

Rosalyn Charles

From: Rick [rick@wwrdc.com]
Sent: Monday, May 12, 2014 8:43 AM
To: FORA Board
Subject: Land for purchase / use

Hi,

My name is Rick Provenzano and I am the head of newly formed Not profit (501c3) called "Heroes Welcome Home"

At Heroes Welcome Home, our mission is to honor and empower service members and their families for the sacrifices that they have made to protect our great nation. We believe that all Honorably Discharged Veterans should not have to live on the street to survive. Heroes Welcome Home is a not for profit 501C3 Corporation that strives to provide safe emergency housing and transitional housing for our homeless Veterans and their families. At Heroes Welcome Home, our mission is to honor and empower service members and their families for the sacrifices that they have made to protect our great nation. We believe that all Honorably Discharged Veterans should not have to live on the street to survive. Heroes Welcome Home is a not for profit 501C3 Corporation that strives to provide safe emergency housing and transitional housing for our homeless Veterans and their families.

If possible, we would like to discuss the purchase of certain tracts of land at Ford Ord to be used for both Emergency and Transitional housing. We are interested in sizes from approximately five (5) to twenty-five (25) acres to begin.

Check us out at: www.heroeswelcomehome.us

Thanks very much!

Best Regards,

Rick
Skype: r.provenzano1

Rosalyn Charles

From: Karen M. Tiedemann [KTiedemann@goldfarblipman.com]
Sent: Tuesday, May 27, 2014 5:33 PM
To: FORA Board
Cc: 'jgiffen@kahlaw.net'; 'Elizabeth Betsy Wilson'; Barbara E. Kautz
Subject: MCWD Rate Increase
Attachments: Letter.pdf

Dear FORA Board Members,

With respect to Item 7.b on your May 30th Special Meeting Agenda, please see the attached.

Karen Tiedemann
Goldfarb & Lipman LLP
1300 Clay Street, 11th Floor
Oakland, CA 94612
Phone: 510-836-6336
Fax: 510-836-1035

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with IRS requirements, we inform you that, unless expressly stated otherwise, any federal tax advice or analysis contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties imposed under Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

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M David Kroot

John T. Nagle

Lynn Hutchins

Karen M. Tiedemann

Thomas H. Webber

Dianne Jackson McLean

Michelle D. Brewer

Jennifer K. Bell

Robert C. Mills

Isabel L. Brown

James T. Diamond, Jr.

Margaret F. Jung

Heather J. Gould

Juliet E. Cox

William F. DiCamillo

Amy DeVaudreuil

Barbara E. Kautz

Erica Williams Orcharton

Luis A. Rodriguez

Xochitl Carrion

Rafael Yaquian

Vincent L. Brown

Caroline M. Nasella

Elizabeth Klueck

Facsimile

510 836-1035

San Francisco

415 788-6336

Los Angeles

213 627-6336

San Diego

619 239-6336

Goldfarb & Lipman LLP

May 27, 2014

via e-mail

Mayor Jerry Edelen, Chair, and Members of the Board of Directors
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

Re: Objection to Proposed Water and Wastewater Rate Increases, Marina Coast Water District

Dear Mayor Edelen and Members of the Board of Directors:

We write on behalf of MidPen Housing, a nonprofit provider of affordable housing in Ft. Ord, to object to the proposed water and wastewater rate increases that will be before your Board on Friday, May 30, 2014. In brief, the proposed fees and charges are not proportional to the cost of service attributable to multifamily developments in Ft. Ord, in violation of Proposition 218; exceed the funds required to provide water and sewer service; are not justified by the rate study prepared by Carollo; and will have a disparate impact on multifamily and affordable housing, in violation of fair housing laws.

