



FORT ORD REUSE AUTHORITY

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REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, January 8, 2016 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov. Code 54956.9(a) – 1 Case
 - i. *Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA)*, Case No.: M114961

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

- a. Approve December 11, 2015 Board Meeting Minutes ([pg. 1-4](#)) ACTION
- b. Surplus II Industrial Hygienist Selection ([pg. 5](#)) ACTION
- c. Environmental Services Cooperative Agreement Quarterly Update ([pg. 6-8](#)) INFORMATION
- d. Economic Development Quarterly Status Update ([pg. 9-10](#)) INFORMATION
- e. Public Review Draft Habitat Conservation Plan ([pg.11-18](#)) INFORMATION/ACTION
 - Preparation Report
 - i. Denise Duffy and Associates Contract Amendment #10
 - ii. Economic and Planning Systems Contract Amendment #8
- f. Elect 2016 Board Officers ([pg. 19-21](#)) ACTION
- g. Accept Fiscal Year 14-15 Annual Financial Report ([pg. 22-23](#)) ACTION
- h. Water Augmentation Project Planning ([pg. 24](#)) INFORMATION
 - Memorandum of Understanding

8. BUSINESS ITEMS

- a. Fort Ord Reuse Authority Prevailing Wage Program (pg. 25-36) Resolution 2nd Vote INFORMATION/ACTION
- b. Regional Urban Design Guidelines (pg. 37-38) Consider Special Meeting INFORMATION/ACTION
- c. Oak Woodland Conservation – Request for Proposals (RFP) (pg. 39-59) INFORMATION/ACTION

9. PUBLIC COMMENT PERIOD

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. Comments on agenda items are heard under the item.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables (pg. 60) INFORMATION
- b. Habitat Conservation Plan Update (pg. 61) INFORMATION
- c. Administrative Committee (pg. 62) INFORMATION
- d. Finance Committee (pg. 63-64) INFORMATION
- e. Post Reassessment Advisory Committee (pg. 65-68) INFORMATION
- f. Regional Urban Design Guidelines Task Force (pg. 69-71) INFORMATION
- g. Travel Report (pg. 72) INFORMATION
- h. Public Correspondence to the Board (pg. 73) INFORMATION

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT BOARD MEETING: February 12, 2016

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



FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, December 11, 2015 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair O'Connell led the pledge of allegiance. He asked for a moment of silence to remember those whose lives were lost in the terrorist attacks in Paris, France last month and in San Bernardino, California on December 2, 2015.

3. CLOSED SESSION

Chair O'Connell introduced the items to Board before going to closed session. Board convened into closed session at 2:05 p.m.

The Board received public comment (J. Haines).

- a. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA-Marina Coast Water District Dispute Resolution
- b. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA Prevailing Wage Issues/Exposure

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Board reconvened into open session at 2:55 p.m.

Authority Counsel announced there was no reportable action.

5. ROLL CALL

Voting Members Present: (**alternates*) (*AR: entered after roll call*)

Mayor Pro-Tem, O'Connell (Marina)
Mayor Edelen (City of Del Rey Oaks)
Mayor Rubio (City of Seaside)
Mayor Pendergrass (City of Sand City)
Vice Mayor Haffa (City of Monterey)
Councilmember Lucius (City of Pacific Grove)

Councilmember Beach (City of Carmel)
Councilmember Morton (City of Marina)
Mayor Pro-Tem Oglesby (City of Seaside)
Supervisor Phillips (County of Monterey)
Supervisor Potter (County of Monterey)

Absent: Mayor Gunter (City of Salinas), Supervisor Parker (County of Monterey).

Ex-officio (Non-Voting) Board Members Present: Alec Arago (20th Congressional Dist.) AR, Vicki Nakamura (Monterey Peninsula College), Nicole Charles (17th State Senate Dist.) AR, Erica Parker (29th State Assembly Dist.), Dr. Eduardo Ochoa (California State University Monterey Bay), Donna Blitzer (Univ of California, Santa Cruz), Bill Collins (Fort Ord BRAC Office), and Lisa Reinheimer (Mtry-Salinas Transit).

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Michael Houlemard introduced Mary Israel, Administrative Coordinator to Board members.

Mayor Rubio introduced Craig Malin as the new City Manager for City of Seaside and announced he will assume this post in January 2016.

7. CONSENT AGENDA

Chair O'Connell said Item 7f originated from Legislative Committee and it was placed on agenda for Board approval.

- a. Approve November 2 and November 13, 2015 Board Meeting Minutes.
- b. Approve 2016 Board Meeting Schedule
- c. Denise Duffy & Associates Contract Amendment
- d. Surplus II Industrial Hygienist Selection Update
- e. Memorandum of Understanding with Association of Monterey Bay Area Governments for Orthographic Imagery
- f. Adopt 2016 FORA Legislative Agenda

MOTION: Supervisor Potter moved, seconded by Councilmember Haffa to approve the minutes with corrections requested, and Items 7b through 7f as presented.

MOTION PASSED UNANIMOUSLY.

8. BUSINESS ITEMS

- a. Oak Woodland Conservation Planning Update

Steve Endsley presented a brief report to Board and stated language comes from Base Reuse Plan as a requirement for the conservation planning locations. Staff has revised the Request for Proposal (RFP) to include a public participation process, jurisdiction coordination (County and Seaside), assistance to California Department of Veterans Affairs and the hiring of a qualified conservation biologist. He added the RFP will be presented to Board for approval at next meeting.

MOTION: Mayor Rubio moved, seconded by Mayor Edelen, to receive the updated report as provided by staff.

MOTION PASSED UNANIMOUSLY.

Board members offered comments and had questions regarding the polygons and expressed concerns about compliance.

Board received no public comment.

- b. MCWD/FORA Facilities Agreement Dispute Resolution / MOA

Michael Houlemard announced the Memorandum Of Agreement was signed by the General Manager of Marina Coast Water District (MCWD) and a copy was available to the public at entry table. Authority Counsel said the Memorandum of Agreement was arrived at in coordination with MCWD and was drafted per Board's direction and MCWD signed it through its General Manager and he requested it be authorized by Board to execute.

MOTION: Mayor Rubio moved, seconded by Supervisor Potter to approve execution of the Memorandum of Agreement as presented by Staff.

MOTION PASSED UNANIMOUSLY.

The Board received public comment.

c. Water Augmentation Project Planning Process

Mr. Houlemard stated this item was brought up through a 3-party planning process to minimize duplication and provides efficiency in the process.

Chair O'Connell reminded Board that this item was provided to Board for receiving the report.

Jonathan Brinkmann presented this Item to Board and answered questions. He said that Staff has been working with MCWD and MRWPCA to arrive at a Memorandum of Understanding (MOU) or a Memorandum of Agreement (MOA). He added all possible approaches are being reviewed and all parties are aware of cost for the implementation of this item. A Scope of Services will be provided to Board for review before provided to parties with FORA's maximum contribution of \$157,000.

MOTION: Supervisor Potter moved, seconded by Supervisor Phillips to accept the report, as presented by Staff.

MOTION PASSED UNANIMOUSLY.

The Board received no public comment.

d. Fort Ord Reuse Authority Prevailing Wage Program Resolution

Principal Analyst Robert Norris presented the item and responded to Board member questions, outlining that staff recommends an amendment to FORA Master Resolution to; 1) require contractors to register with DIR and 2) assist jurisdictions in the monitoring and enforcement of the prevailing wage clause. He further noted the need for budget authority for support staffing and to issue a Labor Compliance Services Request for Proposal (RFP) for 1 year period (not to exceed \$250,000) to enable FORA to augment jurisdictions' capacity to fulfill/comply with the Prevailing Wage Program.

The Board received public comments.

Chair O'Connell addressed Ms. Haines questions stated earlier to Board. Authority Counsel also noted that the CA Department of Industrial Relations (DIR) is aware that FORA may require contractors to register with DIR to ensure compliance. Mr. Houlemard added that as far back as February FORA has been clear about investigating/seeking DIR registration to improve compliance that workers are paid prevailing wages.

1st MOTION: Mayor Rubio moved, seconded by Councilmember Oglesby, to approve the proposed amendment to the Master Resolution.

A friendly Amendment to the Motion was made by Councilmember Morton and seconded by Mayor Edelen and was accepted by maker of Motion, Mayor Rubio. The amendment revised the proposed Resolution to reflect that: under 4th Whereas, after "subcontractors" to add for first generation projects; and that subparagraph, section (d) add a period after the word compliance and deleting the original text after the word compliance.

MOTION RECEIVED MAJORITY APPROVAL (2nd Vote Required):

Ayes: Beach, Edelen, Haffa, Morton, O'Connell, Oglesby, Pendergrass, Potter, Rubio.

Noes: Lucius, Phillips.

Absent: Gunter, Parker

Abstentions: None.

2nd MOTION: Councilmember Haffa moved, seconded by Mayor Rubio to implement Option A for staffing and to issue an RFP for labor compliance monitoring services for one year not to exceed \$250,000 pursuant to Staff's recommendation.

Board received comments from Board members regarding source of funding for this item, inability of FORA to fulfill the requirements under the Master Resolution in ensuring that proper wages are paid to workers, the potential of lawsuits for not enforcing compliance and costs associated to litigation, the lack of clarity from DIR which does not help resolve issues of non-compliance and the inconsistent concern for fiscal funding for all funding issues not just when funding helps ensure workers be paid fair wages.

Mr. Houlemard indicated that Board procedure and clarification on how this might be implemented could occur when the 2nd vote takes place at the next meeting. He further noted that, given the date the Finance Committee meets, this item would not be available to Board until its February meeting. Ivana Bednarik recommended that the Finance Committee discuss this item at its January 13, 2016 meeting and identify the source of funding so that Board can address it at its February meeting.

Substitute Motion: Councilmember Morton moved, seconded by Mayor Edelen that this matter be deferred until it is reviewed by the Finance Committee at its January meeting and further direction on what is the deliverable or what this \$250,000 would be spent on or any other sum be reviewed by Board in February.

2ND MOTION WAS NOT VOTED ON.

SUBSTITUTE MOTION RECEIVED MAJORITY APPROVAL (2nd Vote Required):

Ayes: Beach, Edelen, Lucius, Morton, O'Connell, Oglesby, Pendergrass, Phillips, Potter.

Noes: Haffa, Rubio

Absent: Gunter, Parker

Abstentions: None

9. PUBLIC COMMENT PERIOD

The Board received public comments.

10. EXECUTIVE OFFICER'S REPORT

Mr. Houlemard said Item 10e (PRAC) progress has been made, and that Categories 1&2 are being worked on. He added the trails and water augmentation are also being addressed through a water summit, economics bureaucracy and the Regional Urban Design Guidelines will be brought back to Board in February. He added all items are for information purposes only.

- a. Outstanding Receivables
- b. Habitat Conservation Plan Update
- c. Administrative Committee
- d. Finance Committee
- e. Post Reassessment Advisory Committee
- f. Regional Urban Design Guidelines Task Force
- g. Travel Report
- h. Public Correspondence to the Board

The Board received comments from Board members.

11. ITEMS FROM MEMBERS

Chair O'Connell closed meeting by wishing everyone a Happy Holidays, a Happy Hannukkah and a Happy Kwanza.

12. ADJOURNMENT - Meeting adjourned at 4:15 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Surplus II Industrial Hygienist Selection

Meeting Date: January 8, 2016

Agenda Number: 7b

ACTION

RECOMMENDATION(S):

Authorize the Executive Officer to execute a contract with Vista Environmental Engineering not to exceed \$175,000.

BACKGROUND/DISCUSSION:

The U.S. Army conveyed real property to the Fort Ord Reuse Authority (FORA) under an Economic Development Conveyance (EDC) Memorandum of Understanding (MOU) that outlines the terms and conditions of a local Base Realignment and Closure (BRAC) recovery program with the restriction that FORA and the Jurisdictions receive the property with the buildings "as-is, where-is." The FORA Board has specific building removal and clearance obligations under a combination of State law and Board policy.

Seaside Surplus II area has 27 large, multi-story concrete structures in close proximity to occupied housing, office buildings, schools and the California State University Monterey Bay (CSUMB) campus which have become dilapidated, contain hazardous materials and are sites for vandalism and illegal dumping. FORA and Seaside staff identified the need to survey the hazardous materials in Surplus II as the first step in meeting FORA's Seaside building removal obligations.

On October 18th, FORA issued a Request for Proposals (RFP) for Industrial Hygienists (IH) hazardous material sampling and testing services. IH site inspections were held on October 15th and November 5th. Three qualified IH firms submitted proposals. Vista Environmental Consulting scored the highest in the IH evaluation and interview process. On December 16th Seaside staff reviewed the IH evaluation process. Staff requests authorization for the Executive Officer to execute a contract with Vista Environmental Consulting for Surplus II hazardous material sampling and testing.

FISCAL IMPACT:

Reviewed by FORA Controller 

Surplus II building removal funding is included in the approved FY 15-16 CIP budget.

COORDINATION:

Authority Counsel, Administrative Committee

Prepared by 
Peter Said

Reviewed by 
Stan Cook

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Environmental Services Cooperative Agreement Quarterly Update	
Meeting Date:	January 8, 2016	INFORMATION
Agenda Number:	7c	

RECOMMENDATION:

Receive an Environmental Services Cooperative Agreement (ESCA) status report.

BACKGROUND:

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received 3,340 acres of former Fort Ord land prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for the ESCA parcels. FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

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

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

DISCUSSION:

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

Under the ESCA grant contract with the Army, FORA received approximately \$98 million in grant funds to clear munitions and secure regulatory approval for the former Fort Ord ESCA

parcels. FORA subsequently entered into a guaranteed fixed-price contract with ARCADIS to complete the work as defined in the Technical Specifications and Review Statement (TSRS) appended to the ESCA grant contract. As part of the RSA between FORA and ARCADIS, insurance coverage was secured from AIG for which FORA paid \$82.1 million up front from grant funds. The AIG policy provides a commutation account which holds the funds that AIG uses to pay ARCADIS for the work performed. The AIG coverage also provides for up to \$128 million to address additional work for both known and unknown site conditions, if needed. That assures extra funds are in place to complete the scope of work to the satisfaction of the Regulators. Based on the Army ESCA grant contract, the EPA AOC requirements and AIG insurance coverage provisions, AIG controls the ARCADIS/AIG \$82.1 million commutation account. The full amount was provided to AIG in 2008 as payment for a cost-cap insurance policy where AIG reviews ARCADIS' work performed and makes payments directly to ARCADIS. FORA oversees the work to comply with grant and AOC requirements.

Current status follows:

Item	Revised Allocations	Accrued through September 2015
FORA Self-Insurance or Policy	\$ 916,056	\$ 916,056
Reimburse Regulators & Quality Assurance	3,280,655	2,704,558
State of California Surplus Lines Tax, Risk Transfer, Mobilization	6,100,000	6,100,000
Contractor's Pollution Liability Insurance	477,344	477,344
Work Performed ARCADIS/AIG Commutation Account	82,117,553	73,254,536
FORA Administrative Fees	4,837,001	3,464,021
Total	\$ 97,728,609	\$ 86,916,515
	ESCA Remainder	\$ 10,812,094

Data collected during the ESCA investigation stage remains under regulatory review to determine if remediation is complete. The review and documentation process is dependent on Army and regulatory agency responses and decisions. They will issue written confirmation that CERCLA MEC remediation work is complete (known as regulatory site closure).

