW.notice.of.intent.sue.FORA.jurisdictions.Reuse.Plan.and.projects.pdf

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May 14, 2020

Via email

Jane Parker, Chair, Board of Directors, Fort Ord Reuse Authority
County of Monterey Board of Supervisors
Mayors and city councils of FORA member and land use jurisdictions

Subject: Notice of intent to sue Fort Ord Reuse Authority (FORA) and jurisdictions for failure to implement Reuse Plan mitigations; notice of intent to sue FORA for failure to assign the ongoing mitigations and duties of FORA with regard to approved projects

Dear Chair Parker and members of the FORA Board of Directors, the County board of supervisors, and mayors and city councils of FORA member jurisdictions:

To: Fort Ord Reuse Authority Board of Directors and the governing bodies of the member jurisdictions of the Fort Ord Reuse Authority

Keep Fort Ord Wild (KFOR) has been active in Fort Ord and FORA matters for nearly ten years. KFOR hereby puts FORA and its member jurisdictions on notice that KFOR intends to initiate litigation under CEQA, California and Planning and Zoning Law and other laws due to FORA's failure to ensure that all Reuse Plan mitigations, policies and programs have been implemented, and for the failure of FORA to assign, and to ensure the assignees' acceptance of, the ongoing and incomplete duties and mitigations for approved FORA projects.

1. Failure to ensure that all Reuse Plan mitigations, policies and programs have been implemented.

The Fort Ord Reuse Plan applies to FORA and Fort Ord land. All FORA member jurisdictions agreed to the Reuse Plan and its policies when the FORA Board certified the Reuse Plan EIR and approved the Reuse Plan in 1997. The member jurisdictions and the public relied on the adoption of the plan and its mitigations. The jurisdictions who later took land at Fort Ord accepted the Reuse Plan and accepted that land with knowledge of the Reuse Plan, its mitigations, its policies and programs, and that the land was subject to the plan. These were commitments by FORA and the member jurisdictions.

CEQA requires implementation of mitigations, and California Planning and Zoning laws require implementation of plan policies. Many Reuse Plan policies and programs are mitigations and remain unimplemented. FORA has actual knowledge of these unimplemented policies and mitigations through its own Reassessment Report in

2012 and through KFOW's past letters to FORA spanning years. KFOW has never received a response from FORA to KFOW's numerous fact-filled letters on these important matters. There has been no CEQA review of abandoning the mitigations.

FORA's mandate is to carry out the Reuse Plan. KFOW demands that FORA and its member jurisdictions take prompt action to ensure that the policies, programs and mitigations in the approved Reuse Plan and the Reuse Plan EIR are applicable to all Fort Ord lands in the jurisdictions after FORA dissolves, and that they are enforceable with the same status and legal force as the existing Reuse Plan. There have not been any amendments to the Reuse Plan since it was adopted, according to the FORA responses to the CPRA requests. FORA should ensure that the Reuse Plan is applicable in perpetuity and should ensure that the plan can be enforced by Keep Fort Ord Wild and other members of the public. The County's Fort Ord Master Plan has not even been deemed consistent with Reuse Plan. The course of action, the pattern and practices by FORA and the member jurisdiction has rendered the Reuse Plan a farce, a lengthy mandatory plan that FORA and the land use jurisdictions intend to discard after 23 years without implementing its mitigations, which include policies and programs. The jurisdictions who took land subject to the Reuse Plan should take prompt actions to implement the Reuse Plan mitigations and policies and programs before the FORA sunset date.

The Reassessment Report identified many mitigations that had not been implemented by FORA and the jurisdictions. KFOW and others have provided to FORA lists of incomplete and unimplemented policies and programs. No action was taken by FORA or the jurisdictions to remedy these omissions. The reassessment checklist was incomplete in material part, as KFOW and others comments to FORA in writing at the time and since then. The unimplemented, partially implemented, and inadequately implemented, policies and mitigations include as follows, as a few examples, with regard to some or all of the land use jurisdictions:

- Commercial Land Use Policy B-2: The [jurisdiction] shall not include nor allow card rooms or casinos for gambling as acceptable land uses on the former Fort Ord. None of the land use jurisdictions have implemented this mandatory policy.
- Biological Resources policy B-2, the oak woodlands requirement, which FORA proposes to assign to the County, while ignoring the applicability of the oak woodlands protection to the cities of Del Rey Oaks, Monterey, Seaside and Marina, each of whom have significant oak woodlands in their Fort Ord lands. Del Rey Oaks, Monterey and Marina are subject to the oak woodlands protection requirement because they took lands intended for the County and the lands were analyzed in the EIR as if the lands were to be acquired by the County.