We particularly object to these aspects of the rate increases:

- The proposed rates transfer costs from large users to small residential accounts that use *less* water. Monthly fixed fees for small meters (5/8" to 3/4") will be increased by 70% while monthly fixed fees for meters 1 1/2" and over will actually be reduced.
- Affordable apartments which have been required to have individual meters for *each* unit, contrary to standard practice, are disproportionately affected. While an entire 100-unit complex in the Ord Water area could be served by a 4" meter with a monthly fixed cost of \$308.45 as of July 1, 2014, the monthly fixed fees for a recent 100-unit affordable housing project with individual meters will total \$4,896.
- No justification is provided for continuing the \$20/month water surcharge and \$5/month sewer surcharge for units built after 2005, nor for establishing these fees at a fixed per meter rate regardless of meter size. These surcharges disproportionately affect small users, effectively raising the fixed costs of 5/8" meters by another 70 percent.

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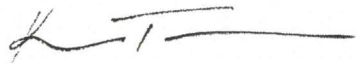
- Some apartment units have been required to install 1" meters because of low water pressure, not because of demand for water. The fee schedule contains no allowance to reduce the monthly fixed fee of \$65.18 (which includes the \$20 surcharge) and in effect punishes these tenants for deficiencies in the District's water system, with no relationship to District costs.
- An apartment is charged the same rate for wastewater service as a single-family home, although apartments have less than one-third the winter water usage (used to measure wastewater generation) of a single-family home.

Together, the proposed fee structure will have a disparate impact on groups protected by the federal Fair Housing Act and the California Fair Employment and Housing Act. These protected classes are far more likely to occupy affordable and multifamily housing and will bear the brunt of these disproportionate rate increases.

Attached are additional specific objections to the rate increase and fee study.

Please feel free to call or e-mail me if you have any questions.

Sincerely,



KAREN M. TIEDEMANN
ktiedemann@goldfarbblipman.com

cc: Michael Houlemard, Executive Officer
Elizabeth Betsy Wilson, MidPen Housing
Jonathon Giffen, Kennedy Archer & Giffen

ADDITIONAL OBJECTIONS TO PROPOSED WATER AND WASTEWATER FEE INCREASES

The Proposed Fees and Charges Are Not Proportional to the Cost of Service Attributable to Each Parcel. For example:

- The costs allocated to the fixed fee portion of the rates include costs related to *use* of water rather than to fixed District costs, and, as stated in the Carollo rate study, has been artificially inflated to provide more "revenue stability" to the District rather than to reflect fixed costs of service per customer account. Further, these fixed costs have been disproportionately applied to small residential accounts that use less water. In the Ord Water area, monthly fixed fees for small meters (5/8" to 3/4") will be increased by 70% while monthly fixed fees for meters 1 1/2" and over will actually be reduced.
- Contrary to standard practice, the District requires each individual apartment unit to be individually metered, resulting in grossly disproportionate costs. While an entire 100-unit complex in the Ord Water area could be served by a 4" meter with a monthly fixed cost of \$308.45 (\$288.45 fixed fee + \$20 surcharge) as of July 1, 2014, the monthly fixed fees for the 100-unit project with individual meters now being completed by South County Housing will total \$4,896 (\$28.96 fixed fee + \$20 surcharge, or \$48.96 per unit). This is grossly disproportionate to the cost of service. If the entire complex could be served by a single 4" meter, then the fixed fee for that 4" meter should be divided among the apartment units at the complex.
- No justification is presented for continuing the monthly water capital surcharge of \$20 and the monthly sewer surcharge of \$5 for units built after July 1, 2005. The continuation of these charges is inconsistent with the Carollo rate study, which recommends that they be eliminated in favor of higher capacity charges. The proposed rate structure retains these charges but provides no justification for them nor explains why they are needed or imposed on a per meter basis regardless of meter size. Further, these surcharges have a disproportionate effect on small users, increasing monthly fixed fees by almost 70 percent for 5/8" and 3/4" meters.
- The Carollo rate study incorrectly calculates the proposed fixed charges outlined in Section 5.2.1 of the rate study and adopted by the Marina Coast Water District. For example, in Tables 5-1 and 5-3, the meter capacity ratios used to calculate the fixed charges are incorrect. Based on AWWA Manual M22 (which is the reference quoted by Carollo in the report), a 5/8" meter should be assigned a capacity ratio 0.67 times that of a 3/4" meter. However, the report recommends that both the 5/8" and 3/4" meters be assigned the same ratios for determining the fixed charges, which is neither fair nor proportional.