On November 25, 2014, EPA signed the Record of Decision (ROD) for the ESCA Group 3 properties located in County of Monterey (at Laguna Seca); City of Monterey (south of South Boundary Road); Del Rey Oaks (south of South Boundary Road); and, Monterey Peninsula College (MPC) Military Operations in Urban Terrain property. On February 26, 2015, the Regulators signed the ROD for the ESCA Group 2 California State University Monterey Bay property (south of Inter-Garrison Road). The ROD records the EPA, DTSC and Army's decision on the cleanup of these properties and what controls are required to continue to protect public health and safety.

The process for implementing, operating and maintaining the ROD controls is prescribed under a Land Use Control Implementation, Operation and Maintenance Plan (LUCIP OMP) document. Each ROD will have a corresponding LUCIP OMP developed based on site conditions and historic MEC use. The ESCA team and Regulatory agencies are working directly with the jurisdiction representatives, through the FORA Administrative Committee, to help them understand and develop their comments to the Group 2 and Group 3 LUCIP OMP documents. LUCIP OMP Workshops have been provided for Administrative Committee member questions and document comment preparation in May, June and July 2015. LUCIP OMP documents are approved by the Regulators prior to issuing regulatory site closure.

Until regulatory site closure is received, the ESCA property remains closed to the public. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction. Regulatory approval does not determine end use. Underlying jurisdictions are empowered to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

FORA received regulatory site closure for the County North and Parker Flats Phase 1 ESCA properties. For these properties, ARCADIS commuted ESCA insurance coverage for related clean-up costs for coverage for unknown conditions. Per the existing FORA/Jurisdiction Implementation Agreements (2001) and Memorandum of Agreement (2007) regarding property ownership and responsibilities during the period of environmental services, deeds and access control for these properties has been transferred to the new land owner.

The ESCA team continues to actively monitor biological resources and track restoration activities on ESCA properties. To date, the ESCA RP has provided the stewardship for 3,340 ESCA acres.

FISCAL IMPACT:

Reviewed by FORA Controller 

The funds for this review and report are part of the existing FORA ESCA funds.

COORDINATION:

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

Prepared by


Stan Cook

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Economic Development Quarterly Status Update	
Meeting Date:	January 8, 2016	INFORMATION
Agenda Number:	7d	

RECOMMENDATION(S):

Receive Economic Development (ED) Progress Report.

BACKGROUND/DISCUSSION:

During its March 13, 2015 meeting the Board authorized staff to hire an Economic Development Coordinator. Following a successful recruitment process, Josh Metz was appointed as Economic Development Coordinator, and made an initial Board presentation at the July meeting. An ED update followed in a September Board report.

FORA's initial ED strategy, outlined during the ED Coordinator recruitment and again at the September 2015 Board meeting, includes the following key components:

- Build on Regional Economic Strengths.
- Engage Internal & External Stakeholders.
- Develop and Maintain Information Resources.
- Pursue New Business Opportunities.
- Engage with Regional/Partner Efforts.
- Report Success Metrics.

Since September, Mr. Metz has continued to actively engage a wide variety of stakeholders including FORA jurisdictions, Monterey County Economic Development Department, California State University Monterey Bay (CSUMB) and University of California Santa Cruz, and regional business and financial interests. He has also participated in regional economic development strategic planning processes, represented FORA to internal and external groups and worked with member jurisdictions to energize development projects. Mr. Metz worked with the Executive Officer to refine input and best practices into the following key initiatives:

- Planning Collaboration: CSUMB-Seaside.
 - UCMBEST: Repackage, permitting, marketing, re-launch.
 - Workforce/Funding: White House Tech Hire Grant.
 - Innovation/Entrepreneurship: CSUMB Start-up Challenge.
 - Marketing: Information Curation, Fort Ord Opportunity Days.
- **Planning Collaboration:** FORA plays a unique role as a stakeholder convener on Monterey Bay regional issues. Mr. Metz has taken an active role in convening relevant stakeholders with the goal of resolving inter-jurisdictional planning challenges. To date these efforts have facilitated the advancement of previously stalled projects and strengthened mutual understanding and collaboration. These efforts are ongoing and are a core value proposition.
 - **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 Mr. Houlemard and Mr. 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. FORA staff and Board representatives met with UC Santa Cruz representatives on 12/22/15 to explore options and define paths forward.

- **Tech Hire Grant:** FORA has been instrumental in convening relevant stakeholders to pursue a regional workforce development grant proposal to expand workforce readiness in the emerging ag tech sector. Current strategizing is focused on developing the grant narrative with a focus on middle to high skilled tech related jobs and providing job training programs linked with clearly specified current and future industry needs. The deadline for the completed grant submission in March 11, 2016.
- **CSUMB Start-up Challenge:** FORA continues to support the growth and establishment of regional entrepreneurship through support of the CSUMB Institute for Innovation and Entrepreneurship – Start-up Challenge. This multi-day competitive pitch event works to cultivate entrepreneurship skills and identify promising start-up concepts. FORA staff is part of the event steering committee and working to continue strengthening the program impact and reach to cultivate the regional start-up ecosystem.
- **Fort Ord Opportunity Days:** As local, state and National economic indicators continue to strengthen, renewed development and business creation activity suggest the opportunity to refresh the focus on former Fort Ord opportunities. To this end, a concept has emerged to hold one or more public event to cultivate/attract quality developer options to achieve BRP vision. The idea involves partnering with regional stakeholders to host a series of development/business opportunity information forums, and will be further developed during the first quarter 2016.
- **Success Metrics/Information Analytics:** Clear success metrics will provide the framework to evaluate economic development progress. The 2015 FORA Jobs Survey indicates there are a total of 3541 Full-time Equivalent (FTE) and 722 Part-time jobs on the former Fort Ord. In addition, we estimate there are in excess of 10,000 students (7122 at CSUMB). As FORA supported entrepreneurship efforts mature, grant funds are secured and information resources are developed and deployed, additional ED metrics will become available.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

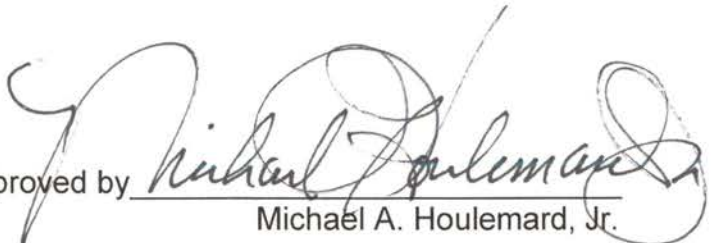
COORDINATION:

Administrative and Executive Committees

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Public Review Draft Habitat Conservation Plan Preparation Report
Meeting Date:	January 8, 2016
Agenda Number:	7e
INFORMATION/ACTION	

RECOMMENDATION(S):

- i. Authorize the Executive Officer to execute Denise Duffy & Associates (DD&A) Contract Amendment #10 to complete Public Review Draft and Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), not to exceed additional budget authority of \$65,103 (**Attachment A**).
- ii. Receive a report regarding contract amendment #8 with Economic and Planning Systems (EPS) changing text to 'Task 2: Habitat Conservation Plan (HCP) Endowment Due Diligence' (**Attachment B**), no change in consultant budget.

BACKGROUND/DISCUSSION:

FORA received comments on the Screencheck Administrative Draft HCP since its March 2015 release from future permittees, California Department of Fish and Wildlife (CDFW) representatives, and US Fish and Wildlife (USFWS) representatives. The USFWS solicitor is the only remaining reviewer yet to submit comments. The local USFWS representatives communicated FORA's pressing need to receive solicitor comments immediately to proceed to the Public Review Draft HCP.

FORA received more extensive CDFW and USFWS comments than anticipated during the review period. To produce Public Review Draft and Final HCP documents, FORA staff will request Board authorization for an ICF International Contract Amendment at the next FORA Board meeting. FORA staff and counsel are assuming the following tasks to support completion: meeting coordination, meeting minute preparation, and HCP edits for: Chapter 7 Implementation, Chapter 9 Cost and Funding, Joint Powers Agreement, Implementing Agreement, cost model, and cost flow strategy.

Since August 2015, FORA received comments on the 2nd Administrative Draft EIS/EIR. For this document as well, the USFWS solicitor is the only remaining reviewer yet to submit comments. Since USFWS is Lead Agency for the EIS, FORA and DD&A must work with them to bring the EIS/EIR forward. FORA staff requests Board authorization for DD&A Contract Amendment #10 to complete Public Review Draft and Final EIS/EIR.

Finally, to address CDFW and Permittees comments, FORA must update 'HCP Appendix R: Endowment Cash Flow Strategy,' a previous EPS work product. FORA staff will amend the existing FORA-EPS contract to revise the 'Task 2: HCP Endowment Due Diligence' description to accomplish Appendix R revisions. The amendment would change the task description without changing the consultant budget.

FISCAL IMPACT:

Reviewed by FORA Controller 

Funding for DD&A Contract Amendment #10 additional budget authority of \$65,103 is included in the approved annual budget.

COORDINATION:

Authority Counsel, CDFW, USFWS, ICF, DD&A

Prepared by 
Jonathan Brinkmann

Approved by  for
Michael A. Houlemard, Jr.

DENISE DUFFY & ASSOCIATES, INC.

**DRAFT
SCOPE OF WORK
for the
FORT ORD HCP
ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT**

**Amendment #10
December 30, 2015**

Denise Duffy & Associates, Inc. (DD&A) is currently contracted to prepare the environmental documentation for the Fort Ord Habitat Conservation Plan (HCP) (February 1, 2005). Due to changes in the documentation approach and the HCP consultant, DD&A prepared a Scope of Work that assumed the preparation of a joint NEPA/CEQA environmental document, dated July 21, 2008 (Amendment #1 to the original contract). Since the approval of contract amendment #1, additional revisions to the scope of work and budget occurred, which were approved as Amendments #2-4. To reflect these revisions to the original contract and provide a budget to complete the environmental review process through a screencheck draft Environmental Impact Statement/Environment Impact Report (EIS/EIR) (note: screencheck draft EIS/EIR means an Administrative draft EIS/EIR document that addresses substantive issues identified in previous Administrative drafts – this is the final draft prior to the public review draft EIS/EIR), DD&A prepared a Revised Scope of Work, dated January 3, 2012, which was referred to as “Amendment #5.” Amendment #5 included: Tasks 1-7 of the Revised Scope of Work; and the tasks described in Amendment #4. The Fort Ord Reuse Authority (FORA) approved Amendment #6, which included revising the impact analysis for the California Tiger Salamander (CTS) (see Task 5, below). Due to completion of several tasks and increased technical discussions and analyses, DD&A prepared contract amendment #7, which included a revised Scope of Work and budget amendment to update the HCP impact analysis and the 2nd Administrative Draft EIS/EIR and Screencheck Draft EIS/EIR to reflect the results of the technical discussions.

Amendment #8 was prepared to complete a few outstanding covered species issues, address additional proposed covered activities not previously considered in the HCP, and prepare and distribute the Public Draft EIS/EIR. Amendment #9 was issued to reallocate the remaining budget from Task 10 2nd Administrative Draft EIS/EIR to Task 11 Public Draft EIS/EIR.

This amendment, Amendment #10, includes: 1) a new subtask (Task 11A) to address impact analysis comments received on the Screencheck Draft HCP and 2nd Administrative Draft EIS/EIR; 2) amending the production assumptions associated with distributing the Public Draft EIS/EIR in Task 11; 3) tasks required after the Draft EIS/EIR public review period to finalize the Draft EIS/EIR and complete the environmental review process.

These tasks were not included in previous contracts. Please note that this contract amendment would apply remaining budget authorized in prior contract amendments (\$17,098) to contract Amendment #10 Tasks.

TASK 11. PREPARE PUBLIC REVIEW DRAFT EIS/EIR DOCUMENTATION

DD&A will incorporate minor comments anticipated on the 2nd Administrative Draft EIS/EIR, and prepare the Draft EIS/EIR for formal public review.

DD&A will provide copies of the document on CD and in a PDF file so that it can be posted on the FORA, Service, and CDFW websites upon publication of the Federal Register notice and filing at the State Clearinghouse. DD&A will provide seventy-five (75) CDs of the Public Review Draft EIS/EIR to FORA and ten (10) CDs of the Public Review Draft EIS/EIR to the Service. DD&A will also prepare a PDF digital copy and make available through DD&A's ftp site to allow FORA and the Service to print hard copies or additional CDs of the Public Draft EIS/EIR, as needed.

This scope of work assumes that FORA and the Service will be responsible for circulating the public review draft to the approved distribution list, which will be created by DD&A during this task with internal team input, and assumes that the number of CDs identified in this scope of work is adequate for circulation. If additional CDs are requested of DD&A, authorization to amend this scope would be required.

DD&A will be responsible for the preparation of the CEQA notices (Notice of Availability and Notice of Completion), and filing and posting with the State Clearinghouse and County Clerk. This scope of work assumes producing one hundred (100) hard copies of the Notice of Availability to meet distribution and posting requirements of FORA and the State Clearinghouse. FORA will be responsible for posting the Notice of Availability in the local newspaper, the Monterey Herald.

The Public Review Draft EIS/EIR will be circulated concurrently with the Public Review Draft HCP and IA. This scope of work assumes ICF will be responsible for the production of the Public Draft HCP and IA and provide the requested number of copies to DD&A for distribution.

Responsibility: DD&A, Service, and FORA

Deliverables: Public Review Draft EIS/EIR and Noticing

SUBTASK 11A. IMPACT ANALYSIS REVISIONS

Per the comments received on the Screencheck Draft HCP and 2nd Administrative Draft EIS/EIR, some revisions to the impact analysis calculations and associated text, tables, and figures are required, including but not limited to:

- Marina Coast Water District covered activities;
- Federal lands versus non-federal lands impacts;
- FORTAG and Marina Airport Activities;

- Clarifications regarding road, trail, fuelbreak, and operation and maintenance assumptions;
- State Parks covered activities and management zones;
- Removal of restoration impacts; and
- Revisions to figures and tables, as needed.

DD&A will revise the impact analysis and finalize the associated tables, figures, and text and submit the revisions to FORA and ICF for review and comment. DD&A will incorporate any necessary revisions and submit to ICF for inclusion in the Public Draft HCP.

Responsibility: DD&A, FORA, and ICF

Deliverables: Updated Impact Analysis and Associated Text, Figures, and Tables

TASK 12. COMMUNITY ENGAGEMENT

During the public review phase, DD&A will attend up to two public meetings in the project area. The FORA, ICF, Service, and CDFW (as needed) will be responsible for facilitating the public meetings. DD&A will prepare comprehensive documentation of the public meeting(s) and the Draft EIS/EIR circulation. This will include preparation of the Record of Public Meeting (including a certified transcript of the public meeting proceedings) and a Record of Draft EIS/EIR Circulation.

During the HCP approval and EIS/EIR certification process, DD&A will attend up to three public meetings. DD&A will review draft presentations and assist with preparation of necessary materials prior to the public meetings. DD&A will address questions from FORA Board members or members of the public, as needed.

Responsibility: DD&A, FORA, and ICF

Deliverables: Record of Public Meeting, and Record of Draft EIS/EIR Circulation

TASK 13. PREPARE SCHEDULE FOR FINAL EIS/EIR

At the end of the public review period of the Draft EIS/EIR and HCP, a task is needed to check the status of the schedule and plan the execution of the Final EIS/EIR and HCP. DD&A will coordinate with ICF and the rest of the internal team to evaluate the comments, identify any remaining issues, and establish the schedule for finalization of the EIS/EIR and HCP.