- Seaside Recreation Policy B-2: The City of Seaside shall establish landscape gateways into the former Fort Ord along major transportation corridors with the intent of establishing a regional landscape character.
- Recreation/Open Space Land Use Program C-1.3: The City of Seaside shall designate land uses for the following park locations and acreage:
 - Community Park in housing area (Polygon 18): 50 acres.
 - Neighborhood Park near new golf course community (Polygon 15): 10 acres.
 - Neighborhood Park with Recreation Center (Polygon 20h): 10 acres.
 - Community Park with equestrian/trailhead access to BLM: (Polygon 24): 25 acres.
 - (note: The Reassessment Report claim regarding the above program and Recreation/Open Space Land Use Program C-3-2 is unsupported by reliable documentation. (The unsupported claim is that "Polygon 18 is now designated as High Density Residential. Seaside has provided other parkland within Polygon 20g (Soper Park, 4 acres) and open space walking trails in Polygon 20a (Seaside Highlands) and expanded the park in Polygon 24, for an equal amount of total parkland.") KFOW made CPRA requests to Seaside for this information, and nothing was produced that supported the claim that an "equal amount" of parkland was reserved and there is no evidence that tiny scraps of parkland are equal to the large parks envisioned by the Reuse Plan.
- Recreation Policy G-1: The [jurisdiction] shall use incentives to promote the development of an integrated, attractive park and open space system during the development of individual districts and neighborhood's [sic] within the former Fort Ord (to encourage recreation and the conservation of natural resources).
- Recreation Policy G-2: The [jurisdiction] shall encourage the creation of private parks and open space as a component of private development within the former Fort Ord.
- Recreation Program F-2.1: The [jurisdiction] shall adopt a Comprehensive Trails Plan, and incorporate it into its General Plan. This Trail Plan will identify desired hiker/biker and equestrian trails within the portion of the former Fort Ord within [jurisdiction's] jurisdiction, create a trail hierarchy, and coordinate trail planning with other jurisdictions within Fort Ord boundaries in order to improve access to parks, recreational facilities and other open space.
- Recreation Policy D-4: The [jurisdiction] shall develop a plan for adequate and long-term maintenance for every public park prior to construction.
- Recreation Policy F-2: The [jurisdiction] shall encourage the development of alternative means of transportation for recreation and other travel.
- Recreation Program F-2.1: The [jurisdiction] shall adopt a Comprehensive Trails Plan, and incorporate it into its General Plan. This Trail Plan will

identify desired hiker/biker and equestrian trails within the portion of the former Fort Ord within [jurisdiction's] jurisdiction, create a trail hierarchy, and coordinate trail planning with other jurisdictions within Fort Ord boundaries in order to improve access to parks, recreational facilities and other open space.

- Recreation Policy G-1: The [jurisdiction] shall use incentives to promote the development of an integrated, attractive park and open space system during the development of individual districts and neighborhood's [sic] within the former Fort Ord (to encourage recreation and the conservation of natural resources).
- Recreation Policy G-3: The [jurisdiction] shall adopt landscape standards to guide development of streetscapes, parking lots, government facilities, institutional grounds, and other public and semi-public settings within the former Fort Ord.
- Recreation Policy G-4: The [jurisdiction] shall coordinate the development of park and recreation facilities with neighboring jurisdictions including the City of Marina, City of Seaside, Monterey County, CSUMB, California State Parks, Monterey Peninsula Regional Parks District, and the Bureau of Land Management.
- (Seaside) Biological Resources Policy B-2: As site-specific development plans for a portion of the Reconfigured POM Annex Community (Polygon 20c) and the Community Park in the University Planning Area (Polygon 18) are formulated, the City shall coordinate with Monterey County, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south of the landfill polygon (8a) in the north.
- Program B-2.1: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use these oak woodland environments. Management measures shall include, but not limited to maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control and non-native species eradication. Specific management measures should be coordinated through the CRMP. (Status: Not implemented. An oak woodland conservation area has not been designated.)
- Program B-2.2: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. (Status: Not implemented.)

- The County, Seaside, Del Rey Oaks, Monterey and Marina have not adopted and implemented Recreation Policy C-1 which is applicable to the land each jurisdiction took at Fort Ord. Recreation Policy C-1 says this: The [jurisdiction] shall establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors within a comprehensive open space system.
- Regional Urban Design Guidelines were required by the Reuse Plan. Most of the jurisdictions' development approvals to date took place before the RUDG were adopted in approximately 2016. The RUDG have been ignored by the jurisdictions, which insisted that they were only advisory and not mandatory, and now the jurisdictions propose to abandon the RUDG when FORA dissolves, thus rendering the mitigation ineffective.

2.. FORA has failed to assign, and to ensure the assignees' acceptance of, the ongoing and incomplete duties and mitigations for approved FORA projects.

Since 1997, FORA has undertaken capital improvement projects resulting in enforceable project-specific CEQA mitigations and project-specific duties and obligations by FORA. FORA has not assigned the approved, incomplete and unimplemented CEQA mitigations for projects that FORA has approved and/or constructed such as the General Jim Moore widening and realignment, the Highway 218 intersection with North/South Road, and the South Boundary Road realignment and widening project, the Gigling Road widening, and more. FORA should assure that the obligations and duties are assigned and accepted by appropriate public agencies. FORA and the jurisdictions have failed to accomplish this to date and there is no evidence that have taken steps to do so by the FORA dissolution date.

Offer to meet.

KFOW offers to meet with FORA and the member jurisdictions in an effort to resolve these disputes. FORA controls the schedule. KFOW does not control the schedule. The matter is urgent due to FORA's delayed and dilatory actions regarding and frequent changing of its approach toward dissolution. There is no time to spare.

Request.

These are important issues made urgent due to the upcoming FORA dissolution. FORA has had years to act and has failed to do so. Thank you.

Very truly yours,

STAMP | ERICKSON

/s/ Molly Erickson

Molly Erickson