- No back-up material is provided to justify the allocations of expenses between Marina and Ord outlined in Appendix C of the rate study. The allocation of all expenses, including administrative costs, is double in the Ord community as compared to the Marina community. For example, the Admin costs attributed to Marina Water are \$716,437 while the Admin costs attributed to Ord Water are \$1,542,384. There is no inferable explanation for such a large discrepancy, since the Carollo study states that the number of accounts serviced in each community is roughly the same.
- No evidence is provided to justify the flat rate charged to dwellings without water meters.
- The District bills fewer than 10 percent of the fire service accounts at a loss of over \$60,000 per year, resulting in increases in other customers' rates to cover the lost revenue.
- The proposed Ord Sewer rate structure applies a fixed charge per dwelling unit. Each single apartment unit is charged the same rate as a single family home. However, the rate study shows that winter water usage (which reflects sewer usage) averages 62 hsf for each multifamily meter equivalent and 203 hsf for each single-family meter equivalent. The fixed sewer fee per dwelling unit is disproportionate to the cost of service attributable to multifamily apartments.

The proposed fees are grossly disproportionate to the cost of service for residences, violating the requirement of Proposition 218 that the proposed rates be shown to be proportional to the costs of service attributable to each parcel.

The Proposed Fees and Charges Exceed the Funds Required to Provide Water and Sewer Service. For example:

- The Carollo rate study states that the District currently meets all of its debt coverage requirements, yet it proposes large increases in sewer and water rates to exceed those debt coverage requirements and to meet the coverage ratios in each cost center. This exceeds the funds required to provide water and sewer service, and no use is planned for revenues that exceed debt coverage ratios. (Carollo has presented incorrect information to FORA's WWOOC Committee, stating in a slide presented to the Committee on May 21 that "approval of rate increases are necessary to comply with existing bond covenants." In fact, Carollo's study states clearly that the District's revenues comply with bond covenants.)

May 27, 2014

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- Inflation rates for all services and capital costs are assumed to be 3%, greatly in excess of inflation experienced in the past five years.
- Large rate increases are proposed to increase operating reserves in the Ord area as MCWD Board policy with no evidence provided that reserves of this size are required.
- Although the rate study states that water system costs are broken down and assigned by Base, Peak, Customer, Service, and Fire Service, the appendices provide no information regarding which costs have been assigned to each category, thus providing no substantial evidence regarding the allocation of charges.
- There is no justification for the capital improvements included in the proposed rate increase. The rate study states that the list of capital improvements is not based on an independent risk assessment, nor a current Water and Sewer Master Plan, nor an asset management program, nor does the study explain how the list has been coordinated with FORA.

MCWD has not demonstrated that the revenues derived from water and sewer rates do not exceed the funds **required** to provide the service, in violation of Proposition 218.

The Proposed Fees and District Policies Have a Disparate Impact on Multifamily and Affordable Housing in Violation of Fair Housing Laws.

The proposed fee structure will have a disparate impact on groups protected by the federal Fair Housing Act and the California Fair Employment and Housing Act. These protected classes are far more likely to occupy affordable and multifamily housing and will bear the brunt of these disproportionate rate increases. In addition:

- The District's policy of individually metering apartments is not standard practice and creates a disparate impact on affordable and multi-family property occupants, who pay more than their fair share toward water capacity demands. To date, the only multifamily developments required to provide individual meters have been affordable housing developments.
- The requirement for individual backflow valves on residential meters that are not connected to landscaping is unreasonable and arbitrary and not standard practice, and is an unjustified cost to multifamily apartments.

Rosalyn Charles

From: Barbara Mitchell [BMitchell@InterimInc.org]
Sent: Wednesday, May 28, 2014 4:45 PM
To: FORA Board
Cc: Alan Bilinsky; Pali Weerasekera
Subject: objection to the proposed water and wastewater rate increase MCWD
Attachments: SKMBT_22314052907380.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please distribute to all board members for the hearing on Friday.