Responsibility: DD&A, Service, CDFW, FORA, and ICF

Deliverable: Schedule for Final EIS/EIR and HCP

TASK 14. PREPARE ADMINISTRATIVE DRAFT FINAL EIS/EIR

After the comment period for the public draft is closed, DD&A will review the comments and begin preparation of the Final EIS/EIR, which includes responses to comments received and changes to the Draft EIS/EIR. DD&A will work with the Service, FORA, ICF, CDFW, BLM,

and the other HCP Working Group participants to prepare draft initial responses on the public comments on the Public Draft EIS/EIR and HCP.

It is anticipated that some revisions to the Public Draft HCP will be required as a result of public comment. Therefore, DD&A will require the revised HCP prior to completing the 1st Administrative Draft Final EIS/EIR to ensure consistency between documents. After review of the revised HCP, DD&A will finalize and submit the Administrative Draft Final EIS/EIR electronically to the Service, CDFW, and FORA for review and comment.

Responsibility: DD&A

Deliverables: Administrative Draft Final EIS/EIR

TASK 15. AGENCY COORDINATION AND MEETINGS DURING FINAL EIS/EIR PROCESS

DD&A will continue coordinating with the HCP Working Group and working to resolve issues and concerns. DD&A will participate in the meetings that ICF identified in their meeting schedule. In addition, DD&A will coordinate closely with ICF to maintain project schedule and completion.

DD&A will attend and participate in working group meetings as necessary throughout the project either in-person or on telephone conferences, including regular communication with the Service and CDFW to address key issues and confer on environmental issues. For meetings where DD&A is the lead, we will prepare agendas with the action items, give presentations, and provide presentation materials, as needed. FORA staff will be responsible for meeting minutes that identify action items. FORA staff will maintain a log of all action items to ensure that the required actions occur. DD&A will review FORA's action item log to ensure accuracy.

In total, this scope of work assumes that DD&A will attend the following meetings associated with other tasks in this scope of work: up to six HCP Working Group Meetings; four meetings with the Service, CDFW, ICF, and FORA; and ten conference calls. Any request(s) for meeting attendance by DD&A not provided for within this scope will be billed on a time and materials basis.

Responsibility: DD&A

Deliverables: Agendas, Review of Meeting Minutes and Log of Action Items

DD&A Budget Amendment #10
 December 30, 2015
 Fort Ord Habitat Conservation Plan
 Environmental Impact Statement/Environmental Impact Report

Billing Title	Principal	Senior Project Manager	Senior Planner	Senior Environmental Specialist	Assoc Planner or Scientist	Assist Planner or Scientist	Word Processing	Graphics	Hours Per Task	Cost Per Task
11 Prepare Public Review Draft EIS/EIR	2	22	36	28	40	48	26	24	226	\$ 25,016
11A Impact Analysis Revisions		10	24		16	24		16	90	\$ 10,086
12 Community Engagement		40				30	10		80	\$ 9,560
13 Prepare Schedule for Final EIS/EIR		2							2	\$ 310
14 Prepare Admin Draft Final EIS/EIR	2	22	30	18	34	42	32	18	198	\$ 21,436
15 Agency Coordination/Meetings		68				30	8		106	\$ 13,780
Total Hours	4	164	90	46	90	174	76	58	702	
Hourly Rate	\$ 215	\$ 155	\$ 145	\$ 145	\$ 103	\$ 92	\$ 60	\$ 75		
Total Labor	\$ 860	\$ 25,420	\$ 13,050	\$ 6,670	\$ 9,270	\$ 16,008	\$ 4,560	\$ 4,350		\$ 80,188
Expenses:										
Printing/Mileage/Communication										\$ 1,750
Subtotal Expenses										\$ 1,750
15% Admin Fee										\$ 263
TOTAL EXPENSES										\$ 2,013
TOTAL										\$ 82,201
REMAINING BUDGET										\$ 17,098
REQUESTED AMENDMENT										\$ 65,103

Task 2: HCP Endowment Due Diligence

~~Previously~~Over the last several months, EPS has conducted detailed analysis of the HCP exceeding the level of effort originally anticipated. Additional HCP work under this task will include updating the 'HCP Endowment Cash Flow Strategy' memo and analysis. This will entail updating development forecasts, HCP cost assumptions, the HCP Endowment Cashflow model, and memo text. FORA staff will provide updated information allowing EPS to update these elements of the memo and analysis. Completion of this task will support FORA's HCP project since California Department of Fish and Wildlife (CDFW) and permittees have requested that an updated 'Appendix R: Endowment Cash Flow Strategy' be included in the Public Review Draft HCP.

~~proposed new task will include evaluation of endowment pay-out scenarios with implications for the overall Fee and Special Tax Rate, associated implications of adjustments to the Fee and Special Tax Rates on the timely capitalization of the HCP endowment, and finalization of the HCP financing strategy.~~

~~Under this task, EPS also will assist FORA staff in selecting a preferred financial institution, through which endowment funds would be invested, and conducting due diligence related to endowment holder certification.~~

~~EPS will assist FORA staff in preparing a Request for Qualifications (RFQ) for candidate financial institutions and will assist in selecting a preferred entity. As part of this work effort, EPS would assist FORA in preparing a RFQ that sets forth parameters for potential investment entities, identifies the required components of responses to the RFQ, and sets forth the criteria by which a financial institution will be selected. EPS then would assist FORA to review any responses received, evaluate and rank respondents, and make recommendations to the FORA Board.~~

~~EPS also will assist FORA to conduct the required endowment holder due diligence under the provisions of Government Code Sections 65965-65968, as amended by Senate Bill (SB) 1094. At this time, it is anticipated that the HCP endowment funds will be held by 2 separate government entities: the University of California and a yet-to-be-formed Joint Powers Authority (JPA) consisting of the local jurisdictions holding habitat mitigation land included in the HCP.~~

~~As part of the due diligence process, EPS will help FORA demonstrate that the endowment holders meet the criteria set forth by SB 1094, including a review of the endowment holders' investment policies to ensure they comport with regulatory requirements. This due diligence process will include documentation of the qualifications of the entity to manage habitat land, the qualifications of the entity to hold and manage the endowment, the wherewithal of the selected financial institution to achieve necessary returns, and the entity's ability to ensure compliance with mitigation agreements with development project proponents.~~

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Elect 2016 Board Officers

Meeting Date: January 8, 2016

Agenda Number: 7f

ACTION

RECOMMENDATION:

1. Receive a report from the 2016 Nominating Committee.
2. Approve the Nominating Committee's proposed slate or conduct elections for individual offices, as follows:
 - i. Elect two voting members of the Fort Ord Reuse Authority (FORA) Board to serve as Board Chair and Vice-Chair and FORA Executive Committee members for a term of one year.
 - ii. Elect two voting members of the FORA Board to serve as members-at-large on the FORA Executive Committee for a term of one year.
 - iii. Elect a past Board Chair to serve on the Executive Committee for a term of one year.
 - iv. Elect one ex-officio Board member to serve as a non-voting member of the Executive Committee for a term of one year.

BACKGROUND/DISCUSSION:

The FORA Master Resolution states that the two Board officers shall be elected annually at the end of the first regular Board meeting in January. The Board officers serve for a term of one year and may be reelected for no more than one consecutive, additional term in the same office. Under that policy, the current Board officers are eligible for reelection to their current positions. The Master Resolution also establishes a Board policy of succession from 1st Vice Chair to Chair. The Board may appoint other officers as deemed necessary. The 2016 Nominating Committee met on December 30, 2015 and their summary nomination is attached hereto (**Attachment A**).

VOTING PROCEDURE: A summary nomination covering all offices is offered by the Nominating Committee Chair or any Board member before voting for the individual offices commences. In the absence of a summary nomination, the Chair will accept nominations for each office, starting with the Chair, and conduct an election as noted in **Attachment B**. A majority of votes cast confirms election.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION

Nominating Committee and Executive Committee

Prepared by


Maria Buell

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

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Attachment A to Item 7f
FORA Board Meeting, 1/8/2016

MEMORANDUM

TO: FORA Board of Directors
FROM: Maria Buell, Deputy Clerk
RE: 2016 Nominating Committee Report *(to accompany 1/8/16 Board Agenda Item 7f)*
DATE: December 30, 2015

The 2016 FORA Nominating Committee met on Decemer 30, 2015.

As discussed in the January 8th Board report for Item 8h, the Nominating Committee considered appointments for the Board Chair and Vice Chair positions, as well as the four additional members of the Executive Committee (EC), which include a Past Chair, two Members-at-Large, and an Ex-Officio/Non-Voting member.

The Committee unanimously recommended the following slate for Board consideration:

Chair	Marina Mayor Pro-Tem Frank O'Connell
Vice Chair	Seaside Mayor Ralph Rubio
EC Past Chair	Del Rey Oaks Mayor Jerry Edelen
EC Member-at-Large	Monterey County Supervisor Jane Parker
EC Member-at-Large	Salinas Mayor Joe Gunter
EC Ex-Officio (Non-Voting) Member:	CSUMB President Eduardo Ochoa

FORA VOTING PROCEDURES

Election of Officers

1. The Chair opens the election by requesting that the Nominating Committee Chair present the Committee's proposed slate.
2. The Board may elect the Chair, Vice-Chair, Past Chair, and the two "at-large" Executive Committee Members by a summary nomination, wherein a motion to fill all five positions is made (typically by the Nominating Committee Chair) seconded, and carries with majority support.
3. If there is no summary nomination or if the summary nomination fails to receive majority approval, the Chair will request nominations from the floor. The Chair will receive all nominations for a given position and allow nominees to make a short statement before ordering a roll-call vote. Voting results are announced by the Deputy Clerk. The Executive Officer, as designated FORA Elections Official, will verify and confirm the election.
4. Each nomination must pass with majority Board approval before the next position is considered. The order of the election shall be the Chair, Vice-Chair, Past Chair, at-large positions.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Accept Fiscal Year 14-15 Annual Financial Report	
Meeting Date:	January 8, 2016	ACTION
Agenda Number:	7g	

RECOMMENDATION:

Accept the Moss, Levy & Hartzheim, Certified Public Accountants Fort Ord Reuse Authority (FORA) Fiscal Year 14-15 Annual Financial Report (Audit Report) as recommended by the Finance Committee. This link will take you to the full report:

<http://fora.org/Board/2016/Packet/Additional/AnnualFinancialReportFY14-15.pdf>.

BACKGROUND:

Each fall, the draft Audit Report is presented to the Finance Committee (FC) for its review and consideration before it is forwarded to the FORA Board. The FORA Board has directed that every three to five years the FC evaluate the financial consultant providing the requisite opinion. The current FORA Auditor, the firm Moss, Levy & Hartzheim (MLH) was hired in 2012 and will conduct FORA financial audits through FY 15-16.

Beginning in FY 12-13, MLH also audited the Preston Park Housing financial operations – a change from previous years where the management company obtained stand-alone audits for Preston Park up until 2011. However, the initial value of Preston Park land and buildings was never recorded in these reports. In 2012 MLH a) advised FORA that accounting principles generally accepted in the U.S. require this capital assets be capitalized and depreciated, and b) determined this capital asset should be included in the *owner's* financial reports.

DISCUSSION:

With respect to FORA operations (*Fund Financial Statements*), MLH issued an “unmodified” (*clean*) opinion. There were no findings/questionable costs in the FY 14-15 financial audit concerning FORA internal control structure. MLH’s letter expresses the opinion that the financial statements present fairly, in all material respects, FORA’s financial position as of June 30, 2015, and the respective changes in financial position, for the fiscal year then ended, in accordance with accounting principles generally accepted in the United States of America.

Effective July 1, 2014, FORA adopted the Governmental Accounting Standards Board (GASB) Statements 68 and 71 regarding financial reporting and accounting for pensions. This required information is reflected in Government-Wide Financial Statements (Statement of Net Assets) and corresponding notes on *pages 30-33*.

Since Preston Park ownership was disputed in litigation and FORA still owned the property on June 30, 2015, MLH issued a “modified” opinion with respect to the Government-Wide Financial Statements because the value of Preston Park land and buildings had not been recorded. MLH also reported several third-party (Alliance) findings with respect to the Preston Park internal control structure. Alliance management provided response and corrective actions, which MLH accepted. These findings start on *page 51* of the audit report.


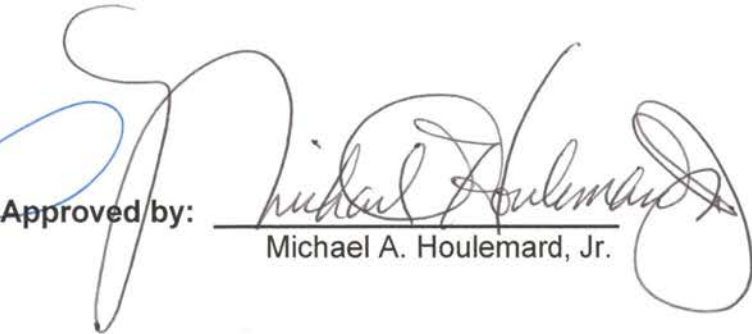
The FC reviewed the Audit Report on December 8 and unanimously voted to recommend to the FORA Board that it accept the FY 14-15 Audit Report. *Please refer to item 10d for more details regarding the FC meeting.*

FISCAL IMPACT:

Cost for the audit services is included in the approved FORA and Preston Park budgets.

COORDINATION:

Finance Committee, Moss, Levy & Hartzheim, Certified Public Accountants

Prepared by:  Approved by: 
Ivana Bednarik Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Water Augmentation Project Planning – Memorandum of Understanding

Meeting Date: January 8, 2016

Agenda Number: 7h

INFORMATION

RECOMMENDATION(S):

Receive a report on the status of the Water Augmentation planning process.

BACKGROUND/DISCUSSION:

At its November 2, 2015 Special meeting, the FORA Board adopted a resolution to authorize FORA facilitation of a Three Party Planning effort (TPP) with Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District (MCWD). On December 11, 2016 the Board unanimously approved a Memorandum of Agreement (MOA) wherein, MCWD agreed to participate in a Three Party Planning effort.

The Purpose of the TPP effort is to endorse, in principle, and fund, a short term planning process designed to provide detailed analysis building on the prior Regional Urban Water Augmentation Plan (RUWAP) studies leading to an 'all of the above' approach to solving Water Augmentation for the Fort Ord Community. See the December, 11 2015 Board Report for the overarching goals of the TPP.

The Action plan for the TPP is to:

- 1) Secure an MOU between the parties clearly defining the TPP's scope.
- 2) Assess the most cost efficient mix of water augmentation options/alternatives.
- 3) Analyze a "Pipeline financing agreement" between FORA MCWD and MRWPCA.
- 4) Re-asses the RUWAP with data from the planning study.
- 5) Develop Water Augmentation Plan refinements building on RUWAP accomplishments.
- 6) Determine a mitigation allocation strategy to be presented to the Board.

FORA staff has meetings with MCWD on January 4, 2016 and MRWPCA on January 11, 2016 and is working towards an agreement on the scope of a Memorandum of Understanding outlining the overarching planning effort. The three agencies will meet, and coordinate with, the respective Executives and Authority Counsels in late January. Staff expects to present an MOU for Board review and approval by February with subsequent approvals of various components of the planning effort to follow. In parallel action, Staff is working with MCWD and MRWPCA to develop a mutually agreed upon scope for the water augmentation options/ alternatives study.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Authority Counsel, MCWD, MRWPCA

Prepared by  Peter Said

Approved by  for
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Fort Ord Reuse Authority Prevailing Wage Program Resolution 2 nd Vote	
Meeting Date:	January 8, 2016	INFORMATION/ACTION
Agenda Number:	8a	

RECOMMENDATION:

- i. Approve a FORA Master Resolution Amendment (**Attachment C**) requiring contractors to register with California Department of Industrial Relations ("DIR") and assisting the jurisdictions in their responsibility for monitoring and enforcement of the former Fort Ord prevailing wage requirements, reflecting the two following changes: (1) under the **4th whereas**, after "subcontractors" to add "for First Generation Construction projects;" and (2) that subparagraph, **section (d)** to add a period after the word 'comply' and to delete the original text after the word 'comply.'
- ii. Defer Board action on staff recommended Option A (**Attachment B**) until it is reviewed by the Finance Committee at its next meeting and further direction on what is the deliverable or what this \$250,000 would be spent on or any other sum can be reviewed by Board.

BACKGROUND:

- Adopting a prevailing wage requirement (as a base-wide policy) surfaced in legislative debates during FORA's creation. While FORA enabling legislation did not include prevailing wage provisions, the initial FORA Board meeting explored the policy questions in the adoption of a procurement code. In fact, the FORA Board's first action setting prevailing wage policy occurred July 14, 1995, with the adoption of Ordinance No. 95-01, establishing FORA's Procurement Code and requiring prevailing wages to be paid to all workers employed on FORA's construction contracts. The FORA Master Resolution was adopted March 14, 1997, article 3.03.090 required/confirmed that prevailing wages be paid for all first generation projects on parcels subject to the Base Reuse Plan (BRP).
- FORA's right to require and enforce prevailing wages was tested through a lawsuit filed against a property developer, Cypress Marina Heights LP (CMH) in Marina (*Cypress, supra*, 191 Cal.App.4th at p. 1504.) that sought an order requiring prevailing wages. The case was resolved (after appeal) by a settlement agreement that upheld FORA's Master Resolution section 3.03.090 general prevailing wage requirement.
- Discussion regarding prevailing wage requirements continued and included in BRP compliance actions through 2006, when the Board engaged in further policy clarification actions. In August 2006, the Board received a status report on jurisdiction efforts to adopt and implement prevailing wage policies consistent with Chapter 3 of the Master Resolution. That report was the result of FORA Executive Committee and Authority Counsel's examination of FORA's role in implementing prevailing wage policies on the former Fort Ord. Since 2006, the FORA Board has heard compliance concerns expressed by the Labor Council, received several additional reports, slightly modified a section of Chapter 3 of the Master Resolution, and directed staff to provide

information to the jurisdictions about compliance. The FORA Board has never considered and has not indicated any intention to rescind or modify the Master Resolution requirements for prevailing wages on First Generation construction.

- Also, in 2001, FORA entered into Implementation Agreements (“IA”) with its jurisdictions that required deed restrictions to be recorded in any conveyance and subsequent deed transactions, that “[a]ny development of the property will be and is subject to the provisions of the Reuse Plan [and] the policies and programs of [FORA], including the ... Master Resolution.” Recently, the City of Marina has indicated it will not assign resources to monitor or enforce the prevailing wage requirement and violations of the prevailing wage requirement have been reported to the FORA for both projects in Marina and the County of Monterey.

Prevailing Wage New Legislation:

In June 2014, the California legislature adopted registration requirements for contractors and subcontractors involved in public works projects or other projects as may be determined by the Labor Commissioner. SB 854 was passed to fund the California DIR monitoring and enforcement of prevailing wage laws, and requires 1) online registration, 2) payment of a \$300 fee, 3) filing by agencies of notices of their public works projects with DIR, and 4) submittal of certified payroll records to DIR. Contractors/Subcontractors must be clear of any record of delinquent unpaid wages or penalty assessments.

DISCUSSION:

At its March 13, 2015 meeting, the FORA Board authorized the Executive Officer to request a formal DIR determination on FORA projects. However, several Board members requested that staff not wait for DIR’s determination and return with a plan for a FORA prevailing wage compliance program. Other Board members expressed concern that FORA would set up a prevailing wage compliance program when individual jurisdictions are responsible for compliance.

On November 5, 2015, FORA’s Executive Officer received DIR’s response (relayed from Senator Bill Monning’s Office after personal contact from the Senator’s office) attached as **Attachment A**. DIR’s response cited the following:

“...for the project to be defined as a public work there must be construction, alteration, demolition or repair work, and the project must contain public funds. Labor Code section 1720(b) further defines public funds to include:

- (a) *For purposes of this section, “paid for in whole or in part out of public funds” means all of the following:*
 - (1) *The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.*
 - (2) *Performance of construction work by the state or political subdivision in execution of the project.*
 - (3) *Transfer by the state or political subdivision of an asset of value for less than fair market price.*
 - (4) *Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision.*
 - (5) *Money loaned by the state or political subdivision that is to be repaid on a contingent basis.*

(6) Credits that are applied by the state or political subdivision against repayment obligations to the state or political subdivision.

In our previous telephonic discussions, you have confirmed that First Generation Projects have public funds and are construction projects over \$1,000. As such, there would be a statutory obligation to treat these projects as a public works and ensure all contractors performing this work were subject to the public works statutes (Labor Code sections 1720-1861), which would include contractor registration."

It is staff's interpretation that, since FORA and the jurisdiction accept reduced land sales revenue from nearly every historical Fort Ord private sector project (based on the economic analyses performed by the jurisdictions that assess the cost of FORA mitigation fees, building removal, prevailing wage, and other costs) individual development projects may qualify as a public work.

FORA staff researched options for a FORA prevailing wage compliance program. **Attachment B** contrasts three (3) options for a FORA prevailing wage compliance program. FORA staff's assumption of two full-time staff positions or equivalent consultant hours to monitor, respond to inquiries, and prepare reports is based on FORA Capital Improvement Program development forecasts. A redacted master services agreement is included under **Attachment C** to provide an example of a consultant contract for prevailing wage services to a public agency. FORA staff recommends pursuing **Option A**. The FORA Board may want to consider appropriate funding sources for this compliance work at the mid-year budget. The cost for FORA to take on this work could range from \$120,000 to \$350,000/year.

Master Resolution Amendment:

The FORA Master Resolution ("MR") was adopted originally by Ordinance # 97-01 to establish the "governing code" by which FORA's operation of its powers and authority would be deployed in the Monterey Bay Region's recovery from Fort Ord closure. The MR formally adopted definitive direction and operational authority for the business of FORA consistent with California Law under the Authority Act. When the MR was adopted, the FORA Board anticipated that the MR would ultimately be amended to account for changes in California law, alterations to operational provisions, and to maintain consistency between Board decisions and the Authority Act.

The Board is requested to approve a FORA Master Resolution Amendment (**Attachment C**) to require contractors to register with DIR and direct FORA staff to monitor and enforce jurisdiction compliance with the prevailing wage policy. The FORA Board received communications regarding this item, including letters from Building Trades (Ron Chesshire) and private citizens (Jane Haines).

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. Should the FORA Board direct staff to proceed with any of the three options for implementing a FORA prevailing wage compliance program, an additional FORA budget will be needed. The Board may want to consider funding options to pay for these costs which were previously jurisdictional obligations.

COORDINATION:

FORA Board, City of Marina, Authority Counsel, Department of Industrial Relations.

Prepared by: 
Robert J. Norris, Jr.

Approved by: 
Michael A. Houlemard, Jr.

Questions to and answers received from Eric Rood, Assistant Labor Commissioner, CA Department of Industrial Relations

November 5, 2015

1. In review of the recently enacted SB 854, Fort Ord Reuse Authority (FORA) staff noted that SB 854 encompasses public works projects, as specified, to be paid the general prevailing wage as determined by the Director of the Department of Industrial Relations (DIR). In reviewing the FORA Master Resolution prevailing wage provisions, First Generation Construction on the former Fort Ord is required, by FORA covenant, to pay not less than general prevailing rate of wages as determined by the Director of DIR. FORA's prevailing wage provisions define First Generation Construction projects as public works projects subject to SB 845. Does DIR agree with this determination?

Answer: SB 854 did not expand the definition of public works. It does require all contractors has defined in Labor Code section 1722.1, to register, pay a \$300 fiscal annual fee and be of good legal standing in order to perform public works.

Labor Code section 1722.1 defines a contractor as:

For the purposes of this chapter, "contractor" and "subcontractor" include a contractor, subcontractor, licensee, officer, agent, or representative thereof, acting in that capacity, when working on public works pursuant to this article and Article 2 (commencing with Section 1770).

In short, a contractor/vendor who is subject to public works laws as defined in Labor Code sections 1720 through 1861, would be required to register.

Labor Code section 1720(a)(1) defines what comprises a public works. It states:

(a) As used in this chapter, "public works" means:

(1) Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority. For purposes of this paragraph, "construction" includes work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work, and work performed during the post construction phases of construction, including, but not limited to, all cleanup work at the jobsite. For purposes of this paragraph, "installation" includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems. [emphasis added]

In addition, for the project to be defined as a public work there must be construction, alteration, demolition or repair work, and the project must contain public funds. Labor Code section 1720(b) further defines public funds to include:

(b) *For purposes of this section, “paid for in whole or in part out of public funds” means all of the following:*

(1) *The payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer.*

(2) *Performance of construction work by the state or political subdivision in execution of the project.*

(3) *Transfer by the state or political subdivision of an asset of value for less than fair market price.*

(4) *Fees, costs, rents, insurance or bond premiums, loans, interest rates, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision.*

(5) *Money loaned by the state or political subdivision that is to be repaid on a contingent basis.*

(6) *Credits that are applied by the state or political subdivision against repayment obligations to the state or political subdivision.*

Labor Code section 1771 brings in the term maintenance to be included in a public work and sets a minimum dollar threshold for projects over \$1,000. Section 1771 states:

Except for public works projects of one thousand dollars (\$1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

*This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to **contracts let for maintenance work.***

The general rule to determine if a project is subject to public works is:

- Is the project construction, alteration, demolition, installation, repair or maintenance work;
- Is the project paid out by public funds;
- Is the project over \$1,000

In our previous telephonic discussions, you have confirmed that First Generation Projects have public funds and are construction projects over \$1,000. As such, there would be a statutory obligation to treat these projects as a public works and ensure all contractors performing this work were subject to the public works statutes (Labor Code sections 1720-1861), which would include contractor registration.¹

¹ Please note that in *Monterey/Santa Cruz County Bldg. and Const. Trades Council v. Cypress Marina Heights LP* (2011) 191 Cal.App.4th 1500. In that case, the developer bought the land (at FMV) from FORA and argued that it did not have to pay prevailing wages, because there was no public money and the purchase agreement did not specify that prevailing wages were required on the construction. The local building trades brought suit and won. Court found that FORA's Master Resolution (requiring prevailing wages) and deed covenants (also requiring prevailing wages) applied to downstream government entities and developers, even on non-public works projects, as it was a contractual requirement to pay prevailing wages that ran with the land. So, it is DIR's

Please note that if the Federal government is administering any FORA projects, this could change the determination. If there are federal administrated projects, you should make a request to the DIR's Director's Legal Unit for a determination.²

If a state agency or private developer is overseeing a construction project where there is public monies; the project would more than likely be subject to California public works labor laws.

Please note FORA can provide stricter contractual obligations for private work where there are no public funds. This may include requiring contractor registration, filing CPRs, and paying prevailing wages; however, any enforcement would have to go through the courts as a breach of contract.

2. Does FORA need to follow a formal process for DIR to consider whether or not FORA is subject to SB 854?

Answer: In most instances, you will not need to request a formal determination to DIR's Office of the Director's (OD) Legal Unit. In most instances, formal determinations are made when there is controversy on what comprises public funds. Section 1720(b) of the Labor Code which I provided in the last answer, is the statute to determine if a project contains public funds.

Labor Code section 1720(b), reproduced above, defines public funds.

3. If yes, to whom should FORA address its request for a determination?

Answer: There are two types of determinations: (1) a request for a craft/classification wage rate and (2) a coverage determination to determine if a project is subject to public works laws. A written **request for a wage rate** should be sent to the following address:

DIR- Office of Policy, Research and Legislation
455 Golden Gate Boulevard, 9th Floor
San Francisco, California 94102

You may also send an email to DIR at statistics@dir.ca.gov.

A formal **request for a coverage determination** should be in writing and sent to the following address:

DIR- Office of the Director
Attention: Legal Unit
1515 Clay Street, 7th Floor
Oakland, California 94612

understanding that the prevailing wage requirements apply to both public and private projects under the FORA Master Resolution are subject to prevailing wage projects. Only those projects that are statutory public works can be enforced by DLSE.

² See also *Southern California Labor Management Operating Engineers Contract Compliance Committee v. Aubry* (1997) 54 Cal.App.4th 873.

Labor Code section 1773.4 and 1773.5 provides the legal mechanisms to request a determination for wage rates under section 1773.4, and to determine if a project is subject to public works under section 1773.5.

Section 1773.4 and 1773.5 state:

Labor Code 1773.4.

Any prospective bidder or his representative, any representative of any craft, classification or type of workman involved, or the awarding body may, within 20 days after commencement of advertising of the call for bids by the awarding body, file with the Director of Industrial Relations a verified petition to review the determination of any such rate or rates upon the ground that they have not been determined in accordance with the provision of Section 1773 of this code. Within two days thereafter, a copy of such petition shall be filed with the awarding body. The petition shall set forth the facts upon which it is based. The Director of Industrial Relations or his authorized representative shall, upon notice to the petitioner, the awarding body and such other persons as he deems proper, including the recognized collective bargaining representatives for the particular crafts, classifications or types of work involved, institute an investigation or hold a hearing. Within 20 days after the filing of such petition, or within such longer period as agreed upon by the director, the awarding body, and all the interested parties, he shall make a determination and transmit the same in writing to the awarding body and to the interested parties.

Such determination shall be final and shall be the determination of the awarding body. Upon receipt by it of the notice of the filing of such petition the body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids or the starting of work until five days after the determination of the general prevailing rates of per diem wages pursuant to this section.

Upon the filing of any such petition, notice thereof shall be set forth in the next and all subsequent publications by the awarding body of the call for bids. No other notice need be given to bidders by the awarding body by publication or otherwise. The determination of the director shall be included in the contract.

Labor Code section 1773.5:

(a) The Director of Industrial Relations may establish rules and regulations for the purpose of carrying out this chapter, including, but not limited to, the responsibilities and duties of awarding bodies under this chapter.

(b) When a request is made to the director for a determination of whether a specific project or type of work awarded or undertaken by a political subdivision is a public work, he or she shall make that determination within 60 days receipt of the last notice of support or opposition from any interested party relating to that project or type of work that was not unreasonably delayed, as determined by the director. If the director deems that the complexity of the request requires additional time to make that determination, the director may have up to an additional 60 days if he or she certifies in writing to the requestor, and any interested party, the reasons for the extension. If the requestor is not a political subdivision, the requester shall, within 15 days of the request, serve a copy of the request upon the political subdivision, in which event the political subdivision shall, within 30 days of its receipt, advise the director of its position regarding the request. For projects or types of work that are otherwise private development projects receiving public funds, as specified in subdivision (b) of Section 1720, the director shall determine whether a specific project or type of work is a public work within 120 days of receipt of the last notice of support or opposition relating to that project or type of work from any interested party that was not unreasonably delayed, as determined by the director.