Barbara L. Mitchell, MSW
Executive Director
Interim Inc.
P.O. Box 3222
Monterey, CA 93942
831 649-4522, ex 204
FAX 831 647-9136
www.interiminc.org



P.O. Box 3222 • Monterey, CA 93942 • 831.649.4522 • www.interiminc.org • Federal Tax # 51-0159122

May 28, 2014

Mayor Jerry Edelen, Chair, and Members of the Board of Directors
Fort Ord Reuse Authority
920 Second Ave., Suite A
Marina, CA 93933

Dear Mayor Edelen and Members of the Board:

I would like to provide a **formal objection to the proposed water and wastewater rate increases for the Marina Coast Water District**. Interim Inc. owns two housing projects on Fort Ord, Sandy Shores and Shelter Cove, both of which provide supported transitional or permanent housing for very low income persons with disabilities who are homeless.

In addition, Interim is developing Rockrose Gardens, a new affordable housing project, serving 20 very low income tenants in 20 one bedroom apartments. This rate structure will have a rate structure that adversely and disproportionately affects this project. Rockrose Gardens is located on the former Fort Ord and will be completed this fall. All units are for very low income persons with psychiatric disabilities. Nine of the 20 units are restricted to persons who are homeless or at-risk of homelessness. Rockrose Gardens, although owned by a separate corporation, Rockrose Housing Corporation, will be operated by Interim Inc.

As per the Marina Coast Water District regulations, Interim was **required to provide individual meters for each one bedroom apartment**. These rates will have a disparate impact on this affordable housing project. **It is not reasonable to charge the same fee for a single family residence as for a one bedroom apartment in a multi-family building.**

The report and analysis prepared by Marina Coast Water District indicates that the minimum monthly charge for each one bedroom apartment would be as follows:

Meter charge	\$31.48
Minimum monthly sewer charge	\$27.55
Monthly capital surcharge (sewer)	\$5
Monthly capital surcharge (water)	\$20
Total	\$84.03

Presuming average usage of 2 HCF adds \$5.20/ month for average water usage/ apartment.
Total estimated monthly water and sewer bill per unit with one resident = \$89.23

The materials provided with the packet compare the water costs at Cal Am with Marina Coast Water District. The materials project average cost of water service of \$145.06 for Cal Am in Monterey with a projected cost of \$72.18 in Marina. **This comparison is misleading, especially for apartments.**

Interim operates a similar project in Monterey, (Dela Vina Apartments,) to the project (Rockrose Gardens) which is being constructed in Marina. The Dela Vina Apartments have 14 one bedroom apartments for very low income persons with psychiatric disabilities. The average water cost for each one bedroom apartment in Monterey including the surcharges to MPWMD is \$26/ month. I am enclosing a bill for an apartment in Monterey, which is \$27.70/ month, slightly above our average for all units.

In addition, the City of Monterey charge (on the MRWPCA bill) is \$15.71/ month. In addition the MRWPCA charges a sewer fee of \$14.30/ unit in addition to those charges. We will be charged the same fee for each of the Rockrose units.

Effectively, the one bedroom units in Marina for water and sewer will be \$89.23/ unit/ month, while the exact same size units, with same tenant population in Monterey, under Cal Am are \$41.71/ month for both water and sewer. Neither of these figures include the MRWPCA charge for their service.

Thus, the projected cost for water and sewer in Marina for a one bedroom apartment at Rockrose Gardens are 214% of the cost of the same size units with the same water consumption in Monterey!

The rate structure proposed has a disparate impact on apartment dwellers, and especially on persons living in affordable housing units and are in violation of the Fair Housing Act. **I urge you to reject the proposed rate structure for MCWD and to request that the structure be revised to reflect the size and occupancy of housing units, and actual water consumption.**

Sincerely,



Barbara L. Mitchell

Executive Director (Interim Inc. and Rockrose Housing Corporation)

Attached: Cal Am water bill for sample unit / MRWPCA bill for 14 units



CALIFORNIA AMERICAN WATER

PO Box 7150, Pasadena, CA 91109-7150

For Service To: 345 DELA VINA 3

Check this box for address changes and note new address on back.