(c) If an administrative appeal of the director's determination is made, it shall be made within 30 days of the date of the determination. The director shall issue a determination on the administrative appeal within 120 days after receipt of the last notice of support or opposition relating to that appeal from any interested party that was not unreasonably delayed, as determined by the director. The director may have up to an additional 60 days if he or she certifies in writing to the party requesting the appeal the reason for the extension.

(d) The director shall have quasi-legislative authority to determine coverage of projects or types of work under the prevailing wage laws of this chapter. A final determination on any administrative appeal is subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure. These determinations, and any determinations relating to the general prevailing rate of per diem wages and the general prevailing rate for holiday, shift rate, and overtime work, shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

4. If subject to SB 854, FORA staff would continue to monitor prevailing wage compliance on former Fort Ord. How would FORA staff access online prevailing wage compliance information in the future?

Answer: For all projects awarded on or after April 1, 2015, contractors are required to directly enter their certified payroll data directly to the DIR online CPR or to upload their data using an xml upload. Today, all certified payroll records are available on our website at <https://efiling.dir.ca.gov/eCPR/pages/search>. The records today are fully redacted and do not provide the public with the employee's name, address and social security number. All other CPR data is available.

Awarding bodies will be required to provide DIR notice of its public works project in our PWC 100 at <https://www.dir.ca.gov/pwc100ext/LoginPage.aspx>. Labor Code section 1773.3 states:

(a) (1) An awarding agency shall provide notice to the Department of Industrial Relations of any public works contract subject to the requirements of this chapter, **within five days of the award.**

(2) The notice shall be transmitted electronically in a format specified by the department and shall include the name of the contractor, any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

(c) In lieu of responding to any specific request for contract award information, the department may make the information provided by awarding bodies pursuant to this section available for public review on its Internet Web site. **[Emphasis added]**

An awarding body is defined in the Labor Code under section 1722, which states:

"Awarding body" or "body awarding the contract" means department, board, authority, officer or agent awarding a contract for public work.

Awarding bodies should have language within its bid and/or contract documents the specific Labor requiring the contractor to be registered pursuant to Labor Code section 1771.1(a), as well as, the following Labor Code sections: 1720, 1771, 1772-1776 and 1810-1815. In addition, the contractor should be advised apprenticeship laws apply if the project is over \$30,000 pursuant to Labor Code section 1777.5.

Please note, contractors can only provide DIR certified payroll data if the awarding body has provided DIR notice of the project using our PWC 100 online notification. The PWC 100 will generate a unique DIR project ID number, which the contractor can use to submit certified payroll data.

Fort Ord Prevailing Wage Policy Options

Attachment B to Item 8a
FORA Board Meeting, 1/8/16

Description	Option A	Option B	Option C
Summary	FORA compliance with mix of 1 FORA staff and consultant monitors as needed	FORA compliance through staff monitors	Status Quo compliance provided by individual jurisdictions
FORA Master Resolution Amendment	Yes	Yes	Yes
Estimated Cost	80 hours week compliance software \$250,000 per FY.	Assuming 2 FTE compliance software: \$350,000 /per year.	Varies by jurisdiction
Estimated Schedule	Selection period Estimated 2 months.	Selection period Estimated 4 months.	Unknown
Estimated Duration	5 years if jurisdictions assume after 06/30/20	5 years if jurisdictions assume after 06/30/20	5 years or more; May change after 06/30/2020
Flexibility with changing development cycles	Flexibility could be addressed in contract	Hiring additional personnel when needed will be challenging	
Long-term obligations	FORA responsibility ends on 06/30/2020	Any retiree benefits will be addressed in FORA dissolution plan	

RESOLUTION NO. 15-__

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY
AMENDMENT TO MASTER RESOLUTION SECTION 3.03.090 (b)(c) PREVAILING WAGE
AND REGISTRATION REQUIREMENT WITH DEPARTMENT OF INDUSTRIAL
RELATIONS**

WHEREAS, the Fort Ord Reuse Authority (“FORA”) adopted Ordinance No. 95-01 establishing a Procurement Code requiring prevailing wages to be paid to all workers employed on FORA’s construction contracts; and,

WHEREAS, the Fort Ord Reuse Authority Master Resolution (“MR”) was adopted originally by Ordinance No. 97-01 to establish the “governing code” by which FORA’s operation of its powers and authority would be deployed in the Monterey Bay Region’s recovery from Fort Ord closure; and,

WHEREAS, the Fort Ord Reuse Authority has adopted an amendment to the Master Resolution requiring the payment of Prevailing wage on former Fort Ord projects; and,

WHEREAS, the FORA Board of Directors (“Board”), at its January 8, 2016 meeting, authorized the inclusion of a requirement that all contractors and subcontractors for First Generation Construction projects on the former Fort Ord register with the California Department of Industrial Relations (DIR) as specified by the California Labor Code 1725.5; and,

WHEREAS, the FORA Board, at its January 8, 2016 meeting, authorized FORA to assist individual jurisdictions with monitoring and enforcement of the FORA prevailing wage policy; and,

WHEREAS, the FORA Board intends this requirement to take effect from and after adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Fort Ord Reuse Authority hereby adopts the amendments to its Master Resolution 3.03.090 adding amendments (a)(b)(c)(d) requiring registration with the California Department of Industrial Relations for:

(a) All contractors performing “First Generation Construction” must be registered and in good standing with the California Department of Industrial Relations (DIR) as defined in California Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a).

(b) Evidence of compliance with this Master Resolution provision and any specific or additional enforcement action must be submitted to the Fort Ord Reuse Authority when any land use decision is submitted for Base Reuse Plan consistency concurrence/determination.

(c) Member agencies must include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to

give notice of and assure compliance with the policy set forth above in subsections 3.03.090(a) and (b).

(d) FORA staff will assist jurisdictions to monitor and comply. ~~with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.~~

ADOPTED this ____ th day of January, 2016 by the Fort Ord Reuse Authority by the following roll call votes listed by name:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

Michael A. Houlemard, Jr.,
Executive Officer

Frank O'Connell, FORA Board Chair

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Regional Urban Design Guidelines – Consider Special Meeting

Meeting Date: January 8, 2016

Agenda Number: 8b

INFORMATION/ACTION

RECOMMENDATION(S):

Consider a Special Board Meeting to receive draft Regional Urban Design Guidelines (RUDG).

BACKGROUND:

RUDG completion was identified as a distinct 1997 Base Reuse Plan (BRP) implementation action along with the full range of former Fort Ord economic recovery policies. Initially, completion of the RUDG was to be a FORA obligation – especially the Highway 1 Design Guidelines that crossed or impacted several jurisdictions and the region. The following lists key actions related to this BRP policy:

- In May 1999, the Fort Ord Reuse Authority (FORA) Board voted to proceed with jurisdictional approach to base wide redevelopment (including RUDG completion).
- In March 2005, the Board approved the Highway 1 Design Guidelines as the first RUDG action.
- The 2012 Reassessment Report identified RUDG completion for Gateways, Town & Village Centers, Regional Circulation Corridors and Trails as an incomplete Reuse Plan requirement.
- In spring 2013, the Post Re-assessment Advisory Committee (PRAC) recommended RUDG completion as a FORA action.
- The Board approved FY 2013/2014 and FY 2014/2015 budgets and FORA Staff Work plans including RUDG completion.

During 2014, the Board empaneled the RUDG Task Force to oversee RUDG consultant recruitment, advising and project completion. Following a national search, Dover, Kohl & Partners (DKP) along with an interdisciplinary team was selected. In November DKP and FORA staff completed a series of stakeholder interviews during a preliminary Site Visit. In February 2015, DKP and FORA staff, completed a 10-day public design process leading to draft RUDG and at the April 10 Board Meeting.

In May 2015, the FORA Board requested Authority Counsel clarify FORA RUDG authority and legal framework. The Authority Counsel memorandum sets forth the following clarifications:

- Development of RUDG for the Highway 1 Corridor (approved 2005), Town & Village Centers, Gateways, Regional Circulation Corridors, and Trails are required as distinct actions.
- The RUDG are to focus on issues of visual quality and character.
- Approved RUDG will establish standards for future consistency determinations.
- The RUDG do not override prior/current consistency determinations, redefine land use designations, or local zoning and General Plans.

Following the February 2015 charrette, staff, consultants and the RUDG Task Force undertook a robust review and revision process leading to the current administrative DRAFT RUDG policy document. The Task Force met on 12 separate occasions and reviewed 6 administrative DRAFT revisions. Along with Task Force members, the public review and revision process has included representatives from FORA's development community, regional agencies, members of the public, building and trade representatives, and California State University Monterey Bay Master Planning team (among others).

On November 2, 2015 FORA staff and consultants presented a DRAFT RUDG policy document to the Board and the public during a Special Workshop and (2) Open House sessions. The staff Board workshop presentation reviewed the project history, legal and policy context. RUDG team members answered questions and received direct Board and public feedback. Key Board feedback included:

- Detailed document editorial ensuring policy language is clear, intentional, consistent and specific.
- Provide for Gen Jim Moore Blvd. future centers to be determined by City of Seaside planning.
- Distinguish “employment center” status at UCMBEST from “residential” centers.
- Strengthen Economic Development narrative: depict connection between design quality and economic vitality, housing mix and regional economic realities.
- Addition of Policy Application language to specify where RUDG apply.
- Clarification that the adopted RUDG document addresses “other areas to be determined.”

The RUDG Task Force met on November 3, 2015 to follow-up from the Nov 2 Workshop/Open House and provide additional staff/consultant direction for RUDG completion. Task Force input reinforced messages from the Board and deliberated or voted on the following additional key points:

- Continue to strengthen BRP-RUDG language and content.
- Include RUDG contextual content and consultant reports as Appendices.
- Clarify how RUDG will be implemented/evaluated during consistency determinations.
- Clarify language on RUDG flexibility for jurisdictions/developers.
- Strengthen Definitions section.

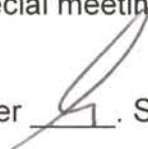
Throughout the review process, FORA staff received written comments from jurisdiction staff, agency staff and the public. A summary of those submissions is shown below:

- City of Seaside: 8/25/15, 9/9/15, 10/16/15, 11/3/15
- Monterey County: 8/5/15, 8/25/15, 10/6/15
- Monterey Salinas Transit: 10/2/15, 11/25/15
- Public: Open House 11/2/15

DISCUSSION:


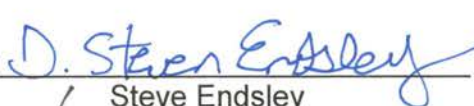
Given the robust verbal and written feedback received during the draft RUDG development process and the quality RUDG Task Force, consultant team and staff responses, staff recommends Board consider a special meeting in early February to prepare for RUDG deliberations at the regular February 12 Board meeting. Recommended special meeting dates are 2-3pm Friday February 5 or Monday February 8th.


FISCAL IMPACT:

Reviewed by FORA Controller . Staff time for this item is in the approved FORA budget.

COORDINATION:

RUDG Task Force, Administrative Committee and Dover, Kohl & Partners

Prepared by  Josh Metz Reviewed by  Steve Endsley

Approved by  Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Oak Woodland Conservation – Request for Proposals (RFP)

Meeting Date: January 8, 2016

Agenda Number: 8c

INFORMATION/ACTION

RECOMMENDATION:

Authorize the Fort Ord Reuse Authority (FORA) Executive Officer to issue a Request for Proposals (RFP) (**Attachment A**) for professional consultant services to complete a Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Conservation Area Management and Monitoring Plan as described in the specific City of Seaside (Seaside) and County of Monterey (County) Base Reuse Plan (BRP) Oak Woodlands Policies and Programs (Biological Resources Policies B-2 and Programs B-2.1 and B-2.2) (**Attachments B and C**).

BACKGROUND/DISCUSSION:

The BRP requires that Seaside and the County implement an oak woodlands conservation program. Seaside and the County are to respectively designate, manage and monitor conservation of oak woodlands within their jurisdictional property (identified polygons). In addition, they are to coordinate this effort with neighboring jurisdictions.

At its December 14, 2012 meeting, the FORA Board adopted the BRP Reassessment Report. The BRP Reassessment Report noted that Seaside and the County had yet to complete their Category III Oak Woodlands Policies and Programs obligation. Subsequently, FORA Board assigned FORA staff to work with jurisdiction staff to identify and propose a strategy to assist jurisdictions with completion of Category III items.

In October 2014, FORA staff prepared an Administrative Draft RFP to assist Seaside and the County in the oak woodland conservation process. On May 8, 2015, the FORA Board adopted FY 15/16 annual budget that included a line item to address the Oak Woodlands Policies and Programs. In June 2015, FORA staff received a special request from the California Department of Veterans Affairs (CDVA) to assist their effort to meet oak woodland mitigation measures for the California Central Coast Veterans Cemetery site.

At the November 13, 2015 FORA Board meeting, FORA staff presented a Consent Agenda update report regarding oak woodland conservation planning. A FORA Board majority voted not to receive the FORA staff information report; FORA Board members and the public raised concerns about the oak woodland conservation process.

FORA staff addressed these concerns by incorporating changes into the Administrative Draft RFP that was reviewed at the December 11, 2015 FORA Board meeting. At this meeting, the FORA Board passed a motion to receive the report.

FORA staff revised the Administrative Draft RFP and prepared a more detailed Scope of Services that is now a Draft RFP. The Draft RFP includes coordination with neighboring jurisdictions while conducting oak woodland conservation planning. In response to recent comments, FORA staff revised the Draft RFP to specifically list BRP Recreation Policy C-1 and Biological Resources Policy C-2, and Programs C-2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 for context. These BRP Policies and Programs are included in this report (**Attachment D**).

FORA staff is recommending that the FORA Board authorize the release of the Draft RFP to solicit proposals to develop an oak woodland conservation and management area plan for Seaside and the County.

FISCAL IMPACT:

Reviewed by FORA Controller 

Funding for Oak Woodland Conservation Planning and staff time are included in the approved annual budget.

COORDINATION:

CDVA, Seaside, County, Administrative, and Executive Committees.

Prepared by


Ted Lopez

Approved by


Michael A. Houlemard, Jr.



Fort Ord Reuse Authority (FORA) Request for Proposals (RFP)

Professional Consultant Services – Completion of Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Area Management and Monitoring Plan

Critical Dates:

Proposals distributed: Thursday, January 14, 2016
Pre-submittal meeting: FORA may elect to hold a pre-submittal meeting
Proposal submittals due: **Thursday, February 11, 2016 by 4:00 p.m., PST**
Consultant Interviews: Week of February 22-26, 2016

FORA Contact:

Ted Lopez, Associate Planner
920 2nd Avenue, Suite A
Marina, CA 93933
(831) 883-3672
(831) 883-3675 Fax
ted@fora.org

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(Pending)

DRAFT

Purpose

This Request for Proposals (RFP) invites professional consultant firms (Consultant) to submit a proposal to complete a Draft Oak Woodland Conservation Area Map (Draft Area Map) and Draft Oak Woodland Area Management and Monitoring Plan (Draft Management Plan) on the former Fort Ord property. The Draft Area Map and Draft Management Plan shall be in accordance with property owned by the City of Seaside (Seaside) and County of Monterey (County). Seaside and the County are respectively obligated to comply with Oak Woodland Policy B-2 and Programs B-2.1 and B-2.2, which is described in the Base Reuse Plan (BRP) Reassessment Report (**Attachments A and B**). Further, the Consultant is to familiarize themselves with additional oak woodland and tree protection policies and programs. This specifically involves BRP Recreation Policy C-1, Biologically Resources Policy C-2 and Biological Resources Programs C-2.1 through 2.6 in the BRP (**Attachment C**).

The Fort Ord Reuse Authority (FORA) is assisting Seaside and the County by facilitating each jurisdiction to meet their BRP oak woodland policies and programs obligations. FORA's assistance shall be to provide technical guidance and contract management through contract deliverables completion.

FORA is also assisting Seaside and the County to coordinate their respective oak woodland management efforts with the University of California, Monterey Bay Education, Science and Technology (UCMBEST), California State University Monterey Bay (CSUMB) and Monterey Peninsula College (MPC). At the recommendation of the FORA Board, the City of Marina (Marina) and California Department of Veterans Affairs (CDVA) will also become part of the coordination effort. Marina may voluntarily engage their own completed oak woodland conservation strategies with Seaside and the County to create a contiguous and seamless oak woodland area. The CDVA requested FORA's assistance to prescribe 2-3 options to mitigate veteran cemetery oak woodland impacts.

Although not mandated in the oak woodland policies and programs, FORA plans to conduct an extensive public participation process that is inclusive of community members and stakeholders. Key aspects of this public participation process are to closely work with Seaside representatives and County representatives to coordinate development of a product that each jurisdiction can present to their elected officials for approval.

The selected Consultant shall effectively, competently and diplomatically administer all activities discussed above. The final result shall be the completion of a Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Area Management and Monitoring Plan for implementation by the City of Seaside and the County of Monterey.

Background

The BRP underwent a comprehensive reassessment process that concluded in December 2012. The BRP Reassessment Report identified 5 categories of policy issues that required specific attention. Category III are items not yet completed. One of these items require the completion of oak woodland conservation by Seaside and the County.

Initially, Seaside and the County agreed to complete their own oak woodland conservation plans. Each jurisdiction owned parcels (i.e. polygons) that targeted oak woodland management (**Attachment** ____ Map affected Polygons). Over a period of time, jurisdictional land-swaps and proposed residential and commercial development caused a shift in parcels that required oak woodland management (**Attachments** ____ and ____ maps). A severe downturn in the local economy also exacerbated each jurisdiction's ability to complete their Category III policies and programs.

In 2014, FORA Board directed staff to assist Seaside and the County in the completion of their oak woodland conservation obligations. Subsequently, FORA convened a jurisdiction staff-level working group to coordinate oak woodland conservation strategies with Seaside and the County. In June 2015, the CDVA requested FORA assist in implementing oak woodland mitigation requirements for the veteran cemetery project.

In December 2015, FORA Board received a staff report regarding the preparation of an Administrative Draft Request for Proposals (RFP). FORA Board requested FORA staff to return to the January 8, 2016 meeting for Board authorization.

Context

FORA's mission is to prepare, adopt, finance, and implement a plan for the former Fort Ord, including land use, transportation systems, conservation of land/water, recreation and business operations. In order to meet these objectives, the BRP was adopted in 1997. FORA adopted the BRP as the official local regional plan to enhance and deliver promised economic recovery, while protecting designated natural resources.

Scope of Services

Task 1 – Background Data Collection and Context

The Consultant shall begin to collect all data and information resources from the City of Seaside (Seaside), County of Monterey (County), California Department of Veteran Services (CDVA), FORA and other identified sources.

The Fort Ord Reuse Authority (FORA) shall provide to the consultant all available data sources from the 1997 Fort Ord Reuse Plan, 1997 Fort Ord Reuse Plan Final Program Environmental Impact Report, 1997 Installation Wide Multispecies Habitat Management Plan, GIS data, and development project site specific information currently available.

The Consultant shall obtain and review the relevant background data through the lens of accomplishing 1997 Base Reuse Plan (BRP), Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 pertaining to the City of Seaside and County of Monterey.

Further, the Consultant is to take into account additional oak woodland and tree protection policies and programs identified in the BRP and Seaside and County oak tree policies. This specifically involves Recreation Policy C-1, Biologically Resources Policy C-2 and Biological Resources Programs C-2.1 2, 2.3, 2.4, 2.5 and 2.6 in the BRP, and Seaside and County general plan policies and ordinances affecting oak trees.

The Consultant should also clearly and methodically differentiate between planning documents “completed” and planning documents currently under “preparation.” In particular, the Seaside General Plan Update and Fort Ord Multispecies Habitat Conservation Plan are planning documents under preparation, while the 2004 Seaside General Plan and Installation-wide Multispecies Habitat Management Plan are completed.

The Consultant shall also acquire the services of a qualified biologist or arborist to research, quantify, review, and conduct an analysis to prepare a background / data context section to prepare an administrative Draft Oak Woodland Conservation Area Map (Draft Area Map) and Draft Oak Woodland Area Management and Monitoring Plan (Draft Management Plan).

Deliverables:

- The Consultant shall prepare a background/ data context summary for future use in preparation of an Administrative Draft Oak Woodland Conservation Area Map and Draft Oak Woodland Conservation Area Management and Monitoring Plan.

Task 2 - Public Participation Process

The Consultant shall develop and conduct an extensive public participation process.

The Consultant shall develop and conduct 1 community project initiation meeting. The main purpose is to solicit public comment regarding oak woodland conservation. FORA staff anticipates the meetings to generate lively discussion from a number of stakeholders.

The Consultant shall also develop and conduct 1 workshop and up to 2 open-house presentations to disclose its findings and present a Draft Area Map and Draft Management Plan.

The Consultant shall also acquire the services of a qualified biologist or arborist to participate in the community project initiation meeting, workshop meeting and open-house meetings. .

Deliverables:

- The Consultant is required to deliver up to 4 public presentation meetings.

Task 3 –Agency Presentation Process

The Consultant shall develop and conduct presentations to Seaside and the County. The Consultant shall also develop and conduct a presentation to the CDVA, at CDVA discretion.

The Consultant shall develop and conduct 2 presentations to Seaside. 1 shall be delivered to the City Council and 1 to a citizen advisory commission of their choosing.

The Consultant shall develop and conduct 2 presentations to the County. 1 shall be delivered to the Board of Supervisors and 1 shall be delivered to a citizen advisory commission of their choosing.

The Consultant shall also acquire the services of a qualified biologist or arborist to participate in the agency presentation process.

Deliverables:

- The Consultant is required to deliver Up to 5 agency presentation meetings.

Task 4 – Draft Oak Woodland Conservation Area Map

The Consultant shall complete an Administrative Draft Area Map. The Consultant shall use all resources collected in Task 1 and within the polygons identified in BRP Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 for Seaside and the County to complete an Administrative Draft Area Map.

The Consultant shall also coordinate oak woodland conservation planning with the City of Marina. This shall include the sharing of data, information and proposed strategies that result in a seamless process for oak management in Seaside and the County.

The Consultant shall incorporate all information collected from Task 2 into the preparation of an Administrative Draft Area Map.

The Consultant shall also acquire the services of a qualified biologist or arborist to prepare an Administrative Draft Area Map.

Deliverables:

- The Consultant is required to coordinate and conduct up to 4 meetings with entities described in Task 2.
- The Consultant is required to prepare an Administrative Draft Oak Woodland Conservation Area Map.
- The Consultant shall also coordinate oak woodlands conservation mitigation strategies with the CDVA veteran cemetery project. This shall include the sharing of data, information and proposed management strategies that result in a seamless process for oak woodlands conservation with Seaside and the County.
- The Consultant is required to conduct and coordinate up to 2 meetings with CDVA representatives.
- The Consultant is required to develop and present 2-3 options for CDVA to mitigate veteran cemetery oak woodland impacts.
- The Consultant is required to share an Administrative Draft Area Map, data, information and all proposed strategies with CDVA.

Task 5 – Draft Oak Woodland Management and Monitoring Plan

Using the final Oak Woodland Draft Area Map, and input from the public participation process, the Consultant will prepare a resource management and monitoring plan. The resource management and monitoring plan shall require the following:

- Maintenance of a large, contiguous block of oak woodland habitat.
- Access control.
- Erosion control.
- Non-native species eradication.

The management plan will specify coordination of management measures with the Fort Ord Coordinated Resource Management Planning team (CRMP).

Monitoring measures shall require, but not be limited to, the following:

- Monitoring in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement.
- Submission of annual monitoring reports to the CRMP.

The Consultant shall receive feedback by Task 2 participants during coordination meetings as it develops the Administrative Draft Management Plan. The Consultant shall also include input, ideas and best practices identified by Task 1 participants to complete the Administrative Draft Management Plan. The Consultant shall use the Administrative Draft Oak Woodland Conservation Area Management and Monitoring Plans for Seaside and County in conducting 1 workshop and 2 open-house presentations described in Task 2. At the conclusion of the public participation process, the consultant shall present the Administrative Draft Management Plan and seek feedback on the Administrative Draft Management Plan from the Fort Ord CRMP.

Deliverables:

- The Consultant shall conduct up to 2 open-house presentations, described in Task 2.
- Administrative Draft Oak Woodland Conservation Area Management and Monitoring Plans for Seaside and County.
- Presentation of Administrative Draft Oak Woodland Conservation Area Management and Monitoring Plans to the Fort Ord CRMP for their feedback.

Task 6 – Environmental Documents Review and Analysis

The Consultant shall conduct a thorough analysis of available environmental documents that pertain to oak woodland preservation, conservation and management adopted plans and policies for Seaside, County, FORA, Marina and other jurisdictions. The Consultant shall focus on compliance with the California Environmental Quality Act (CEQA).

The Consultant shall also craft an opinion that will make a recommendation on Seaside and County CEQA compliance prior to their adoption or approval of the Oak Woodland Conservation Area Map and Oak Woodland Conservation Area Management and Monitoring Plan.

Deliverables:

- The Consultant is required to prepare an opinion that will make a recommendation on Seaside and County CEQA compliance prior to their adoption or approval of the Oak Woodland Conservation Area Map and Oak Woodland Conservation Area Management and Monitoring Plan.

Task 7: Draft Oak Woodland Area Management and Monitoring Plan

The Consultant shall make appropriate revisions to the Administrative Draft Management and Monitoring Plan and produce a Draft Management and Monitoring Plan.

The Consultant shall use this Draft Management and Monitoring Plan to continue conducting Task 3 activities. The Consultant shall make all necessary changes to the draft plan following Task 3 activities. This phase shall require, but not be limited to, the following:

Deliverables:

- Draft Oak Woodland Conservation Area Management and Monitoring Plans for Seaside and County.
- The Consultant is required to develop and conduct up to 4 presentation meetings as determined by FORA staff.
- The Consultant shall conduct up to 5 presentations as described in Task 3.
- The Consultant shall deliver up to 2 presentations delivered to CDVA representatives.

Task 8: Final - Draft Oak Woodland Area Management and Monitoring Plan

The Consultant shall make appropriate revisions to the draft Management and Monitoring Plan and produce a Final – Draft Management and Monitoring Plan that shall comply with BRP Biological Resources Policy B-2 and Programs B-2.1 and B-2.2 for Seaside and the County.

The Consultant shall also produce an oak tree mitigation and strategy report for CDVA. The Consultant is required to produce the following:

Deliverables:

- City of Seaside Final – Draft Oak Woodland Area Management and Monitoring Plan.
- County of Monterey Final - Draft Oak Woodland Area Management & Monitoring Plan.
- California Department of Veteran Affairs, Veterans Cemetery, Mitigation and Strategy Report.

Task 9: Mutual Responsibilities Related to Scope of Services

Close cooperation will be required between FORA staff, Seaside staff, County staff and Consultant. FORA's specific responsibilities are listed below:

- FORA staff will provide a project manager as a single point of contact.
- FORA staff, from a range of divisions, shall attend and participate in project meetings as appropriate.
- FORA staff will support the consultant's public engagement throughout the project and solicit the attendance of third parties whose participation FORA deems important.
- FORA will make every effort to ensure the attendance of elected officials, committee members, and stakeholders as appropriate at key meetings and presentations.
- FORA will provide appropriate meeting room(s) for any public engagement meetings, workshops, presentations, and studio workspace, including securing the space.
- Consultant shall provide FORA staff with monthly project status memorandums (1 page).

End of Scope of Work

Contents of Proposal

Submitted proposals must be structured to address the skills, experience, and abilities needed to complete the required CEQA process, as generally described in the attached Scope of Services. In your proposal (30 pages or less), FORA requires the following:

- How your consultant firm and / or team will complete the work.
- A project schedule / timeline to complete the work.
- A project cost estimate to complete the work.
- A list of team members and / or sub-consultants that will work on the project.
- Statement of Qualifications.
- Examples of relevant experience providing like services.
- Three recent client references.
- FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Proposal Submission Instructions

Eight (8) bound copies and one electronic CD copy on the proposal must be submitted, with all copies having been signed by the individual or, if a company, the company official with the power to bind the company in its proposal.

Questions regarding this RFP and FORA's specific submission requirements may be directed to Ted Lopez, Associate Planner. Mr. Lopez can be reached by telephone at (831) 883-3672, or by e-mail at ted@fora.org.

The Proposal is due no later than Thursday, February 11, 2016 by 4:00 p.m., PST to:

Ted Lopez, Associate Planner
Fort Ord Reuse Authority
920 2nd Ave.,
Suite A Marina,
CA 93933

Proposals received after the due deadline will not be considered.

RFP Submittal Evaluation Criteria

The RFP submittal will be evaluated on the following factors:

- Demonstrated ability to competently and efficiently complete process for complex land use issues and oak woodlands management and conservation policies.
- Demonstrated subject matter experience and knowledge in preparing or implementing forest management and monitoring plans or protocols.
- Merits of materials included in your proposal.
- Timelines and Cost Estimates as described in Contents of Proposal.
- FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Tentative Schedule

RFP distributed:	Thursday, January 14, 2016
Pre-submittal meeting:	FORA reserves right to hold pre-submittal
meeting Proposal submittal due:	Thursday, February 11, 2016 by 4:00 p.m.
Consultant Interviews:	Week of February 22 - 26, 2016
Consultant Selection/Award:	March 2016
Contract Work Begins:	March / April 2016
Estimated Completion:	December 2016

Addenda

Any subsequent changes in the RFP from the date of issuance to the date of submittal, such as that which might result from input at the pre-proposal conference, will go into an addendum by FORA staff to those parties who have provided the proper notice of interest in responding to the RFP. We encourage all potential proposers to register their intent to submit by phone, mail or e-mail to make sure that they receive notice of addenda on a timely basis.

Equal Opportunity Program Requirements

FORA is committed to equal opportunity in solicitation of professional service consultants doing business with, or receiving funds from FORA. FORA encourages prime consultants to share this commitment.

Acceptance of Contract

Subsequent to the selection of the awarded consulting firm, the contents of the proposal shall become a contractual obligation if a contract ensues. Failure of a consultant to accept this obligation will result in the cancellation of the contract award.