004867 1 AV 0.378 04872/004867/005703 18 02 ACRN56 002

INTERIM INC.
P.O. BOX 3222
MONTEREY, CA 93942-3222

00010152100199951690000000000002770017

Account Number	1015-210019995169
Due Date	June 11, 2014
Total Due	\$27.70

Amount Enclosed \$ Paid electronically. Thank you.



CALIFORNIA AMERICAN WATER
PO BOX 7150
PASADENA, CA 91109-7150



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

- Billing date: May 20, 2014
- Due Date: **June 11, 2014**
- Billing period: Apr 18 to May 19 (32 Days)
- Next reading on or about: Jun 18, 2014
- Customer Type: Residential
- Meter Reading Measurement:
1 unit = 10 CF or 74.8 gallons of water
- Billing Measurement: 100 gallons (CGL)

Meter No.	42994250
Size of meter	5/8"
Current Read	2,752 (Actual)
Previous Read	2,733 (Actual)
Total water used this billing period	19 units (1,421 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2014: 14.21 CGL
- Same billing period 2013: 10.47 CGL

Rate Block Allotments

Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
11.22	11.22	26.18	26.18	All Other Usage

BILLING SUMMARY

For Service To: 345 DELA VINA 3
For Account 1015-210019995169

Prior Balance	
• Balance from last bill	20.56
• Payments as of May 14. Thank you!	-20.56
Balance Forward	0.00

Current Water Service

• Water Service Charge	10.11
• Water Usage Charge	
• 04/18/14 to 04/29/14 (\$0.57470000 x 4.42)	2.54
• 04/30/14 to 05/19/14 (\$0.56520000 x 7.39)	4.18
• 04/18/14 to 04/29/14 (\$1.20000000 x 0.90)	1.08
• 04/30/14 to 05/19/14 (\$1.18320000 x 1.50)	1.77
• Total Water Service Related Charges	19.68

Other Charges

• Conservation Surcharge	0.51
• Gen Exp Balance Acct Srchg	1.37
• Coastal Water Project Surcharge (19.00 x 15.00%)	2.95
• MPWMD Cnsvn Surcharge	0.20
• MPWMD Surcharge	1.51
• Seaside Basin BA Surcharge	0.37
• Total Other Charges	6.91

Taxes

• City Franchise Taxes	0.26
• Utility User Tax	0.49
• Commission Surcharge	0.36
• Total Taxes	1.11

TOTAL CURRENT CHARGES 27.70

(Continued on next page)



Important messages from California American Water

- ***IMPORTANT WATER QUALITY MESSAGE: Your annual Water Quality Report can be viewed electronically at www.amwater.com/ccr/monterey.pdf. If you prefer a paper copy to be sent to you, please contact our Customer Service Center at 888-237-1333.
- Su informe anual de la calidad de agua puede consultarse electronicamente en www.amwater.com/ccr/monterey.pdf. Si prefiere una copia, por favor pongase en contacto al cliente con nuestro centro de servicio en 888-237-1333.
- Get Informed about the Monterey Peninsula Water Supply Project. Visit the Monterey Peninsula Water Supply Project website, at www.watersupplyproject.org, to read the newly published quarterly progress report, sign up for updates and find out other information about the project.
- Contact California American Water's local conservation department at 831.646.3205 to take advantage of rebates, water wise house calls and more. For more information visit www.montereywaterinfo.org.



Questions about this bill? Call our 24-Hour Customer Service Center: 1-888-237-1333

www.californiaamwater.com

14 units



MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY
P.O. Box 2109

Monterey, California 93942-2109
(831) 372-2385 • 449-6366 • 722-9288

Payment Locations

Now you can pay with a charge to your bank account with our new PhonePay and Webpay services. Credit cards still accepted, too.