Prime Consultant Responsibilities

The selected consultant will be required to assume responsibility for all services offered in their proposal. The selected consultant will be the sole point of contact with regards to contractual matters, including payment of any and all charges resulting from the contract.

Disclosure

As a general rule, all documents received by FORA are considered public records and will be made available for public inspection and copying upon request. If you consider any documents submitted with your response to be proprietary or otherwise confidential, please submit a written request for a determination of whether the documents can be withheld from public disclosure no later than ten days prior to the due date of your response. If you do not obtain a determination of confidentiality prior to the submittal deadline, any document(s) submitted will be subject to public disclosure.

Terms and Conditions

Issuance of the RFP does not commit FORA to award a contract, to pay any costs incurred in the preparation of a response to this request, or to procure a contract for services. All respondents should note that the execution of any contract pursuant to this RFP is dependent upon the approval of the FORA Board.

FORA reserves the right to retain all proposals for a period of sixty (60) days for examination and comparison. FORA also reserves the right to waive non-material irregularities in any proposal, to reject any or all proposals, to reject or delete one part of a proposal and accept the other, except to the extent that the proposals are qualified by specific limitations.

Once the consultant is selected and all scoping and financial negotiations are completed, the consultant will be asked to execute FORA's Standard Professional Services Agreement (**Attachment ___**) and return it to FORA with all necessary documentation including Certificates of Insurance. Once the Authority Counsel has reviewed and approved the signed agreement, a presentation will be scheduled for approval of the contract by the FORA Board, if appropriate.

All studies, reports, documents, and other materials prepared by or in possession of the consultant as part of work or services under the contract shall include electronic copies where possible and shall become the permanent property of FORA and shall be delivered to FORA upon demand.

Attachments

(pending)

Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a. [Topic III-85]

Responsible Agency: Del Rey Oaks

Status – Del Rey Oaks: Deed restrictions require implementation and compliance with HMP habitat management requirements. MOA and HMP Implementing/Management Agreement with FORA also requires compliance with HMP requirements. To date, no development adjacent to habitat areas is approved.

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. [Topic III-86]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated. Planning for Polygon 20c recently commenced with the City's processing of the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

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. [Topic III-87]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

Biological Resources Policy B-2: As site-specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, 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, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1

Program B-2.1: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County 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 those oak woodland environments. Management measures shall include, but not be limited to maintenance of

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Responsible Agency: Del Rey Oaks

Status— Del Rey Oaks: Deed restrictions require implementation and compliance with HMP habitat management requirements. MOA and HMP Implementing/Management Agreement with FORA also requires compliance with HMP requirements. To date, no development adjacent to habitat areas is approved.

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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. [Topic III-86]

Responsible Agency: Seaside

Status— Seaside: An oak woodland conservation area has not been designated. Planning for Polygon 20c recently commenced with the City's processing of the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

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. [Topic III-87]

Responsible Agency: Seaside

Status— Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

Biological Resources Policy B-2: As site-specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, 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, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1

Program B-2.1: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County 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 those oak woodland environments. Management measures shall include, but not be limited to maintenance of

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. [Topic III-88]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA). Planning for this area is being conducted by the City of Seaside on behalf of Monterey County, as the City processes the application for the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County 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. [Topic III-89]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA).

Biological Resources Policy C-2: The [jurisdiction] shall encourage the preservation and enhancement of oak woodland elements in the natural and built environments. Refer to Figure 4.4-1 for general location of oak woodlands in the former Fort Ord.

Program C-2.1: The City shall adopt an ordinance specifically addressing the preservation of oak trees. At a minimum, this ordinance shall include restrictions for the removal of oaks of a

certain size, requirements for obtaining permits for removing oaks of the size defined, and specifications for relocation or replacement of oaks removed. [Topic III-90]

Responsible Agency: Seaside

Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Program C-2.2: [Marina] **Program C-2.5** [Seaside] **Program C-2.4** [County] Where development incorporates oak woodland elements into the design, the [jurisdiction] shall provide the following standards for plantings that may occur under oak trees; 1) planting may occur within the dripline of mature trees, but only at a distance of five feet from the trunk and 2) plantings under and around oaks should be selected from the list of approved species compiled by the California Oaks Foundation (see Compatible Plants Under and Around Oaks). [Topic III-91]

Responsible Agencies: Marina, Seaside, County

Status – Marina: The City's tree ordinance, Chapter 17.51 of the municipal code, does not specifically address oak trees or oak woodland.

Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Status – Monterey County: The County's tree ordinance, Chapter 16.60 of the County code, restricts the removal of oak trees. Replacement planting standards are not included in the code.

Biological Resources Policy D-2: The [jurisdiction] shall encourage and participate in the preparation of educational materials through various media sources which describe the biological resources on the former Fort Ord, discuss the importance of the HMP and

Program B-1.2: The City of Seaside shall require that all development within the Regional Retail and Golf Course Housing Districts incorporate land-scape buffers adequate to visual intrusion into the State Highway 1 Scenic Corridor.

Recreation Policy B-2: The City of Seaside shall establish landscape gateways into the former Fort Ord along major transportation corridors to establish a regional landscape character.

Objective C: Promote the goals of the Habitat Management Plan through the sensitive siting and integration of recreation areas which enhance the natural community.

Recreation Policy C-1: The City of Seaside shall establish an oak tree protection program to ensure conservation of existing coastal live oak wood lands in large corridors within a comprehensive open space system. Locate local and regional trails within this system.

Objective D: Establish a system of community and neighborhood parks which provide recreation opportunities reflective of local community standards.

Recreation Policy D-1: The City of Seaside shall designate and locate park facilities to adequately serve the current and projected population of Seaside within the former Fort Ord for both active recreation as well as to provide for passive uses such as scenic vistas, fish and wildlife habitat, and nature study.

Recreation Policy D-2: The City of Seaside shall develop active parkland within the former Fort Ord within the 2015 time frame which reflects the adopted City of Seaside standard of 2 acres of neighborhood parkland and 1 acre of community parkland per 1,000 population.

Recreation Policy D-3: The City of Seaside shall maximize use of existing former military recreation facilities as a catalyst for creation of quality parks and recreation opportunities.

Recreation Policy D-4: The City of Seaside shall develop a plan for adequate and long-term maintenance for every public park prior to construction.

Objective E: Create opportunities for economic revitalization of the former Fort Ord through encouragement of commercial recreation opportunities in appropriate settings.

Recreation Policy E-1: Seaside shall identify an appropriate amount of commercial recreation opportunity sites in compatible settings to ensure that these recreation opportunities are realized. These uses will be considered compatible land uses where identified.

Program E-1.1: The City of Seaside shall designate the existing golf course as a recreation opportunity site, and to be operated as a commercial venture.

Objective F: Create a unified system of biker/biker and equestrian trails which links all sectors of the former Fort Ord and encourages alternative means of transportation.

Recreation Policy F-1: The City of Seaside shall reserve sufficient space within key transportation arterials to accommodate paths for alternative means of transportation.



Program B-3.2: The City should incorporate wetland features into stormwater control facilities to the extent practicable.

Objective C: Avoid or minimize disturbance to natural land features and habitats through sensitive planning, siting and design as new development is proposed in undeveloped lands.

Biological Resources Policy C-1: The City shall encourage that grading for projects in undeveloped lands be planned to complement surrounding topography and minimize habitat disturbance.

Program C-1.1: The City shall encourage the use of landform grading techniques for 1) projects involving major changes to the existing topography, 2) large projects with several alternative lot and roadway design possibilities, 3) projects with known geological problem areas, or 4) projects with potential drainage problems requiring diverters, dissipaters, debris basins, etc.

Biological Resources Policy C-2: The City shall encourage the preservation and enhancement of oak woodland elements in the natural and built environments. Refer to Figure 4.4-1 for general location of oak woodlands in the former Fort Ord.

Program C-2.1: The City shall adopt an ordinance specifically addressing the preservation of oak trees. At a minimum, this ordinance shall include restrictions for the removal of oaks of a certain size, requirements for obtaining permits for removing oaks of the size defined, and specifications for relocation or replacement of oaks removed.

Program C-2.2: When reviewing project plans for developments within oak woodlands, the City shall cluster development wherever possible so that contiguous stands of oak trees can be maintained in the non-developed natural land areas.

Program C-2.3: The City shall require project applicants to submit a plot plan of the proposed development which: 1) clearly shows all existing trees (noting location, species, age, health, and diameter); 2) notes whether existing trees will be retained, removed or relocated, and 3) notes the size, species, and location of any proposed replacement trees.

Program C-2.4: The City shall require the use of oaks and other native plant species for project landscaping. To that end, the City shall recommend collection and propagation of acorns and other plant material from Fort Ord oak woodlands to be used for restoration areas or as landscape material.

Program C-2.5: The City shall provide the following standards for plantings that may occur under oak trees; 1) plantings may occur within the dripline of mature trees, but only at a distance of five feet from the trunk and 2) plantings under and around oaks should be selected from the list of approved species compiled by the California Oak Foundation (see Compatible Plants Under and Around Oaks).

Program C-2.6: The City shall require that paving within the dripline of preserved oak trees be avoided wherever possible. To minimize paving impacts,



the surfaces around tree trunks should be mulched, paving materials should be used that are permeable to water, aeration vents should be installed in impervious pavement, and root zone excavation should be avoided.

Biological Resources Policy C-3: Lighting of outdoor areas shall be minimized and carefully controlled to maintain habitat quality for wildlife in undeveloped natural lands. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout development areas adjacent to undeveloped natural lands.

Program C-3.1: The City shall review lighting and landscape plans for all developments adjacent to undeveloped natural lands to ensure consistency with Policy C-3.

Objective D: Promote awareness and education concerning the biological resources on the former Fort Ord.

Biological Resources Policy D-1: The City shall require project applicants to implement a contractor education program that instructs construction workers on the sensitivity of biological resources in the vicinity and provides specifics for certain species that may be recovered and relocated from particular development areas.

Program D-1.1: The City shall participate in the preparation of a contractor education program with other Fort Ord land use jurisdictions. The education program should describe the sensitivity of biological resources, provide guidelines for protection of special status biological resources during ground disturbing activities at the former Fort Ord, and outline penalties and enforcement actions for take of listed species under Section 9 of the Endangered Species Act and Section 2080 of the Fish and Game Code.

Program D-1.2: The City shall provide project applicants specific information on the protocol for recovery and relocation of particular species that may be encountered during construction activities.

Biological Resources Policy D-2: The City shall encourage and participate in the preparation of educational materials through various media sources which describe the biological resources on the former Fort Ord, discuss the importance of the HMP and emphasize the need to maintain and manage the biological resources to maintain the uniqueness and biodiversity of the former Fort Ord.

Program D-2.1: The City shall develop interpretive signs for placement in habitat management areas. These signs shall describe resources present, how they are important to the former Fort Ord, and ways in which these resources are or can be protected.

Program D-2.2: The City shall coordinate production of educational materials through the CRMP process.

Program D-2.3: Where development will be adjacent to habitat management areas, corridors, oak woodlands, or other reserved open space, the City shall

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: January 8, 2016

Agenda Number: 10a

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for December 2015.

BACKGROUND/DISCUSSION:

FORA Late Fee policy requires receivables older than 90 days be reported to the Board.

City of Marina (Marina)/Preston Park:

On September 15, 2015, Marina purchased FORA's 50% interest in Preston Park for \$35 million. As a result of the sale, FORA conveyed ownership of the property to Marina and paid from its share of the net sales proceeds the \$18 million loan secured by Preston Park which was used to fund capital projects and building removal activities on the former Fort Ord. With the remaining sales proceeds, FORA paid for attorney's fees owed to Rabobank, set aside \$2.08 million to environmental mitigations owed by developer fees from the project, and set aside funds to pay for building removal and other FORA obligations per the approved FORA budget.

- ❖ Residual Actions: Final accounting of operations income and expenses (as of the closing date) and final reconciliation for distribution to FORA and Marina has been completed. FORA received \$127,251 on December 18. The final reconciling payment was reviewed and approved by both the City of Marina and FORA staff.

FISCAL IMPACT:

Positive. FORA collects land sale revenue, retires debt, and allocates funds to obligations and projects per approved FY 15-16 budget.

COORDINATION:

Executive Committee

Prepared by

Ivana Bednarik

Approved by

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update

Meeting Date: January 8, 2015

Agenda Number: 10b

INFORMATION

RECOMMENDATION(S):

Receive a Habitat Conservation Plan (HCP) and State of California 2081 Incidental Take Permit (2081 permit) preparation process status report.

BACKGROUND/DISCUSSION:

Item 9b from March 13, 2015 included additional background on this item and is available at the following website: <http://www.fora.org/Board/2015/Packet/031315BrdPacket.pdf>

The Fort Ord Reuse Authority (FORA), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed base wide HCP and 2081 permit in 2016, concluding with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) issuing federal and state Incidental Take Permits.

ICF completed the screen check draft HCP on March 2, 2015, and FORA disseminated the draft to permittees, CDFW, and USFWS. FORA received comments from most Permittees within the review schedule. However, CDFW and USFWS did not submit all comments within the 90-day review schedule. The USFWS solicitor has not yet submitted its draft HCP comments. FORA and ICF have met with Permittees and Wildlife Agencies to receive comments, address questions, and resolve concerns. FORA staff and consultants are working to revise the HCP document in response to comments received so that the public draft can be released.

FORA is Lead Agency to the Environmental Impact Report (EIR), while USFWS is Lead Agency to the Environmental Impact Statement (EIS). FORA representatives met with CDFW Chief Deputy Director Kevin Hunting on June 16, 2015 to discuss review schedules and CDFW staff resources. Mr. Hunting said that his department would act to provide sufficient CDFW staff resources and maintain review schedules. CDFW submitted its comments on the 2nd Admin. Draft EIS/EIR, but USFWS has not yet submitted all of their comments. FORA scheduled the 2nd Admin. Draft EIS/EIR comment period to conclude by October 30, 2015. The USFWS's solicitor has not yet concluded their 2nd Admin. Draft EIS/EIR review.

FISCAL IMPACT:

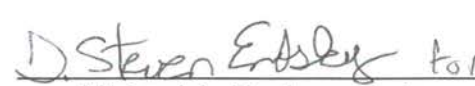
Reviewed by FORA Controller 

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

COORDINATION:

ICF, Denise Duffy and Associates, USFWS, CDFW

Prepared by 
Jonathan Brinkmann

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT	
EXECUTIVE OFFICER'S REPORT	
Subject:	Administrative Committee
Meeting Date:	January 8, 2016
Agenda Number:	10c
INFORMATION	

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on December 2, 2015. However, due to lack of quorum at its December 30, 2015 meeting, the minutes for December 2, 2015 were not approved. The approved minutes will be included in the February board packet.

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 
 Maria Buell

Approved by 
 Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Finance Committee	
Meeting Date: January 8, 2016	INFORMATION
Agenda Number: 10d	

RECOMMENDATION(S):

Receive minutes from the December 8, 2015 Finance Committee (FC) meeting.

BACKGROUND/DISCUSSION:

The FC met on December 8, 2015 to discuss the FY 14-15 draft Audit Report and other items. Please refer to the attached minutes (**Attachment A**) for more details.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Finance Committee

Prepared by


Marcela Fridrich

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY FINANCE COMMITTEE MEETING MINUTES

Tuesday, December 8, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Morton called the meeting to order at 3:40 p.m. The following were present:

Members:

Gail Morton, City of Marina
Casey Lucius, City of Pacific Grove
Ian Oglesby, City of Seaside

Public:

Bob Shaffer

FORA Staff:

Michael Houlemard
Ivana Bednarik
Steve Endsley
Marcela Fridrich

Absent:

Andre Lewis, Excused
Nick Chiulos, Excused

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE - None

3. PUBLIC COMMENT PERIOD - None

4. APRIL 21, 2015 MINUTES - Adopted: Motion Oglesby, Second Lucius. Passed. Ayes; Morton, Lucius, Oglesby. Noes; None.

5. BUSINESS ITEMS

- **FY 14-15 Annual Financial Statements (Audit Report)** – Finance Committee (FC) members received the draft Audit Report prior to the meeting. FORA Auditor, Hadley Hui, partner at Moss Levy & Hartzheim LLP, provided a detailed presentation of the Audit Report. He pointed out, that this is the second year his firm audited and included Preston Park property in FORA's financial statements. As a result, the Auditor issued a qualified opinion because FORA (thru Alliance) has not recorded the value of Preston Park land, buildings and depreciation. It was noted that the coming (FY 15-16) year financial statements will reflect selling of Preston Park property to the City of Marina and its removal from FORA books. The Auditor summarized major reporting changes in particular implementing GASB 68 and 71 regarding financial accounting and reporting of the CalPERS pension program. Controller Bednarik pointed out unlike past years with a deficit balance, the Statement of Net Assets reflects a positive cash balance. FC reviewed individual notes to Financial Statements and focused on the pension liability and funding before FORA sunset. In respect to FORA operations, the Auditor issued an unmodified (clean) opinion, with no findings or questioned costs. FC voted to recommend that the FORA Board accept the FY 14-15 Audit Report. Motion to accept: Lucius, Second Oglesby. Passed. Ayes; Lucius, Morton, Oglesby. Noes; None.
- **FORA Sunset Issues/Items** – Executive Officer Houlemard provided a description of an outline/draft five year transition schedule. He noted the importance of the report to the legislature in 2018 and the activities that would need to precede that report. FC members asked that the details of the items that would need attention by the FC be offered at the next meeting. Mr. Houlemard noted that there exists a summary memorandum that outline the various sunset/transition issues that must be addressed from 2011/2012. FC requested that memorandum be provided as background. Assistant Executive Officer Steve Endsley noted that the memorandum needed some updating. FC members commented that most of the transition items were going to have a financial impact, and hoped that staff could point out those impacts. This item will be brought back after review by the Executive Committee as to potential scheduling of a Board workshop.
- **Next Meeting Date** – The next meeting was set for January 13, 2016 at 3:30 PM.

6. ITEMS FROM MEMBERS - None

7. ADJOURNMENT - Meeting adjourned at 4:55 PM.

Minutes prepared by Marcela Fridrich.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Post Reassessment Advisory Committee

Meeting Date: January 8, 2016

Agenda Number: 10e

INFORMATION

RECOMMENDATION(S):

Receive a report on the Post Reassessment Advisory Committee (PRAC) activity/meeting.

BACKGROUND/DISCUSSION:

The PRAC met on Thursday, December 10, 2015 and received status updates on affordable housing and a proposed water symposium.

FORA staff discussed potential speakers that could make a presentation on affordable housing. Ms. Linda Mandolini, Executive Director of Eden Housing is available to make a presentation at the January 14, 2016 PRAC meeting. Ms. Cathy L. Gallagher is available January 21, 2016 to present her findings on a comprehensive affordable housing study for San Diego County.

PRAC requested that Ms. Mandolini receive an invitation to speak at the January 14, 2016 meeting, and that Ms. Gallagher receive an invitation to speak at a specially scheduled PRAC meeting on January 21, 2016.

PRAC discussed possible ideas to hold a water symposium in spring 2016. Chair Victoria Beach recommended that CSUMB host the symposium.

Approved November 12, 2015 minutes is attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

PRAC, California State University Monterey Bay, Transportation Agency for Monterey County, Bureau of Land Management, Administrative and Executive Committees.

Prepared by


Ted Lopez

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE (PRAC)
DRAFT MEETING MINUTES

9:00 a.m., Thursday, November 12, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Fort Ord Reuse Authority (FORA) PRAC Chair Victoria Beach called the meeting to order at 9:04 a.m. The following people were in attendance:

Committee Members

Victoria Beach (Chair), City of Carmel
Ralph Rubio, Mayor City of Seaside
Jane Parker, Supervisor County of Monterey
Gail Morton, City of Marina (arrived while meeting in progress)

Other Attendees

Bob Schaffer, member of the public
Jane Haines, member of the public
Tim O'Halloran, City of Seaside
Phyllis Meurer, member of the public

FORA Staff

Steve Endsley
Jonathan Garcia
Ted Lopez
Jen Simon
Michael Houlemard
Josh Metz

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Josh Metz reported on FORA staff's attendance at the Monterey Bay Economic Partnership conference held in Santa Cruz and how informative it was, which included panels on housing, health and workforce development. Ralph Rubio reported the City of Seaside contributed \$35,000 to the Veterans Transition Center pilot program to rehabilitate 6 military housing units to expand their services to homeless veterans. The units should be move-in ready within 6 months. Victoria Beach proposed that due to committee member Gayle Morton being late to the meeting, that the RUDG item on the agenda be moved to the end.

3. APPROVAL OF MEETING MINUTES

October 8, 2015 Post-Reassessment Advisory Committee.

MOTION: Ralph Rubio moved, 2nd by Jane Parker, to approve October 8, 2015 Minutes.

MOTION PASSED: Unanimously.

4. PUBLIC COMMENT PERIOD

No comments.

5. BUSINESS ITEMS

a) Trails Working Group.

Ted Lopez gave an overview of the group's process and explained the goal is to develop a draft trails blue-print plan and reported that staff is in the process of coordinating a meeting for the whole group to be held possibly in December. The hope is to provide this committee with a draft for review in early 2016. Josh Metz added that the focus of the work is trail alignment and coordination between the different jurisdictions. Victoria Beach asked if there would be coordination with the RUDG. Mr. Lopez responded that the working group will develop a trails blueprint which can then be reviewed and recommended by PRAC for integration into the RUDG. Discussion then followed on the general desire for trails connectivity, how the RUDG would be applied to the trails "gateways", not where the trails should or should not go and what role TAMC plays in this process. Mr. Lopez added that TAMC representatives are included in these group meetings.

b) Affordable Housing.

Josh Metz began the discussion listing the topics for affordable housing and suggestions on what to focus attention on, such as housing for teachers and university faculty in order to support efforts to bring workers into this region. Ralph Rubio asked the question of what is affordable and how can FORA affect affordability. Mr. Metz discussed various new and creative ways we can look at housing and make them affordable, such as a housing trust. Mr. Rubio added that this idea was attempted here years ago, but, because there were not enough participants, the concept was discontinued. Jane Parker stressed that solutions need to "fit" into the community and suggested the focus be on infill of affordable housing within existing housing and removing blighted areas since it is a deterrent to people settling here. More discussion followed on what developers may want to build versus affordable housing; cities changing their zoning laws to allow secondary dwelling units, and the concept of "quadrant thinking" where focus is made on the dense areas, such as the CSUMB campus.

It was then opened for public comment on this item. Jane Haines commented that the Master Resolution needs to be amended to clarify that only Fort Ord projects which are deemed public works projects need to be registered with the Department of Industrial Relations. Bob Schaeffer added that the entire development process needs to be simplified.

Mr. Metz then spoke about the President of Eden Housing, Linda Mandolini, and asked how we can learn from her expertise and knowledge on affordable housing. Victoria Beach suggested Ms. Mandolini be invited to do a short presentation to the PRAC as an introduction and then possibly invite her back to do a full presentation to the FORA board. Mr. Metz replied he will coordinate, develop some bullet points for this presentation, and provide Ms. Beach with a draft agenda.

c) Blight Removal.

Jonathan Brinkmann opened up the topic with a brief overview presentation on the status of Surplus II Industrial Hygienist request for proposal status with new assessments done on identifying hazardous materials (hazmat) to be removed. Ralph Rubio asked if assessments were done before. Mr. Brinkmann responded that they were done previously by the Army, but that those assessments missed some hazmat areas, therefore new and more thorough assessments

were needed. Victoria Beach asked for a comprehensive reporting tool to visually show building removal areas, their statuses and provide the ability to compare the progress made at different timeframes. Jane Parker commented that this would be a useful tool to see how we are doing with this process and added that blight removal projects should be prioritized in order of visual importance, such as the gateways.

d) Regional Urban Design Guidelines.

Josh Metz presented an overview of the proposed schedule and announced the updated draft version 7 will be available December 9, followed by the Task Force review at their December 16 meeting. Mr. Metz reported the variety of input for the draft document was provided by comments from the public, City of Seaside staff and the FORA board. He added the Task Force voted on how to treat the full body of work: the final document will be provided with all the studies, reports, public and charrette comments, etc. to be included as appendices. Ralph Rubio thanked the staff for the hard work noting the several rounds of version changes required. Michael Houlemard commented that the consultants found this to be the most difficult group they've worked with due to the number of different jurisdictions, variety of competing voices and opinions and extensive scope of the project.

6. ITEMS FROM COMMITTEE MEMBERS

None.

7. ADJOURNMENT

The PRAC meeting was adjourned at 10:55 a.m. The next meeting is scheduled for Thursday, December 10, 2015 at 9:00 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Regional Urban Design Guidelines Task Force

Meeting Date: January 8, 2016

Agenda Number: 10f

INFORMATION

RECOMMENDATION(S):

Receive Regional Urban Design Guidelines (RUDG) Task Force (Task Force) Update.

BACKGROUND/DISCUSSION:

The Task Force met at 9:30am Wednesday, December 16, 2015 to review RUDG Administrative drafts incorporating Base Reuse Plan (BRP) direction, existing jurisdiction policies and plans, and community input. Members reviewed revisions to the Administrative DRAFT RUDG in response to Board comments from the November 2nd, Special Board Meeting/RUDG Workshop, Task Force members input from the November 3 meeting, written jurisdictional submittals, and public comments obtained during the November 2nd open house.

Recognizing key progress since the Board Workshop and public open house, members made additional recommendations for refinements including:

- Adding a Prologue to set forth/discuss background and policy context.
- Additional economic impact section strengthening to include regional context and value/benefit of quality design.
- Strengthening "opportunity sites" definition and refining how "centers" are represented.
- Overall map revisions away from color to greater reliance on symbols.
- Expanding Policy Application language to address unique site constraints.

Staff will continue working with the consultant team to bring a revised Administrative DRAFT RUDG for Task Force review at its January meeting.

Approved November 3, 2015 minutes are attached (**Attachment A**).

The next RUDG Task Force meeting is scheduled for 9:30 am Wednesday, January 20, 2016.

FISCAL IMPACT:

Reviewed by FORA Controller 

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


COORDINATION:

Administrative Committee and Dover, Kohl & Partners

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

REGIONAL URBAN DESIGN GUIDELINES TASK FORCE REGULAR MEETING NOTES

9:30 a.m., Tuesday, November 3, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER AND ROLL CALL

Regional Urban Design Guidelines (RUDG) Task Force (Task Force) Chair Michael Houlemard called the meeting to order at 9:30am. The following were present:

Members:

John Dunn, City of Seaside
Victoria Beach, City of Carmel-by-the-Sea
Layne Long, City of Marina
Elizabeth Caraker, City of Monterey
Carl Holm, Monterey County
Anya Spear, CSUMB

FORA Staff:

Michael Houlemard
Jonathan Brinkman
Josh Metz
Steve Endsley
Ted Lopez

Others:

Grace Bogdan, Monterey County
Diana Ingersoll, City of Seaside
Lisa Brinton, City of Seaside
Gage Dayton, UCSC
Jane Haines
Kathy Biala
Steve Matarazzo
Bob Schaffer
Beth Palmer
Brian Boudreau
Margaret Davis
Jason King, Dover-Kohl
Kenneth Garcia, Dover-Kohl
Jennifer Garcia, Dover-Kohl
Wendy Elliott
Don Hofer
Phyllis Meurer

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None

3. APPROVAL OF MEETING MINUTES

- a. October 12, 2015 Meeting Minutes.

MOTION: Elizabeth Caraker moved, second by John Dunn to approve October 12, 2015 minutes with attendance list corrections.

MOTION PASSED: .Unanimous.

4. PUBLIC COMMENT PERIOD

None.

5. BUSINESS ITEMS

- a. Review Board RUDG Workshop outcomes

Task Force members discussed the November 2, 2015 Board RUDG Workshop and public open house.

b. Discuss RUDG approval status/recommendation

Task Force input reinforced messages from the Board and deliberated or voted on the following additional key points:

- Continue to strengthen BRP-RUDG language and content.
- Include RUDG contextual content and consultant reports as Appendices.
- Clarify how RUDG will be implemented/evaluated during consistency determinations.
- Clarify language on RUDG flexibility for jurisdictions/developers.
- Strengthen Definitions section.

Members discussed the expanding the Economic component of RUDG. In general, an emphasis on how design guidelines strengthens and improves quality of life and development standards. Ms. Victoria Beach noted that anything in support of the guidelines should be included as appendices Good design creates good economic benefits. Mr. John Dunn emphasized that any refinements to RUDG should come from what the FORA Board requested: sound, coherent and reasonable.

MOTION: Victoria Beach moved, seconded by Anya Spear to include RUDG contextual content (Illustrations, Market & Economic Report, Process, and Definitions) in Appendix. Motion maker emphasized that clear language be included to differentiate the RUDG policy role from the Appendices reference role.

MOTION PASSED UNANIMOUSLY.

The next RUDG meeting was scheduled for Wednesday Nov 16 at 9:30am.

6. ITEMS FROM MEMBERS

None.

7. ADJOURNMENT

The meeting was adjourned at 11:47am.

FORT ORD REUSE AUTHORITY BOARD REPORT	
EXECUTIVE OFFICER'S REPORT	
Subject:	Travel Report
Meeting Date:	January 8, 2016
Agenda Number:	10g
INFORMATION	

RECOMMENDATION(S):

Receive a travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Executive Committee on FORA staff/Board travel. The Committee reviews and approves requests, and the travel information is reported to the Board as an informational item.

UPCOMING TRAVEL

International Economic Development Council (IEDC) 2016 Leadership Summit

Destination: New Orleans, LA
 Dates: January 24-26, 2016
 Traveler/s: Michael Houlemard

The Executive Officer will attend the Leadership Summit in January and Mr. Metz will attend the Annual Conference in September to increase FORA's connection with opportunities and national trends while reducing costs of participation.

2016 Legislative Agenda Meetings: US Army representatives and Congressman Sam Farr.

Destination: Washington, DC
 Travel Dates: February 21-23, 2016
 Traveler: Michael Houlemard, Authority Counsel and 2 Board members.

This travel was already approved by the Executive Committee previously and reported to the Board in December.

FISCAL IMPACT:

Reviewed by FORA Controller 
 Travel expenses are paid/reimbursed according to the FORA Travel policy.

COORDINATION:

Executive Committee

Prepared by  Approved by 
 Maria Buell Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Public Correspondence to the Board	
Meeting Date:	January 8, 2016	INFORMATION
Agenda Number:	10h	

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