CALL 1-866-514-6814

or

Click: Pay Your Bill Online at **MRWPCA.ORG**

\$1.00 per transaction fee
Plus 3% for credit cards only

SALINAS

Cinderella Carpets Union Bank
6 Rossi Circle Ste F 1001 South Main Street

Magana's Market Amezcu Insurance Services, Inc.
965 North Main Street 7 N. Hebron Avenue

MONTEREY

Union Bank MRWPCA
495 Washington Street 5 Harris Court, Bldg. D
(see map on reverse)

SEASIDE

Mal's Market Ord Terrace Liquors
1264 Noche Buena Street 1949 Fremont Blvd

Account Information

ACCOUNT NUMBER: 03-008376
OWNER NAME: DELA VINA HOUSING INC
SERVICE ADDRESS: 345 DELA VINA AVE
SERVICE PERIOD: 03/01/2014 - 04/30/2014
BILL DATE: 03/31/2014
DUE DATE: 04/24/2014

Account Charges

BEGINNING BALANCE: 621.28
PAYMENTS RECEIVED: 621.28

< NEW CHARGES >

Date	Description	Amount
03/01/2014	MRWPCA	400.40
03/01/2014	City Sewer System Charges	210.00
03/01/2014	City Storm Water	10.88

Handwritten notes: 14.30 unit/month, 7.50, 14.28

TOTAL AMOUNT DUE: \$ 621.28

Special Messages

TOUR THE TREATMENT PLANT EVERY THIRD FRIDAY OF THE MONTH AT 9 AM. CALL (831) 372-2385 OR 422-1001 TO RSVP.

Handwritten: bus

Handwritten: POST 4444



Rosalyn Charles

From: Katherine Thoeni [chspmontry@aol.com]
Sent: Thursday, May 29, 2014 3:44 PM
To: FORA Board
Subject: Written Objection/Special Meeting/Agenda Item 7B
Attachments: MCWD Rate Increase Objection May 2014.docx

Attached please find correspondence related to Agenda item 7-B for the May 30 special meeting of the FORA board.

Thank you for providing the attached letter to the membership. I plan on attending the meeting tomorrow.

Katherine Thoeni
Executive Officer
Coalition of Homeless Services Providers
Martinez Hall, 220 12th Street
Marina, CA 93933
831-883-3080
chspmontry@aol.com
www.chspmontereycounty.org



Coalition of Homeless Services Providers

Martinez Hall, 220 12th Street, Marina, CA 93933 Ph: (831) 883-3080 Fx: (831) 883-3085
E-Mail: chspmontry@aol.com

Member Agencies

Central Coast HIV/AIDS Services

Community Human Services

Franciscan Workers of Junipero Serra

Homeless Coalition of San Benito County

Housing Authority County of Monterey

Housing Resource Center Monterey County

Interim, Inc.

The Salvation Army Monterey Peninsula Corps

Shelter Outreach Plus

Sun Street Centers

Veterans Transition Center

Associate Members

Food Bank for Monterey County

MidPen Housing Corporation

CSU Monterey Bay

Veterans Resource Centers of America

Community Advisors

Monterey County Department of Social Services/CAP

Monterey County Office of Education

City of Marina

Sand City

City of Salinas

U.S. Department of Veterans Affairs

San Benito County Health and Human Services

May 29, 2014

Mayor Jerry Edelen, Chair, and Members of the Board of Directors
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

Dear Mayor Edelen and Members of the Board:

On behalf of the Coalition of Homeless Services Providers (CHSP), and the community collectively served, this correspondence serves as **objection to the proposed water and wastewater rate increases for the Marina Coast Water District.**

CHSP objects to the proposed increases for various reasons that include, lack of justification for water/sewer surcharge for units built after 2005; disproportionate effect on apartments due to the requirement of individual meters; and proposed cost transfers from large users to small residential users.

For the reasons mentioned above, and many more, I strongly encourage you to reconsider the proposed rate increases. Thank you for your consideration. Please contact me directly with any questions you may have.

Sincerely,

Katherine J. Thoeni

Katherine J. Thoeni
Executive Officer
Coalition of Homeless Services Providers

The mission of the Coalition of Homeless Services Providers is to eliminate homelessness in Monterey and San Benito Counties by promoting interagency coordination to develop and sustain a comprehensive system of housing and services designed to maximize the self-sufficiency of individuals and families.